

January 13, 2004

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
January 20, 2004**

SUBJECT: PRECISE DEVELOPMENT PLAN AMENDMENT 03-18
 CONDITIONAL USE PERMIT AMENDMENT 03-15
 PARKING PLAN 03-6

LOCATION: 30-44 HERMOSA AVENUE

APPLICANT: PAT ZINGHEIM AND JAY SCHUSTER
 1541 BEL AIR ROAD
 LOS ANGELES, CA 90077

REQUEST: AMENDMENT TO PREVIOUSLY APPROVED PLAN AND VESTING
 TENTATIVE TRACT MAP TO CONSTRUCT THREE RESIDENTIAL
 CONDOMINIUMS ABOVE THREE COMMERCIAL CONDOMINIUM UNITS ON
 THE GROUND FLOOR.

 PARKING PLAN TO ALLOW TWO REQUIRED PARKING SPACES IN
 TANDEM, AND SUBSTANDARD TURNING RADIUS

Recommendation:

To approve the project, subject to conditions as contained in the attached resolution.

Background:

The Planning Commission approved a similar project on August 19, 2003, that also contained three units above the ground floor commercial units. Since that meeting the applicant has conducted soils and geotechnical studies, which showed that the groundwater on the site would make construction of the underground parking cost prohibitive. The revised plans, therefore, do not include subterranean level parking, and the overall square footage of the commercial portion has been reduced.

The City Council, at their meeting of December 9, 2003, pursuant to the recommendation of the Planning Commission, introduced an amendment to the zoning ordinance to provide standards for mixed-use projects in the C-1 zone. This, ordinance, however was not adopted until January 13, 2004, and will not go into effect for 45 days. Therefore, this project is not subject to these requirements and, further, it is vested under the current vesting tentative tract map. Therefore, it will be reviewed under the terms of the current C-1 and condominium development standards.

The commercial permitted use list, Section 17.26.030, states "Residence: Residential uses above ground floor commercial uses(s), including condominium developments" are allowed in the C-1 Zone subject to approval of a Conditional Use Permit. A Precise Development Plan approval is required pursuant to Section 17.58 of the Zoning Ordinance because the project exceeds 1500 square feet. A Parking Plan is also necessary because of the use of tandem parking for two of the commercial spaces, and to use the parking dimension of 18-feet for the residential parking spaces. The Vesting Tentative Tract map has already been approved for the division of air space, and an amendment is not necessary.

Project Information

▪ ZONING:	C-1
▪ GENERAL PLAN:	Neighborhood Commercial
▪ COMBINED LOT AREA:	7,200 Square Feet
▪ PROPOSED FLOOR AREA:	10,260 Square Feet
▪ TOTAL BUILDING AREA:	14,200 Square Feet
▪ RESIDENTIAL SQUARE FOOTAGE:	Three Units, 2,600–2,650 Square Feet
▪ COMMERCIAL SQUARE FOOTAGE:	2,360 Square Feet
▪ PARKING REQUIRED:	17 Spaces (9 for commercial, 8 for three residences including 2 guest)
▪ PARKING PROVIDED:	17 Spaces
▪ ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The property, located on the east side of Hermosa Avenue at the corner of Lyndon Street, is an assembly of three lots. The site is adjacent to other commercial uses along Hermosa Avenue, although a nonconforming residential apartment building is located immediately to the north. Access to the site is also available from the alley to the rear (Palm Drive). The site currently contains a one-story building and open play area that was previously used for a child day care center, with parking on the alley, and a commercial building that contained a thrift store.

Analysis

The revised project is still a three-story building with two floors of residential and a roof deck above ground floor commercial. The applicant has not indicated the commercial tenants being considered for the project. The three residences are located side by side and contain three bedrooms and three baths in a split level floor plan. The plan no longer contains a subterranean level garage, so all the parking is now located on the ground level with access from the alley. The residential units are similar to the previous plan, but because of the need to provide parking on the ground floor and the reduced number of spaces, the square footage proposed for commercial use has been reduced in depth and area (from 3,120 square feet to 2,360 square feet).

The project is subject to the requirements of the C-1 zone, and the requirements for condominiums, and previously the Commission has evaluated the project relative to R-3 standards but allowed some variation from these standards recognizing the unique issues for mixed use.

C-1 COMMERCIAL DEVELOPMENT REQUIREMENTS

Pursuant to Section 17.26.050 the only standard that applies to the project in the C-1 zone is the building height (Maximum 30-feet). No setback requirements apply to buildings in the C-1 zone unless the property abuts residentially zoned property. Further, no standards are contained in Section 17.26.050 relating to lot coverage, open space, or landscaping, and no special development standards are contained in section 17.22.100 pertaining to commercial condominiums.

The project complies with the 30-foot height limit of the C-1 zone as the high point on the roof is within 30 feet of the lowest corner point, although the plans do not indicate the maximum building height at the critical point. All required plan information is included in the list of recommended Conditions of Approval.

CONDOMINIUM DEVELOPMENT STANDARDS

Section 17.22.060 contains the development standards for residential condominiums

- The project meets the minimum unit sizes for a three-bedroom unit.
- The project has been revised and now complies with the minimum 5-foot front setback for the residential floors of the project, although a proposed deck, which is the roof of the floor below is located in the setback. Staff does not see a problem with use of the front setback area for the deck, and as the Commission is aware, in the new mixed-use development provisions clearly state that this area may be used for a deck.
- Enclosed storage is not shown for each residence within the parking garage, detailed final plans will need to clearly show that a minimum of 200 cubic feet of storage space will be provided for each unit.
- Detailed construction requirements relating to utilities and sound insulation under Section 17.22.060 F and G will be required at building plan check.

R-3 DEVELOPMENT STANDARDS

For discussion purposes, the residential portion of the project is consistent with the density, height and open space requirements of the R-3 zone as follows:

- The proposed 3 units are lower than the density allowed on a 7,200 square foot lot in the R-3 zone, which would be 5 units.
- The height limit of the R-3 zone, 30-feet, is the same as the C-1 zone.
- Open space is provided in decks with over 300 square feet, with a minimum 100 square feet adjacent to primary living space.

However, the following aspects of the project are not consistent with R-3 standards:

- Lot Coverage exceeds 65%
- No rear yard setback is provided (the R-3 zone requires 1 foot on the upper floors)
- While a 5-foot side yard is provided along the north side, no side yard is provided along the Lyndon Avenue frontage (the R-3 zone requires 5 feet).

These inconsistencies with the R-3 zone with respect to lot coverage are the same as in the previously approved project, but the Planning Commission approved the project with these inconsistencies.

PARKING

Two parking spaces per residential unit are being provided in tandem with dimensions of 18 feet in depth per space. The plans also include a guest space for the residential units in the private parking garage, with one of these spaces the handicapped accessible space for the project. The depth of the residential spaces is not consistent with the 20 foot depth typically required for residential garages, however, an 18-foot depth is the standard for outdoor or underground residential parking, and will be functional. Commercial parking is provided with direct access from the alley. Seven of the nine are provided as single spaces with direct access to the alley, with two of the spaces in tandem. The seven spaces are deficient with respect to turning radius, as a 20-foot back up is provided and the stall widths are 8'6" and 9'4". Pursuant to the City's parking lot design standards a 20-foot turning radius requires a 10-foot stall width.

The Parking Plan is required for the tandem stalls, and also to recognize these deficient parking stalls with deficient turning radius are still functional. Otherwise the dimensions will have to be corrected, which would have the effect of reducing the depth of the commercial space and/or narrowing the driveway width that accesses the residential parking.

CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval to address the issues noted above.

1. The plans shall clearly show that 200 cubic feet of storage is available for each residential condominium and final plans shall comply with all other residential condominium requirements, consistent with Chapter 17.22 of the Zoning Ordinance.
2. The parcels comprising the subject property shall be merged prior to issuance of building permits.
3. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and the maximum and proposed height at the critical point on the roof.
4. A landscape plan shall be provided and include off-site improvements to provide three street trees, subject to Public Works Department approval.
5. Detailed construction plans shall demonstrate compliance with Sound Transmission requirements of the condominium ordinance, and to provide details with respect to security, and lighting.
6. Limitation on allowed commercial uses to prohibit restaurants/bars and Laundromat/dry cleaning businesses. Snacks shops such as coffee houses would be acceptable. Limit operating hours of commercial uses to between 7:00 A.M. and 10:00 P.M.
7. Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs

P.C. RESOLUTION 04-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AS AMENDED TO ALLOW A MIXED USE CONDOMINIUM BUILDING WITH THREE RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR AND PARKING PLAN TO ALLOW TANDEM PARKING AND PARKING WITH SUBSTANDARD DIMENSIONS AT 30-44 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 1,2 AND 3, BLOCK 41, 1ST ADDITION TO HERMOSA BEACH TRACT

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Pat Zingheim and Jay Schuster, owners of real property located at 30-44 Hermosa Avenue seeking approval to amend a Conditional Use Permit, and Precise Development Plan to allow the construction of condominium project pursuant to the approved Vesting Tentative Tract Map previously approved containing three residences above commercial on the ground floor with a modified development plan, and a Parking Plan to allow required parking in tandem and with substandard turning radius.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on January 20, 2004, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The Planning Commission approved a Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map at their meeting of August 19, 2003, for a similar project, which included subterranean parking with retail on the ground floor and residences above. The applicant has now revised the project to eliminate the subterranean parking and to provide required parking on grade, reducing the amount of commercial square footage and resulting in other modifications to the project.

2. The subject property is located in the C-1, Neighborhood Commercial Zone. A Conditional Use Permit is required pursuant to the C-1 permitted use list of Section 17.26.030 of the Zoning Ordinance, which provides that "Residence: Residential uses above ground floor commercial uses(s), including condominium developments" as a conditionally permitted use. This section was amended by the City Council to also allow residential condominiums. A Precise Development Plan is required pursuant to Chapter 17.58 for new construction of more than 1500 square feet.

3. The subject property is currently developed with one-story structures most recently used for a child day care center and thrift store. The property consists of the three 30-foot wide lots fronting on Hermosa Avenue with alley access to the rear.

4. The applicant proposes to construct a new building with subterranean parking and commercial on the ground floor with three attached two-level residential condominiums units above. 17 spaces are provided with 8 in the private garage for residential occupants, and 9 with access directly from the alley.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit, Precise Development Plan and Parking Plan.

1. The project and map are consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance;

2. The site is zoned C-1 and is physically suitable for the type and density of proposed development and the project and proposed use comply with the development standards contained therein;

3. The subdivision or types of improvements are not likely to cause serious public health problems;

4. The subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;

5. Design of the proposed subdivision is compatible and consistent with applicable elements of the City's General Plan, and is compatible with the immediate environment;

6. The project, as conditioned, will conform to all zoning and condominium laws and criteria and will be compatible with neighboring residential properties;

7. The project provides the number of required off-street parking on-site. While some of the parking is provided in tandem and with substandard dimensions and turning radius and otherwise would not be accepted as required parking as they do not meet the specific requirements of the Zoning Ordinance, the Commission finds that reduced parking is acceptable pursuant to Section 17.44.210 Parking Plans, since the spaces will be provided on-site with and will be functional for the uses proposed.

8. The project is Categorically Exempt from the requirement for an environmental assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303(b) and 15315 with the finding that the project is in an area with available services.

Section 5. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map as amended and Parking Plan subject to the following **Conditions of Approval:**

1. The development and continued use of the property shall be in conformance with submitted plans, received and reviewed by the Commission at their meeting of January 20, 2003, revised in accordance with the following:
2. Occupancy of the commercial space on the ground floor shall be limited to uses permitted in the C-1 zone, and shall not include residential use. Uses that are subject to greater parking requirements, such as restaurants/cafes, and medical or dental clinics are not permitted. Also, Laundromats and dry cleaning business are prohibited.
3. Commercial uses shall be limited to operation hours between 7:00 A.M. and 11:00 P.M.
4. The project shall meet all requirements of the Condominium Ordinance.
 - a) A minimum 5-foot front yard setback shall be provided for the residential condominium portion of the project.
 - b) Each residential unit shall have the minimum 200 cubic feet of storage space and plans shall clearly denote storage space and the location of the FAU and vacuum canister, if provided.
 - c) Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.
 - d) Proof of recordation of approved CC & R's shall be submitted to the Community Development Director six (6) months after recordation of the Final Map.
 - e) Requirements of Section 17.22.060(G) & (H) shall be shown on structural plans and reviewed at the time of Building Division plan check.
4. Tandem parking for two spaces per unit shall be permanently and exclusively assigned to the residential units.
5. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and maximum and proposed heights at the critical points on the roof.
6. Architectural treatment shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
7. Two copies of a final landscaping plan indicating size, type, and quantity of plant materials to be planted shall be submitted to the Community Development Department, Planning Division for review and approval prior to the issuance of Building Permits.
 - a) At least three street trees shall be provided along the Hermosa Avenue frontage subject to approval by the Public Works Department.
8. A sign program shall be submitted for review and approval by the Community Development Department prior to the issuance of any sign permits for individual businesses. All commercial signs shall be located on the first floor commercial portion

- of the building, and shall be in compliance with the Sign Ordinance requirements for the C-1 zone.
9. There shall be compliance with all requirements of the Public Works Department and Fire Department
 10. The lots comprising the project site shall be merged in accordance with Section 16.20.110 of the Subdivision Ordinance.
 11. The address of each condominium unit shall be conspicuously displayed on the street side of the buildings with externally or internally lit numbers and the method for illumination shall be shown on plans. Addressing numbering and display subject to approval by the Community Development Department
 12. Roll-up Automatic garage doors shall be installed on all garage door openings
 13. The property owner(s) shall record an agreement to assume the risk associated with use and operation of the sump pump; release the City from any liability; and indemnify the City regarding receipt of surface waters onto the property
 14. A geotechnical report defining and delineating any seismic hazard and the depth of the water table shall be submitted prior to issuance of building permits, with any mitigation measures incorporated into building plans.
 15. Two copies of final construction plans, including site, elevation and floor plans, which are consistent with the conditions of approval of this conditional use permit, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans prior to the submittal to the Building Division for Plan Check.
 16. Final construction plans shall include detailed lighting plans to ensure compatibility between uses, and to provide adequate security for the parking areas.
 17. Prior to approval of the Final Map, and prior to issuance of a Certificate of Occupancy, outstanding assessments must either be paid in full or apportioned to any newly created parcels. Notice of same shall be provided to the Community Development Director. Assessment payoff amounts may be obtained by calling the City's Assessment Administrator at (800) 755-6864. Applications for apportionment may be obtained in the Public Works Department.
 18. The Conditional Use Permit and Precise Development Plan shall be null and void eighteen months from the date of approval unless building permits have been obtained, and approval of the Vesting Tentative Parcel Map shall become null and void twenty-four months from the date of approval unless the map is finalized and the project implemented. The applicant may apply in writing for an extension of time to the Planning Commission prior to the dates of expiration.
 19. Prior to issuance of a building permit, abutting property owners and residents within 100 feet shall be notified of the anticipated date for commencement of construction.

1 a) **The form of the notification shall be provided by the Planning Division of the
Community Development Department.**

2 b) **Building permits will not be issued until the applicant provides an affidavit certifying
3 mailing of the notice.**

4 **20. The owner shall provide written disclosure upon sale or rental of the subject property
that it is a mixed use and permits commercial and residential uses within the building.**

5 Section 6. This grant shall not be effective for any purposes until the permittee and the owners of
6 the property involved have filed at the office of the Planning Division of the Community Development
7 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this
8 grant.

9 The Conditional Use Permit, Precise Development Plan, and Parking Plan shall be recorded, and
10 proof of recordation shall be submitted to the Community Development Department.

11 Each of the above conditions is separately enforced, and if one of the conditions of approval is
12 found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

13 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees
14 from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set
15 aside, void or annul this permit approval, which action is brought within the applicable time period of the
16 State Government Code. The City shall promptly notify the permittee of any claim, action, or
17 proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the
permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the
permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

18 The permittee shall reimburse the City for any court and attorney's fees which the City may be
19 required to pay as a result of any claim or action brought against the City because of this grant. Although
20 the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its
21 own expense in the defense of the action, but such participation shall not relieve the permittee of any
obligation under this condition.

22 The subject property shall be developed, maintained and operated in full compliance with the
23 conditions of this grant and any law, statute, ordinance or other regulation applicable to any development
24 or activity on the subject property. Failure of the permittee to cease any development or activity not in
full compliance shall be a violation of these conditions.

25 The Planning Commission may review this Conditional Use Permit, Precise Development Plan
26 and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate
27 detrimental effects on the neighborhood resulting from the subject use.

Section 7. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: AYES:
NOES:
ABSENT:
ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 04- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of January 20, 2004.

Langley Kersenboom⁶, Chairman

Sol Blumenfeld, Secretary

January 20, 2004
Date

Pc/1-20-03/Pdpr44Hermosa