

May 11, 2005

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

**Regular Meeting of
May 17, 2005**

CONTINUED FROM THE 4/19/05, 2/15/05 AND 1/15/05 MEETINGS

SUBJECT: GENERAL PLAN AMENDMENT 05-4
ZONE CHANGE 05-4;
CONDOMINIUM 05-3
PRECISE DEVELOPMENT PLAN 05-3
VESTING TENTATIVE PARCEL MAP #26923

LOCATION: 19 2ND STREET

APPLICANT: GARY AND CINDI WELLS
24449 HAWTHORNE BOULEVARD
TORRANCE, CA 90505

REQUEST: GENERAL PLAN AMENDMENT FROM NEIGHBORHOOD COMMERCIAL
TO HIGH DENSITY RESIDENTIAL AND ZONE CHANGE FROM C-1
(NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTI-FAMILY
RESIDENTIAL)

TO ALLOW A TWO-UNIT CONDOMINIUM PROJECT

Recommendation:

ALTERNATIVES

1. Deny the requested General Plan Amendment and Zone Change by adoption of the attached resolution.
2. Recommend approval of the General Plan Amendment and Zone Change, and direct staff to return with a resolution, and approve the Condominium, Precise Development Plan and Vesting Tentative Map subject to conditions contained in the attached Resolution (including the condition that the approval will only go into effect if the City Council approves the General Plan Amendment and Zone Change)
3. Continue the item to permit time for staff to review and report on the applicant's latest document submittal on 5/11/05

Background:

PROJECT INFORMATION

GENERAL PLAN:	Neighborhood Commercial (HD Residential Proposed)
ZONING:	C-1 (R-3 proposed)
LOT SIZE:	3,838 Square Feet
EXISTING USE:	Duplex
UNITS ALLOWED IF R-3 ZONE:	2 Units
SQUARE FOOTAGE, PROPOSED UNITS:	Front unit: 2,662 square feet Rear unit: 2,676 square feet
PARKING REQUIRED:	4 Standard, 1 Guest
PARKING PROVIDED:	4 Standard. 1 Guest
ENVIRONMENTAL DETERMINATION:	Negative Declaration (Initial Study on file).

The applicant continued the hearings on this matter to prepare arguments in support of the General Plan Amendment and Zone Change, and prepare a comparative fiscal revenue projection. This new material was received on May 11, 2005, which did not give staff an opportunity to review or evaluate this information for this report. The Planning Commission can take action on the request based on prior analysis and the presentation of the new material by the applicant, or the Commission may want to continue the matter to give staff time to evaluate these late submittals, including a review of the fiscal revenue analysis by the Finance Department.

The Planning Commission previously considered this request in November of 2002, and unanimously voted to deny the requested General Plan Amendment and Zone Change finding that the existing General Plan and Zone should not be changed and have the appropriate depth for commercial or mixed use development for this location. The applicant appealed the decision to the City Council, and in February of 2003, the City Council sustained the Planning Commission's decision to deny the requests. There have been no material changes in the use or development of surrounding properties since this request was denied. Planning Commission approved the condominium project only contingent upon Council approval of the General Plan Amendment and Zone Change.

The subject lot is located on the north side of Second Street and is the second lot east of the neighborhood commercial development that fronts on Hermosa Avenue (currently a restaurant). The lot is located at a depth of 60 to 93 feet from Hermosa Avenue and abuts Beach Drive on the west. The intervening property between the subject site and the restaurant (25 2nd Street) is also developed with a duplex. The property is one of three lots located between Hermosa Avenue and Beach Drive designated Neighborhood Commercial on the General Plan Map, and C-1 (Neighborhood Commercial) on the official City Zoning Map. The C-1 zoning for the site does not allow exclusive residential use, and only permits residential use as part of mixed-use project with commercial use on the ground floor.

The subject lot is currently developed with a duplex, constructed in the 1920's. The commercial designation for this block between Hermosa Avenue and Beach Drive dates back to the oldest City land use and zoning maps. The Hermosa Avenue fronting property to the south contains a mix of service and retail commercial uses on both sides of the street, while directly across the Hermosa Avenue the property is developed residentially and zoned R-3. The property directly to the south across 2nd street is also zoned C-1 and formerly was a restaurant use, but is currently vacant, although staff has been in discussion with the buyer for the property planning to build mixed use project (one unit above ground floor commercial). The properties to the west and north are residential. (See the attached aerial photo and existing land use map).

The Staff Environmental Review Committee, at their meeting of January 6, 2005, recommended an environmental negative declaration for the proposed General Plan Amendment/Zone Change, since it does not change the existing use of the site.

Analysis - General Plan Amendment / Zone Change

The applicant's request to redesignate and rezone the property to HD Residential and R-3 will allow exclusive residential use of the lot and allow a 2-unit condominium project concurrent with this General Plan Amendment/Zone Change. A two-unit development results in a density that is consistent with surrounding residential densities and compatible with the development pattern of the area to the south and west, and on the East Side of Hermosa Avenue.

Approval of this change will preclude any possible future expansion of the Hermosa Avenue fronting commercial property through to the alley for either commercial use or a mixed use project. Assembling this property with the frontage property and the intervening property at 25 2nd Street would encourage higher quality commercial projects or add commercial parking to improve existing commercial activity. The assembly of this property for a commercial project is improbable given that both this lot and 25 2nd Street (also currently a duplex) will have to be combined with the Hermosa Avenue fronting commercial lot, and the current residential use is probably a more valuable use of the property than a commercial use. However, the properties could also be assembled for a mixed-use project, with ground floor commercial and residential above, which probably is a viable alternative as evidenced by the project at 30-44 Hermosa Avenue.

Recent direction from the City Council on the issue of commercial depths along P .C.H. has been generally to maintain commercial depths and not allow encroachment of residential uses, with only a couple of exceptions. The issue of commercial depth in neighborhood commercial areas along Hermosa Avenue has only been discussed in connection with this same request two years ago. The General Plan designation of Neighborhood Commercial is described as follows: *This category includes convenience stores, Laundromats and similar uses designed to primarily serve local walk-in traffic.* (page 26 Land Use Element). The purpose of the C-I, Neighborhood Commercial Zone as described in the Zoning Ordinance (Section 17.26.020(B) is *to provide sites for mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhood. while establishing land use regulations that prevent significant adverse effects on abutting residential uses.*

The applicant argues that the opportunities for commercial use of this property are very limited because of the size of the lot and the fact that it is isolated from other commercial uses or lots and is not connected by ownership to the Hermosa Avenue fronting lot. The applicant also argues that its lack of viability as a commercial property is shown by the fact that its current use has not changed, and by their unsuccessful efforts to sell this property in the past two years as a C-1 property.

Conclusion:

The City Council and Planning Commission have previously resisted redesignation of commercially zone property in the City and specifically rejected this same request two years ago. Also, the property can currently be developed with neighborhood-oriented commercial with residential units above. Further, there have been no changes in the development and use of surroundings, or any change in City Council policy regarding these types of requests since the last time it was considered.

Analysis - 2-Unit Condominium

The proposed 2-unit project consists of detached three level structures, containing basements with two stories above. The units contain three bedrooms and a ground floor family room. The units are designed in Mediterranean style, with stucco finishes, tile roofs, and pre-cast deck railings.

Required parking is provided in garages on the ground floor of each unit with direct access to the alleys (Beach Drive and 3rd Place). One guest parking space is provided with access from Beach

Drive between the two units. All required yards are provided and the lot coverage calculates to be 64%, below the 65% maximum allowable. However, the separation between the two buildings does not comply with the minimum 8-feet.

Both units comply with the 30-foot maximum height limit at the critical points, as depicted on the elevations, although the roof plan needs to be revised to properly depict the maximum and proposed heights. The proposed open space areas are provided on second story decks adjacent to the living rooms, and in the yard areas between the units. The total amount provided is a little short of the minimum requirement of 300 square feet which can be corrected by increasing the separation between buildings as required. The amount provided in the second floor decks adjacent to the primary living space is 125 square feet for each unit, which is covered by a trellis. The trellis design shows 6" wide beams spaced 2-feet apart, which amounts to a 25% coverage.

The plan provides for landscaping in the areas available between and around the perimeter of the buildings. The plan includes 12 trees identified as 24" box size. Staff will include the standard condition that at least two be a minimum 36" box trees.

Staff is also including a condition that the condominium approval will only become effective if the City Council approves the General Plan Amendment and Zone Change.

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution denying GP and Zone Change
2. Draft Resolution to approve 2-unit condominium project
3. Maps (Location, General Plan, Zoning)
4. Aerial Photo
5. Zoning Analysis for Condominiums

Separate attachment: Correspondence from applicant, including fiscal analysis

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P.C. RESOLUTION 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE PARCEL MAP #26923 FOR A TWO-UNIT CONDOMINIUM PROJECT, AT 19 SECOND STREET, LEGALLY DESCRIBED AS LOT 12, BLOCK 3 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 Gary Wells owner of real property located at 19 Second Street, seeking approval of a Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map #26923 for a two-unit condominium project.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on May 17, 2005, 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 applicant is proposing to demolish the existing duplex on the property, and develop a two-unit residential condominium project.

2. The subject property proposed for condominium development contains 3,838 square feet, and is requested to be redesignated to High Density Residential on the General Plan Map, and R-3 Multiple-Family Residential on the Zoning Map, and if it is redesignated as requested by the applicant, pending final approval by the City Council, it will be suitable for the proposed project.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Precise Development Plan, Conditional Use Permit, Vesting Tentative Parcel Map:

1. The map is consistent with applicable general and specific plans;
2. The site if zoned R-3 (pending City Council approval) will be physically suitable for the type and density of proposed development;
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 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 Parcel Map subject to the following **Conditions of Approval**:

1. **The development and continued use of the property shall be in conformance with submitted plans, including landscape plans, received and reviewed by the Planning Commission at their meeting of April 19, 2005, revised in accordance with the conditions below.**
 - a) **The roof plan shall properly depict maximum and proposed building heights at the critical points, and contain the property lines, property corner elevations, and horizontal distances to the critical points from the property corners.**
 - b) **A minimum 300 square feet of open space shall be provided per unit in compliance with Section 17.12.080 of the Zoning Ordinance.**
 - c) **The minimum separation between the two structures shall be eight (8) feet.**
 - d) **The maximum slope of the driveway to the garage on Beach Drive shall be 12.5%, and final plans shall clearly show spot elevations to verify this slope.**
2. **The Conditional Use Permit, Precise Development Plan and Vesting Tentative Parcel Map shall only become effective if the City Council approves the proposed General Plan Amendment to redesignate the subject property to High Density Residential on the General Plan Map and the proposed Zone Change from C-1 to R-3 on the Zoning Map.**
3. **The project shall meet all requirements of the Condominium Ordinance.**
 - a) **Each 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.**
 - b) **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.**
 - c) **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.**
 - d) **Requirements of Section 17.22.060(G) & (H) shall be shown on structural plans and reviewed at the time of Building Division plan check.**
3. **There shall be compliance with all requirements of the Public Works Department and Fire Department.**
4. **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, consistent with landscape plans submitted to the Planning Commission, which shall also include the following:**
 - a) **Landscaping shall be provided in available yard areas as shown on submitted plans. At least two trees a minimum 36" box size shall be provided.**
 - b) **An automatic landscape sprinkler system shall be provided, and shall be**

shown on plans. (building permits are required)

5. Architectural treatment shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
 - a) Precise building height shall be reviewed at the time of plan check, to the satisfaction of the Community Development Director.
6. Any satellite dish antennas and/or similar equipment shall comply with the requirements of Section 17.46.240 of the Zoning Ordinance.
7. 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.
8. Roll-up Automatic garage doors shall be installed on all garage door openings.
9. 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.
 - a) If the drainage of surface waters onto the property requires a sump pump to discharge said waters onto the street, the property owner(s) shall record an agreement to assume the risk associated with use and operation of said sump pump; release the City from any liability; and indemnify the City regarding receipt of surface waters onto the property
10. Prior to the submittal of structural plans to the Building Division for Plan Check an Acceptance of Conditions affidavit shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this grant.
11. 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.
12. The applicant shall submit all required plans and reports in two steps to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill, prior to final approval of building demolition and issuance of building permits, and prior to project final approval.
13. 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.

14. **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.**
- a) **The form of the notification shall be provided by the Planning Division of the Community Development Department.**
- b) **Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.**

Section 6. 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.

AYES:
NOES:
ABSENT:
ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05- 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 May 17, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

May 17, 2005
Date

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TWO RESOLUTIONS FOLLOW ONE FOR APPROVAL AND ONE FOR DENIAL

P.C. RESOLUTION 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO DENY A REQUEST FOR A GENERAL PLAN AMENDMENT FROM NEIGHBORHOOD COMMERCIAL (NC) TO HIGH DENSITY RESIDENTIAL AND A ZONE CHANGE FROM NEIGHBORHOOD COMMERCIAL (C-1) TO MULTI-FAMILY RESIDENTIAL (R-3) FOR THE PROPERTY LOCATED AT 19 SECOND STREET AND LEGALLY DESCRIBED AS LOT 12, BLOCK 3, 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 Gary Wells owner of property at 19 Second Street seeking to amend the General Plan Map and the Zoning Map for the

subject property.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a General Plan Amendment and Zone Change on May 17, 2005, 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 property is designated Neighborhood Commercial on the General Plan Map, and Neighborhood Commercial on the official City Zoning Map. The C-1 zoning for the site allows local neighborhood oriented commercial uses or residential use with ground floor commercial as part of a mixed-use project.
2. The requested change will reduce the depth of the commercial designated property, as measured from Hermosa Avenue westward, from 93 to 60 feet, and replace the commercial designations on the subject property to allow residential development for up to two units consistent with the High Density Residential classification of the General Plan and the R-3 Zoning district in the Zoning Ordinance.
3. The property at 19 2nd Street has been in continuing use for residential since the 1920's and perhaps earlier.
4. Surrounding property to the north and west is designated High Density Residential on the General Plan and zoned R-3, which allows residential development up to a density of 33 units per acre, and is currently developed with a mix of multi-family uses.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the General Plan Amendment and Zone Change:

1. The proposed amendment to the General Plan Map to reduce the depth of the Neighborhood Commercial designation by excluding 19 2nd Street, from 93 feet to 60 feet, is not in the best interest of the City with respect to long-term land use and development at the Hermosa Avenue and 2nd Street intersection.
2. The General Plan Map accurately depicts the appropriate depth for neighborhood commercial development and long-term land use and development of this area.
3. Reducing the potential depth for commercial development would preclude the opportunity for new commercial activity or the expansion of existing commercial development along the subject segment of Hermosa Avenue.

Section 5. Based on the foregoing, the Planning Commission hereby denies the request to amend the Land Use Map of the General Plan, and the City's Official Zoning Map.

AYES:
NOES:

ABSENT:
ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05- 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 May 17, 2005

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

May 17, 2005

Date

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