

June 14, 2005

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

**Regular Meeting of
June 21, 2005**

SUBJECT: CONDOMINIUM 05-14
PRECISE DEVELOPMENT PLAN 05-16
VESTING TENTATIVE PARCEL MAP #062912

LOCATION: 836 BARD STREET

APPLICANT: KIM KOMICK / ROB STROYKE
120 5TH STREET
MANHATTAN BEACH, CA 90266

REQUEST: TO ALLOW A TWO-UNIT CONDOMINIUM PROJECT

Recommendations

1. To approve the Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map subject to conditions as contained in the attached Resolution;
2. Confirm that the property has a convex slope relative to height determination.

Background

PROJECT INFORMATION:

GENERAL PLAN:	High Density Residential
ZONING:	R-3
LOT SIZE:	3,470 Square Feet
EXISTING USE:	Duplex
PROPOSED SQUARE FOOTAGE:	Unit 1: 2,095 square feet Unit 2: 2,554 square feet
PARKING REQUIRED:	4 Standard 1 Guest
PARKING PROVIDED:	4 Standard 1 Guest
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject site is located on the east side of Bard Street north of its intersection with 8th Street. The subject site is one of three lots contiguous lots (836, 842 and 844 Bard Street) currently developed with duplexes that share a parking lot to the rear. The applicant plans to develop each of the three properties with 2-unit condominium projects, with the other two to be submitted at a later date. The properties abut the public parking lot located along Valley Drive to the east, and slope down substantially from Bard towards Valley Drive. 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.

Analysis

The project consists of two detached units with the front unit containing a basement with two stories above and the rear unit containing a basement with three stories above. The front unit has four bedrooms, and three bathrooms, and a roof deck. The rear unit contains four bedrooms, three bathrooms, and includes a recreation room in the basement level below the garage level and a second living room area at the garage level. The buildings are designed in a contemporary style, with a smooth stucco and stone veneer finish, wood windows and French doors, and metal deck guardrails.

Compliance with Zoning Requirements

Required parking is provided in each unit at ground floor level garages with access from a common driveway along the north side of the property. Guest parking is provided at the end of shared driveway. The proposed driveway access on Bard Street will impact existing on-street parking, but it appears that the spaces can be relocated and will not cause a loss in the number of on-street spaces. A preliminary off-site improvement plan shows that for this property and the adjacent two properties that the existing three on-street spaces can remain by adjusting the locations. The proposed driveway complies with the driveway slope transition requirement, allowing a maximum of 20% slope with 8-foot transitions of 10%.

The lot coverage calculates to be 64.8%, which is below the maximum allowable lot coverage of 65%. All required yards are provided. Sufficient open space is provided for both units. The front unit contains a deck with over 100 square feet directly accessible to second story primary living areas, with the balance of open space provided on a roof deck and a deck at the bedroom level. The rear unit provides all its required open space in a 307 square foot deck.

The project generally meets all the requirements of the Condominium Ordinance, as at least 200 cubic feet of storage is provided in each unit. Also the plan provides locations for trash and provides landscaping in the areas available in the front side and rear yards, including two 36" box white birch trees.

Planning staff transmitted a memo to both the Building Division of the Community Development Department and the Public Works Department for review of the subject project. No comments have been received from the Public Works Department and the applicant has worked with the Building Division to resolve issues related to qualifying the front unit as a two-story building, and providing the proper exiting from the rear unit which is considered a three-story building.

Convex Slope Determination

Pursuant to the definition of building height, as set forth in Section 17.04.040 of the Zoning Ordinance, and the method of determining building height, as set forth in Section 17.46.015, the grade used for the height measurements is based on the surveyed elevations points at the property corners. The method for determining building height also allows consideration of other points for lots with "convex" contours. In these situations the grade of a lot may be based on a detailed survey, and points along the property line may be used to establish grade elevations in addition to the corner points.

The applicant is requesting consideration as a convex sloped lot, and is proposing alternative points for measuring height rather than the west and east corner points. The applicant's request is reasonable given the existing terrain is relatively flat for the top third of the lot, changes to a gradual slope in the middle portion of the lot, (which has been graded level for the existing parking lot) to a

steep slope at the lower portion. This is supported by the survey information, and the topographic profile, and is consistent with the slope conditions on adjacent properties. Therefore, the applicant is requesting to use two additional break points along the property lines as the basis for determining height as shown on the site sections 1 and 2 (Sheet A-1a). This slope condition of this property appears to represent a convex slope condition following the natural topography in this area between the Clark building and 8th Street. Without the convex slope determination the proposed project is 3.6 feet over the 30-foot maximum height limit at the critical point at the rear of the front unit.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Resolution
2. Location Map
3. Residential Zoning Analysis/Height Calculation
4. Topographic Profile
5. Photographs

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836- 844 Bard
(836 on the right)



Three on-street
parking spaces



Parking Lot in rear of 836-
844 Bard



View from Valley Drive
looking west



Convex condition along
southerly property line



Convex condition along
northerly property line of 844
Bard

**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 #062912 FOR A TWO-UNIT
CONDOMINIUM PROJECT, AT 836 BARD STREET,
LEGALLY DESCRIBED AS LOT 4, BLOCK S, TRACT #2002**

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

Section 1. An application was filed by Bard Partners LLC, owner in escrow of real property located at 836 Bard Street, seeking approval of a Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map #062441 for a two-unit condominium project.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on June 21, 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 3,470 square feet, is designated High Density Residential on the General Plan Map, and designated R-3 Multiple Family Residential on the Zoning Map.

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 project, as conditioned, will conform to all zoning and condominium laws and criteria and will be compatible with neighboring residential properties;
2. The site is zoned R-3 and is 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 map is consistent with applicable general and specific plans;
7. Pursuant to Section 17.46.015 of the Hermosa Beach Zoning Ordinance, the property has a convex slope and may use alternative points along the property line other than corner points for the basis of measuring building height;
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 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 June 21, 2005, revised in accordance with the conditions below.**
 - a) **Final plans for off-site improvements shall clearly show the location for on-street parking spaces. A minimum of one on-street parking space shall be maintained in front of the property, or alternatively, if this site is developed in conjunction with adjacent properties to the south, a plan may be submitted to verify that the cumulative number of existing on-street parking spaces will not be reduced.**
2. **The project shall meet all requirements of the Condominium Ordinance.**
 - a) **Each unit shall have the minimum 200 cubic feet of storage space, with areas that comply with the dimensional requirements for condominium 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) **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.**
 - 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 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.**

13. 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

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.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 June 21, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

June 21, 2005

Date

CONR1427