

July 12, 2005

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
July 19, 2005

SUBJECT: PRECISE DEVELOPMENT PLAN 05-21
 CONDITIONAL USE PERMIT 05-19
 VESTING TENTATIVE PARCEL MAP #062415

LOCATION: 20 2ND STREET

APPLICANT: THE JERSEY HILLS LLC AND PAT KILLEN
 58 11TH STREET
 HERMOSA BEACH, CA 90254

REQUEST: TO CONSTRUCT A RESIDENTIAL CONDOMINIUM ABOVE A GROUND
 FLOOR COMMERCIAL SPACE WITH A MEZZANINE.

Recommendation:

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

Background:

PROJECT INFORMATION:

ZONING:	C-1
GENERAL PLAN:	Neighborhood Commercial
LOT AREA:	2,500 Square Feet
PROPOSED FLOOR AREA:	3,680 Square Feet
RESIDENTIAL SQUARE FOOTAGE:	2,806 Square Feet
COMMERCIAL SQUARE FOOTAGE:	874 Square Feet
PARKING REQUIRED:	6 Spaces (3.49 for commercial rounded down to 3 per Section 17.44.180, plus 2 and 1 guest for the residence)
PARKING PROVIDED:	6 Spaces, including one handicapped accessible space
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The property is located on the west side of Hermosa Avenue at the corner of 2nd Street. The site is adjacent to other commercial uses along Hermosa Avenue. Access to the site is available from 2nd Street and the alley to the rear (Beach Drive). The site currently contains a one-story building formerly used as a restaurant with no parking.

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.

Analysis

The project plans propose a three-story building with two floors of residential and a roof deck above a ground floor commercial space with a mezzanine. The commercial portion is tentatively proposed to be the office space for an architectural firm. The residence is located partially above the commercial area (and behind the mezzanine area) and partially above the parking area, and contains four bedrooms and three and a half baths. All the parking is located on the ground level with access from 2nd Street and the alley.

C-1 COMMERCIAL AND COMMERCIAL MIXED USE DEVELOPMENT REQUIREMENTS

The project complies with the design and development standards for mixed use development in the C-1 zone. 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.

Pursuant to Section 17.26.050 the project complies with the 30-foot height limit of the C-1 zone as shown on building roof plans, with proposed building equal to the maximum at the critical points on the roof. The project also complies with the new mixed-use development standards set forth in Section 17.40.180, as a 30-foot minimum average depth is provided for the ground floor commercial area by averaging the depth of the mezzanine level with the ground floor. Further, the ground floor area is primarily commercial, as it comprises 78% of the ground floor area of the building. Also, the ground floor frontage is exclusively used for commercial purposes with the exception of the entry foyer for the residential unit.

R-3 DEVELOPMENT STANDARDS

Pursuant to the mixed-use development standards the residential portion of the project is required to comply with the R-3 development standards. 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 unit complies with the density allowed on a 2,500 square foot lot in the R-3 zone.
- The height limit of the R-3 zone, 30-feet, is the same as the C-1 zone and the plans are in compliance.
- Open space is provided on decks with over 300 square feet for the unit, with a minimum 100 square feet adjacent to the primary living space.
- The required front yard setback of 5 feet is provided on the residential levels.
- Side yard setbacks of 3 feet are provided on the residential levels.
- Rear yard setback on the alley of 1 foot is provided on the residential levels.

Also, pursuant to the mixed-use development standards the residential project is consistent with the following additional requirements and exceptions of Section 17.40.180:

- The residential use is limited to less than 25% of the first floor area, as it accounts for only 21.6%, and the areas are for the purpose of providing entry-exit corridors and do not include any primary living or sleeping areas.
- The front setback of the residential portion complies with the minimum of 5 feet.
- A portion of the front setback area on the third level is used for required open space. This exception is allowed pursuant to the mixed-use development standards.
- No lot coverage maximum applies to the project.
- The plans do not include the one 36" box street tree required per dwelling, which is being included as a condition of approval.

- Separate secured entrances are provided to the residential unit from both the parking area and the sidewalk.

CONDOMINIUM DEVELOPMENT STANDARDS

Section 17.22.060 contains the development standards for residential condominiums

- The project meets the minimum unit size for a four-bedroom unit.
- The project has complies with the minimum 5-foot front setback for the residential floors of the project.
- Enclosed storage with a minimum of 200 cubic feet is provided for the residence in the garage.
- Detailed construction requirements relating to utilities and sound insulation under Section 17.22.060 F and G will be required at building plan check.

There are no special development standards contained in Section 17.22.130 pertaining to commercial condominiums beyond those required for mixed-use projects.

PARKING

Provided parking is in compliance with the aggregate requirements for the commercial and residential uses, and is in compliance with all the requirements of Chapter 17.44, Off-Street Parking with respect to number of spaces required, dimensions and turning radius. Parking is provided for the residence within a two-car garage accessed off the alley with a parallel guest parking space in front of the garage, and parking for the commercial space is provided in an open garage at the ground floor with access off of 2nd Street and the alley.

PRECISE DEVELOPMENT PLAN APPROVAL

Pursuant to Chapter 17.58 a Precise Development Plan is required because of the new construction. The PDP review requirements are in conformance with minimum standards of the zone, and general review of the project relating to compatibility with surrounding uses and consideration of alternative uses.

As noted above the project meets all the basic zoning requirements of the C-1 zone, and the requirements for a mixed-use development. Also, parking requirements are satisfied without any exception from the off-street parking requirements. Beyond these basic standards, the project plans show a substantial improvement and will revitalize an under-utilized and unsightly site. Further, the architectural features and appearance of the building are not incompatible with surrounding residential and commercial uses. Also, the overall impact on traffic and local parking will be substantially less than the previous use, since no parking was provided on site for the previous restaurant use (which was nonconforming to parking), and the traffic impacts of the previous use is more intense than the proposed uses.

CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval to address issues noted above; the other provisions of the mixed-use development standards with respect to noise, lighting and signs; and other issues addressed at previous hearings on this project:

1. A landscape plan shall be provided and include off-site improvements to provide one street trees, subject to Public Works Department approval.

2. Detailed construction plans shall demonstrate compliance with Sound Transmission requirements of the condominium ordinance.
3. Detailed construction plans shall provide details with respect to lighting and signage to demonstrate in compliance with Section 17.40.180 C and D.
4. 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 8:00 A.M. and 10:00 P.M.
5. Signs shall be posted in the parking area to specify commercial, residential and accessible parking.
6. The project shall be subject to review for conformance to operating and development conditions six months after occupancy of the project.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Resolution
2. Location Map
3. Zoning Analysis
4. Photographs



20 2nd Street – view from intersection of Hermosa Avenue and 2nd Street



20 2nd Street – view from intersection of Beach Drive and 2nd Street

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 #062415 TO ALLOW A MIXED USE CONDOMINIUM BUILDING WITH ONE RESIDENCE ABOVE A GROUND FLOOR COMMERCIAL SPACE WITH A MEZZANINE AT 20 2ND STREET LEGALLY DESCRIBED AS LOT 8, BLOCK 2, 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 The Jersey Hills LLC and Pat Killen, owners of real property located at 20 2nd Street seeking approval of a Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map #062415 to allow the construction of a condominium project containing a residence above a ground floor commercial space with a mezzanine.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on July 19, 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 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.
2. The subject property is currently developed with a one-story structure formerly used as a restaurant.
3. The subject property proposed for mixed-use condominium development contains 2,500 square feet, is designated Neighborhood Commercial on the General Plan Map, and designated C-1 Neighborhood Commercial on the Zoning Map.
4. The applicant proposes to construct a new building with a residence above a commercial tenant space on the ground floor with a mezzanine. 6 parking spaces are provided to comply with the aggregate parking requirements of the commercial and residential uses.

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

1. The project is consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance for both the commercial and

residential portions of the project, and the project as a whole is in compliance with Section 17.44.180 Mixed-Use Development;

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 spaces on-site in compliance with Chapter 17.44 of the Zoning Ordinance.

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 subject to the following **Conditions of Approval**:

1. The development and continued use of the property shall be substantially consistent with submitted plans as reviewed by the Planning Commission at their meeting of July 19, 2005, incorporating all revisions as required by the conditions below. Any major modification, shall be subject to review and approval of the Planning Commission. Minor modifications may be approved by the Community Development Director but shall not be final until confirmed by the Planning Commission as a consent calendar item on the Commission agenda.
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 8:00 A.M. and 10:00 P.M., except that a snack shop or coffee house shall have hours limited to between 7:00 A.M. and 9:00 P.M. Any lighting for commercial signs shall be turned off when the business is not in operation.
4. The project shall meet all requirements of the Condominium Ordinance.

- a) 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.
 - 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(F) relating to utilities & (H) relating to Sound Insulation between units shall be shown on structural plans and reviewed at the time of Building Division plan check.
4. Project CC and R's, and on-site signage shall specify how the commercial and residential off-street parking will be used by occupants and customers of the building, including the following:
 - a) The handicap accessible space shall be appropriately signed.
 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 one street tree 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 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
 11. If garage doors are installed on the garage door openings for the residential parking, it shall be a roll-up automatic garage door with a minimum 7-foot clearance with the door in the open position.
 12. 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) Construction plans shall include details regarding lighting so as not to adversely impact residences, and shall not include any flashing, blinking or high intensity lighting. Lighting shall be included to adequately illuminate parking areas and corridors.

b) Construction plans shall include locations for electrical connections for commercial signs

13. Final construction plans shall include detailed lighting plans to ensure compatibility between uses, and to provide adequate security for the parking areas.

14. 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.

16. 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.

17. 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. The applicant may apply in writing for an extension of time to the Planning Commission prior to the dates of expiration.

18. 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.

19. The owner shall provide separate 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.

20. The project shall be subject to Planning Commission review for conformance to operating and development conditions six months after occupancy.

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

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

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

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or 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.

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

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development 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.

The Planning Commission may review this Conditional Use Permit, Precise Development Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate 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. 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 July 19, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

July 19, 2005
Date

PDPR-20 2nd