

October 08, 2007

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
October 16, 2007

SUBJECT: APPEAL OF DIRECTOR'S DECISION REGARDING THE
INTERPRETATION OF CONDITION OF APPROVAL FOR AN 8-FOOT
DECORATIVE WALL ALONG THE WESTERLY PROPERTY LINE.

LOCATION: 727 2ND STREET

Recommendation

To direct staff as deemed appropriate.

Background

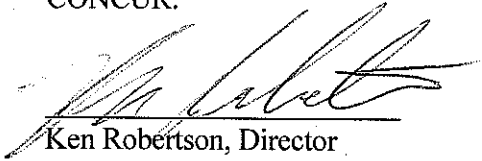
On November 15, 2005, the Planning Commission approved a Conditional Use Permit, Precise Development Plan, and a Vesting Tentative Tract Map for a 16-unit commercial condominium project and an environmental negative declaration. The Planning Commission added a Condition of Approval requiring "A decorative block wall 8 feet in height shall be provided along the westerly property line" (P.C. Resolution 05-96, Conditions of Approval No. 2(a)). The project is currently under construction and the applicant has submitted a revised plan to provide a considerable amount of landscaping and a level block wall along the westerly property line that varies in height relative to the adjacent grade. At the southwest corner of the property, the wall measures 8-foot high from grade and reduces to 5-foot at the northwest corner of the property.

The rationale for conditioning an 8-foot block wall along the westerly property line was to provide screening for the adjacent residential properties. The applicant contends that landscaping will provide sufficient screening along the westerly property line, at the same time allows more light and ventilation between properties. Therefore, the applicant constructed a level block wall rather than stepping it up to follow the natural grade of the lot. The applicant is also proposing 19 24-inch box trees (*Tristania Conferta*) along the westerly property line. These trees are low maintenance, drought tolerant, slow growth (a foot to two feet a year) and mature to an average height of 35 feet. The proposed landscaping is also necessary to meet the code standard in the SPA-7 zone of one minimum 24" box tree for each ten feet

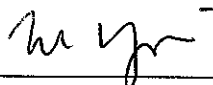
The electrical panel and the trash area are located at the half-way point of the lot adjacent to the westerly property line. Landscaping is not suitable near the electrical panel due to moisture and irrigation concerns. As indicated on the submitted plan, the block wall is 7-foot 9 inches high from the natural grade at the areas near the electrical panel along the westerly property line, this is the only area along the westerly property that is not landscaped. However, there is a 5-foot landscape strip from the northwest corner to the southwest corner of the property with the exception near the electrical panel.

The condition as written does not provide for staff discretion and the Commission must confirm that the proposed change is consistent with Condition No. 2(a).

CONCUR:



Ken Robertson, Director
Community Development Department



Eva Choi
Planning Assistant

Attachments

1. P.C. Resolution 05-69
2. Location Map
3. Photographs

F:\B95\CD\PC\2007\10-16-07\Appeal 727 2nd.doc

P.C. RESOLUTION 05-69

1
2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE
4 DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT AND
5 VESTING TENTATIVE TRACT MAP NO. 064484 FOR AN 6,495 SQUARE
6 FOOT COMMERCIAL BUILDING CONTAINING 16 COMMERCIAL
7 CONDOMINIUM UNITS AND AN ENVIRONMENTAL NEGATIVE
8 DECLARATION AT 727 2ND STREET LEGALLY DESCRIBED AS LOTS 65
9 AND 88, THE WESTERLY 5 FEET OF LOTS 64 AND 89, AND THE
10 EASTERLY 10 FEET OF LOT 87, WALTER RANSOM CO'S VENABLE
11 PLACE

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

13 Section 1. An application was filed by Slaven-Ralls, LLC, owner of property at 727 2nd
14 Street, seeking approval of a Precise Development Plan to construct a 6,495 square-foot
15 commercial building, a Conditional Use Permit and Vesting Tentative Tract Map for 16
16 commercial condominium units.

17 Section 2. The Planning Commission conducted a duly noticed public hearing to
18 consider the subject application on November 15, 2005, and considered testimony and evidence.
19 Based on the testimony and evidence received the Planning Commission makes the following
20 factual findings:

21 1. The applicant is proposing to construct a three-story commercial building containing
22 6,495 square feet, consisting of two floors of commercial condominiums above ground level
23 parking, which requires a Precise Development Plan pursuant to Chapter 17.58 of the Zoning
24 Ordinance.

25 2. The buildings on the site contain 16 separate commercial units intended to be sold
26 separately as condominium units. Commercial condominiums require a Conditional Use Permit
27 pursuant to Section 17.22.100 of the Zoning Ordinance and approval of a Vesting Tentative Tract
28 Map.

29 3. The subject site is located on the north side of 2nd Street between Pacific Coast
Highway and Ardmore Avenue, westerly adjacent to a City parking lot. Because the site merges
two lots together, it has frontages on both 2nd and 3rd Streets. The property is currently vacant
and contains a fenced parking lot. The proposed project involves the removal of the existing
fencing and pavement of the parking lot and the construction of a new three-story commercial
building with ground level parking.

Section 3. 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, and Vesting Tentative Tract Map:

1 Pursuant to the guidelines in Section 17.38.330 of the Zoning Ordinance for
2 review of projects that exceed first tier standards in the SPA 7 zone, The overall building and
3 project design is of a superior quality, is compatible with surrounding properties and is designed
4 in scale with the community. In making this finding, the Planning Commission has determined
5 that:

6 a. The exterior of the building is designed with stepping rooflines and stepped features
7 to avoid a massive flat building face. The building is enhanced with architectural features
8 and materials to improve its appearance and function.

9 b. A landscaped plan is included which shows ample and generous landscaping at both
10 street frontages and along the westerly property line. The landscape areas provided at the
11 street frontages comply with the 3-foot minimum dimension as specified in the SPA zone,
12 and are primarily comprised of agapanthus and jasmine plants. A 5-foot landscaped
13 buffer is provided, as required, along the westerly property line of the parking lot, which
14 is comprised of low shrubs, vines, and 23 15-gallon size strawberry tree as required. The
15 landscaped areas cover approximately 10.7% of the site, which exceeds the minimum
16 required first tier standard of 5%.

17 c. Because of its low scale and relatively small size, the building will be compatible
18 with neighboring projects, and the character of both Pacific Coast Highway and the
19 residential neighborhood to the west.

20 2. The general criteria of Hermosa Beach Municipal Code Section 17.38.330(C) for
21 granting or conditionally granting a Precise Development Plan in the S.P.A. 7 zone have been
22 considered. In making this finding, the Planning Commission has determined that:

23 a. The proximity of the project to existing residential uses will not result in negative
24 effects with incorporation of the conditions below.

25 b. The project provides all required off-street parking.

26 c. The use proposed is compatible with those in the surrounding the area.

27 d. The capacity and safety of the streets serving the area is adequate for the traffic
28 volume estimated to be generated by the project as shown by the traffic impact
29 analysis prepared by Linscott, Law and Greenspan, which demonstrates that that the
development and full occupancy of the proposed project will not cause any
significant traffic impacts for the nearby study intersections, any significant
transportation impacts on the County CMP roadway network, and any significant
cumulative traffic impacts.

e. Building and driveway orientation is appropriate to minimize noise and traffic
impacts on nearby residential areas.

- 1 f. The project will not result in adverse noise, odor, dust or vibration environmental
2 impacts.
- 3 g. The proposed use will not result in an adverse impact on the City's infrastructure
4 and/or services.
- 5 3. The subdivision or types of improvements are not likely to cause serious public health
6 problems;
- 7 4. The subdivision or type of improvements will not conflict with easements, acquired by
8 the public at large, for access through or use of property within the proposed subdivision;
- 9 5. Design of the proposed subdivision is compatible and consistent with applicable
10 elements of the City's General Plan, and is compatible with the immediate environment;
- 11 6. The project, as conditioned, will conform to all zoning and condominium laws and
12 criteria and will be compatible with neighboring residential properties;
- 13 7. The criteria of Hermosa Beach Municipal Code Section 17.58.030(C) for denial
14 of a Precise Development Plan are not applicable. In making this finding, the Planning
15 Commission has determined that:
- 16 a. The project will not substantially depreciate property values in the vicinity, or
17 interfere with the use or enjoyment of property in such area, because of excessive
18 dissimilarity or inappropriateness of design in relation to the surrounding vicinity.
- 19 b. The project will not have significant environmental adverse impacts.

20 Section 4. Environmental Review.

21 1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's
22 local CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of
23 the potential environmental effects of the proposed project. Based upon the Initial Study, the
24 Committee determined that there was no substantial evidence, in light of the whole record before
25 the City, that the project would have a significant effect on the environment. City staff thereafter
26 prepared a Negative Declaration for the project and duly provided public notice of the public
27 comment period and of the intent to adopt the Negative Declaration. A copy of the Initial Study
28 and Negative Declaration are attached hereto and incorporated herein by reference.

29 2. The Planning Commission has reviewed the Negative Declaration and all comments
received regarding the Negative Declaration. Based on the whole record, the Planning
Commission finds that: (i) the Negative Declaration was prepared in compliance with CEQA;
and (ii) there is no substantial evidence that the proposed project will have a significant effect on
the environment. Based on these findings, the Planning Commission hereby adopts the Negative
Declaration prepared for the proposed project.

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

- 4 **1. The development and continued use of the property shall be substantially consistent**
5 **with submitted plans as reviewed by the Planning Commission at their meeting of**
6 **November 15, 2005, incorporating all revisions as required by the conditions below.**
7 **Any major modification, including changes in the layout of the condominium units,**
8 **shall be subject to review and approval of the Planning Commission. Minor**
9 **modifications may be approved by the Community Development Director but shall**
10 **not be final until confirmed by the Planning Commission as a consent calendar item**
11 **on the Commission agenda.**
- 12 **2. Final plans for building permit issuances shall be revised to incorporate the**
13 **following.**
 - 14 **a. A decorative block wall 8 feet in height shall be provided along the westerly**
15 **property line.**
 - 16 **a. Decorative paving surfaces shall be provided at driveway entry areas.**
- 17 **3. The use of the building and the individual condominium units shall be limited to**
18 **general office uses allowed in the SPA-7 zone, and shall not include medical or**
19 **dental clinics, or any other uses subject to greater parking requirements.**
- 20 **4. All parking shall be shared amongst the occupants and patrons of the buildings on**
21 **site, and owned in common, which shall clearly be set forth in project CC & R's,**
22 **and no parking spaces shall be assigned for exclusive use by any owner, occupant,**
23 **or tenant.**
- 24 **5. The project shall meet all requirements of the Condominium Ordinance.**
 - 25 **a. Covenants, Conditions, and Restrictions in compliance with the Condominium**
26 **Ordinance Section 17.22.120 shall be submitted to the Community Development**
27 **Department for review and approval prior to the issuance of building permits.**
 - 28 **b. Proof of recordation of approved CC & R's shall be submitted to the**
29 **Community Development Director thirty (30) days after recordation of the**
 Final Map.
- 6. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is**
 required for approval by the Public Works Department, prior to the issuance of
 building permits and implemented on site, demonstrating best management
 practices for stormwater pollution control, and for sediment control and erosion
 control during construction.
- 7. The applicant is responsible for all off-site right-of-way construction required by**
 the Public Works Department.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

8. The project shall comply with the requirements of the Fire Department.
9. 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.
10. Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation, submitted for building permit issuance shall be reviewed for consistency with the plans approved by the Planning Commission and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any building permit.
11. All roof equipment shall be located and designed to be screened from public view and any portion that exceeds the height limit shall not cover more than 5% of the roof area.
12. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
13. The Conditional Use Permit and Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.
14. Each of the above Conditions of Approval 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.
15. 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 not thereafter be responsible to defend, indemnify, or hold harmless the City.
16. 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.

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

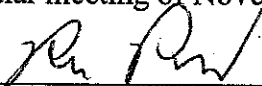
6 Section 6. This grant shall not be effective for any purposes until the permittee and the
7 owners of the property involved have filed at the office of the Planning Division of the
8 Community Development Department their affidavits stating that they are aware of, and agree to
9 accept, all of the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

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

13 VOTE: AYES: Allen, Hoffman, Kersenboom, Perrotti, Pizer
14 NOES: None
15 ABSTAIN: None
16 ABSENT: None

17 CERTIFICATION

18 I hereby certify the foregoing Resolution P.C. No. 05-69 is a true and complete record of the
19 action taken by the Planning Commission of the City of Hermosa Beach, California at their
20 regular meeting of November 15, 2005.

21 
22 _____
23 Ron Pizer, Chairman

24 
25 _____
26 Sol Blumenfeld, Secretary

27 November 15, 2005

28 Date

29 PDPR727



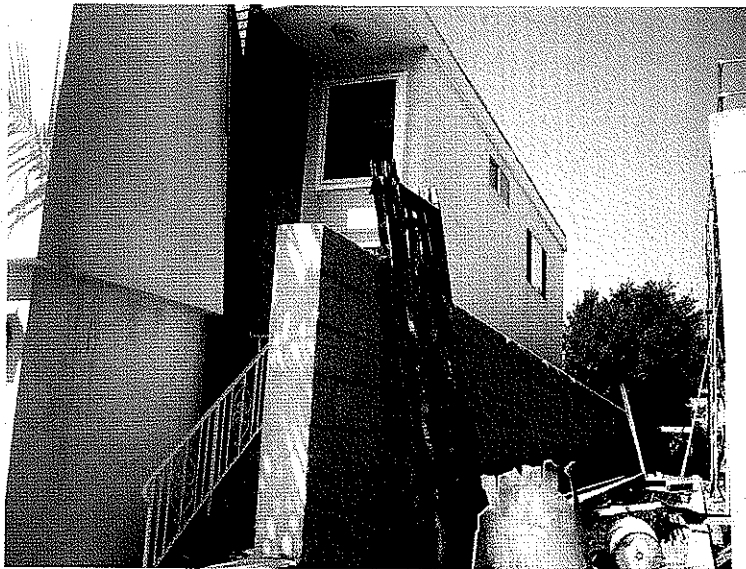
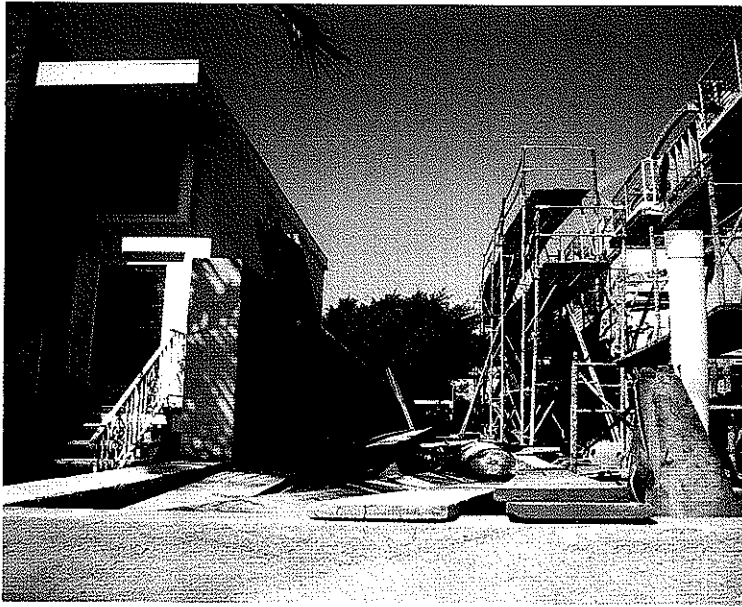
Copyright © 2003 2005 XYMaps

727 2nd Street
Westerly Property Line is Bold



Date Printed: 10/8/2007

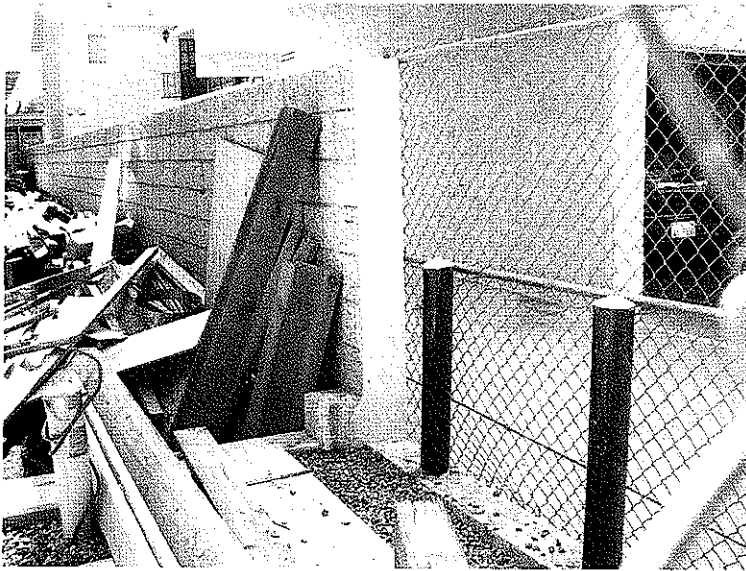
9



Southwest corner of the project. Pictures show westerly property line block wall at 8-foot high.



Picture shows electrical panel box facing north and nearby area which the applicant proposes no landscape for a length of 20 feet along the westerly property line.



Pictures show 5-foot high block wall as it ends at the northwest corner of the property.