

January 21, 2003

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
January 28, 2003**

SUBJECT: APPEAL OF THE PLANNING COMMISSION DECISION DENYING THE REQUEST FOR A GENERAL PLAN AMENDMENT FROM NEIGHBORHOOD COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

GENERAL PLAN AMENDMENT 02-1, APPEAL
ZONE CHANGE 02-1, APPEAL

LOCATION: 19 2ND STREET

APPELLANT GARY WELLS

Recommendation

To sustain the decision of the Planning Commission to deny the request by adoption of the attached resolution.

Background:

On November 19, 2002, the Planning Commission voted 4:0 to deny the subject request for a General Plan Amendment and Zone change. At the request of the applicant, the Commission also considered the proposed development of a 2 unit condominium project on the property in a separate action and approved the request subject to City Council approval of the Zone Change and General Plan Amendment.

PROJECT INFORMATION:

GENERAL PLAN: Neighborhood Commercial (HD Residential Proposed)
ZONING: C-1 (R-3 proposed)
LOT SIZE: 3,838 Square Feet
EXISTING USE: Duplex

CONDOMINIUM PROJECT:

PROPOSED SQUARE FOOTAGE: Front unit: 2,662 square feet
Rear unit: 2,676 square feet
PARKING REQUIRED: 4 Standard, 1 Guest
PARKING PROVIDED: 4 Standard. 1 Guest

The subject property is currently developed with a duplex, constructed in the 1920's, and located on the north side of Second Street east of the 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 zoned C- 1 (*Neighborhood Commercial*) on the City's Zoning Map. The C- 1 zoning for the site permits limited commercial use or limited commercial use with residential apartments above the ground floor with a Conditional Use Permit pursuant to Section 17.26.030 of the Zone Code. C- 1 zoned property is located in small pockets of the City along Hermosa Avenue and Manhattan Avenue and comprises approximately 2 acres of the City.

The C-1 commercial designation for the subject property and the remainder of the 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 and is zoned C-1 on both sides of the street. Directly across from Hermosa Avenue the property is developed residentially and zoned R-3. The properties to the west and north are residential. (Please see the attached aerial photo and existing land use maps).

Analysis

The applicant's request to redesignate and rezone the property to HD Residential and R-3 allows exclusive residential use of the lot for development of a 2-unit condominium project. Approving this change precludes possible future expansion of Hermosa Avenue fronting commercial property to the alley. Such land assembly can encourage higher quality commercial projects or add commercial parking to improve existing commercial activity. The applicant argues that such commercial expansion is improbable given that both the subject lot and 25 2nd Street must be combined with the Hermosa Avenue fronting commercial lot to create an efficient developable site. The applicant also notes that a two-unit condominium development 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.

Recent direction from the City Council on the issue of zone changes along Pacific Coast Highway has been to maintain commercial depths and not allow encroachment of residential uses. The issue of commercial depth in Neighborhood Commercial areas along Hermosa Avenue has not been considered. 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-1, 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 neighborhoods. 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 under the same ownership. The applicant also has studied the potential for a project combining commercial with apartments above and has submitted a conceptual plan showing that it would be

possible to construct two 1,200 square foot apartment units above a small commercial space (800 square feet) on the ground floor. The applicant does not believe this is the highest and best use of the site.

Conclusion:

Since the City Council has previously resisted redesignation of commercially zone property in the City and since the property can currently be developed with neighborhood oriented commercial with residential units above, staff recommends that the Council sustain the Commission decision to retain the current General Plan and zoning designations.

Concur:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell,
City Manager

Attachments

1. Resolution
2. Maps (Location, General Plan, Zoning)
3. Aerial Photo
4. Planning Commission Minutes

RESOLUTION 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DENIAL OF 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 City Council 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 November 19, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on this evidence and testimony the Planning Commission denied the request.

Section 3. The applicant filed an appeal of the Planning Commission decision.

Section 4. The City Council conducted a duly noticed public hearing to consider the applicant's appeal of the Planning Commission denial of the General Plan Amendment and Zone Change on January 28, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the City Council.

Section 5. Based on evidence received at the public hearing, and the record of decision of the Planning Commission, the City Council 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.

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 6. Based on the foregoing factual findings, the City Council 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 600 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 7. Based on the foregoing findings, the City Council hereby denies the request to amend the Land Use Map of the General Plan.

Section 8. By virtue of the denial of the proposed General Plan Amendment, it would be contrary to State Law to approve the Zone Change because such a change would render the zoning designation inconsistent with the general plan designation. Therefore, the Zone Change is hereby denied.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2003

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

zcr19denial