

August 4, 2003

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

**Regular Meeting of
August 12, 2003**

SUBJECT: TEXT AMENDMENT 03-11

TO ALLOW CONDOMINIUMS AS A PERMITTED FORM OF
OWNERSHIP IN RESIDENTIAL/COMMERCIAL DEVELOPMENTS IN
THE C-1 ZONE

Planning Commission Recommendation:

That the City Council amend the permitted use list, to clarify that condominiums are permitted in the C-1 zone, which currently allows residential apartments above ground floor commercial uses.

Background:

In February 2002, the Planning Commission considered and approved a project located in the C-1 limited commercial zone involving two apartment units above commercial. The applicant also sought to include condominium uses in the project and the Commission directed staff to prepare a text amendment that also permits condominium uses in the zone. The C-1 zone has permitted apartments above limited commercial uses for over 30 years. In fact, the C-1 zone was originally called Limited Business and Residential Zone in the 1970 edition of the Zone Code. That Code specified R-3 development standards for the residential portion of such projects.¹

In the current Zone Code, Section 17.26.030 lists the permitted and conditionally permitted uses in the C-1, C-2 and C-3 zone and includes residential use above a commercial building as a conditionally permitted use, but omits reference to the R-3 development standards. The current Code provision permits:

“Residence; one or more apartments may be built above a commercial building.”

The City Attorney has advised that since apartments are distinguished from condominiums in the Municipal Code, it is not possible to use these terms interchangeably and the code must be amended.² The applicant of the above project was delayed and subsequently purchased additional property adjacent to the original project site, and plans to resubmit an application for a fully code complying three-unit project with a condominium form of ownership for hearing by the Planning Commission in August.³

Analysis:

The attached amendment will clarify that a project containing residential uses, allowed in the C-1 zone, may include condominiums. The category is proposed to read as follows:

☞☞ *“Residence: Residential uses above ground floor commercial use(s), including condominium developments.*

The proposed change provides latitude for unit ownership and will subject such projects to the more restrictive provisions of the Condominium Ordinance relative to noise attenuation, setback and minimum unit size.⁴ Condominium ownership, both for the residential units and/or commercial units, will not otherwise change other requirements relative to use, development or parking and the text amendment does not change any other aspect of such projects.

Ken Robertson
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments
Proposed Ordinance

Notes

1 The 1970 Zone Code prescribed the following for the C-1 zone: Residential: (a) Four or more apartments developed to R-3 standards; and (b) One or more apartments built above commercial provided the whole building including the ground floor and second and third floor has a side yard setback of 10% the lot width (minimum 3' and maximum 5' and the rear setback is five feet at all floor levels with no encroachments over City property.

2. Apartment means a rental or leased dwelling in a structure designed or used to house two or more families. Condominium means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real estate together with a separate interest in space in a residential, industrial or commercial building on such real property

3. The project will conform to the R-3 development standards related to density and open space (but not residential building setback) and the C-1 development standards for building height and commercial development, and will fully comply with the parking requirements for each use.

4. The development standards for a condominiums include: height- as prescribed in the zone, setback – minimum 5 feet, unit sizes – 1 bedroom 900 sq.ft. 2 bedrooms 1, 100 sq. ft., 2 bedrooms and den 1,250 sq. ft, 3 bedrooms 1, 400 sq. ft. 3 bedrooms & den 1, 600 sq. ft., each additional bedroom 130 sq. ft., sound attenuation 58 stc rating between floors/ceilings of stacked units and 52 stc rating between walls.

ORDINANCE 03-

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, TO AMEND THE ZONING ORDINANCE,
CHAPTER 17.26 TO LIST CONDOMINIUMS AS
PERMITTED USE IN RESIDENTIAL/COMMERCIAL
PROJECTS IN THE C-1 ZONE**

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. The Planning Commission held a duly noticed public hearing on July 15, 2003, to consider amending Section 17.26.030 of the Zoning Ordinance, which contains the list of permitted uses in the C-1, C-2, and C-3 zones, and to initiate and consider a text amendment to allow condominiums addition to apartments as a conditionally permitted use above commercial in the C-1 zone, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the evidence considered, the Planning Commission recommended approval of the text amendment.

Section 2. The City Council held a duly noticed public hearing on August 19, 2003, to consider and review the proposed text amendment and the recommendation of the Planning Commission, at which testimony and evidence, both written and oral, and the record of the Planning Commission's recommendation was presented to and considered by the City Council.

Section 3. Based on the evidence considered at the public hearing, and the recommendation of the Planning Commission, the City Council hereby ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, Chapter 17.26, be amended as follows:

1. Amend the matrix contained in Section 17.26.030, C-1, C-2 and C-3 land use regulations as follows (underlined text to be added):

Use	C-1	C-2	C-3	See Section
Residence: one or more apartments may be built above a commercial building <u>residential uses above ground floor commercial use(s), including condominium developments.</u>	U	-	-	17.40.020

Section 4. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

Section 5. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

