

December 2, 2003

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

**Regular Meeting of
December 9, 2003**

SUBJECT: TEXT AMENDMENT 03-13 - REVISIONS TO CHAPTER 17.40 TO ESTABLISH
STANDARDS FOR CONDITIONALLY PERMITTED MIXED-USE PROJECTS IN
THE C-1 COMMERCIAL ZONE

INITIATED BY THE PLANNING COMMISSION

Recommendation:

That the City Council waive further reading and introduce the Ordinance.

Background:

For over 30 years, apartments have been permitted above commercial buildings as a conditionally permitted use in the C-1 zone with commercial development standards applied to the project. There have been no applications for new mixed-use projects in the C-1 zone with the exception of a project at 44 Hermosa Avenue originally reviewed by the Planning Commission on February 19, 2002 and subsequently approved with revisions on August 19, 2003. Following the hearing, the Commission directed staff to return with a text amendment to provide new standards for both the commercial and residential elements of mixed-use projects. At the meetings of March 19, April 16, and July 16, 2002, the Planning Commission initiated discussion of new standards, and directed staff to develop a draft ordinance based upon Commission input.

On September 16, 2003 the Planning Commission recommended approval of the proposed ordinance to add a new sub-section in Chapter 17.40 titled Mixed-Use Development, which contains development standards generally consistent with the R-3 zone for mixed-use projects in the C-1 zone.

Analysis:

Section 17.26.030 of the Zoning Ordinance includes residential use above a commercial building (mixed-use) as a conditionally permitted use, but omits reference to any residential development standards. Recently the code was amended to allow condominiums above commercial uses in the C-1 zone. Condominium development must comply with the limited development standards in Section 17.22.060. Other than condominium development standards, the Commission is guided by the general criteria for review of mixed-use development projects within the provisions for Conditional Use Permits and Precise Development Plans.

The draft text amendment is intended to address the broader issues relating to use and development which currently applicable zoning standards do not address. The Planning Commission recommends adding a new sub-section in Chapter 17.40 titled Mixed-Use Development, containing specific standards for mixed-use projects.

STANDARDS FOR RESIDENTIAL UNITS

Density: R-3 Development Standard

The Commission considered the application of R-2 and R-3 residential standards to the residential portion of mixed-use projects and recommended using the R-3 standards since more than ½ of C-1 zoned properties abut the R-3, RP or other commercial zones. This means residential development will be subject to the same density requirements of the R-3 zone, as well as the same development requirements (i.e. setbacks, open space, lot coverage, etc.) as R-3 multi-family projects. Alternately the residential density can vary with the abutting residential zone, but in some instances the C-1 zone abuts both R-2 and R-3 zoned properties which complicates this method of assigning density. (Please See Attachment No. 1, Zoning Map). The difference in R-2 and R-3 zoning typically results in one and two units on a single lot or three to four units on a double lot respectively, since the lots are not large. (See Attachment No. 2).

With commercial required on the ground floor, the available area for residential living space is substantially reduced from a typical residential project. Thus the R-2 density may be too restrictive for small lots or single lot development to make such new development practical. (See Attachment No. 2). The overall number of new housing units is relatively small given the prevailing lot size and lot patterns. It is possible to construct 33 units at the R-2 density and 44 units at the R-3 density given the distribution and size of lots.⁴ The attached plans show how unit size, commercial area and parking vary on two and three lots. (See Attachment No. 5)

Setbacks: Front, Side and Rear

There are currently no setback requirements in the C-1 zone for commercial or residential uses. The Commission did not recommend a change to the setback for commercial in a mixed use project, since it is similar in appearance and use to the rest of the commercial area. However, for the residential portion of a mixed-use project, the Planning Commission recommends using the R-3 zone setback requirements with the addition of a five-foot front setback, consistent with the requirement for condominiums.³ Also, given the reduced available area for residential development and the need to provide required open space, the Council may want to consider allowing the front residential setback to qualify as usable open space in mixed-use development if designed as a deck above the commercial level.

Open Space

The open spaces standard for both R-2 and R-3 development is 300 sq. ft. per unit with no more than 100 sq. ft. on roof decks and 100 sq. ft. directly adjacent a primary living space. The Commission recommends maintaining this standard.

Noise, Security and Lighting

All new development will be required to comply with the standards for sound proofing consistent with the condominium development standards in Chapter 17.22 of the Zone Code. Secured and separate access between commercial and residential portions of a project are required and new standards for lighting have been added to shield residential uses from commercial lighting.

COMMERCIAL DEVELOPMENT STANDARDS

Minimum Commercial Depth

Because the underlying zone is commercial, the development of ground-level residential or solely residential projects is not allowed. Though the code already requires that the ground floor be commercial, it does not really specify how much. It may be appropriate to require a *minimum* amount of commercial space, whether as a percentage of lot area or building area or as a minimum depth, to ensure adequate space for viable commercial development and so that the commercial is not simply a means to develop the property residentially. The Planning Commission recommends that the standards include provisions to require that the frontage be for commercial purposes only; that ground floor building area be primarily commercial, (limited to a maximum of 25% for residential for entry-exit lobbies or corridors only and not for primary living areas or sleeping rooms meaning at least 75% will be for commercial); and that the commercial portion contain an average depth of at least 30 feet, to preclude token commercial development. The Council may want to consider allowing a 24 minimum depth requirement, as the City's commercial development fronting the North Pier Parking Structure is 24 feet in depth, and contains viable commercial uses.

Parking

Projects with a residential and commercial mix typically are not appropriate for shared parking because parking needs overlap during morning hours and evening hours and the parking must be assigned to avoid conflict. The Planning Commission recommends that the full complement of parking be required for each use and that it be separated between uses.

Requiring a full complement of parking will make it difficult to develop smaller lots, as parking drives the design and feasibility of these projects. Development of single or double lots with surface level parking will not accommodate significant commercial frontage as the parking utilizes most of the ground level. When combining three or more lots, however, subterranean parking yields substantially more commercial space. (See Attachment Nos. 4 and 5).

Use Limitations

The permitted use list limits uses permitted in the commercial zones. The C-1 zone already has the most restrictive list of permitted commercial uses, since it is intended for neighborhood commercial areas. There are 36 uses allowed by right or use permit and the Commission felt that it was appropriate to further limit the type of commercial uses in mixed use projects and added restrictions on bars, restaurants, parking structures and surface parking and laundramats.

Hours of Operation

Given the proximity of commercial and residential uses in mixed-use projects, the Planning Commission recommends that the hours of operation for any commercial use be limited to 8 a.m. to 10 p.m. daily.

Signs

To promote a proper separation between the residential and commercial uses in a mixed-use development, the Planning Commission believes that signage should not be allowed above the commercial story (i.e. signage can only be on the second or higher story frontage if a commercial use is on that frontage and story as well). Also, the Planning Commission recommends that lighted signs be illuminated only during business hours.

Landscaping and Off-Site Improvements

Current landscaping for new multifamily residential projects is one 36" box tree per dwelling unit on-site. The Planning Commission recommends that this standard be applied to the sidewalk abutting the project as a new street tree program for the C-1 zone. The type of trees will be subject to approval by the Public Works Commission, Street Tree Subcommittee.

Sol Blumenfeld, Director
Community Development Department

CONCUR:

Stephen R. Burrell
City Manager

Attachments

1. Ordinance
2. Table Comparing of Project Density
3. P.C. Minutes/Resolution
4. Examples of Parking and Commercial Depth
5. Development Plans for 2 and 3 Lot Projects

Notes

1. The allowable density is 1750 square feet of lot area per dwelling unit in the R-2 zone and 1320 square feet of lot area per dwelling in the R-3 zone.
2. R-3 front setback requirement also refer to setback notations on Zoning Map and do not include the C-1 zone.
3. In order to evaluate the specific development impacts and maximum residential build-out of potential mixed-use projects staff reviewed the hypothetical assembly of contiguous C-1 zoned parcels and compared standard commercial development versus mixed-use projects. Staff surveyed all properties in the C-1 zone and tabulated the existing and possible additional residential units on each (please see attached table). Currently 56 dwelling units are on 20 of the 43 C-1 zoned properties. Half (10) of these properties have commercial on the ground floor, while the other 10 properties are nonconforming (either wholly residential or providing residential use on the ground floor). Based on the allowable density in the R-2 and R-3 zones, it is possible to construct 33 units (using

R-2 standards) or 44 units (using R-3 standards) in addition to the existing mixed-use properties. Further, since the majority of the C-1 zoned properties are on contiguous lots they can be assembled and redeveloped, yielding up to a total of 63 units (using R-2 standards) or 85 units (using R-3 standards). Given that some of the C-1 properties are adjacent to R-2 and R-3 zoned properties, there may be some possibility of assembling commercially and residentially zoned properties so that the residential development within a mixed-use development project in the C-1 zone can be combined with residential development on residentially zoned properties.

5. For example the commercial portion of the project at 44 Hermosa Avenue covers the entire frontage, contains approximately 90% of the ground floor building area, 43% of the site area, and the depth varies from 30-43 feet.

ORDINANCE 03-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO AMEND THE ZONING ORDINANCE, TO ADD A NEW SUB-SECTION TO CHAPTER 17.40 TO PROVIDE STANDARDS FOR CONDITIONALLY PERMITTED MIXED-USE PROJECTS IN THE C-1 COMMERCIAL ZONE

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

Section 1. The Planning Commission held a duly noticed public hearing on September 16, 2003, to consider adding a new sub-section in Chapter 17.40 titled Mixed-Use Development, which will contain development standards generally consistent with the R-3 zone for mixed-use projects in the C-1 zone.

Section 2. The City Council held a duly noticed public hearing on December 9, 2003, to consider the recommendation of the Planning Commission to add a new sub-section in Chapter 17.40 titled Mixed-Use Development, which will contain development standards generally consistent with the R-3 zone for mixed-use projects in the C-1 zone.

Section 3. Based on the evidence considered at the public hearing and the recommendation of the Planning Commission the City Council makes the following findings:

1. Section 17.26.030 of the Zoning Ordinance includes residential use above a commercial building (mixed-use) as a conditionally permitted use, but omits reference to any residential development standards.
2. Adding a new sub-section in Chapter 17.40 titled Mixed-Use Development, containing specific standards for mixed-use projects should resolve this issue.
3. The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that this modification may have a significant effect on the environment.

Section 4. Based on the foregoing and the recommendation of the Planning Commission the City Council hereby ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, Chapter 17.40, be amended as follows:

1. Add Section 17.40.180 as follows (underlined text to be added):

17.40.180 Mixed-Use Development (C-1 Zone).

For residential uses allowed in the C-1 Zone as part of a mixed-use development, the following conditions and standards of development, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

1. The residential portion of a mixed-use development shall be subject to the development standards of the R-3 zone as set forth in Chapter 17.16 with the exception of the following:

- a. If the residential portion of a mixed-use development is a condominium development, then the development shall be subject to the condominium development standards as set forth in Chapter 17.22.
- b. Front setbacks shall be a minimum of five feet.
- c. The front setback area may be used for required open space if the area is a deck above the commercial level and otherwise complies with the open space requirements of the R-3 zone.
- d. No lot coverage maximum shall be applied.
- e. One 36" box tree per dwelling unit shall be placed as a street tree to the satisfaction of the Public Works Director.

2. In addition to the requirements of the commercial zone, the following standards shall apply to the mixed-use development.

- a. The ground floor shall be primarily commercial with a minimum average depth of 30-feet, and living and sleeping areas of residential units shall be located above the ground floor.
- b. Residential use is limited to 25% of the first floor area for the purposes of providing entry-exit areas or lobbies, stairs and corridors, and shall not include primary living areas or sleeping rooms.
- c. Building frontage shall be used for commercial purposes with the exception of entry-exit corridors and stairs for accessing the residential units and/or for driveways to access parking.

3. Standards for noise, security, lighting:

- a. Noise: Residential uses shall be separate from commercial uses by sound proofed floors and walls with minimum sound transmission rating as required for condominiums as set forth in Chapter 17.22. Commercial uses hours of operation shall be limited where appropriate so that residents are not exposed to offensive noise or activity.
- b. Security: Separate and secured entrances for residences directly accessible to sidewalk and parking areas.
- c. Lighting: Outdoor lighting and lighting for signs associated with commercial uses designed so as not to adversely impact residences. No flashing, blinking or high intensity lighting. Adequate lighting to illuminate parking areas and corridors to access parking and public sidewalk. Lighting for signs may only be illuminated during business hours.

4. Signs. Signs shall be limited to the commercial building frontage pursuant to the requirements of Chapter 17.50.

5. Limitation on allowed Commercial Uses. Permitted commercial uses within a mixed use development shall be as permitted in the underlying commercial zone with the following exceptions which shall not be permitted:

- a. Restaurants and bars
- b. Laundry and dry-cleaning businesses
- c. Parking lots and/or structures

