

January 21, 2004

City Council Meeting
January 27, 2004

Mayor and Members
of the City Council

ORDINANCE NO. 04-1235 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE ZONING ORDINANCE BY ADDING A NEW SUBSECTION TO CHAPTER 17.40 TO PROVIDE STANDARDS FOR CONDITIONALLY PERMITTED MIXED-USE PROJECTS IN THE C-1 COMMERCIAL ZONE."

Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 04-1235**, relating to the above subject.

At the meeting of January 13, 2004, the ordinance (which was initially introduced on December 9, 2003) was presented for Council adoption but instead was amended and reintroduced by the following vote:

AYES: Reviczky, Tucker, Mayor Keegan
NOES: Yoon
ABSENT: Edgerton
ABSTAIN: None

Elaine Doerfling, City Clerk

Noted:

Stephen R. Burrell, City Manager

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ORDINANCE NO. 04-1235

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, AMENDING THE ZONING
ORDINANCE, BY ADDING 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 duly noticed public hearings on December 9, 2003, and January 13, 2004, 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 in the C-1 zone, 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.

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

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

5 **17.40.180 Mixed-Use Development (C-1 Zone).**

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

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

- 13 a. If the residential portion of a mixed-use development is a condominium
14 development, then the development shall be subject to the condominium
15 development standards as set forth in Chapter 17.22.
- 16 b. Residential use is limited to 25% of the first floor area for the purposes of
17 providing entry-exit areas or lobbies, stairs and corridors, and shall not include
18 primary living areas or sleeping rooms.
- 19 c. Front setbacks shall be a minimum of five feet.
- 20 d. The front setback area may be used for required open space if the area is a deck
21 above the commercial level and otherwise complies with the open space
22 requirements of the R-3 zone.
- 23 e. No lot coverage maximum shall be applied.
- 24 f. One 36” box tree per dwelling unit shall be placed as a street tree to the
25 satisfaction of the Public Works Director.

26 2. Commercial Development Standards. In addition to the requirements of the
27 commercial zone, the following standards shall apply to the mixed-use development.

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- 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. 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. General Development 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

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6. Limitations on hours of operation. The hours of operation for any commercial use shall be limited to 8 a.m. to 10 p.m.

7. Owner shall disclose separately and in writing upon sale or rental of the subject property that it is mixed use and permits commercial and residential uses within the building.

SECTION 5. 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 6. 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.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 27th day of January 2004 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney