

February 17, 2004

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

**Regular Meeting of
February 24, 2004**

SUBJECT: RECONSIDERATION OF PLANNING COMMISSION DECISION TO APPROVE:
PRECISE DEVELOPMENT PLAN AMENDMENT 03-18;
CONDITIONAL USE PERMIT AMENDMENT 03-1 5;
PARKING PLAN 03-6 -- 30 - 44 HERMOSA AVENUE

Planning Commission Recommendation:

To sustain the Commission's decision to approve the project, subject to conditions as contained in the attached resolution.

Background:

At their meeting of January 20, 2004, the Planning Commission approved the subject project by a 3:1 vote approving an amendment to a previously approved Conditional Use Permit, Precise Development Plan, Vesting Tentative Map and Parking Plan to construct three residential condominiums above ground level commercial space with two tandem commercial parking spaces and a substandard turning radius. The Planning Commission previously approved a similar project on the property on August 19, 2003, that also contained three units above the ground floor commercial units. Since the August meeting, the applicant conducted soils and geotechnical studies, which showed that the groundwater on the site would make construction of the underground parking cost prohibitive. The plans were subsequently revised to eliminate the subterranean level parking and the commercial space was reduced to accommodate the new surface parking.

On December 9, 2003, the City Council introduced an amendment to the Zoning Ordinance to provide standards for mixed-use projects in the C-1 zone. This, ordinance, adopted January 13, 2004, will not go into effect for 45 days. The City Attorney has advised that the project is not subject to new mixed use zoning standards since it is vested under the current Vesting Tentative Tract Map.¹

Project Information

▪ ZONING:	C-1
▪ GENERAL PLAN:	Neighborhood Commercial
▪ COMBINED LOT AREA:	7,200 Square Feet
▪ PROPOSED FLOOR AREA:	10,260 Square Feet
▪ TOTAL BUILDING AREA:	14,200 Square Feet
▪ RESIDENTIAL SQUARE FOOTAGE:	Three Units, 2,600–2,650 Square Feet
▪ COMMERCIAL SQUARE FOOTAGE:	2,360 Square Feet
▪ PARKING REQUIRED:	17 Spaces (9 for commercial, 8 for three units including 2 guest spaces)
▪ PARKING PROVIDED:	17 Spaces
▪ ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The property, located on the east side of Hermosa Avenue at the corner of Lyndon Street, is an assembly of three lots. The site is adjacent to other commercial uses along Hermosa Avenue, although a nonconforming residential apartment building is located immediately to the north. Access to the site is also available from the alley to the rear (Palm Drive). The site currently

contains a one-story building and open play area that was previously used for a child day care center, with parking on the alley, and a commercial building that contained a thrift store.

Analysis

A Conditional Use Permit is required to develop residential use above ground floor commercial uses in the C-1 Zone pursuant to Section 17.26.030. A Precise Development Plan approval is required pursuant to Section 17.58 of the Zoning Ordinance because the project exceeds 1,500 square feet. A Parking Plan is also necessary because of the use of tandem parking for two of the commercial spaces, and to use the parking dimension of 18-feet for the residential parking spaces. The Vesting Tentative Tract map has already been approved for the division of air space, and an amendment is not necessary.

The revised project is still a three-story building with two floors of residential and a roof deck above ground floor commercial. The applicant has not indicated the commercial tenants being considered for the project. The three residences are located side by side and contain three bedrooms and three baths in a split level floor plan. The plan no longer contains a subterranean level garage, so all the parking is now located on the ground level with access from the alley. The residential units are similar to the previous plan, but because of the need to provide parking on the ground floor and the reduced number of spaces, the square footage proposed for commercial use has been reduced in depth and area (from 3,120 square feet to 2,360 square feet).

The project is subject to the requirements of the C-1 zone, and the requirements for condominiums, and previously the Commission has evaluated the project relative to R-3 standards but allowed some variation from these standards in recognition of the unique conditions for mixed use projects.

C-1 COMMERCIAL DEVELOPMENT STANDARDS

The project complies with the only applicable C-1 development standard, which is the maximum allowable height limit of 30 feet, pursuant to Section 17.26.050. The project complies with the 30-foot height limit of the C-1 zone as the high point on the roof is within 30 feet of the lowest corner point elevation, although the project plans must be corrected to note the maximum building height at the critical point. All required plan information is included in the list of recommended Conditions of Approval.

No setback requirements apply to buildings in the C-1 zone unless the property abuts residentially zoned property. Further, no standards are contained in Section 17.26.050 relating to lot coverage, open space, or landscaping, and no special development standards are contained in Section 17.22.100 pertaining to commercial condominiums.

CONDOMINIUM DEVELOPMENT STANDARDS

Section 17.22.060 contains the development standards for residential condominiums. The project meets the minimum unit sizes for a three-bedroom unit. The plans comply with the minimum 5-foot front setback for the residential floors of the project with a proposed deck, which is the roof of the floor below is located in the setback. The project also complies with the 300 square feet of open space required for each unit, with 100 feet directly accessible to the primary living area. The Commission recognized that use of the front setback area for a deck is consistent with new mixed-use development standards for the C-1 zone. The plans have also been revised to show required enclosed storage areas for each unit and must provide detailed construction information for sound insulation under Section 17.22.060 F and G prior to final plan approval as required in the Conditions of Approval.

R-3 DEVELOPMENT STANDARDS

Though the project is not required to comply with R-3 development standards, the Commission used many of these standards in reviewing the original and current project. The residential portion of the project is consistent with the density, height and open space requirements of the R-3 zone. The project site permits up to 5 units, but 3 units are proposed for the 7,200 square foot lot. The project complies with the height limit of 30 feet in the R-3 zone. Open space is provided in decks with over 300 square feet, with a minimum 100 square feet adjacent to primary living space. The project is inconsistent with R-3 standards for lot coverage, rear yard and the side yard setback requirement along Lyndon Street.²

PARKING PLAN

Section 17.44.110 permits tandem residential parking. Two parking spaces per residential unit are being provided in tandem with dimensions of 18 feet in depth per space. The plans also include a guest space for the residential units in the private parking garage, with one of these spaces provided as handicapped accessible. The depth of the residential spaces is not consistent with the 20 foot depth typically required for residential garages, however, an 18-foot depth is permitted for outdoor or underground commercial parking in the City. Commercial parking is provided with direct access from the alley.³ Two commercial spaces are provided in one tandem stall. The Parking Plan is required for the commercial tandem stall. If the tandem stall is not allowed, the amount of commercial space will have to be reduced, which compromises the commercial component of the mixed use space. Alternately the owner can request that the tandem space be provided through the in lieu program to maintain the commercial space.

TRAFFIC AND OFF-SITE ISSUES

The Planning Commission considered concerns about drainage on the abutting alley, and existing one-way traffic circulation along the alley and required that the applicant correct drainage as a Condition of Approval.

With respect to traffic, the Public Works Department found that the existing one-way operation and signage were currently adequate, and did not see a need to change the existing operation. Further, pursuant to a previous trip generation comparison that staff prepared for the first submittal of this project, the trips expected from a mixed use project are less than alternative commercial uses that would be allowed on the property, and less than the prior use as a child day care center. (Please see attached trip generation table).

CONDITIONS OF APPROVAL

The Planning Commission included the following conditions of approval to address the issues noted above and additional issues brought up at the hearing which are noted in bold.

1. The plans shall clearly show that 200 cubic feet of storage is available for each residential condominium and final plans shall comply with all other residential condominium requirements, consistent with Chapter 17.22 of the Zoning Ordinance.
2. The parcels comprising the subject property shall be merged prior to issuance of building permits.
3. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and the maximum and proposed height at the critical point on the roof.

4. A landscape plan shall be provided and include off-site improvements to provide three street trees, subject to Public Works Department approval.
5. Detailed construction plans shall demonstrate compliance with Sound Transmission requirements of the Condominium Ordinance, and to provide details with respect to security, and lighting.
6. Limitation on allowed commercial uses to prohibit restaurants/bars and Laundromat/dry cleaning businesses. Snacks shops such as coffee houses would be acceptable. Limit operating hours of snack shops and coffee houses to between 7:00 A.M. and 9:00 P.M.
7. Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.
- 8. The applicant shall work with staff to resolve deficiencies with respect to stall width and turning radius for the commercial stalls with direct access to the alley.**
- 9. Detailed plans for off-site improvement shall be prepared by a licensed surveyor or civil engineer for approval by the Public Works Department and shall include a design to remedy the drainage situation on Palm Drive.**

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell
City Manager

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs

Notes:

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1. The C-1 Mixed Use Ordinance contains commercial development standards, Condominium Ordinance Standards (for condominiums) and most of the R-3 development standards with the exception of lot coverage.
 2. Lot coverage exceeds 65% required in the R-3 zone because the commercial space is permitted to cover 100% of the lot unless abutting residential. R-3 zoning requires a 1-foot set back on upper floors at the rear and no rear yard setback is provided. Side yard set back is 5 feet and there is no side yard setback on Lyndon Street.
 3. Seven of the nine parking spaces are provided as single spaces with direct access to the alley and two of the spaces are in tandem. The seven spaces were deficient with respect to turning radius, as a 20-foot back up is provided and the stall widths are 8'6" and 9'4". Pursuant to the City's parking lot design standards a 20-foot turning radius requires a 10-foot stall width. At the Planning Commission hearing, the applicant agreed to resolve these deficiencies by narrowing the driveway width.

RESOLUTION 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AS AMENDED TO ALLOW A MIXED USE CONDOMINIUM BUILDING WITH THREE RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR AND PARKING PLAN TO ALLOW TANDEM PARKING AND 18 FOOT DIMENSION FOR RESIDENTIAL PARKING SPACE AT 30-44 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 1,2 AND 3, BLOCK 41, 1ST ADDITION TO 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 Pat Zingheim and Jay Schuster, owners of real property located at 30-44 Hermosa Avenue seeking approval to amend a Conditional Use Permit, and Precise Development Plan to allow the construction of condominium project pursuant to the approved Vesting Tentative Tract Map previously approved containing three residences above commercial on the ground floor with a modified development plan, and a Parking Plan to allow required parking in tandem and with substandard turning radius, and 18 foot dimension for residential parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on January 20, 2004, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the evidence considered at the hearing, the Planning Commission approved the request subject to conditions as set forth in P.C. Resolution 04-1.

Section 3. On January 27, 2004, the City Council, pursuant to Section 2.52.040, initiated review and reconsideration of the decision of the Planning Commission.

Section 4. The City Council conducted a duly notice public hearing to review and reconsider the decision of the Planning Commission on February 24, 2004, at which the record of the decision of the Planning Commission and 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 Planning Commission approved a Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map at their meeting of August 19, 2003, for a similar project, which included subterranean parking with retail on the ground floor and residences above. The applicant has now revised the project to eliminate the subterranean parking and to provide required parking on grade, reducing the amount of commercial square footage and resulting in other modifications to the project.
2. The subject property is located in the C-1, Neighborhood Commercial Zone. A Conditional Use Permit is required pursuant to the C-1 permitted use list of Section

17.26.030 of the Zoning Ordinance, which provides that “Residence: Residential uses above ground floor commercial uses(s), including condominium developments” as a conditionally permitted use. This section was amended by the City Council to also allow residential condominiums. A Precise Development Plan is required pursuant to Chapter 17.58 for new construction of more than 1500 square feet.

3. The subject property is currently developed with one-story structures most recently used for a child day care center and thrift store. The property consists of the three 30-foot wide lots fronting on Hermosa Avenue with alley access to the rear.
4. The applicant proposes to construct a new building with commercial on the ground floor with three attached two-level residential condominiums units above. 17 spaces are provided with 8 in the private garage for residential occupants, and 9 with access directly from the alley.

Section 6. Based on the foregoing factual findings, the City Council makes the following findings pertaining to the application for a Conditional Use Permit, Precise Development Plan and Parking Plan.

1. The project and map are consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance;
2. The site is zoned C-1 and is physically suitable for the type and density of proposed development and the project and proposed use comply with the development standards contained therein;
3. The subdivision or types of improvements are not likely to cause serious public health problems;
4. The subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;
5. Design of the proposed subdivision is compatible and consistent with applicable elements of the City’s General Plan, and is compatible with the immediate environment;
- 6. The project, as conditioned, will conform to all zoning and condominium laws and criteria and will be compatible with neighboring residential properties;**
7. The project provides the number of required off-street parking spaces on-site. While some of the parking is provided in tandem the Commission finds that reduced parking is acceptable pursuant to Section 17.44.210 Parking Plans, since the spaces will be provided on-site with and will be functional for the uses proposed.
- 8. The project is Categorically Exempt from the requirement for an environmental assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303(b) and 15315 with the finding that the project is in an area with available services.**

Section 7. Based on the foregoing, the City Council hereby approves the subject Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map as amended and Parking Plan subject to the following **Conditions of Approval**:

1. The development and continued use of the property shall be in conformance with submitted plans, received and reviewed by the Planning Commission at their meeting of January 20, 2003, revised in accordance with the following:
 - a) The applicant shall work with staff to resolve the deficiencies with respect to stall width and turning radius for the commercial stalls with direct access to the alley.
2. Occupancy of the commercial space on the ground floor shall be limited to uses permitted in the C-1 zone, and shall not include residential use. Uses that are subject to greater parking requirements, such as restaurants/cafes, and medical or dental clinics are not permitted. Also, Laundromats and dry cleaning business are prohibited.
3. Commercial uses shall be limited to operation hours between 7:00 A.M. and 10:00 P.M., except that a snack shop or coffee house shall have hours limited to between 7:00 A.M. and 9:00 P.M.
4. The project shall meet all requirements of the Condominium Ordinance.
 - a) **A minimum 5-foot front yard setback shall be provided for the residential condominium portion of the project.**
 - b) **Each residential unit shall have the minimum 200 cubic feet of storage space and plans shall clearly denote storage space and the location of the FAU and vacuum canister, if provided.**
 - c) **Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.**
 - d) **Proof of recordation of approved CC & R's shall be submitted to the Community Development Director six (6) months after recordation of the Final Map.**
 - e) **Requirements of Section 17.22.060(G) & (H) shall be shown on structural plans and reviewed at the time of Building Division plan check.**
4. **Tandem parking for two spaces per unit shall be permanently and exclusively assigned to the residential units.**
5. **Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and maximum and proposed heights at the critical points on the roof.**
6. **Architectural treatment shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.**
7. **Two copies of a final landscaping plan indicating size, type, and quantity of plant materials to be planted shall be submitted to the Community Development Department, Planning Division for review and approval prior to the issuance of Building Permits.**
 - a) **At least three street trees shall be provided along the Hermosa Avenue frontage subject to approval by the Public Works Department.**

- 8. A sign program shall be submitted for review and approval by the Community Development Department prior to the issuance of any sign permits for individual businesses. All commercial signs shall be located on the first floor commercial portion of the building, and shall be in compliance with the Sign Ordinance requirements for the C-1 zone.**
- 9. There shall be compliance with all requirements of the Public Works Department and Fire Department**
 - (a) Detailed plans for off-site improvement shall be prepared by a licensed surveyor or civil engineer for approval by the Public Works Department and shall include a design to remedy the drainage situation on Palm Drive.**
- 10. The lots comprising the project site shall be merged in accordance with Section 16.20.110 of the Subdivision Ordinance.**
- 11. The address of each condominium unit shall be conspicuously displayed on the street side of the buildings with externally or internally lit numbers and the method for illumination shall be shown on plans. Addressing numbering and display subject to approval by the Community Development Department**
- 12. If garage doors are installed on the garage door opening, it shall be a sliding automatic garage door with a minimum 7-foot clearance.**
- 13. The property owner(s) shall record an agreement to assume the risk associated with use and operation of the sump pump; release the City from any liability; and indemnify the City regarding receipt of surface waters onto the property**
- 14. A geotechnical report defining and delineating any seismic hazard and the depth of the water table shall be submitted prior to issuance of building permits, with any mitigation measures incorporated into building plans.**
- 15. Two copies of final construction plans, including site, elevation and floor plans, which are consistent with the conditions of approval of this conditional use permit, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans prior to the submittal to the Building Division for Plan Check.**
- 16. Final construction plans shall include detailed lighting plans to ensure compatibility between uses, and to provide adequate security for the parking areas.**
- 17. Prior to approval of the Final Map, and prior to issuance of a Certificate of Occupancy, outstanding assessments must either be paid in full or apportioned to any newly created parcels. Notice of same shall be provided to the Community Development Director. Assessment payoff amounts may be obtained by calling the City's Assessment Administrator at (800) 755-6864. Applications for apportionment may be obtained in the Public Works Department.**
- 18. The Conditional Use Permit and Precise Development Plan shall be null and void eighteen months from the date of approval unless building permits have been obtained, and approval of the Vesting Tentative Parcel Map shall become null and void twenty-four months from the date of approval unless the map is finalized and the project implemented. The applicant may apply in writing for an extension of time to the Planning Commission prior to the dates of expiration.**

19. Prior to issuance of a building permit, abutting property owners and residents within 100 feet shall be notified of the anticipated date for commencement of construction.

- a) The form of the notification shall be provided by the Planning Division of the Community Development Department.**
- b) Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.**

20. The owner shall provide separate written disclosure upon sale or rental of the subject property that it is a mixed use and permits commercial and residential uses within the building.

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

The Conditional Use Permit, Precise Development Plan, and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

Each of the above conditions 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.

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 no thereafter be responsible to defend, indemnify, or hold harmless the City.

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.

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

The Planning Commission may review this Conditional Use Permit, Precise Development Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

Section 9. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

PASSED, APPROVED, and ADOPTED this day of , 2004,

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

ATTEST:

APPROVED AS TO FORM:

_____ CITY CLERK _____ CITY ATTORNEY

B95/cd/cc/Pdpr30Hermosa

**Vehicle Trip Generation and Parking Comparison
for Proposed and Alternative Uses**

Use	Square Feet/No. Units	Total Vehicle Trips	A.M. Peak	P.M. Peak	Parking Required
<i>Proposed Uses:</i>					
Mixed Use: Retail w/ 3 unit residential above	2,360 3 units	113	1.3	7.7	17 spaces
Mixed Use: Office w/ 3 unit residential above	2,360 3 units	44	5.0	5.1	17 spaces
Prior Use:					
Child Day Care Center and Retail	1,500 Day Care, 2,000 Retail	199	19.1	24.8	6 spaces (existing)
Alternative Uses:					
Specialty Retail	6,500	264	Not Available	16.8	26 spaces
General Office	6,500	72	10.1	9.7	26 spaces
Medical – Dental Office	5,200	188	12.6	19.0	26 spaces
Restaurant (“Quality” Dinner Service)	2,600	234	2.1	19.5	26 spaces
Restaurant (All Day-High Turnover)	2,600	339	24	28.2	26 spaces
Residential – (R-3 Density)	5 units	29.3	2.2	2.7	13 spaces

Source:

Vehicle Trip numbers from I.T.E. Trip Generation Manual, 6th Edition

Office, retail, restaurant development assumes use of ground floor with standard 90-degree parking (26 spaces) with building area above.