

**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**Date:** April 27, 2004

**To:** Honorable Mayor and Members  
of the City Council

**From:** Sol Blumenfeld, Director  
Community Development Department

**Concur:** Stephen R. Burrell  
City Manager

**Subject:** Resolution to Reverse the Planning Commission Decision and  
deny the Mixed-Use Development project at 30 Hermosa Avenue

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**Recommendation**

Adopt the attached resolution.

Pursuant to Council direction from the February 24, 2004, attached is the resolution and findings to deny the subject project.

**RESOLUTION 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO DENY AN AMENDMENT TO A CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN, UPON RECONSIDERATION, TO ALLOW A MIXED USE CONDOMINIUM BUILDING WITH THREE RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR AND A 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, 1<sup>ST</sup> 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 commercial parking in tandem, 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

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

5 3. The subject property is currently developed with one-story structures most recently used  
6 for a child day care center and thrift store. The property consists of the three 30-foot wide lots fronting  
7 on Hermosa Avenue with alley access to the rear.

8 4. The applicant proposes to construct a new building with commercial on the ground floor  
9 with three attached two-level residential condominiums units above.

10 5. A Parking Plan is required in addition to the amendment to the Conditional Use Permit  
11 and Precise Development Plan to approve the use of tandem parking for the required commercial  
12 parking and to allow a substandard dimension for the residential parking spaces, pursuant to Section  
13 17.44.210 of the Zoning Ordinance.

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

17 1. Since two of the required parking spaces for the commercial use are proposed in tandem, the  
18 Parking Plan is, in effect, a request for reduced parking requirement pursuant to Section 17.44.210. The  
19 Council finds that tandem parking is not an acceptable alternative for providing required parking for a  
20 commercial retail use.

21 2. The project is located in a parking impact area, and therefore allowing a reduced parking  
22 requirement is not appropriate for this location

23 Section 7. Based on the foregoing, the City Council hereby overturns the decision of the  
24 Planning Commission, and denies the requested Parking Plan, and because the Parking Plan is necessary  
25 to amend the Conditional Use Permit and Precise Development Plan pursuant to submitted plans, the  
26 City Council denies the requested amendments to the Conditional Use Permit and Precise Development  
27 Plan.

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

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

ATTEST:

APPROVED AS TO FORM:

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CITY CLERK

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CITY ATTORNEY

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