

CONTINUED FROM THE JULY 12, 2005 CITY COUNCIL MEETING
WITH A NEW PUBLIC HEARING NOTICE FOR A MODIFICATION TO THE PROJECT

August 2, 2005

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

**Regular Meeting of
August 9, 2005**

SUBJECT: GENERAL PLAN AMENDMENT 05-4, ZONE CHANGE 05-4;
19 2ND STREET, GARY AND CINDI WELLS, APPEALANT
24449 HAWTHORNE BOULEVARD
TORRANCE, CA 90505

REQUEST: TO APPEAL THE PLANNING COMMISSION'S DECISION TO DENY A
GENERAL PLAN AMENDMENT FROM NEIGHBORHOOD COMMERCIAL TO
HIGH DENSITY RESIDENTIAL AND ZONE CHANGE FROM C-1
(NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Recommendation:

Direct staff as deemed appropriate in response to a modification in the applicant's request to place a deed restriction to limit the use of the property to a single-family dwelling (instead of the proposed two units), in exchange for the City granting the requested General Plan Amendment and Zone Change to R-3.

Background/Analysis:

At the July 12th meeting, the City Council motion to approve the subject General Plan Amendment and Zone Change from C-1 to R-3 failed on 3 to 2 vote. The Council then decided to reopen the hearing for the purpose of considering whether to change the designation of the property to R-3 subject to a deed restriction that would limit development on the property to one single family dwelling. A new hearing notice was published for rehearing at City Council on August 9th.

The use of a deed restriction in this manner is unusual and unprecedented in the City. In effect, the property would be rezoned and redesignated residential, but with restrictions limiting it to single family development. No building permit for redevelopment of the property would be issued unless the project conformed to the requirements of the deed restrictions. The City's Zoning Map would be amended to reflect a deed restriction on the property. The current C-1 zoning allows residential only in conjunction with ground floor commercial use. The proposed rezoning to residential allows the owner to use the property exclusively for residential purposes. The City Council should consider whether there is merit in the applicant's previously stated position that there is no utility for the property with the current zoning; whether rezoning in this manner will create a precedent for other similar requests elsewhere and whether it good planning and zoning practice to further reduce the limited amount of C-1 zoning in the city.

If the Council decides to approve rezoning subject to a deed restriction, it must determine what development standards apply to the property. The property may be limited to R-1 development standards with greater restrictions for open space, setback, and building height or held to R-3 development standards that are less restrictive (See Attachment No. 1).

The developer wants the deed restriction limited to R-3 development standards. However, the Council has the option and may want to impose R-1 standards or more restrictive standards in return for the right to exclusively develop the property residentially.

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell,
City Manager

Attachments

1. Site comparison of R-1 and R-3 development.
2. Draft deed restriction
3. Maps (Location, General Plan, Zoning)
4. Aerial Photo
4. Correspondence from applicant, including fiscal analysis

Build-Out Analysis for 19 2nd Street

	Development Standards	Height	Upper Level Open Space	Ground Open Space	Lot Coverage	Total Square Footage
*Single-Family Dwelling	R-3	30 feet	300	0	65%	6,500
*Single-Family Dwelling	R-1	25 feet	100	300	65%	4,500
Nonconforming Remodel ¹	C-1	30 feet	--	--	--	2,025
<i>Two-Unit Condominium (proposed project)</i>	<i>R-3</i>	<i>30 feet</i>	<i>450</i>	<i>150</i>	<i>64%</i>	5,334

* Estimated square footages, assumes no or limited below grade construction:

R-1 : Two stories with garage on first floor ground level open space in rear yard.

R-3: Two stories above a basement garage, with open space in upper floor decks and roof deck

1. Pursuant to Chapter 17.52 of the Zoning Ordinance, buildings containing nonconforming uses may be expanded up to a maximum of fifty (50) percent of the current replacement cost of the existing building(s). The total square footage noted above (2,025 square feet) is based on the maximum expansion allowed for the existing square footage of the building. Residential development standards (i.e. setbacks, open space, and lot coverage) do not apply to this project because the existing residential use is located on a C-1 zoned property.

WHEN RECORDED MAIL TO:

City of Hermosa Beach
Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254

**CITY OF HERMOSA BEACH
DEED RESTRICTION**

This instrument, made this ___ day of _____, 2005, by Gary Wells and Cindi Wells, the owners of the hereinafter described real property in the City of Hermosa Beach, California, and hereinafter referred to as the "Owners":

WHEREAS, we Gary Wells and Cindi Wells, hereby declare under penalty of perjury that we are the owners of the hereinafter described real property, and that we are the only persons having any interest in the real property;

WHEREAS, pursuant to the applicable provisions of the laws of the State of California and of the laws of the City of Hermosa Beach, the owners have applied for a change in the zoning classification of the below described real property from C-1 (Neighborhood Commercial) to R-3 (Multi-Family Residential);

WHEREAS, the property subject to this deed restriction is described as _____ City of Hermosa Beach, California, County of Los Angeles, State of California, as per map recorded in Book ___ page(s) _____ of Maps, Los Angeles County Records; and known as 19 2nd Street, Hermosa Beach, California (the "Property"),

WHEREAS, the City is willing to change the zoning classification of the Property to R-3, subject to the following conditions imposed for the benefit of the public and which conditions have been agreed to by the owner freely and voluntarily and for valuable consideration, as follows: the Property shall be developed with no more than one (1) single-family dwelling, subject to development standards applicable in the R-3 zone.

Owners acknowledge that a violation of said deed restriction shall, at the option of the City of Hermosa Beach, cause any benefit granted herein to be revoked or terminated or, in the alternative, cause this restriction to be enforced by order of a court of competent jurisdiction or to pursue any or all remedies available in law or equity, and the Owners agree to pay to the City its

attorney fees expended in the enforcement of said deed restriction, and the court may set the sum of said attorney's fees as part of any order or judgment.

Said deed restriction shall apply to the property described above.

Further, the undersigned consents and agrees that the Community Development Director or his representative may enter the premises and building at any reasonable time for the purpose of insuring the owners' compliance with this deed restriction/agreement and only for such purpose.

Unless specifically modified or terminated in writing by the City of Hermosa Beach, this deed restriction shall remain in full force and effect.

The execution of this deed restriction by the Owners shall constitute an agreement with the City of Hermosa Beach of each provision, term and condition contained herein and shall all be recorded as a covenant running with the land and which shall be prior to all encumbrances except all liens and shall be binding upon the heirs, devisees, assigns, transferees, and successors in interest of the Owners.

If any sentence, clause, phrase or portion of this deed restriction is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this deed restriction.

IN WITNESS WHEREOF, the owners have executed this agreement on the date and year first above written at _____, California.

X _____
Signature

X _____
Print Name

X _____
Signature

X _____
Print Name

****Signatures must be notarized (See attached notarization sheets).***