

February 21, 2006

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

**Regular Meeting of
February 28, 2006**

**SUBJECT: ZONE CHANGE 05-6 - RECONSIDERATION OF THE PLANNING COMMISSION
DECISION TO DENY A ZONE CHANGE FROM C-3 (GENERAL COMMERCIAL) TO
R-1 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 1255
PROSPECT AVENUE**

Planning Commission Recommendation

To deny the requested Zone Change

Background

SITE INFORMATION

GENERAL PLAN:

Low Density Residential

ZONING:

C-3 (R-1 proposed)

LOT SIZE:

2,000 Square Feet

EXISTING USE:

Commercial Office Building

ENVIRONMENTAL REVIEW

Negative Declaration

The subject lot is located on the west side of Prospect Avenue between Aviation Boulevard and 14th Street. The commercial site is currently developed with a 1,000 square foot office building. The C-3 zoning for the site would allow reconstruction of a new commercial use, but would not allow any residential use. The properties along Prospect Avenue directly to the north and the properties to the west behind the subject lot are zoned R-1 and developed residentially. The adjacent three lots south of the property along Prospect Avenue, are also zoned C-3, but are developed with nonconforming residential uses.

At the October 18, 2005 meeting, the Planning Commission voted unanimously to deny the requested Zone Change. The Planning Commission recognized that the proposed zone change would make the property consistent with the General Plan; however, the property is located within the Aviation Boulevard commercial corridor, which is currently being studied by staff at Commission direction. The Commission determined that it would be premature to rezone the property without completing the study of the area and noted that it shares many of the characteristics of the contiguous commercial uses and most importantly is located directly across the street from one the largest commercially zoned properties in the City. The study has commenced and staff is currently proceeding with research and mapping pursuant to the work plan approved by the Commission. Preliminary recommendations from the study are expected over the next four months.

The Planning Commission staff report recommended approval of the zone change based on a zoning consistency finding and because of the City Council's policy to implement such changes on a case by case basis. Staff had conveyed this recommendation to the applicant, but also advised that the Planning Commission and the City Council are responsible for making the final decision on any application for a zone change.

Analysis

The applicant's request to rezone the property to R-1 will allow exclusive residential use of the lot and single-family residential development. Redevelopment of the property with a single-family use results

in a density that is consistent with surrounding residential properties, and compatible with the development pattern of the residential area to the north and west. However, approving this Zone Change will preclude future commercial use of the property and reduce the amount of Commercial Corridor development. Currently, less than 5.7% of the City is designated Commercial Corridor in the General Plan and over 39.2% is designated low density residential.

The current property C-3 zoning is inconsistent with the Low Density Residential designation in the General Plan. To resolve the inconsistency between the Zoning Map and General Plan Map the 1994 Land Use Element of the General Plan recommends rezoning the subject to R-1.¹

California Government Code Section 65860 (zoning consistency with general plan) states that city zoning ordinances shall be consistent with the city general plans, and further states that as a condition of consistency the various land uses authorized by the zoning ordinance must be compatible with the objectives, policies, general land uses, and programs specified in the general plan. In this case, the Commission is recommending that the zoning consistency issue relative to the property be deferred until completion of the study of the Aviation Boulevard commercial corridor.


Conclusion:

The Planning Commission believes that rezoning the subject property is premature and that any decision about changing the zone should be deferred until the Aviation Boulevard commercial corridor is complete.




Scott Luceford
Associate Planner

CONCUR:



Sol Blumenfeld, Director
Community Development Department



Stephen R. Burrell,
City Manager

Notes

1. This recommendation is part of the section of the 1994 Land Use Element entitled "Inconsistencies Between Zoning Map and General Plan Map" (Please see the 'Area 7' portion of the attached General Plan/Land Use Element excerpt). There are three other similarly affected C-3 zoned properties (1235, 1245, and 1251 Prospect Avenue) adjacent and to the south of the subject property that will remain inconsistent with the Low Density Residential designation in the General Plan. The 1994 Land Use Element of the General Plan specifically recommends rezoning these properties to the R-1 to make the zoning consistent with the General Plan designation

Attachments

1. Resolution to sustain the Commission's decision
2. Location Map
3. General Plan and Zoning Maps
4. Summary of the implementation of the recommendations in the LUE
5. Planning Commission Minutes
6. Photographs

ZC1255

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DECISION TO DENY A ZONE CHANGE FROM C-3 (GENERAL COMMERCIAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 1255 PROSPECT AVENUE LEGALLY DESCRIBED AS LOT 31, HERMOSA HEIGHTS TRACT, BEING LOT 14, BLOCK 84 AND PART OF LOT 7, BLOCK 88 OF SECOND ADDITION TO HERMOSA BEACH

Section 1. An application was filed by Brian Carlucci owner of real property at 1255 Prospect Avenue seeking to amend the Zoning Map.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application to amend the Conditional Use Permit on October 18, 2005, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission, and based on this evidence the Planning Commission denied the requested Zone Change.

Section 3. On October 25, 2005, 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 noticed public hearing to consider the appeal on February 28, 2006, at which 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 the decision of the Planning Commission, the City Council makes the following factual findings:

1. The subject property has potential to be redeveloped as a commercial property and assembled with the rest of the C-3 zoned lots in the area.
2. The subject property is included in the Aviation Boulevard Corridor Study currently being conducted by the City.
3. Until such time that the City's Aviation Boulevard Corridor Study is complete and all land use in the area is thoroughly analyzed, the property should remain commercially zoned.

Section 6. Based on the foregoing, the City Council hereby sustains the decision of the Planning Commission and hereby denies the requested Zone Change.

Section 7. 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 , 2005, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

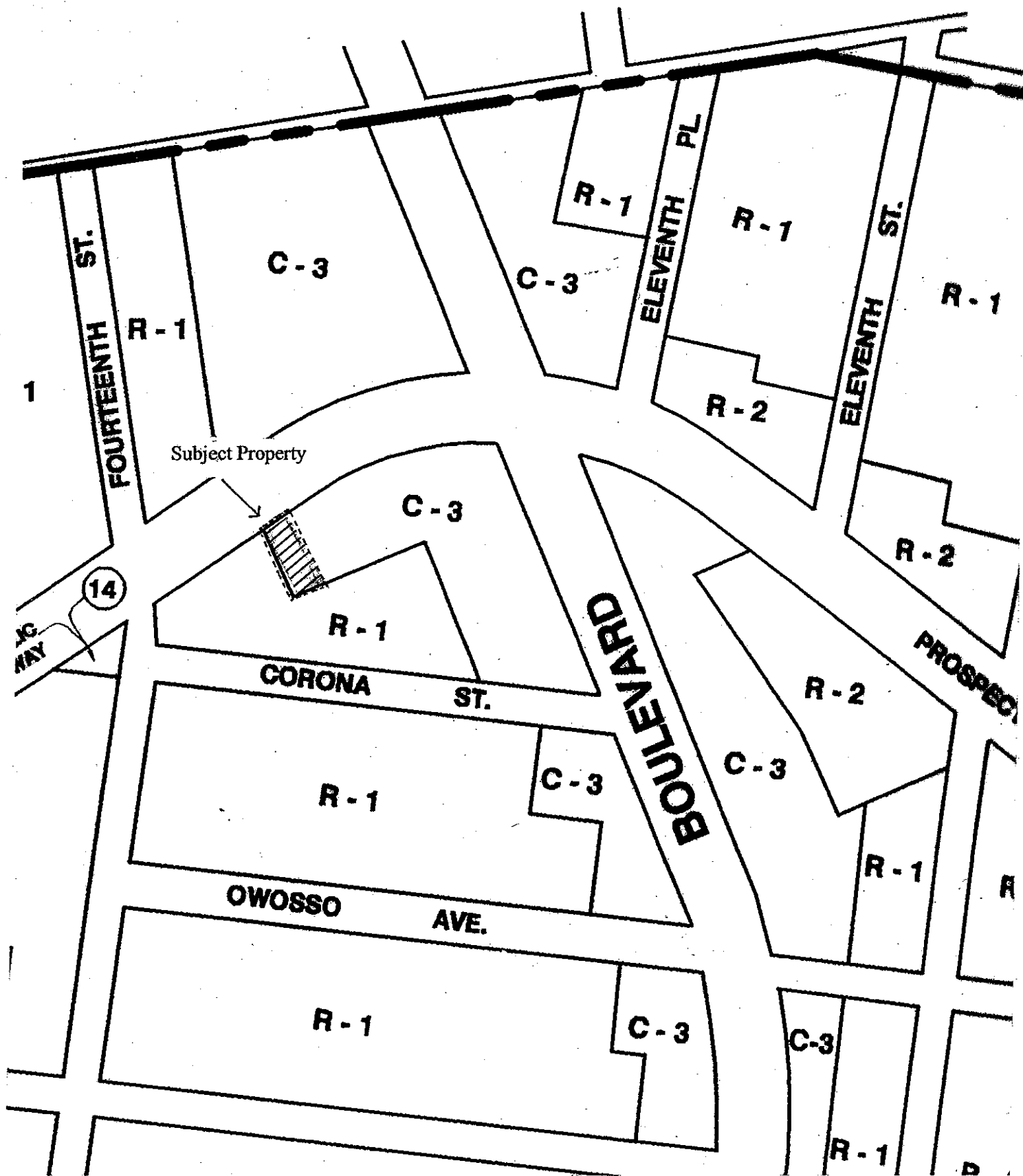
ATTEST: _____ APPROVED AS TO FORM: _____
City Clerk City Attorney

Date



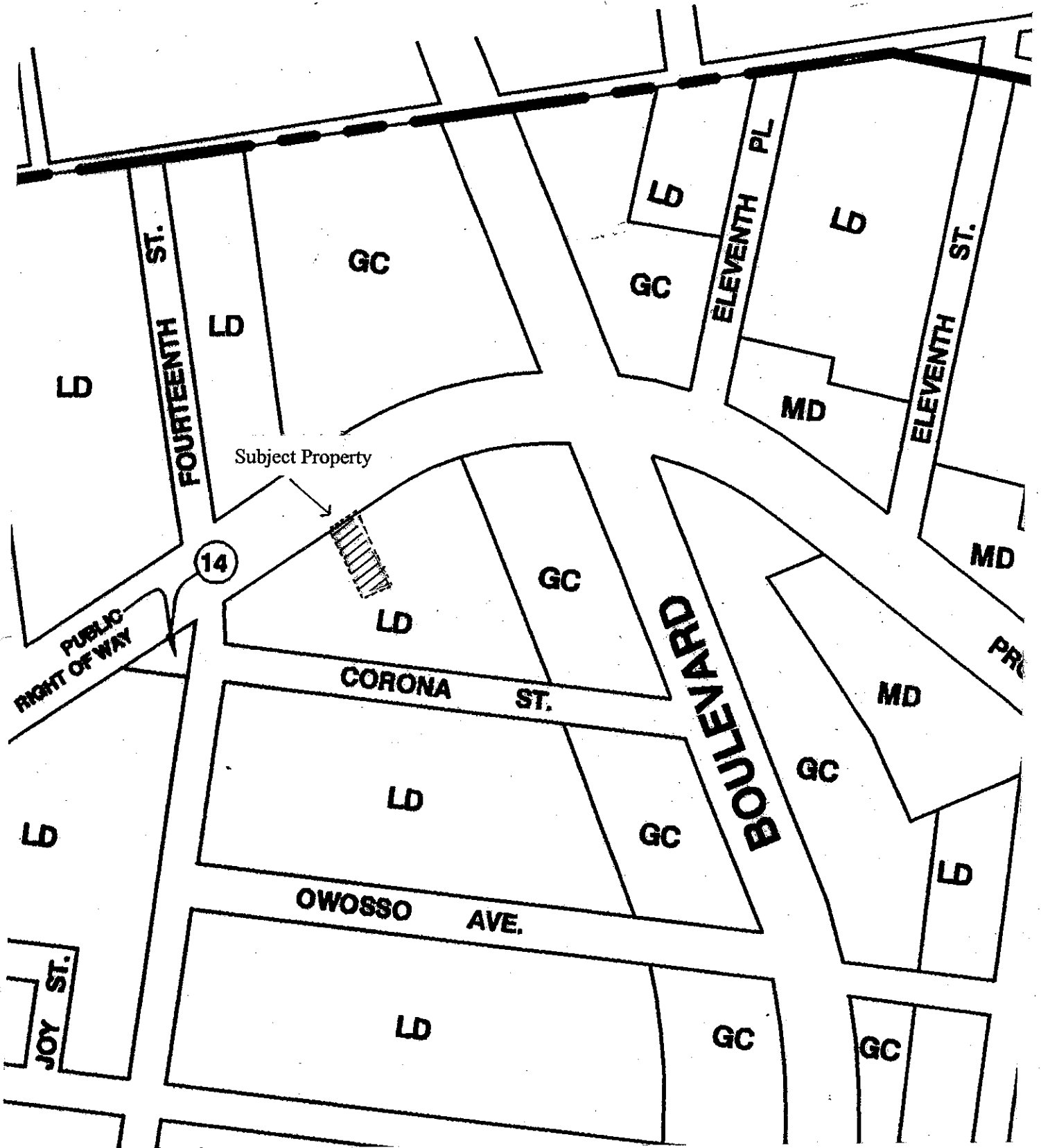
1255 Prospect Avenue

1255 Prospect Ave



Zoning Map

1255 Prospect Ave



General Plan Map

**GENERAL PLAN LAND USE ELEMENT
INCONSISTENCIES AND STATUS OF RECOMMENDATIONS**

Inconsistencies with Zoning Map

Area	Location	GP Map	Zoning Map	LUE Recommended Change	Implemented?
1	737, 739 Longfellow	GC	R-1	Change GP to LD	No
2	734-744 Longfellow	GC	R-1	Change GP to LD	No
3	North Portion Hermosa Valley School	OS	R-3	Change Zoning to OS	No
4	East Side P.C.H. 18 th -19 th Street	CC	R-2	Rezone to Comm. SPA	No
5	East Side P.C.H. 19 th -20 th Street	CC	R-2	Rezone to Comm. S.P.A.	No
6	825-841 13 th Street 830-850 14 th Street 844 13th	GC GC GC	R-2 R-2 R-1	Change GP to MD Change GP to MD Change GP to LD	No
* 7	1235-1255 Prospect	LD	C-3	Rezone to R-1 for 1245-1255 Prospect Change GP to GC for 1235 Prospect	No
8	725 10 th and 730 11 th	MD	C-3	Rezone to R-2	No
9	E Side Ardmore, 1 st - 2 nd Street	MD	M-1	Rezone to R-2	Yes* (except for 620 2 nd St)
10	E Side Ardmore, 3 rd -4 th Street	MD	M-1	Rezone to R-2	Yes* (except for 322 Ardmore, 615 3 rd)
11	E Side Ardmore, 4 th -5 th Street	MD	M-1	Rezone to R-2	Yes* (494 Ardmore only, the rest of the block, no)

*By property owner request

Land Use Policy Recommendations

Land Use Issue	Recommendation/ Implementation Objective	Implemented ?
Building Intensity / Population Standards	Adopt a widely understood nonresidential residential building intensity standard such as floor area ratio.	No
	Establish density / intensity standard for the MHP designation	No
Land Use Designation Revisions	Change the R-P Residential Zone to R-3 Multi-Family Residential or change text of LUE and map for mixed residential office designation	No

	Consider/Examine substandard lots in Shakespeare Tract (specifically the R-3 zoned area) for GP or Zone changes, and explore creative design standards such as zero lot line	No
Land Use and Structural Definitions	Prepare zoning text amendment to include definitions for all permitted use, dual/multiple uses, and for structural features: attic, basement, floor area, loft, and story Require all lodging establishments that allow guests to stay longer than 30 days to be subject to multi-family parking standards	Partially implemented No
Parking Vis-à-vis Land Use	Encourage private sector construction and operation of downtown parking structures Encourage shared parking arrangements for both existing commercial uses and future commercial developments Retain existing zoning standards on the required number of parking spaces for all commercial land uses Allow more intense commercial uses to locate into commercial properties previously occupied by uses exempt from parking regulations if the required parking is provided for the increased parking demand.	Yes, as demonstrated by construction of North Pier parking Structure Yes, as demonstrated by Hermosa Pavilion Yes, with some modifications Yes
Open Space/Public Facilities Designations	Create a special Public Facilities land use designation for all properties currently designated Open Space, that contain educational or other types of public buildings, or, create a Public Facilities overlay district for permitted open space uses noted above.	No
Use of Rights of Way for Private Purposes	Evaluate unused right-of-ways to determine areas that can be controlled through the zoning ordinance	No
Downtown Alternatives	Commercial Space Alternative Recommended: No expansion of downtown nonconforming uses and encouragement of new businesses, and more efficient commercial space utilization, and adoption of R/UDAT guidelines	Ongoing, demonstrated by adoption of the Downtown Implementation Plan
Property Maintenance	Formulate a property maintenance ordinance that provides for a specific abatement process	No
Design Review	Discussed, No specific recommendation	N/A
Historic Preservation	A list of historic resources provided, no specific recommendation	N/A

P.C. RESOLUTION 05-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING A ZONE CHANGE FROM C-3 (GENERAL COMMERCIAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 1255 PROSPECT AVENUE LEGALLY DESCRIBED AS LOT 31, HERMOSA HEIGHTS TRACT, BEING LOT 14, BLOCK 84 AND PART OF LOT 7, BLOCK 88 OF SECOND ADDITION TO HERMOSA BEACH

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Brian Carlucci owner of real property at 1255 Prospect Avenue seeking to amend the Zoning Map.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Zone Change on October 18, 2005, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject property has potential to be redeveloped as a commercial property and is assembled with the rest of the C-3 zoned lots in the area.
2. The subject property may potentially be included in the Aviation Corridor Study to be conducted by the City.
3. Until such time that the City's Aviation Corridor Study is complete and all land use in the area is thoroughly analyzed, the property should remain commercially zoned.


Section 4. Based on the foregoing, the Planning Commission hereby denies the requested Zone Change.

Section 5. 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.

VOTE: AYES: Allen, Hoffman, Kersenboom, Perrotti
 NOES: None
 ABSENT: Pizer
 ABSTAIN: None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05-60 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of October 18, 2005.


Peter Hoffman, Vice-Chairman


Sol Blumenfeld, Secretary

October 18, 2005

Date

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~~MOTION by Commissioner Kersenboom, seconded by Commissioner Perrotti, to RECEIVE AND FILE CUP 05-4 -- Conditional Use Permit to allow a wireless telecommunications facility for Cingular Wireless on the City parking structure at 1301 Hermosa Avenue. The motion carried as follows:~~

~~AYES: Allen, Hoffman, Kersenboom, Perrotti
NOES: None
ABSTAIN: None
ABSENT: Pizer~~

8. ZON 05-6 -- Zone Change from C-3, General Commercial, to R-1, One Family Residential, and adoption of an Environmental Negative Declaration at 1255 Prospect Avenue.

Staff Recommended Action: To recommend approval of said zone change.

Director Blumenfeld stated that the project is located on the west of Prospect Avenue, between Aviation Boulevard and 14th Street; noted that the C-3 zoning of this site allows reconstruction of a new commercial use, but that it does not allow residential development; noted that the properties directly to the north, west and behind the subject lot are R-1 and developed residentially; advised that the properties to the south are zoned C-3 and developed with nonconforming residential use; and that the parcel directly opposite to the east is zoned C-3. He noted that at the meeting of September 15, 2005, the Environmental Review Committee recommended an Environmental Negative Declaration relative to the zone change. He stated that the applicant is requesting to rezone the property R-1 to allow exclusive residential use of the lot and to allow a single-family home to be developed on the property; advised that development of this subject lot, with a single-family residential use, results in a density that is consistent with the surrounding residential properties and is compatible with the development pattern of the residential areas to the north and the west. Director Blumenfeld explained that approving this zone change will preclude any possible future commercial use of the property; and mentioned that the applicant does not currently have a project proposed.

Director Blumenfeld explained that the current C-3 zoning of this property is inconsistent with the low density residential designation in the General Plan; and noted that to resolve this inconsistency between the Zoning Map and the General Plan Map, the 1994 Land Use Element recommended rezoning this property to conform to the surrounding R-1 residential land uses. He mentioned that there are three other similarly zoned C-3 properties at 1235, 1245, 1251 Prospect Avenue, adjacent to the subject property, that remain inconsistent with the low density residential designation of the General Plan; pointed out that the 1994 Land Use Element of the General Plan specifically recommends rezoning these properties to R-1 to make that entire area consistent with the General Plan -- mentioning that rezoning the subject site will still leave three other properties that are inconsistent with the General Plan. He stated that the 1994 Land Use Element recommends eliminating nonconforming and inconsistent land uses in certain areas of the City; and stated that based on City Council direction, rather than initiating a General Plan Amendment on an area-wide basis, the City will consider rezoning on a case-by-case basis. He stated that the

proposed zone change is consistent with City Council policy; advised that staff is also involved with the development of a Specific Plan for the area, which includes the subject property.

Commissioner Perrotti questioned if the Aviation Corridor Study will include the properties along Prospect.

Director Blumenfeld advised that one of the issues to study is commercial lot depth; and noted that this portion of Prospect is contiguous with commercial property that could be assembled with the properties along Aviation Boulevard.

Vice-Chairman Hoffman opened the public hearing.

Erica Offutt, representing the applicant, stated that the neighbors on each side of this property are in favor of the project, expressing her belief the neighbors would write letters in support if necessary.

There being no further input, Vice-Chairman Hoffman closed the public hearing.

Commissioner Allen noted his preference to give commercial a chance; stated that he is not necessarily in favor of converting this site to residential at this time, believing it has a long-term chance of becoming a viable commercial area and vital to the rest of the C-3 lots in that area.

Commissioner Perrotti stated that because this parcel will be included in the Aviation Corridor study that staff will be conducting, he would prefer to keep the zone commercial until the Aviation study is complete, when it is determined what will be done with those lots along Prospect. He added that because the Land Use Element is from 1994, it is likely this information will be updated during the Aviation Corridor Study.

Commissioner Kersenboom echoed the Commission's comments.

Vice-Chairman Hoffman stated that he is torn on this item because of the 1994 memo reflecting this is one of the properties that should have been rezoned, essentially designated at that time. He explained that this is important to him because of a reasonable expectation when someone purchases a property that's zoned a certain way, believing one is compelled to do what the current zoning prescribes for that particular property. He pointed out, though, that in this case, there is a mixed message from the City; that this is a property zoned a certain way, that it's not in conformance with the General Plan; and that one could make an argument there was a reasonable expectation for this property owner to assume this property, upon application, would be rezoned on a lot-by-lot basis. He stated that given this property is one of the opportunities along the Aviation Corridor to capture additional commercial use, there's an argument to be made in both directions; and he stated that making a determination while this is under active consideration might be a little premature.

MOTION by Commissioner Allen, seconded by Commissioner Kersenboom, to **DENY ZON 05-6 -- Zone change from C-3, General Commercial, to R-1, One Family Residential, and adoption of an Environmental Negative Declaration at 1255 Prospect Avenue.** The motion carried as

follows:

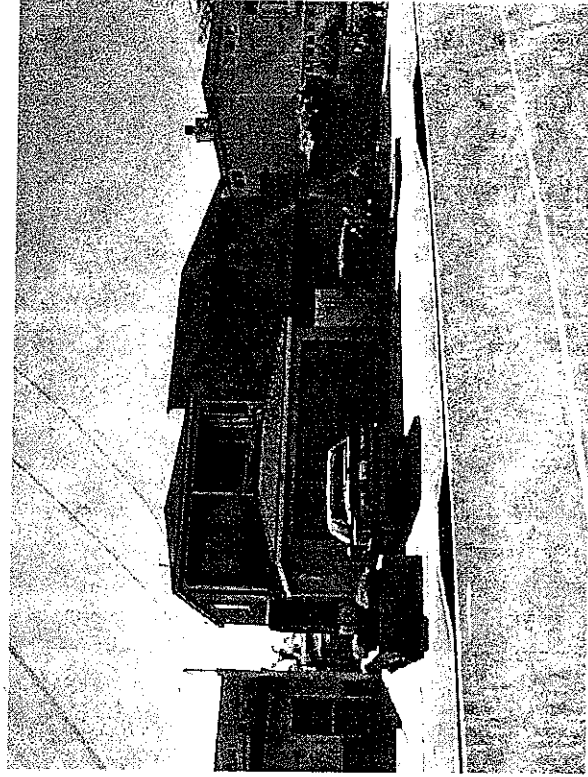
AYES: Allen, Hoffman, Kersenboom, Perrotti
NOES: None
ABSTAIN: None
ABSENT: Pizer

9. **ZON 05-5/CON 05-22/PDP 05-24 -- Zone change from M-1, Light Manufacturing, to R-2, Two Family Residential, and Conditional Use Permit, Precise Development Plan and Vesting Tentative Parcel Map No. 063246 for a 3-unit condominium project, and adoption of an Environmental Negative Declaration at 494 Ardmore Avenue.**

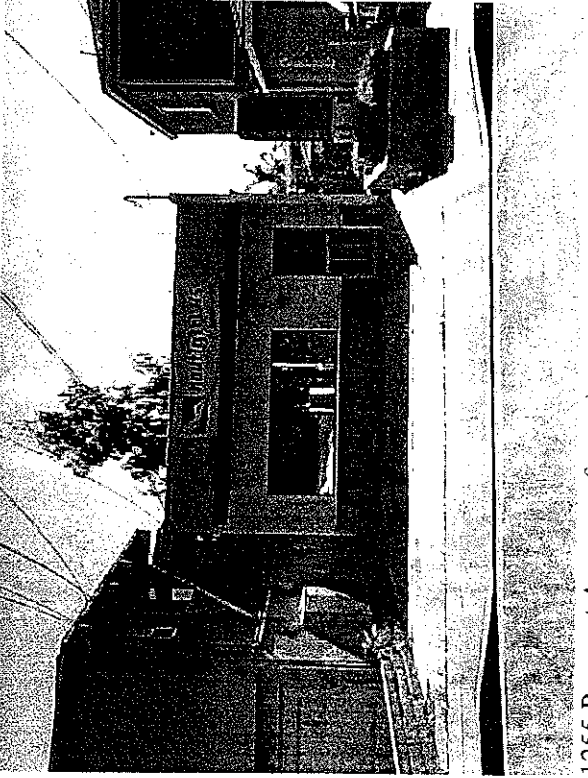
Staff Recommended Action: 1) To recommend approval of said zone change. 2) To approve said request for a 3-unit condominium contingent upon City Council approval of the zone change.

Senior Planner Robertson stated that this property is located at the corner of Ardmore Avenue and 5th Street, one of the last remaining properties in this segment of Ardmore Avenue that retains an M-1 zoning inconsistent with the Medium Density General Plan designation; advised that the property is currently developed with two automotive repair shops; and noted that the proposed change to R-2 would make the zoning consistent with the General Plan. He stated that the applicant is proposing the zone change in order to develop the property residentially and make the Zoning Map consistent with the General Plan Map; and noted that the rest of the block of Ardmore between 5th Street and 4th Street contains five properties that would remain M-1 Zoned. He explained that the 1994 Land Use Element of the General Plan specifically recommends rezoning these properties to R-2 to make the zoning consistent with the General Plan; stated that City Council direction in these cases is to review these zone changes on a case-by-case basis; noted there are currently 49 parcels zoned M-1 in the City, 9 remaining parcels in the area along Ardmore Avenue that are zoned M-1 with this Medium Density Residential General Plan designation.

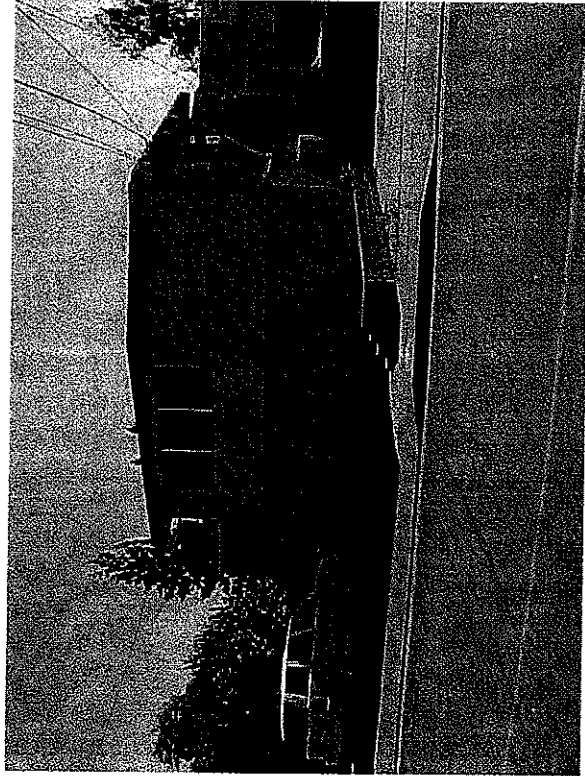
Senior Planner Robertson advised that in conjunction with this request, the applicant is also submitting a 3-unit condominium project; stated that the lot area is 5,360 square feet, which is large enough to allow 3 units; that the applicant is proposing 3 attached units containing basements with 2 stories above and roof decks; that these units are considered row dwellings because their entries front on the side street, 5th Street; and that the primary living areas of each unit are on the second floor, with the first floor containing the bedrooms. He noted that the building is designed in a contemporary Mediterranean style, with smooth stucco finishes, tile roofing, and decorative wrought iron guard rails for all the decks; and stated that the project complies with all the requirements of the Zoning Ordinance with respect to height limit of 30 feet, all required yards, lot coverage, open space, landscaping, and required parking. He added that the required parking is provided in the basement level of each unit, with two units sharing driveway access from 5th Street and one garage with direct access from Ardmore Avenue; and that two guest parking spaces are provided in front of Unit A's garage, in tandem, and a single guest space is provided with separate access from 5th Street to provide guest parking for the two rear units. He mentioned that the project will not decrease on-street parking since the street frontages on Ardmore Avenue and 5th Street include driveways for accessing the auto repair business repair



1301 Corona Avenue – Northerly adjacent to 1255 Prospect Avenue
(residentially zoned through lot between Corona and Prospect)



1255 Prospect Avenue – front view



1251 Prospect Avenue – Southerly adjacent to 1255 Prospect Avenue
(commercially zoned lot with a nonconforming residential use)