

**CITY OF HERMOSA BEACH
CITY COUNCIL
RESOLUTION NO. 22- XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, DENYING A CONDITIONAL USE PERMIT (CON 20-05),
PRECISE DEVELOPMENT PLAN (PDP 20-10) AND A TENTATIVE TRACT MAP
NO. 83011 FOR THE CONSTRUCTION OF A TWELVE (12) – UNIT ATTACHED
CONDOMINIUM PROJECT AT 911 1ST STREET (APN 4186-026-047)**

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

SECTION 1. Findings. The City Council finds as follows:

- A. An application was filed on December 2, 2020, by the applicant Luigi Schiappa Development Inc, for development of a property located at 911 1st Street requesting a General Plan Amendment amending the land use designation from Community Commercial (CC) to High Density Residential (HD), a Zoning Code Change changing the zoning designation from Specific Plan Area 7 (SPA-7) to Residential-Professional (R-P) and approval of Conditional Use Permit (CON 20-05), Precise Development Plan (PDP 20-10), and Tentative Parcel Map No. 83011 for a proposed twelve-unit attached residential condominium project (collectively, the “Project”).
- B. On March 15, 2022, the Planning Commission held a public hearing to consider a 12-unit condominium project. There was discussion regarding the current Housing Element process being updated and whether there was an opportunity to consider affordable housing or other public benefit within this project. The project was continued for further study. The Planning Commission held a dully noticed public hearing on November 15th and deliberated on the project. All interested parties were given full opportunity to be heard and to present evidence.
- C. At its November 15, 2022 hearing, by a 3-2 vote, the Planning Commission adopted Resolution No. 22-17 recommending adoption of the IS/ND and approval of the Project to the City Council.

- D. The City Council conducted a duly noticed public hearing on the 29th day of November, 2022. All interested parties were given full opportunity to be heard and to present evidence.
- E. The City Council adopted Resolution No. 22-XX which denied the request for a General Plan Land Use Map amendment from Community Commercial (CC) to High Density Residential (HD) and a Zoning Code Change changing the zoning designation from Specific Plan Area 7 (SPA-7) to Residential- Professional (R-P) for 911 1st Street (APN 4186-026-047).

SECTION 2. Denial.

Based on the evidence received at the public hearing, all evidence in the record and the above findings, the City Council **hereby denies the** requests for Conditional Use Permit (CON 20-05), Precise Development Plan (PDP 20-10), and Tentative Parcel Map No. 83011 for a proposed twelve-unit attached residential condominium project. Because the City Council denied the request for a General Plan Land Use Map amendment from Community Commercial (CC) to High Density Residential (HD) and a Zoning Code Change changing the zoning designation from Specific Plan Area 7 (SPA-7) to Residential- Professional (R-P) for 911 1st Street (APN 4186-026-047), the proposed residential use is not permitted by the City's General Plan or Zoning Ordinance. Thus, the requests for Conditional Use Permit (CON 20-05), Precise Development Plan (PDP 20-10), and Tentative Parcel Map No. 83011 cannot be granted as consistency with the City's General Plan and Zoning Ordinance is required for approval of these requests.

SECTION 3. Environmental Review. The recommended action is exempt from California Environmental Quality Act because CEQA does not apply to projects which a public agency disapproves (CEQA Guidelines section 15270).

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remainder of this resolution. The City Council hereby declares that it would have adopted this resolution, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion

thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof is declared invalid or unconstitutional.

SECTION 5. Record of Proceedings. The City Clerk is directed to certify to the adoption of this Resolution and to keep a copy of same along with such other documents and records of proceedings as may be designated by the City Manager.

PASSED, APPROVED and **ADOPTED** on this 29th day of November 2022.

Michael Detoy, **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Michael Jenkins
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. 22-XX was adopted by the City Council of the City of Hermosa Beach at a regular meeting held thereof on the 29th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Myra Maravilla
City Clerk