

P.C. RESOLUTION 04-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AND PRECISE DEVELOPMENT PLAN, ALLOW A MIXED USE CONDOMINIUM BUILDING WITH THREE RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR AT 30-44 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 1,2 AND 3, BLOCK 41, 1ST ADDITION TO HERMOSA BEACH TRACT

The Planning Commission 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 of a Conditional Use Permit, and Precise Development Plan to allow the construction of condominium project consistent with the Vesting Tentative Tract Map previously approved containing three residences above commercial on the ground floor with a new development plan.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on April 20, 2004, 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 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.

2. 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.

3. The applicant proposes to construct a new building with three commercial tenant spaces on the ground floor and with three attached two-level residential condominiums units above. 17 parking spaces are provided to comply with the aggregate parking requirements of the commercial and residential uses.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit, and Precise Development Plan.

1. The project is consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance for both the commercial and residential portions of the project, and the project as a whole is in compliance with Section 17.44.180 Mixed-Use Development;

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 in compliance with Chapter 17.44 of the Zoning Ordinance.

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 5. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit, Precise Development 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 Commission at their meeting of April 20, 2004.
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 8:00 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. Any lighting for commercial signs shall be turned off when the business is not in operation.

1. 4. The project shall meet all requirements of the Condominium Ordinance.
 2. a) Each residential unit shall have the minimum 200 cubic feet of storage space and
 3. plans shall clearly denote storage space and the location of the FAU and vacuum
 4. canister, if provided.
 5. b) Covenants, Conditions, and Restrictions in compliance with the Condominium
 6. Ordinance shall be submitted to the Community Development Department for
 7. review and approval prior to the issuance of building permits.
 8. c) Proof of recordation of approved CC & R's shall be submitted to the Community
 9. Development Director six (6) months after recordation of the Final Map.
 10. d) Requirements of Section 17.22.060(F) relating to utilities & (H) relating to Sound
 11. Insulation between units shall be shown on structural plans and reviewed at the
 12. time of Building Division plan check.
13. 4. Project CC and R's, and on-site signage shall specify how the commercial and
14. residential off-street parking will be used by occupants and customers of the building,
15. including the following:
 16. a) Tandem parking for two spaces per residential unit shall be permanently and
 17. exclusively assigned to individual residential units. Residential guest parking shall
 18. be assigned for use of all residences.
 19. b) The handicap accessible space shall be appropriately signed at the garage entry
 20. and stall.
 21. c) Commercial parking shall not be assigned to individual tenants, and instead shall
 22. be available to all commercial occupants and customers.
23. 5. Precise building height information shall be provided on final project plans, which
24. shall include corner point elevations provided on a detailed roof plan indicating
25. corner points of the lot, the location of all property lines and maximum and proposed
26. heights at the critical points on the roof.
27. 6. Architectural treatment shall be as shown on building elevations and site and floor
28. plans. Any modification shall require approval by the Community Development
29. Director.
30. 7. Two copies of a final landscaping plan indicating size, type, and quantity of plant
31. materials to be planted shall be submitted to the Community Development
32. Department, Planning Division for review and approval prior to the issuance of
33. Building Permits.
 34. a) At least three street trees shall be provided along the Hermosa Avenue frontage
 35. subject to approval by the Public Works Department.
36. 8. A sign program shall be submitted for review and approval by the Community
37. Development Department prior to the issuance of any sign permits for individual
38. businesses. All commercial signs shall be located on the first floor commercial portion
39. of the building, and shall be in compliance with the Sign Ordinance requirements for
40. the C-1 zone.

1 9. There shall be compliance with all requirements of the Public Works Department
2 and Fire Department

3 (a) Detailed plans for off-site improvements shall be prepared by a licensed
4 surveyor or civil engineer for approval by the Public Works Department
5 and shall include improving the alley to provide an improved 20-foot wide
6 paved alley, and a design to remedy the drainage situation on Palm Drive.

7 10. The lots comprising the project site shall be merged in accordance with Section
8 16.20.110 of the Subdivision Ordinance.

9 11. The address of each condominium unit shall be conspicuously displayed on the street
10 side of the buildings with externally or internally lit numbers and the method for
11 illumination shall be shown on plans. Addressing numbering and display subject to
12 approval by the Community Development Department

13 12. If garage doors are installed on the garage door openings for the residential parking,
14 it shall be a roll-up automatic garage door with a minimum 7-foot clearance with the
15 door in the open position.

16 13. Two copies of final construction plans, including site, elevation and floor plans,
17 which are consistent with the conditions of approval of this conditional use permit,
18 shall be reviewed and approved by the Planning Division for consistency with
19 Planning Commission approved plans prior to the submittal to the Building Division
20 for Plan Check.

21 a) Construction plans shall include details regarding lighting so as not to adversely
22 impact residences, and shall not include any flashing, blinking or high intensity
23 lighting. Lighting shall be included to adequately illuminate parking areas and
24 corridors.

25 b) Construction plans shall include locations for electrical connections for
26 commercial signs

27 14. Final construction plans shall include detailed lighting plans to ensure compatibility
28 between uses, and to provide adequate security for the parking areas.

29 15. 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.

16. 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. The applicant may apply in writing for an extension of time to the
Planning Commission prior to the dates of expiration.

17. 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.

18. 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 6. 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 and Precise Development 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.

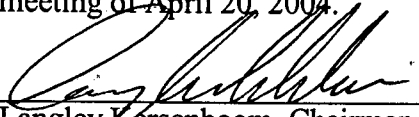
1 The Planning Commission may review this Conditional Use Permit, Precise Development
2 Plan and may amend the subject conditions or impose any new conditions if deemed necessary to
3 mitigate detrimental effects on the neighborhood resulting from the subject use.


4 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to
5 the decision of the Planning Commission, after a formal appeal to the City Council, must be made
6 within 90 days after the final decision by the City Council.

7 VOTE: AYES: Allen, Hoffman, Kersenboom, Perrotti, Pizer
8 NOES: None
9 ABSENT: None
10 ABSTAIN: None

11 CERTIFICATION

12 I hereby certify the foregoing Resolution P.C. 04-14 is a true and complete record of the action
13 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
14 meeting of April 20, 2004.

15 
16 Langley Kersenboom, Chairman

17 
18 Sol Blumenfeld, Secretary

19 April 20, 2004

20 Date

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