

## **P.C. Resolution 19-XX**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE PARCEL MAP NO. 82373 FOR A TWO-UNIT DETACHED CONDOMINIUM PROJECT AT 421 MONTEREY BOULEVARD, LEGALLY DESCRIBED AS TRACT NO 1074, LOT 31, CITY OF HERMOSA BEACH AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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

**Section 1.** An application was filed on June 6, 2019 by the property owner/applicant Bryan Arianpour, for development of property located at 421 Monterey Boulevard, seeking approval of Conditional Use Permit 19-3, Precise Development Plan 19-6, and Vesting Tentative Parcel Map No. 82373 for a proposed two-unit detached residential condominium.

**Section 2.** The Planning Commission conducted a duly noticed public hearing to consider the subject application on September 17, 2019, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

**Section 3.** The Planning Commission hereby finds, determines, and declares the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(b), Class 3 Exemption, New Construction or Conversion of Small Structures because totaling no more than six dwelling units.

**Section 4.** Based on the testimony and evidence received, the Planning Commission hereby further finds, determines and declares pertaining to the application for a Vesting Tentative Parcel Map pursuant to the California Government Code Section 66474 and Section 16.08.060 of the Municipal Code.

1. The proposal is generally consistent with the General Plan in that it does not impede the City's ability to meet its General Plan goals with regard to the High Density (HD) Residential designation that allows for multiple dwellings. The proposal meets the High Density designation because it will provide two-units on a 3,001 square foot lot. As conditioned, the proposal is consistent with applicable development standards set forth in the Hermosa Beach Municipal Code (HBMC) for the R-3 zone.
2. The site is physically suitable for a two-unit detached residential condominium project. The two-unit detached residential condominium project contains a total of four on-site parking spaces located within garages and one shared guest parking space for both units. This development complies with all development standards and does not require approval of a deviation.

3. The subdivision and improvements provide for adequate drainage, sanitation and potable water, underground utilities, parking and construction requirements, and therefore are not likely to cause public health problems. The project as conditioned will provide permeable surfacing and storm water retention facilities to the maximum extent feasible per HBMC Section 8.44.095 and any additional non-percolated or retained storm water will be conveyed to an onsite subsurface infiltration system as required by HBMC Section 8.44.095 subject to maintenance agreements.
4. The proposed subdivision will front on a public street and alley, will provide vehicular access from Bayview Drive and does not exhibit dedicated public easements. Therefore, the subdivision and 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 as conditioned is generally compatible and consistent with applicable elements of the City's General Plan, the prevailing 3,000 square foot lot sizes, and prevailing 30' lot frontage in the immediate environment. In addition, design of the proposed subdivision is consistent with purposes of the General Plan land use designation, density, applicable HBMC development standards, parking, access, and services are provided.
6. The project as conditioned will conform to all zoning requirements including, but not limited to setbacks, lot coverage, open space, building height, and parking. The project also conforms to all condominium standards including, but not limited to private storage space, minimum unit sizes, architecture and building layout, landscaping, and will be compatible with neighboring properties that are developed with similar multi-story single- and multi-family residences.
7. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15303(b) since the project is construction of limited numbers (two) of new, small structures.
8. The proposed subdivision will be consistent with the prevailing lot patterns and is not likely to reduce property values in the surrounding neighborhood area because the project is similar to surrounding development, consists only of the division of airspace at less than the maximum density allowed, and conditions have been placed on the project to ensure compatibility.

**Section 5.** Based on the testimony and evidence received, the Planning Commission hereby further finds, determines and declares pertaining to the application for Conditional Use Permit and Precise Development Plan pursuant to Sections 17.40.020 and 17.58.030 of the Municipal Code.

1. *Distance from existing residential uses in relation to negative effects;*

The subject site is zoned R-3 Multiple Family Residential with similar residentially zoned properties to the north, west, and south; R-3PD Multiple Family Planned Development to the

east of the subject site. The subject site is large enough to accommodate two units. Similar residential development is found in the surrounding area comprised primarily of multi-story, multi-family residences and single-family residences.

2. ***The amount of existing or proposed off-street parking in relation to actual need;***

The proposed two-unit condominium will provide vehicular access through a shared driveway located on the north side of the subject site from the Bayview Drive leading to two two-car garages located at the center of the lot, which provides a total of four off-street parking spaces on-site. In addition, the proposed on-site shared guest parking space will be provided at the northwest portion of the subject site, adjacent to Unit 1.

3. ***The combination of uses proposed, as they relate to compatibility;***

The proposed two-unit detached residential use is consistent and compatible because the immediate neighborhood includes both single-family and multi-family residences.

4. ***The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;***

The proposed two-unit condominium will reduce traffic volume generated from the project site and will have a lower impact than the existing use because the proposal will eliminate one unit from the project site. Monterey Boulevard is designated in the General Plan as a local street, and has sufficient capacity to serve the proposed development and surrounding neighborhood.

5. ***The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;***

The proposed two-unit condominium will not have signs, thus will not be incompatible with the area. Nevertheless, it is important to consider the architectural style (décor) as part of this approval. The applicant is proposing to use a contemporary style, which can be found on other properties in the neighborhood. Accordingly, the décor of the building will be compatible with the existing establishments in the area.

6. ***Building and driveway orientation in relation to sensitive uses, e.g., residences, schools, churches, hospitals and playgrounds;***

The proposed design of the two-unit condominium is consistent with same aspects of the desired building form and character of the Sand Section character area with articulation of the front building façade (front elevation from Monterey Boulevard) rather than a garage. In addition, the front building also provides a five-foot minimum required front yard setback, which is consistent with a majority of the existing residential buildings on that block. Another building design element that is consistent with the desired form and character is the front building facade that incorporates two balconies to eliminate the flat and box-like building. The existing residential buildings also have similar designs that incorporate balconies facing Monterey Boulevard to create articulation of the front building façade. The

proposed parking access for both units will be accessed from the alley (Bayview Drive), which supports frontages that are pedestrian-orientated and active by maintaining the five-foot sidewalk on Monterey Boulevard.

Vehicular access is provided from a shared driveway located on the north side of the subject site from the Bayview Drive leading to two two-car garages located at the center of the lot and one shared guest parking space, with a total of five off-street parking spaces on the subject site. The five-foot sidewalk width on Monterey Boulevard will be maintained for pedestrian access because the parking access is from the alley. There are no other nearby sensitive uses such as schools, churches, hospitals or playgrounds.

**7. *Noise, odor, dust and/or vibration that may be generated by the proposed use;***

The proposed two-unit detached condominium is not anticipated to create adverse impacts because the proposed use of the property is residential, which is consistent with the use of the surrounding residential neighborhood. Construction of the two-unit condominium will cause temporary noise, odor, dust, and vibration, but they will be ceased when the construction has been completed.

**8. *Impact of the proposed use to the city's infrastructure, and/or services;***

There is sufficient capacity to serve the proposed two-unit condominium. The proposed residential use will be less demand on the current infrastructure and services because the proposal will eliminate one unit from the existing subject site.

**9. *Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;***

The proposed two-unit condominium does not create adverse environmental impacts because the proposed residential use and building design is consistent with surrounding uses and development within the neighborhood and complies with all applicable criteria set forth in the Hermosa Beach Municipal Code and General Plan. Nevertheless, multiple conditions of approval have been incorporated into this action. With these conditions, any potential impact will be mitigated.

**10. *Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.***

None noted.

**Section 6.** Based on the foregoing, the Planning Commission **hereby approves** the subject Conditional Use Permit 19-3 Precise Development Plan 19-6, and Vesting Tentative Parcel Map No. 82373 for a two-unit detached condominium subject to the following **Conditions of Approval:**

**General:**

- 1. The development and continued use of the property shall be in conformance with submitted plans received and approved by the Planning Commission at its meeting of September 17, 2019. Minor modifications that do not affect scale, type, location or intensity of uses or impacts thereof may be approved by the Community Development Director when not in conflict with the findings or conditions of this permit.**
- 2. The project shall fully comply with all requirements of the R-3 zone as applicable and the Condominium Ordinance in Chapter 17.22 of the Municipal Code, including but not limited to:**
  - a) Height, including required roof deck railings, shall fully comply with the 30-foot height limit. Precise building height compliance shall be reviewed at the time of Plan Check, to the satisfaction of the Community Development Director.**
  - b) Design and construction shall comply with HBMC Section 17.22.060 except as specifically stated in this Resolution.**
  - c) Conduit to accommodate roof mounted alternative energy equipment for solar energy and solar thermal shall also be supplied per HBMC Section 15.32.140.**
  - d) The requirements of HBMC Section 17.22.060(F) and (G) shall be shown on structural plans and reviewed at the time of Building Division Plan Check.**
  - e) A minimum of 200 cubic feet of storage area shall be provided for each unit in accordance with HBMC Section 17.22.060(E).**
  - f) Designated, screened solid waste storage areas, a minimum of 2.5' x 2.5' (length times width) each, for three solid waste storage bins shall be shown on the site plan compliance with HBMC Chapter 8.12.**
- 3. The submitted Covenants, Conditions, and Restrictions (CC&Rs) shall be reviewed and approved by the Community Development Director in conformance with HBMC Section 17.22.050 and conditions of this approval prior to the issuance of Building Permits.**
  - a) Proof of recordation of approved CC&Rs shall be submitted to the Community Development Director prior to the issuance of Certificate of Occupancy.**
  - b) Five parking spaces (four garage spaces and one shared guest parking space) shall be maintained on-site. All parking spaces shall remain available for parking and shall not be used for storage or other purposes. Storage of boats, trailers, and recreational vehicles shall not be allowed and the CC&Rs shall reflect this condition.**
- 4. The project shall comply with all requirements of the City of Hermosa Beach Building Division, Public Works Department, Los Angeles County Fire Department, and the Hermosa Beach Municipal Code.**

**Building Plans:**

- 5. Two copies of a Final Landscape Plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity and characteristics of landscape materials shall be submitted to the Community Development Department and Planning Division for review and approval prior to the issuance of Building Permits. The Final Landscape Plan shall also include the following:**
  - a) The applicant shall provide a landscape plan to comply with HBMC Sections 17.22.060(H), 8.60.060, and 8.60.070 to the satisfaction of the Community Development Director and Public Works Director.**
  - b) An automatic landscape sprinkler system consistent with HBMC Section 17.22.060(H) shall be provided, and shall be shown on plans (Building Permits are required).**
- 6. Architectural treatments and accessory facilities shall be as shown on building elevations, site and floor plans. Precise building height compliance shall be reviewed at the time of Plan Check, to the satisfaction of the Community Development Director. In addition:**
  - a) All parking dimensions shall comply with HBMC Chapter 17.44. Roll-up automatic garage doors shall be installed on all garage door openings and clearly indicated on floor plans.**
  - b) Driveway transitions shall comply with HBMC Section 17.44.120(D).**
  - c) All exterior lighting shall be downcast, fully shielded and illumination shall be contained within the property boundaries. Lighting shall be energy conserving and motion detector lighting shall be used for all lighting except low-level (3 feet or less in height) security lighting and porch lights. Lamp bulbs and images shall not be visible from within any onsite or offsite residential unit. Exterior lighting shall not be deemed finally approved until 30 days after installation, during which period the building official may order the dimming or modification of any illumination found to be excessively brilliant or impacting to nearby properties.**
  - d) Any satellite dish antennas and/or similar equipment shall comply with HBMC Section 17.46.240.**
- 7. The plans shall comply with HBMC Section 8.44.095 and install permeable surfaces in the driveway, guest parking space and other non-landscaped areas to the maximum extent feasible. If providing water-permeable surfaces on at least 50% of exterior surface area is not feasible and incorporating measures in 8.44.095 to the extent practicable to infiltrate the volume of runoff produced by a 0.80 inch twenty four (24) hour rain event, then the applicant shall infiltrate runoff on-site. In the event that subsurface infiltration is required, plans shall designate the exact location of the subsurface infiltration system, the applicant shall enter into a maintenance agreement with the City (prior to final map approval) for the ongoing infiltration, and provide a surety bond to the City to guarantee**

that on-site, subsurface infiltration is achieved. The amount of the bond shall be determined by the Building Division. All other drainage shall be routed to an off-site facility or on-site permeable area approved by the City. To the extent possible, a portion of roof drainage shall be routed to on-site permeable areas. No drainage shall flow over any driveway or sidewalk.

If the drainage of surface waters onto the property requires a sump pump to discharge waters onto the street, the property owner(s) shall record an agreement to assume the risk associated with use and operation of said sump pump, release the City from any liability, and indemnify the City regarding receipt of surface waters from the property. The recorded agreement must be filed with the City prior to issuance of the Certificate of Occupancy.

8. The plans and construction shall comply with all requirements of the Building Code in Title 15 and Green Building Standards in Chapter 15.48. Water conservation practices set forth in Section 8.56.070 shall be complied with and noted on construction plans.
9. Two copies of final construction plans, including site, elevation and floor plans, which are consistent with the conditions of approval of this conditional use permit, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans and this Resolution prior to the submittal to the Building Division for Plan Check.
10. Prior to the submittal of structural plans to the Building Division for Plan Check an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this approval.
11. The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill; at least 65% of demolition debris associated with demolition of the existing improvements and new construction shall be recycled.
12. The address of each condominium unit shall be conspicuously displayed on the street side of the buildings with externally or internally lit numbers and the method for illumination shall be shown on plans. Address numbering and display shall be subject to approval by the Community Development Department.

#### **Public Works**

13. Civil engineering plans shall be prepared by a licensed civil engineer and conceptually approved by the Hermosa Beach Public Works Department prior to submitting an application for Building Permits to the Community Development Department. Complete civil engineering plans shall address grading, undergrounding of all utilities, pavement, sidewalk, curb and gutter improvements, on-site and off-site drainage (no sheet flow permitted), installation of utility laterals, and all other improvements

necessary to comply with the Hermosa Beach Municipal Code and Public Works specifications, and shall be filed with the Community Development Department.

14. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.
15. Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Residential or Commercial Encroachment Permit.
16. Sewer flow rate for upstream and downstream manhole along with manhole rim/lid elevations must be submitted prior to grading and plan check. Sewer lateral video must be submitted with plan check submittal, if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.
17. Sewer lateral video must be submitted with plan check submittal, if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.
18. Sewer main work may be required after review of sewer lateral video.
19. The project must comply with Storm Water and Urban Runoff Pollution Control Regulations (HBMC Ch. 8.44) and must implement Low Impact Development Standards, and submit at time of grading and plan check along with an erosion control plan.

#### **Final Map and Certificate of Occupancy**

20. The Final Map shall comply with all requirements of the Subdivision Map Act and Chapter 16.08 of the Municipal Code.
21. Prior to filing of the Final Map, applicant shall pay to the City of Hermosa Beach Park and Recreation Area Dedication fees per unit in lieu of onsite parkland dedication pursuant to Chapter 16.12.
22. 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.
23. Prior to issuance of a building permit, written approval from each utility company associated with the relocation of the existing utility pole, down guy and utility boxes



must be submitted for review and approval by the Public Works Department and the Community Development Department.

**Construction**

24. Prior to issuance of a Building Permit, abutting property owners and residents within 100 feet of the project site 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.
25. Project construction shall conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.
26. Traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.

**Other:**

27. This permit 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 permit. The Conditional Use Permit, Precise Development Plan and Vesting Tentative Map shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.
28. Approval of these permits shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.
29. The Planning Commission may review this Conditional Use Permit, Precise Development Plan and Vesting Tentative Map and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.
30. The subject property shall be developed, maintained and operated in full compliance with the conditions of this permit 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.**

**Section 8.** This permit 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 permit.

The Conditional Use Permit, Precise Development Plan and Vesting Tentative Map shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

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.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney’s fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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 permit. 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.

**Section 9.** 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:  
              NOES:  
              ABSTAIN:  
              ABSENT:

## CERTIFICATION

I hereby certify the foregoing Resolution P.C. 19-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of September 17, 2019.

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David Pedersen, Chair

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Ken Robertson, Secretary

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Date