

P.C. Resolution 20-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. 80296 FOR A TWO-UNIT DETACHED CONDOMINIUM PROJECT AT 847 BARD STREET AND DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

Section 1. An application was filed on December 6, 2018 by the property owner/applicant Neo Leighton, LLC, for development of property located at 847 Bard Street, seeking approval of Conditional Use Permit 19-1, Precise Development Plan 19-1, and Vesting Tentative Parcel Map No. 80296 for a proposed two-unit detached residential condominium project.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on January 21, 2020, 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 the proposal pertains to construction of limited numbers (two) of new, small structures. More specifically, the project is comprised of multi-family residential structures in an urbanized area, totaling no more than six dwelling units. Moreover, none of the exceptions to the Categorical Exemption apply, nor will the project result in a significant cumulative impact of successive projects of the same type in the same place over time, or have a significant effect on the environment due to unusual circumstances, or damage a scenic highway or scenic resources within a state scenic highway. The site is not located on a hazardous waste site and will not cause a substantial adverse change in the significance of a historical resource.

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 Medium Density designation because it will provide two-units on a 3,298.5 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 five on-site parking spaces with four spaces located within garages and one guest parking space. 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, will provide vehicular access from Bard Street 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, and with the surrounding lot sizes, and approximately 30-foot lot frontages 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 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 a 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, east, south and west 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.

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 Bard Street leading to two two-car garages, which provides a total of four off-street enclosed parking spaces on-site. In addition, one on-site guest parking space will be provided and shared between both units.

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 multi-family residences.

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

Bard Street 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 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 residences in the area.

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

The subject site is zoned R-3 Multiple-Family Residential with similar residentially zoned properties to the north, east, south and west. Similar residential development is found in the surrounding area comprised primarily of multi-story, multi-family residences with some single-story single-family residences. The proposed layout of the building is consistent with multiple-family residential buildings in the immediate neighborhood consisting of both attached and detached two-unit condominiums on a lot with shared driveways which provide vehicle access to the units.

The proposed project is consistent with the HD Land Use designation in that it will contribute to the residential neighborhood as a multi-family (two-unit on a single lot) development and meets the intention of the Sand Section Neighborhood character area with a density of 15.14 dwelling units per acre. The design of the attached two-unit development is consistent with the Sand Section Neighborhood character area in that the driveway extends

behind the buildings, the front building provides the required five-foot front yard setback, as there is not a larger prevailing front yard setback along the west side of Bard Street, and both units have been designed with building articulation elements such as staggered building facades, vertical and horizontal architectural bands and columns and large balconies and roof decks with a mixture of architectural finishes.

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;***

The proposed two-unit condominium can connect to the existing utilities that service the residential uses in the immediate neighborhood. There is sufficient capacity to serve the proposed two-unit condominium.

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 19-1 Precise Development Plan 19-1, and Vesting Tentative Parcel Map No. 80296 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 January 21, 2020. 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 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 the permittee and the owners of the property involved shall file at the office of the Planning Division of the Community Development Department an Affidavit of Acceptance stating that they are aware of, and agree to and accept, all of the conditions of this permit. The permittee shall record with the Los Angeles County Recorder's Office the Affidavits of Acceptance and Resolution(s), and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.
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. 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.

28. 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.

29. 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 an Affidavit of Acceptance stating that they are aware of, and agree to and accept, all of the conditions of this permit.

The Conditional Use Permit, Precise Development Plan and Vesting Tentative Map shall be recorded with the Affidavit of Acceptance, 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. 20-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 January 21, 2020.

Peter Hoffman, Chair

Ken Robertson, Secretary

January 21, 2020
Date