

P.C. RESOLUTION 15-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN AMENDMENT, CONDITIONAL USE PERMIT, AND TENTATIVE PARCEL MAP NO. 73365 TO MODIFY AN APPROVED DUPLEX UNDER CONSTRUCTION FOR USE AS A TWO-UNIT DETACHED RESIDENTIAL CONDOMINIUM AT 1460 BAYVIEW DRIVE AND 1461 MONTEREY BOULEVARD, LEGALLY DESCRIBED AS LOT 28, TRACT 1069, ASSESSOR PARCEL NUMBER 4183-013-158, AND DETERMINATION 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 by Mark Fishman, c/- TWT2012, A Connecticut Limited Partnership, seeking approval for a Precise Development Plan amendment, Conditional Use Permit, and Tentative Parcel Map No. 73365 to modify an approved duplex under construction for use as a two-unit detached residential condominium at 1460 Bayview Drive and 1461 Monterey Boulevard (Assessor Parcel Number 4183-013-158) and determination that the project is categorically exempt from the California Environmental Quality Act.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on April 21, 2015, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(b) because the project consists of infill development on a site zoned for residential uses, the project as conditioned will comply with the General Plan and zoning code, no variances are requested, and the project is within an urban area with available services.

Section 4. Based on the evidence received at the public hearing, the Planning Commission makes the following findings:

1. The applicant has filed applications for a precise development plan amendment, conditional use permit and vesting tentative map to convert an existing duplex under construction for use as a residential condominium. The applicant applied for a duplex in 2011 which was approved per Planning Commission Resolution No. 11-9. The development began construction in 2011 and at the time of this report both units have yet to be completed but the skeleton of the buildings (i.e. foundation, framing) has been constructed. The applicant has now applied to develop the lot for a two-unit detached residential condominium. No additional residential units are proposed; rather the applicant seeks to finish the construction of Unit A fronting Bayview Drive thereby making no changes to the layout, floor plans, etc. and demolish Unit B and construct a new detached unit of similar size and scope as the previously approved duplex from 2011.
2. The subject lot contains 2,910 square feet, is designated High Density Residential on the General Plan Map, and R-3 Multiple-Family Residential on the Zoning Map.

Section 5. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the application for a Vesting Tentative Tract Map pursuant to the California Government Code Section 66474 and Sections 16.08.060 and 16.16.060 of the Municipal Code:

1. The proposal is consistent with the General Plan High Density Residential designation and R-3 zone because the project is an allowed use and has a density of less than 33 units per acre, and as conditioned complies with all standards.

2. The site is physically suitable for a two-unit attached residential condominium, with both units containing three stories and a garage. Three covered spaces are provided for Unit A (fronting Bayview Drive) and two covered spaces and two guest spaces are provided for Unit B (fronting Monterey Blvd).

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 stormwater retention facilities to the maximum extent feasible per Section 8.60.070(B)(7) and any additional non-percolated or retained stormwater will be conveyed to an onsite subsurface infiltration system as required by Section 15.48.020 (A4.106.4) subject to maintenance agreements.

4. The property is accessed via Bayview Drive and Monterey Blvd 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 compatible and consistent with applicable elements of the City's General Plan and the immediate environment, being consistent with purposes of the designation, density and development standards, and parking, access and services are provided.

6. The project as conditioned will conform to all zoning and condominium standards and will be compatible with neighboring properties, which are developed with similar single-family and multiple-family residential uses.

7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15303(b).

8. The proposed subdivision will be consistent with the prevailing lot pattern and not 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.

9. The granting of the subdivision will result in division of a conforming sized and configured lot into airspace for condominium units of size and design conforming to the R-3 zone and condominium ordinance.

Section 6. Based on the testimony and evidence received, the Planning Commission makes the following findings 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. The proposal is consistent with the General Plan High Density Residential designation and R-3 zone because the project is an allowed use and has a density of less than 33 units per acre, and as conditioned complies with all standards.

2. The site is zoned R-3 and is physically suitable for a two-unit attached residential condominium. Both units contain 3-stories and a garage. Parking access for Unit A is provided via Bayview Drive leading to a three-car garage. The parking configuration is such that the guest parking space is located in front of the two garage spaces thereby requiring both cars at the front of the garage to move in order to access the third space at the rear of the garage. The guest space is 17 feet 6 inches in length when 20 feet is required for garage spaces.

The parking configuration is unorthodox however, parking standards do not prohibit this arrangement since the parking will serve a single unit. As far as the 17 feet 6 inch guest parking space length, standards in the City vary depending on if they are covered or uncovered. Covered spaces require a 20 feet length while uncovered spaces require 17 feet 6 inches in length; as evident by the two guest parking spaces located in front of Unit B being 17 feet 6 inches in length. The less than required existing length of Unit A guest parking space will not be detrimental to the property because it meets uncovered residential parking standards and the space will be utilized by only one unit as opposed to multiple units.

3. Unit A contains 1,230 square feet of habitable area and Unit B contains 2,472 square feet of habitable area.

4. The subdivision and improvements provide for adequate drainage, sanitation and potable water, underground utilities, supply all required off-street parking, sidewalks, and safe access from a public street, will not cause substantial traffic impacts due to minimal increase in density, and will comply with all construction requirements.

5. Design of the proposed subdivision as conditioned is compatible and consistent with the immediate environment, including maintenance of water quality and reduction of marine pollution via onsite retention of stormwater to compensate for loss of permeable surfaces and landscaping to enhance aesthetics, being consistent with purposes of the designation, all density and development standards, and access and services are provided. An in-lieu Park and Recreation Area Dedication fee is required for each unit.

6. The proposed project as conditioned is consistent with the General Plan and will ensure compatibility of the proposed density, use and design with neighboring residential properties which also contain two- and three-story single and multiple-family residences. The project as conditioned complies with Section 17.22.060. Lot width exceeds 29 feet, unit sizes exceed 1,100 and 1,600 square feet, the 30 feet height limit is met, and the front setback is equal to the 5 foot minimum required. Site redevelopment will increase the height of the majority of the building. Westerly facing balconies are located on the third level of both units; Unit A balcony overlooks Bayview drive while Unit B balcony overlooks Unit A. Close proximity to adjacent buildings is common within the City's residential areas and extraordinary privacy issues are not anticipated.

7. All utilities will be placed underground, integrated into the design, separately metered and independently provided in each unit. Stormwater runoff will be minimized and a final landscape plan shall be provided per the Green Building, Water Efficient, Water Conservation and Condominium landscape standards and the required landscape plan shall be provided, per Sections **8.60.070(B)(7)**, **15.48.020 (A4.106.4)**, 17.22.060(H) and 8.56.070.

Section 7. Based on the foregoing, the Planning Commission **hereby approves** the subject Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map for a two-unit condominium project 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 reviewed by the Planning Commission at its meeting of April 21, 2015, revised in accordance with the conditions below. The Community Development Director may approve minor modifications that do not otherwise conflict with the Hermosa Beach Municipal Code or requirements of this approval.
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) Design and construction shall comply with Section 17.22.060 except as specifically stated in this Resolution.
 - b) Conduit to accommodate roof mounted alternative energy equipment for solar energy and solar thermal shall also be supplied per Section 15.32.140.
 - c) The requirements of Section 17.22.060(F) and (G) shall be shown on structural plans and reviewed at the time of Building Division Plan Check.
 - d) A minimum of 200 cubic feet of storage area shall be provided for each unit in accordance with Section 17.22.060(E).
 - e) 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 Chapter 8.12.
3. The submitted Covenants, Conditions, and Restrictions (CC&Rs) shall be reviewed and approved by the Community Development Director and City Attorney in conformance with 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 within three (3) months after recordation of the Final Map.
 - b) 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.
4. The project shall comply with all requirements of the Building Division, Public Works Department, and Fire Department, and the Hermosa Beach Municipal Code.

Building Plans:

5. Two copies of a Preliminary and Final Landscaping Plan, consistent with the site plan 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 Plan shall also include the following:
 - a) The applicant shall provide a landscape plan to comply with Sections 17.22.060(H) and 8.60.070 to the satisfaction of the Community Development Director.
 - b) An automatic landscape sprinkler system consistent with 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 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 Section 17.44.120(D).
 - c) All exterior lighting shall be down cast, 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 thirty 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 Section 17.46.240.
7. The plans shall comply with Subsection A4.106.4 (water permeable surfaces) of Section 15.48.020 and install permeable surfaces in the driveway, guest parking space and other non-landscaped areas to the maximum extent feasible. Curb inlets to allow drainage to landscape shall be installed. If providing water permeable surfaces on at least 50% of exterior surface area is not feasible and incorporating measures in 8.60.070(H) to the extent practicable to infiltrate the volume of runoff produced by a 0.75 inch storm event, the applicant shall infiltrate runoff onsite. 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 onsite, subsurface infiltration is achieved. The amount of the bond shall be determined by the Building Division. All other drainage shall be routed to an offsite facility or onsite permeable area approved by the City. To the extent possible, a portion of roof drainage shall be routed to onsite 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 said 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.

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 grant of approval.

10. 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.
11. 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.

Final Map and Certificate of Occupancy

12. The Final Map shall comply with all requirements of the Subdivision Map Act and Chapter 16.08 of the Municipal Code.
13. Prior to filing of the Final Map, applicant shall pay to the City of Hermosa Beach Park and Recreation Area Dedication fees for two units in lieu of onsite parkland dedication pursuant to Chapter 16.12.
14. 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.

Construction

15. 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.
16. Prior to issuance of a Building Permit, an approved civil engineering plan prepared by a licensed civil engineer, and approved by the Public Works Director, addressing grading, undergrounding of all utilities, sidewalk, curb and gutter improvements, onsite and offsite drainage (no sheet flow permitted), installation of utility laterals, and all other improvements necessary to comply with the Municipal Code and Public Works specifications, shall be filed with the Community Development Department.
17. Project construction shall protect private and public property in compliance with Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until an Encroachment Permit has been approved by the Public Works Department.
18. Project construction shall conform to the Noise Control Ordinance requirements in Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.
19. A plan for urban and stormwater runoff controls approved by Public Works Department shall be set forth on the construction plans in accordance with Chapter 8.44 and Section 8.44.090, and the applicant shall at all times comply with the required best management practices.

Other:

20. 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.
21. 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.
22. 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.

Section 8. 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, 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.

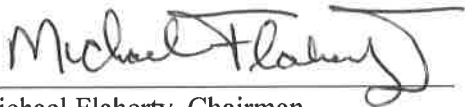
The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

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.

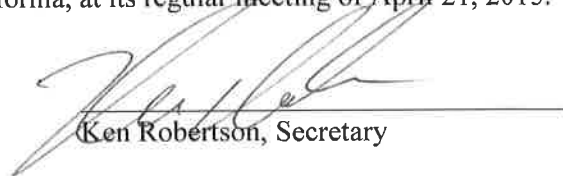
VOTE:	AYES:	Comms.Allen,Hoffman,Perrotti,Pizer,Chmn.Flaherty
	NOES:	None
	ABSTAIN:	None
	ABSENT:	None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 15-10 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 April 21, 2015.



Michael Flaherty, Chairman



Ken Robertson, Secretary

April 21, 2015

Date