

P.C. Resolution 21-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING, CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A TWO-UNIT DETACHED CONDOMINIUM PROJECT ON PROPERTY LOCATED AT 620 11TH STREET AND A DETERMINATION 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 August 30, 2021, by the applicant/owner George and Sabine Branch of Butzchen Development LLC, for development of the property located at 620 11th Street, seeking approval of Conditional Use Permit Case No. 21-5 and Precise Development Plan 21-4 for the construction of two-unit detached condominium project.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on November 16, 2021, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. The proposed project is Categorically Exempt from the California Environmental Quality Act as defined in 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 construction of the two condominium units 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 Precise Development Plan pursuant to Section 17.58.030 of the Municipal Code.

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

The subject site is zoned R-2 Two Family Residential with similar residentially zoned properties surrounding the subject site. The subject site is large enough to accommodate two units. Similar residential developments are found in the surrounding area comprised of multi-story multi-family residences.

2. ***The amount of existing or proposed off-street parking in relation to actual need;***
The project will provide five off-street parking spaces. Specifically, each unit will provide two off-street parking spaces within a garage. The project will also provide one shared guest parking space located to the rear of the driveway. The five off-street parking spaces comply with the Hermosa Beach Municipal Code and have been determined to meet the actual need generated by the project.
3. ***The combination of uses proposed, as they relate to compatibility;***
The detached residential condominiums are consistent and compatible with the surrounding area due to the fact the neighborhood is comprised of multi-family developments.
4. ***The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;***
Although some additional traffic volume is anticipated by replacing a single-family dwelling with a two-family dwelling, 11th Street is designated in the General Plan as a local street and has sufficient capacity to serve the proposed development and surrounding neighborhood. In addition, the proposal is consistent with the City's R-2 allowable density and the City's General Plan (PLAN Hermosa) density range for the Medium Density land use area.
5. ***The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;***
The project does not incorporate signage and as a result will not be incompatible with the area. The proposed contemporary architectural style (décor) proposed can be found on other properties in the neighborhood. Accordingly, the aesthetic of the building will be compatible and complimentary to 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 buildings and driveways are oriented toward 11th Street. The driveway leads to five off-street garage parking spaces. The proposed building and driveway orientation will be consistent with the building orientation of surrounding properties and the project is not anticipated to have adverse effects on surrounding sensitive uses.
7. ***Noise, odor, dust and/or vibration that may be generated by the proposed use;***
The project 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 detached condominium units will generate noise, odor, dust, and vibration, but are considered temporary and will occur only during construction activities. Construction noise must comply with the City's Noise Ordinance HBMC Section 8.24.050.
8. ***Impact of the proposed use to the city's infrastructure, and/or services;***
Although some additional infrastructure demand is anticipated by replacing a single-family dwelling with a two-family dwelling, there is sufficient infrastructure capacity to serve the two-unit condominium development.

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

The project 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. Conditions of approval have been incorporated to further ensure the project does not create adverse environmental impacts.

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.***

No other considerations noted.

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

1. ***Distance from existing residential uses;***

The subject site is zoned R-2 Two-Family Residential with similar residentially zoned properties surrounding the subject site. The subject site is large enough to accommodate two units. Similar residential developments are found in the surrounding area comprised of multi-story multi-family residences.

2. ***The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;***

The project will provide five off-street parking spaces. Specifically, each unit will provide two off-street parking spaces within a garage. The project will also provide one shared guest parking space located to the rear of the driveway. The off-street parking spaces will be accessible from the interior of each unit and the guest parking on the exterior of the unit, within proximity to the front entrance of each unit. The five off-street parking spaces comply with the Hermosa Beach Municipal Code

3. ***Location of and distance to churches, schools, hospitals, and public playgrounds;***

The subject site is located approximately 312 feet from the nearest church, 1,584 feet away from the nearest school, no hospitals within proximity, and approximately 2,112 feet away from the nearest public playground. The proposed project is not anticipated to create any conflict with these uses as the uses are currently surrounded by similar residential developments.

4. ***The combination of uses proposed;***

The detached residential condominiums are consistent and compatible with the surrounding area due to the fact the neighborhood is comprised of multi-family developments.

5. ***Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;***
The proposed development complies with the requirements of the Hermosa Beach Municipal Code including, building height, density, off-street parking, and setbacks. The building design incorporates wall plan variations and various building finishes to break up the mass and bulk of the buildings. The proposed project will be compatible with the existing residential surrounding uses.
6. ***The relationship of the proposed business-generated traffic volume and the size of streets serving the area;***
The proposed project will not generate any business-related traffic as the development consists of residential units. Further the proposed development will replace the same number of units that currently exist on the subject property and not increase in traffic volume is anticipated.
7. ***The number of similar establishments or uses within close proximity to the proposed establishment;***
The subject site is zoned R-2 Two-Family Residential with similar residential uses surrounding the subject site. The zoning of the neighborhood and surrounding area is residential which results in various similar uses being located adjacent to the subject property.
8. ***Noise, odor, dust and/or vibration that may be generated by the proposed use;***
The project 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 detached condominium units will generate noise, odor, dust, and vibration, but are considered temporary and will occur only during construction activities. Construction noise must comply with the City's Noise Ordinance HBMC Section 8.24.050.
9. ***Impact of the proposed use on the city's infrastructure, and/or services;***
Although some additional infrastructure demand is anticipated by replacing a single-family dwelling with a two-family dwelling, there is sufficient infrastructure capacity to serve the two-unit condominium development.
10. ***Will the establishment contribute to the concentration of similar outlets in the area;***
The subject site is zoned R-2 Two Family Residential with similar residential uses surrounding the subject site. The zoning of the neighborhood and surrounding area is residential which results in various similar uses being located adjacent to the subject property; however, there are no anticipated negative impacts resulting from the concentration of similar uses.

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

No other recommended considerations are noted; however, the Planning Commission may consider other items during the public hearing.

Section 6. Based on the foregoing, the Planning Commission **hereby approves** the subject Conditional Use Permit Case No. 21-5 and Precise Development Plan Case No. 21-4 for the construction of a two-unit detached condominium project as set forth in Planning Commission Resolution 21-XX, 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 November 16, 2021, 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-2 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 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 Section 15.32.140.**
 - d) **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.**
 - e) **A minimum of 200 cubic feet of storage area shall be provided for each unit in accordance with 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 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, prior to issuance of Certificate of Occupancy.**
 - b) **Five (5) parking spaces 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.**
 - c) **The shared off-street guest parking space, to be compliant with the required turning radius, shall remain open and accessible to each unit, rather than being used for storage or any other purposes, and the CC&Rs shall reflect this condition.**
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 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 Plan shall also include the following:**
- a) **The applicant shall provide a landscape plan to comply with 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 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 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 Section 17.46.240.

- 7. The plans shall comply with 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 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.
12. The applicant shall pay all Parks and Recreation Facilities Area Dedication fees at the time of building permit issuance.

Public Works

13. Prior to issuance of a Building Permit, an approved civil engineering plans prepared by a licensed civil engineer, and approved by Public Works, addressing 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 Municipal Code and Public Works specifications, 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 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.

Construction

20. 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.**
- 21. 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.**
- 22. Traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.**

Other:

- 23. 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.**
- 24. 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.**
- 25. The Planning Commission may review this Conditional Use Permit and Precise Development Plan 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.**
- 26. 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 7. 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 the conditions of this permit.

The Precise Development Plan 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 8. 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. 21-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 November 16, 2021.

Marie Rice, Chair

Ken Robertson, Secretary

November 16, 2021
Date