

July 10, 2002

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
July 16, 2002**

SUBJECT: NONCONFORMING REMODEL 02-8

LOCATION: 2408 Hermosa Avenue

APPLICANT: Patrick & Kim Forte  
2408 Hermosa Avenue

REQUESTS: ADDITION AND REMODEL TO AN EXISTING NONCONFORMING  
SINGLE FAMILY DWELLING RESULTING IN A GREATER THAN  
50% INCREASE IN VALUE AND REMOVAL OF 43% OF THE  
EXISTING EXTERIOR WALLS.

**Recommendation:**

Tentatively approve the proposed project subject to the Conditions of Approval in the attached Resolution and continue this matter to the August 20, 2002 meeting so that the applicant may submit the required topographical survey for the Planning Commission to review and confirm that the subject site has a convex slope, entitling the project to be constructed to the proposed height.

**Background:**

LOT SIZE:	2,400 square feet
EXISTING FLOOR AREA:	1,634.66 square feet
PROPOSED ADDITION:	742.8 square feet
PROPOSED REMODEL AREA:	1,443 square feet
PERCENT OF VALUATION:	87%
ZONING:	R-2
GENERAL PLAN:	Medium Density Residential
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

**Analysis:**

The existing dwelling was constructed prior to 1926, based on the earliest Building Permit on file which was for interior alterations, and is dated December 3, 1926. In 1950 and 1984 Building Permits were issued for more interior alterations. Also in 1984, a second story loft was constructed.

Chapter 17.52 of the Zoning Ordinance requires Planning Commission approval when remodeling and expansion exceeds more than 50% of the valuation of the existing improvements and/or when 30% or

more (in linear feet) of the existing exterior walls is removed as proposed for an expansion/remodel of a nonconforming structure. The applicant is proposing to remodel the existing first floor, add a second floor, and add a two-car garage. The proposed demolition for the project results in 43% of the existing exterior walls being removed. The expansion will increase the livable area from 1,635 to 2,377 square feet.

The proposed project generally conforms to planning and zoning requirements except for the proposed height. However, the site clearly has a convex slope, and therefore if a detailed topographical survey is provided identifying the elevations at two-foot intervals, the convex curve method of interpolating height could be considered. The project would most likely conform to the height limit, or could be modified to meet the height limit. If the convex method is utilized, it will be referred to Commission for confirmation. The existing structure has nonconforming side yards, and will have no guest parking.

Staff's primary concern with the proposed project is the age of the existing dwelling and the potential for greater than expected demolition due to the age of the structure. It will be difficult to maintain the existing first floor walls, and much simpler to take down the walls to the floor level, since the existing dwelling is at least 75 years old. The possibility of dry-rot and termite damage is high and could result in the necessity to remove all or almost all of the existing structure. Some of the very old nonconforming remodel projects approved by the Commission have removed more than anticipated which is contrary to the intent and purpose of the nonconforming ordinance. Staff has included a Condition requiring a written report from a structural engineer certifying the integrity of the walls to remain prior to issuance of a building permit.

While nonconforming elements of the project will be maintained, none are severe or out of character with the neighborhood. The proposal is reasonable in scope, and would not seem to warrant correcting these nonconformities.

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Mike Schubach, City Planner

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

#### ATTACHMENTS

1. Resolution
2. Photos
3. Zoning Analysis

#### 4. Location Map

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**RESOLUTION NO. 02-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A GREATER THAN 50% EXPANSION AND REMODEL AND REMOVING MORE THAN 30% OF THE EXTERIOR WALLS TO AN EXISTING SINGLE-FAMILY DWELLING WHILE MAINTAINING NONCONFORMING PARKING AND SIDE-YARDS AT 2408 HERMOSA AVE.**

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

Section 1. An application was filed by Patrick and Kim Forte, owners of real property located at 2408 Hermosa Avenue, requesting a greater than 50% expansion and remodel and removal of more than 30% of the exterior walls to an existing nonconforming single family dwelling in order to expand and remodel, pursuant to Chapter 17.52 of the Zoning Ordinance

Section 2. The Planning Commission conducted a hearing to consider the application on July 16, 2002, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission.

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant is proposing a 743 square foot expansion to a single family dwelling, while maintaining non-conforming parking and side-yards.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings:

1. The nonconforming side-yards and lack of a guest parking space is not unusual or severe.
2. The scale of the proposed expansion is reasonable, and is consistent with planning and zoning requirements for the R-2 zone and does not warrant requiring the nonconforming condition to be brought into conformance;
3. Approval of the expansion/remodel is consistent with the intent and goals of Chapter 17.52 of the Zoning Ordinance;
4. The project is Categorically Exempt from the requirements of the California Environmental Quality Act, pursuant to CEQA guidelines, Section 15301 e (2) with the finding that the project is in an area with available services and not in an environmentally sensitive area.
5. A survey with elevations denoted at two-foot intervals along the side property lines is required to have natural grade interpolated using the convex slope method.

Section 5. Based on the foregoing, the Planning Commission hereby approves a greater than 50% expansion, subject to the following **Conditions of Approval:**

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- 1. The project shall be consistent with submitted plans. Modifications to the plan which do not involve any further expansion shall be reviewed and may be approved by the Community Development Director.**
- 2. Prior to issuance of building permits for demolition and construction, a structural engineer shall provide a certified report on the structural integrity of the walls to be retained with a structural inspection approved by the Community Development Director. Details shall be incorporated into the construction drawings.**
- 3. Upon issuance of building permits the project shall proceed in compliance with the scope of work outlined on the plans and any further demolition or construction contrary to said plans will result in project delays in order for the City to review project modifications, and may require new plan submittals and Planning Commission review to proceed with construction work.**
- 4. Revised roof, elevation plans and survey shall be provided denoting all property corner point elevations including top of wall and bottom of wall denotations and exact location of height critical point of roof with both maximum allowed height and proposed height denoted.**
- 5. The Planning Commission has reviewed the detailed topographic survey submitted by the applicant and has determined that the site is a convex slope and approves the building height interpolated using the convex slope method.**

Section 6. Pursuant to the Code of Civil Procedures 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.

AYES:  
NOES  
ABSENT:  
ABSTAIN:

**CERTIFICATION**

I hereby certify that the foregoing Resolution P.C. 02- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of July 16, 2002.

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Ron Pizer, Chairman

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Sol Blumenfeld, Secretary

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Date