

October 2, 2002

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

**Regular Meeting of
October 15, 2002**

SUBJECT: PARKING PLAN 02, PRECISE DEVELOPMENT PLAN 02 AND VARIANCE 02-2 TO ALLOW CONSTRUCTION OF A TWO STORY STORAGE BUILDING ADDITION WITH ON-SITE PARKING INCLUDING ONE TANDEM PARKING SPACE AND VARIANCE TO CONSTRUCT GREATER THAN 100% VALUATION FOR AN EXISTING BUILDING NON-CONFORMING TO PARKING REQUIREMENTS

APPLICANT: MICHAEL MANTEL, 618 CYPRESS AVENUE, HERMOSA BEACH

Recommendation

To approve the requested Parking Plan and Precise Development Plan and Variance.

Background

ZONING:	M-1
GENERAL PLAN:	INDUSTRIAL
LOT AREA:	2,290 SQ. FT.
EXISTING BUILDING SIZE:	1,206 SQ. FT.
PROPOSED BUILDING SIZE:	2,499 SQ. FT. (2 STORIES)
EXISTING PARKING	0
PROPOSED PARKING	2 SPACES (ONE TANDEM)

The project site is located adjacent a private parking lot to the south and the City Yard and a city parking lot which front on 6th Street. The applicant is proposing to construct an addition to an existing one story manufacturing building. The existing building is used to package motor oil into smaller containers for wholesaling to suppliers. The existing building is small and contains all packaging materials and packaging equipment. The business owners is seeking to construct a new building and reconfigure the existing building to accommodate all storage materials and rectify existing building and zoning violations on the property. (See below) The proposed use is appropriate to the zone and consistent with the General Plan. A Parking Plan is required in order to provide one space in tandem and to approve the proposed warehouse use pursuant to Section 17.44.030. A Variance is required because the proposed construction involves an expansion to an existing building non-conforming to parking which is greater than 100% of the existing valuation pursuant to Section 17.52.030 B (2).

Parking Plan

The owner is proposing to provide one tandem parking space within the existing building footprint. The existing building is concrete slab on-grade and there is an existing 16' - 0" roll-up door to provide access to the proposed parking spaces. One space is proposed in tandem in order to maximize the useable non-parking area within the building footprint. This space could be provided in side by side configuration but that would result in only 13 feet of useable width within the existing building thereby eliminating an office area. A Parking Plan may be approved by the Planning Commission to allow a reduction in the number of parking spaces required pursuant to Section 17.44.210. Given that it is not possible to provide the full complement of required parking in a conventional layout, there is arguably less than required parking for the project. However, by providing one stall in tandem, it is possible to provide the required number of parking spaces for the project although this parking configuration must be approved by Planning Commission taking into consideration such factor that will compensate for the

parking “deficiency” as noted in Section 17.44.210. In this case the parking serves only one user exclusively who can manage the parking efficiently to accommodate parking demand in the facility. The conditions of approval also include the requirement that the use shall be for manufacturing and storage and that a covenant be recorded stipulating these uses for the property.

Section 17.44.140 of the Zone Code provides that *for an expansion of existing buildings non-conforming to parking requirements, parking requirements shall only be applied to the amount of expansion*. The existing building is non-conforming to manufacturing parking standards which requires 4 parking spaces. The proposed warehouse/storage addition will provide parking in conformance with the warehouse parking requirements as shown below:

<u>Existing Nonconforming Building</u>	<u>Req'd Parking Parking</u>	<u>Proposed Parking</u>
1200 sq. ft.	0 spaces	0 spaces
<u>Proposed Warehouse Addition</u>		
2499 sq. ft.	2 spaces	2 spaces
<u>Total Required</u>		<u>2 Spaces</u>

In order to permit parking at the ratio for a warehouse, the Planning Commission must approve the use and the owner must record a covenant guaranteeing that it will not be converted to a non-warehouse use unless the required number of parking spaces are provided.

Precise Development Plan

The owner has submitted a plan to construct a two story steel frame building with a painted aluminum clad exterior. Due to the type of business (storage and packaging of flammable and combustible material) the type of construction must conform to the moderate hazardous requirements of the Building Code. The applicant has been advised that there are several Building Code issues related to storage of flammable and combustible materials that must be addressed which include building construction type (wood frame vs. masonry block and limitations on openings to the property line and the quantity of storage of flammable material.) The City’s fire safety consultant is working with the business owner on resolving these issues so that the proposed building addition conforms to the storage requirements for the permitted occupancy of the building. The building is proposed to conform to the 35’ building height limit and there are no other yard or building setback limitations applicable to the project in the M-1 zone. The use is consistent with a warehouse and manufacturing/ processing of products and materials for motor vehicles permitted in zone.

Variance

The concept of a Variance is that basic zoning provisions are not being changed but the property owner is allowed to use his property in a manner basically consistent with the established regulations and with such minor variation as will place him in parity with other property owners in the same zone. ¹ The facts and circumstances in this case seem to be consistent with this general concept. The proposed variations from the Zoning Ordinance are minor relative to strict compliance with the Zone Code. The proposed project will be parked pursuant to Code requirements and is only non-conforming relative to parking of the existing building. Further, in comparison with manufacturing businesses on neighboring properties, the Variance appears to be necessary to place the applicant’s project in *parity* with these properties.

In order to grant a Variance, the Commission must make the following findings:

1. There are exceptional circumstances limited to the physical conditions of the property involved.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.
3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
4. The Variance is consistent with the General Plan.

The applicant is making this request primarily because of the unusually small size of the lot relative to other manufacturing uses and the small size of the existing structure (which occupies less than 50% of the lot) and the existing configuration of the property. There is no other lot of similar size with a building with less than 50% lot coverage in the vicinity and zone. In addition, the applicant notes that due to the interior lot orientation of the property it is only possible to access parking from Cypress Avenue. These unique conditions of lot orientation and size, access and the existing building size makes renovating and expanding the existing building exceptionally difficult under the non-conforming building limitations of Chapter 17.52 of the Zone Code while conforming to limitations on storage prescribed under the Building Code.

Discussion of findings:

Finding 1: There are exceptional circumstances limited to the physical conditions of the property involved. The lot is an interior lot with frontage only on Cypress Avenue. There are only ten other lots of a total of 79 lots in the vicinity and zone that have similar access and lot width conditions. The narrow lot width of 30 feet makes redeveloping the site with a new manufacturing building economically infeasible and most properties in the manufacturing zone range in size from 6,000 sq. ft. to 40,230 sq. ft.. The lot is unusually narrow in the manufacturing zone as most lots range in width from 60 to 245 feet. The subject lot is 30 feet in width. In total, these circumstances can be considered exceptional and extraordinary in the vicinity and zone, particularly as they relate to developing and operating a manufacturing use.

Finding 2: The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question. The lot is small relative to other lots in the vicinity and zone since it is one of the few unassembled and untied lots in the area. Of 79 lots in the vicinity, only ten are not tied or merged with other parcels and most are significantly larger ranging from 6,000 sq. ft. to over 40,000 sq. ft. This small lot condition is arguable unique even within the City's small industrial zone. Most manufacturing buildings typically occupy 100% of the lot as generally permitted in the zone, however, the subject building covers less than 50%. Furthermore, the small lot size limits the potential for a building expansion to accommodate the flammable and combustible materials storage associated with the applicant's business. This moderate hazardous storage has more restrictive construction and occupancy limitations under the Building Code than other uses and properties in the area, since construction of a new code complying building for such storage is required on the small interior lot, while accommodating adequate on-site parking required under the Zone Code. The use is currently classified "H" occupancy (hazardous storage) which is not permitted in Type 5 construction. Removing some of the flammable material and dispensing it in smaller quantities will enable the use to be reclassified as F-1 moderate hazardous storage which is permitted in Type 5 construction.² Unless the storage issues can be resolved through physical reconfiguration of the property, the use will remain an H classification requiring two code comply means of egress with adequate separation which is not possible since the property is an interior

lot. Thus the business will not be permitted to continue to operate as an H occupancy in a Type 5 building and will be denied a substantial property right. It is arguable then, that the owner wishes to exercise a property right, possessed by others in the neighborhood, to construct a functional and adequately sized new building which will permits a viable business in the area and which corrects Zoning and Building Code related problems which are a consequence of the limited use of the existing building and property. Without the Variance a more limited expansion is possible, however, it will not meet the business needs of the owner and will not permit the owner to correct Building Code related problems. Therefore, the finding can be made that the Variance is needed to preserve and enjoy a substantial property right.

Finding 3: The project will not be materially detrimental to property improvements in the vicinity and zone since the project complies with all other requirements of the Zone Code and the project scale is consistent with and still smaller than the most manufacturing buildings in the area. Further, the Variance relates only to the technical standards for non-conforming building expansion under Chapter 17.52 of the Zone Code. The project is otherwise code complying and will meet the parking standards for the proposed building expansion as permitted under Section 17.44.140 of the Zone Code. The proposed use is intended to accommodate existing storage with a lesser parking demand than other manufacturing uses in the area and the owner must file a covenant that will ensure that the storage use is maintained for the building expansion. Since the size of the existing building precludes storage within the building, the proposed building expansion will enable the business to operate lawfully within the zone to the benefit of the manufacturing area.

Finding 4: The project is not unusually large or out of scale with the neighborhood, and is otherwise in conformance with the Zoning Ordinance and the General Plan.

If the Commission decides to approve the Variance it must adopt findings or make similar findings as described above. If the Variance is not approved the owner would need to make the following changes to the project:

- ❑ Reduce the size of the building expansion so that it does not exceed 1,200 square feet in order to conform to the limitations for a nonconforming remodel under Chapter 17.52 or the Zone Code.
- ❑ Reconfigure the business operation for moderate hazardous storage in conformance with the UBC and find alternative code complying off-site storage.

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Zoning Analysis
4. Photographs
5. Applicant project description and discussion of Variance findings

Notes

1. Longtin's California Land Use, 2nd Edition, 1987, Chapter 3, Part G.
2. Table 3-A and Table 3-D Uniform Building Code. The use is currently classified "H" occupancy (hazardous storage) which is not permitted in Type 5 construction.

RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A PARKING PLAN, PRECISE DEVELOPMENT PLAN AND VARIANCE TO CONSTRUCT A WAREHOUSE/STORAGE BUILDING EXPANSION TO AN EXISTING MANUFACTURING BUILDING 618 CYPRESS AVENUE LEGALLY DESCRIBED AS A LOT 8, BLOCK 1 TRACT NO. 1686.

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Michael Mantel owners of real property located at 618 Cypress Avenue in Hermosa Beach, seeking to construct a warehouse/storage building expansion and seeking a Parking Plan to provide one parking space in tandem and approval of the expansion for use as warehouse storage with associated warehouse parking requirements and a Precise Development Plan and Variance from Section 17.52.030 B (2) to allow an expansion in excess of 100% of the building valuation.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Variance, Parking Plan and Precise Development Plan on October 15, 2002 at which testimony and evidence, both written and oral, was 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 to construct a 2,499 square foot warehouse/storage building expansion. A Variance is necessary to complete the project pursuant to submitted plans and to obtain relief from the non-conforming building expansion limitation established under Chapter 17.52. A Parking Plan is necessary to permit one tandem parking space and approval of the proposed warehouse/storage use. A Precise Development Plan is necessary because the proposed building expansion exceeds 1,500 square feet.
2. The subject lot is approximately a 30' X 100', with a lot size of 3,000 square feet, and is an interior lot with street access from Cypress Avenue.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance from the building expansion limitations under Section 17.52.030 B (2).

1. There are exceptional circumstances relating to the property because the lot is unique or peculiar as compared to surrounding properties for the reasons, as follows:
 - *The small size of the lot and existing building.* The lot contains only 3,000 square feet as compared to surrounding properties which generally consist of tied or merged parcels of 6,000 square feet or greater. The 79 other lots in the neighborhood within the 300-foot radius, within the same M-1 zone, vary widely in size with a few lots ranging from 3,000 square feet to lots of 40,230 square feet. Only eight lots (including the subject lot) are 3,000 square feet and most are 6,000 square feet or greater. The small lot size limits the potential for a building expansion to accommodate the flammable and

combustible materials storage associated with the applicant's business. This type of storage has more restrictive construction and occupancy requirements under the Building Code than other uses and properties in the area since it necessitate construction of a code complying building for such storage is required on the small lot, while accommodating adequate on-site parking. Furthermore, the existing building is only 1,200 square feet and an expansion limited to a similar size will not accommodate the needs of the business.

- *The interior lot condition and building orientation* . In addition to being a relatively small lot, the interior lot condition and the orientation of the existing building located with access exclusively at Cypress Avenue, limits the ability to provide parking on site and maintain an existing building. Most lots are larger and can accommodate a driveway and on-site parking in the neighborhood (i.e. 6,000 square feet or greater). The existing building location on an interior lot severely limits the ability to provide parking on-site and maintain use of the existing building for a viable manufacturing use and an adequately sized building expansion for warehouse/storage.

2. The Variance is necessary for the enjoyment of a substantial property right possessed other properties in the vicinity in order to build a reasonably sized warehouse building expansion in parity with other manufacturing and warehouse/storage uses in the area. After examining the typical lot size and configuration of properties in the area, the Commission finds that most are larger and can accommodate parking and manufacturing and warehouse business operational needs in contrast to the applicant's property and business operational requirements which constrain use of the property relative to storage of combustible and flammable material. These storage requirements directly affect project construction and utilization of the property. The small lot size limits the potential for a building expansion to accommodate the storage needs of the applicant's business while accommodating on-site parking. Furthermore, there are more restrictive construction and occupancy limitations and constraints in complying with storage requirements on the property as stipulated by the Building Code as compared with other businesses and properties in the area.

In addition, the conditions of the business storage and site are unique to the property in question and the proposed variations are minor in nature, and still keep the project consistent with parking requirements of the zone relative to expansion of non-conforming buildings and parking requirements for warehouse/storage facilities. In other words, the granting of this Variance *will not confer any special privilege inconsistent with the limitations upon other properties in the vicinity*, as the basic requirement for parking is being met under the code and the proposed building expansion for warehouse storage has a lesser parking demand than manufacturing uses which are located in the area.

3. The project will not be materially detrimental to property improvements in the vicinity and zone since the project complies with all other requirements of the Zone Code and the project scale is consistent with and still smaller than the typical manufacturing and warehouse/storage uses in the area. Further, the Variance relates to technical standards in the Zoning Ordinance related to maximum building expansion and does not otherwise impact the actual number of required parking spaces for the project.
4. The Variance is consistent with the General Plan because the construction of a manufacturing and warehouse/storage facility is consistent with the General Plan.

Section 5. Based on the foregoing, the Planning Commission hereby approves the Variance from maximum limitation requirements on building expansion under Chapter 17.52 of the Zone Code subject to the following conditions:

1. **The project shall be consistent with submitted plans reviewed by the Planning Commission at their meeting of October 15 2002. Any further minor modifications to the plan which do not affect the use or parking for the property shall be reviewed and may be approved by the Community Development Director.**
2. **The owner shall submit revised plans indicating the location of driveway access and all on-site parking within the existing building in conformance with Chapter 17.44 of the Zone Code. The plan submittal shall be prepared, stamped and signed by a licensed design professional and include a property survey and roof plan clearly indicating all property lines, and corner point and critical point elevations for the building expansion and all finished floor and site elevation information for driveway access and building height calculation.**
3. **The project design may be modified as required to conform to the requirements of the Building Code relative to storage and occupancy and all storage shall be contained within an approved and permitted building.**
4. **Precise building height shall be calculated prior to issuance of building permits.**
5. **The owner shall record a covenant in a form acceptable to the City Attorney, guaranteeing the proposed building expansion shall be used exclusively for warehouse/storage purposes and will not be converted to another use.**
6. **The Variance is specifically limited to the situation and circumstances that result relative to the proposed project and is not applicable to the development of future projects.**

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution 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 October 15, 2002

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A PARKING PLAN, PRECISE DEVELOPMENT PLAN AND VARIANCE TO CONSTRUCT A WAREHOUSE/STORAGE BUILDING EXPANSION TO AN EXISTING MANUFACTURING BUILDING 618 CYPRESS AVENUE LEGALLY DESCRIBED AS A LOT 8, BLOCK 1 TRACT NO. 1686.

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Michael Mantel owners of real property located at 618 Cypress Avenue in Hermosa Beach, seeking to construct a warehouse/storage building expansion and seeking a Parking Plan to provide one parking space in tandem and one parking space with leased access from adjacent property and approval of the use as warehouse storage with associated parking requirements and a Precise Development Plan and Variance from Section 17.52.030 B (2) to allow an expansion in excess of 100% of the building valuation.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Variance, Parking Plan and Precise Development Plan on September 17, 2002 at which testimony and evidence, both written and oral, was 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 to construct a 3,410 square foot warehouse/storage building expansion. A Variance is necessary to complete the project pursuant to submitted plans and to obtain relief from the non-conforming building expansion limitation established under Chapter 17.52. A Parking Plan is necessary to permit leased access to one parking space and one tandem parking space and approval of the proposed warehouse/storage use. A Precise Development Plan is necessary because the proposed building expansion exceeds 1,500 square feet.
2. The subject lot is approximately a 30' X 100', with a lot size of 3,000 square feet, and is an interior lot with street access from Cypress Avenue.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance from the building expansion limitations under Section 17.52.030 B (2).

1. There are exceptional circumstances relating to the property because the lot is unique or peculiar as compared to surrounding properties for the reasons, as follows:
 - *The small size of the lot.* The lot contains only 3,000 square feet as compared to surrounding properties which generally consist of tied or merged parcels of 6,000

1 square feet or greater. The 79 other lots in the neighborhood within the 300-foot
2 radius, within the same M-1 zone, vary widely with a few lots ranging from 3,000
3 square feet to lots of 40,230 square feet. Only eight lots (including the subject lot)
4 are 3,000 square feet and most are 6,000 square feet or greater. The small lot size
5 limits the potential for a building expansion to accommodate the flammable and
6 combustible materials storage associated with the applicant's business. This
7 hazardous storage has more restrictive construction and occupancy requirements
8 under the Building Code than other uses and properties in the area since
9 construction of a separate code complying building for such storage is required on
10 the small lot, while accommodating adequate on-site parking.

- 11 □ *The interior lot condition and building orientation* . In addition to being a relatively
12 small lot, the interior lot condition and the orientation of the existing building
13 located with access exclusively at Cypress Avenue, limits the ability to provide
14 parking on site and maintain an existing building. Most lots are larger and can
15 accommodate a driveway and on-site parking in the neighborhood (i.e. 6,000 square
16 feet or greater). The existing building location and interior lot condition severely
17 limits the ability to provide parking on-site and maintain use of the existing building
18 for a viable manufacturing use and an adequately sized building expansion for
19 storage.

- 20 2. The Variance is necessary for the enjoyment of a substantial property right possessed other
21 properties in the vicinity in order to build a reasonably sized warehouse building expansion
22 in parity with other manufacturing and warehouse/storage uses in the area. After examining
23 the typical lot size and configuration of properties in the area, the Commission finds that
24 most are larger and can accommodate parking and manufacturing and warehouse business
25 operational needs in contrast to the applicant's property and business operational requirements
26 relative to hazardous storage. These storage requirements directly affect project construction
27 and utilization of the property.

28 Further, the conditions of the business storage and site are unique to the property in question
29 and the proposed variations are minor in nature, and still keep the project consistent with
parking requirements of the zone relative to expansion of non-conforming buildings and
parking requirements for warehouse/storage facilities. In other words, the granting of this
*Variance will not confer any special privilege inconsistent with the limitations upon other
properties in the vicinity*, as the basic requirement for parking is being met under the code and
the proposed building expansion for warehouse storage has a lesser parking demand than
manufacturing uses which are located in the area.

- 30 3. The project will not be materially detrimental to property improvements in the vicinity and
31 zone since the project complies with all other requirements of the Zone Code and the project
32 scale is consistent with and still smaller than the typical manufacturing and warehouse/storage
33 uses in the area. Further, the Variance relates to technical standards in the Zoning Ordinance
34 related to maximum building expansion and does not otherwise impact the actual number of
35 required parking spaces for the project.

1 4. The Variance is consistent with the intent and goals of the General Plan because the proposed
2 construction of a manufacturing and warehouse/storage facility is consistent with the planned
3 land use in the General Plan.

4 5. The project is Categorical Exempt from the requirements of the California Environmental
5 Quality Act, pursuant to CEQA guidelines, Section 15301 e (2) with the finding that the
6 project is in an area with available services and not in an environmentally sensitive area.

7 Section 5. Based on the foregoing, the Planning Commission hereby approves the Variance
8 from maximum limitation requirements on building expansion under Chapter 17.52 of the Zone
9 Code and the related Parking Plan and Precise Development Plan to construct a building expansion
10 of 3,410 square feet subject to the following conditions:

- 11 1. **The project shall be consistent with submitted plans reviewed by the
12 Planning Commission at their meeting of September 17, 2002. Any further
13 minor modifications to the plan which do not affect the use or parking for the
14 property shall be reviewed and may be approved by the Community
15 Development Director.**
- 16 2. **The owner shall submit revised plans indicating the location of all on-site
17 parking within the existing building and at the rear of the property as
18 prescribed under Chapter 17.44 of the Zone Code. The plan submittal shall
19 be prepared by a licensed design professional and include a property survey
20 and roof plan clearly indicating all property lines, and critical point
21 elevations for the building expansion.**
- 22 3. **The project design may be modified as required to conform to the
23 requirements of the Building Code relative to hazardous storage and all storage
24 shall be contained within an approved and permitted building.**
- 25 4. **The owner shall submit a long-term lease for access to required parking subject
26 to review and approval by the City Attorney.**
- 27 5. **The owner shall record a covenant in a form acceptable to the City Attorney,
28 guaranteeing the proposed building expansion shall be used exclusively for
29 warehouse/storage purposes and will not be converted to another use.**
- 30 6. **The Variance is specifically limited to the situation and circumstances that
31 result relative to the proposed project and is not applicable to the development
32 of future projects.**

33 Section 6. Pursuant to Code of Civil Procedures Section 1094.6, any legal challenge to the decision
34 of the Planning Commission, after a formal appeal to City Council must be made within 90 days
35 after the final decision by the City Council.

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VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution 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 September 17, 2002

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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