

March 10, 2003

**Honorable Chairman and Members of the
Meeting of
Hermosa Beach Planning Commission
2003**

Regular

March 18,

SUBJECT: VARIANCE 03-2

LOCATION: 2326 THE STRAND

APPLICANT: JIM OBRADOVICH
233 MAIN STREET
EL SEGUNDO, CA 90245

REQUEST: VARIANCES FROM R-1 OPEN SPACE REQUIREMENTS:

- TO ALLOW THE REQUIRED GROUND LEVEL OPEN SPACE TO BE LOCATED IN THE FRONT YARD AND SIDE YARD AREAS WITH DIMENSIONS OF LESS THAN 10-FEET
- TO ALLOW DIMENSIONS OF LESS THAN 10-FEET FOR THE DECK LEVEL OPEN SPACE

Recommendation

To direct staff as deemed appropriate.

Background

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	2,383 Square Feet
PROPOSED DWELLING UNIT SIZE	3,397 Square Feet

The subject lot is currently developed with a single-family dwelling and is located on The Strand between 23rd and 24th Streets with vehicular access from a 10-foot wide alley (Beach Drive). The project is nearly identical to a companion project located on the adjacent lot to the north (2330 The Strand) proposed by the same developer, which is also the subject of a Variance application.

Analysis

The applicant plans to construct a new two-story single-family dwelling with a basement and a two-car garage with access from the 10-foot wide alley to the rear. The building is designed to comply with the requirements of the R-1 zone with the exception of the open space requirements. (Needed plan corrections noted below)

The applicant is requesting a Variance from the ground level open space requirements of the R-1 zone, which provides that 75% of the required 400 square feet of open space be located on the ground in addition to required yard areas, in 10-foot dimensions, and open to the sky.

The applicant instead is proposing to provide 300 square feet of “open area” within the front yard area and in an entry courtyard along the side with minimum dimensions of 8 feet in the front and 7 feet in the side, which does not qualify as open space. Also, a Variance is needed for the additional 100 square feet proposed on the deck adjacent to the primary living area, as the dimension is a minimum of 7-feet rather than 10-feet. The request for relief from the ground level open space requirement is similar to a Variance that was granted by the City Council in January 2000, for the adjacent property to the north at 2334 The Strand. In that case the Council granted a Variance, on appeal, allowing the front yard with less than 10-foot dimensions to meet the open space requirements, because of the unique constraints on developing the property because of the small lot size, and alley only access in the rear yard. That project did not, however, include a Variance for less than 10-foot dimension for the deck open space, as a large roof deck was included in the project.

The reason for the applicant’s request is to allow the building to extend to the front setback line (8 feet from the front property line at The Strand). Otherwise, in order to provide the required 300 square feet of open space on the ground, the building would have to be setback approximately 20 feet from the Strand. (Alternatively, open space could be located in a courtyard area in the middle of the lot, however, providing it in the rear yard is not possible given that the alley is the only reasonable location for a garage). Overall, the building would have to be substantially reduced (by 900 square feet or more) to comply with the ground level open space requirement.

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

1. There are exceptional or extraordinary circumstances, limited to the physical conditions applicable to 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 because of the small lot size, which is not quite small enough to qualify for the R-1 small lot exception from ground level open space requirements (as it exceeds 2,100 square feet, and is not within 10% of 2,100 square feet), and the alley is the only access in the rear. These conditions force the ground level open space to be provided towards the front of the lot, significantly limiting the potential

building size and view potential since neighboring buildings on the Strand are built close to the front of the lot. This combination of factors is unique relative to other Strand fronting properties, as it is limited to the two-block stretch of The Strand between 22nd and 24th Streets. To the south, the Strand fronting lots with similar alley conditions are zoned R-2B or R-3, thus allowing all open space to be provided on decks with 7-foot dimensions pursuant to the requirements of the R-2 and R-3 zones. To the north, the lots are “through” lots with Hermosa Avenue and Strand frontage, and due to a special provision in the Zoning Ordinance for through lots, these lots may count their Strand front yard setback area towards their open space requirement (Section 17.46.152)¹.

Discussion of findings:

Finding 1: The lot is relatively small (2400 square feet) but is not considered a “small lot” under the R-1 development standards, as it is greater than 2100 square feet and not within 10% of 2100 square feet. This means the lot does not qualify for the small lot exception, which allows open space to be provided on decks. Given the alley only access, the open space must be located towards the front of the lot, significantly limiting the potential size of the dwelling, especially when compared to other Strand lots. Further, it diminishes the potential, common to Strand fronting properties, of a panoramic view to the west to include northwesterly and southwesterly directions. Also, as noted above, the lot is located on the only two Strand fronting blocks that are zoned R-1 and located with alley access, and thus are not afforded the exception for R-1 zoned Hermosa Avenue/Strand through lots to use the required front yard for open space.

In total these circumstances could be considered as exceptional and extraordinary. This was the finding made by the City Council with respect to the adjacent property at 2334 the Strand.

Finding 2: The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a new dwelling of a reasonable size, and to take advantage of the view potential. The Variance to open space is necessary for this dwelling to reach a size that the applicant finds comfortable and comparable to neighboring homes. Supporting such a finding depends on whether the ability to build to a certain size and maximizing view potential is considered a substantial property right, which is arguable relative to the ground level open space standard, especially when considering that similar R-1 properties to the north are allowed to use their front yards toward the open space requirement.

Finding 3: The project will not likely be materially detrimental to property improvements in the vicinity and Zone since the project complies with all other requirements of the Zoning Code, and is similar to the recently approved adjacent project with respect to open space requirements.

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 the findings as described above or make similar findings. While the findings arguably can be supported for the Variance from the ground level open space, consistent with the neighboring project, the same arguments do not necessarily apply to the Variance for the reduced dimension on the deck level open space. Staff recommends that if the Variance is granted for the ground level open space as requested, that the balance of required open space on the deck comply with the minimum 10-foot dimension. Based on the direction of the Commission, staff will return with a resolution at the next meeting.

Plan Corrections

1. Final plans must include a roof plan indicating property corner elevations with critical point maximum and proposed heights identified. Roof plan must also include eave dimensions, and verify that eaves will not encroach closer than 30" to the property line.
2. Plans must clearly show all new walls and fences in compliance with Zoning Code
3. The chimney may only exceed the building height as necessary to comply with the building code.
4. The location for trash receptacles must be shown on plans.

CONCUR:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Applicant's discussion of Variance findings
2. Location Map
3. Zoning Analysis
4. Photographs

¹ The provisions for determining the front yard on through lots was adopted January 1998 and the exception for Strand/Hermosa through lots was amended in April, 2000. The exception reads as follows: “C. Exception for The Strand/Hermosa Avenue Through Lots: New developments shall be required to provide front yards on both The Strand and Hermosa Avenue. For existing developed properties and remodeling and expansion projects thereon The Strand shall be designated the front yard. For the purposes of calculating required open space in the various residential zones, the Strand front yard area may be counted towards the open space requirement. The lots facing the service road parallel to Hermosa Avenue approximately between 27th Street and 35th Street shall not be required to provide a front yard on Hermosa Avenue”

2326 and 2330 The Strand



24th Street to 23rd looking South



2330 The Strand



2326 The Strand



23rd to 24th St. looking North