

March 12, 2003

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

Regular

March 18,

SUBJECT: NONCONFORMING REMODEL 02-7

LOCATION: 420 29th STREET

APPLICANT: KELLY P. WEST
420 29th STREET
HERMOSA BEACH, CA 90254

REQUEST: ADDITION AND REMODEL TO AN EXISTING SINGLE FAMILY DWELLING
WITH A NONCONFORMING FIREPLACE ENCROACHMENT INTO THE SIDE
YARD RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION

Recommendation

To approve the expansion and remodel, subject to conditions.

Background

LOT SIZE	2,405 square feet
EXISTING FLOOR AREA	1,060 square feet
PROPOSED ADDITION:	790 square feet habitable 434 square feet new garage
PERCENT INCREASE IN VALUATION:	91%
ZONING:	R-2
GENERAL PLAN:	Medium Density Residential
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The existing one-story dwelling was originally constructed in 1941. The structure was recently remodeled in 1999, which is included in the valuation calculation. While the garage currently is nonconforming to the alley setback and turning radius, these nonconforming conditions are to be corrected with the new garage. The only nonconformity to be maintained is the fireplace setback from the side property line, which is approximately 1 foot rather than the minimum 2.5 feet.

The remodel and expansion of this structure was previously reviewed by the Commission, and was subsequently withdrawn by the applicant in August 1982, for the project to be revised without retaining any nonconforming conditions. At the time it was not recognized that retaining the fireplace encroachment into the side yard would be an issue.

Analysis

Chapter 17.52 of the Zoning Ordinance requires Planning Commission approval when an expansion/remodel of a nonconforming building exceeds 50%. The applicant is proposing to remodel and expand the building by adding a “bonus room” at the basement level, and two bedrooms on the first floor above the garage. The expansion and 1999 remodel taken together result in a 91% increase in valuation, and can be accomplished by removing less than 30% of existing exterior walls.

The proposal generally conforms to planning and zoning requirements, as adequate open space is provided in the excess front yard area and new deck. Lot coverage is 63% and the addition will comply with yard requirements. The building with the proposed addition will be well below the maximum height limit at the critical points. The new garage will bring the property into compliance with parking requirements, parking setbacks and turning radius.

The proposal to retain the existing fireplace and chimney encroachment in the side yard is not severe or out of character with the neighborhood. The project is reasonable in scope, and does not warrant requiring the demolition of the nonconforming fireplace.

CONCUR:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs
4. Zoning Check List/Nonconforming worksheet/height calcs

nr420-29th

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RESOLUTION NO. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING A GREATER THAN 50% EXPANSION AND REMODEL TO AN EXISTING SINGLE-FAMILY DWELLING WHILE MAINTAINING NONCONFORMING FIREPLACE ENCROACHMENT INTO THE SIDE YARD AT 420 29TH STREET

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

Section 1. An application was filed by Kelly P. West owner of real property located at 420 29th Street, requesting a greater than 50% expansion and remodel to an existing nonconforming single family dwelling, pursuant to Chapter 17.52 of the Zoning Ordinance

Section 2. The Planning Commission conducted a hearing to consider the application on March 18, 2003, 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 small expansion to a single-family dwelling, a 61 year old structure, which in combination with the 1999 remodel of the structure results in an increase of valuation of 91% while maintaining a nonconforming fireplace encroachment into the side yard.
2. The project includes reconstructing a new garage to bring parking into compliance with current requirements.

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

1. The existing nonconforming side yard encroachment to be maintained is not significant or unusual in regards to compatibility with neighboring properties;
2. The scale of the proposed expansion is reasonable, and is consistent with planning and zoning requirements for the R-1 zone and does not warrant requiring the current nonconforming conditions 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.

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

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, the contractor shall verify the structural integrity of the proposed walls to be retained with a structural inspection approved by the Community Development Director, with details incorporated on construction drawings. This may require further additional structural pest inspections and/or an inspection by a structural engineer.**
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.**

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. 03- 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 March 18, 2003

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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