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P.C. RESOLUTION NO. 03-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE 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 IN
CONNECTION WITH A PROPOSED NEW SINGLE FAMILY DWELLING AT 2326
THE STRAND LEGALLY DESCRIBED AS LOT 4, BLOCK 24 HERMOSA BEACH
TRACT**

The Planning Commission City Council does hereby resolve and order as follows:

Section 1. An application was filed by Jim Obradovich, owner of real property located at 2326 The Strand, seeking a Variance from ground level open space requirement of the R-1 zone.

Section 2 The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on March 18, 2003, 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 City Council makes the following factual findings:

1. The applicant is proposing to construct a new two-story single-family dwelling with a two-car garage with access from the alley. The specific Variance being requested is to vary from Section 17.08.030 of the Zoning Ordinance with respect to open space requirements of the R-1 zone, to allow the required 300 square feet of ground level open space be provided within the front and side yard areas, and to allow the open space areas to have dimensions of less than 10-feet.

2. The subject lot is located on The Strand between 23rd and 24th Streets, and has vehicular access only from the 10-foot wide alley on the east (Beach Drive). The front of the lot is considered The Strand frontage.

3. The proposed construction will otherwise comply with all requirements of the Zoning Ordinance.

Section 4. Based on the foregoing factual findings, the City Council makes the following findings pertaining to the application for a Variance from ground level open space requirements:

1. There are exceptional circumstances relating to the property because 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 that allows open space to be provided on decks. Also, 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, these conditions diminish the potential, common to Strand fronting properties, of a panoramic view to the west to include northwesterly and southwesterly directions. Also, the lot is located on the only two Strand fronting blocks that are zoned R-1 and located with alley access, and thus is not afforded the exception for R-1 zoned Hermosa Avenue/Strand through lots to use the required front yard for open space.

2. The Variance is necessary for the enjoyment of a substantial property right possessed by other properties in the vicinity because the ability to build to a certain size and to achieve the view potential common to Strand fronting properties is a substantial property right, which cannot be obtained with strict

1 adherence to the ground level open space standard, especially when considering that similar R-1 properties
2 to the north are allowed to use their front yards toward the open space requirement.

3 3. The requested Variance will not be materially detrimental to the public welfare or injurious to
4 property or improvements in the vicinity since the project complies with all other requirements of the
5 Zoning Code, is similar to a recently approved project on adjacent property with respect to open space
6 requirements, and will therefore allow the construction of a building envelope as built on other nearby
7 properties.

8 4. The proposed Variance does not conflict with and is not detrimental to the General Plan
9 because The project is not unusually large or out of scale with the neighborhood, and is otherwise in
10 conformance with the Zoning Ordinance and the General Plan.

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

14 Section 6. Based on the foregoing, the Planning Commission hereby approves the requested
15 Variance to ground level open space requirements, subject to the following **Conditions of Approval:**

16 **1. The development and continued use of the property shall be in conformance with
17 submitted plans received and reviewed by the Commission at their meeting of March
18 18, 2003, and modified pursuant the conditions below.**

- 19 a) **A minimum of 300 square feet of ground level open area, clear to the sky, shall be
20 provided in the front and side yard are as shown on submitted plans.**
- 21 b) **The additional required open space to be provided in the second level deck shall
22 contain minimum 10-foot dimensions.**
- 23 c) **Final plans must include a roof plan indicating property corner elevations with
24 critical point maximum and proposed heights identified. The roof plan must also
25 include eave dimensions, and clearly indicate that eaves will not encroach closer
26 than 30" to the property line.**
- 27 d) **The chimney may only exceed the building height as necessary to comply with the
28 building code.**
- 29 e) **The location for trash receptacles must be shown on plans.**
- 30 f) **Plans must clearly show all new walls and fences in compliance with the Zoning
31 Code.**

32 **2. The Variance is specifically limited to the ground level open space requirements as
33 specified, and applicable to the situation and circumstances that result relative to the
34 proposed project and is not applicable to the development of future structures or any
35 future expansion**

36 VOTE: AYES: Hoffman, Kersenboom, Perrotti, Pizer, Tucker
37 NOES: None
38 ABSENT: None
39 ABSTAIN: None

40 **CERTIFICATION**

41 I hereby certify the foregoing Resolution P.C. 03-17 is a true and complete record of the action taken by
42 the City of Hermosa Beach Planning Commission at their regular meeting of March 18, 2003.

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Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date March 18, 2003

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