

June 11, 2003

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

**Regular Meeting of
June 17, 2003**

SUBJECT: HEIGHT EXCEPTION 03-1
CONTINUED FROM THE MAY 20, 2003 MEETING

LOCATION: 321 MONTEREY AVENUE

APPLICANT: DENNIS NIVENS

REQUEST: A HEIGHT EXCEPTION TO 35 FEET, ABOVE THE STANDARD MAXIMUM
OF 30 FEET, IN ORDER TO ALLOW A NEW SINGLE FAMILY DWELLING

Recommendation

Approve the request by adopting the attached resolution or direct staff as deemed appropriate.

Background

At the May 20, 2003 meeting the Planning Commission continued the request to allow full Commission review of the project. At this time, the applicant has not provided any further information regarding the request.

Analysis:

Please refer to the attached May 20, 2003 staff report for the analysis of the project.

Based on the analysis presented in the previous staff report and the hearing conducted at the previous Commission meeting, the following alternative actions are available:

1. Approve the height exception as submitted.
2. Approve a height exception to allow the roof deck to extend to a height of 33 feet at its critical point ("CP1" on the plans), but deny the exception for the remainder of the building, i.e. the front portion with the pitched roof.
3. Deny the height exception.

The Commission may adopt the attached resolution approving the request or staff will return with an alternative resolution for adoption at the next Commission meeting.

Sol Blumenfeld, Director
Community Development Department

Attachment

May 20 Staff Report with attachments

P.C. RESOLUTION 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A HEIGHT EXCEPTION FOR A SINGLE FAMILY RESIDENCE AT 321 MONTEREY BOULEVARD, LEGALLY DESCRIBED AS THE EASTERLY 50 FEET OF LOT 19, TRACT 1073.

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

Section 1. An application was filed by Dennis Nivens, owner of property located at 321 Monterey Boulevard, seeking approval of a height exception to allow a proposed single family residence to extend above the 30-foot height limitation applicable to the property.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on May 20, and June 17 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

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

1. The applicant is proposing to demolish the existing residential building on the property and construct a new single family dwelling in the R-3 District which extends above the 30-foot height limitation for the District.
2. The subject property contains 1500 square feet, is designated High Density Residential on the General Plan Map, and is zoned R-3 on the Zoning Map.

Section 4. Based on the foregoing factual findings, its review of the application, and submitted written and oral testimony, the Planning Commission makes the following findings pertaining to the application for a Height Exception:

1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures, which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;
2. The proposed development is located between, and adjacent to, two or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;
3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;
4. The planning commission has reviewed the following design features of the portion of the building above thirty (30) feet in determining if an exception should be granted:

- 1 a. The style and pitch of the roof;
- 2 b. The mass and bulk of the proposed structure above thirty (30) feet (in order to
- 3 minimize bulk of the upper floor),
- 4 c. The architectural appearance, as exhibited by the type, style, and shape of the
- 5 structure and the proposed exterior materials.
- 6
- 7 5. The project is Categorically Exempt from the requirement for an environmental assessment
- 8 pursuant to the California Environmental Quality Act Guidelines, Section 15303, Class 3(a):
- 9 New Construction of Single Family Residences and 15305, Class 5: Minor Changes in Land
- 10 Use Limitations, because the application is for an exception to building height limitations in
- 11 order to allow construction of a single family residence

12 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject

13 Height Exception, subject to the following **Conditions of Approval:**

- 14
- 15 **1. The development and continued use of the property shall be in conformance with**
- 16 **submitted plans received and reviewed by the Commission at their meeting of May 20,**
- 17 **2003. Any minor modification shall be reviewed and may be approved by the**
- 18 **Community Development Director.**
- 19
- 20 **2. The maximum height of the building shall be 35-feet, with height to be determined**
- 21 **based on a topographical survey which specifically identifies the corner point**
- 22 **elevations.**
- 23
- 24 **3. Two copies of final construction plans, including site, elevation and floor plans, which**
- 25 **are consistent with the Conditions of Approval of this Conditional Use Permit, shall be**
- 26 **reviewed and approved by the Planning Division for consistency with Planning**
- 27 **Commission approved plans prior to the submittal to the Building Division for plan**
- 28 **check.**
- 29
- 30 **4. This Height Exception shall be null and void twelve (12) months from the date of**
- 31 **approval unless a building permit has been obtained.**

32 Each of the above conditions is separately enforced, and if one of the conditions of approval is found to

33 be invalid by a court of law, all the other conditions shall remain valid and enforceable.

34 The permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from

35 any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,

36 void or annul this permit approval, which action is brought within the applicable time period of the State

37 Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and

38 the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim,

39 action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no thereafter

40 be responsible to defend, indemnify, or hold harmless the City.

1 The permittee shall reimburse the City for any court and attorney's fees which the City may be required
2 to pay as a result of any claim or action brought against the City because of this grant. Although the
3 permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own
4 expense in the defense of the action, but such participation shall not relieve the permittee of any
obligation under this condition.

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

7 VOTE: AYES:
8 NOES:
9 ABSTAIN:
10 ABSENT:

11 CERTIFICATION

12 I hereby certify the foregoing Resolution P.C. No. 03- is a true and complete record of the action
13 taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of
June 17, 2003.

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16 _____
Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

17 _____
June 17, 2003

18 Date

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