

August 11, 2003

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

**Regular Meeting of
August 19, 2003**

SUBJECT: NONCONFORMING REMODEL 03-10

LOCATION: 827 SUNSET DRIVE

APPLICANT: MARK & ASHLEY OSTERKAMP
827 SUNSET DRIVE
HERMOSA BEACH, CA 90254

REQUESTS: ADDITION AND REMODEL TO AN EXISTING SINGLE FAMILY
DWELLING WITH NONCONFORMING HEIGHT, GUEST PARKING, AND
FRONT YARD, SIDE YARD AND GARAGE SETBACKS RESULTING IN THE
EXTENSION OF AN EXISTING WALL WITH A NONCONFORMING SIDE
YARD

Recommendation

To approve the expansion subject to the conditions in the attached resolution.

Background

LOT SIZE	1,680 square feet
EXISTING FLOOR AREA	1,872 square feet
PROPOSED ADDITION	278 square feet
PREVIOUS ADDITIONS	248 square feet
PERCENT INCREASE IN VALUATION	30.8%
ZONING	R-3
GENERAL PLAN	High Density Residential
ENVIRONMENTAL DETERMINATION	Categorically Exempt

The existing three-story dwelling was constructed in 1968. The dwelling is nonconforming to current height, side and front yard, garage setback and guest parking requirements as only 2 parking spaces are currently provided. The existing dwelling is approximately 32 feet in height rather than the required 30 feet maximum, the south side yard is 2.47 feet rather than the required 3 feet, the front yard is 2.8 feet rather than the required 3 feet, and the garage is setback 2.8 feet from the nearest public improvement rather than the required 3 feet. Two previous remodel and addition projects, done on the existing building in 2000, added 248 square feet of livable floor area and increased the building valuation by 16.8%.

Analysis

Pursuant to Section 17.52.030.B (Expansion, Remodeling, and Alteration of Nonconforming Buildings) of the Zoning Ordinance, existing nonconforming side yards may be continued and



827 Sunset Drive

P.C.RESOLUTION NO. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING AN ADDITION TO AN EXISTING SINGLE FAMILY DWELLING WITH NONCONFORMING HEIGHT, GUEST PARKING, AND FRONT YARD, SIDE YARD, AND GARAGE SETBACKS, WHICH EXTENDS AN EXISTING NONCONFORMING SIDE YARD AT 827 SUNSET DRIVE

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

Section 1. An application was filed by Mark and Ashley Osterkamp, owners of real property located at 827 Sunset Drive, requesting an addition to an existing nonconforming single-family residence, which extends an existing nonconforming side yard, pursuant to Chapter 17.52 of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on August 19, 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 278 square foot livable floor area expansion on the first floor of an existing 35-year-old single-family dwelling with nonconforming height, guest parking, and front yard, side yard, and garage setbacks, resulting in an increase of valuation of 30.8% while extending a less than required side yard setback.

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

1. The existing nonconformities are not severe or unusual.
2. The scale of the proposed expansion is reasonable, and is consistent with planning and zoning requirements for the R-3 zone and does not warrant requiring the current nonconforming side yard be brought into conformance;
3. Approval of the expansion 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 an extension of a nonconforming side yard, subject to the following **Conditions of Approval:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1. **The project shall be consistent with submitted plans. Modifications to the plan not involving any further expansion shall be reviewed by the Planning Commission.**
2. **A termite and structural inspection report verifying the structural integrity of the building must be submitted prior to issuance of building permit.**
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.**

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

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 August 19, 2003.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

Date

NRR827 (03-10)

extended subject to Planning Commission approval. The applicant is proposing to construct a first-story addition of 278 square feet under the existing floor area above, and enclose the lower portion of an existing exterior stairway. Pursuant to Section 17.52.030 of the Hermosa Beach Zoning Ordinance, any expansion to a nonconforming building that has occurred after October 26, 1989 counts towards the overall valuation increase. The new expansion is therefore calculated with the previous expansions done in 2000 to get an overall increase in floor area and valuation. When combining the previous and proposed expansions, the livable floor area of the house increases from 1,872 square feet to 2,382 square feet and the valuation increases by 30.8%.

The proposal generally conforms to planning and zoning requirements. The addition of the exterior wall around the existing stairs causes the proposed extension of the existing nonconforming side yard, and increases the lot coverage to 64.9%. A concern that staff has is that the new room could be used as an illegal dwelling unit, especially because the addition has exterior door access and a proposed door separates the addition from the existing stairs accessing the rest of the dwelling. Staff recommends that the interior door between the stairs and the addition be removed or that a deed restriction be filed restricting the use of the property as a single-family residence only. Staff believes this problem can be resolved as a Condition of Approval.

The nonconforming height, guest parking, and front yard, side yard and garage setbacks are not unusual conditions for the street as the majority of the lots seem to have similarly nonconforming setbacks (based on visual inspection by staff), the proposed addition is on the first floor, and the amount of expansion is minimal. The project is therefore consistent with Chapter 17.52 of the Hermosa Beach Zone Code.

CONCUR:

Scott Lunceford
Planning Associate

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs
4. Zoning Checklist
5. Valuation Worksheets (previous and proposed)

nr827 (03-10)