

October 14, 2003

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

**Regular Meeting of
October 21, 2003**

SUBJECT: VARIANCE 03-2

LOCATION: 2340 THE STRAND

APPLICANT: LINDA CHEN
2340 THE STRAND
HERMOSA BEACH, CA 90254

REQUEST: VARIANCE 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

Recommendation

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

Background

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	2,416 Square Feet
PROPOSED DWELLING UNIT SIZE	3,187 Square Feet

The subject lot is a corner lot, currently developed with a single-family dwelling, located on The Strand at 24th Street. Vehicular access is available from a 10-foot wide alley (Beach Drive). The property includes the vacated portion of 24th Street zoned O-S-O (Open space Overlay), which can be used for parking and landscaping as shown, but which cannot be used for complying with any of the development standards of the R-1 zone.¹

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.

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. The request for relief from the ground level open space requirement is similar to Variances granted by the City Council in January 2000, for the adjacent property to the south at 2334 The Strand, and two Variances granted by the Commission at 2326 and

2330 the Strand. In these cases the Variances were granted, 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.

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 southerly 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 of 22nd Street, 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)².

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 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, and made by the Commission with respect to the properties at 2326 and 2330 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.

Ken Robertson
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Attachments

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

¹ The plans include landscaping and improvement plans for both the OS-O zoned area and the encroachment area along the Strand frontage, including raised patios. Although these improvements are not related to the Variance request, it should be noted that corrections will be necessary to comply with the OS-O zone maximum deck height of 1-foot, and the encroachment requirements of the Public Works Department for the raised deck area in the Strand encroachment area. Also several other corrections to plans are also noted in the attached zoning check list.

² 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”

2340 The Strand



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P.C. RESOLUTION NO. 03-

**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
AND SIDE YARD AREAS WITH DIMENSIONS OF LESS THAN 10- FEET IN
CONNECTION WITH A PROPOSED NEW SINGLE FAMILY DWELLING AT 2340
THE STRAND LEGALLY DESCRIBED AS LOT 7, BLOCK 24 HERMOSA BEACH
TRACT**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Linda Chen, owner of real property located at 2340 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 October 21, 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 Planning Commission 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 at it south east corner of the Strand and 24th Street, 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 Planning Commission 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 (2416 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 a southwesterly direction. 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 recently approved projects on adjacent and nearby properties with respect to
6 open space requirements, and will therefore allow the construction of a building envelope as built on other
7 nearby 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 October
18 21, 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) Final plans must include a roof plan indicating property corner elevations with
22 critical point maximum and proposed heights identified. The roof plan must also
23 include eave dimensions, and clearly indicate that eaves will not encroach closer
24 than 30" to the property line.**
- 25 **c) Landscaping and other improvements proposed in the OS-O are subject to the
26 requirements of the O-SO zone standards, and improvement within the
27 encroachment area along the Strand are subject to approval of the Public Works
28 Department.**

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

VOTE: AYES:
NOES:
ABSENT:
ABSTAIN:

CERTIFICATION

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

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

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Date October 21, 2003

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