

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

**Regular Meeting of
October 21, 2003**

SUBJECT: VARIANCE 03-4

LOCATION: 259 31ST STREET

APPLICANT: A. JONATHAN SCHWARTZ
259 31ST STREET
HERMOSA BEACH, CA 90254

REQUEST: VARIANCE TO LOT COVERAGE REQUIREMENT IN ORDER ALLOW AN
ADDITION AND REMODEL, AND CONVERSION OF A DUPLEX TO A
SINGLE-FAMILY DWELLING, RESULTING IN 71% LOT COVERAGE
RATHER THAN THE MAXIMUM 65%

Recommendation

Direct staff as deemed appropriate.

Background

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	2,100 Square Feet
EXISTING USE / FLOOR AREA:	Duplex / 1935 Square Feet
PROPOSED ADDITION:	233 Square Feet
PROPOSED USE / FLOOR AREA:	Single Dwelling / 2,168 Square Feet
PERCENT INCREASE IN VALUATION:	44%
EXISTING PARKING:	2 spaces plus 1 guest
PROPOSED PARKING:	2 garage spaces, plus 1 guest

The subject property is currently developed with a two-story stacked duplex, with a two-car garage with access to the alley. The current use as two units is a nonconforming use in the R-1 zone. The property is also nonconforming with respect to front and side yard requirements, open space, lot coverage and parking summarized as follows:

Front Yard: 0 rather than required 7 feet (10% of lot depth)

Side Yard: 1.5 feet on the west side rather than the required 3 feet (10% of lot width), including a bay window that projects to the property line.

Open Space: Complies with the total requirement for small lot exception of 300 square feet, as a total of 500 square feet is available on the roof deck (380) and excess yard areas on the ground (120), but does not comply with the requirement that 60% be located adjacent to primary living areas, as 120 square feet is available on ground rather than 180 square feet.

Lot Coverage: currently 68% rather than the required 65%

Parking: one space per unit plus one guest rather than two spaces per unit.

The Planning Commission approved a nonconforming remodel project in 1997 pursuant to Section 17.44.140 of the Zoning Ordinance, allowing a 250 square foot addition to the duplex while maintaining the nonconforming use and nonconforming parking (one space per unit). The project involved substantial remodeling as well, and was completed in 1999. Since the applicant has constructed this 250 square foot addition, no further expansion can be allowed if the nonconforming use remains.

Analysis

The proposed project involves eliminating one of the units by removing the first floor kitchen and connecting this floor with the second floor with a spiral stair. Also, the garage will be relocated and reconstructed closer to the alley allowing the addition of 175 square feet of floor area on the first floor for an additional bedroom and bathroom, and the addition of a master bath on the second floor above a portion of the new garage. The proposed remodel and addition will bring the property into conformance with the Zoning Ordinance with respect to use because of the elimination of one unit, and bring the property into compliance with parking requirements. The nonconforming front and side yards will remain, and the project will remain nonconforming to small lot open space requirements. The project as designed causes lot coverage is to be increased by 58.5 square feet (approx 3%) to accommodate the relocated garage and master bathroom. Therefore, a Variance is required from the lot coverage requirement.

The reason for the applicants' request is primarily to make the dwelling more livable as a single family dwelling to suit the needs of a young family, with a master bathroom adjacent to the master bedroom, and upgraded bathroom facilities on the first level to include a bathtub. The applicants desire to construct this addition while maintaining as much of the existing structure as possible, since it was recently remodeled. Staff has discussed other options with the applicants to avoid this Variance request, such as removing the front stairway access to the second floor in order to compensate for the increased lot coverage, or reconfiguring the floor plan. The removal of the front stair would also remove the second front door access to make the project more consistent with a typical single family home, and less likely to become a code enforcement problem in the future. The applicants, however, are choosing to pursue the Variance because these other options do not meet their objectives and preferences, and would require reducing the overall floor area. Further, removing the front stair access to the second floor (since it provides legal egress) would require constructing a conventional stair somewhere else in the building, decreasing the size of the existing first floor living room, proposed to become a recreation room.

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, and the existing condition of the building, which creates unique design problems since it was originally built as a stacked duplex. These conditions limit design options available to the applicant while maintaining the existing structure.

Discussion of findings:

Finding 1: The lot is considered a “small lot” under the R-1 development standards, as it is 2100 square feet. This means the lot already qualifies for the small lot exception, which allows open space to be provided on decks. So the small lot condition, which exists on this entire block (38 lots have the same dimension) is not really exceptional or unusual and, further, because these small lots are recognized in the code, the property is already given some relief from development standards.

The existing condition of the structure may be somewhat unusual, since it is historically a duplex that may be difficult to convert to a single dwelling. This condition exists on 7 other lots on this block. However, as noted, the existing building is nonconforming to several development standards, and thus is afforded several benefits by being allowed to maintain these nonconformities that may not be available to other properties in the same situation, and it not available to properties with new construction.

In summary it is questionable whether these circumstances could be considered as exceptional and extraordinary.

Finding 2: The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a single family home to meet current standards of livability and to be a reasonable size. The Variance to lot coverage is necessary for this dwelling to reach a size that the applicant finds comfortable and to add a master bath without also being forced to significantly reconfigure or remodel the existing structure. Supporting such a finding depends on whether the ability to meet the applicant’s preferences for livability or a certain size home is considered a substantial property right, and whether the lot coverage requirement is so restrictive that it is denying the applicant this right.

Making this finding is difficult given that options are available to comply with the lot coverage requirement and still meet the applicant’s general objectives.

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 does not involve a major expansion.

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. Staff would further recommend (given that the applicant is maintaining separate exterior access to each floor and a wet bar on the ground floor) that if the Variance is approved, that it be conditioned on the recording of a deed restriction to limit the use of the property to one dwelling unit. Staff will return with a resolution at the next meeting based on the Commission’s direction.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Applicant’s discussion of Variance findings
2. Location Map
3. Zoning Analysis

259 31st Street



View from 31st Street



View from the alley from west



View from alley of proposed area of new construction

259 31st Street



View from 31st Street



View from the alley from west



View from alley of proposed area of new construction