

November 10, 2003

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

**Regular Meeting of
November 18, 2003**

SUBJECT: VARIANCE 03-4

LOCATION: 1427 MONTEREY BOULEVARD

APPLICANT: WILLIAM FEBBO
1427 MONTEREY BLVD.
HERMOSA BEACH, CA 90254

REQUEST: VARIANCE TO ALLOW A GREATER THAN 250 SQUARE FOOT ADDITION
ON A PROPERTY CONTAINING THREE UNITS WITH LESS THAN TWO
PARKING SPACES PER UNIT.

Recommendation

Direct staff as deemed appropriate.

Background

ZONING:	R-3
GENERAL PLAN:	High Density Residential
LOT SIZE:	2,909 Square Feet
EXISTING USE / FLOOR AREA:	Three Units / 2638 Square Feet
PROPOSED ADDITION:	898 Square Feet
PERCENT INCREASE IN VALUATION:	34.5%
EXISTING PARKING:	3 garage spaces, no guest spaces
PROPOSED PARKING:	4 garage spaces, plus 2 guest spaces

The subject property is currently developed with a single story home on the front part of the lot with a single car garage, and a two-story stacked duplex on the rear with a two-car garage with access to the alley. City records show that the single-story home was constructed in 1931 and was partially remodeled in 1986. No records are available regarding the original construction date of the apartment in the rear, but it was determined to be a legal two units in 1974. In 1984 it was substantially remodeled and expanded pursuant to a Variance granted by the City Council, allowing the expansion despite nonconforming side yards and nonconforming parking. The current use as three units is a nonconforming use in the R-3 zone, as the lot size only permits 2 units. The property is also nonconforming with respect to front and side yard requirements, parking, parking setback requirements, open space, and separation between buildings, summarized as follows:

Front Yard: 0 rather than required 2 feet

Side Yard: 2.1 and 2.2 feet on the south side rather than the required 3 feet (10% of lot width), including a fireplace encroachment to closer than 30" to the property line on the north side.

Parking: three spaces existing rather than the required 6 spaces plus 2 guest spaces one space per unit plus one guest rather than two spaces per unit.

Parking Setback: 2 feet instead of 3 feet on the alley; 14 feet instead of 17 feet on the street.

Open Space: 324 square feet is available at grade between the units, which is well below the total of 900 square feet for 3 units. Also, no open space is adjacent to primary living levels.

Separation between buildings: 5 feet rather than 8 feet.

Analysis

The proposed project involves adding a second floor and roof deck to the single-story dwelling located in front, and expanding the existing garage to a 2-car garage with a 17-foot setback from the sidewalk. The proposed remodel and addition will bring the property into conformance with the front yard setback except for the front entrance balcony, and while it will increase parking for the front unit and bring it up to code, and increase open space, it will not bring the property into conformance with any of the other nonconforming conditions. Pursuant to Section 17.52.030 of the Zoning Ordinance regarding additions to nonconforming buildings, a building may increase up to 50% in valuation. However, the parking is subject to Section 17.44.140(B), which limits expansion of properties containing one space per unit to a maximum of 250 square feet. Therefore, a Variance is being requested to add more than 250 square feet, while maintaining less than two spaces per unit for the property.

The reason for the applicants' request is primarily to make the front dwelling unit more livable as a single family dwelling, and a request to recognize that the proposed changes to the front unit will bring its parking into conformance, while no changes are being proposed to increase or intensify the duplex structure in the rear. The applicant is attempting to achieve parity with other dwellings in the area in terms of livability, while maintaining as much of existing structure as possible. The intent of a Variance is to create parity with other properties in the vicinity and to avoid creating a unique or special privilege.

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 unique nonconforming condition of the property which has been used as three units since the 1930's . This existing condition limits design options available to the applicant for improving the front house while maintaining the existing uses and structures on the back part of the property.

Discussion of findings:

Finding 1: The subject lot is only 29 feet wide, and is located in an area, which is dominated by wider lots (40 feet or more) containing nonconforming apartment buildings and multi-family structures which also exceed existing density requirements of the zone. For example, the block contains apartment complexes of 24, 18, 7 and 6 units all located on larger lots or assembled lots. Some newer condominium projects are also located nearby, typically on 40-foot wide lots. Therefore, the small width of the lot, and existing condition of the structures are somewhat unique and unusual for this block, as it has historically contained a duplex in the rear for rental purposes, and an owner occupied one-story

home in front. However, there is one other lot with a 29-foot lot width (neighboring to the north) which contains a new 2-unit condominium. ,

In summary, while it may be arguable the existing circumstances could be considered as exceptional and extraordinary, it is not a strong case given that several other properties contain older nonconforming structures that exceed current density requirements.

Finding 2: The owner wishes to exercise a property right to add on to an existing single-family home to meet basic standards of livability and to be a reasonable size. The Variance is necessary for this dwelling addition to exceed 250 square feet, and thus to reach a size that the applicant finds comfortable without also being forced to significantly reconfigure or remodel the existing structures on the property. 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 parking standards applicable to this expansion, which limit it to 250 square feet, is so restrictive that it is denying the applicant this right. Further, it should be considered whether maintaining a nonconforming duplex rental for generating income is a substantial property right, since the property can be redeveloped with two conforming units.

The Commission may want to consider the small size of the dwelling (1,008 square feet) which is out of parity with standard size dwellings in the area and throughout the City, and the limited options for complying with parking requirements in making this determination. However, the parking problem is also related to the nonconforming use as three units, and could be resolved by converting the rear duplex to a single-family dwelling, and with that option parity could be reached without a variance.

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. Further the proposed parking will significantly improve the nonconforming condition.

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 will return with a resolution at the next meeting based on the Commission's direction. If the Variance is approved it would require a condition that the proposed stairway that encroaches into the public right-of-way be eliminated, and that a signed and wet-stamped survey be provided.

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
4. Photographs

var1427Monterey



1427 Monterey



1426 and 1428 Bay View Drive