

November 25, 2003

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

**Regular Meeting of
December 3, 2003**

SUBJECT: APPEAL OF DIRECTOR'S DECISION -- INTERPRETATION OF THE LOT COVERAGE REQUIREMENT IN CONNECTION WITH CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH UNDERGROUND PARKING AT 2420 HERMOSA AVENUE

Recommendation:

That the Planning Commission direct staff by minute order as deemed appropriate.

Background:

The property is located on the east side of Hermosa Avenue between 24th Street and 25th Street. The property owner is proposing to construct a single family dwelling, located in the R-2 zone and utilize an area below the proposed finished grade for underground parking (as part of a proposed garage). The purpose of the area is to maximize the amount of additional floor area for parking while complying with the lot coverage and open space requirements for the R-2 zone. A new entry courtyard will be located above the proposed basement garage. The grade elevation at the entry courtyard will be lower than the existing grade and the same as the proposed finished first floor level (please see attached plans) of the new single family dwelling. The basement area under the entry courtyard does not encroach into any required yards.

At the June 17, 2003 meeting, the Planning Commission considered a similar request and determined that a below grade basement encroachment into the rear yard was exempt from lot coverage.

Analysis:

The issue to consider in connection with the appeal is whether the underground parking area violates the lot coverage requirement for the zone. The Commission must determine whether the below grade extension of the house violates the 65% lot coverage maximum. Lot coverage is defined as all of the following: "that portion of a lot covered by the area within the foundations of the main building and all accessory buildings and structures; the area covered by cantilevers projecting from a building; and the area covered by decks and stairs more than thirty inches above the grade as defined in Section 17.04.040." The proposed basement garage below the entry courtyard will not extend thirty inches above grade, however it extends the foundation of the main building and the area "covered" must be considered in the lot coverage calculation pursuant to the above definition.

It is arguable that the proposed basement roof and entry courtyard are not a "structure" as defined in Section 17.04.040. As defined, a "structure" is "anything constructed or erected which requires location on the ground or attached to something having a location on the ground." The existing grade elevation at the location of the basement roof under the entry courtyard is established at elevation 109.42', whereas the proposed elevation will be 108.8' (please see attached sheet A-0.0 plot plan, sheet A-3.1 south elevation, and survey relative to the proposed elevation of the grade). If the proposed finished grade elevation of the basement roof (please see sheet A-3.1) is lower than the unaltered grade elevation of 109.42' (the elevation prior to grading for the entry courtyard), then it is arguable that the area above the basement is not a structure as it is wholly below the ground level as stipulated by the Code. Also, this area is otherwise open to the sky above.

It is also arguable that if an area qualifies as not being a structure it does not contribute to lot coverage and should be exempt from lot coverage calculations. However, the above definition of lot coverage specifically includes “that portion of a lot covered by the area within the foundations of the main building and all accessory buildings and structures”. Thus, it may be useful to consider the purpose of the lot coverage regulation in making a determination about this issue. If the intent of regulating lot coverage is to minimize to the visible coverage of a lot with a building, then the proposed project basement does not violate the regulation and should not be considered as contributing to coverage of the lot. The intent of the definition of lot coverage seems to be related to the above ground condition.

The owner has indicated that there is ambiguity in the Code relative to the above issues which merit special consideration relative to the specific conditions of the site and that unaltered grade is consistent with the finished elevation of the proposed basement roof and entry courtyard.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments:

1. Correspondence
2. Plans

Notes

Relevant Code Sections:

1. *Lot coverage* is defined as that portion of a lot covered by the area within the foundations of the main building and all accessory buildings and structures; the area covered by cantilevers projecting from a building; and the area covered by decks and stairs more than thirty inches above the grade as defined in Section 17.04.040.
2. Areas excluded from *lot coverage* are architectural projections, eaves and unenclosed balconies open on at least two sides from the face of the building.
3. *Grade* at any point on a lot is determined based on existing corner point elevations, taking into consideration significant variations relative to adjacent properties. In cases where there is significant variations in elevations between adjacent properties at corner points, the point of measurement shall be established based on the elevation at the nearest public improvement or an alternative point within 3 horizontal feet that represents existing unaltered grade.
4. *Structure* is defined as anything constructed or erected which requires location on the ground or attached to something having a location on the ground.