

February 9, 2004

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

**Regular Meeting of
February 17, 2004**

SUBJECT: VARIANCE 04-1
SUBDIVISION 04-1 / TENTATIVE PARCEL MAP #060842

LOCATION: 2226 HERMOSA AVENUE

APPLICANT: BOB SCHNEIDER
1104 HIGHLAND AVENUE, SUITE M
MANHATTAN BEACH, CA 90266

REQUEST: A VARIANCE FROM THE SUBDIVISION AND ZONING ORDINANCES TO
ALLOW A LOT SPLIT RESULTING IN TWO LOTS WITH LESS THAN
REQUIRED LOT SIZE AND LOT WIDTH

Recommendation

To approve the Variance and Parcel Map for a two lot subdivision by adopting the attached resolution.

Background

ZONING:	R-2
GENERAL PLAN:	Medium Density Residential
EXISTING LOT AREA:	5,733 Square Feet
EXISTING LOT WIDTH:	60 Feet
PROPOSED LOT AREAS:	2,893 square Feet
	2,840 Square Feet
REQUIRED MIN. LOT AREA:	4,000 Square Feet
PROPOSED LOT FRONTAGE	30 Feet each lot
PROPOSED LOT WIDTHS:	30 Feet each
REQUIRED MIN. LOT WIDTH:	40 Feet each

The subject property contains a single-family residence, constructed in 1937, on one legal lot. A parcel map that combined the two original lots from original tract created the lot. The parcel map, approved in 1981, was for the purpose of developing three condominium units. However, the project was never constructed and instead the current owners substantially remodeled and expanded the existing home in 1987. The lot can still be developed for up to three units in accordance with the current lot area per dwelling unit standard of the R-2 zone¹. The applicant is seeking to obtain a Variance from the Subdivision and Zoning Ordinance to develop two single-family homes on separate individual lots. Precedents have been established for similar situations at 501-507 29th Street and 836 Beach Drive/32 9th Street for which the Commission granted Variances in 2000 and 2003.²

Analysis

The provisions in the Subdivision and Zoning Ordinances that pertain to this proposed subdivision are as follows:

- §§ Section 16.08.060, of the Subdivision ordinance states that a subdivision cannot create lots smaller than a 40-foot width and having less than 4,000 square feet. Further, to approve a subdivision the Planning Commission must find that:
 1. The proposed subdivision will in no way be inconsistent with the prevailing lot pattern or reduce property values in the surrounding neighborhood area.
 2. The size of the proposed lots is not smaller than the prevailing lot size and lot frontage within the same zone and general plan designation within a 300 foot radius; provided, however, that all such lots used in the comparison shall be in the same “neighborhood area”³.
- §§ Section 17.46.220 of the Zoning Ordinance pertaining to division of lots also states that the minimum lot width for a division is 40 feet and minimum lot size is 4000 square feet. The criteria for approval of a lot division are similar to the requirements of the subdivision ordinance.

The applicant is requesting Variances from both the Subdivision and Zoning Ordinance. A Variance from the Subdivision Ordinance is requested to create two lots substandard in width and area, as an alternative to constructing two or three units on one lot. The proposed width of the lots (as measured at the midway point of the lot) is 30 feet rather than the required 40 feet as required in the Subdivision Ordinance. The proposed lot sizes are 2,893 square feet and 2,840 square feet rather than the required 4000 square feet as required in the Subdivision Ordinance. The prevailing lots in the neighborhood (see the attached consistency analysis) consist of lots with a 30 foot width and varying depths ranging from 1,420 to 2,792 square feet (which represent the majority of surrounding lots in the R-2 zone) with some larger lots on the block between 21st Street and 22nd Street. Therefore, the proposed lots are generally consistent and larger with the prevailing lot sizes and widths in the neighborhood area.

The applicant is requesting a Variance from the Zoning Ordinance in order to create two lots substandard in width and area. The proposed width and area of the lots does not meet the minimum lot width (40 feet) and area requirements (4,000 square feet) contained in the Zoning Ordinance, which are the same as the Subdivision Ordinance.

The concept of a Variance is that basic zoning provisions are not being changed but the property owner is allowed to use his property in a manner basically consistent with the established regulations with such minor variation as will place him in parity with other property owners in the same zone.⁴ The basic facts and circumstances in this case may arguably be consistent with this principle, as the applicant’s proposal to develop these lots, as two single-family dwellings will result in a project more consistent with surrounding development than the development of the property with a three-unit condominium. Further the proposed lot sizes are generally in character and actually larger than most of the in the neighborhood area.

If the Variance is granted the applicant will benefit with respect to the development standards that apply to two single-family projects as opposed to developing the project on one lot as a condominium. Although the standards of the R-2 zone are similar, the applicant will be able to take advantage of the following important differences:

- §§ The proposed two separate single family projects are subject to a side yard requirement of three feet at the common property line separating the lots, and three feet at the exterior side

yards facing adjacent properties to the north and south.. A development on the property as one lot, whether condominium, single-family or duplex or triplex would be subject to 5-foot side yards.

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.

Discussion of Findings

Finding 1: *Exceptional circumstances apply to the property involved.*

The lot in its combined condition is only one of two lots within a 300-foot radius in the same zone that have been combined. Therefore its lot size of 5,733 square feet is arguably an exceptional and unique condition as compared to the other lots whether located on the Strand or on walk streets or neighborhood streets in the area. Of the 32 lots within the same zone in the neighborhood area 26 have not been merged and contain lot sizes of 2,850 square feet or less.

Also, the lot contains sufficient square footage in the R-2 zone to develop up to three units, while prior to the combination of the original lots, the property could have been developed with one unit per lot, or two units. This situation is somewhat unique and arguably exceptional since the combined square footage of the two lots yields the development potential of three units; while, as separate lots neither lot is large enough to qualify for two units.

Finding 2: *A Variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property.*

The owners wish to exercise their property right to subdivide their lot into the two lots from the original tract to create lots similar to other lots in the neighborhood. A majority of the lots in the neighborhood are currently developed with single-family homes on lots of 2,850 square feet or less. The applicant's merged lot is 5,733 square feet, which is nearly twice the size of the prevailing lot sizes. Therefore, the Variance is arguably necessary for the property owner to exercise the right to develop separate single-family projects on the lots from the original tract, which is right clearly possessed by other properties in the vicinity.

Finding 3: *A Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which it is located.*

The proposed subdivision will not present any potential detriment to surrounding properties relative to density and lot pattern. The subdivision will separate the lots as originally divided prior to the parcel map in 1981. The subdivision will create lots that are more consistent with the prevailing lot pattern in the surrounding neighborhood. The prevailing lot pattern consists primarily of 30-foot wide lots with 2,850 square feet or less in lot area and with 30-foot widths.

Finding 4: *The granting of the Variance will not conflict with the provisions of or be detrimental to the general plan.*

Since the proposed project will result in a density of 15.2 units per acre its consistent with the density range for the Medium Density category of the General Plan (14-25 units per acre). Further, the proposed project is consistent with prevailing lot pattern and the surrounding character and density of development.

If the Commission decides to approve the Variance it must adopt the necessary findings or it must deny the Variance. If approved, the Commission can then approve the parcel map for the proposed subdivision. If the Variance is denied the owner will have the option of developing the property with a single-family project, or a multi-unit project containing two or three units whether as rentals or condominiums rather than building individual units on individual lots.

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Neighborhood Prevailing Lot Analysis
2. Location Map
3. Applicant's Correspondence
4. Correspondence

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¹ With the existing combined condition the lot size of 5,733 square feet yields a potential of three units based on the one unit per 1,750 square-foot standard of the R-2 zone, and thus the property can be developed with one, two or three units. If the lots were separate pursuant to the original tract, only one unit per lot could be developed. It is not possible to revert the lots to the original tract because such an action would be inconsistent the State Subdivision Map Act in the Government Code. Any local law violating minimum subdivision standards would violate the intent of the provision of the Government Code. In this situation, however, because the property is zoned R-2 and allows multiple units based on a lot area per dwelling unit standard, the existing parcels actually allow the development of a higher density (up to three units) than the original separated lots.

² In the Variance case at 501,507 29th Street a merged lot measuring 5,291 square feet, fronting on a walk street in the R-2 zone, were split into two separate parcels of 2,414 square feet and 2,877 square feet, with lot widths less than 40-feet. In the Variance case at 836 Beach Drive/32 9th Street a merged lot measuring 5,353 square was split into two separate parcels of 2,850 square feet and 2503 square feet with widths of 30 and 26.35 feet.

³ "Neighborhood area" is defined as the block or group of blocks, within the same zone and general plan designated area being located within clearly defined common boundaries. Boundaries shall include arterial or collector streets, parks, or open space designated areas, or significant topographical features such as hillsides

⁴ Longtin's California Land Use, 2nd Edition, 1987, Chapter 3, Part G, "Variances and Conditional Use Permits"

2226 Hermosa Avenue



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P.C. RESOLUTION 04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP
NO. 060842 FOR A TWO LOT SUBDIVISION AT 2226 HERMOSA AVENUE
LEGALLY DESCRIBED AS PARCEL 1, PARCEL MAP NO. 14210**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Bob Schneider owner of real property located at 2226 Hermosa Avenue seeking approval of Vesting Tentative Parcel Map No. 060842 to subdivide an existing lot into two lots.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for this on February 17, 2004, 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 findings pursuant to Section 16.08.060 of the Subdivision Ordinance:

1. The proposed lots will contain 30-feet of frontage with a 114-foot depth, and measure 2,840 square feet and 2,893 square feet. The Planning Commission has approved a Variance for the proposed subdivision to allow lots smaller than a forty (40) foot width and having less than four thousand (4,000) square feet, as set forth in P.C. Resolution 04-
2. The proposed lots, after being divided, front on public streets and do not front on any alleys;
3. The proposed subdivision will in no way be inconsistent with the prevailing lot pattern or reduce property values in the surrounding neighborhood area;
4. The size of the larger lot is not smaller than the prevailing lot size and lot frontage within the same zone and general plan designation within a three hundred (300) foot radius within the neighborhood area,
5. The granting of the subdivision would result in the creation of lots that would be of a size and configuration, which would be in keeping with the standards of development specified by the zoning ordinance for the land use zone in which it is located;
6. The creation of the proposed lots would be in conformity with the intent and purpose of the comprehensive general plan for the city;
7. The tentative subdivision map complies with the requirements for approval set forth in the Subdivision Map Act of the state of California

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Section 4 Based on the foregoing, the Planning Commission hereby approves the Tentative Parcel Map No. 060842 to allow a two-lot subdivision.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 04- 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 February 17, 2004.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

February 17, 2004
Date

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RESOLUTION 04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, TO APPROVE THE REQUESTED
VARIANCE TO THE SUBDIVISION AND ZONING ORDINANCES TO ALLOW A
SUBDIVISION RESULTING IN TWO LOTS WITH LESS THAN REQUIRED LOT
WIDTH AND LOT SIZE AT 2226 HERMOSA AVENUE LEGALLY DESCRIBED
AS PARCEL 1, PARCEL MAP 14210**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Bob Schneider owner of real property located at 2226 Hermosa Avenue seeking a Variance from Section 17.12.090 of the Zoning Ordinance and Section 16.08.060 of the Subdivision Ordinance to create two lots less than a minimum of 40 feet wide and less than 4,000 square feet in area.

Section 2 The Planning Commission conducted a duly noticed public hearing to consider the application for the Variance on February 17, 2004, 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 subdivide an existing lot into two lots in order to revert the property back into two lots as existed prior to approval of parcel map 14210 in 1981, so that two single-family dwellings may be developed and sold separately on each lot.
2. The subject lots as proposed will have frontages of 30-feet each and depths of 114.9 feet.
3. The areas of the proposed lots are approximately 2,840 and 2,893 square feet.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance from Section 17.12.090 of the Zoning Ordinance and Section 16.08.060 of the Subdivision Ordinance to have lots less than a minimum of 40 feet wide and less than 4,000 square feet in area:

1. There are exceptional circumstances relating to the property because the lot in its combined condition is only one of two lots within a 300-foot radius in the same zone that have been combined. Therefore its lot size of 5,733 square feet is arguably an exceptional and unique condition as compared to the other lots whether located on the Strand or on walk streets or neighborhood streets in the area. Of the 32 lots within the same zone in the neighborhood area 26 have not been merged and contain lot sizes of 2,850 square feet or less. Also, the lot contains sufficient square footage in the R-2 zone to develop up to three units, while prior to the combination of the original lots, the property could have been developed with one unit per lot,

1 or two units. This situation is somewhat unique and arguably exceptional since the combined
2 square footage of the two lots yields the development potential of three units; while, as separate
3 lots neither lot is large enough to qualify for two units.

- 4 2. The Variance is necessary for the enjoyment of a substantial property right possessed by other
5 properties in the vicinity because the owners wish to exercise their property right to subdivide
6 their lot into the two lots from the original tract to create lots similar to other lots in the
7 neighborhood. A majority of the lots in the neighborhood are currently developed with single-
8 family homes on lots of 2,850 square feet or less. The applicant's merged lot is 5,733 square
9 feet, which is nearly twice the size of the prevailing lot sizes. Therefore, the Variance is arguably
10 necessary for the property owner to exercise the right to develop separate single-family projects
11 on the lots from the original tract, which is right clearly possessed by other properties in the
12 vicinity.
- 13 3. The granting of the Variance will not be materially detrimental to the public welfare or injurious
14 to the property or improvements in such vicinity and zone in which the property is located
15 because The proposed subdivision will not present any potential detriment to surrounding
16 properties relative to density and lot pattern. The subdivision will separate the lots as originally
17 divided prior to the parcel map in 1981. The subdivision will create lots that are more
18 consistent with the prevailing lot pattern in the surrounding neighborhood. The prevailing lot
19 pattern consists primarily of 30-foot wide lots with 2,850 square feet or less in lot area and with
20 30-foot widths
- 21 4. The Variance is consistent with the General Plan because since the proposed project will result
22 in a density of 15.2 units per acre its consistent with the density range for the Medium Density
23 category of the General Plan (14-25 units per acre). Further, the proposed project is consistent
24 with prevailing lot pattern and the surrounding character and density of development.

25 Section 6. Based on the foregoing, the Planning Commission hereby approves the Variance to
26 allow a subdivision with lots less than a minimum of 40 feet wide and less than 4,000 square feet.

27 VOTE: AYES:
28 NOES:
29 ABSENT:
ABSTAIN:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 04- 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
February 17, 2004.

Langley Kersenboom, Chairman

Sol Blumenfeld, Secretary

Date February 17, 2004

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