

June 8, 2004

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

**Regular Meeting of  
June 15, 2004**

SUBJECT: NONCONFORMING REMODEL 04-2

LOCATION: 1085-1087 MONTEREY BOULEVARD

APPLICANT: TOM PARKS  
1085-1087 MONTEREY BOULEVARD  
HERMOSA BEACH, CA 90254

REQUESTS: ROOF DECK ADDITION TO AN EXISTING DUPLEX WITH A  
NONCONFORMING SIDE YARD RESULTING IN THE EXTENSION OF AN  
EXISTING NONCONFORMING SIDE YARD

**Recommendation**

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

**Background**

LOT SIZE	4,296 square feet
EXISTING FLOOR AREA	1,940 square feet
PROPOSED ADDITION	189 square feet deck
PERCENT INCREASE IN VALUATION	2.8 %
ZONING	R-3
GENERAL PLAN	High Density Residential
ENVIRONMENTAL DETERMINATION	Categorically Exempt

The existing two-story duplex was constructed in 1940. The duplex is nonconforming to current side yard standards. An existing enclosed patio was built on the north property line rather than having the required 4.3 feet side yard. The rest of the building is setback 3 feet from the north property line. The existing parking may also be nonconforming as well, but not enough information was noted on plans. Since the project only involves providing a roof deck, it is subject to building valuation limitations and is not limited by the amount of on-site parking under Section 17.44.140 (C) of the Zoning Ordinance relating to expansion of nonconforming buildings.

The proposed deck is the subject of a current code enforcement case because it was built without permits.

**Analysis**

The applicant is requesting an after-the-fact approval for a previously constructed un-permitted roof deck of 189 square feet. The proposed roof deck will have the same nonconforming setback of 3 feet that the main building has on the north side yard. The proposed roof deck addition complies with the 30-foot height limit. There is no increase in livable floor area proposed as part of this

project. Both the proposed roof deck addition and the second floor deck addition permitted in 1996 result in a 2.8% increase in valuation.

Chapter 17.52 of the Zoning Ordinance requires Planning Commission approval when an expansion of a nonconforming building extends an existing nonconforming side yard. Pursuant to Section 17.52.030.B (Expansion, Remodeling, and Alteration of Nonconforming Buildings) of the Zoning Ordinance, existing nonconforming side yards may be continued and extended subject to Planning Commission approval.

Though the applicant submitted a survey that shows the deck as being below the height limit as built, the actual plans do not label the critical height point or property corner point elevations. Staff has done a height calculation based on the survey and believes the plans can be revised as a condition of approval because the deck is below the height limit of 30 feet.

Planning staff issued a memo to both the Building Division of the Community Development Department and the Public Works Department for review of the subject project. The comments provided by the Building Division and Public Works Department will not significantly affect the proposed deck addition.

Based on visual inspection by staff, the nonconforming side yard is not an unusual condition given the age of the subject dwelling, and the amount of expansion is minimal. The project is therefore consistent with Chapter 17.52 of the Hermosa Beach Zone Code.

CONCUR:

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Scott Lunceford  
Planning Associate

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs
4. Height Calculation
5. Valuation Worksheet

NR1085



1085-1087 Monterey Boulevard

**P.C.RESOLUTION NO. 04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING A ROOF DECK ADDITION TO AN EXISTING DUPLEX WITH A NONCONFORMING SIDE YARD RESULTING IN THE EXTENSION OF AN EXISTING NONCONFORMING SIDE YARD AT 1085-1087 MONTEREY BOULEVARD**

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Tom Parks, owner of real property located at 1085-1087 Monterey Boulevard, requesting a roof deck addition to an existing nonconforming duplex, which extends an existing nonconforming side yard, pursuant to Chapter 17.52 of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on June 15, 2004, at which testimony and evidence, both written and oral, were 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 requesting an after-the-fact approval for a previously constructed un-permitted roof deck of 189 square feet, resulting in an increase of valuation of 2.8% while extending a less than required side yard setback.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings:

1. The existing nonconformities are not severe or unusual.
2. The scale of the proposed expansion is reasonable, and is consistent with planning and zoning requirements for the R-3 zone and does not warrant requiring the current nonconforming side yard be brought into conformance;
3. Approval of the expansion is consistent with the intent and goals of Chapter 17.52 of the Zoning Ordinance.
4. The project is Categorically Exempt from the requirements of the California Environmental Quality Act, pursuant to CEQA guidelines, Section 15301 e(2) with the finding that the project is in an area with available services and not in an environmentally sensitive area.

Section 5 Based on the foregoing, the Planning Commission hereby approves an extension of a nonconforming side yard, subject to the following **Conditions of Approval:**

- 1. The project shall be consistent with submitted plans. Modifications to the plan involving any further expansion shall be reviewed by the Planning Commission.**

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a) The roof plan shall be revised to show the proper locations of the maximum height critical point on the roof, and include all property corner point elevations.

2. Prior to issuance of building permits for demolition and construction, the contractor shall verify the structural integrity of the proposed walls to be retained with a structural inspection approved by the Community Development Director, with details incorporated on construction drawings. This may require further additional structural pest inspections and/or an inspection by a structural engineer.

3. Upon issuance of building permits the project shall proceed in compliance with the scope of work outlined on the plans and any further demolition or construction contrary to said plans will result in project delays in order for the City to review project modifications, and may require new plan submittals and Planning Commission review to proceed with construction work.

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 June 15, 2004.

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Langley Kersenboom, Chairman

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Sol Blumenfeld, Secretary

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June 15, 2004  
Date

NRR218