

May 9, 2005

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

**Regular Meeting of
May 17, 2005**

SUBJECT: NONCONFORMING REMODEL 05-8

LOCATION: 1540 GOLDEN AVENUE

APPLICANT: JOHN RUDOW
1540 GOLDEN AVENUE
HERMOSA BEACH, CA 90254

REQUESTS: ADDITION AND REMODEL TO AN EXISTING NONCONFORMING SINGLE
FAMILY DWELLING RESULTING IN A GREATER THAN 50% INCREASE IN
VALUATION

Recommendation

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

Background

LOT SIZE	3,615 square feet
EXISTING FLOOR AREA	1,813 square feet
PROPOSED ADDITION	381 square feet
PERCENT INCREASE IN VALUATION	56.8 % (cumulative 2000 project and current project)
ZONING	R-1
GENERAL PLAN	Low Density Residential
ENVIRONMENTAL DETERMINATION	Categorically Exempt

The existing two-story building was constructed in 1970, and a second story addition of 281 square feet was completed in 2000. The 2000 addition resulted in a 14.2% increase in valuation, and was allowed by right since it was less than 50%. The dwelling is nonconforming to the following zoning requirements:

Parking: No guest parking
Side Yard: 2.8 feet along the north side yard rather than the required 3 feet

Analysis

Chapter 17.52 of the Zoning Ordinance requires Planning Commission approval when an expansion/remodel of a nonconforming building exceeds 50% increase in valuation. Pursuant to Section 17.52.030.B.2, the calculation of the increased valuation is cumulative of all expansion/remodels that have occurred since October 26, 1989. The applicant is proposing to add 381 square feet of livable area on the first floor and 163 square feet of deck on the second floor, and completely remodel the existing livable area on the first floor. The applicant also proposes to increase the size of the existing garage area by an additional 154 square feet to provide two parking spaces. The expansion, including the 281 square feet added in 2000, will increase the living area of the house from 1,813 square feet to 2,475 square feet.

The current project in addition to the 2000 project cumulatively results in a 56.8% increase in valuation. Also, the projects result in a cumulative removal of 29% of the existing exterior walls.

The proposal conforms to all other planning and zoning requirements. The proposed addition complies with the 25-foot height limit, all required setbacks are provided and the lot coverage is 52%. Open space is provided in the rear yard and is reduced from 870 square feet to 695 square feet, which is still above the minimum open space requirement of 400 square feet.

The proposed garage addition increases the available parking on the subject property from two spaces (one in tandem) to two standard garage spaces and two guest spaces in tandem. The existing curb cut will be enlarged as part of the proposed project, but no on-street parking will be eliminated as a result because the current curb length between the existing driveway and the adjacent property's driveway is not large enough for a parking space.

The nonconforming side yard setback is clearly not unusual or severe given that it is within 10% of the minimum required side yard¹. Also, the scope of the project is reasonable, allowing the owner to add a master suite (bedroom, bathroom and walk-in closet) on the first floor with a covered second floor deck above, and remodel the first floor living areas. Also, the applicant is upgrading the parking to comply with guest parking requirements. Therefore, the project is clearly consistent with the goals and objectives Chapter 17.52 of the Zoning Ordinance.

CONCUR:

Scott Lunceford
Planning Associate

Sol Blumenfeld, Director
Community Development Department

Attachments

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

NR1540



1540 Golden Avenue

P.C. RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING AN ADDITION TO AN EXISTING NONCONFORMING SINGLE FAMILY DWELLING RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION AT 1540 GOLDEN AVENUE

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

Section 1. An application was filed by John Rudow, owner of real property located at 1540 Golden Avenue, requesting an addition to an existing nonconforming single-family residence, which results in a greater than 50% increase in valuation, pursuant to Chapter 17.52 of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on May 17, 2005, 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 proposing an addition of 381 square feet of livable area on the first floor and 163 square feet of deck on the second floor, and a complete remodeling of the existing livable area on the first floor, to an existing single-family dwelling with nonconforming conditions with respect to side yard requirements. The applicant also proposes to increase the size of the existing garage area by an additional 154 square feet to provide enough parking to comply with current parking requirements. The project, in addition to a 2000 project that added 281 square feet, results in a cumulative increase in valuation of 56.8%.

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-1 zone and does not warrant requiring the current nonconforming conditions to 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 addition to an existing nonconforming single-family residence resulting in a greater than 50% increase in valuation, subject to the following **Conditions of Approval**:

- 1. The project shall be consistent with submitted plans. Minor modifications to the plan not involving any further expansion or remodel may be reviewed and approved by the Community Development Director.**
- 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. The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill.**
- 4. 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. 05- 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 May 17, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

May 17, 2005
Date

NRR1540

¹ Section 17.52.030(B) allows extension of “nonconforming” side yards that are within 10% of the side yard requirement, implying that such a condition is in effect conforming. However, the code is not explicit as to whether a side yard within 10% should be deemed conforming. Staff believes that in cases such as this where the side yard within 10% is the only nonconforming condition, that the building should be considered conforming and should not be subject to the 50% rule, or Planning Commission review if over than 50%. Staff is seeking Planning confirmation of this position, so projects like this in the future can proceed with a building permit without Commission review. Also, if supported by the Commission, staff will draft language to make this more explicit in the proposed revisions to the nonconforming ordinance.