

July 12, 2005

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

**Regular Meeting of
July 19, 2005**

SUBJECT: LOT MERGER – REQUEST FOR HEARING

LOCATION: 550 21ST STREET

APPLICANT: DOROTHY BUSBY AS TRUSTEE OF LUTHER W. BUSBY JR. TRUST

PURPOSE: TO DETERMINE WHETHER THE PROPERTY AT 550 21ST STREET,
COMPRISED OF FOUR LOTS, SHALL BE MERGED INTO ONE PARCEL

Recommendation

To determine that the property shall be merged into one parcel.

Alternative: *With consent of the property owner* divide the property into three parcels instead of four, that will at least 4,000 square feet in size, measuring 49' X 100', and contain 4,900 square feet each.

Background

The subject property is currently one large parcel containing 14,700 square feet, comprised of four legal lots from the original subdivision (lots 35, 36, 37, 38, Tract 1868). Three of these lots are 40' X 100', but the owner's portion of lot 38 has been reduced to 27-feet in width and thus currently measures 27' X 100' (2700 square feet). The property contains a single dwelling that is sited on all four the contiguous lots.

Pursuant to Chapter 16.20 of the Municipal Code, pertaining to Merger of Parcels, the City has begun the process to determine whether these four lots that comprise the subject property will be merged. The Planning Commission is responsible for determining if the property shall be merged according to Sections 16.20.010 through 16.20.100 of the Hermosa Beach Municipal Code.

When two or more lots merge, they become a single parcel to be developed, sold, leased, or financed together. Sections 16.20.020 and 16.20.030 allow lots to be merged if the same owner holds two or more contiguous parcels of land where the following conditions exist:

1. The parcels were created under the provisions the City's Subdivision Ordinance or any prior state law or ordinance regulating the division of land, or which were not subject to any prior law regulating the division of land.
2. At least one of the contiguous parcels or units of land held by the same owner does not conform to standards for minimum parcel size to permit use or development under the City's Zoning and/or Subdivision Ordinance.

3. The main structure is partially sited on the contiguous parcel and not more than 80% of the lots on the same block of the affected parcel have been split and developed separately.
4. One or more of the following conditions exist with respect to one or more of the contiguous parcels:
 - a. Comprises less than 4,000 square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of the creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.
 - d. Does not meet slope stability standards.
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - f. Its development would create health or safety hazards.
 - g. Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

The subject property meets the above criteria for merger as one of the contiguous lots (the portion of lot 38) contains less than 4000 square feet and the existing structure is sited on all for lots. Therefore, pursuant to Section 16.20.050, the City mailed a Notice of Intention to Determine Status to the property owner on June 13, 2005, and the Notice of Intention was recorded with the L.A. County Recorder.

Prior to the City's determination that the subject property met these criteria and was subject to these merger provisions, the applicant had submitted a plan and plan check fees to develop the property with four separate single-family dwellings.

Chapter 16.20 establishing the process for merging sub-standard lots was adopted into the Municipal Code in 1986 to preserve the character of existing neighborhoods and to maintain current densities and was adopted in accordance with State legislation. By 1990 the City merged nearly 700 parcels pursuant to these provisions, including several on the subject block, in a citywide effort to merge all lots that met the criteria established by these code provisions. The City keeps a record of lots merged and recorded pursuant to these provisions, and only accepted the application to develop four separate single family homes on the subject property after checking these records and determining they were not merged in this period in the late 1980's. However, upon further review by the City Attorney, it was determined these lots should have been considered for merger in the 1980's, and the fact they were not included was an oversight. Given that the owner now wants to develop the lots separately the City may consider the lots for merger.

Analysis

The applicant has requested a hearing, pursuant to Section 16.20.060, to be given the opportunity to present evidence that the lots do not meet the requirements for merger. The applicant has not provided any such evidence at this time that the property does not meet the requirements for merger as described above, although they will have the opportunity to present this evidence at the hearing.

Also, pursuant to Section 16.20.030 D, in a situation like this where the merger results in the creation of a parcel that is greater than 8,000 square feet, the Planning Commission may, *with consent of the property owner*, re-divide the property into separate parcels that are at least 4,000 square feet in size. In this case, given the total square footage of 14,700 square feet, and frontage of 147 feet, it would seem reasonable to redivide the property into three lots, which would each measure 49 X 100 feet, and contain 4,900 square feet. These lot sizes would be consistent with the prevailing lot size and lot pattern in the area, and clearly would exceed the minimum lot size of 4,000 square feet.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Chapter 16.20 of the Municipal Code
2. Assessor's Map
3. Aerial Photo
4. Correspondence

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