

August 9, 2005

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

**Regular Meeting of  
August 16, 2005**

SUBJECT: NONCONFORMING REMODEL 05-12

LOCATION: 1928 THE STRAND

APPLICANT: CYNTHIA ADAMS VIX  
1787 CONEJO  
SAN LUIS OBISPO, CA 93401

REQUEST: RECONSTRUCTION AND EXPANSION OF A BUILDING DAMAGED MORE THAN  
50% REPLACEMENT COST ON A PROPERTY CONTAINING TWO DWELLING  
UNITS WHICH ARE A NONCONFORMING USE

**Recommendations**

To approve the reconstruction of the front unit damaged by fire, and allow an expansion of said unit up to a maximum of 500 square feet, contingent upon City Council approval of the proposed text amendment to the nonconforming ordinance.

**Background**

LOT SIZE	2368 square feet
EXISTING FLOOR AREA FRONT UNIT:	1034 square feet
EXISTING FLOOR AREA REAR UNIT:	600 square feet
PROPOSED ADDITION (TO FRONT):	483 square feet
PERCENT INCREASE IN VALUATION:	28% (excluding reconstructed portion)
ZONING:	R-2B
GENERAL PLAN:	Medium Density Residential
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject property contains two dwelling units, with the rear unit attached to the two-car garage. The existing structures were constructed prior to the 1920's with the earliest records showing a permit for alterations to the house, garage, and apartment in 1922. The front unit was substantially damaged in 2004 as result of an accidental fire during a remodeling project. The two units on the property are a nonconforming use because the lot size is not sufficient to qualify for two units in the R-2 B zone. The structures are also nonconforming to yard, lot coverage, open space, and parking requirements as follows:

Side Yard: Front house is 2.5 feet and 1.8 feet rather than 3 feet; rear garage/unit 1.8 feet

Front Yard: 2.5 feet rather than 5 feet

Rear Yard: 0 rather than 3 feet at first floor

Lot Coverage: 69% rather than 65% maximum

Open Space: 190 square feet (at grade) and approx 70 square feet deck accessed from rear unit rather than 600 square feet (300 sq. ft. per unit)

Parking: one space per unit provided  
Parking Setback: 0 feet rather than 3 feet

Section 17.52.070 of the Zoning Ordinance, establishes the rules for reconstruction of damaged nonconforming structures. Sub-section A states that a building damaged less than 50% of replacement cost may be restored and the occupancy or use may be continued, while sub-section B states that a building damaged more than 50% shall not be restored except in full compliance with the regulations for the zone. However, sub-section B includes an exception that allows Planning Commission approval of a complete restoration based on the following guidelines, and provided that the rebuilt structure is made as conforming as possible in terms of parking standards and/or zoning standards such as setbacks.

- a. The density of the buildings or buildings on site does not exceed forty-five (45) units per acre;
- b. The height of the building or buildings does not exceed twenty (20) percent more than permitted by the zone in which it is located;
- c. The basic structural features, setbacks, floor area, room sizes can be duplicated in compliance with current building and safety codes;
- d. The cause of the destruction is not intentional through arson or other means.

Based on the opinion of the City Attorney, although it does not explicitly refer to the nonconforming uses, this section also applies to buildings containing nonconforming uses.

The applicant hired a structural consulting company to evaluate the extent of work necessary to replace the damaged building, and the City's consultant also evaluated the structure to determine the extent of damage. Both found the damage to be extensive, and concluded that the only feasible way to replace the structure, both because of the damage, and the fact that no existing concrete foundations support the structure, was to completely reconstruct the building. These evaluations confirm that the building is more than 50% damaged, and subject to Section 17.52.070 B.

### **Analysis**

The applicant is requesting approval of an exception, pursuant to Section 17.52.070 B to allow complete reconstruction of the damaged structure. Therefore, as noted above, the project must "be made as conforming as possible in terms of parking requirements and zoning requirements." To achieve this conformity the applicant's new plan corrects the nonconforming conditions of the front unit with respect to front and side yards, and corrects the lot coverage nonconformity. However, the property will remain nonconforming to parking, with only one space per unit and no guest parking, and nonconforming to open space requirements, as only 206 square feet of open space will be provided rather than the total requirement of 600 square feet. Also the property will remain nonconforming to the lot area per dwelling unit standard, and maintain its nonconforming use of two units. Also, the rear unit and garage, will remain nonconforming to the side and rear setback requirements, and the garage setback requirements.

The Commission must assess whether these changes make the project as conforming as possible. Staff believes that these changes are making the reconstructed unit more conforming, and given the frontage on the Strand there is no reasonable option to provide more parking without significant changes or demolition to the rear unit. However, it would certainly be possible to make the property more conforming to open space standards with some design changes, by enlarging the open patio area between the two units, and providing better access to this area, and/or providing the minimum dimensions necessary in the front yard so part of the front patio can qualify as open space. Also, given the “bridge” connection between the two units, it may be possible to enlarge this to incorporate a balcony or deck area to provide some outdoor open space area for the rear dwelling unit. Staff is therefore recommending a condition, that in order to make this property “as conforming as possible” that the plans be revised to at least provide the minimum required 300 square feet of open space for the new front unit, with at least 100 square feet accessible to the primary living level, and to provide at least 100 square feet for the rear unit.

The project must also be consistent with the guidelines of Section 17.52.070B. Staff believes the project satisfies this consistency finding as follows:

- a. The density of property is currently less than 45-units per acre, as it is currently 36 units per acre.
- b. The existing building is well below the height limit at about 22-feet, and the new building will be higher, but will still be in compliance with the 30-foot height limit.
- c. The basic scale and features of the building will be fairly consistent with the existing building, as the new home will be a moderate sized two story home, and will contain similar size rooms (although it will be 500 square feet larger with a second story). The attached exhibit A, submitted by the applicant, clearly shows the difference in the mass and building coverage between the proposed dwelling and the existing structure.
- d. The cause of the damage was accidental.

In addition the applicant is proposing that the reconstructed dwelling unit be 483 square feet larger than the structure damaged by fire, increasing the square footage from 1,034 square feet to 1,517 square feet. This exceeds the 250 square foot maximum allowed pursuant to the current Zoning Ordinance for properties containing one parking space per unit. The applicant, however, is requesting the Commission consider this plan under the terms of the draft changes to the nonconforming ordinance, which will allow up to a 500 square foot expansion. Also under the terms of both the current ordinance and the proposed ordinance the amount of expansion will be less than a 50% valuation increase (current ordinance), and less than 50% of the existing floor area (proposed ordinance), and therefore does not require Planning Commission approval for the increased valuation or expansion amount, as long as the Commission approves the reconstruction pursuant to Section 17.52.070B, and does not consider the reconstructed portion of the new dwelling (1,034 square feet) as contributing the valuation increase or expansion of the project.<sup>1</sup>

Although the nonconforming use will remain, staff believes the applicant is proposing a reasonably scaled project that will allow continued use of the property in a way that is consistent with use of the property prior to the fire damage, and for the last 80 years plus, and with substantially less than 3,000 square feet for each dwelling unit consistent with the revisions to the nonconforming ordinance. This project also is consistent with the objectives stated for the revised nonconforming

ordinance to encourage expansion and remodeling of smaller and moderate sized homes. If they chose to reconstruct a new single family dwelling on the property, or sell the property to a developer, the likely outcome would be a very large home, probably containing three levels with a flat roof design, and greater than 3,500 square feet.

CONCUR:

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Ken Robertson  
Senior Planner

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Sol Blumenfeld  
Community Development Director

Attachments

1. Proposed Resolution
2. Location Map
3. Zoning Analysis
4. Photographs
5. Correspondence/ Consultant reports

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**P.C. RESOLUTION NO. 05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING THE RECONSTRUCTION AND EXPANSION OF A BUILDING DAMAGED MORE THAN 50% REPLACEMENT COST ON A PROPERTY CONTAINING TWO DWELLING UNITS WHICH ARE A NONCONFORMING USE AT 1928 THE STRAND**

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

Section 1. An application was filed by Cynthia Vix owner of real property located at 1928 The Strand, requesting to reconstruct and expand an existing building damaged more than 50% on a property containing a nonconforming use, pursuant to the exception allowed under Section 17.52.070(B1) of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on August 16, 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 subject property contains two dwelling units, with the rear unit attached to the two-car garage. The existing structures were constructed prior to the 1920's with the earliest records showing a permit for alterations to the house, garage, and apartment in 1922. The front unit was substantially damaged in 2004 as result of an accidental fire during a remodeling project. The two units on the property are a nonconforming use because the lot size is not sufficient to qualify for two units in the R-2 B zone. The structures are also nonconforming to yard, lot coverage, open space, and parking requirements.
2. The applicant is proposing to reconstruct and expand the front unit, increasing its size from 1,034 square feet to 1517 square feet. The reconstruction will bring the structure into conformance with front yard and side yard requirements, and make the property conform with lot coverage requirements, while existing nonconforming conditions with respect to rear yard, open space, and parking will remain

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

1. Pursuant to Section 17.52.070B, which otherwise prohibits restoration of nonconforming buildings damaged more than 50% of replacement cost, the subject project qualifies for the exception of sub-section B1, which allows complete restoration of damaged nonconforming structures. Pursuant to this section, the rebuilt structure is being made as conforming as

possible to current zoning standards, and the project is consistent with the guidelines of Section 17.52.070(B1) since the density of residential uses does not exceed 45 units per acre, the project complies with the height limit, the restored building is similar to the damaged building, and the cause of damage was accidental.

2. The scale of the proposed reconstructed building, even though its being enlarged, is reasonable, and is consistent with planning and zoning requirements for the R-2 zone and the provisions for expanding buildings containing nonconforming uses as set forth in Chapter 17.52;
3. Approval of the expansion is consistent with the intent and goals of Chapter 17.52 of the Zoning Ordinance;
4. While the expansion is not consistent with Section 17.44.140B pertaining to expanding residential uses nonconforming to parking requirements, and containing only one parking space per unit (since the amount of expansion is 500 square feet rather than the maximum 250 square feet) the Planning Commission is recommending an amendment to this section to allow 500 square feet. Approval of this project is contingent upon the City Council adopting this text amendment.
5. 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 the reconstruction and expansion of an existing nonconforming dwelling unit, damaged more than 50%, 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. The amount of open space provided for the reconstructed unit shall be 300 square feet with a minimum of 100 square at grade directly accessible to the primary living area. The plans shall also provide a minimum of 100 square feet of usable open space for the garage unit.
3. The approval of this proposed amount of expansion (483 square feet) is contingent upon City Council adoption of the Planning Commission recommended text amendment to increase the amount of allowed expansion for a nonconforming use containing one parking space per unit from 250 square feet to 500 square feet. Should the Council not adopt this amendment, the amount of expansion of the structure as compared with the damaged structure shall be not exceed 250 square feet.
4. The applicant shall submit all required plans and reports in two steps to comply with the City's construction debris recycling program including manifests from

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both the recycler and County landfill, prior to final approval of building demolition and issuance of building permits, and prior to project final approval

- 5. 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 August 16, 2005.

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Ron Pizer, Chairman

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Sol Blumenfeld, Secretary

August 16, 2005  
Date

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Strand View



Beach Drive (alley) view



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<sup>i</sup> Given that the reconstruction of a damaged structure is allowed for and provided for separately in the nonconforming ordinance from the valuation calculation, it is reasonable to exclude it from the valuation or expansion calculation.