

September 12, 2005

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

**Regular Meeting of
September 20, 2005**

SUBJECT: VARIANCE 05-1

LOCATION: 249 26th STREET

APPLICANT: ROBERT J. BESTE
249 26TH STREET
HERMOSA BEACH, CA 90254

REQUESTS: TO ALLOW THE CONSTRUCTION OF AN 1,828 SQUARE FOOT NEW SINGLE-FAMILY DWELLING ON A “HALF-LOT” WITH A 5-FOOT GARAGE SETBACK RATHER THAN 17 FEET; WITH NO GUEST PARKING; WITH A 3-FOOT REAR YARD RATHER THAN 5 FEET; AND WITH GREATER THAN 100 SQUARE FEET OF THE REQUIRED OPEN SPACE ON THE ROOF DECK

Recommendation

To approve the requested Variance for the garage setback, and rear yard and direct staff as deemed appropriate regarding the requested relief from the guest parking and open space requirements.

Background

ZONING:	R-2
GENERAL PLAN:	Medium Density Residential
LOT SIZE:	1,350 Square Feet
PROPOSED DWELLING UNIT SIZE:	1,828 Square Feet

The subject lot is a substandard sized “half-lot” with frontage on the street and no alley access. The lot is currently developed with a single-family dwelling that contains approximately 1,400 square feet, and is nonconforming to parking as it contains only a substandard one-car garage.

Analysis

The applicant is requesting these Variances in order to allow the construction of a 1,828 square-foot home with two bedrooms, a family room, 3 bathrooms, and roof deck. The applicant is requesting Variances from the following provisions of the Zoning Ordinance for the reasons stated:

1. Parking Setback: The proposed setback from the sidewalk is 5 feet, rather than the required 17 feet pursuant to Section 17.44.090(C). The applicant states that if required to provide the 17-foot setback the entire ground floor would essentially be devoted to parking, and significantly reduce usable floor area for the dwelling.
2. Guest Parking: The applicant is proposing no guest parking rather than the one required pursuant to Section 17.44.020(A). This is related to the parking setback issue, as the 17-foot setback normally provides the location for at least one guest space. However it’s possible, with garage and floor plan modifications, to provide an outdoor guest space to the side of a two-car garage. A guest space to the side of the garage would help relieve neighborhood-parking concerns, and could be included as part of the Variance from the parking setback requirement of 17-feet.

3. Rear Yard: The applicant is requesting a Variance from Section 17.14.020 which otherwise requires a 5-foot rear yard setback at the ground floor. This Variance is to allow the stairway providing access to the upper floors to encroach to within three feet of rear property line at the ground floor and thus only impacts a portion of the rear yard at the ground (approximately 7-foot wide). The remaining 17-foot section of the building complies with the 5-foot setback. The upper floors are setback 3-feet at the rear, consistent with the requirements for the R-2 zone.

4. Open Space: The applicant is proposing to use 150 square feet of the 492 square foot roof deck area towards the open space requirement. The other 150 square feet is provided on a second floor deck adjacent to the second floor living area. Section 17.14.080(E) specifically limits the amount of open space that can be counted on a roof deck to 100 square feet. Therefore, the plans as submitted provide 250 square feet of qualifying open space, and the project is 50 square feet short of the required 300 square feet.

In order to grant these requested Variances, the Commission must make the following findings:

- There are exceptional or extraordinary circumstances; limited to the physical conditions applicable to the property involved.
- The Variance(s) are 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.
- The granting of the Variances 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
- The Variances are consistent with the General Plan

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.

The applicant's reason for requesting the Variances is because the subject lot is very small (45' deep by 30' wide) and is essentially half the size of the typical lots in the area. This small size limits the potential for building a home consistent with existing and new homes in the area, and to create a reasonable floor plan. Further, the lot fronts on the street, which means it is subject to the 17-foot setback requirement as distinguished from a typical lot or a half lot with alley access, that have the option of providing a garage from the alley with a lesser setback. This garage setback, according to the applicant, eliminates any useful habitable space on the ground level.

The applicant has provided a schematic floor plan showing what could be built in conformance with all zoning requirements. This shows that a complying 17-foot setback eliminates any useful floor area on the ground floor, and results in a house of about 1600 square feet with no family room and one less bathroom. The applicant is seeking parity with neighboring properties in order to build a larger dwelling, containing a family room and 3 bathrooms.

While the proposed project, as submitted, is predicated on receiving all the Variances, the different Variances bring up different issues with respect to the required findings. The Variances regarding parking setback, and the ground floor rear yard may be more acceptable since these directly relate to the physical characteristics of the property (the substandard depth) and the fact that older and more recent projects in the neighborhood provide garage setbacks of 5-feet or less, or provide parking with access from the alley. However, the arguments for the Variance to guest parking requirement and the open space requirement are not as compelling since these standards can be met with changes to the floor plans that would not have significant effects on the usable living space within the house and still allow the applicant to achieve parity with the neighborhood. The following discussion addresses the required findings as related to the three parts of this request.

Finding 1: The lot is small (1,350 square feet), and unusual in that it is only one of 10 half lots that front directly onto a street in this portion of the City, and is the only such half-lot on this block. The lot size and dimensions force a complying garage to be accessed from the street only, not allowing the property to take advantage of the alley, which has lesser setback requirements.

Garage Setback / Rear Yard Setback: Based on the combination of factors described above which are directly connected to the location and provision of setbacks for the building and the parking on the site, the finding can be made to support relief from the parking setback provisions. Also, the shallow depth of the lot creates an issue for providing stairway access from the ground floor to the upper floors, and therefore, staff believes a finding can be made to support relief from the ground floor rear yard requirement for the portion of the rear yard with the stairway encroachment.

Guest Parking. While guest parking is normally provided in the parking setback area, it is possible to provide guest parking in an alternative location to either side of the garage.

Open Space. While the lot conditions describe above can be considered unusual with respect to meeting parking requirements, and to some degree yard requirements, the lot is not so excessively small or unusual or has any other physical characteristics that relate to the open space requirement, especially since open space in the R-2 zone can all be provided on decks on the upper floors. This is a new project, and these requirements can be accommodated with slight modifications to the floor plan.

Finding 2: The Variances may arguably be necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, and to construct a reasonably sized dwelling

Garage Setback / Rear Yard: This finding can be made with respect to the garage setback, and rear yard variances, as varying from these requirements is necessary for the property to enjoy a property right possessed by neighboring properties, and to construct any usable floor area on the ground floor, and to find a suitable location for stairway access .

Guest parking: The property right affected by not providing guest parking relates to the design and width of the garage, and does not directly affect the applicant's ability to achieve parity with surrounding properties.

Open Space: The only property right affected by not providing the required open space relates to the floor plan design of the upper floors. As such, the open space Variance is not necessary for enjoying a substantial property right as the floor plan can be modified to meet the open space requirement.

Finding 3: The Variances, if granted would not be materially detrimental to neighboring properties as a new moderate size home would be constructed consistent with development in the neighborhood.

The lack of guest parking potentially would have impact on surrounding residents and their guests whom all compete for limited available public parking, but the proposal improves on the current situation in which no usable parking is available on this property. Also, the Variances for parking setback, rear yard, and open space, if granted do not appear to cause any detrimental impact on neighboring properties.

Finding 4: The construction and of a single-family home in this location is consistent with the General Plan.

In conclusion, in order for the applicant to achieve some parity with neighboring properties, staff believes that findings can be made to support a Variance specific to the parking setback, and rear yard. However staff does not believe the findings can readily be made for relief from the guest parking requirement or to support relief from the open space requirement. The plan can be modified to satisfy these requirements without significantly compromising the design or the house and the applicant's effort to achieve parity.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director,
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map/Aerial Photo
3. Zoning Analysis/Height Calculation
4. Photographs

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249 26th St.





RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING VARIANCES TO THE PARKNG SETBACK REQUIREMENT AND REAR YARD REQUIREMENTS AT 249 26TH STREET LEGALLY DESCRIBED AS THE SE 45-FEET OF LOT 15, BLOCK 112, SHAKESPEARE TRACT

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Robert J. Beste, owner of the property located at 249 26th Street seeking Variances to allow the construction of a new dwelling with less than required parking setbacks, a rear yard of 3 feet rather than 5 feet, no guest parking rather than the required one guest space, and less than required open space.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variances on September 17, 2005, 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 property is zone R-2, and is a substandard sized “half-lot” containing 1,350 square feet with dimensions of 30-feet wide by 45-feet deep. The lot has frontage on 26th Street, but because it is a half lot does not have access to the alley to the rear.
2. The applicants are proposing to demolish the existing nonconforming single family dwelling that contains a one-car garage, and construct a three level single-family dwelling containing approximately 1,878 square feet.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance:

1. There are exceptional or extraordinary circumstances applicable to the property involved since the lot is relatively small (1,350 square feet) compared to surrounding properties, and unusual in that it is only one of 10 half lots that front directly onto a street in this portion of the City, and is the only such half-lot on this block. The lot size and dimensions force a complying garage to be accessed from the street only, not allowing the property to take advantage of the alley, which has lesser setback requirements. These factors impact the ability for the applicant to provide the parking setbacks and rear setback. However, these physical conditions do not impact the project with respect to providing the required guest space or required open space.
2. The Variances to the parking setback and rear yard requirements are necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, and to construct usable floor area on the ground floor, and to provide a reasonable floor plan in order to achieve parity with surrounding development. However, the Variances being

requested to guest parking and open space are not necessary to achieve parity with surrounding development, since the project can be modified to comply with these requirements, without significantly compromising the project.

3. The parking setback and rear yard Variances are not materially detrimental to neighboring properties as a new moderate size home would be constructed consistent with development in the neighborhood. However, if the Variance for guest parking were granted this would potentially have a material impact on surrounding residents and their guest whom all compete for limited available public parking in the vicinity.
4. The Variances for parking setback and rear yard will allow the construction of a project that is not unusually large or out of scale with other projects in the neighborhood, and is otherwise is consistent with the density standards of the General Plan.

Section 5. Based on the foregoing, and since the Planning Commission can make all 4 required findings as required by Section 17.54.020 of the Zoning Ordinance, the Planning Commission hereby approves the requested Variances from the parking setback requirement and the rear yard requirements subject to the following **conditions of approval**. However, since all 4 findings cannot be made with respect the Variances requested for guest parking and open space, the Commission hereby denies the requests to vary from these requirements.

1. **The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the Commission at their meeting of September 20, 2005, and modified pursuant the conditions below.**
 - a) **A minimum of 300 square feet of open space shall be provide in accordance with the requirements of Section 17.14.080 of the Zoning Ordinance, and pursuant to these requirements a maximum of 100 square feet of the roof deck can be counted towards the 300 square foot requirement.**
 - b) **The ground level plans shall be modified to provide an outdoor guest parking space on either side of the two-car garage. The guest space is not subject to the parking setback requirements pursuant to this Variance approval, but shall comply with minimum size and turning radius requirements of Chapter 17.44 of the Zoning Ordinance.**
2. **The Variances for this property are specifically limited to the parking setback requirements and rear yard requirements as specified, and applicable to the situation and circumstances that result relative to the proposed project and is not applicable to the development of future structures or any future expansion.**

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 September 20, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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