

November 21, 2005

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

**Regular Meeting of  
December 7, 2005**

SUBJECT: VARIANCE 05-5

LOCATION: 311 31<sup>ST</sup> STREET

APPLICANT: THOMAS & BARBARA ZONDIROS  
311 31<sup>ST</sup> STREET  
HERMOSA BEACH, CA 90254

REQUEST: VARIANCES TO LOT COVERAGE AND OPEN SPACE REQUIREMENTS, AND MAXIMUM ALLOWABLE VALUATION INCREASE FOR A NONCONFORMING STRUCTURE, IN ORDER ALLOW AN ADDITION AND REMODEL OF AN EXISTING SINGLE-FAMILY DWELLING, RESULTING IN 70.9% LOT COVERAGE RATHER THAN THE MAXIMUM 65%, NO OPEN SPACE DIRECTLY ADJACENT AND ACCESSIBLE TO A PRIMARY LIVING AREA (RATHER THAN 180 SQUARE FEET), AND A 214% VALUATION INCREASE RATHER THAN THE MAXIMUM 100%.

TO ALLOW GREATER THAN 30% REMOVAL OF EXTERIOR WALLS AND FLOOR AREA OF AN EXISTING NONCONFORMING STRUCTURE

**Recommendation**

Approve the attached resolution.

**Background**

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	2,100 Square Feet
EXISTING FLOOR AREA:	956 Square Feet
PROPOSED ADDITION:	2,101 Square Feet
PROPOSED FLOOR AREA:	2,224 Square Feet
PERCENT INCREASE IN VALUATION:	214%
EXISTING LOT COVERAGE:	56.8%
PROPOSED LOT COVERAGE:	70.9%
EXISTING PARKING:	1 garage space
PROPOSED PARKING:	2 garage spaces and 1 guest

The subject property is a 30' x 70' "small lot" located in the Shakespeare Tract that was granted a Variance on appeal on October 12, 2004. Construction documents were approved in October of 2005 and construction commenced. Subsequently it was discovered that the builder had demolished more than what had been permitted under the approved Variance, and the project was stopped based upon review by the City Attorney. Although the excess demolition does not materially change the design or otherwise affect the physical layout of the project, it violates the Variance approval since the only parts of the structure now remaining are the nonconforming wall and part of the foundation in the front yard area.

## Analysis

On October 12, 2004, the City Council considered testimony and evidence presented at the appeal hearing and found that there were extraordinary physical circumstances that exist for the subject lot because the lot is considered a “small lot” located along a walk street with the only garage access off a narrow 10 foot wide alley at the rear of the property and that the combined condition of the small lot and narrow rear alley access create an unusual hardship in providing directly accessible open space to the primary living area for a conventional floor plan with primary living area on the ground floor.

Because the applicant changed the scope of the demolition it has substantially changed the calculated increase in valuation from 148% to 214%. The approved plans showed a project that removed 25% of the existing exterior walls, and a remodel rather than removal of the existing floor area, with a total valuation increase of 148%. Sometime prior to building permit issuance the demolition plan was modified to indicate the removal of most of the existing structure except the nonconforming section that encroaches into the required front yard. This modification resulted in removal of 82% of the existing exterior walls and 87% of the floor area. This plan was inadvertently approved during the final plan check. The project architect did not inquire about this modification, nor did he highlight the fact that plans had been modified. The applicant argues that only the process of construction has changed and the amount of demolition increased, but that there is no change to final project. Essentially, the end product is the same as that approved by the City Council. The proposed expansion still increases the living area of the house from 956 square feet to 2,224 square feet as previously approved, and all other development attributes of the proposed project (setbacks, height, lot coverage, open space, parking location, etc.) have remain unchanged.

The lot coverage Variance is required because the proposed new garage (eliminating a nonconforming one-car garage) causes lot coverage to be increased by 296 square feet to 70.9%. The open space Variance is required because the applicants want to maintain the primary living area on the ground floor adjacent to the walk street open area without losing buildable lot area.

The Variance regarding the increased valuation is intended to substantially increase floor area while maintaining the nonconforming front yard condition. Section 17.52.030B.2 permits a 100% increase in valuation to nonconforming buildings with Planning Commission approval, but limits the amount of wall and floor area removal to 30%. Essentially the applicant is asking for the same Variance (a greater than 100% increase in valuation) but at a much higher percentage. The applicant argues that he did not realize changing the amount of demolition would change the scope, and argues that a Variance is warranted so he can keep the nonconforming front yard encroachment. Also, the applicant is requesting Planning Commission consideration under Section 17.52.030B.1 to allow a greater than 30% wall and floor area removal as part of the project, since the removal now exceeds 80%. However, it is important to note that the amount of removal for nonconforming projects is no longer a consideration under the new nonconforming ordinance.

In order to grant a Variance, the Commission must make the following findings:

1. There are exceptional or extraordinary circumstances, limited to the physical conditions applicable to the property involved.
2. The Variance is 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.
3. The granting of the Variance 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.
4. The Variance is 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 reason for the applicants' request is to construct a dwelling to suit the needs of their family, with an increased family/living room area on the first story, and three bedrooms and two bathrooms on the second story, including a master bedroom and bathroom suite. The applicants wish to construct this addition while maintaining the existing nonconforming portion of the structure encroaching into the required front yard, and keeping the primary living area (the living/family room) on the first floor adjacent to the existing open area in the walk street excess right-of-way in front of the property. The applicant argues that the findings made by the Council should also apply to this modified request because all the attributes of the site and project are the same. These include the small lot size, the existing small size of the building, and their desire to maintain the primary living area on the ground floor without providing additional adjacent open space on the property while adding the requisite number of code compliant parking spaces.

Below are the findings City Council made in approval of the initial Variance related to the subject request:

**Finding 1:** There are exceptional or extraordinary circumstances limited to the physical conditions applicable to the subject property because the lot is considered a "small lot" on a walk street with the only garage access off a narrow 10-foot wide alley at the rear of the property. Because the garage access is limited to the rear of the property, the requirement that 60% of the usable open space be located adjacent to primary living areas cannot be provided adjacent to primary living areas on the ground floor without significantly reducing the buildable area of the project.

**Finding 2:** The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a single family home to meet current standards of livability and to be a reasonable size. The Variances to open space and lot coverage are necessary for this dwelling to maintain the primary living area on the ground floor without also being forced to significantly reduce the building footprint, and provide parking which is not currently provided. The Variance from the maximum valuation increase for nonconforming structures is needed in order for the dwelling to reach a size that is comparable to other dwellings in the neighborhood. The property fronts on a walk street that effectively provides open space and is a desirable feature enjoyed by other properties with a walk street orientation. The combined conditions of the small lot and narrow rear alley parking access create an unusual hardship in providing open space that is directly accessible to the primary living area yet contiguous with the walk street, and therefore denies a property right that other similar walk street properties enjoy.

**Finding 3:** The project will not likely be materially detrimental to property improvements in the vicinity and Zone since the project complies with all other requirements of the Zoning Code, and is not inconsistent with development in the neighborhood.

**Finding 4:** The project is not unusually large or out of scale with other new projects in the neighborhood, and is otherwise in conformance with most of the requirements of the Zoning Ordinance and the General Plan.

Based on City Council approval of the previous project, staff recommends that the Planning Commission approve the attached resolution.

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Scott Lunceford  
Associate Planner

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Proposed Resolution
2. City Council Resolution No. 04-6366
3. City Council Minutes
4. Applicant's discussion of Variance findings
5. Location Map
6. Valuation Worksheet
7. Photographs

var311

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE TO THE LOT COVERAGE AND OPEN SPACE REQUIREMENTS, AND MAXIMUM ALLOWABLE VALUATION INCREASE FOR A NONCONFORMING STRUCTURE IN ORDER TO ALLOW AN ADDITION AND REMODEL OF AN EXISTING SINGLE-FAMILY DWELLING, RESULTING IN 70.9% LOT COVERAGE RATHER THAN THE MAXIMUM 65%, A 214% VALUATION INCREASE RATHER THAN THE MAXIMUM 100%, AND PROVIDING NO OPEN SPACE DIRECTLY ADJACENT AND ACCESSIBLE TO A PRIMARY LIVING AREA AT 311 31<sup>ST</sup> STREET, LEGALLY DESCRIBED AS LOT 23, BLOCK 117, SHAKESPEARE TRACT**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Thomas and Barbara Zondiros, owners of the property located at 311 31<sup>st</sup> Street seeking Variances to allow an addition and remodel of an existing legal nonconforming single-family residence resulting in 70.9% lot coverage rather than the 65% maximum, a 214% valuation increase rather than the 100% maximum, and no open space directly adjacent and accessible to a primary living area rather than the required 180 square feet.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variances on December 7, 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 lot is considered a “small lot” under the R-1 development standards, as it is 2100 square feet.

2. The Variance to the maximum allowable valuation increase of 100% for a nonconforming structure is needed because the proposed expansion and remodel results in a 214% increase in valuation. Pursuant to Chapter 17.52 of the Zoning Ordinance, the maximum allowable valuation increase for an expansion and remodel of an existing nonconforming structure is 100%.

3. The Variance to lot coverage is needed because the proposed addition causes lot coverage to be increased by 296 square feet (approximately 14%) to accommodate an enlarged garage, resulting in 70.9% lot coverage rather than the required 65% maximum.

4. The Variance to open space is needed because the proposed open space will not be directly adjacent and accessible to a primary living area rather than having 180 square feet directly adjacent and accessible to a primary living area.

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

1. On October 12, 2004, the City Council considered testimony and evidence presented at the appeal hearing and found that there were extraordinary physical circumstances that exist for the subject lot because the lot is considered a “small lot” located along a walk street with the only garage access off a narrow 10 foot wide alley at the rear of the property.

2. The Variance from the parking setback is necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, in order to construct a typical garage that is loaded from the street front, and to construct a reasonably sized dwelling with a reasonable floor plan that includes a reasonable amount of habitable floor area on the ground floor.

3. The Variances, if granted, would not be materially detrimental to neighboring properties as it simply would allow the construction of a single family residence of comparable size to other dwellings in the neighborhood.

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

Section 5. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance to allow an addition and remodel of an existing legal nonconforming single-family residence resulting in 70.9% lot coverage rather than the 65% maximum, a 214% valuation increase rather than the 100% maximum, and no open space directly adjacent and accessible to a primary living area rather than the required 180 square feet.

1. There are exceptional or extraordinary circumstances limited to the physical conditions applicable to the subject property because the lot is considered a “small lot” on a walk street with the only garage access off a narrow 10-foot wide alley at the rear of the property. Because the garage access is limited to the rear of the property, the requirement that 60% of the usable open space be located adjacent to primary living areas cannot be provided adjacent to primary living areas on the ground floor without significantly reducing the buildable area of the project.

2. The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a single family home to meet current standards of livability and to be a reasonable size. The Variances to open space and lot coverage are necessary for this dwelling to maintain the primary living area on the ground floor without also being forced to significantly reduce the building footprint, and provide parking which is not currently provided. The Variance from the maximum valuation increase for nonconforming structures is needed in order for the dwelling to reach a size that is comparable to other dwellings in the neighborhood. The property fronts on a walk street that effectively provides open space and is a desirable feature enjoyed by other properties with a walk street orientation. The combined conditions of the small lot and narrow rear alley parking access create an unusual hardship in providing open space that is directly accessible to the primary living area yet contiguous with the walk street, and therefore denies a property right that other similar walk street properties enjoy.
3. The project will not likely be materially detrimental to property improvements in the vicinity and Zone since the project complies with all other requirements of the Zoning Code, and is not inconsistent with development in the neighborhood.
4. The project is not unusually large or out of scale with other new projects in the neighborhood, and is otherwise in conformance with most of the requirements of the Zoning Ordinance and the General Plan.

Section 6. 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 lot coverage and open space requirements, and maximum valuation increase subject to the following **conditions of approval.**

1. **The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the Planning Commission at their meeting of December 7, 2005.**
2. **The Variance for this property is specifically limited to the garage and parking setback requirement 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 December 7, 2005.

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 Ron Pizer, Chairman

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 Sol Blumenfeld, Secretary

December 7, 2005

Date



311 31<sup>st</sup> Street – front view



311 31<sup>st</sup> Street – rear view