

January 9, 2006

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

**Regular Meeting of
January 17, 2006**

SUBJECT: NONCONFORMING REMODEL 05-14

LOCATION: 126 34TH STREET

APPLICANT: MAGDI MEKARI
126 34TH STREET
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

1. To approve the expansion subject to the conditions in the attached resolution;
2. Confirm that the property has a convex slope relative to height determination.

Background

LOT SIZE	2,247 square feet
EXISTING FLOOR AREA	2,205 square feet
PROPOSED ADDITION	1,370 square feet
PERCENT INCREASE IN VALUATION	69.5%
ZONING	R-3
GENERAL PLAN	High Density Residential
ENVIRONMENTAL DETERMINATION	Categorically Exempt

The existing two-story building was constructed in 1955. The dwelling is nonconforming to the following zoning requirements:

Guest Parking: no guest parking is available

Lot Coverage: 72% rather than the 65% maximum allowable

Driveway Slope: 19.5% slope along the west driveway edge rather than the 12.5% maximum allowable slope

Garage Setback: 3.9 feet from the edge of the sidewalk rather than the required 17 feet

Eave Setback: 1.5 feet in the front setback and 2.4 feet along the side setbacks rather than the minimum eave setback of 2.5 feet

Side Yard: 2.8 feet along the west side yard and 2.9 feet along the east side yard rather than the required 3 feet

Rear Yard: 2.4 feet rather than the required 3 feet abutting the alley

The project was originally submitted on September 19, 2005, and has been continued from the Planning Commission meetings of October 18, November 15 and December 7, 2005 to allow the applicant more time to submit plans that comply with the maximum height allowed and other requirements of the Zone Code, as well as submit a new survey.

Analysis

The applicant is proposing to add a third story and roof deck onto an existing two-story single family dwelling, and proposes some interior alterations.

Nonconforming Remodel

The project is being considered under the original provisions of Chapter 17.52 (Nonconforming Remodels and Uses) since it had a complete application prior to the effective date of the recent amendments to that Chapter and the City Council has exempted such projects from consideration under the new Ordinance. Chapter 17.52 of the Zoning Ordinance requires Planning Commission approval when an expansion/remodel of a nonconforming building exceeds 50% increase in valuation. The total living area of the dwelling will increase from 2,205 square feet to 3,575 square feet. The expansion and remodel results in the removal of 9.9% of the existing exterior walls and a 69.5% increase in valuation.

The proposal generally conforms to all other planning and zoning requirements. Open space is provided on an existing second story deck and on a new roof deck, for a total of 360 square feet of useable open space. However, the proposed balcony encroachments into the front setback are not allowed given that the required front setback of 2 feet precludes the use of any architectural encroachments. Also, the proposed addition of a bathroom on the first floor separates a portion of the existing living space from the rest of the dwelling, creating accessory living quarters that are not allowed without the issuance of a Conditional Use Permit. Staff has discussed this issue with the applicant's design professional, and the floor plan shall be redesigned to allow interior access to all living areas within the dwelling. Staff believes these issues can be resolved as Conditions of Approval.

The submitted plans are missing accurate critical height information and contain some minor pieces of erroneous information that must be corrected, which can be resolved as Conditions of Approval.

Planning staff transmitted a memo to both the Building Division of the Community Development Department and the Public Works Department for review of the subject project. The Building Division comments are relative to fire safety issues for four story (three stories plus a roof deck) residential buildings. These comments have been received by the design professional but have not yet been addressed as part of the proposed building design, including providing two means of egress from the roof deck, providing a sprinkler system within the dwelling, and having all new openings along the side yards meet the minimum of 3 feet required by the Building Code. Planning Staff believes these building issues won't drastically change the design of the project, and can be addressed as Conditions of Approval. No comments have been received from the Public Works Department at this time.

Based on visual inspection by staff, the existing nonconformities are not unusual given the age of the subject dwelling, and the age and pattern of surrounding development. Also, the scope of the project is reasonable, allowing the owner to add a third floor and a roof deck, and remodel a portion of the first and second floor living areas. Therefore, staff believes the project is consistent with the goals and objectives Chapter 17.52 of the Zoning Ordinance.

Convex Slope Determination

Pursuant to the definition of building height, as set forth in Section 17.04.040 of the Zoning Ordinance, and the method of determining building height, as set forth in Section 17.46.015, the grade used for the height measurements is based on the surveyed elevations points at the property corners. The method for determining building height also allows consideration of other points for lots with "convex" contours. In these situations the grade of a lot may be based on a detailed survey, and points along the property line may be used to establish grade elevations in addition to the corner points.

The applicant is requesting consideration as a convex sloped lot, and is proposing alternative points for measuring height rather than the northerly and southerly corner points. The confirmation of the convex condition would allow the building to be constructed with three stories and a roof deck. Like other

properties on the block, the subject property rises sharply from both the front and back for a short distance, and then is relatively level for the majority of the middle of the lot. If a standard corner points interpolation is used instead, the potential for a third story would be eliminated on the entirety of the lot, unless the first floor is lowered to a level substantially below existing grade. Based on a physical inspection of the subject and neighboring properties, the applicant's request may be reasonable given the existing condition of the slope, as there does appear to be a convex slope condition from both the street and alley sides of all the properties on the same block that appears to represent a convex slope condition following the natural topography in the area. Without the convex slope determination the proposed project is 2.36 feet over the 30-foot maximum height limit at the critical point. Also, the proposed concrete entry stairs in the east side yard will be over height (8.5 feet rather than the maximum height of 4 feet) without the convex slope determination. No other convex slope determinations have been made for other properties on the same block as the subject property.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

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



126 34th Street



View of grade at northwest property corner



View of grade at southwest property corner



View of 34th Court (alley) looking east from Palm Drive

P.C. RESOLUTION NO. 06-

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 126 34TH STREET

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

Section 1. An application was filed by Magdi Mekari, owner of real property located at 126 34th Street, 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 January 17, 2006, 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 to add 1,370 square feet of livable area, on the first and third floors, to an existing single-family dwelling with nonconforming conditions with respect to guest parking, lot coverage, driveway slope, garage and eave setbacks, turning area, and rear and side yard requirements. The expansion will increase the living area of the house from 2,205 square feet to 3,575 square feet. The project results in a 69.5% increase in valuation.

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-3 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. Pursuant to Section 17.46.015 of the Hermosa Beach Zoning Ordinance, the property has been determined to have a convex slope affecting four of the four corner point elevations;
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 an addition to an existing nonconforming single-family residence resulting in an extension of existing walls with a nonconforming side yard, 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.**
 - a) The submitted plans shall comply with all plan check corrections.**
 - b) The roof plan shall be revised to show the proper locations of the maximum height critical points on the roof, and include all property corner point elevations, and identify elevations and locations of the slope breaks on the east and west property lines.**
 - c) Proposed balconies shall not encroach into any required yard areas.**
 - d) The first story floor plan shall be redesigned to allow interior access to all living areas with the dwelling.**
 - e) The plans shall be revised to show compliance with all provisions of the Uniform Building Code.**
- 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. 06- 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 January 17, 2006.

Peter Hoffman, Chairman
Blumenfeld, Secretary

Sol

January 17, 2006
Date