

February 14, 2006

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

**Regular Meeting of
February 21, 2006**

SUBJECT: VARIANCE 06-1

LOCATION: 320 & 440 MASSEY AVENUE

APPLICANT: GARY KLAUR
320 MASSEY AVENUE
HERMOSA BEACH, CA 90254

REQUEST: TO ALLOW AN ADDITION AND REMODEL TO AN EXISTING
CHURCH TO EXCEED THE 25-FOOT HEIGHT LIMIT OF THE R-1
ZONE

Recommendation

To deny the requested Variance by adoption of the attached resolution.

Background

PROJECT INFORMATION:

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT AREA:	89,669 square feet (2.05 acres)
EXISTING BUILDING AREA:	9,795 square feet
PROPOSED BUILDING AREA:	11,155 square feet
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject property is located at the southeast corner of Massey Avenue and 5th Street. The property is a collection of 27 lots, and is unusually large for the area in comparison to the adjacent residential properties. The lot is currently developed as a church campus consisting of two separate buildings, an outdoor patio area, and a large paved parking area. The church building was constructed in 1959. At their July 14, 1958 meeting, the Planning Commission approved a Conditional Use Permit (P.C. Resolution No. 154-156) to allow the church use, and later approved an amendment to the CUP (P.C. Resolution No. 154-292) at their meeting of September 12, 1960 to allow the addition of the school use on the subject property. The CUP allowed the church to exceed the height limit. Churches are allowed a conditionally permitted uses in the R-1 zone, and are subject to the same development standards, including the height limit of the R-1 zone.

At the May 15, 1990 meeting, the Planning Commission approved a CUP Amendment and Parking Plan to allow the installation of a portable classroom in the existing parking lot and the elimination of 8 parking spaces, and the adoption of a Negative Declaration. At the May 21, 1991 meeting, the Planning Commission approved the addition of a permanent classroom/office building addition

between the existing school and assembly hall instead of the proposed installation of a portable classroom in the parking lot.

Staff met with the applicant on several occasions to review options to avoid processing a height Variance, however the applicant decided to pursue this request for the reasons stated in the attached letter.

Analysis

The applicant is requesting the Variance in order to allow the construction of a new addition and remodel of the existing church to exceed the 25-foot height limit of the R-1 zone. The applicant cites that the church has not been renovated since it was originally constructed in 1959, and that the addition and remodel is needed to provide greater handicapped access, a more contemporary “in-the-round” seating layout for the main worship/assembly area, and more pleasing esthetic changes. Although the proposed addition increases the area of the main worship area, the new seating plan is less efficient than the existing long, nave-style seating plan and will actually decrease the amount of seating available within the main worship area.

Based on the submitted survey and a physical examination of the subject property, staff found that a convex slope condition exists along the north property line (on 5th Street). However, staff has found that even with the use of top of convex slope elevations as the basis for the height measurement the proposed church addition will still be 11.86 feet over height.

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.

Discussion of findings:

Finding 1: The applicant argues that because the church building is located on the northwest corner of the contiguous parish property, which the applicant contends is one of the highest

elevations in the neighborhood, combined with the unusually large size of the property in comparison to the adjacent residential properties there is an exceptional condition that exists with respect to the physical conditions of the property. While the property may be unique in these respects, this has little connection with the height limit since the larger property and the higher-grade elevation are not conditions that necessitate a higher profile building. In fact, these unique conditions actually provide more opportunities and options for a substantial amount of development in compliance with the height standards than would be possible on any surrounding smaller lots.

The applicant also notes the unique history of the building since the church building was originally built to different and higher maximum height limit as allowed by the CUP in 1959, and that the parish cannot afford to demolish and rebuild the existing church building but instead seeks to proceed with modest improvements. These aspects of the applicant's argument are not valid with respect to the required findings for a Variance because they relate to the condition of existing structure, and financial considerations, which are not related to exceptional or extraordinary circumstances that are based on, and limited to, the physical conditions of the property.

Therefore, even though some unique conditions exist with respect to the slope and large size of the property, these conditions do not support the first finding that the property is so exceptional that it should be exempt from the height provisions of the Zone Code, nor justify an addition that is over 11 feet above the height limit in the R-1 zone.

Finding 2: The proposed Variance does not appear to be necessary for the enjoyment of a substantial property right possessed by other properties in the same vicinity and zone primarily because the proposed additional square footage, revised seating plan for the main worship/assembly area, and other improvements can be accomplished through other design options which do not require a Variance from the height limit.

Furthermore, given the unique nature of the original CUP approval it can conversely be argued that the church already enjoys a substantial property right or privilege not shared by other properties in the neighborhood. When the Planning Commission originally approved the CUP for the church use in 1958, they allowed the church to be built to a maximum height of no more than 65-feet as measured from the first floor finished grade (see attached Resolution No. P.C. 154-156). The maximum height allowable for the property at that time was 35-feet, and a Variance was required to exceed that height limit. By approving a CUP that allowed the church to be built using a 65-foot height limit, the 1958 Planning Commission granted the church use a property right and privilege not possessed or enjoyed by other properties in the neighborhood. Approval of the applicant's current Variance request would only further increase this existing privilege and, therefore, the Variance is not necessary to achieve parity with other properties in the vicinity and zone.

Finding 3: Staff generally agrees with the applicant that since the actual seating capacity will be reduced that the project should not have any material neighborhood impact. Also, since the proposed addition and remodel as constructed will most likely not obstruct any views, or access to sunlight, the project will not likely be materially detrimental to property improvements in the vicinity and zone.

Finding 4: The project does not bring up any issues or concerns that directly conflict with the General Plan, as there is no substantial change in the use of the property.

To approve the requested Variance the Commission must adopt all the required findings noted above, and since findings number one or two cannot be made staff is recommending that the Variance request be denied.

Scott Lunceford
Associate Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Correspondence
4. Resolution No. P.C. 154-156
5. Height Calculation
6. Photos

RESOLUTION NO. 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING A VARIANCE TO ALLOW AN ADDITION AND REMODEL TO AN EXISTING CHURCH TO EXCEED THE 25-FOOT HEIGHT LIMIT OF THE R-1 ZONE AT 320 AND 440 MASSEY AVENUE, LEGALLY DESCRIBED AS LOTS 1 THROUGH 8 AND LOTS 21 THROUGH 40, HERMOSA HEIGHTS TRACT, BEING A SUBDIVISION OF LOT 9, BLOCK 87, 2ND ADDITION TO HERMOSA BEACH

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by the Roman Catholic Archbishop of Los Angeles, owner of the property located at 320 and 440 Massey Avenue seeking a Variance in order to allow the construction of a new addition and remodel of the existing church to exceed the 25-foot height limit of the R-1 zone.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variances on February 21, 2006, 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 89,669 square feet, and is surrounded by smaller residential properties in the R-1 zone.
2. A convex slope condition exists along the north property line (on 5th Street). However, even with the use of top of convex slope elevations as the basis for the height measurement the proposed church addition will still be 11.86 feet over height.
3. The applicant cites that the church has not been renovated since it was originally constructed in 1959, and that the addition and remodel is needed to provide greater handicapped access, a more contemporary “in-the-round” seating layout for the main worship/assembly area, and more pleasing esthetic changes.
4. The new seating plan for the main worship area is less efficient than the existing long, nave-style seating plan and will decrease the amount of seating available within the main worship 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 maximum height limit of the R-1 zone:

1. There are no exceptional or extraordinary circumstances limited to the physical conditions applicable to the property involved because even though some unique conditions exist with respect to the slope and large size of the property, these conditions are not so exceptional that the property should be exempt from the height provisions of the Zone Code, nor do they justify an addition that is over 11 feet above the height limit in the R-1 zone. Also, these unique conditions actually provide more opportunities and options for a substantial amount of development in compliance with the height standards than would be possible on any of the surrounding smaller lots.
2. The Variance is not necessary for the enjoyment of a substantial property right possessed by other properties in the same vicinity and zone primarily because the proposed additional square footage, revised seating plan for the main worship/assembly area, and other improvements can be accomplished through other design options which do not require a Variance from the height limit. Furthermore, when the Planning Commission originally approved the CUP for the church use in 1958, they allowed the church to be built to a maximum height of no more than 65-feet as measured from the first floor finished grade. By approving a CUP that allowed the church to be built using a 65-foot height limit, the 1958 Planning Commission granted the church use a property right and privilege not possessed or enjoyed by other properties in the neighborhood. Approval of the Variance will further increase this existing privilege and, therefore, the Variance is not necessary to achieve parity with other properties in the vicinity and zone.
3. 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 because the proposed addition and remodel as constructed will reduced the seating

capacity of the main worship area, will not obstruct any access to sunlight, and may have at worst a minor impact on views of some neighboring properties.

4. The Variance is consistent with the General Plan because the project does not bring up any issues or concerns that directly conflict with the General Plan, as there is no substantial change in the use of the property.

Section 5. Based on the foregoing, and since the Planning Commission cannot make all 4 required finding as required by Section 17.54.020 of the Zoning Ordinance, the Planning Commission hereby denies the requested Variance.

Section 6. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

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 February 21, 2006.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

February 21, 2006
Date

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320 & 440 Massey Avenue – View of church from corner of 5th and Massey Avenue



View looking west along 5th Street from bottom of slope at Reynolds Avenue



View of church looking southwest from corner of 5th Street and Reynolds Avenue



View of church from intersection of 2nd Street and Prospect Avenue



View looking north along Massey Avenue from Prospect Avenue