

September 12, 2006

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

**Regular Meeting of
September 19, 2006**

SUBJECT: VARIANCE 06-2

LOCATION: 635 HERMOSA AVENUE

APPLICANT: PAT McCARTHY
15133 GREVILLEA AVENUE
LAWNDALE, CA 90260

REQUESTS: VARIANCE TO ALLOW THE EXPANSION OF AN EXISTING SINGLE-FAMILY DWELLING WITH A 3-FOOT SIDE YARD RATHER THAN THE REQUIRED 4 FEET, AN INTERIOR GARAGE DEPTH OF 19' RATHER THAN 20 FEET AND LESS THAN REQUIRED OPEN SPACE (105 SQ. FT. RATHER THAN 300 SQ. FT.)

Recommendation:

To approve requested Variances by adopting the attached resolution.

Background:

ZONING:	R-3
GENERAL PLAN:	High Density Residential
LOT SIZE:	1,915 Square Feet
EXISTING DWELLING UNIT SIZE	1,437 Square Feet
PROPOSED ADDITION	494 Square Feet
PROPOSED DWELLING UNIT SIZE:	1,931 Square Feet

The subject lot is a "half-lot" located on the southwest corner of Hermosa Avenue and 7th Street, fronting on 7th Street. Because 7th Street is a walk street the only possible vehicle access is directly from Hermosa Avenue. The lot is currently developed with a two-story single-family dwelling which is nonconforming to parking (a one-car garage), and side yard requirements (3'-foot on the west rather than the required 4 feet). Open space is currently available on the ground floor between the house and the detached one-car garage.

The applicant is proposing to demolish the existing detached single-car garage, remodel and expand the living areas of the existing 1,437 sq. ft. dwelling with an addition of 494 sq. ft. (66 sq. ft. 1st. floor & 428 sq. ft. 2nd. floor) totaling 1,931 proposed sq. ft., and to add a new one-car attached garage. The attached one-car garage would allow the site to provide more parking by creating area for one additional open parking space to the side of the garage (partially within the rear yard) and allow for two guest parking spaces in tandem. The nonconforming westerly side yard is proposed to be maintained at the first floor, and continued for the garage expansion, and the expansion on the second floor. The current height of the building of 25-feet (5-feet less than the height limit) will not be increased.

The Planning Commission previously granted Variances for the subject property in January, 2000, to allow a three foot side yard and substandard garage depth of 19-feet in connection with a nonconforming remodel project for a three story building, with a total floor area of nearly 3,000 square feet. For this project the required open space was provided on decks adjacent to the third level. The project was never constructed.

Analysis:

Similar to the previous Variance request, the applicant's objective is to resolve the parking issues for the property, but with a smaller expansion, and keeping a two story structure. However, given the substandard lot size with access only from Hermosa Avenue, this can only be achieved with Variances to the side yard requirement and/or the requirements for the depth of the garage parking stall. Therefore, the applicant is requesting Variances to allow a 3-foot side yard rather than required 10% of lot width (4 feet), and a substandard interior garage depth of 19 feet rather than the required 20 feet. These Variances are necessary to provide a garage and driveway for guest parking as only 40 feet is available for the length of the driveway and garage (please see the submitted plan, sheet 1). Therefore, the proposed Variances are necessary in order to allow the construction of a standard one-car garage with a 17-foot setback for guest parking.

Also, the applicant is requesting a Variance from the open space requirement. Currently open space is available on the ground between the house and the detached garage. In order to provide parking, however, it is necessary to attach the garage to the house. The applicant could compensate for the loss of the ground level open space by providing larger decks on the second floor, or perhaps a roof deck, but these are not consistent with the applicant's objective for a two-story plan with 3 bedrooms on the second floor. In order to accommodate added open space, some of the second floor area would have to be reduced or a roof deck provided which would increase the height of the structure. The plans provide for 105 square feet of qualifying open space on the second level adjacent to the family room, which is short of the required 300 square feet. Also, the walk-street encroachment area provides ample open space at the ground level, but does not count towards the open space requirements since its in the public right-of-way.

In order to grant a Variance, 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 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.
- 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
- 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 applicant's request is based on the premise that the subject lot has limited access from the side of the lot only, with a sub-standard distance of 40-feet to accommodate a garage and driveway, making it impossible to expand the property and provide required parking and parking stall sizes. Also, in order to provide the required parking, the existing open space area will be covered and to provide such open space on upper floors causes too much of a hardship on the project.

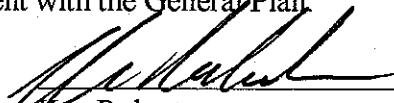
Finding 1: Staff agrees that this lot is uniquely situated with access from the side only, making the circumstances unique and arguably "exceptional and extraordinary". While there are many "half-lots" scattered in the R-3 and R-2 areas (50+) throughout the City only a few front on a

"walk-street" limiting parking access only from the side yard. So arguably the Variances are necessary to place the property in parity with surrounding properties in the R-3 zone.


Finding 2: The Variance is necessary for the enjoyment of a substantial property right possessed by other properties in the vicinity because the side lot access does not allow the project to meet all the following requirements: minimum interior parking stall depth (20'); side yard setback (4'); and parking setback (17'). Also the small lot limits options for providing sufficient open space in connection with a two story floor plan. Therefore the owner is prevented from expanding the home without a Variance from at least one of these requirements. The Variance from open space, however, is only indirectly related to the unique attributes of the property, and arguably is not necessary for the enjoyment of a substantial property right. However, the applicant believes the relief from open space is necessary in this case for the house to have sufficient floor area on the second floor to provide three bedrooms and a family room, and therefore, to keep the house as a two-story structure rather than three and to achieve parity with similarly situated properties in the neighborhood.

Other design options that would have required Variances include a less than 17-foot garage setback, no guest parking, a greater reduction in depth of parking stalls, or less than 3-foot side yard. The applicant has provided a workable solution since the 1-foot Variance in side yard only is necessary for the ground floor and extends an existing nonconforming yard along that side. This enables the property to conform to on-site parking requirements for residents and guests. It is preferable to allow a slight reduction from the allowed garage depth (approx. 19') rather than a less than 17-foot garage setback, and/or pushing the rear wall of the garage further into the side yard.

Findings 3 and 4: The Variance only involves minor reductions in side yards and parking stall dimension which will not impact or be materially detrimental neighboring properties or properties in the vicinity, and is necessary to bring the property into conformance with parking requirements. The construction and remodel of a single-family home in this location is consistent with the General Plan.


Ken Robertson,
Senior Planner

CONCUR:


Sol Blumenfeld, Director,
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photos

F:/b95/cd/pc/8-15-06/VAR06-02/635 Hermosa Ave.

RESOLUTION NO. 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE TO ALLOW THE EXPANSION OF AN EXISTING SINGLE-FAMILY DWELLING WITH 3-FOOT FEET SIDE YARD RATHER THAN THE REQUIRED 4 FEET, AND AN INTERIOR GARAGE DEPTH OF 19' FEET RATHER THAN THE REQUIRED 20' FEET, AND LESS THAN REQUIRED OPEN SPACE AT 635 HERMOSA AVENUE LEGALLY DESCRIBED AS THE NW 47.5' OF LOT 15, BLOCK 7, HERMOSA BEACH TRACT

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Pat McCarthy owner of real property located at 635 Hermosa Avenue, seeking a Variance from the minimum required side yard, and the minimum required parking stall depth, and required open space in connection with the proposed expansion and remodel of a single family home.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on September 19, 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 applicant desires to remodel and expand an existing two-story single family home while keeping the existing two-story size, with an existing nonconforming side yard of 3-feet rather than the required 4 feet, and to expand the dwelling at the ground floor which extends this nonconforming side yard, and this requires Variances from the side yard requirement, garage depth requirement and open space requirements.

2. The proposed remodel and expansion otherwise complies with all requirements of the Zoning Ordinance.

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 circumstances relating to the property because the lot is uniquely situated with access from the side only, making the circumstances unique and "exceptional and extraordinary". While there are many "half-lots" scattered in the R-3 and R-2 areas (50+) throughout the City only a few front on a "walk street" leaving the only access from a side street. Therefore, the Variances are necessary for the applicant to achieve parity with surrounding R-3 properties.

2. The Variance is necessary for the enjoyment of a substantial property right possessed by other properties in the vicinity because the side lot access does not allow the project to meet all the following requirements and provide the necessary required parking: minimum parking stall depth; side yard; and parking setback requirements. Also the Variance from open space is necessary to expand the second floor in a reasonable way and to keep a two story size. Therefore the owner is prevented

from expanding the home to achieve parity with surrounding proper without a Variance from at least one of these requirements, and the plan proposes a reasonable set of alternatives in order to meet parking requirements for number of spaces.

3. The project will not be materially detrimental to property improvements in the vicinity and Zone since the Variance only involves minor variations to yard and parking stall dimensions.

4. The proposed Variance does not conflict with and is not detrimental to the General Plan because the project is not unusually large or out of scale with the neighborhood, and is otherwise in conformance with the Zoning Ordinance and the General Plan.

Section 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 6. Based on the foregoing, the Planning Commission hereby approves the subject Variance, subject to the following **Conditions of Approval:**

1. **The project shall be consistent with submitted plans reviewed by the Planning Commission at their meeting of September 19, 2006, and revised in accordance with the corrections noted below. Any further minor modifications to the plan shall be reviewed and may be approved by the Community Development Director.**
 - a) **A complete roof plan shall be provide showing property lines and property corner elevations, and maximum and propose building heights at the critical points.**
2. **The Variance is specifically limited to the situation and circumstances that result relative to the proposed project and is not applicable to the development of new structures or any future expansion.**

AYES:

NOES:

ABSENT:

ABSTAIN:

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 September 19, 2006

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

Date

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ADDRESS: 635 HERMOSA AVENUE

SCALE 1" = 100'



CONTINENTAL MAPPING SERVICE

6325 Van Nuys Boulevard, Van Nuys, CA 91401

(818) 787-1663

ZONING CHECK LIST

ADDRESS 635 Hermosa Ave

ZONE R-3

OWNER/ARCHITECT McCarthy / Gould

GENERAL PLAN HD

PROJECT TYPE expansion (Variance request)

COASTAL ZONE YES X NO

DATE 8.8.06

*IF YES, A COASTAL PERMIT IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.

ITEMS CHECKED NEED CORRECTION

 1) ALLOWABLE DENSITY 1 EXISTING DENSITY 1 PROPOSED 1

 2) ALLOWABLE BUILDING HEIGHT 30' EXISTING PROPOSED 25'

MAXIMUM HEIGHT INFORMATION PROPERLY SHOWN ON ROOF PLAN/ELEVATIONS:

PC ELEVATIONS no CRITICAL POINT MAX AND PROPOSED no DISTANCES TO C.P.'S no

 3) NO. OF STORIES EXISTING 2 PROPOSED 2

X 4) MAXIMUM LOT COVERAGE 65% EXISTING PROPOSED ~~71%~~ 71%

 5) REQUIRED FRONT YARD SETBACK 0' EXISTING 2.3' PROPOSED 1'

variance? 6) REQUIRED REAR YARD SETBACK, 1ST FL. 5' 2ND FL. 5' EXISTING PROPOSED 3' 3'

variance? 7) REQUIRED SIDE YARD SETBACK 4' EXISTING 3' & 4' PROPOSED 3' & 4'

MULTIPLE ROW DWELLINGS YES NO IF YES:

REQUIRED SIDE-YARD EXISTING PROPOSED

 8) REQUIRED PARKING SPACES STANDARD 2 GUEST 1

EXISTING SPACES STANDARD 1 GUEST 0

PROPOSED SPACES STANDARD 2 GUEST 2

variance? 9) PARKING SPACES MINIMUM SIZE:

STANDARD INSIDE GARAGE 8.5 x 20 EXISTING PROPOSED 8.5 x 19

OUTSIDE SPACE 8.5 x 18 EXISTING PROPOSED 9 x 20

GUEST SPACE(S) OUTSIDE 8.5 x 17 EXISTING PROPOSED 9 x 17

 10) GARAGE OR PARKING SETBACK REQUIRED 17' EXISTING 10' PROPOSED 17'

 11) MIN. GARAGE DOOR/CEILING CLEARANCE 7' EXISTING PROPOSED 8' 7'

 12) TURNING AREA REQUIRED 23' EXISTING PROPOSED 23' + need dimensions on plan

X 13) DRIVEWAY:

REQUIRED WIDTH 9' EXISTING PROPOSED < 9'

MAXIMUM SLOPE 12.5% EXISTING PROPOSED ? no info on plan

MINIMUM CLEARANCE 7' EXISTING PROPOSED 8'

- X 14) REQUIRED USABLE OPEN SPACE 300 ~~φ~~ EXISTING 380 ~~φ~~ PROPOSED 0
- MINIMUM DIMENSION REQUIRED 7' EXISTING _____ PROPOSED no qualifying o.s.
- MAXIMUM COVERAGE ALLOWED 50% EXISTING _____ PROPOSED NA
- MINIMUM ADJACENT TO PRIMARY LIVING AREA (R-2, R-3 OR R-1 SMALL LOT) OR MINIMUM
REQUIRED ON GRADE (R-1 & R-1A) 100 ~~φ~~ EXISTING _____ PROPOSED 0
- 15) MINIMUM DISTANCE BETWEEN BUILDINGS: NA
- MAIN BUILDINGS _____ EXISTING _____ PROPOSED _____
- MAIN BUILDING AND ACCESSORY _____ EXISTING _____ PROPOSED _____
- 16) ARCHITECTURAL ENCROACHMENTS INTO REQUIRED YARDS: NA
- MINIMUM EAVE SETBACK _____ EXISTING _____ PROPOSED _____
- MINIMUM FIREPLACE SETBACK _____ EXISTING _____ PROPOSED _____
- MINIMUM BAY WINDOW SETBACK _____ EXISTING _____ PROPOSED _____
- MINIMUM COLUMNS/CHASES ETC. SETBACK _____ EXISTING _____ PROPOSED _____
- 17) MAXIMUM STAIRWAY/BALCONY FRONT SETBACK ENCROACHMENT NA
- EXISTING _____ PROPOSED _____
- 18) STAIRWAY IN SIDEYARD: ABOVE 1ST LEVEL YES _____ NO NA
- EXTEND IN BOTH DIRECTIONS. YES _____ NO _____
- MAXIMUM HEIGHT _____ EXISTING _____ PROPOSED _____
- X 19) PERIMETER WALLS/FENCES --LOT TYPE:
- INTERIOR _____ CORNER _____ REVERSED CORNER _____
- FRONT HEIGHT MAXIMUM _____ EXISTING _____ PROPOSED _____
- SIDE HEIGHT MAXIMUM _____ EXISTING _____ PROPOSED _____
- REAR HEIGHT MAXIMUM _____ EXISTING _____ PROPOSED _____
- 20) CHIMNEY/VENTS PROJECTION ABOVE HEIGHT LIMIT
- FLAT ROOF _____ SLOPED ROOF _____
- MAXIMUM PROJECTION ABOVE ROOF _____ EXISTING _____ PROPOSED _____
- CHIMNEY BULK: MAX DIMENSION _____ EXISTING _____ PROPOSED _____
- 21) SOUND TRANSMISSION INSULATION BETWEEN WALLS (CONDOMINIUMS) NA
- MIN. S.T.C. RATING BETWEEN FLOORS _____ PROPOSED _____
- MIN. S.T.C. RATING BETWEEN COMMON WALLS _____ PROPOSED _____
- NO PLUMBING FIXTURES IN COMMON WALLS _____

22) NONCONFORMING REMODEL STRUCTURE: (PARKING MINIMUM SPACE SIZE: 8 1/2 FT. W x 18 FT. D)
MAX. EXPANSION (PERCENT SQUARE FEET) BY RIGHT 100% PROPOSED ? *need to know sq. ft. on premises before 1995 addition*
ONE PARKING SPACE PER DWELLING UNIT MAX. EXPANSION _____ PROPOSED _____

LESS THAN 1 PARKING SPACE PER UNIT MAX. EXPANSION _____ PROPOSED _____

NONCONFORMING USE - GREATER THAN 45-UNITS PER ACRE? _____ IF YES NO EXPANSION ALLOWED

23) REVIEW CARD FILE AND MASTER FILE

OPEN PERMITS YES _____ NO _____ *NA*

CODE ENFORCEMENT ACTION PENDING YES _____ NO _____

OPEN COMPLAINTS YES _____ NO _____

PREVIOUS ADDITION TO NONCONFORMING REMODEL NO _____ YES _____ IF YES, % _____

24) CORNER VISION CLEARANCE YES _____ NO _____

X 25) SCREENED TRASH FACILITY YES _____ NO *X*

26) SIGNED DOCUMENTS CONNECTED WITH DISCRETIONARY APPROVAL *NA*

	<u>NEEDED</u>	<u>RECEIVED</u>
ACCEPTANCE OF CONDITIONS AFFIDAVIT	_____	_____
NOTICES OF PENDING CONSTRUCTION AFFIDAVIT	_____	_____
CC & R'S FOR RECORDATION	_____	_____
ASSUMPTION OF RISK IF SUMP PUMP	_____	_____

27) HISTORIC LANDMARK OR RESOURCE? *ND*

NOMINATED _____ DESIGNATED _____ CERTIFICATE OF APPROPRIATENESS _____

no 28) SUBSTANDARD LOT SIZE OR WIDTH, WITH EXISTING STRUCTURE STRADDLING THE PROPERTY LINE WITH ADJACENT LOT (SUBJECT TO LOT MERGER)

*** 29) ***IF A COASTAL APPROVAL FOR THIS PROJECT IS REQUIRED, 2 SETS OF CONCEPTUAL PLANS AND A COASTAL PERMIT APPLICATION NEEDS TO BE SUBMITTED TO THE CITY AFTER ZONE CHECK APPROVAL. CONTACT PLANNING STAFF FOR INFORMATION (310) 318-0242.**

30) ADDITIONAL COMMENTS

635 Hermosa Avenue

