

**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**Date:** January 27, 2004

**To:** Honorable Mayor and Members  
of the City Council

**From:** Sol Blumenfeld, Director  
Community Development Department

**Concur:** Stephen R. Burrell  
City Manager

**Subject:** Resolution to Reverse the Planning Commission Decision and  
approve a Variance to Lot Coverage at 259 31<sup>st</sup> Street

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**Recommendation**

Adopt the attached resolution.

Pursuant to Council direction, attached is the resolution and findings to approve the subject Variance.

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**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HERMOSA BEACH, CALIFORNIA, TO APPROVE A VARIANCE  
FROM LOT COVERAGE REQUIREMENTS AT 259 31<sup>ST</sup>  
STREET LEGALLY DESCRIBED AS LOT 19, BLOCK 117,  
SHAKESPEARE TRACT**

The City Council does hereby resolve and order as follows:

Section 1. An application was filed by A. Jonathan Schwartz owner of real property located at 259 31<sup>st</sup> Street in Hermosa Beach, seeking a Variance from Section 17.08.030(J), Permissible Lot Coverage in the R-1 Zone, to allow an addition and remodel, and conversion of a duplex to a single-family dwelling, resulting in 71% lot coverage rather than the maximum 65%.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on October 21, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the evidence, the Commission could not make the necessary findings for a Variance and denied the requested Variance.

Section 3. The applicant filed an appeal of the Commission's decision.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal on January 13, 2003, at which testimony and evidence, both written and oral, and the record of decision of the Planning Commission was presented to and considered by the City Council.

Section 5. Based on the evidence received at the public hearing, and the record of decision of the Planning Commission the City Council makes the following factual findings:

1. The subject lot is zoned R-1 and contains 2100 square feet with a dimension of 30' X 70'. This is the typical lot size for this block, which is a walk street, and is considered a small lot pursuant to the R-1 zoning standards, which provides an exception to open space requirements for small lots.

2. The subject property is currently developed with a two-story stacked duplex, with a two-car garage with access to the alley. The current use as two units is a nonconforming use in the R-1 zone. The property is also nonconforming with respect to front and side yard requirements, open space, lot coverage and parking summarized as follows:

*Front Yard:* 0 rather than required 7 feet (10% of lot depth)

*Side Yard:* 1.5 feet on the west side rather than the required 3 feet (10% of lot width), including a bay window that projects to the property line.

*Open Space:* Complies with the total requirement for small lot exception of 300 square feet, as a total of 500 square feet is available on the roof deck (380) and excess yard areas on the ground (120), but does not comply with the requirement that 60% be located adjacent to primary living areas, as 120 square feet is available on ground rather than 180 square feet.

*Lot Coverage:* currently 68% rather than the required 65%

*Parking:* one space per unit plus one guest rather than two spaces per unit

3. The proposed project involves eliminating one of the units by removing the first floor kitchen and connecting this floor with the second floor with a spiral stair. Also, the garage will be relocated and reconstructed closer to the alley allowing the addition of 175 square feet of floor area on the first floor for

1 an additional bedroom and bathroom, and the addition of a master bath on the second floor above a portion  
2 of the new garage. The proposed remodel and addition will bring the property into conformance with the  
3 Zoning Ordinance with respect to use because of the elimination of one unit, and bring the property into  
4 compliance with parking requirements. The nonconforming front and side yards will remain, and the  
5 project will remain nonconforming to small lot open space requirements. The project as designed causes  
6 lot coverage to be increased by 58.5 square feet (approx 3%) to accommodate the relocated garage and  
7 master bathroom. Therefore, a Variance is required from the lot coverage requirement.

8 4. The applicant is proposing a 233 square foot expansion, resulting in an increase of valuation of  
9 44% as combined with a 1997 expansion and remodel project.

10 Section 6 Based on the foregoing factual findings, and the record of decision of the Planning  
11 Commission, the City Council makes the following findings pertaining to the application for a Variance:

12 1. There are exceptional or extraordinary circumstances relating to the property because the lot  
13 size (2100 square feet with dimension of 30' X 70') is small as compared with the typical lot size in the  
14 Shakespeare Tract and in the City Also, the existing condition of the structure, historically a duplex, is  
15 unusual for this small lot, and is proposed to be converted into a single family dwelling as part of this  
16 project

17 2. The Variance is necessary for the enjoyment of a substantial property right possessed by  
18 other properties in the vicinity to construct a single-family home of a reasonable size with a functional floor  
19 plan.

20 3. The project will not likely be materially detrimental to property improvements in the vicinity  
21 and Zone since the project complies with all other requirements of the Zoning Code, and does not involve a  
22 major expansion. The increased lot coverage is minimal, and in an area of building not readily visible to  
23 surrounding properties.

24 4. The project is not unusually large or out of scale with the neighborhood, and is otherwise  
25 in conformance with the Zoning Ordinance and the General Plan.

26 Section 7. Based on the foregoing, the City Council hereby approves the requested Variance  
27 subject to the following **Conditions of Approval:**

28 **1. The development and continued use of the property shall be in conformance with  
29 submitted plans received and reviewed by the City Council at their meeting of January  
30 14, 2004.**

31 **2. The Variance is specifically limited to the lot coverage requirement as specified, and  
32 applicable to the situation and circumstances that result relative to the proposed  
33 project and is not applicable to the development of future structures or any future  
34 expansion.**

35 **3. A deed restriction shall be recorded with property limiting the use of the building to a  
36 single-family residence.**

**PASSED, APPROVED and ADOPTED** this 13th day of January, 2004, by the following vote:

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AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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PRESIDENT of the City Council and MAYOR PROTEM of the City of Hermosa Beach,  
California

ATTEST:

APPROVED AS TO FORM:

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\_\_\_\_\_ CITY CLERK \_\_\_\_\_ CITY ATTORNEY

B95/cd/cc/varr259-31st