

October 18, 2004

**Honorable Mayor and Members of the  
Hermosa Beach City Council**

**Regular Meeting of  
October 26, 2004**

SUBJECT: VARIANCE 04-3, APPEAL  
3410 HERMOSA AVENUE (AND 111 34<sup>TH</sup> STREET)

APPELLANT: LASALLE BANK, 401 B STREET, SUITE 320  
SAN DIEGO, CA 92101

REQUEST: APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A  
VARIANCE TO ALLOW A 3-FOOT SIDE YARD FOR AN EXISTING BUILDING,  
RATHER THAN THE REQUIRED 5-FEET, WITH THE INCREASED SETBACK  
REQUIREMENT CAUSED BY MERGING TWO LOTS.

**Planning Commission Recommendation**

To deny the requested Variance.

**Background**

The applicant is proposing to merge two existing 30-foot wide lots together, and maintain the existing dwelling at 3410 Hermosa Avenue with its current 3-foot north side yard. The Planning Commission considered the Variance request at their August 17, 2004 meeting and the majority voted to deny the request because they could not find that the property was denied a substantial property right possessed by others in the vicinity and zone. The Commission felt the applicant has the option to maintain the property as two separate lots, and build a detached guest home eliminating the need for a Variance.

**Project Information**

ZONING:	R-3
GENERAL PLAN:	High Density Residential
EXISTING LOT SIZE:	2550 Square Feet (30' X 85')
PROPOSED LOT SIZE (MERGED LOTS)	5100 Square Feet (60' X 85')
EXISTING/PRIOR USES:	Two separate single-family homes
PROPOSED USE:	Single family dwelling w/ addition
EXISTING FLOOR AREA (3410 HERMOSA):	4,431 Square Feet
PROPOSED ADDITION:	680 Square Foot guest room, garage, terrace and pool
PERCENT INCREASE IN VALUATION:	25%

The three-story home at 3410 Hermosa Avenue was constructed in 1982, in conformance with the 3-foot side yard requirements for a 30-foot wide lot, and in accordance with the 35-foot height limit in effect at that time. The building is nonconforming to the current 30-foot height limit and to the front yard and parking setback requirement, as the existing dwelling exceeds 30-feet in height, the front yard is 7 feet rather than the required 10-feet, and the garage is setback 11.5 feet rather than 17 feet from the sidewalk. These nonconforming conditions are not being changed, and therefore the project is subject to Chapter 17.52 and is limited to an increase of 50% in valuation.

**Analysis**

The Variance is required because of the proposed design of the project. The appellant is proposing to merge two existing 30-foot wide lots, and maintain the existing dwelling with its current 3-foot north side yard in order to construct a connecting guest room with a bridge at the second floor level. The merger of the two lots increases the side yard requirement from 3 feet to 5 feet, (10% of the lot

width, up to a maximum of 5-feet). The project also includes demolishing the existing dwelling at 111 34<sup>th</sup> Street (which has already occurred), and constructing and connecting an addition to the existing dwelling at 3410 Hermosa Avenue extending south over the former 111 34<sup>th</sup> Street property. The addition includes a guest room, terrace, pool and additional garage parking. The proposed addition is in compliance with the Zoning Ordinance, and consists of less than 50% increase in valuation.

The lot merger is needed to accommodate the applicant's plan to connect the southerly addition to the existing dwelling with a bridge, rather than constructing a detached separate dwelling on the property with access at grade. The lot merger creates the need for the Variance.

The appellant argues that there are special circumstances related to restoration of the Lawrence House, considered an architecturally significant building (Modern Architecture style) designed by the architecture firm Morphosis. The appellant notes that the 5-foot setback on the north side of the Lawrence House cannot be achieved without demolition of a significant portion of the house. In order to complete the addition to the south, a Variance must be granted that allows the setback on the north side of the building to remain at 3 feet (actually 2' 10" based on the survey).

A Variance is not intended to be a grant of a special privilege, but a means to address unique conditions, while ensuring that there is parity with surrounding properties. In order to grant a Variance, the City Council, 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.*

Discussion of findings:

**Finding 1:** The subject lots are typical of surrounding properties, and do not contain any unique physical conditions that might be considered extraordinary or exceptional. They are two 30-foot wide lots, which is the prevailing width of lots along Hermosa Avenue. Therefore the standard side yard for all lots in this situation is 3 feet. What is unusual, however, is that when these lots are combined the side yard requirement increases, since a 60-foot wide lot requires a 5-foot side yard, even though the circumstances of the surrounding lot and development pattern do not change. Application of this 5-foot side yard to an existing condition that is otherwise consistent with prevailing side yard requirements would seem to be an extraordinary and exceptional circumstance, and creates an unnecessary hardship for this applicant, since approximately 51 feet of the existing home must be removed. One of the reasons for basing the size of the side yard on the lot width, is to create consistency with the prevailing neighborhood lot pattern, and arguably the proposed merger of lots maintains the prevailing lot pattern in the neighborhood.

**Finding 2:** The owner wishes to exercise a property right to expand an existing single-family home to take advantage of the purchase of an adjacent property. While the Variance is necessary for the addition to be connected as proposed by the applicant, there are other options available to exercise the property right to construct an addition and achieve parity with the neighborhood that would not require a Variance. For example, the applicant could develop a "detached" new single-

family home for a guest home, complying with the setback requirements between the two lots, with access between the main dwelling and the “guest” house only on the ground.

In connection with the parity issue, the Council, however, may want to consider the other unique circumstances that surround this case relating to the historical and architectural significance of the property, and the fact that the subject of the Variance is limited to the right to maintain a 3-foot side yard (which is otherwise typical of side yards on other properties with 30-foot lots.)

**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 does not involve a major expansion. In fact, the proposed expansion is substantially less in density, scale, and building height than if a new home were proposed for the adjacent property. Further, parking will be increased well in excess of the standard requirement for a single-family dwelling and no on-street parking will be lost.

**Finding 4:** The project is otherwise in conformance with the Zoning Ordinance and the General Plan.

Staff recommends if the Variance is granted that a condition of approval be included to require that the roof plans and elevations for the project be revised to comply with the 30-foot height limit.

Concur:

---

Ken Robertson  
Senior Planner

---

Sol Blumenfeld, Director  
Community Development Department

---

Stephen R. Burrell,  
City Manager

Attachments

1. Planning Commission Resolution and Minutes
2. Correspondence
3. Location Map
4. Zoning Analysis
5. Photographs