

**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: November 3, 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 the required side yard setback at 3410
Hermosa Avenue.

Recommendation

Adopt the attached resolution.

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

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE 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 AT 3410 HERMOSA AVENUE, LEGALLY DESCRIBED AS LOTS 5 AND 6, BLOCK 101, SHAKESPEARE TRACT

The City Council does hereby resolve and order as follows:

Section 1. An application was filed by LaSalle Bank owner of the property located at 3410 Hermosa Avenue and 111 34th Street, seeking a Variance to allow two existing lots to merged while maintaining a 3-foot side yard rather than the required 5-feet for the merged lots.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on August 17, 2004, 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 October 26, 2004, 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 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.
2. The Variance is needed because the applicant is proposing to merge two existing 30-foot wide lots together, and maintain the existing dwelling with its current 3-foot north side yard. The merger of the two lots increases the side yard requirement from 3 feet to 5 feet, as the side yard requirement is 10% of lot width, up to a maximum required 5-feet.
3. The project also includes demolishing the existing dwelling at 111 34th Street, and constructing an addition to the existing dwelling at 3410 Hermosa Avenue extending south over the former 111 34th Street property.
4. 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.

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

1. There are exceptional or extraordinary circumstances relating to the property because 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 is an extraordinary and exceptional circumstance, and creates an unnecessary hardship for this applicant, since approximately 51 feet of the existing home must be removed.
2. The Variance is necessary for the enjoyment of a substantial property right possessed by other properties since the prevailing side yard setbacks in the area are 3-feet, and the project with the proposed addition will keep the existing setback of 3-feet consistent with this prevailing condition. Keeping this existing setback is necessary to maintain parity with neighboring properties.
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.
4. 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 7. Based on the foregoing, the City Council hereby approves the requested Variance subject to the following **Conditions of Approval:**

1. **The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the City Council at their meeting of October 26, 2004.**
2. **The Variance is specifically limited to side yard setback requirement as specified, and applicable to the situation and circumstances that result relative to the proposed project, and is not applicable to the development of future structures or any future expansion.**
3. **The roof plans and elevations for the project shall be revised to demonstrate compliance with the 30-foot height limit.**

PASSED, APPROVED and ADOPTED this 26th day of October 26, 2004, by the following vote:

AYES:

NOES:
ABSTAIN:
ABSENT:

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

ATTEST:

APPROVED AS TO FORM:

_____ CITY CLERK

_____ CITY ATTORNEY

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