

**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**Date:** November 23, 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 311 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.

**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A VARIANCE TO THE LOT COVERAGE AND OPEN SPACE REQUIREMENTS AND MAXIMUM ALLOWABLE VALUATION INCREASE FOR A NONCONFORMING STRUCTURE IN ORDER TO ALLOW AN ADDITION AND REMODEL OF AN EXISTING SINGLE-FAMILY DWELLING, RESULTING IN 70.9% LOT COVERAGE RATHER THAN THE MAXIMUM 65%, A 148.1% VALUATION INCREASE RATHER THAN THE MAXIMUM 100%, AND PROVIDING NO OPEN SPACE DIRECTLY ADJACENT AND ACCESSIBLE TO A PRIMARY LIVING AREA AT 311 31<sup>ST</sup> STREET, LEGALLY DESCRIBED AS LOT 23, BLOCK 117, SHAKESPEARE TRACT**

The City Council does hereby resolve and order as follows:

Section 1. An application was filed by Thomas and Barbara Zondiros, owners of the property located at 311 31<sup>st</sup> Street, seeking Variances to allow an addition and remodel of an existing legal nonconforming single-family residence resulting in 70.9% lot coverage rather than the 65% maximum, 148.1% valuation increase rather than the 100% maximum, and providing no open space directly adjacent and accessible to a primary living area.

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. On October 7, 2004, the applicants filed an appeal of the Planning Commission's decision.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal on October 12, 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 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 property is nonconforming with respect to front yard requirements (0 rather than required 7 feet), open space (does not comply with the requirement that 60% be located adjacent to primary living areas), and parking (One space rather than two spaces plus one guest).

3. The applicants are proposing to construct a second-story addition of 1268 square feet to the existing residence. The project also entails remodeling 634 square feet of existing livable floor area. The expansion will increase the living area of the house from 956 square feet to 2,224 square feet.

4. The Variance to the maximum allowable valuation increase of 100% for a nonconforming structure is needed because the proposed expansion and remodel results in a 148.1% increase in valuation. Pursuant to Chapter 17.52 of the Zoning Ordinance, the maximum allowable valuation increase for an expansion and remodel of an existing nonconforming structure is 100%.

5. The Variance to open space directly adjacent and accessible to a primary living area is needed because the proposed addition and remodel maintains the existing primary living area adjacent to the front property line without providing any additional adjacent open space at grade.

6. The Variance to lot coverage is needed because the proposed addition causes lot coverage to be increased by 296 square feet (approximately 14%) to accommodate an enlarged garage, resulting in 70.9% lot coverage rather than the required 65% maximum.

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 limited to the physical conditions applicable to the subject property because the lot is considered a “small lot” on a walk street with the only garage access off a narrow 10-foot wide alley at the rear of the property. Because the garage access is limited to the rear of the property, the requirement that 60% of the usable open space be located adjacent to primary living areas cannot be provided adjacent to primary living areas on the ground floor without reducing the buildable area of the project.
2. The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a single family home to meet current standards of livability and to be a reasonable size. The Variances to open space and lot coverage are necessary for this dwelling to maintain the primary living area on the ground floor without also being forced to significantly reconfigure the existing structure, and provide parking which is

not currently provided. The Variance from the valuation increase maximum for nonconforming structures is needed in order for the dwelling to reach a size that is comparable to other dwellings in the neighborhood. The property fronts on a walk street that effectively provides useable open space and is a desirable feature enjoyed by other properties with a walk street orientation. The combined conditions of the small lot and narrow rear alley parking access create an unusual hardship in providing open space that is directly accessible to the primary living area yet contiguous with the walk street, and therefore denies a property right that other similar walk street properties enjoy.

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 Zone Code, and is not inconsistent with development in the neighborhood.
4. The project is not unusually large or out of scale with other new projects in the neighborhood, and is otherwise in conformance with the Zoning Ordinance and the General Plan.

Section 7. Based on the foregoing findings, the City Council hereby approves the requested Variance.

**PASSED, APPROVED and ADOPTED** this 12th day of October, 2004, by the following vote:

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:

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

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