

February 15, 2005

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

**Regular Meeting of
February 22, 2005**

SUBJECT: RECONSIDERATION OF NONCONFORMING REMODEL 05-1

LOCATION: 64 10TH STREET

APPLICANT: AKBAR HUSAIN
64 10TH STREET

Planning Commission Recommendation

The Planning Commission unanimously approved the subject request at their meeting of January 18, 2005, subject to conditions in the attached resolution.

Background

LOT SIZE	1,957 square feet
EXISTING FLOOR AREA	1,134 square feet
PROPOSED ADDITION	462 square feet 338 square feet deck
PROPOSED PROJECT FLOOR AREA	1,117 square feet
NET REDUCTION OF FLOOR AREA	17 square feet
PERCENT INCREASE IN VALUATION	48.5%
ZONING	C-2
GENERAL PLAN	Restricted Commercial
ENVIRONMENTAL DETERMINATION	Categorically Exempt

The subject property is located on the south side of 10th Street between Beach Drive and Hermosa Avenue. The existing one-story dwelling was constructed in 1930. The dwelling is a nonconforming residential use on a commercially zoned property.

Analysis

Section 17.52.030.A (Expansion, Remodeling, and Alteration of Buildings Containing Nonconforming Uses) of the Zoning Ordinance requires Planning Commission approval when an expansion/remodel of a building containing a nonconforming use results in the removal of over 10% of the existing exterior walls. The expansion and remodel results in the removal of 12% of the existing exterior walls. Though the applicant is proposing to construct a livable floor area addition of 462 square feet and a deck addition totaling 338 square feet on the second floor, the total living area of the house will decrease from 1,134 square feet to 1,117 square feet because the project includes removal of 479 square feet of existing livable space for a new garage and driveway. The expansion and remodel results in a 48.5% increase in valuation.

One of the general goals of the Nonconforming Ordinance is to encourage projects to meet current and future minimum requirements for parking, open space, setbacks, height, and other development standards. While the residential use remains nonconforming to the commercial zone, the proposed addition complies with the 30-foot height limit and all other planning and zoning requirements. The proposed garage addition increases the available parking on the subject property from none to two standard garage spaces and two guest spaces, and the proposed expansion conforms to the same development standards as the adjacent residential zone (R-2). Also, the existing nonconforming use is not severe or unusual given that the lot is fronting on a predominately residentially zoned (R-2) street and there are other existing legal nonconforming residential uses in the downtown commercial area. The project is not unlike previously approved nonconforming remodels, and is consistent with the intent and goals of the Nonconforming Ordinance.

At the Planning Commission hearing, the adjacent property owner to the east at 70 10th Street expressed concerns regarding privacy from those utilizing the proposed glass-enclosed stairway. During the hearing, the project architect stated that opaque architectural glass will be used on the stairway to alleviate the adjacent property owner's concerns. Subsequently, staff worked with both the project architect and the adjacent property owner to address the privacy issue and the plans have been revised to show opaque architectural glass in the area of concern. The adjacent property owner has indicated his agreement with this solution.

CONCUR:

Scott Lunceford
Planning Associate

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments

1. Resolution to sustain the Planning Commission
2. Planning Commission Minutes
3. Location Map
4. Valuation Worksheet
5. Height Calculation
6. Photographs

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING AN ADDITION TO AN EXISTING NONCONFORMING SINGLE FAMILY DWELLING IN A COMMERCIAL ZONE RESULTING IN A GREATER THAN 10% REMOVAL OF EXTERIOR WALLS AT 64 10TH STREET

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Akbar Husain, owner of real property located at 64 10th Street, requesting an addition to an existing nonconforming single-family residence in a commercial zone pursuant to Chapter 17.52 of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on January 18, 2005, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission. Based on the testimony and evidence received the Planning Commission approved the project subject to conditions, as contained in P.C. Resolution 05-7.

Section 3. On January 25, 2005, the City Council, pursuant to Section 2.52.040, initiated review and reconsideration of the decision of the Planning Commission.

Section 4. The City Council conducted a duly notice public hearing to review and reconsider the decision of the Planning Commission on February 22, 2005, at which the record of the decision of the Planning Commission and testimony and evidence, both written and oral, was presented to and considered by the City Council.

Section 5. Based on 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 applicant is proposing a 462 square foot livable floor area and a 338 square foot deck expansion on the second floor of an existing 75-year-old nonconforming single-family dwelling on a commercially zoned property, resulting in the removal of 12% of the existing exterior walls and a 48.5% increase in valuation.
2. The existing nonconforming use is not severe or unusual given that the lot is fronting on a predominately residentially zoned street and there are other existing legal nonconforming residential uses in the downtown commercial area.
3. The scale of the proposed expansion is reasonable, and is consistent with planning and zoning requirements for the C-2 zone and does not warrant requiring the current nonconforming residential use be brought into conformance;
4. The proposed garage addition increases the available parking on the subject property from none to two standard garage spaces and two guest spaces, and the proposed

expansion conforms to the same development standards as the adjacent residential zone (R-2);

5. Approval of the expansion is consistent with the intent and goals of Chapter 17.52 of the Zoning Ordinance;
6. 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 City Council hereby sustains the approval of the Planning Commission and approves an addition to an existing nonconforming single-family residence in a commercial zone resulting in a greater than 10% removal of the existing exterior walls, subject to the following **Conditions of Approval:**

1. **The project shall be consistent with submitted plans. Modifications to the plan involving any further expansion shall be reviewed by the Planning Commission.**
2. **Prior to issuance of building permits for demolition and construction, the contractor shall verify the structural integrity of the proposed walls to be retained with a structural inspection approved by the Community Development Director, with details incorporated on construction drawings. This may require further additional structural pest inspections and/or an inspection by a structural engineer.**
3. **Upon issuance of building permits the project shall proceed in compliance with the scope of work outlined on the plans and any further demolition or construction contrary to said plans will result in project delays in order for the City to review project modifications, and may require new plan submittals and Planning Commission review to proceed with construction work.**

PASSED, APPROVED, and ADOPTED this day of , 2005,

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

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY