

**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: April 10, 2007

To: Honorable Mayor and Members
of the Hermosa Beach City Council

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

Stephen R. Burrell, City Manager ~~X~~

Subject: 1144 2nd Street -- Variance No. 07-1

Background

On March 27, 2007, the City Council overturned the decision of the Planning Commission and approved the Variance request to allow a 2.7 foot side yard setback and a 4.7 foot garage setback at the property addressed as 1144 2nd Street.

City Council added a Condition of Approval requiring that the plans be revised to not exceed the 100% increase in floor area maximum as allowed by Municipal Code Section 17.52.035 (Requirements for Buildings Nonconforming to Parking Requirements). The attached Resolution reflects that change.

Recommendation

To adopt the attached the Resolution.

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO OVERTURN THE DECISION OF THE PLANNING COMMISSION AND APPROVE THE PROPOSED VARIANCES TO ALLOW A 2.7-FOOT SIDE YARD SETBACK AND A 4.7-FOOT GARAGE SETBACK AT THE PROPERTY ADDRESSED AS 1144 2ND STREET AND LEGALLY DESCRIBED AS LOT 91, TRACT NO. 733

The City Council does hereby resolve and order as follows:

Section 1. An application was filed by David and Kelly Trudgen, owners of the property located at 1144 2nd Street, seeking Variances to allow for the expansion of an existing garage with a 2.7-foot side yard rather than the required 3 feet and a 4.7-foot garage setback rather than the required 17 feet.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variance on January 16, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. At the January 16, 2007, meeting the Planning Commission denied the subject Variances by a vote of 4:1, because the Planning Commission was unable to support Finding No. 1 that the 25' x 90' lot, a common R-1 lot size on this block, is so exceptional and extraordinary as to require the granting of a Variance

Section 4. On February 27, 2007, the City Council, pursuant to Section 2.52.040, initiated reconsideration of the Planning Commission decision.

Section 5. Based on the evidence received at the public hearing, the City Council makes the following factual findings:

1. The subject lot is a "through lot" fronting on 2nd Street with garage access from 1st Place.
2. The lot is currently developed with a one-story single-family dwelling which has the following nonconformities:
 - A substandard garage width of 15.9' feet as opposed to the required 17 feet to qualify as two spaces;
 - No guest parking space as required for the R-1 zone;
 - A garage setback of 4.7' feet rather than the required 17 feet;
 - A side yard setback of 2.7' feet along the west property line rather than the required 3 feet; and,
 - 0 percent (0%) required open space as opposed to the required 400 square feet.
3. The applicant's objective is to widen the existing garage into a qualifying two-car garage, thus allowing for a 100% addition in floor area as permitted in the Non-Conforming Ordinance (H.B.M.C. 17.52.030 (B)(2)(a)).

- 1 4. Therefore, the applicant is requesting Variances to allow a 2.7-foot side yard rather than required
2 10% of lot width (3 feet), and a substandard garage setback of 4.7 feet rather than the required 17
3 feet. The nonconforming westerly side yard is proposed to be maintained at the basement/1st floor,
4 and continued for the garage expansion.
- 5 5. At the City Council meeting of March 27, 2007, the applicant volunteered to revise the plans to
6 show the removal of the basement level bedroom in order to not exceed the 100% floor area
7 increase allowed by the Nonconforming Ordinance.

8 Section 6. Based on the factual findings, the City Council makes the following findings pertaining
9 to the application for the Variances:

- 10 1. The lot is only 25 feet wide and is approximately 2,250 square-feet, thus is eligible to qualify as a
11 "Small Lot" as defined in Municipal Code Section 17.08.040 (Development Standards for Small
12 Lots); therefore the narrow width and the small lot size is an exceptional and extraordinary
13 condition which limits the options to remodel the existing structure to accommodate the side and
14 garage setback requirements for the R-1 zone.
- 15 2. The majority of the buildings in the vicinity have substandard yards and inadequate garage
16 setbacks and to deny the owner the ability to remodel in this manner would deny the owner a
17 property right possessed by the majority of owners in the same zone and in the nearby area.
- 18 3. The granting of the Variances will not be materially detrimental to the public welfare or injurious
19 to the property or improvements in such vicinity and zone as the addition is not out of character
20 with the area and the Variances from the required side yard of 2.7' feet rather than 3' feet and
21 garage setback of 4.7' feet rather than the required 17' feet are not severe or unusual.
- 22 4. The construction, expansion, and remodel of a single family home in this location is consistent
23 with the policies and goals of the General Plan.

24 Section 7. Based on the foregoing, the City Council hereby overturns the decision of the
25 Planning Commission and hereby approves the requested Variances subject to the following
26 **Conditions of Approval:**

- 27 1. **The development and continued use of the property shall be in conformance with
28 submitted plans received and reviewed by the Council at their meeting of March 27, 2007,
29 and modified pursuant to the conditions below. Any minor modification shall be reviewed
and may be approved by the Community Development Director.**
- 30 2. **The plans shall be revised to not exceed the 100% expansion allowed by Municipal Code
Section 17.52.030(B) (Expansion of Nonconforming Buildings) prior to Zone Check
approval. Furthermore, the basement level bedroom shall be removed from project plans.**
- 31 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.**

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Section 8. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

PASSED, APPROVED and ADOPTED this 27th day of March, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

ATTEST: _____ APPROVED AS TO FORM: _____
City Clerk City Attorney

Date