

Attachment 1
P.C. RESOLUTION 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A DEVIATION FROM MUNICIPAL CODE SECTION 17.16.080 TO ALLOW A DEVIATION IN THE USEABLE OPEN SPACE AND MUNICIPAL CODE SECTION 17.44.090(D) TO ALLOW A PARKING SPACE WITHIN THE FRONT 20 FEET OF THE LOT NOT LEADING TO A GARAGE ON PROPERTY LOCATED AT 1515 MONTEREY BOULEVARD, AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

Section 1. An application was filed by Steve Lazar for Design and Build by SouthSwell, Inc., for Variance 19-1, requesting to deviate from the Multiple Family Residential (R-3) zone open space provisions and parking standards to allow a new single-family residence to provide less than required open space (230 sq. ft., rather than the required 300 sq. ft.) and a parking space located within the front 20 feet of the lot not leading to a garage at 1515 Monterey Boulevard and determination that the project is categorically exempt from the California Environmental Quality Act.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application on June 18, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

Section 3. Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from CEQA as defined in Section 15305(a), Class 5 Exemption, Minor Alterations in Land Use Limitations, because the project is a minor variance that is on a property with an average slope of less than 20%, and will not result in any changes to the land use or allowed density.

Section 4. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the Variance as outlined in Hermosa Beach Municipal Code (HBMC) Section 17.54.020, thereby determining the project, as conditioned, will be compatible with the surroundings and all impacts can be reduced to an insignificant level:

- A. *There are exceptional circumstances applicable to the property involved.* The subject site has a lot area of 1,154 sq. ft. with lot dimensions of 29.1 feet wide by 39.5 feet deep; whereas, the minimum lot size for the R-3 zone is 4,000 sq. ft. There are 23 residential properties on Monterey Street, between 16th Street and Pier Avenue, which have lot areas that range from 1,154 sq. ft. (the subject site) to 15,000 sq. ft. After considering the setback areas, which must be kept open from ground to sky, the buildable area of the lot is reduced to 754 sq. ft. This reduced lot size and buildable area is not consistent with

the other properties in the vicinity and thus is considered an exceptional circumstance that is applicable to the property.

- B. *The variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property.* Currently the subject site is improved with an 888 square foot single-story residence. The applicant is proposing to replace this dwelling unit with a new three-story 1,696 square foot unit. In reviewing the other properties located on this portion of Monterey Boulevard, all of the residential units are two or three stories. Furthermore, all of the properties are improved with multiple dwelling units, with exception to the subject site, 1409 Monterey (a 2,860 square foot dwelling unit), 1504 Monterey (a 1,691 sq. ft. dwelling unit), and 1509 Monterey (a 2,160 square foot dwelling unit). Due to the limited lot and buildable area, the applicant can only provide a single residence on the site. The proposed size of 1,696 square feet is consistent with other similar units in the vicinity. It is important to note that open space cannot be located in the setbacks and must have a minimum dimension of seven feet by seven feet. Due to the limited buildable area, the only feasible location of the open space is restricted to decks. While the applicant could reduce the square footage of the residence to provide larger decks, they have made every effort to keep the size of the residence to a minimum. The living area (living room, kitchen, and dining) has been limited to 513 square feet and two of the bedrooms are 162 square feet, while the third is 166 square feet. This results in the proposed residence home only being seven square feet larger than the smallest residence on this segment of Monterey Boulevard. In order to prevent the need for the variance, the applicant would need to reduce the size of the proposed home, below the size of homes that other owners enjoy. Reducing the size of the residence would prevent the property owner from enjoying the benefit of a reasonable sized home that others in the area currently have; particularly given the fact that this residence will remain one of the smallest single family homes along Monterey Boulevard. Accordingly, the proposed deviation from the open space and parking requirements are considered necessary to preserve a substantial right possessed by other properties in the vicinity of the subject property.
- C. *The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.* This request includes deviations from two development standards. The first is reducing the required on-site useable open space from 300 sq. ft. to 230 sq. ft. This 70 sq. ft. reduction in useable open space does not have the capability to impact the use and enjoyment of other properties in the area. Instead, it will only have an effect on the occupants of the residence. The second deviation is to allow an on-site parking space that does not lead to a garage. Since this property does not currently have on-site parking, any new development on the site will require the provision of parking. This will result in the loss of one street parking space to accommodate a new curb-cut. Nevertheless, the proposed project will provide four parking spaces for use by the occupants of the residence, thus will alleviate the impact of the loss of one on-street parking. Considering this, approval of the variance for these two deviations will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.

- D. *The granting of the variance will not conflict with the provisions of, or be detrimental to, the General Plan.* The subject site has a land use designation of High Density Residential. According to PLAN Hermosa (the City's General Plan) the purpose of the high density residential designation is to "provide[s] a range of residential housing types to serve the varying living accommodation needs or desires of the community." Further, the site is within the Sand Section Neighborhood, which has an intended distribution of land uses that include apartments and single-family homes. Approval of this variance will accommodate the construction of a new single-family home on the site, which is consistent with the land use designation and the neighborhood. Consequently, approval of the variance will not conflict with the provisions of, or be detrimental to, the General Plan.

Section 5. Based on the foregoing, the Planning Commission **hereby approves** the request for Variance 19-1, subject to the following **Conditions of Approval**:

1. **This approval allows a Variance to Hermosa Beach Municipal Code Section 17.16.080, to allow a 70 sq. ft. deviation in the required useable open space, thus providing 230 sq. ft. of open space, instead of 300 sq. ft. of open space; and to Hermosa Beach Municipal Code Section 17.44.090(D), to allow a parking space within 20 feet of the front of the lot that does not lead to a garage.**
2. **Site improvements shall be substantially consistent with plans and application submitted and approved by the Planning Commission on June 18, 2019. The Community Development Director shall review and may approve minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval, provided that the use is not changed, intensity of use is not increased and the arrangement of space would not increase negative impacts. Any substantial changes to the floor plan or site plan shall be subject to review and approval by the Planning Commission.**
3. **Approval of Variance 19-1 shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless modified herein, all other requirements of the Hermosa Beach Municipal Code shall apply.**
4. **Prior to the submittal of plans to the Building Division for plan check, an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this permit of approval.**
5. **The project shall comply with all requirements of the City of Hermosa Beach Building Division, City of Hermosa Beach Public Works Department and Los Angeles County Fire Department, and the City of Hermosa Beach Municipal Code.**

Prior to commencement of work on the site, the applicant shall obtain all necessary permits and approvals.

- 6. The property owner shall permanently maintain the 177 sq. ft. balcony on the west side of the third floor and the 53 sq. ft. balcony on the northeast corner of the third floor. These balconies shall not be enclosed or otherwise reduced in size. A trellis patio cover may be provided pursuant to HBMC Section 17.16.080(B).**
- 7. Four parking spaces shall be provided (one enclosed and three open) and permanently maintained for the parking of vehicles. This shall include the one car garage, an open space on the south side of the garage, and two guest spaces within the public right-of-way (between the back of sidewalk and the front property line).**
- 8. An approved Coastal Development Permit from the California Coastal Commission shall be filed with the City prior to issuance of Building Permits.**
- 9. Building plans shall be submitted to the Los Angeles County Fire Department for review and approval. Final fire inspections shall be coordinated with the Los Angeles County Fire Department.**
- 10. Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Encroachment Permit.**
- 11. Prior to the issuance of Building Permits, the applicant shall obtain an encroachment permit from the Public Works Department for the two guest spaces located in the right-of-way.**

Section 6. This permit shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this permit.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual

attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

Section 7. 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.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 19-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at its regular meeting of June 18, 2019.

David Pedersen, Chairperson

Ken Robertson, Secretary

_____, 2019
Date