

P.C. Resolution 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DETERMINING THE SMALL LOT EXCEPTION TO OPEN SPACE AND LOT COVERAGE REQUIREMENTS ARE WARRANTED FOR THE PROPOSED SINGLE-FAMILY RESIDENCE AT 3411 THE STRAND, 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 on January 17, 2019 by applicant/property owner, Frank Khulusi, seeking determination that the small lot exceptions to open space and lot coverage requirements are warranted for the proposed single-family residence at 3411 The Strand and determines that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application on August 20, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

Section 3. The proposed project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15303(a), Class 3 Exemption, New Construction or Conversion of Small Structures. The project consists of a single-family home in an urbanized area, totaling no more than six dwelling units. Moreover, none of the exceptions to the Categorical Exemption apply. Nor will the project result in a significant cumulative impact.

Section 4. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the small lot exceptions to open space and lot coverage requirements as outlined in Hermosa Beach Municipal Code (HBMC) Sections 17.08.040.C.1, 17.08.040.C.3, 17.08.040.C.4; thereby, the Planning Commission is warranted by three of the following considerations:

1. *To achieve a consistent and comparable amount of indoor living space with existing dwelling units in the immediate neighborhood.*

The immediate neighborhood consists of homes along The Strand and Hermosa Avenue from 26th Street to 35th Street. The homes fronting The Strand are zoned (R-1) Single-Family Residential, homes east of Hermosa Avenue are zoned (R-3) Multiple-Family Residential, and four lots to the south towards 26th Street are located within the (R-2) Two-Family Residential. Planning Commission finds that 59 percent of the 66 single-family residences exceed 3,500 sq. ft. of indoor living space and 48 percent exceed 3,800 sq. ft. of indoor living space. In addition, 24 of the 66 single-family residences in the immediate neighborhood have indoor living space that exceeds 4,000 sq. ft.

Based on existing indoor living space square footage within the immediate neighborhood, the proposed 3,850 sq. ft. of indoor living space is comparable to the immediate neighborhood.

2. *To allow design flexibility in the application of the open space standard in conjunction with the remodeling and expansion of existing structures.*

This consideration is not applicable since this is a proposed single-family residence.

3. *To allow an innovative design which otherwise is consistent with the goals and intent of the open space and development standards for the R-1 zone.*

The property fronts The Strand, a paved path that runs along the beach, and Hermosa Avenue service road. The property has a downward slope of 13 percent from east to west, which is approximately 9 ft. in elevation change from The Strand elevation and the Hermosa Avenue service road and the basement level of the proposed single-family residence. As a result of the grade change, the vehicle access is provided from the service road and creates a split or break between levels. The Hermosa Avenue frontage is occupied by a two-car garage and guest parking space; and therefore, it cannot be utilized for open space purposes. Planning Commission agrees that the applicant's design is innovative because it provides a mixture of west facing open space areas (plus the roof deck), while maintaining useable livable area.

Planning Commission finds the innovative design elements used by the applicant include:

- a. Providing a majority of the required open space, 75 percent (300 sq. ft. of the 400 sq. ft. provided) adjacent to The Strand and accessible from a primary living area (basement floor) and 25 percent (100 sq. ft. of 400 sq. ft.) on the roof deck. This contributes to a total of 400 sq. ft. of qualifying useable open space, exceeding the minimum 300 sq. ft. requirement for usable open space areas for the occupants of the home, and is similar to surrounding properties. Pursuant to HBMC Section 17.08.040.A, primary living areas are living rooms, family rooms, and kitchen and living room or family room combinations. Therefore, the proposed single-family residence contains two primary living area floor levels: The basement level with a family room and a wet bar area; and the second floor with a kitchen, dining room, and living room.
- b. The applicant also proposes more narrow balconies on the first and second floor levels, which project over the basement level open space area. Although, the balconies do not qualify or contribute to required open space, since they are less than 7' x 7' (length x width). These open space amenities on the upper floor levels help to break up the façade and create visual interest.

- c. The lot is a beach front residential property and therefore, the outdoor living areas are orientated towards the beach to capture the ocean views, similar to other homes along The Strand. The proposed single-family residence will provide a 300 sq. ft. basement level open space with 36-inches wall to increase the ocean view. Moreover, the proposed single-family residence will have a roof deck with a swimming pool, which will increase the opportunities for enjoyment of outdoor living spaces on the property. The proposed single-family residence meets the goals and intent of the open space by providing useable outdoor living area on all levels, plus the roof deck. The addition of large balcony doors on all floor levels will maximize the use of the open space.

Planning Commission finds that the applicant's proposed design is innovative by breaking up the facade by providing decks facing The Strand to avoid the box-type massing appearance to create visual interest while taking advantage of the ocean views. Planning Commission finds that the applicant's design provides a functional 300 sq. ft. of useable open space on the basement level that is directly accessible from the living area with a 293 sq. ft. of roof deck area (100 sq. ft. max counted towards the required open space requirement) meets the intent of the open space requirements.

4. *To address unusual lot configurations or topography, as compared with surrounding lot and development patterns.*

Lot Configuration

Planning Commission finds the subject lot has unusual lot configuration because of its shallow lot depth of 65' rather than a typical lot depth in the surrounding area of 90' to 100'. The lot also has a slightly irregular shape.

Topography

The subject lot fronts The Strand (west of the property) with paved path that runs along the beach, and Hermosa Avenue service road (east of the property). The subject lot has an unusual topography in that it has a significant downward slope with a 13 percent grade change from east to west of the property. The service road is approximately nine feet higher in elevation than The Strand elevation and access to parking can only be provided from the service road.

Section 5. 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 6. 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. 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 August 20, 2019.

David Pedersen, Chairman

Ken Robertson, Secretary

August 20, 2019
Date