

## **RESOLUTION NO. 19-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING AN APPEAL, THEREBY UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE 19-1, A REQUEST DEVIATE FROM MUNICIPAL CODE SECTIONS 17.16.080 AND 17.44.090(D) ON PROPERTY LOCATED AT 1515 MONTEREY BOULEVARD, AND DETERMINATION THAT THIS ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

**WHEREAS**, an application was filed by Steve Lazar for Design and Build by SouthSwell, Inc., for Variance 19-1, requesting to: 1) deviate from Section 17.16.080 of the Hermosa Beach Municipal Code to reduce their required open space; 2) to deviate from Section 17.44.090(D) of the Hermosa Beach Municipal Code, to allow parking within the front 20 feet of the lot that does not lead to a garage; and 3) to determine that the project is categorically exempt from the California Environmental Quality Act for property located at 1515 Monterey Boulevard; and,

**WHEREAS**, 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. At the conclusion of the hearing, the Planning Commission voted 4-0-1, with Commissioner Flaherty being absent, to deny the project and directed staff to return with the appropriate resolution for the Planning Commission's consideration; and,

**WHEREAS**, on July 16, 2019, the Planning Commission adopted Planning Commission Resolution No. 19-08; ratifying their denial of Variance No. 19-1; and,

**WHEREAS**, on August 1, 2019, the applicant filed a timely appeal requesting the City Council overturn of the Planning Commission's denial of Variance 19-1; and,

**WHEREAS**, the City Council of the City of Hermosa Beach conducted a duly noticed

public hearing to consider the appeal on September 24, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the City Council; and,

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

**SECTION 2.** Pursuant to the California Environmental Quality Act (CEQA), this action is found to be categorically exempt from CEQA as defined in Section 15305(a), Class 5 Exemption, Minor Alterations in Land Use Limitations, because the request 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. This action is further found to be statutorily exempt from CEQA pursuant to Section 15270, which exempts projects that are denied or rejected by the public agency.

**SECTION 3.** Pursuant to Hermosa Beach Municipal Code Section 17.54.020(B), the City Council of the City of Hermosa Beach hereby finds, determines, and declares:

- A. *There are no exceptional circumstances that are applicable to the property involved.* The subject site has a lot site of 1,154 square feet, whereas the minimum lot size for the R-3 zone is 4,000 square feet. While this parcel is a small lot, it is not a unique circumstance in the City of Hermosa Beach. Other small parcels in the City have been able to construct new single-family residences, while meeting all of the zoning standards. The applicant's "hardship" is being driven by the size of the proposed home. The applicant could propose a smaller home that provides all of the necessary open space and a two-car enclosed garage to meet the parking requirements, thus eliminating the need for the deviations.

B. *The variance is not necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property.* The substantial property right that exists for the subject site is the ability to provide a residence. There is no guarantee as to the size of said residence. Inasmuch as the property is currently improved with an 888 square foot single-family residence, the owner is already being provided the same property rights as other properties in the vicinity. It is possible for the applicant to provide a new, larger home on the property and meet of the development standards on the site. Elimination of the third bedroom on the first floor will give sufficient space to provide a two-car garage, thus meeting the parking requirements. Furthermore, a 70 square foot reduction of the living space on the third floor will provide additional space on the balconies to meet the open space requirements.

**SECTION 4.** Based on the foregoing, the City Council hereby denies the appeal and upholds the Planning Commission's denial of Variance 19-1.

**SECTION 5.** This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution; shall cause the original of the same to be entered among the original resolutions of the City Council; shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted; and shall transmit a copy of this Resolution to the Applicant.

**PASSED, APPROVED and ADOPTED** this 24<sup>th</sup> day of September, 2019.

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

ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney