

P.C. RESOLUTION 19-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING 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).

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: 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.

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. 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.

Section 3. Pursuant to the California Environmental Quality Act (CEQA), the project 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 4. Pursuant to Hermosa Beach Municipal Code Section 17.54.020(B), the Planning Commission is required to make four findings to approve the request. Based on the testimony and evidence received, however, the Planning Commission could not make two of the findings. As such, the Planning Commission hereby makes the following findings to **deny** Variance 19-1:

- 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 5. Based on the foregoing, the Planning Commission **hereby denies** the request for Variance 19-1.

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:	Commissioners Hoffman, Rice, Saemann, and Chairperson Pedersen
	NOES:	None
	ABSTAIN:	None
	ABSENT:	Commissioner Flaherty

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 19-08 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 and memorialized by adoption of this resolution at its meeting of July 16, 2019.


David Pedersen, Chairperson


Ken Robertson, Secretary

July 16, 2019
Date