



Staff Report

File #: REPORT 19-0623, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of September 24, 2019**

**VARIANCE 19-1- AN APPEAL OF THE PLANNING
COMMISSION'S DENIAL OF A VARIANCE FROM THE
MULTIPLE FAMILY RESIDENTIAL (R-3) OPEN SPACE
ZONE PROVISIONS AND PARKING STANDARDS FOR A
NEW SINGLE-FAMILY RESIDENCE LOCATED AT 1515
MONTEREY BOULEVARD AND DETERMINATION THAT
THE PROJECT IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
(Community Development Director Ken Robertson)

Recommended Action:

Staff recommends the City Council adopt the attached resolution, thereby upholding the Planning Commission's denial of Variance 19-1, a request to allow a deviation in the open space provisions and parking standards of the Multiple Family Residential (R-3) zone, and determine this action is categorically exempt from the California Environmental Quality Act (CEQA).

Executive Summary:

The applicant requested Variance 19-1 to allow a 70-square foot deviation from the required open-space and to allow an open parking space, which does not lead to a garage, on the project site. After conducting a public hearing, the Planning Commission expressed that it could not make all the required findings in a positive manner and therefore denied the application. The applicant has now appealed the Commission's decision and is asking the City Council to overturn the Planning Commission's denial.

Background:

The subject site fronts on the west side of Monterey Boulevard, between 16th Street and Pier Avenue. The rectangular shaped lot has an area 1,154 square feet, which is below the minimum lot area of 4,000 square feet required by the R-3 zone. The lot measures 29.1 feet wide by 39.5 feet deep; whereas, typical lots in this zone and area measure 40 feet wide by 100 feet deep. There is no alley access to the lot. The site is currently improved with an 888 square feet single-story single-family residence, with no parking spaces or driveway curb cut provided.

Variance 19-1 is a request to deviate from the R-3 zone open space provisions and the parking standards for a proposed single-family residence. Specifically, the applicant is requesting to provide

230 square feet of open space, rather than 300 square feet of open space as required by Section 17.16.080 of the Hermosa Beach Municipal Code. Additionally, the applicant is proposing to provide an unenclosed parking space on the south side of the one-car garage, thus deviating from Section 17.44.090(D) of the Hermosa Beach Municipal Code, which requires that any parking within the front 20 feet of the lot lead to a garage.

On June 18, 2019, the Planning Commission conducted a duly noticed public hearing to consider the request, which is discussed in further detail below. At the conclusion of the hearing, the Planning Commission voted 4-0 to deny the request.

Discussion:

As previously noted, the Planning Commission conducted a duly noticed public hearing on June 18, 2019, in which staff recommended approval of the variance. Staff's complete analysis of the Variance, including the required findings, is attached to this report. Staff's analysis of the application resulted in staff supporting the request due to the small lot size and the existing house is smaller than other single-family homes in the area. It is staff's opinion that approval of the Variance would allow the applicant to construct a new residence that is similar in size as other nearby residences. During the hearing, only the applicant addressed the Planning Commission; however, two letters in opposition were submitted prior to the hearing.

During the deliberations on the project, the Planning Commission noted that they could only make two of the required four findings. The Commission expressed that an exceptional circumstance did not apply to this property, as other properties in the City are small and the need for the deviations could be cured by constructing a smaller residence. The Commission further noted the variance was not needed to preserve a substantial property right, since the property is currently improved with a single-family dwelling unit and a new dwelling unit could be constructed without the deviations from the code. At the conclusion of the hearing and after considering all oral and written testimony, the Planning Commission voted 4-0, with Commissioner Flaherty absent, to deny the variance and direct staff to return with a denial resolution for consideration. On July 16, 2019, the Planning Commission adopted P.C. Resolution No. 19-08, thereby ratifying its denial of Variance 19-1. The Planning Commission adopted the following two findings to support its denial:

Finding 1: There are exceptional circumstances 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.

Finding 2: The variance is 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 would 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 would provide additional space on the balconies to meet the open space requirements.

The applicant has now appealed the Planning Commission's denial and is asking the City Council to overturn the Commission's action.

Environmental Determination

The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 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 would not result in any changes to the land use or allowed density.

Fiscal Impact:

There are no financial implications to the City resulting from this action.

Attachments:

1. Draft Resolution
2. Planning Commission Resolution No. 19-08
3. Applicant's Appeal Letter
4. Planning Commission Action Minute Excerpts, dated June 18, 2019
5. Planning Commission Action Minute Excerpts, dated July 16, 2019
6. Planning Commission Staff Report, dated June 18, 2019
7. Planning Commission Staff Report, dated July 16, 2019
8. Correspondence received prior to Planning Commission hearing
9. Project Plans

Respectfully Submitted by: David Blumenthal, AICP, Senior Planner

Concur: Ken Robertson, Community Development Director

Noted for Fiscal Impact: Charlotte Newkirk, Accounting Manager

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager