

March 12, 2003

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
March 18, 2003**

SUBJECT: SUBDIVISION 03-1
VESTING TENTATIVE PARCEL MAP NO. 26464

LOCATION: 836 BEACH DRIVE

APPLICANT: ADAM L. GOOCH
2629 MANHATTAN AVENUE #225
HERMOSA BEACH, CA 90254

REQUEST: A LOT SPLIT TO CREATE TWO LOTS PURSUANT TO THE VARIANCE
APPROVED AT THE JANUARY 21, 2003 MEETING

Recommendation

To approve the requested lot split, by adopting the attached resolutions of approval for the Variance and the approval of the parcel map for the lot split (two-lot subdivision).

Background

ZONING:	R-2
GENERAL PLAN:	Medium Density Residential
EXISTING LOT AREA:	5,347 Square Feet
EXISTING LOT WIDTH:	56.35 Feet
PROPOSED LOT AREAS:	2,850 Square Feet (32 9th Street) 2,497 Square Feet (836 Beach Drive)
PROPOSED LOT FRONTAGE	30 Feet Each Lot
PROPOSED LOT WIDTHS:	30 Feet (31 9th Street) 26.35 Feet (836 Beach Drive)

The subject property contains a duplex on two lots from the original tract that have been merged into one legal parcel by the City in 1988 pursuant to Chapter 16.20 of the Municipal Code. As merged lot, the lot can be developed for up to three units in accordance with the lot area per dwelling unit standard of the R-2 zone¹. The applicant has obtained Planning Commission approval for a Variance from the Subdivision and Zoning Ordinance to develop two single-family homes on individual lots, at the January 21, 2003 meeting. The proposed lot split will implement the Variance approved by the Planning Commission.

Analysis

The Commission approved Variances from sections 16.08.060 of the Subdivision Ordinance and Section 17.46.220 of the Zoning Ordinances to allow this proposed two-lot subdivision, with lots substandard in width and area, and with one of the lots inconsistent with the prevailing lot size in the area. The approval was based on the unique situation that was created by the merger of the two original lots, resulting in a combined square footage that yields the development potential of three units while, as separate lots, neither lot is large enough to qualify for two units.

For further background and analysis please refer to the attached January 21, 2003 staff report and minutes pertaining to the Variance.

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolutions
2. 1/21/03 Staff Report w/attachments

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¹ With the merged condition the lot size of 5,353 square feet yields a potential of three units based on the one unit per 1,750 square-foot standard of the R-2 zone, and thus the property can be developed with one, two or three units. If the lots were separate pursuant to the original tract, only one unit per lot could be developed unless the lots were voluntarily merged. It is not possible to unmerge the lots by amending the Chapter 16.20 of the Municipal Code to make provision for unmerging, because such an ordinance would be inconsistent the State Subdivision Map Act in the Government Code. The intent of the merger law in the Government Code is to make lots conforming to minimum standards and reduce the potential for higher density. Any local law violating minimum subdivision standards would violate the intent of the provision of the Government Code. In this situation, however, because the property is zoned R-2 and allows multiple units based on a lot area per dwelling unit standard, the merged lots actually allow the development of a higher density (up to three units) than the original separated lots.

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P.C. RESOLUTION 03-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, APPROVING A VESTING TENTATIVE
PARCEL MAP NO. 26464 FOR A TWO LOT SUBDIVISION AT 836 BEACH
DRIVE LEGALLY DESCRIBED AS LOTS 8 AND 9,
OF BLOCK 9, HERMOSA BEACH TRACT**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Adam L. Gooch owner of real property located at 836 Beach Drive seeking approval of Vesting Tentative Parcel Map No. 26464 to subdivide an existing lot into two lots.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for this on March 18, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following findings pursuant to Section 16.08.060 of the Subdivision Ordinance:

1. The proposed lots will contain 30-feet of frontage with a 95-foot depth, and measure 2,850 square feet and 2,497 square feet. The Planning Commission has approved a Variance for the proposed subdivision to allow lots smaller than a forty (40) foot width and having less than four thousand (4,000) square feet, as set forth in P.C. Resolution ;
2. The proposed lots, after being divided, front on public streets and do not front on any alleys;
3. The proposed subdivision will in no way be inconsistent with the prevailing lot pattern or reduce property values in the surrounding neighborhood area;
4. The size of the larger lot is not smaller than the prevailing lot size and lot frontage within the same zone and general plan designation within a three hundred (300) foot radius within the neighborhood area, and the Planning Commission has granted a Variance for the smaller lot, which is smaller than the prevailing lot sizes in the area, recognizing that it tapers to a narrower width at the rear which is consistent with other Beach Drive corner lots, as set forth in P.C. Resolution 03- ;
5. The granting of the subdivision would result in the creation of lots that would be of a size and configuration, which would be in keeping with the standards of development specified by the zoning ordinance for the land use zone in which it is located;

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- 6. The creation of the proposed lots would be in conformity with the intent and purpose of the comprehensive general plan for the city;
- 7. The tentative subdivision map complies with the requirements for approval set forth in the Subdivision Map Act of the state of California

Section 4. Based on the foregoing, the Planning Commission hereby approves the Vesting Parcel Map No. 26464 to allow a two-lot subdivision.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 03- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of March 18, 2003.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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RESOLUTION 03-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, TO APPROVE THE REQUESTED
VARIANCE TO SUBDIVISION AND ZONING ORDINANCE TO ALLOW A
VARIATION TO THE LOT WIDTH AND AREA OF TWO LOTS, AND TO
ALLOW ONE OF THE LOTS TO BE LESS THAN THE PREVAILING LOT
SIZE IN THE VICINITY AT 836 BEACH DRIVE LEGALLY DESCRIBED AS
LOTS 8 AND 9, OF BLOCK 9 HERMOSA BEACH TRACT**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Adam L. Gooch owner of real property located at 836 Beach Drive seeking a Variance from Section 17.12.090 of the Zoning Ordinance and Section 16.08.060 of the Subdivision Ordinance to create two lots less than a minimum of 40 feet wide and less than 4,000 square feet in area, and for one of the two lots to be inconsistent with prevailing lot sizes in the vicinity.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for the Variance on January 21, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant is proposing to re-divide two merged lots so that two single-family dwellings may be developed and sold separately on each lot.

2. The subject lots have frontages of 30-feet each and depths of 95 feet. The lot at the corner of Beach drive tapers to a narrower width at the rear of the property (22.69 feet).

3. The area of the proposed lots are approximately 2,850 and 2,497 square feet.

4. The lot size of the larger lot is typical and consistent with other lots in the original subdivision and in the general vicinity, and the smaller lot while inconsistent with the typical lot size in the immediate area is consistent with other corner lots on Beach Drive in the general surrounding area which also taper to a narrower width at the rear.

1 Section 4. Based on the foregoing factual findings, the Planning Commission makes
2 the following findings pertaining to the application for a Variance from Section 17.12.090
3 of the Zoning Ordinance and Section 16.08.060 of the Subdivision Ordinance to have lots
4 less than a minimum of 40 feet wide and less than 4,000 square feet in area:

5 1. There are exceptional circumstances relating to the property because the lot in its
6 merged condition is only one of four lots within a total of 52 lots within a 300-foot radius
7 in the neighborhood area that have been merged. Therefore, its lot size of 5,253 square feet
8 is an exceptional and unique condition as compared to the other lots whether located on the
9 Strand or on walk streets or neighborhood streets in the area. Of the 31 lots within the
10 neighborhood area located on walk streets or neighborhood streets (8th, 9th and 10th Streets)
11 26 have not been merged and contain lot sizes of 2,850 square feet or less. Also, the
12 property is located on the corner of Beach Drive, and if split, has a narrower width along the
13 alley to the rear than the majority of lots in the area. Also, the lot contains sufficient square
14 footage in the R-2 zone to develop up to three units, while prior to the merger; the property
15 could have been developed with one unit per lot, or two units. The merger in 1988,
16 therefore, had the unintended consequence of allowing more intense development of the
17 property, while the intent of the lot merger ordinance to reduce density and the overall
18 intensity of development in the City. This situation is unique and exceptional since the
19 combined square footage of the two lots yields the development potential of three units
20 while, as separate lots, neither lot is large enough to qualify for two units.

21 2. The Variance is necessary for the enjoyment of a substantial property right
22 possessed by other properties in the vicinity because the owners wish to exercise their
23 property right to subdivide their lot into the two lots from the original tract to create lots
24 similar to other lots in the neighborhood. A majority of the lots in the neighborhood are
25 currently developed with single-family homes on lots of 2,850 square feet or less. The
26 applicant's merged lot is 5,330 square feet, which is nearly twice the size of the prevailing
27 lot sizes. Therefore, the Variance is necessary for the property owner to exercise the right
28 to develop separate single-family projects on the lots from the original tract, which is a
29 right clearly possessed by other properties in the vicinity.

30 3. The granting of the Variance will not be materially detrimental to the public welfare
31 or injurious to the property or improvements in such vicinity and zone in which the property
32 is located because the subdivision will create lots which are more consistent with the
33 prevailing lot pattern in the surrounding neighborhood than the current merged lot
34 condition, and subdivision will permit the development of two single-family dwellings
35 consistent with development in the vicinity.

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4. The Variance is consistent with the General Plan because the development of two units will result in a density of 16.3 units per acre which is within the range for the Medium Density category of the General Plan (14-25 units per acre) and consistent with prevailing densities in the area.

Section 6. Based on the foregoing, the Planning Commission hereby approves the Variance to allow a subdivision with lots less than a minimum of 40 feet wide and less than 4,000 square feet in area and one lot with an area not consistent with prevailing lot sizes within the vicinity.

VOTE: AYES:
 NOES:
 ABSENT:
 ABSTAIN:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 03- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of March 18, 2003.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date-----

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