

VARIANCE

CITY OF HERMOSA BEACH

A variance will only be granted by the Planning Commission when, because of special circumstances applicable to the property, including size, shape, topography, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the same vicinity and under identical zoning classification.

The Planning Commission is required by law to make written findings to justify granting a variance. These findings include:

1. There are exceptional or extraordinary circumstances, limited to the physical conditions applicable to the property involved.
2. A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.
3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
4. The granting of the variance will not adversely affect the comprehensive General Plan.

Please address all four required findings when submitting a variance application.

1. **SUBMIT PROJECT TO THE COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

The following items must be submitted to the Community Development Department, Planning Division, before any application for a variance will be accepted.

1. **Five (5) full size sets of plans to scale; plans shall not exceed 24” x 36”;** collated, stapled and folded to **8 ½” x 14”**. The plans shall include the following:
 - a. **Lot Survey** showing all existing improvements, including adjacent sidewalk, curb, street improvements, with property corner and adjacent property elevations. Survey must be stamped and signed by a Civil Engineer or licensed Land Surveyor.
 - b. **Site plan/parking plan** shall clearly identify and dimension lot size, property corner elevations, building dimensions, setbacks, parking space dimension, turning radii. The site plans shall also show existing curb cuts and existing on-

street parking, existing and finished elevations and adjacent elevations, and grading plans for projects on sloping lots.

- c. **Floor plans/roof plan/cross section** shall include identification and dimensions of all rooms, garages, and open space areas, i.e., decks and balconies, and a longitudinal cross-section of all existing and proposed structures.
- d. **Architectural Elevations** providing views of all sides of all proposed structures, and showing and identifying all types of exterior architectural materials to be used, e.g., glass block, tile roofing, wood siding, stucco, etc.
- e. **Landscape plans** identifying type, size, and quantity of plants to be utilized and identifying existing trees of over 6” in diameter. Existing trees shall be saved where possible or compensated with an equivalent size tree elsewhere on the site. All landscaped area shall be provided with an automatic irrigation system. Plans must be consistent with Municipal Code Chapters 8.56 and 8.120.

***Two weeks before the hearing date, after zoning corrections have been issued, additional plans will be required to be submitted. These plans shall include all required items listed above (Items 1a – 1e).**

- 3. One set of electronic plans will be required a week before the hearing. These plans will be placed online for review by the general public.
- 4. Completed Master Application form.
- 5. Completed Environmental Information Form, required for CEQA non-exempt project.
- 6. Staff reports, meeting agendas and documents related to City decision on your project will be emailed to you. Please provide correct email addresses.
- 7. Payment of fees --

a. Project EXEMPT from California Environmental Quality Act (CEQA):

Residential		Non-Residential	
a. Variance	\$3,500	a. Variance	\$3,500
b. 300' Radius Noticing	\$755	b. 500' Radius Noticing	\$1,255
c. Legal Ad	\$95	c. Legal Ad	\$95
d. Public Notice Poster	\$170	d. Public Notice Poster	\$170
e. Categorical Exemption	\$175	e. Categorical Exemption	\$175
f. Records Technology	\$329	f. Records Technology	\$364
Total	\$5,024	Total	\$5,559
g. <i>Notice of Exemption filing fee: \$75 (Payable to "L.A. County Clerk" with check date open)</i>			

b. Project NON-EXEMPT from California Environmental Quality Act (CEQA):

Residential		Non-Residential	
a. Variance	\$3,500	a. Variance	\$3,500
b. 300' Radius Noticing	\$755	b. 500' Radius Noticing	\$1,255
c. Legal Ad	\$95	c. Legal Ad	\$95
d. Public Notice Poster	\$170	d. Public Notice Poster	\$170
e. Negative Declaration	\$3,175	e. Negative Declaration	\$3,175
f. Records Technology	\$539	f. Records Technology	\$574
Total	\$8,234	Total	\$8,769
g. <i>Fish & Game filing fee: Per State fee; payable to "L.A. County Clerk"</i> with check date open			

- c. Concurrent applications filed at same time: 100% of highest fee, plus 50% of second highest fee, plus 25% of additional application fees. Public noticing, CEQA and other fees are charged once unless otherwise required. Other fees may be required during the application process per the adopted Fee Schedule.

Only complete applications will be accepted. The Community Development Department, Planning Division, reserves the right to reject any application based on insufficient information or to request additional information for 30 days after the submittal.

2. INTER-DEPARTMENT REVIEW

Plans will be distributed to the following City departments for a 2-week preliminary review and comment immediately following submittal:

- A. **Building Division** reviews for compliance with building and safety codes, and any noted conflicts with zoning codes;
- B. **Public Works Department** reviews for impact on public utilities, use of right-of-ways, traffic impacts, drainage impacts and to indicate any necessary upgrades or improvements to public facilities; and, also for compliance with applicable municipal codes;
- C. **Fire Department** reviews for compliance with fire safety codes, and for any obstruction for accommodating emergency services;
- D. **Planning Division** reviews for overall design, and compliance with zoning codes and planning requirements

3. **STAFF ENVIRONMENTAL REVIEW COMMITTEE**

Upon submittal of the application the project will be scheduled for a Staff Environmental Review Meeting - **at least 4 weeks from the submittal date.**

Some projects, depending on their size and impact of the proposed uses, are considered categorically exempt from California Environmental Quality Act (CEQA) requirements and therefore, do not require Environmental Review, and will be immediately scheduled for a Planning Commission hearing - **at least 6 weeks from the submittal date.**

All other projects are subject to CEQA and the Staff Environmental Review Committee will determine any potential environmental impacts associated with the project. If it is determined that the project would result in a significant impact on the environment the applicant may be required to prepare additional studies, and in some cases an Environmental Impact Report. Alternatively, the Committee may determine that the project will not have a significant impact on the environment and will recommend the adoption of a Negative Declaration, or a mitigated Negative Declaration in which mitigation measures are included to address any identified impacts.

A representative of the project shall be in attendance at the meeting to answer any questions associated with the project.

The Planning Division will give the applicant a Public Notice poster which must be displayed at the site a minimum of 10 days before the Staff Environmental Review meeting.

After the Staff Environmental Review Committee meeting, if revisions are necessary, the applicant must submit ten (10) additional sets of 11"x17" plans and one additional full size set of plans, both to scale, to the Planning Division. Immediately after the determination of the Committee, or, upon submittal of revised plans if necessary, a Public Hearing will be scheduled before the Planning Commission in at least four (4) weeks.

4. **PLANNING COMMISSION**

Upon submittal of an application not requiring environmental review the request will be scheduled for public hearing by the Planning Commission at least six (6) weeks from the submittal date.

The Planning Commission is composed of five citizens appointed by the City Council. The Planning Commission has the authority to approve or deny a Variance and may impose conditions to mitigate any potential impacts associated with the project.

The Planning Division will give the applicant a Public Notice poster which must be displayed at the site for a minimum of thirty (30) days prior to the meeting of the Planning Commission (Categorically exempt projects require only 10 days).

A representative of the project **MUST** be at the meeting of the Planning Commission to answer any questions the Planning Commission may have.

A copy of the staff report, with staff recommendation and draft resolution will be available for review at the end of the business day on the Thursday prior to the meeting on the City's web site at www.hermosabch.org.

5. **APPEALS**

The applicant has ten days from the date of the succeeding City Council meeting (at which they determine whether or not to review the decision of the Planning Commission) to file an appeal of the decision of the Planning Commission or to appeal any conditions set forth in the approved Resolution. All appeals must be filed with the City Clerk. Additional sets of plans may be required with your appeal application.

6. **BUILDING PERMITS**

No building permits shall be issued for the project until all the Conditions of the approved Resolution are met, as specified, and the California Coastal Commission has approved the plans for all projects that are within the coastal boundaries as applicable.

7. **NOTICE**

Please note that the requirements and policies of the Zoning Ordinance, General Plan and other codes (Chapters 15 and 17 and Sections 8.56, 8.120, 8.12 and 8.44) are basic requirements. The Planning Commission or the City Council (on appeal), may impose other conditions on the project to address site specific concerns and/or to mitigate any adverse impacts that potentially would be caused by approval of the project.

City staff are available for assistance and can provide samples of typical requirements that may be imposed. The scope of the review may be found in the applicable code sections. Time frames to process applications are approximate and may be longer when necessary due to requirement for information or revised plans from the applicant, to prepare environmental documents, or for continued hearings as directed by the decision making bodies.