

September 10, 2002

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

**Regular Meeting of  
September 17, 2002**

SUBJECT: VARIANCE 02-1  
136 SECOND STREET

APPLICANT: MAUREEN ANDERSON, 136 2<sup>ND</sup> STREET  
HERMOSA BEACH, CA 90254

REQUEST: A VARIANCE TO LEGALIZE AND MAINTAIN TWO UNITS ON A LOT  
SUBSTANDARD TO THE MINIMUM LOT SIZE REQUIREMENTS IN THE R-3  
ZONE AND WITH LESS THAN REQUIRED OFF-STREET PARKING.

**Recommendation**

To deny the requested Variance.

**Background**

ZONING:	R-3
GENERAL PLAN:	High Density Residential
LOT AREA:	2,082.5 Square Feet
LOT AREA REQUIRED FOR TWO UNITS:	2,640 Square Feet
PARKING:	2 spaces
PARKING REQUIRED FOR TWO UNITS	4 spaces plus one guest space

The property is located at the southwest corner of Manhattan Avenue and 2<sup>nd</sup> Street, and contains a single family dwelling, garage, and bedroom and bathroom above the garage with separate exterior access from the main dwelling. The dwelling was constructed in 1938, and the bedroom and bath addition were permitted and constructed in 1977. The City does not have a copy or record of the plans that may have been submitted for this permit, so it's not clear whether the addition was approved with the separate exterior access. The applicant purchased the property in 1987, and signed the copy of the Residential Building Report which identifies the property as one unit.

The property was the subject of a zone violation investigation in August 2001 regarding possible illegal conversion of the bedroom and bathroom above a garage. According to the complaint, the rooms above the garage were being used as a separate dwelling unit and the main house was being rented. The City's follow-up investigation revealed that a wet bar in the bedroom was used as a small kitchen and that a larger kitchen was installed in the bathroom above the garage (a 5' counter containing a double sink and garbage disposal had been installed). City staff advised the owner that the use constituted a zoning violation because the property is not of adequate size for two units and the City has no record of permits issued for a second unit. The owner maintains that the property is being used as permitted when a building permit to construct rooms above a garage were issued in 1977. Rather than eliminate the kitchen facilities the owner decided to pursue obtaining a Variance to legalize the use of the property for two units. Staff thoroughly researched the City's records and could find no evidence that a second unit had lawfully been created with issuance of the building permit and that a legal determination was not feasible since there was no permit history that extended back to 1959 which is required for Commission to make a legal determination.

## Analysis

The applicant is requesting Variances from the Zoning Ordinance to allow two units based on continued use on the property as two units. Variances are required from both the lot area per dwelling unit requirement and the parking requirements. The basis for the request is that the property was two legal lots at the time of purchase, and that the 1977 addition over the garage was permitted and built to then applicable codes, allowing separate access to the rooms above the garage. The applicant states that the reason she purchased the house was because it allowed use of the property for “roommates”.

In order to grant a Variance, the Commission must make the following findings:

1. There are exceptional or extraordinary circumstances limited to the physical conditions applicable to the property involved.
2. The 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 Variance is consistent with the General Plan.

## Discussion of Findings

**Finding 1:**     *Exceptional circumstances apply to the property involved.*

The applicant states that the lot is unusually small, however, this argument is not supported by the conditions of the surrounding blocks in the vicinity. Eighteen of the 116 existing lots in a one-block radius have been split creating 35 “split” lots. (Two lots were combined and then split into three lots resulting in an odd number of total split lots including the applicants at 2,085 square feet.) The split lots range in size from 1,218 square feet to 2,380 square feet with an average of 1,500 square feet. Therefore, the subject lot is not particularly unique or unusual. In fact, there are 33 split lots which are smaller than the subject lot and 28 lots which are significantly smaller (1,500 square feet or less) than the applicants. With respect to the applicant’s statement that the lot was legally two lots prior to being merged by the City, the property did contain two remnant lots because of the way the lots were split, and the two remnants were merged by the City to reflect ownership and the tax assessors parcel created by the split. Since at no time in the history of these remnant lots were separate units established or permitted, there is no connection between the merge of these remnants lots and the number of legal units on the property.

**Finding 2:**     *A Variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property.*

While some of the split lots may have two units on them (staff has identified 8 of the 35, that have two units) these were legally created prior to 1970 when two units were allowed per lot no matter what the size. The majority of the split lots are in the same situation as the subject lot, containing one dwelling. As such, the Variance is not necessary to preserve or establish a right possessed by the majority of other small lot properties in the vicinity.

**Finding 3:** *A Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which it is located.*

Both the Variances for use and for relief of off-street parking requirements presents potentially detrimental effects on surrounding properties with respect to congestion and density, and parking on the street. The lack of parking on site means more vehicles would be forced to park on street.

**Finding 4:** *The granting of the Variance will not conflict with the provisions of or be detrimental to the general plan.*

The proposed Variance would definitely conflict with the General Plan as it would permit development on this lot **at a density of over 42 units per acre.** The maximum of the range for the High-Density designation is 33 units per acre.

Based on the required findings as described above, there are no grounds for granting the Variance.

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Ken Robertson  
Associate Planner

Concur:

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Applicant's Correspondence
4. City correspondence
5. Building Permit Records / Residential Building Report

var00-2



September 9, 2002 136 2<sup>nd</sup> St. Owned by Maureen Anderson. Front house is original SFR. Rear 2<sup>nd</sup> floor addition is rooms added above garage in 1977 – 78.





September 9, 2002 136 2<sup>nd</sup> St. Owned by Maureen Anderson. Exterior door at side of garage leads to rooms above garage. Two interior doors separate the original house from the addition.



**P.C. RESOLUTION 02-**

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO DENY A REQUESTED VARIANCE TO LEGALIZE AND MAINTAIN TWO DWELLING UNITS ON A LOT SUBSTANDARD TO THE MINIMUM LOT SIZE REQUIREMENT FOR TWO UNITS IN THE R-3 ZONE, AND WITH LESS THAN REQUIRED OFF-STREET PARKING FOR TWO UNITS AT 136 SECOND STREET.**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Maureen Anderson, owner of real property located at 136 Second Street in Hermosa Beach, seeking to legalize and maintain two dwelling units at 136 Second Street which requires Variances from the lot area per dwelling unit requirements of the R-3 zone, and the parking requirements for the Zoning Ordinance.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for this Variance on September 17, 2002, 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 subject property contains 2,082.5 square feet of lot area, and is improved with a single family dwelling, two-car garage, and bedroom and bathroom above the garage with separate exterior access from the main dwelling. The dwelling was constructed in 1938, and the bedroom and bath addition were permitted and constructed in 1977. The 1977 permit was for an addition to the single-family dwelling and was not for a second unit or second kitchen.

2. The applicant purchased the property in 1987, and signed the copy of the Residential Building Report, which identifies the property as one unit.

3. The applicant is requesting Variances from the Zoning Ordinance to allow her to use the rooms above the garage for a second unit. A Variance is needed to the lot area per dwelling unit requirement of one unit per 1,320 square feet in the R-3 zone (Section 17.16.090 of the Zoning Ordinance) since the lot area is not sufficient to support two units in compliance with this requirement. A Variance is also needed from the parking requirements of Chapter 17.44 of the Zoning Ordinance since two parking spaces are required per dwelling unit and the property currently only has two parking spaces for the single dwelling.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for Variances from the lot area per dwelling unit requirement and parking requirements:

1. There are no exceptional or extraordinary circumstances related to the physical conditions of the property. While the applicant argues that the lot is unusually small, this argument is not supported by the conditions of the surrounding blocks in the vicinity. Eighteen of the 116 existing lots in a one-block radius have been split creating 35 "split" lots. (Two lots were combined and then split into three lots resulting in an odd number of total split lots including the applicants at 2,082 square feet.) The split lots range in size from 1,218 square feet to 2,380 square feet with an average of 1,500 square feet. Therefore, the subject lot is not particularly unique or unusual. In fact, there are 33 split lots which are smaller than the subject lot and 28 lots which are significantly smaller (1,500 square feet or less) than the subject lot. All of these lots are subject to the same requirement of one dwelling unit per lot.

2. A Variance is not necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property. While some of the split lots may have two units on them (staff has identified 8 of the 35 that have two units) these were legally created prior to 1970 when two units were allowed per lot no matter what the size. The majority of the split lots are in the same situation as the subject lot, containing one dwelling.

3. Both the Variances for use and for relief of off-street parking requirements present potentially detrimental effects on surrounding properties with respect to congestion and density, and parking on the street. The lack of parking on site means more vehicles would be forced to park on street.

4. The proposed Variance would conflict with the General Plan as it would permit development on this lot at a density of over 42 units per acre. The maximum of the range for the High-Density designation in the General Plan is 33 units per acre.

Section 5. Based on the foregoing, the Planning Commission hereby denies the subject Variance request to allow two units on the subject property.

VOTE:           AYES:  
                      NOES:  
                      ABSTAIN:  
                      ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 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 September 17, 2002

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Ron Pizer, Vice Chairman

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Sol Blumenfeld, Secretary

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Date

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