

**RESOLUTION NO. 02-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, VALIDATING THE NONCONFORMING USE OF TWO DWELLING UNITS ARE LEGAL NONCONFORMING AT 402 28<sup>TH</sup> STREET**

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by John K. Giesregen seeking a determination of the legality of two residential units located at 402 28<sup>th</sup> Street, pursuant to Chapter 17.60 of the Zoning Ordinance.

Section 2. The Planning Commission conducted a hearing to consider the application on February 20, 2001, at which testimony and evidence, both written and oral, were 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 is in the R-2 zone and contains two separate buildings, a single family residence and a converted garage.

2. The current zoning of R-2 dates back to 1943.

3. The two units are nonconforming to current zoning requirements of the R-2 zone because, since the adoption of the changes to the Zoning Ordinance in 1943, no more than two units would have ever been allowed on the subject property because of the less than required lot size.

4. Pursuant to Section 17.12.050 of the Zone Code, the minimum lot area per dwelling unit shall be not less than 1,750 square feet. Thus only one dwelling would be allowed on the subject property by current zoning requirements due to the lot area being 2,396 square feet instead of the required minimum lot area of 3,500 square feet for a property with two dwelling units.

5. A permit was issued in 1961 to close half of the double garage to make "maid's quarters" (defined as accessory living quarters).

6. The applicant has provided additional information obtained from the County Assessor's office showing that the property is being taxed for two units and that the garage was converted to living area with kitchen and 3/4bath in 1961. This information supports the applicant's assertion that the two units were legally created and assessed property taxes.

Section 4. Based on the foregoing factual findings and the available evidence of City records and provided by the applicant, the Planning Commission makes the following findings:

1. The available evidence indicates that the two units were lawfully created at the time of construction, and therefore, the Planning Commission validates the use of the property for two dwelling units is legally nonconforming.

2. The information from the County Assessor's office indicates that the property is being taxed for two units and that the garage was legally converted into a separate dwelling unit with a kitchen and 3/4bathroom in 1961, thus verifying that the two units were legally created.

Section 5. Based on the foregoing, the Planning Commission hereby determines that the continued use of the property for two dwelling units is a legal nonconforming use.

VOTE:           AYES:  
                      NOES:  
                      ABSENT:  
                      ABSTAIN:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 02- 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 November 19, 2002.

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Ron Pizer, Chairman

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Sol Blumenfeld, Secretary

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Date

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