

**RESOLUTION NO. 02-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, DECLARING THE USE OF TWO DWELLING UNITS ARE NOT 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. According to the Zoning Ordinance adopted in 1956, accessory living quarters were not allowed to have any kitchen facilities or be rented or otherwise used as a separate dwelling.

7. There is no permit or records that indicate a second kitchen was included in this project, and no other City records show any permit application or approval for the second kitchen.

8. A Residential Building Report, dated April 10, 1981, indicates that the building is a single family residence (with one kitchen) plus accessory living quarters in part of the garage, and also notes that the south half of the garage should be open for automobile parking.

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 garage was constructed in 1954.

2. The available evidence indicates that one-half of the garage was legally converted into “maid’s quarters” (accessory living quarters) in 1960, and was not intended for rental use.

*denial*

- 3. The Planning Commission finds that the kitchen facilities for the accessory living quarters were not lawfully constructed.
- 4. The Planning Commission finds that in order to validate the legality of the use, it must have been constructed prior to January 1, 1959.

Section 5. Based on the foregoing, the Planning Commission hereby declares the continued use of the property for two dwelling units as nonconforming.

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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