

May 9, 2006

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

**Regular Meeting of  
May 16, 2006**

SUBJECT: DETERMINATION OF THE LEGALITY OF NONCONFORMING  
RESIDENTIAL BUILDING

LOCATION: 2108 LOMA DRIVE

APPLICANT: MR. & MRS. DOW HAYES  
2108 LOMA DRIVE  
HERMOSA BEACH, CA 90254

REQUEST: DETERMINATION IF THE FIRST FLOOR ROOMS ON THE PROPERTY  
ARE A LEGAL NONCONFORMING DWELLING UNIT.

**Recommendation**

Determine that the property contains one legal dwelling unit.

**Background**

LOT SIZE 3364.5 (35 x 96.13)

ZONING: R-1

GENERAL PLAN: Low Density Residential

BUILDING AREA: Approx. 466 Square Feet First Floor, 933 Square Feet  
Second Floor

AREA OF "UNIT" IN QUESTION: Approx. 466 Square Feet First Floor

The subject property contains a two-story Single Family Residence with an attached, two-car garage. The building was constructed in 1961. The original first floor plan was for a two-car garage with a "Rumpus Room" of approximately 250 Square Feet. A bathroom, including "toilet, tub, shower and lavy" was constructed with permits on the first floor in November of 1961 with affidavit #4124 specifying "no rental". (Copy of the affidavit is not available. See permit card attachment.)

In 1967, a second floor "living room extension" and a first floor "hobby room" of approximately 200 Square Feet were added. In 1968, a "bar sink" was permitted after-the-fact in the "hobby room" with affidavit #3087. (Copy of the affidavit is not available.) Currently, the first floor contains a bathroom, hobby room and a wet bar which is being used as a kitchen. (Photos attached.)

The property is currently zoned R-1. Pursuant to current zoning requirements only one dwelling unit would be allowed. Therefore the current use, renting the first floor rooms as a second unit is illegal

and nonconforming. The current minimum size for a dwelling unit is 600 square feet for a one-bedroom unit. The first floor rooms are well under this minimum.

Responding to a neighborhood complaint prompted by the transfer of the property, staff inspected the property on November 29, 2005 and found the building and floor layout consistent with the submitted plans.

The property includes a two-car garage and two off-street parking spaces. Current zoning regulations would require two parking spaces per unit plus a guest space.

**Analysis**

Chapter 17.60 of the Zoning Ordinance gives a property owner the opportunity to request validation of current conditions which otherwise violate zoning or current building and safety requirements “when city records and actual property use conflict.” The Commission, based on the evidence presented, may validate that these conditions are legally nonconforming.

The evidence available to staff included the records in the building permit file as noted above and L.A. County tax records. All records indicate that this is a single family residence.

All evidence available indicates that the lower floor has been used as a separate rental in spite of affidavits filed specifically prohibiting such use.

The applicant maintains that the first floor rooms have been used as a separate dwelling since the installation of the bathroom in 1961.

If the Commission denies the requested determination, the owner will be required to obtain permits to either remove all plumbing fixtures, supply and drain lines from the lower floor, or to install an interior connecting stairway to incorporate the lower floor as dwelling space to the home within six months of the date of the decision, as part of the code enforcement action for the property.

CONCUR:

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Ken Robertson  
Senior Planner

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Sol Blumenfeld  
Community Development Director

**Attachments**

1. Building Permit Cards
2. Current tax assessor’s roll data
3. Photos
4. Applicants request and supporting documentation