

RESOLUTION NO. 04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HERMOSA BEACH, VALIDATING THE LEGALITY
OF FOUR DWELLING UNITS AT 67-71 18TH STREET**

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

Section 1. An application was filed by Michael and Lynn Allen seeking a determination of the legality pursuant to Chapter 17.60 of the Zoning Ordinance whether a fourth unit, originally approved as bachelor unit, is a legal nonconforming dwelling unit and can contain a kitchen.

Section 2. The Planning Commission conducted a hearing to consider the application on September 21, 2004, 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-2B zone which allows only one dwelling unit under current zoning. The property contains a legal nonconforming “three units and a bachelor unit” for a total of four units, constructed in 1954 pursuant to building permit No. 8098. Each unit contains one bedroom and a kitchen.

2. The bachelor unit was apparently originally approved by the City as a unit without a kitchen, with the City’s intention to exclude a kitchen supported by the a 1956 Variance request to add a kitchen, which was withdrawn, and a 1961 enforcement action to require the removal of a kitchen sink.

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 and testimony from neighbors indicates that the bachelor unit has been continuously rented as a separate dwelling, and although the City required removal of a kitchen sink in 1961, has contained kitchen facilities for more than 30 years.

2. The City’s Municipal Code in 1954, when the original permit was issued, did not contain a definition that distinguished a bachelor unit from a typical dwelling unit that contains a kitchen, and the Municipal Code currently does not define bachelor unit;

3. Since the City originally allowed a separate unit with separate access the overall impact of this unit on parking, density, and other considerations are no different with or without a kitchen. Therefore no public purpose is served by excluding a kitchen from this unit.

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

VOTE: AYES:
NOES:
ABSENT:
ABSTAIN:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 04- 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 21, 2004.

Sam Perrotti Chairman

Sol Blumenfeld, Secretary

September 21, 2004

Date _____

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