

RESOLUTION NO. 05-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, VALIDATING THE LEGALITY OF FOUR DWELLING UNITS ON THE PROPERTY AT 1533 MANNHATTAN AVENUE AND 1534 PALM DRIVE

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

Section 1. An application was filed by Joe Bianculli seeking a determination of the legality of a the ground floor dwelling unit in the two story building located at 1534 Palm Drive, in addition to the three other units on the property.

Section 2. The Planning Commission conducted a hearing to consider the application on October 19, 2004 and January 18, 2005, 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-3 zone and contains two detached two story structures, the building in question located at 1534 Palm Drive contains a 650 square foot on bedroom unit on the second floor and a two car garage and a smaller unit containing 290 square feet on first floor. The City does not have the original permit record for this building, as it pre-dates 1924.

2. The applicant purchased the property in 1971 with the understanding it had four units altogether and two units in the subject building and has provided records to support that it has been used as two units since at least 1971.

3. The applicant’s records conflict with City records which show that while a building permit was issued on October 15, 1958 to remove the stairway, which had connected to the upper and lower floor, it was issued with affidavit #3271, limiting to a “rumpus” room. The affidavit was recorded on September 25, 1958, and states that the this area “will be solely for necessary uses and not for an additional dwelling unit or rented room.” On February 3, 1971 a residential building report was issued indicating that the “toilet-lavatory-rumpus room in the main building not be used as a separate rental unit.” The 1957 Sanborn Map shows the Palm Drive structure to be a single two-story dwelling unit.

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 the property owner, tenants, and former neighbors indicates that the dwelling unit has been used as a separate dwelling unit for at least 35 years. While the City’s records show that this was permitted as a rumpus room only, the City’s permit records are not clear and conclusive as to whether the City’s inspectors may have authorized this to be used as a separate dwelling sometime between 1958 and 1971.

2. The City clearly did approve a separate rumpus room with separate access from the upstairs unit and since there is no connection between the two floors, all the City can do, if it not permitted as a dwelling unit, is require the removal of the efficiency kitchen.

3. Therefore, based on all the evidence and testimony, the Commission finds that the downstairs living area should be considered a legal separate dwelling unit.

