

November 7, 2005

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

**Regular Meeting of
November 15, 2005**

SUBJECT: DETERMINATION OF THE LEGALITY OF A NONCONFORMING RESIDENTIAL BUILDING

LOCATION: 66 11th STREET

APPLICANT: A & A BUILDERS
2350 W. SEPULVEDA BLVD
TORRANCE, CA 90501

REQUESTS: DETERMINATION OF WHETHER TWO DWELLING UNITS ON THE PROPERTY, ARE LEGAL NONCONFORMING DWELLING UNITS (RESULTING IN 11 TOTAL UNITS ON PROPERTY RATHER THAN 9)

Recommendation

Direct staff as deemed appropriate.

Background

LOT SIZE	2912 Square Feet
ZONING:	C-2 – Downtown Commercial
GENERAL PLAN:	General Commercial
BUILDING AREA:	Approx. 4,200 Square Feet in Two Structures
AREA OF “UNITS” IN QUESTION:	Approx. 280 Square Feet

The subject property contains two separate two-story structures originally constructed in approximately 1910 and has historically been used for both commercial purposes and residential purposes. The rear building along the alley contains three small dwelling units, which are consistent with the permit record for that building. The building fronting on 11th Street contains 6 dwelling units based on city permit records, with three units on each floor. The front building, according to the applicant, has actually contained eight units since the 1940's or earlier with four units on each floor. The property contains no parking.

The 1957 Sanborn Map shows six units in the front building. The property is currently zoned C-2, which would not permit any residential dwellings. Therefore the current use (whether 9 or 11 units) is nonconforming. The current minimum size for a dwelling unit is 600 square feet for a one-bedroom unit. Dating back to the 1940's the zoning designation was also commercial, but at that time and up until 1956 multi-family residential uses were allowed in the C zone.

The applicant is currently remodeling the existing front building both structurally and to upgrade plumbing and electrical systems. Staff inspected the property on September 21, 2005 when the building was stripped to it framing, and found evidence that what was originally one unit on each floor west of the hallway in the front building had been partitioned sometime in the past to add an

additional unit on each floor. Evidence was seen in comparing the newer type of construction in the western units with the older framing lumber in the eastern units, which appeared to be two units on each floor from the original construction, and the small size of the kitchens in the westerly rear units. Although this inspection showed that these units in dispute were likely created by a partition that was not part of the original construction, it was not clear as to how recent this partitioning may have occurred.

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.” When it can be shown that the dwelling unit in question was constructed prior to January 1, 1959, in accordance with then applicable laws, and the use of the dwelling has been continuous, the unit *shall* be declared legally nonconforming. The Commission *may* also validate that conditions are legally nonconforming for a building constructed after January 1, 1959, based on the evidence presented.

The evidence available to staff included the records in the building permit address file and index cards which are very limited for this property and sometimes inconsistent, the Sanborn Map which provides a legal record of the physical character of a property for insurance purposes, and Business License records. A summary of the records follows:

- Index card file clearly states “6 units in front bldg. – 3 units in rear bldg,” although this statement is not associated with any particular permit, as it appears the building was originally constructed either before the City required permits or kept permit records.
- Sanborn map shows a 3-unit building in rear and 6-unit building in the front
- A letter in the file from 1974 addresses light and ventilation concerns for a 6-unit apartment (referring to front building?)
- A residential building report from 1995 lists 9 legal units
- Electrical permit issued in 1997 refers to 8 units (referring to front building?)
- 1999 Permit for smoke detectors lists 10 units
- Business License records show that the owner claimed either 10 or 11 units for the past few years

The applicant purchased the property in 2005 with the understanding that it contained 11 units (as expressed in the purchase documents), and has been in the process of the modernizing and upgrading the structure, electrical, and plumbing. The applicant has provided letters from a former owner (Thelma Greenwald) who states that when they purchased the property in 1951 it was eleven units, and that they used the units in conjunction with the Sea Sprite motel for “overflow” although its not clear if the units were being used for short term transient tenancy in conjunction with the motel, or rented as apartments, or both. The former property manager of the building when it was apparently used as apartments (from 1999-2005) indicates that it was 11 units, and that it was 11 units when that owner purchased it in 1995. However, that residential building report in 1995 clearly indicates 9 units, although the document in the file is not signed.

To additionally support his argument that the property has been continuously used as 11 units he has reconstructed the history of the use of the structures in the attached narrative.

In summary, since the City's permit records show 9 units, and the recent use of the building has been 11 units, the question is when were the two additional units created by the interior partitions. Was it after 1995, or did it occur prior to 1951 as claimed by the prior owner, or perhaps sometime after the 1957 Sanborn map recorded it as 6 units in the front building. Staff's best guess is that it occurred sometime in 1950's or 60's, and was done without permits. Also depending on when the partition may have occurred, it may or may not have been legal with respect to density or zoning requirements. If after 1956, both the number of units and the parking would not have been in conformance with code requirements in effect at the time, but prior to that time there were no specific density restrictions or parking requirements.

The consequences of making these two units legal are that the City would be authorizing the continued use of two small studio units with their own kitchens and separate doorway access to the hallway. If not declared legal, the front and rear rooms would have to be connected and rented as a single unit on each floor. In either case the property will continue to be nonconforming and contain no parking. In fact, since there is no question on the floor area involved in this legal determination, the intensity of use of the property would probably not be significantly different if these portions of the building in question were rented as two separate studio units, or two-room/two bath units.

Staff will return with a resolution at the next meeting based on the Commission's direction.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld
Community Development Director

Attachments

1. Building Permit Index card
2. Sanborn Map
3. Current tax assessor's roll data
4. Photos
5. Residential Building Report 1995
6. Applicant submittal including documentation and plans



66 11th St.