RESOLUTION NO. 05-67

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, VALIDATING THE LEGALITY OF ONE ADDITIONAL UNIT, FOR A TOTAL OF FIVE UNITS ON THE PROPERTY, WITH TWO IN THE FRONT BUILDING AT 668 AND 670 4TH STREET AND THREE IN THE REAR BUILDINGS, 672, 674, AND 674A 4th STREET

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

<u>Section 1</u>. An application was filed by Mr. and Mrs. Karl Parker seeking a determination pursuant to Chapter 17.60 of the Zoning Ordinance, of whether two dwelling units on the property are legal nonconforming in addition to the four other units on the property within three buildings at 668-674 4th Street.

<u>Section 2</u>. The Planning Commission conducted a hearing to consider the application on November 15, 2005, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission.

<u>Section 3</u>. 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 three structures, a two-story building in the front portion, and a one and two-story building in the rear portion of the property.
- 2. The building fronting on 4th Street (668, 668A & 670 4th) contains two dwelling units of approximately 550 square feet each constructed sometime in 1960-61 (the permit record is incomplete). These units are built above a four-car garage that also contains a storeroom and a rumpus room with a bath. The area in dispute (668A: the rumpus room) which does not have a kitchen, is being occupied as a separate rental. The use as a separate rental is inconsistent with Affidavit 4372 filed February 10, 1961, which allowed a rumpus room with shower and lavatory no separate rental.
- 3. The buildings at the rear of the lot, 672 & 674 4th Street were built in 1924 and contain a 380 square foot unit in the one-story building to the west, and a 280 square foot unit on the second floor of the building to the east, and a small "storage room and bathroom" of 200 square-feet on the first floor, installed by permit in 1951. This first floor area in dispute (known as 674A) also contains a kitchen, and is being used as a separate rental.
- 4. The applicant purchased the property in 1965 with the understanding it had six units based on purchase and escrow documents
- 5. The applicant's records conflict with City records, which show that the property contains four units.

<u>Section 4</u>. Based on the foregoing factual findings and the available evidence of City records 1 and provided by the applicant, the Planning Commission makes the following findings: 2 Based on the record there is no reason to make unit 668A (in the front building) a legal 3 separate unit. Not only was this unit never permitted, it has not been in continuous use as a separate unit, and 1961 affidavit clearly prohibits it from being a separate rental unit. The available evidence and testimony from city records on from the property owner are inconsistent and unclear with respect to the unit in question (674A) in the rear two-story building, 5 but the records of the owner show that it has been a continuous rental unit for at least 40 years, which 6 is corroborated by inspections done by the City in 1969. Therefore, this unit meets the criteria to be determined as a legal nonconforming unit pursuant to Section 17.60.080. 7 8 Section 5. Based on the foregoing, the Planning Commission hereby determines that one additional unit is legal nonconforming (in the rear two-story building, known a 674A) but denies the request to declare the additional unit in the front building (668A) as a legal nonconforming dwelling unit. Therefore, the Commission determines that the continued use of the property for five total 10 dwelling units is a legal nonconforming use. VOTE: AYES: Allen, Kersenboom, Perrotti, Pizer, Hoffman 12 NOES: None ABSENT: None ABSTAIN: None **CERTIFICATION** 15 I hereby certify that the foregoing Resolution P.C. 05-66 is a true and complete record of the 16 action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of November 15, 2005. 17 18 Sol Blumenfeld, Secretary Ron Pizer, Chairman 19 December 7, 2005 20 Date F:\B95\CD\PC\2005\12-07-05\LEGR668-4th St.doc 22

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