

August 2, 2004

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

**Regular Meeting of
August 17, 2004**

SUBJECT: TEXT AMENDMENT CORRECTING SECTION 17.44.090 OF THE ZONE CODE --
OFF-STREET PARKING LOCATION AND 17.28.020 – M-1 PERMITTED UES LIST

Recommendation:

That the Planning Commission adopt the attached resolution recommending approval of the attached ordinance.

Background:

It is necessary to make corrections to the subject code sections due an error made during the text amendment process. On July 27, 1999 the City Council approved a change to the M-1 Permitted Use list eliminating storage and mini-storage uses. On July 23, 2002 the City Council adopted Ordinance No. 02-1221 amending Sections 17.44.090 and 17.28.020 of the Zone Code approving the addition of parking lots and structures to the M-1 permitted use list. Changes to the parking ordinance were also approved to allow non-required parking to be located off-site. During the hearing, the Council also considered and rejected adding leased parking as an option for providing required parking off-site.¹

The current code incorrectly includes the option for leased parking along with the other changes approved by City Council in Ordinance No. 02-1221 and also incorrectly shows storage and mini-storage on the M-1 permitted use list. The 2002 ordinance included the original permitted use list (Prior to the 1999 change) and incorporated the proposal to allow leased parking. The ordinance was not reviewed by the Community Development Department prior to final adoption. Staff discovered the errors while reviewing two project proposals. No project has been approved on the basis of the incorrect code provisions.

Analysis:

The City Attorney has determined that even though the incorrect text resulted purely from a processing error, the matter must be reheard by Planning Commission and City Council. In order to avoid similar problems in the future, the City Clerk now routinely routes all code text amendments prepared by the Community Development Department back for a review prior to final reading by the City Council.

Sol Blumenfeld, Director
Community Development

Notes:

1. The City Council determined that leased off-site parking presented problems for code enforcement since leases may be terminated resulting in projects without required parking. Consequently the original text wording which permits that required parking may only be provided off-site when such parking is “under common ownership” should have been retained in the zone code.

Attachments:

1. Resolution
2. Draft Ordinance

ORDINANCE NO. 04-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING SECTION 17.44.090 - TO PROHIBIT LEASED REQUIRED OFF-SITE PARKING AND SECTION 17.28.020 – TO PROHIBIT STORAGE AND MINI-STORAGE IN THE M-1 ZONE

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

Section 1. The City Council held a duly noticed public hearing on 2004 to correct an error in Ordinance No. 02-1221, approved July 27, 2002, regarding the leasing of required parking and changes to the M-1 permitted use list.

Section 2. The Planning Commission held a duly noticed public hearing on August 17, 2004 to correct an error in Ordinance No. 02-1221, approved July 27, 2002, regarding the leasing of required parking and changes to the M-1 permitted use list.

Section 3. Based on the evidence considered at the public hearing, the City Council makes the following findings:

1. The City Council previously considered the proposed text amendment and determined that providing leased off-site parking creates problems relative to enforcement of parking regulations.
2. The proposed text amendment will correct the error which occurred during adoption of Ordinance No. 02-1221.
3. The proposed text amendment eliminating storage and mini-storage will help maintain suitable locations for manufacturing uses.
4. The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that the modification to the text may have a significant effect on the environment.

Section 4. Based on the foregoing, the City Council hereby amends the Hermosa Beach Municipal Code, Title 17-Zoning, as follows:

1. Amend Section 17.28.020 to read as follows:

“Sec. 17.28.020 Permitted Uses

In the following matrix, the letter “P” designates use classifications permitted and the letter “U” designates use classifications permitted by approval of a Conditional Use Permit. Use classifications not listed are prohibited. Section numbers listed under “see section” reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

M-1 ZONE, LAND USE REGULATIONS

**P = Permitted
U = C.U.P. Required (See Article 10)**

USE		See Section
Administrative offices accessory to a primary permitted	P	

USE		See Section
use (listed below), not exceeding twenty-five percent of the gross floor area		
Artist studio	P	
Audio/Visual recording studio	P	
Motor Vehicle and equipment service:		
<ul style="list-style-type: none"> • General repair, service, installation of parts and accessories 	U	Chapter 17.40
<ul style="list-style-type: none"> • Body repair and painting 	U	Chapter 17.40
<p>Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials:</p> <ul style="list-style-type: none"> Apparel Audio/Visual products Awnings Bakery Products Coated, plated and engraved metal products Communications Equipment Confectionery and related products Diecut paper, paperboard, cardboard, Electronic components, computers, and accessories Electric lighting and wiring equipment Stone and cut stone products Furniture and fixtures Glass products Household tools and hardware Jewelry, silverware, and plated ware Luggage Machinery equipment and supplies, except farm machinery Motor vehicle parts and accessories Musical instruments and parts Office and household machines and appliances Office products Paperboard containers and boxes Pharmaceutical Products Photographic and optical goods, watches and clocks Hardware, plumbing, heating equipment and supplies Pottery and related products Professional, scientific and controlling instruments Toys, amusements, sporting and athletic goods 	P	

USE		See Section
(including surfboards) Wooden containers		
Parking lots and/or structures	P	
Wholesale distribution of the products and materials listed above, and including the following: Packaged groceries and related products	P	
Warehousing	P	

2. Amend Section 17.44.090 to read as follows:

“Section 17.44.090 Off-street Parking Location

All off-street automobile parking facilities shall be located as follows:

- A. All required parking spaces shall be located on the same lot or building site as the use for which such spaces are provided; provided however, that such parking spaces provided for commercial, business, industrial or warehouse uses may be located on a different lot or lots, all of which are less than three hundred (300) feet distant from the use for which it is provided, and such lot or lots are ~~leased or~~ under common ownership with the lot or building site for which such spaces are provided.

Where the buildings are situated on one lot and the parking is situated on another lot, the owner shall file with the ~~building~~ community development department an affidavit recorded by the office of the Los Angeles County recorder that these lots are held in common ownership for the use specified. Such distance shall be measured along a straight line drawn between the nearest point on the premises devoted to the use served by such parking facilities and the nearest point on the premises providing such parking facilities. It is further provided that uses located within the boundaries of an established off-street parking district, organized pursuant to action by the city council, shall be waived by the requirements of this subsection.”

Section 5. This ordinance shall become effective and be in full force and effect after thirty (30) days of its final passage and adoption.

Section 6. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City of Hermosa Beach in the manner provided by law.

Section 7. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this day of , 2004 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney