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**RESOLUTION P.C. 05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO RECOMMEND AMENDING THE ZONING ORDINANCE PERTAINING TO EXPANDING AND REMODELING NONCONFORMING BUILDINGS (CHAPTER 17.52) AND BUILDINGS THAT ARE NONCONFORMING TO PARKING REQUIREMENTS**

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

Section 1. The Planning Commission held a duly noticed public hearing on January 18, 2005, to consider amending the Zoning Ordinance to consider modifications of certain provision of Chapter 17.52 and the related section 17.44.140 with respect to the limits on expansion and remodeling for nonconforming building and uses, and pertaining to buildings nonconforming to parking requirements.

Section 2. Based on the evidence considered at the public hearing, the Planning Commission makes the following findings:

1. The requirements pertaining to expansion and remodeling of buildings containing nonconforming uses and buildings nonconforming to zoning requirements are too complex, in some cases too restrictive, and in practice are not meeting the stated intent of Chapter 17.52, to allow reasonable expansions to existing building.

2. 17.44.140(B) pertaining to parking requirements for nonconforming buildings is not clear, and can be interpreted to supersede the nonconforming building provisions, allowing any amount of expansion if a building is nonconforming to parking. For example, as long as the existing two parking spaces that now exist are retained, the rest of the building can be completely replaced, without limits on expansion, and no requirement to add guest parking. However this is not the intent of these provisions, and the rules of Chapter 17.52 should be applied (i.e. to place limits on the expansion, or require bringing parking into conformance for greater than 100% expansion/remodels). Also, these requirements should be moved to Chapter 17.52

Section 3. Based on the foregoing, the Planning Commission hereby recommends that the Hermosa Beach Municipal Code, Title 17-Zoning, be amended as follows:

1. Amend Chapter 17.52, Nonconforming Buildings and Uses by amending Section 17.52.030, and adding Section 17.52.035 (which replaces Section 17.44.140 subsection B through E), as follows:

**“17.52.030 Expansion, remodeling and alteration.**

Buildings containing nonconforming uses, and nonconforming buildings are subject to the following standards:

A. Buildings Containing Nonconforming Uses.

1. Structural removal allowed:

- a. Portions of the structure which currently conform to the provisions of the Zoning Ordinance may be removed and replaced, as long as the foundation and floor system remain intact.
- b. Any existing nonconforming portions of the structure (e.g. a wall nonconforming to a yard requirement, or a roof non-conforming to height requirements) cannot be removed and replaced, and if removed must be brought into compliance with current requirements.

a. ~~Roofs may be removed to add additional stories;~~

b. ~~Up to thirty (30) percent existing linear feet of exterior walls and thirty (30) percent of floor area;~~

c. ~~Planning commission approval required to remove more than specified above.~~

1. Expansion/alteration allowed:

- a. ~~Maximum of fifty (50) percent increase in floor area of the existing building(s) on the building site of the current replacement cost of the existing building(s) excluding any expansion that has occurred after October 26, 1989 (the increase in floor area is determined by comparing the increased habitable floor area vs. the existing as a percentage, and excludes garages, accessory structures, and balconies or decks)(Replacement cost based on building valuation data provided by the International Conference of Building Officials (ICBO), with remodeling computed at fifty (50) percent of the value for new construction);~~
- b. Expansion not permitted if residential density exceeds forty-five (45) units per acre;
- c. Expansion must conform to current codes (except existing nonconforming side yards may be extended if within ten percent current side yard standard);
- d. For buildings nonconforming to current parking requirements of Chapter 17.44 pertaining to off-street parking, refer to Section 17.52.235 Section 17.44.140 ;
- e. ~~Any garage expansion for parking shall not be included in the allowed expansion.~~

B. Nonconforming Buildings.

1. Structural removal allowed:

- c. Portions of the structure which currently conform the provisions of the Zoning Ordinance may be removed and replaced, as long as the foundation and floor system remain intact.
- d. Any existing nonconforming portions of the structure (e.g. a wall nonconforming to a yard requirement, or a roof non-conforming to height

1 requirements) cannot be removed and replaced, and if removed must be  
2 brought into compliance with current requirements.

3 ~~d. Roofs may be removed to add additional stories;~~

4 ~~e. Up to thirty (30) percent existing linear feet of exterior walls and thirty (30) percent of~~  
5 ~~floor area;~~

6 ~~f. Planning commission approval required to remove more than specified above.~~

7 2. Expansion/~~remodel~~ allowed:

8 a. Up to one hundred (100) percent expansion/~~remodel~~ in floor area of the  
9 existing building(s) on the building site of the current replacement cost of the  
10 existing building(s) excluding any expansion that has occurred after October  
11 26, 1989. Greater than fifty (50) percent up to one hundred (100) percent  
12 requires planning commission approval. (the increase in floor area is  
13 determined by comparing the increased habitable floor area vs. the existing as  
14 a percentage, and excludes garages, accessory structures, and balconies or  
15 decks) (Replacement cost based on building valuation data provided by the  
16 International Conference of Building Officials (ICBO), with remodeling  
17 computed at fifty (50) percent of the value for new construction);

18 b. Expansion must conform to current codes (except existing nonconforming  
19 side yards may be extended if within ten percent of current side yard  
20 standard);

21 c. Existing nonconforming side yards may be continued and extended subject to  
22 planning commission approval;

23 d. For buildings nonconforming to current parking requirements of Chapter 17.44  
24 pertaining to off-street parking, refer to Section 17.52.235 ~~Section 17.44.140~~ ;

25 ~~e. Any garage expansion for parking shall not be included in the allowed~~  
26 ~~expansion.~~

27 f. Existing nonconforming stairways: Existing nonconforming stairways that  
28 encroach into required yard areas and that provide legally required access to  
29 legal dwelling units, may be fully reconstructed if beyond repair, provided no  
other reasonable location is available that does not require major  
reconfiguration or alteration of the structure. Said stairways, if reconstructed  
or replaced to allow continued access to the dwelling unit, shall be  
constructed in conformance with Chapter 34 of the Uniform Building Code;  
shall be constructed of non-combustible materials; shall conform to handrail,  
guardrail, tread depth, and riser requirements; and, shall not contain storage  
areas below. No replacement of said stairways shall be allowed in conjunction  
with an expansion and/or remodel project that exceeds a 50% increase in  
replacement cost to existing buildings on the site. (Ord. 98-1188 §4  
12/08/98)

1 **17.52.035 Requirements for buildings nonconforming to parking requirements**

2 A. For a residential building or buildings nonconforming to the number of parking spaces  
3 required on the building site, including guest parking spaces, the following limitations on expansion  
4 shall apply based on the number of parking spaces available that meet all the requirements of  
5 Chapter 17.44, or that meet the exceptions of sub-section B (These limitations on expansion only  
6 apply if more restrictive than the expansion requirements of Section 17.52.030)

- 7
- 8 1. Less than one parking space per unit: A maximum expansion one hundred (100) square  
9 feet of floor area may be constructed, and up to five hundred (500) square feet may be  
10 added if a parking space or spaces are added to an existing building even if it results in  
11 less than two parking spaces per unit.
- 12 2. Greater than one but less than two parking spaces per unit: A maximum expansion of five  
13 hundred (500) square feet may be constructed
- 14 3. Two parking spaces per unit with insufficient guest parking: An expansion as allowed by  
15 Section 17.52.030

16 B. Exception: Existing parking spaces that do not comply with the 20-foot minimum length  
17 requirement, turning radius requirements, the minimum 9-foot driveway width requirement, the alley  
18 setback requirement, and/or the driveway slope requirement, which provide at least the following for  
19 each standard, shall be deemed conforming to these requirements and shall be considered  
20 complying parking spaces for existing residential buildings:

- 21
- 22 • Length: Minimum 18 feet (inside measurement)
  - 23 • Turning Radius: Minimum 20 feet (measured from far side of alley or street)
  - 24 • Driveway Width: Minimum 8 feet
  - 25 • Driveway Slope: Maximum 15%
  - 26 • Alley Setback: as necessary to provide a 20-foot turning radius

27 Residential buildings that have parking spaces pursuant to this exception that meet the requirement  
28 for minimum number of parking spaces, and have no other nonconforming conditions, shall be  
29 considered conforming buildings and are not subject to the expansion limitations of this chapter.

30 C. For buildings in a C or M zone hereafter expanded, parking requirements for the number of  
31 parking spaces pursuant to Section 17.44.030 shall only be applied to the amount of expansion.

32 D. When the use of an existing commercial, manufacturing or other non-residential building or  
33 structure is changed to a more intense use with a higher parking requirement the requirement for  
34 additional parking shall be calculated as the difference between the required parking as stated in  
35 Section 17.44.030 for that particular use as compared to the requirement for the existing or previous  
36 use, which shall be met prior to occupying the building unless otherwise specified in chapter 17.44.”

- 37
- 38 2. Amend Section 17.44.140 to read as follows:

39 **“17.44.140 Requirements for new and existing construction.**

40 A. For every residential dwelling building hereafter erected, parking spaces shall be  
41 provided, permanently maintained and permanently available as set forth in Section 17.44.020,

1 Chapter 17.44 including requirements for turning radii, as provided by this chapter, and the  
parking standards contained herein.”

2 (Delete sub-sections B. thru E, as these sections are being rewritten and relocated to Section  
17.52.035 as noted above)

3 VOTE: AYES:  
4 NOES:  
5 ABSTAIN:  
6 ABSENT:

7 CERTIFICATION

8 I hereby certify the foregoing Resolution P.C. 05- 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 January 18, 2005.

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Sam Perrotti, Chairman

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Sol Blumenfeld, Secretary

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12 Date

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