

August 8, 2005

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

**Regular Meeting of
August 16, 2005**

**SUBJECT: AMENDMENTS TO CHAPTER 17.52 REGULATING NONCONFORMING BUILDINGS
AND USES.**

Recommendation:

That the Planning Commission recommend approval of the amendments as set forth in the attached resolution.

Background:

Responding to City Council direction, over the last year, the Planning Commission has reviewed proposed changes to the Nonconforming Ordinance. The original concerns of City Council are addressed in the maximum permissible expansion allowed for nonconforming buildings which have at least one parking space or which add parking. The Commission has also reviewed changes to the methods for evaluating the extent of remodel and the threshold at which a nonconforming project requires Planning Commission approval. The new ordinance simplifies the review process and makes the ordinance more understandable for homeowners, builders and design professionals.

Based on the direction of the Council, the Planning Commission has now thoroughly studied these recommended code amendments, and held hearings at its January, June, and July meetings. At the June meeting the Commission focused on text amendments for nonconforming buildings, and at the July meeting the Commission focused on amendments to the text relating to nonconforming uses and relating to buildings and uses nonconforming to parking. The attached resolution is the final draft containing the recommended text amendments and incorporating all input from the Planning Commission at these previous hearings.

Analysis

Adoption of the attached amendments will meet the objectives of the City Council and Planning Commission to make the nonconforming ordinance more user friendly and easy to understand; to provide incentives for reasonable expansions and remodels to older small and moderately sized buildings that contain nonconforming conditions; to make the process for obtaining approvals of these projects less cumbersome; and to eliminate calculating percentage demolition and the need for detailed demolition plans which created confusion in the building inspection process.

The amendments also clarify the provisions that apply to existing buildings nonconforming to parking, and increase the allowed expansions for such buildings when parking is added. Also, pursuant to Commission direction at the last meeting, a new clause has been added to the goals and objectives of the ordinance to encourage architectural consistency in remodel projects.

Ken Robertson, Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachment:

1. Draft Resolution

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 hearings on January 18, June 21, and July 19, 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 can be made less complex, and more user friendly, and in some cases less restrictive, to allow reasonable expansions to existing building, and encourage maintenance and remodel of existing buildings.

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 from Chapter 17.44 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 17.52.010 and 17.52.030, and adding Section 17.52.035 (which replaces Section 17.44.140 subsection B through E), as follows:

“17.52.010 General Goals

The goals of the city council related to the nonconformity that exists throughout the city as a result of zone changes and ordinance amendments are as follows:

- A. To allow buildings, whether they are occupied by a nonconforming use or nonconforming to zoning standards, to remain and be maintained, and to allow some limited alteration and expansion of said buildings when certain criteria are met and to encourage such alteration and expansions to incorporate architectural consistency within the project;
- B. To encourage restoration and maintenance of historical residential buildings;

- C. To encourage the use of the ordinance to meet current and future minimum standards of parking, open space, setbacks, height, etc.;
- D. To limit remodeling and expansion of buildings which by current standards are exceptionally undersized, dilapidated, significantly overdense, or do not meet minimal standards for parking and setback.

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 completely removed and replaced, and if completely removed must be brought into compliance with current requirements.

- ~~a. Roofs may be removed to add additional stories;~~
- ~~b. Up to ten (10) percent existing linear feet of exterior walls and ten (10) percent of floor area;~~
- ~~c. Planning commission approval required to remove more than specified above.~~

1. Expansion/~~alteration~~ allowed:

- a. Up to fifty (50) percent expansion/~~remodel~~ 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 that existed prior to October 26, 1989, provided the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit. Greater than fifty (50) percent up to one hundred (100) percent requires planning commission approval. The increase in floor area is determined by comparing the increased habitable floor area vs. the existing habitable floor area (that existed prior to any expansion that occurred after October 26, 1989), 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 of 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 requirements) cannot be completely removed and replaced, and if completely removed must be brought into compliance with current requirements.
- ~~d. Roofs may be removed to add additional stories;~~
- ~~e. Up to thirty (30) percent existing linear feet of exterior walls and thirty (30) percent of floor area;~~
- ~~f. Planning commission approval required to remove more than specified above.~~
2. Expansion/~~remodel~~ allowed:
- a. Up to one hundred (100) percent expansion/~~remodel~~ 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 that existed prior to~~ October 26, 1989, provided the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit ~~Greater than fifty (50) percent up to one hundred (100) percent requires planning commission approval. The increase in floor area is determined by comparing the increased habitable floor area vs. the existing habitable floor area (that existed prior to any expansion that occurred after October 26, 1989), 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 must conform to current codes (except existing ~~nonconforming deficient~~ side yards ~~may be extended if~~ within ten percent of the current side yard standard may be extended, and buildings that contain such a deficient side yard within 10% of the requirement as the only nonconforming condition on the property are not subject to the expansion limitation prescribed by this section);
 - c. Existing nonconforming side yards may be continued and extended subject to planning commission approval;
 - 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.~~
 - f. Existing nonconforming stairways: Existing nonconforming stairways that encroach into required yard areas and that provide legally required access to 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)

17.52.035 Requirements for buildings nonconforming to parking requirements

- A. For a residential building or buildings nonconforming to the number of parking spaces required on the building site, including guest parking spaces, the following limitations on expansion shall apply based on the

number of parking spaces available that meet all the requirements of Chapter 17.44, or that meet the exceptions of sub-section B (These limitations on expansion only apply if more restrictive than the expansion requirements of Section 17.52.030)

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

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

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

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

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

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

2. Amend Section 17.44.140 to read as follows:

“17.44.140 Requirements for new and existing construction.

A. —For every residential dwelling building hereafter erected, parking spaces shall be provided, permanently maintained and permanently available as set forth in ~~Section 17.44.020, Chapter 17.44~~ including requirements for turning radii, as provided by this chapter, and the parking standards contained herein.”

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

VOTE: AYES:

NOES:
ABSTAIN:
ABSENT:

CERTIFICATION

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 August 16, 2005.

Sam Perrotti, Chairman

Sol Blumenfeld, Secretary

Date

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