

November 6, 2001

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
November 13, 2001

**EXTENSION OF MORATORIUM ON CONVERSION OF OFFICE AND RETAIL USE
TO RESTAURANT USE IN THE DOWNTOWN AREA AND DECLARING THE
URGENCY THEREOF**

Recommendation:

That the City Council conduct the public hearing on the extension of the moratorium and take action by 4/5 vote to extend the moratorium for one year, to November 13, 2002.

Background:

The moratorium on conversion of office and retail use to restaurant use in the downtown area was first approved by the City Council on November 14, 2000 and it was extended to November 13, 2001 on December 12, 2000.

The City Council set up a citizen committee that has been working on economic development issues. The Economic Development Review Committee intends to make a presentation to the City Council on December 11, 2001. This groups recommendations, conclusions and observations may be helpful to the City Council to provide direction to staff on an amendment to the zoning code to deal with the mix of commercial uses. The City Council could be holding public hearings on the proposed changes in March.

Respectfully submitted,

Stephen R. Burrell
City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HERMOSA BEACH
EXTENDING A MORATORIUM ON CONVERSION OF OFFICE
AND RETAIL USE TO RESTAURANT USE IN THE
DOWNTOWN AREA AND DECLARING THE URGENCY
THEREOF.

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

SECTION 1. **Moratorium extended.** The moratorium established by Ordinance NO. 00-1208-U, adopted on November 14, 2000, and extended on December 12, 2000 by Ordinance No. 00-1210, is hereby further extended pursuant to Government Code Section 65858 for a period of one year to November 13, 2002.

SECTION 2. **Penalty.** Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment in County jail for not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

SECTION 3. **Statement of Purpose and Urgency Findings.** The City of Hermosa Beach is conducting studies relative to the appropriate distribution of commercial uses in the geographic area described in Exhibit A to Ordinance No. 00-1208-U, and in particular, to

determine whether there exists an overconcentration of restaurants in that area to the detriment of other commercial activity. The purpose of this study and any subsequent legislation is to attain the goal of a healthy and diverse downtown business climate in which a wide array of businesses may thrive. Pending such studies, and the preparation and adoption of the appropriate zoning regulations, it is necessary for the immediate preservation of the public peace, health, safety and welfare that existing and/or new restaurants not capture an even greater share of finite commercial space, which would defeat the very purpose of adopting an ordinance that seeks commercial and retail diversification; consequently, it is necessary that this ordinance take effect immediately.

If this ordinance does not take effect immediately, actions might be undertaken which may be in conflict with the ordinance ultimately adopted and commercial square footage may become committed in a way so as to undermine the very purpose of that ordinance.

Due to the foregoing circumstances, there is a current and immediate threat to the public health, safety, and welfare. Therefore, it is necessary for the preservation of the public peace, health, safety and welfare that this ordinance take effect immediately. This ordinance is an interim ordinance and shall expire in one year after the adoption thereof.

This is an interim measure, adopted pursuant to the authorization of State law in order to maintain the status quo pending the completion of the studies and adoption of amended zoning regulations, or sooner. It is not a final disposition as to development of any particular parcel of property within the City.

PASSED, APPROVED and ADOPTED this 13th day of November, 2001, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTEST

APPROVED AS TO FORM

CITY CLERK

CITY ATTORNEY