

September 1, 2004

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
October 12, 2004**

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

Recommendation:

That the City Council waive further reading and adopt the attached ordinance.

Background:

The subject code sections require corrections due to errors made during the text amendment process. On July 27, 1999 the City Council approved a change to the M-1 permitted use list (Ordinance No. 99-1193) eliminating storage and mini-storage uses and including conditional use permits for certain manufacturing uses. In a completely separate action, 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. When Ordinance No. 02-1221 was adopted to change the M-1 permitted uses only to add parking lots and structures, these 1999 amendments regarding storage and mini-storage uses and conditional use permit requirements for certain manufacturing uses were inadvertently not included in the final adopted ordinance.

Changes to parking regulations were also approved in Ordinance No. 02-1221 to allow non-required parking to be located off-site and the Council considered and rejected adding leased parking as an option for providing required parking off-site. Following the hearing, the wording from the draft ordinance was inadvertently used in the final ordinance. The proposed text amendment will correct the errors that occurred with adoption of Ordinance No. 02-1221.

The current code incorrectly includes the option for leased parking and also incorrectly shows storage and mini-storage on the M-1 permitted use list and will be corrected. Staff discovered the errors while reviewing two project proposals. No project has been approved on the basis of the incorrect code provisions and 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

Concur:

Steve Burrell,
City Manager

Attachments:

1. Ordinance

M-1textamendcorrection

ORDINANCE NO. 04-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CORRECTING ERRORS MADE IN THE ADOPTION OF ORDINANCE NO. 02-1221, AMENDING SECTION 17.44.090 -TO REMOVE LEASED OFF-SITE PARKING AS AN OPTION FOR REQUIRED PARKING, AND AMENDING SECTION 17.28.020 – TO REMOVE STORAGE AND MINI-STORAGE AS PERMITTED USES, AND TO REQUIRE CONDITIONAL USE PERMITS FOR CERTAIN MANUFACTURING USES IN THE M-1 ZONE.

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

Section 1. The City Council held a duly noticed public hearing on October 12, 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 the errors 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 regarding off-site parking and determined that providing leased off-site parking creates problems relative to enforcement of parking regulations.
2. The City Council previously adopted Ordinance 99-1193 which established a new M-1 permitted use list which did not include storage and mini-storage uses as permitted uses, determining that it would help maintain suitable locations for manufacturing uses, and also included conditional use permits for certain uses. When Ordinance No. 02-1221 was adopted to change the M-1 permitted use only to add parking lots and structures to the M-1 permitted use and no other changes, these 1999 amendments regarding storage and mini-storage uses, and conditional use permit requirements for certain manufacturing uses were inadvertently not included in the final adopted ordinance.
3. The proposed text amendment will correct the errors, which occurred with adoption of Ordinance No. 02-1221.
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 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 use (listed below), not exceeding twenty-five percent of the gross floor area	P	
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 Body repair and painting 	U U	Chapter 17.40 Chapter 17.40
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials: <ul style="list-style-type: none"> Coated, plated and engraved metal products Die cut paper, paperboard, cardboard Machinery Equipment and supplies Surfboards 	U	Chapter 17.40
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials <ul style="list-style-type: none"> Apparel Audio/Visual products Awnings Bakery Products Communications Equipment Confectionery and related products Electronic components, computers, and accessories Electric lighting and wiring equipment 	P	

USE		See Section
Stone and cut stone products Furniture and fixtures Glass products Household tools and hardware Jewelry, silverware, and plated ware Luggage 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 (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 12th day of October, 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