

October 18, 2005

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

**Regular Meeting of  
October 25, 2005**

SUBJECT: REVISIONS TO NONCONFORMING ORDINANCE, CHAPTER 17.52 - MUNICIPAL CODE

**Recommendation:**

That the City Council introduce the attached ordinance to amend Chapter 17.52 of the Zoning Ordinance.

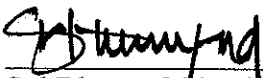
**Background:**


On October 11, 2005, the City Council reviewed the draft amendments to the Nonconforming Ordinance and recommended the following:

- A 5,000 sq. ft. limitation on expansion per lot.
- Basements are not to be included in the expansion calculation.
- Additional parking to be required for expansion of more than two units.
- Allow reduced garage depth minimum of 17' - 6".
- Distinguish owner-occupied from rental units in relaxed regulations.
- Require structural engineering report for removal of any nonconforming parts of building.

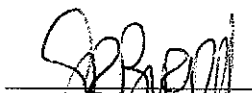
**Analysis:**

The purpose of the present agenda item is to review the proposed revisions and to adopt the attached ordinance. The City Council recommendations are shown in shaded text on the attached draft ordinance. The City Council was concerned with limiting the maximum amount of nonconforming expansions on a lot and adding more restrictive parking requirements for projects that contained more than two dwelling units with the intent of providing incentives for building rehabilitation primarily for owner occupied dwelling units. The proposed revisions achieve these objectives by limiting the total amount of expansion to 3,000 sq. ft. per unit and limiting the overall amount of expansion per lot to 5,000 sq. ft.. Further, the parking break of one space per 500 sq. ft. of expansion that was recommended in the prior draft amendment has been limited to two or less units. Other recommendations reviewed at the prior Council meeting are incorporated in the current draft amendment.

  
\_\_\_\_\_  
Sol Blumenfeld, Director  
Community Development Department

  
Ken Robertson,  
Senior Planner

Concur:

  
\_\_\_\_\_  
Stephen R. Burrell,  
City Manager

**Attachments:**

1. Ordinance

P:/NonconfOrdRev2

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA, AMENDING THE ZONING ORDINANCE  
PERTAINING TO EXPANDING AND REMODELING  
NONCONFORMING BUILDINGS AND USES (CHAPTER 17.52)  
AND BUILDINGS THAT ARE NONCONFORMING TO PARKING  
REQUIREMENTS AND AMENDING THE HERMOSA BEACH  
MUNICIPAL CODE

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. The Planning Commission held a duly noticed public hearings on January 18, June 21, and July 19, 2005, and recommended amending the Zoning Ordinance to modify certain provisions 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. The City Council held a duly noticed public hearing on October 11, 2005, to consider the Planning Commission recommendation to amend the Zoning Ordinance, Chapter 17.52, regarding nonconforming building and uses, and the related section 17.44.040 pertaining to buildings nonconforming to parking requirements.

Section 3. 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 proposed modifications to the text may have a significant effect on the environment.

Section 4 The City Council finds that the amendments to the Zoning Ordinance contained herein are consistent with the Hermosa Beach General Plan in that the proposed amendments modify and clarify the provisions that pertain to the allowed remodeling and expansions to existing nonconforming uses and buildings, which will continue to encourage the maintenance and improvement of the existing housing stock, and conservation of the existing character of neighborhoods, consistent policies of the Housing Element and the objectives of the Land Use Element.

Section 5. Section 17.52.010 of Title 17, Chapter 17.52 of the Hermosa Beach Municipal Code is amended to read 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;

- 1 B. To encourage restoration and maintenance of ~~historical~~ existing residential buildings;
- 2 C. To limit expansion of nonconforming buildings and uses that are deficient as to encourage the  
3 use of the ordinance to meet current and future minimum standards of parking, open space,  
4 setbacks, height, etc., or significantly exceed residential density requirements.
- 5 ~~D. To limit remodeling and expansion of buildings which by current standards are exceptionally~~  
6 ~~undersized, dilapidated, significantly over dense, or do not meet minimal standards for~~  
7 ~~parking and setback.~~

8 Section 6. Section 17.52.020 of Title 17, Chapter 17.52 of the Hermosa Beach Municipal  
9 Code is amended by amending the final paragraph thereof to read as follows:

10 "Routine maintenance and repairs, enlargement of window and door openings, repairs and/or  
11 replacement to plumbing, electrical wiring ~~and that required by law or~~ and similar work as  
12 ~~determined by the community development director,~~ shall not be considered structural alterations  
13 within the meaning of this Chapter, and may be performed on a nonconforming structures and  
14 buildings containing nonconforming uses."

15 Section 7. Section 17.52.030 of Title 17, Chapter 17.52 of the Hermosa Beach Municipal  
16 Code is amended to read as follows:

17 **"17.52.030 Expansion, remodeling and alteration.**

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

20 A. Buildings Containing Nonconforming Uses.

21 1. Structural removal allowed:

- 22 a. Portions of the structure that currently conform to the provisions of this Title  
23 may be removed and replaced, as long as the foundation and floor systems  
24 remain intact.
- 25 b. Any existing nonconforming portions of the structure (e.g. a wall  
26 nonconforming to a yard requirement, or a roof non-conforming to height  
27 requirements) may be partially modified or altered only to the extent  
28 determined necessary by a certified structural engineer but shall not be  
29 completely removed and replaced, and if completely removed must be brought  
into compliance with current requirements.
- 30 ~~a. Roofs may be removed to add additional stories;~~
- 31 ~~b. Up to ten (10) percent existing linear feet of exterior walls and ten (10) percent~~  
32 ~~of floor area;~~
- 33 ~~c. Planning commission approval required to remove more than specified above.~~

34 2. Expansion/alteration allowed:

- 1 a. Maximum of fifty (50) percent expansion/remodel in floor area of the existing  
2 building(s) on the building site ~~of the current replacement cost of the existing~~  
3 building(s) excluding any expansion that has occurred after that existed prior to  
4 October 26, 1989, provided that for residential uses the expansion does not  
5 result in greater than 3,000 square feet of floor area for each dwelling unit  
6 and/or 5,000 square feet of floor area for the building site. ~~The percentage~~  
7 ~~increase in floor area shall be calculated by comparing the existing floor area~~  
8 ~~(excluding any expansion that occurred after October 26, 1989), against the~~  
9 ~~proposed increased floor area excluding garages, accessory structures,~~  
10 ~~basements that are completely below grade, and balconies or decks.~~  
11 ~~(Replacement cost based on building valuation data provided by the~~  
12 ~~International Conference of Building Officials (ICBO), with remodeling~~  
13 ~~computed at fifty (50) percent of the value for new construction);~~
- 14 b. Expansion not permitted if residential density exceeds forty-five (45) units per  
15 acre;
- 16 c. Expansion shall ~~must~~ conform to current codes (except existing building walls  
17 with deficient nonconforming side yards may be extended if within ten percent  
18 of current side yard standard may be continued and extended as part of the  
19 addition to the building)
- 20 d. For buildings nonconforming to current parking requirements of Chapter 17.44  
21 pertaining to off-street parking, refer to Section 17.52.235 Section 17.44.140 ;
- 22 e. ~~Any garage expansion for parking shall not be included in the allowed~~  
23 ~~expansion.~~

24 B. Nonconforming Buildings.

25 1. Structural removal allowed:

- 26 a. Portions of the structure that currently conform to the provisions of this Title  
27 may be removed and replaced, as long as the foundation and floor system  
28 remain intact.
- 29 b. Any existing nonconforming portions of the structure (e.g. a wall  
30 nonconforming to a yard requirement, or a roof non-conforming to height  
31 requirements) may be partially modified or altered only to the extent  
32 determined necessary by a certified structural engineer but shall not be  
33 completely removed and replaced, and if completely removed must be brought  
34 into compliance with current requirements.
- 35 a. ~~Roofs may be removed to add additional stories;~~
- 36 b. ~~Up to thirty (30) percent existing linear feet of exterior walls and thirty (30)~~  
37 ~~percent of floor area;~~
- 38 c. ~~Planning commission approval required to remove more than specified above.~~

2. Expansion/remodel allowed:

- a. Maximum of 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 that for residential uses the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit and/or 5,000 square feet of floor area for the building site. Greater than fifty (50) percent up to one hundred (100) percent requires planning commission approval. The percentage increase in floor area shall be calculated by comparing the existing floor area (excluding any expansion that occurred after October 26, 1989), against the proposed increased floor area excluding garages, accessory structures, basements that are completely below grade, 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 building walls with deficient nonconforming side yards may be extended if within ten percent of the current side yard standard may be continued and extended as part of the addition to the building, 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 building walls with nonconforming side yards may be continued and extended as part of an addition 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.~~

e.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 100% increase in floor area 50% increase in replacement cost to existing buildings on the site.

Section 8. Title 17, Chapter 17.52 of the Hermosa Beach Municipal Code is amended by

adding thereto a new Section 17.52.035 to read as follows:

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

A. The following limitations on expansion apply to residential buildings on building sites containing two dwelling units or less that are nonconforming as to the number of parking spaces required on the building site, including guest parking spaces, 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 C. In the event of conflict between the limitation contained in this section and Section 17.52.030, the more restrictive shall apply.

1. Building site provides less than one parking space per unit: A maximum expansion of one hundred (100) square feet of floor area may be constructed; provided, however, that up to five hundred (500) square feet may be added if one or more parking spaces are added to an existing building, even if the resulting total is less than one parking space per unit.
2. Building site provides one or more but less than two parking spaces per unit: A maximum expansion of five hundred (500) square feet may be constructed.
3. Building site provides two or more parking spaces per unit but provides insufficient guest parking: An expansion as allowed by Section 17.52.030

B. Building sites containing three or more dwelling units shall not be expanded in floor area unless the site provides two parking spaces per unit plus one guest space for every two units.

C. 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 17 feet 6 inches (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 the minimum required parking spaces meeting at least the criteria contain in this exception and have no other nonconforming conditions shall be considered conforming buildings and are not subject to the expansion limitations of this chapter.

D. Nonresidential buildings in a C or M zone nonconforming as to parking may be expanded only if applicable parking requirements for the amount of the expansion area are satisfied.

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

7 Section 9. Section 17.44.140 of Title 17, Chapter 17.52 of the Hermosa Beach Municipal  
8 Code is amended to read as follows:

9 **“17.44.140 Requirements for new and existing construction.**

10 ~~A. For every residential dwelling~~ Parking spaces shall be provided, permanently  
11 maintained and available for every building hereafter erected, parking spaces shall be provided,  
12 permanently maintained and permanently available as set forth in Section 17.44.020, in  
13 compliance with this Chapter 17.44.”

14 Section 10. This ordinance shall become effective and be in full force and effect from and  
15 after thirty (30) days of its final passage and adoption.

16 Section 11. Prior to the expiration of fifteen (15) days after the date of its adoption, the City  
17 Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general  
18 circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

19 Section 12. The City Clerk shall certify to the passage and adoption of this ordinance, shall  
20 enter the same in the book of original ordinances of said city, and shall make minutes of the passage  
21 and adoption thereof in the records of the proceedings of the City Council at which the same is passed  
22 and adopted.

23 **PASSED, APPROVED and ADOPTED** this      day of      , 2005, by the following vote:

24 AYES:

25 NOES:

26 ABSTAIN:

27 ABSENT:

28 \_\_\_\_\_  
29 PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

30 ATTEST: \_\_\_\_\_ APPROVED AS TO FORM: \_\_\_\_\_  
31 City Clerk City Attorney

32 \_\_\_\_\_  
33 Date