

November 30, 2005

City Council Meeting
December 13, 2005

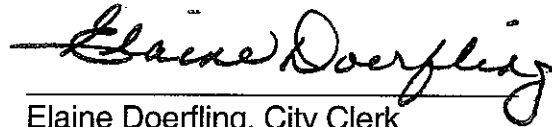
Mayor and Members
of the City Council

ORDINANCE NO. 05-1257 - "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."

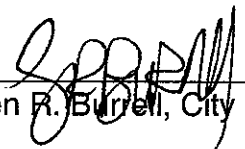
Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 05-1257** relating to the above subject.

At the meeting of November 22, 2005, the ordinance was presented to the City Council for consideration, was amended, and then introduced by the following vote:

AYES:	Edgerton, Keegan, Reviczky, Mayor Tucker
NOES:	None
ABSENT:	Yoon
ABSTAIN:	None


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

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ORDINANCE NO. 05-1257

**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, October 25, and November 22, 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:

1 **“17.52.010 General Goals**

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

4 A. To allow buildings, whether they are occupied by a nonconforming use or
5 nonconforming to zoning standards, to remain and be maintained, and to allow limited alteration
6 and expansion of said buildings when certain criteria are met and to encourage such alteration and
7 expansions to incorporate architectural consistency within the project;

8 B. To encourage restoration and maintenance of existing residential buildings;

9 C. To limit expansion of nonconforming buildings and uses that are deficient as to
10 parking, or significantly exceed residential density requirements.

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

13 “Routine maintenance and repairs, repairs and/or replacement to plumbing, electrical
14 wiring and similar work, shall not be considered structural alterations within the meaning of this
15 Chapter, and may be performed on a nonconforming structures and buildings containing
16 nonconforming uses.”

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

19 **“17.52.030 Expansion, remodeling and alteration.**

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

22 A. Buildings Containing Nonconforming Uses.

23 1. Structural removal allowed:

24 a. Portions of the structure that currently conform to the
25 provisions of this Title may be removed and replaced, as
26 long as the foundation and floor systems remain intact.

27 b. Any existing nonconforming portions of the structure (e.g. a
28 wall nonconforming to a yard requirement, or a roof non-

1 conforming to height requirements) may be partially
2 modified or altered only to the extent necessary to satisfy the
3 Uniform Building Code as recommended by a certified
4 structural engineer but shall not be completely removed and
5 replaced, and if completely removed must be brought into
6 compliance with current requirements.

7 2. Expansion allowed:

- 8 a. Maximum of fifty (50) percent expansion in floor area of the
9 existing building(s) on the building site that existed prior to
10 October 26, 1989, provided that for residential uses the
11 expansion does not result in greater than 3,000 square feet of
12 floor area for each dwelling unit but in no event exceeds
13 5,000 square feet of total floor area for the building site. The
14 percentage increase in floor area shall be calculated by
15 comparing the existing floor area (excluding any expansion
16 that occurred after October 26, 1989), against the proposed
17 increased floor area excluding garages, accessory structures,
18 basements that are completely below grade, and balconies or
19 decks.
- 20 b. Expansion not permitted if residential density exceeds forty-
21 five (45) units per acre.
- 22 c. For buildings nonconforming to current parking
23 requirements of Chapter 17.44 pertaining to off-street
24 parking, refer to Section 17.52.035.

25 B. Nonconforming Buildings.

26 1. Structural removal allowed:

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- a. Portions of the structure that currently conform to the provisions of this Title 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 nonconforming to height requirements) may be partially modified or altered only to the extent necessary to satisfy the Uniform Building Code as recommended by a certified structural engineer but shall not be completely removed and replaced, and if completely removed must be brought into compliance with current requirements.

2. Expansion allowed:

- a. Maximum of one hundred (100) percent expansion in floor area of the existing building(s) on the building site 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 but in no event exceeds 5,000 square feet of total floor area for the building site. 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.
- b. Expansion shall conform to current codes.
- c. For buildings nonconforming to current parking requirements of Chapter 17.44 pertaining to off-street parking, refer to Section 17.52.035.

1 d. Existing nonconforming stairways: Existing nonconforming
2 stairways that encroach into required yard areas and that
3 provide legally required access to legal dwelling units, may
4 be fully reconstructed if beyond repair, provided no other
5 reasonable location is available that does not require major
6 reconfiguration or alteration of the structure. Said stairways,
7 if reconstructed or replaced to allow continued access to the
8 dwelling unit, shall be constructed in conformance with
9 Chapter 34 of the Uniform Building Code; shall be
10 constructed of non-combustible materials; shall conform to
11 handrail, guardrail, tread depth, and riser requirements; and,
12 shall not contain storage areas below. No replacement of said
13 stairways shall be allowed in conjunction with an expansion
14 and/or remodel project that exceeds a 100% increase in floor
15 area.”

16 **SECTION 8.** Title 17, Chapter 17.52 of the Hermosa Beach Municipal Code is amended
17 by adding thereto a new Section 17.52.035 to read as follows:

18 **“17.52.035 Requirements for buildings nonconforming to parking requirements**

19 A. The following limitations on expansion apply to residential buildings on building
20 sites containing two dwelling units or less that are nonconforming as to the number of parking
21 spaces required on the building site, including guest parking spaces, based on the number of
22 parking spaces available that meet all the requirements of Chapter 17.44, or that meet the
23 exceptions of sub-section B. In the event of conflict between the limitation contained in this
24 section and Section 17.52.030, the more restrictive shall apply.

- 25 1. Building site provides less than one parking space per unit: A maximum
26 expansion of one hundred (100) square feet of floor area may be
27 constructed; provided, however, that up to five hundred (500) square feet
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1 may be added if one or more parking spaces are added to the building site,
2 even if the resulting total is less than one parking space per unit.

3 2. Building site provides one or more but less than two parking spaces per
4 unit: A maximum expansion of five hundred (500) square feet may be
5 constructed.

6 3. Building site provides two or more parking spaces per unit but provides
7 insufficient guest parking: An expansion as allowed by Section 17.52.030

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

- 13 • Length: Minimum 17 feet 6 inches (inside measurement)
- 14 • Turning Radius: Minimum 20 feet (measured from far side of alley or street)
- 15 • Driveway Width: Minimum 8 feet
- 16 • Driveway Slope: Maximum 15%
- 17 • Alley or Street Setback: As necessary to provide a 20-foot turning radius

18 Residential buildings that have the minimum required parking spaces meeting at least the
19 criteria contain in this exception and have no other nonconforming conditions shall be considered
20 conforming buildings and are not subject to the expansion limitations of this chapter.

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

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

27 E. When the use of an existing commercial, manufacturing or other non-residential
28 building or structure is changed to a more intense use with a higher parking requirement the

1 requirement for additional parking shall be calculated as the difference between the required
2 parking as stated in Section 17.44.030 for that particular use as compared to the requirement for
3 the existing or previous use, which shall be met prior to occupying the building unless otherwise
4 specified in Chapter 17.44.”

5 **SECTION 9.** Section 17.44.140 of Title 17, Chapter 17.52 of the Hermosa Beach
6 Municipal Code is amended to read as follows:

7 **“17.44.140 Requirements for new construction.**

8 Parking spaces shall be provided, permanently maintained and available for every
9 building hereafter erected in compliance with this Chapter 17.44.”

10 **SECTION 10.** This Ordinance shall become effective and be in full force and effect from
11 and after thirty (30) days of its final passage and adoption.

12 **SECTION 11.** Prior to the expiration of fifteen (15) days after the date of its adoption, the
13 City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of
14 general circulation published and circulated, in the City of Hermosa Beach in the manner provided
15 by law.

16 **SECTION 12.** The City Clerk shall certify to the passage and adoption of this Ordinance,
17 shall enter the same in the book of original Ordinances of said city, and shall make minutes of the
18 passage and adoption thereof in the records of the proceedings of the City Council at which the
19 same is passed and adopted.

20 **PASSED, APPROVED and ADOPTED** this 13th of December 2005 by the following vote:

21 AYES: Edgerton, Keegan, Reviczky, Mayor Tucker
22 NOES: None
23 ABSENT: Yoon
24 ABSTAIN: None

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

26 ATTEST:

APPROVED AS TO FORM:

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28 _____
City Clerk

City Attorney