

December 27, 2005

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

**Regular Meeting of
January 10, 2006**

SUBJECT: RESOLUTION TO EXEMPT NONCONFORMING REMODEL PERMIT APPLICATIONS IN
THE PIPELINE FROM THE NEW NONCONFORMING ORDINANCE - CHAPTER 17.52 -
MUNICIPAL CODE

Recommendation:

That the City Council approve the attached resolution to exempt from the new Nonconforming Ordinance those nonconforming remodel applications that were in the plan review process prior to the adoption date of the revised Nonconforming Ordinance.

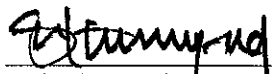
Background:

On December 13, 2005, the City Council approved revisions to the Nonconforming Ordinance. The effective date of the Ordinance is January 13, 2006. Prior to final adoption of the ordinance, there were 13 affected nonconforming remodel projects in the plan review stage of the building permit process, two of which were submitted for Planning Commission review and four ready to receive building permits. (Please see attached list.)

Analysis:

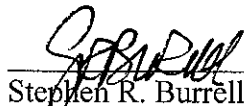
The purpose of the present agenda item is to approve a resolution allowing certain nonconforming remodel projects to proceed with permits under the existing Nonconforming Ordinance because the plans were prepared and submitted to the City prior to adoption of the recent Ordinance amendments. The projects with current plan submittals and building permit applications were submitted several months ago and are now well into the plan approval process. Unless a project is vested, it must conform to the new Ordinance. In order for a project to be vested it must have received a building permit. Since many of the subject projects are well into plan review, but have not received building permits, they must conform to the new Ordinance. However, it seems unfair to penalize property owners after they have prepared plans in good faith based upon the requirements of the original Nonconforming Ordinance in effect at the time of plan submittal. The City Attorney has advised that the City Council may, as an alternative, choose to adopt a resolution exempting all projects with applications for Planning Commission hearing deemed to be complete prior to December 13, 2005 or projects with building permit applications on file by that date from the new nonconforming regulations.

Therefore, staff recommends that the City Council approve the attached resolution exempting projects with current building permit applications or Planning Commission hearing applications on file prior to December 13, 2005 from the new Nonconforming Ordinance. The resolution stipulates that these projects must receive a building permit by June 13, 2006 or conform thereafter to the amended Ordinance similar to all other nonconforming remodels submitted after the effective date of the Ordinance.



Sol Blumenfeld, Director
Community Development Department

Concur:



Stephen R. Burrell,
City Manager

Attachments:

1. Resolution
2. List of Current Projects

RESOLUTION NO. -

**A RESOLUTION TO EXEMPT NONCONFORMING REMODEL
PROJECTS IN THE PLAN REVIEW PROCESS FROM THE
AMENDMENTS TO THE NONCONFORMING ORDINANCE**

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

Section 1. On December 13, 2005, the City Council adopted Ordinance No. 05-1257 amending Chapter 17.52 of the Municipal Code, regarding expanding and remodeling nonconforming buildings. Since the Ordinance goes into effect on January 13, 2006, it will impact some nonconforming remodel projects that have already been submitted for building permits, or which have been approved or are subject to review by the Planning Commission.

Section 2. The City Council hereby determines that nonconforming remodel projects with current building permit applications, or Planning Commission hearing applications on file deemed complete, which were submitted to the City before December 13, 2005 shall be exempt from the amendments of Ordinance No. 05-1257 and shall be reviewed under the terms of Chapter 17.52 of the Municipal Code in effect prior to December 13, 2005, provided, that building permits for said projects are obtained by June 13, 2006. If building permits are not obtained by June 13, 2006, the project shall comply with the provisions of Ordinance No. 05-1257.

PASSED, APPROVED, and ADOPTED this 10th day of January, 2006

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

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

No.	Permit #	Site Address	Description	Date Submitted
1	B04-220	1934 AVA AV	ADDITION TO EXISTING SFR @ 1832 SQ FT	05/06/04
2	B05-060	2138 LOMA	ADDITION & REMODEL	01/31/05
3	B05-151	2534 PALM DR	ADDITION & REMODEL	03/10/05
4	B05-153	2055 CIRCLE DR	2ND STORY ADD (646 SQ FT HABITABLE & 670 SQ FT DECK) TO EXISTING SFR	03/14/05
5	B05-220	441 GOULD AV	DECK ADDITION OF 218 SQ FT TO EXISTING	04/06/05
6	B05-244	319 HOLLOWELL	ADDITION 626 SQ FT & REMODEL 138 SQ FT TO EXISTING SFR	04/13/05
7	B05-383	1121 2ND ST	NEW BASEMENT ADDITION 773 SQ FT OF LIVEABLE SPACE	06/06/05
8	B05-645	2930 THE STRAND	NON CONFORMING ADDITION & REMODEL	09/01/05
9	B05-681	219 2ND ST	ADDITION & REMODEL	09/21/05
10	B05-697	902 15TH PL	ADD BASEMENT AND 2 LEVELS (STORY) AND REMODEL EXISTING	09/27/05
11	B05-714	216 LYNDON ST	REMODEL 467 SQ FT ENCLOSED EXISTING DECK & 55 SQ FT GARAGE AREAS TO EXISTING SFR	10/04/05
12		126 34TH ST	1369 SQ FT ADDITION TO SFR (PLANNING COMMISSION)	09/19/2005
13	B05-176	1712 THE STRAND	CONVERT DECK AND REMODEL 2 STORY SFR	03/22/2005