

June 27, 2006

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

**Regular Meeting of
July 11, 2006**

SUBJECT: STATUS REPORT - IMPLEMENTATION OF NONCONFORMING ORDINANCE

Recommendation:

That the City Council receive and file this report.

Background & Analysis:

Over the last year, the City completed revisions to the Nonconforming Ordinance that guides the extent of remodel for buildings and uses nonconforming to the City's zoning regulations. A new ordinance, was adopted by City Council on December 13, 2005 and took effect on January 13, 2006. The new regulations greatly simplify the law relative to building demolition and eliminate the need for Planning Commission review of nonconforming residential projects. The Council directed staff to return with a status report six months after implementation of the Ordinance. The highlights of the new nonconforming building regulations are:

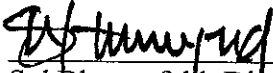
- 100 sq. ft. expansion allowed with no on-site parking.
- 500 sq. ft. expansion allowed with 1 parking space or added parking.
- Up to 100% expansion to a maximum of 3,000 sq. ft. per unit, 5,000 sq. ft. per lot with 2 parking spaces per unit to a maximum of 2 units.
- Expansion limitations per above with 2 parking spaces but insufficient guest parking.
- Elimination of the exemption allowing continued use and extension of walls within 10% of the side yard requirement.

The new Ordinance also eliminates the prior confusing method of calculating the extent of remodel and eliminates the limitations on the amount of removal, so long as the nonconforming condition is left in tact and the existing floor system remains. Nonconforming uses have similar thresholds for parking, expansion and demolition.

In order to ensure the timely and fair implementation of this new law, the City set a six month deadline of June 13, 2006 to complete plan check and permit issuance for nonconforming remodel projects designed under the original Ordinance. All projects currently in the pipeline for building permits have been allowed to continue through the plan check process under the original provisions of the Ordinance. Any new project submitted after the effective date of the Ordinance must conform to the new law. All outstanding projects have been permitted and all new projects have been checked for conformance with the new law.


To date 10 projects have been reviewed under the new provisions of the Nonconforming Ordinance. There have been no problems with interpreting project expansions and the public and design professionals have generally expressed their satisfaction with the Ordinance. One design professional expressed concern regarding the elimination of the exemption allowing 10% side yard width nonconformities to be maintained and extended because so many older structures were constructed before to the use of precise surveying methods. For second story

additions, this regulation causes owners to step the building back to conform to current side yard requirements and requires major structural work to carry second floor loads, affecting the look and costs associated with remodeling projects.



Sol Blumenfeld, Director
Community Development

Concur:



Stephen R. Burrell,
City Manager

Nonconforming Regs1