

December 4, 2006

City Council Meeting
December 12, 2006

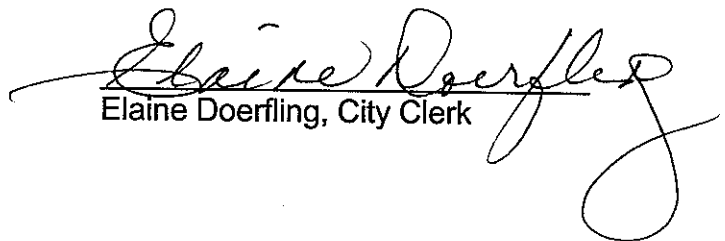
Mayor and Members
of the City Council

ORDINANCE NO. 06-1276 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE HERMOSA BEACH MUNICIPAL CODE, TITLE 17 – ZONING, PERTAINING TO RECONSTRUCTION OF NONCONFORMING BUILDINGS."

Submitted for **waiver of full reading and adoption** is Ordinance No. 06-1276, relating to the above subject.

At the meeting of November 28, 2006, the ordinance was presented to the City Council for consideration and was amended at the end of the first paragraph under both "A. Residential Building" and "B. Commercial/Industrial Buildings" to read "...as long as the cause of the destruction is not intentionally perpetrated by the owner and..." The ordinance, as amended, was then introduced by the following vote:

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


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

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ORDINANCE 06-1276

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE HERMOSA BEACH MUNICIPAL CODE, TITLE 17 - ZONING, PERTAINING TO RECONSTRUCTION OF NONCONFORMING BUILDINGS

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

SECTION 1. The Planning Commission held a duly noticed public hearing on October 17, 2006, and recommended amending the Zoning Ordinance with respect to reconstruction of nonconforming buildings.

SECTION 2. The City Council held a duly noticed public hearing on November 28, 2006, to consider the recommendation of the Planning Commission to amend the Municipal Code pertaining to reconstruction of nonconforming buildings.

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 reconstruction of nonconforming buildings, which will allow reconstruction of damage buildings in order to preserve the existing character of neighborhoods, consistent with the policies of the Land Use Element.

SECTION 5. Hermosa Beach Municipal Code; Title 17-Zoning; Chapter 17.52, Nonconforming Buildings and Uses; Section 17.52.070 is hereby amended to read as follows:
17.52.070 Reconstruction of a damaged nonconforming building.

A. Residential buildings

A nonconforming residential building damaged by fire, explosion or other casualty or act of God, or the public enemy, may be restored to its pre-damaged condition and the occupancy or use of such building or part thereof which existed at the time of such destruction may be continued

1 as long as the cause of the destruction is not intentionally perpetrated by the owner and provided
2 that:

- 3 1. The rebuilt structure conforms as closely as possible to current parking and other
4 zoning standards (such as setbacks);
- 5 2. There is no increase in any nonconformity;
- 6 3. The density of the buildings or buildings on site does not exceed forty-five (45)
7 units per acre;
- 8 4. The height of the building or buildings does not exceed twenty (20) percent more
9 than permitted by the zone in which it is located;
- 10 5. The basic structural features, setbacks, floor area, and room sizes can be duplicated
11 in compliance with current building and safety codes;

12 Should the restoration deviate in any respect from the pre-damaged condition of the
13 building, any such deviation shall conform in all respects with the current requirements of this
14 title.

15 B. Commercial/Industrial Buildings

16 A nonconforming commercial or industrial building located in the commercial or
17 manufacturing zones damaged by fire, explosion or other casualty or act of God, or the public
18 enemy, may be restored to its pre-damaged condition and the occupancy or use of such building or
19 part thereof which existed at the time of such destruction may be continued as long as the cause of
20 the destruction is not intentionally perpetrated by the owner and provided that:

- 21 1. The rebuilt structure does not exceed the gross floor area and footprint of the
22 building prior to damage or destruction;
- 23 2. There is no increase in the occupant load of the building or of any nonconforming
24 condition;
- 25 3. The damaged building can be duplicated to its pre-damaged condition in
26 compliance with current building and safety codes;
- 27 4. Reconstruction includes installation of a fully code complying fire sprinkler system.

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1 Should the restoration deviate in any respect from the pre-damaged condition of the
2 building, any such deviation shall conform in all respects with the current requirements of this
3 title.

4 C. If damage to structures is so widespread throughout the city due to a major emergency
5 (such as an earthquake or citywide fire) that the city council or other government authority
6 declares a state of emergency, this section will be superseded by any action of the city council
7 taken at that time in regards to reconstruction of damaged buildings.

8 **SECTION 6.** This ordinance shall become effective and be in full force and effect from and
9 after thirty (30) days of its final passage and adoption.

10 **SECTION 7.** Prior to the expiration of fifteen (15) days after the date of its adoption, the
11 City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of
12 general circulation published and circulated, in the City of Hermosa Beach in the manner provided
13 by law.

14 **SECTION 8.** The City Clerk shall certify to the passage and adoption of this ordinance,
15 shall enter the same in the book of original ordinances of said city, and shall make minutes of the
16 passage and adoption thereof in the records of the proceedings of the City Council at which the
17 same is passed and adopted.

18 **PASSED, APPROVED and ADOPTED** this 12th day of December 2006, by the
19 following vote:

20 AYES:
21 NOES:
22 ABSTAIN:
23 ABSENT:

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

26 **ATTEST:**

APPROVED AS TO FORM:

27 _____
28 City Clerk

City Attorney