

March 20, 2007

City Council Meeting
March 27, 2007

Mayor and Members
of the City Council

ORDINANCE NO. 07-1280 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE SUBDIVISION ORDINANCE PERTAINING TO MERGER OF PARCELS (CHAPTER 16.20) AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE."

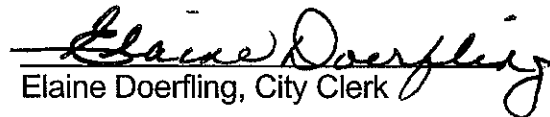
The Ordinance presented to the Council was amended at the March 13 Council meeting as follows:

1. Section 5, paragraph 2, at the end of the definition of "block," add "not including an alley."
2. Section 5, paragraph 3, 16.20.030.D. after the word "larger" in the second to last line, add "and fewer in number."

Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 07-1280** relating to the above subject.

At the meeting of March 13, 2007, the Ordinance was presented to the City Council for consideration and introduced by the following vote:

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


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

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ORDINANCE NO. 07-1280

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
AMENDING THE SUBDIVISION ORDINANCE PERTAINING TO
MERGER OF PARCELS (CHAPTER 16.20) AND AMENDING THE
HERMOSA BEACH MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Planning Commission held duly noticed public hearings on January 16, and February 20, 2007, to consider amendments to the Municipal Code pertaining to the merger of parcels.

SECTION 2. The City Council held a duly noticed public hearing on February 27, 2007, to consider the recommendation of the Planning Commission to amend the Municipal Code pertaining to the merger of parcels.

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 Subdivision 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 merger of parcels, which will continue to preserve the existing character of neighborhoods, consistent with the policies of the Land Use Element.

SECTION 5. The Municipal Code is hereby amended as follows:

1. Amend of Title 17, Chapter 17.04 of the Hermosa Beach Municipal Code to delete the following sections:

- a. Section 17.04.040, sub-section 2 under the definition of "block."
- b. Section 17.46.210
- c. Section 17.46.220

1 d. Section 17.46.230

2 2. Amend Section 16.04.010 of Title 16, Chapter 16.04 of the Hermosa Beach
3 Municipal Code to add the following definition in alphabetical order:

4 "Block: Where the need for determination regarding lot merger under Section
5 16.20.030 occurs, the term "block" shall mean both sides of a street within the same zoning district
6 uninterrupted by an intersecting or intercepting street (not including an alley)."

7 3. Amend sections 16.20.020 through 16.20.120 of Title 16, Chapter 16.20 to read as
8 follows:

9 "16.20. 020 **Applicability.**

10 A. The provisions set forth in this chapter for the merger of parcels shall be applicable
11 to two or more contiguous parcels of land held by the same owner in the R-1 zone where:

- 12 1. The parcels were created under the provisions of this code regulating
13 subdivisions or any prior state law or ordinance regulating the division of
14 land or were not subject to any prior law regulating the division of land;
- 15 2. At least one of the contiguous parcels or units of land does not conform to
16 standards for minimum parcel size to permit use or development under the
17 city's zoning and/or subdivision ordinance.

18 **16.20.030 Requirements for merger.**

19 A. Any two or more contiguous parcels or units of land held by the same owner which
20 are subject to the merger provisions set forth as provided in Section 16.20.020 may be merged if
21 the following requirements are satisfied:

- 22 1. The main structure is partially sited on the contiguous parcels; and
- 23 2. The parcels are located in the R-1 zone as designated on the official Zoning
24 Map of the City; and,
- 25 3. With respect to at least one of the affected parcels, one or more of the
26 following conditions exists:
 - 27 a. Comprises less than four thousand (4,000) square feet in area at the
28 time of the determination of merger;

- b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
- c. Does not meet current standards for sewage disposal and domestic water supply;
- d. Does not meet slope stability standards;
- e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
- f. Its development would create health or safety hazards;
- g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

B. If the substandard parcels under consideration for merger: i) are similar or greater in size and width to more than 80% of the separately identified L.A. County Tax Assessor's parcels fronting on the same block, inclusive of the subject parcel, or ii) consist of not more than two parcels with a combined square footage of at least 7,000 square feet, then the contiguous parcels shall not be merged unless, in view of the particular factual circumstances, the integrity of the neighborhood will be harmed if the parcels are allowed to be separately developed. Where the subject parcels are located on a block with 5 parcels or less, the 80% analysis will be applied on a neighborhood rather than a block basis. For purposes of this paragraph, a "neighborhood" is a grouping of similar uses within the same zoning district bounded by topographical or other physical features, arterials or collector streets or other characteristics that give it a separate and distinct identity.

C. The requirements set forth in Subsection A of this Section shall not be applicable if any of the conditions set forth in Section 66451.11(b)(A) through (E) of the California Government Code exist.

D. If the merger of parcels results in the creation of a parcel that is at least eight thousand (8,000) square feet in size, the planning commission and/or city council, with the consent of the property owner, may process a lot line adjustment to redivide the parcel into separate parcels that are at least four thousand (4,000) square feet in size. If a merger of three or more lots

1 results in the creation of a parcel of at least 7,000 square feet, but less than 8,000 square feet, the
2 Planning Commission and/or City Council may, in lieu of merger, approve a lot line adjustment if
3 the resulting lots are larger and fewer in number than the substandard lots and consistent in size
4 with the lots on the block or within the surrounding neighborhood.

5 **16.20.040 Determination of ownership.**

6 For purposes of determining whether contiguous parcels or units are held by the same owner,
7 ownership shall be determined as of the date that notice of intention to determine status is
8 recorded pursuant to Section 16.20.050.

9 **16.20.050 Notice of intention to determine status.**

10 Whenever the Director of Community Development has knowledge that real property may be
11 merged pursuant to the merger provisions of this chapter, he or she shall:

12 A. Mail by certified mail to the then current record owner of the property a notice of
13 the City's intention to determine whether the affected parcels should be merged pursuant to this
14 chapter. Such notice shall state that:

- 15 1. The affected parcels may be merged pursuant to the merger
16 provisions of Sections 16.20.010 through 16.20.100, inclusive, of this
17 chapter;
- 18 2. A hearing will be conducted before the Planning Commission regarding the
19 proposed merger, on a date specified in the notice, not less than thirty (30)
20 days time from the date of the notice; and
- 21 3. That the notice of intention to determine status was filed for recording with
22 the County Recorder's office on the same date such notice was mailed to the
23 property owner.

24 B. Record the notice of intention with the County Recorder's office on the same date
25 that the notice is mailed to the property owner.

26 **16.20.060 Hearing date, fee, presentation of evidence--Planning commission**
27 **determination.**

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1 A. The hearing shall be conducted on the date specified in the notice of intention, but
2 may be postponed or continued with the mutual consent of the Planning Commission and the
3 property owner. Notice of the hearing shall be given in accordance with Section 17.68.050.B of
4 this code, requiring notification to all property owners and residents within a 300-foot radius of the
5 subject property.

6 B. At the hearing, the property owner and any other interested party shall be given the
7 opportunity to present any evidence regarding the affected property's eligibility for merger
8 pursuant to Sections 16.20.020 and 16.20.030.

9 C. At the conclusion of the hearing, or at a meeting thereafter, the Planning
10 Commission shall by Resolution make a determination as to whether the affected parcels are to be
11 merged. A copy of the Resolution shall be delivered to the owner by certified mail.

12 **16.20.070 Waiver of Hearing**

13 Where the affected parcels cannot be separately developed under the provisions of the Building
14 Code or because one of the parcels has no legal access to a street or alley the property owner may
15 elect to waive the hearing provided for in Section 16.20.060 and consent to the merger. Upon
16 receipt of a written waiver and consent from the property owner, the Director of Community
17 Development shall record the notice of merger as provided in Section 16.20.090

18 **16.20.080 Appeal.**

19 A. The property owners or any interested person may appeal a decision of the Planning
20 Commission under this chapter within ten days of such decision, by filing an appeal with the City
21 Clerk of the City. No appeal fee is required. The appeal shall be scheduled for hearing before the
22 City Council within sixty (60) days of the filing of the appeal. Notice of the appeal shall be
23 provided in Section 17.68.050.B of this code. Upon conclusion of the hearing, the City Council
24 shall by Resolution make a determination as to whether the affected parcels are to be merged at a
25 time not later than the next regularly scheduled City Council meeting after the hearing is held. The
26 City Council may sustain, modify, or reject or overrule any recommendations or rulings of the
27 Planning Commission and may make such findings as are consistent with the provisions of this
28 chapter or the state Subdivision Map Act.

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2 B. All decisions of the Planning Commission regarding the merger or non-merger of
3 parcels shall be final, unless appealed from as prescribed in this section. In the event of an appeal,
4 the City Council's decision shall be final.

5 **16.20.090 Recordation of Decision.**

6 A. If the Planning Commission or City Council on appeal determines that the affected
7 parcels are merged, the Director of Community Development shall within thirty (30) days of the
8 adoption of the Resolution by the final decision making body file for record with the County
9 Recorder's office a notice of merger specifying the names of the record owners and particularly
10 describing the real property to be merged.

11 B. If the Planning Commission or City Council on appeal determines that the affected
12 parcels are not to be merged, the Director of Community Development shall within thirty (30)
13 days of the adoption of the Resolution by the final decision making body file for record with the
14 County Recorder's office a release of the notice of intention and a notice of non-merger. The
15 notices shall specify the names of the record owners and particularly describe the affected real
16 property. Copies of the notices shall be mailed to the then current owner of record.

17 **16.20.100 Effect of Non-merger**

18 In the event of a final decision of non-merger, the affected parcels shall no longer be subject to
19 merger under this chapter.

20 **16.20.110 Development involving contiguous parcels subject to merger.**

21 If a property meets the requirements for lot merger pursuant to this chapter, it shall be prohibited
22 to separately sell or separate the two or more contiguous lots owned by the same person or legal
23 entity that are subject to merger unless the property is released and cleared from lot merger
24 pursuant to Section 16.20.080. No permits for the demolition, construction or addition to the
25 structure or improvements on the property shall be issued by the Community Development
26 Department until the lot merger hearing process pursuant to this chapter has been concluded.”

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

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

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 27th day of March, 2007 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney