

April 17, 2007

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

**Regular Meeting of
April 24, 2007**

SUBJECT: COST RECOVERY FOR ZONING INFORMATION LETTERS

Recommendation:

Direct staff to prepare an amendment to the master fee resolution to add a fee for the preparation of zoning information letters.

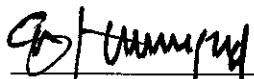
Background & Analysis:

From time to time the City receives requests from developers, real estate firms or mortgage lenders, requesting extensive zoning history and code compliance information for one or more properties that takes more than 1 hour for research and documentation. Unlike many cities, Hermosa Beach does not charge for this service. Typically these letters are required by lenders prior to release of escrow funds. Many inquiries can be handled in less than 30 minutes but some require extensive research from Planning and Code Enforcement staff. A sample of a recently prepared zoning history letter that required extensive research is attached. The following are fees charged for zoning letters from several cities:

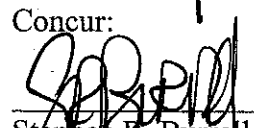
Manhattan Beach	\$100
Redondo Beach	\$100
Torrance	\$165
Culver City	\$91.
Long Beach	\$563.99

Conclusions:

In the event that Council agrees with recovering the cost for this service, the fee can be added to the City's Master Fee Resolution and charged only when it involves more than 1 hour of staff time. Staff recommends the addition of a fee of \$100 (the median range in the above survey) which is commensurate with surrounding cities.



Sol Blumenfeld, Director
Community Development

Concur:


Stephen R. Burrell,
City Manager

Attachment:

1. Zoning Letter

February 26, 2007

Wells Fargo
45 Fremont Street, 9th Floor
San Francisco, CA 94105

SUBJECT: ZONING VERIFICATION LETTER FOR THE PROPERTY AT 555 PIER AVENUE (APN: 4183-018-015)

To Whom It May Concern:

The following information is provided in response to your inquiry on the subject property:

1) The legal description for the parcel.

The property is composed of 8 lots (Lots 1-4, 9-12) and the vacated alley in between, Block 72, Second Addition to Hermosa Beach, City of Hermosa Beach, County of Los Angeles, and commonly known as 555 Pier Avenue. The lot is approximately 21,600 square feet (120' x 180').

2) The zoning designation for the property.

The property is located at 555 Pier Avenue and is zoned Downtown Commercial (C-2) and has a General Plan designation of General Commercial (GC). The purpose of the C-2 zone is to provide opportunities for a limited range of office, retail, and service commercial uses specifically appropriate for the scale and character of the downtown.

3) Permitted primary uses and structures

Please refer to the Land Use Matrix (Attachment 1).

4) Parking

Please refer to the Off-Street Parking Requirements (Attachment 2).

5) Non-Conforming Uses and Buildings/Rebuild

Please refer to the Non-Conforming Buildings and Uses (Attachment 3).

6) Discretionary Approvals

On September 7, 1993, the Planning Commission approved a Parking Plan to allow less than required parking, thereby allowing a medical office at the subject address (Attachment 4).

7) Code Violations

There are no current code violations cited for the subject property, however unless otherwise indicated in this letter the inspection of the premises HAS NOT included an inspection of the interior of the premises. The permission of the owner of the property is required for the City Inspector to make an inspection of the interior premises. You have the right to require, as a condition of the purchase of the property, that the owner request an inspection by a City Inspector of the interior of the premises. This report cannot offer maximum protection without an inspection of the interior of the premises.

Please contact Richard Denniston, Associate Planner, at 310-318-0224, if you have any further questions.

Sincerely,

Richard S. Denniston

Attachment(s):

1. Municipal Code Chapter 17.26 (C-1, C-2 and C-3 Commercial Zones)
2. Municipal Code Chapter 17.44 (Off-Street Parking)
3. Municipal Code Chapter 17.52 (Non-Conforming Building and Uses)
4. Planning Commission Resolution 93-60

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Chapter 17.26

C1, C-2 AND C-3 COMMERCIAL ZONES

Sections:

- 17.26.010 General provisions.
 17.26.020 Specific purposes.
 17.26.030 C-1, C-2 and C-3 land use regulations.
 17.26.040 Similar use permitted.
 17.26.050 Standards and limitations

17.26.010 General provisions.

In the C-zones, no building shall be erected, constructed, reconstructed, structurally altered, or shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter. (Prior code Appx. A, § 8-1)

17.26.020 Specific purposes.

A. In addition to the general purposes listed in Chapter 17.02 the specific purposes of the commercial zones are to:

1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
2. Strengthen the city's economic base, and also protect small businesses that serve city residents;
3. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
4. Minimize the impact of commercial development on adjacent residential districts;
5. Ensure that the appearance and effects of commercial building and uses are harmonious with the character of the area in which they are located;
6. Ensure the provision of adequate off-street parking and loading facilities;
7. Provide sites for public and semi-public uses needed to complement commercial development or compatible with a commercial environment;

B. The additional purposes of each zone are as follows:

1. C-1 Neighborhood Commercial Zone. To provide sites for a mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhoods; while establishing land use regulations that prevent significant adverse effects on abutting residential uses.

2. C-2 Downtown Commercial Zone. To provide opportunities for a limited range of office, retail, and service commercial uses specifically appropriate for the scale and character of the downtown--a resident and visitor serving pedestrian oriented shopping/entertainment district.

3. C-3 General Commercial Zone. To provide opportunities for the full range of office, retail, and service businesses deemed suitable for the city, and appropriate for the Pacific Coast Highway and Aviation Boulevard commercial corridors, including business not appropriate for other zones because they attract heavy vehicular traffic or have specific adverse impacts. (Ord. 95-1130 § 1, 1995: prior code § 8-2)

17.26.030 C-1, C-2 and C-3 land use regulations.

In the following matrix, the letter "P" designates use classifications permitted in commercial zones. The letter "U" designates use classifications permitted by approval of a conditional use permit. Use classification not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or this code. For definition of the listed uses see Section 17.04.060.

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS

P = Permitted

- = Not Permitted

U = C.U.P. Required (See Chapter 17.40)

USE	C-1	C-2	C-3	See Section
Adult businesses	-	-	U	17.40.050
Adult paraphernalia, X-Rated uses and materials, limited to no more than 20% of stock-in-trade	U	U	U	17.40.060
Alcohol beverage establishments, on-sale	-	U	U	17.40.080
Alcohol beverage establishment, off-sale (closing at 11:00 p.m. or earlier)	P	P	P	
Alcohol beverage establishment, off-sale (open between 11:01 p.m. and 2:00 a.m.)	U	U	U	17.40.090
Animal hospitals	-	-	P	
Aquariums, sales and supplies of marine life	P	P	P	
Art/antiques/curios gallery or shop	P	P	P	
Audio/video equipment and supplies, sales and repair	P	P	P	
Bakery	P	P	P	
Banks and financial institutions	-	P	P	
Barber/beauty shop	P	P	P	
Billiard or pool halls	-	P	P	
Books/news/magazines, sales	P	P	P	
Bowling alley	-	-	P	
Brick and stone (ornamental)	-	-	P	
Bus station, not including terminal facilities	-	-	P	
Business schools	-	-	P	
Catering business	-	-	P	
Clinic, dental and/or medical	P	P	P	
Clothing and wearing apparel sales and service	P	P	P	
Clubs, private	-	P	P	
Computer and Internet Access Center			U	17.40.020
Convention hall	-	-	U	17.40.020
Copying and printing services and supplies	P	P	P	
Dancing, customer	-	P	P	
Day nursery, preschool	U	U	U	17.40.110
Department stores	-	P	P	
Detective agency	P	P	P	
Drugstore	P	P	P	
Entertainment, live	-	U	U	17.40.020
Equipment (household tools and lawn/garden equipment including small engines) rental, and repair, other than street vehicles	-	-	P	
Florist or plant shop	P	P	P	
Food and beverage market (maximum 4,000 square feet floor area)	P	P	P	
Fortune tellers, psychics and astrologers	-	-	P	
Funeral homes, including mortuaries	-	P	P	
Furniture/furnishings, sales and display	-	P	P	

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS (continued)				
USE	C-1	C-2	C-3	See Section
Game arcade, if five (5) or more machines	-	-	U	17.40.020
Garden equipment, small, hand-operated, sales and rentals	-	P	P	
Gun shop	-	-	P	
Gymnasium/health and fitness center	-	P	P	
Hardware/home improvement store	-	P	P	
Hobby and craft supplies and service	P	P	P	
Hospitals, general, psychiatric out-patient only	-	-	U	17.40.020
Hotels, motels	-	P	P	
Household appliances/office equipment, sales and repair	-	P	P	
Instruments (professional and/or scientific), sales	P	P	P	
Interior decorating studio, store or shop	P	P	P	
Laboratories	-	P	P	
Large Day Spa	-	U	U	17.04.050
Laundry business and dry-cleaning (including self-service)	P	P	P	
Locksmith business	P	P	P	
Lumberyard, retail	-	-	P	
Massage therapy business	-	U	U	17.40.160
Messenger service	P	P	P	
Miniature golf course	-	-	P	
Monuments	-	-	P	
Motor vehicles and equipment, sales and service (including motorcycles, boats, non-tractor trucks, RV's)				
Sales/rental, new or used	-	-	U	17.40.020
General repair, service, installation of parts and accessories	-	-	U	17.40.020
Body repair and painting	-	-	U	17.40.020
Service station	-	-	U	17.40.030
Parts and accessories, retail sales	-	P	P	
Car washes (self-service car wash)	-	-	U	17.40.030
Vehicle storage	-	-	U	17.40.020
Movie theaters	-	U	U	17.40.020
Museums	-	P	P	
Music academy	-	U	U	17.40.020
Musical instruments, retail and repair	-	P	P	
Nurseries	-	-	U	17.40.020
Offices, general	P	P	P	
Parcel delivery terminal	-	-	P	
Parking lots and /or structures	P	P	P	
Pet grooming, no overnight kennels	-	P	P	
Pet stores, including sale of pets	-	-	P	
Photo engraving business	-	-	P	
Photography (equipment sales and service, film processing, studio)	P	P	P	

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS (continued)

USE	C-1	C-2	C-3	See Section
Printing and or publishing business, commercial	-	P	P	
Radio and television stations	-	-	U	17.40.020
Recycling, large or small collection facility	-	-	U	17.40.130, 17.40.140
Residence; residential uses above ground floor commercial use(s), including condominium developments. (Ord. 03-1232 §3, Nov. 2003)	U	-	-	17.40.020
Restaurant, with drive-in, or drive-thru window, or with outdoor walk-up window on public right of way	-	U	U	17.40.020
Restaurant/cafe	P	P	P	
Restaurant/cafe with beer and wine	U	U	U	17.40.080 (on-sale alcohol beverage establishment)
Reverse vending machine(s)	U	U	U	17.40.120
Secondhand merchandise, retail sales	-	P	P	
Skating rink, ice or roller	-	-	P	
Snack bar/snack shop	P	P	P	
Sound score production facility	-	-	U	17.40.020
Sporting/recreational equipment sales, service, and rental	P	P	P	
Supermarkets	-	P	P	
Surfboard manufacturing	-	-	U	17.40.020
Ticket broker/sales	-	P	P	
Tobacco store	P	P	P	
Toy store	P	P	P	
Upholstering shop	-	-	P	
Wedding chapel, commercial	-	-	P	
Wireless communication facility	U	U	U	
Youth Hostel	-	U	U	17.40.150
Entertainment, special performances	-	U*	U*	
Outdoor merchandise display, temporary outside dining, in conjunction with special event	U*	U*	U*	17.26.050(D)
Parade, circus or carnival	-	U*	U*	

* Allowed by special permit by city council on public streets/right-of-way, pursuant to Section 12.12.070, and permitted by right on private property in conjunction with such a special permit.

(Ord. 06-1272 §5, Sept. 2006; Ord. 03-1232 §3, Nov. 2003; Ord. 01-1214 §4(2), May 2001; Ord. 97-1174 § 1, 08/12/97; Ord. 96-1157 §1, 1996; Ord. 95-1130 § 2, 1995; Ord. 94-1118 § 1, 1995; prior code Appx. A, § 8-3)

17.26.040 Similar use permitted.

When a use is not specifically listed in this chapter, it shall be understood that the use is prohibited unless it is determined by the community development director that the use is similar to and not more objectional than other uses listed.

It is further recognized that every conceivable use cannot be identified in this chapter, and anticipating that new uses will arise over time, this section authorizes the community development director to compare a proposed use and measure it against those listed for determining similarity. The director's determination shall not be final until confirmed by the city council as a consent calendar item on the council agenda following the director's determination.

In determination similarity the director shall make all of the following findings:

A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the general plan;

B. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;

C. The proposed use shall not adversely impact the public health, safety and general welfare of the city's residents; and

D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the zone in which it is to be located. (Ord. 95-1130 § 3, 1995: prior code Appx. A, § 8-4)

17.26.050 Standards and limitations.

Every use permitted or maintained in C-zones shall be subject to the following:

A. Parking. Parking shall be provided as specified by Chapter 17.44.

B. Enclosures. All uses shall be conducted wholly within a building enclosed on all sides, except for the following:

1. Outdoor uses may be permitted by Conditional Use Permit for uses listed as stated in the permitted use list;

2. Commercial parking lot;

3. Uses incidental to a use conducted primarily within a building located on the premises; provided, that such incidental uses are not conducted in whole or in part on sidewalks, public ways or within any required front or rear yard; and provided, further, that such incidental uses are of a type which cannot be economically or practically conducted within buildings. Where incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities. All outdoor storage or activities shall be substantially screened from public visibility, public streets, parks or other public places, and properties;

4. Temporary outdoor merchandise display and outside dining in conjunction with a temporary outdoor event such as a sidewalk sale, authorized by the City Council by special permit as set forth in Section 12.12.070.

5. Outdoor dining or seating located in front of a restaurant or snack shop located on Pier Avenue, authorized by an Encroachment Permit for use of the public right-of-way obtained pursuant to Section 12.16.090 of the Municipal Code, which may include sales and consumption of alcohol in outdoor dining areas in conjunction with a Conditional Use Permit for on-sale alcohol within the indoor premises of the restaurant, subject to approval of the State Alcoholic Beverage Control Department.

C. Merchandise. No merchandise shall be sold other than at retail. Sale of repossessed merchandise or secondhand merchandise taken in by the seller as a trade-in on new merchandise is permissible, provided that such sales are conducted on the premises where such merchandise was originally sold, or any successor locations.

D. Signs. Signs for this section are regulated by Section 17.50.140.

E. Building Height.

1. In the C-1 zone, any building may have a maximum height of thirty (30) feet.

2. In the C-2 zone, no building shall exceed a maximum height of thirty (30) feet.

3. In the C-3 zone, no building shall exceed a maximum height of thirty-five (35) feet.

F. Front Yard Setback. No lot need provide a front yard except as may be required by a precise plan.

G. Alley Setback. Buildings shall conform with Section 17.44.130.

H. Rear and Side Yard Setback Adjacent to Residential Zones.

1. C-3 Zone. A minimum rear and/or side yard setback of eight feet shall be provided, and an additional two feet of setback shall be provided for each story over the first story for structures that abut residential zones, except where public rights-of-way, twenty (20) feet or greater in width, separate the commercial zone from the residential zone.

2. C-1 and C-2 Zones. A minimum rear and/or side yard setback of five feet shall be provided, except where public rights-of-way twenty (20) feet or greater in width, separate the commercial zone from the residential zone.

3. Existing Buildings. Existing commercial buildings that do not comply with the above setback requirement adjacent to residential zones shall not be considered "nonconforming buildings" under the terms of Chapter 17.52. Therefore, such buildings may be remodeled or expanded as long as any new constructions conforms with the above setback requirements.

1. Landscaping Adjacent to Residential Zones. The required rear and/or side yard area shall be landscaped and provided with an automatic watering system. Size, quantity and type of landscaping shall be subject to review and approval by the planning director. Landscaping shall be appropriately maintained, trimmed and void of weeds. (Ord. 97-1171 § 1, 06/10/97; Ord. 94-1115 § 1, 1994; Ord. 94-1100 § 2, 1994; prior code Appx. A, § 8-5)

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Chapter 17.44

OFF-STREET PARKING

Sections:

- 17.44.010 Definitions.
- 17.44.020 Off-street parking—Residential uses.
- 17.44.030 Off-street parking—Commercial and business uses.
- 17.44.040 Parking requirements for the downtown district..
- 17.44.050 Unlawful to reduce available parking.
- 17.44.060 Common parking facilities.
- 17.44.070 Off-street parking—Mixed uses.
- 17.44.080 Uses not otherwise specified.
- 17.44.090 Off-street parking location.
- 17.44.100 Size of spaces.
- 17.44.110 Tandem parking and entry-way standards for residential parking.
- 17.44.120 Driveways.
- 17.44.130 Turning radii, stall width and aisle width.
- 17.44.140 Requirements for new and existing construction.
- 17.44.150 Underground parking facilities.
- 17.44.160 Required improvement and maintenance of parking area.
- 17.44.170 Parking area in R-3 or R-P zones.
- 17.44.180 Resulting fractions.
- 17.44.190 Reserved
- 17.44.200 Assignment of off-street residential parking spaces
- 17.44.210 Parking plans.
- 17.46.220 Consolidated off-street parking.
- 17.44.010 Definitions.
As used in this chapter:
"Entrance-way" means an opening or passageway to a building or structure which permits pedestrian or vehicular access to such building or structure.
- "Gross floor area" means the total area occupied by a building or structure, excepting therefrom only the area of any inner open courts, corridors, open balconies (except when utilized, e.g. restaurant seating or similar usage), and open stairways. Such total area shall be calculated by measuring along the outside dimensions of the exterior surfaces of such building or structure.
- "Major city street" means all public rights-of-way designated in the circulation element of the general plan as a primary, or secondary arterials or as collectors.
- "Off-street parking" means parking upon private property as accessory to other permitted land uses, and shall not include publicly owned parking.
- "Tandem parking" means one automobile parked after or behind another in a lengthwise fashion. In this title, tandem parking is limited to not more than one automobile behind another.
- "Underground parking facilities" means a basement equipped, designed, used or intended to be used for parking automobiles. (Prior code Appx. A, § 1150)
- 17.44.020 Off-street parking—Residential uses.
- The aggregate amount of off-street automobile parking spaces provided in connection with each of the following uses shall be not less than the following:
- | Use | Parking Requirement |
|-----------------------------------|--|
| A. One-family dwelling. | Two off-street parking spaces plus one guest space. |
| B. Duplex or two-family dwelling. | Two off-street parking spaces for each unit plus one guest space. One additional space of on-site guest parking shall be provided for each on-street |

- C. Multiple dwellings (three or more units). space lost because of new curbcuts and/or driveways. Two off-street spaces for each dwelling unit plus one guest space for each two dwelling units. One additional space of on-site guest parking shall be provided for each on-street space lost because of new curbcuts and/or driveways.
 - D. Detached servants' quarters or guesthouses. One space.
- (Prior code Appx. A, § 1151)

17.44.030 Off-Street Parking-Commercial and Business uses.

Required Number of Spaces by Use. The aggregate amount of off-street automobile parking spaces provided for various uses shall not be less than the following:

- A. Auditoriums for churches, theater, entertainment, sports and other places and rooms of public assembly for more than twenty (20) persons: one space for each five seats, permanent or removable, or one space for each fifty (50) square feet of gross floor area in the auditorium, whichever is greater.
- B. Automobile or boat sales: one space for each one thousand (1,000) square feet of site area.
- C. Bowling alleys: five spaces for each lane plus one space for each three hundred (300) square feet of gross floor area except bowling alley lanes and approach areas.
- D. Clubs, fraternity and sorority houses, rooming and boarding houses and similar uses having sleeping and guest rooms: two covered spaces for each three guest rooms: in dormitories each fifty (50) square feet shall be considered a guest room, two spaces shall be required for each guest room with kitchen facilities.
- E. Commercial Uses.
 - 1. Bars and cocktail lounges: one space for each eighty (80) square feet of gross floor area.
 - 2. Beauty colleges: one space for each one hundred (100) square feet of gross floor area.

- 3. Business schools and trade schools: one space for each one hundred (100) square feet of gross floor area.
- 4. Furniture and hardware stores: one space for each two hundred fifty (250) square feet of gross floor area.
- 5. Offices, general: one space for each two hundred fifty (250) square feet of gross floor area.
- 6. Offices, Governmental and Public Utilities. Government offices that generate high levels of contact with the public, or have high numbers of employees, including but not limited to employment offices, public social services offices, department of motor vehicle offices: one space per seventy-five (75) square feet of gross floor area for the first twenty-thousand (20,000) square feet of the building(s), plus one space per two hundred fifty (250) square feet of gross floor area for the remaining floor area.
- 7. Offices, medical: five spaces for each one thousand (1,000) square feet of gross floor area.
- 8. Restaurants (other than walk-up, drive-through and drive-in: one space for each one hundred (100) square feet of gross floor area.
- 9. Restaurants, walk-up, drive-through and drive-in without adequate dining-room facilities: one space for each fifty (50) square feet of gross floor area, but not less than ten spaces.
- 10. Retail, general retail commercial uses: one space for each two hundred fifty (250) square feet of gross floor area.
- 11. Gymnasiums/health and fitness centers, as follows:
 - a. less than or equal to three thousand (3,000) square feet, and with less than or equal to twenty (20) students at one time if classes are offered: one space per two hundred fifty (250) square feet of gross floor area.
 - b. greater than three thousand (3,000) square feet, or with more than twenty (20) students at one time if classes are offered: one space per one hundred (100) square feet of gross floor area.
- F. Hospitals: two spaces for each patient bed.

G. Hospitals (mental), convalescent homes, guest homes, rest homes, sanitariums and similar institutions: one space for each three beds.

H. Hotels: one space for each unit for the first fifty (50) units; one space per one and one-half units after fifty (50); and one space per two units after one hundred (100) units. Hotels with facilities including restaurants, banquet rooms, conference rooms, commercial retail uses and similar activities shall provide parking for the various uses as computed separately in accordance with the provisions of this chapter.

I. Industrial Uses. The parking requirements of this subsection apply only to industrial uses; parking for commercial and other permitted uses in industrial zones shall provide the number of spaces as otherwise specified by this chapter.

1. Industrial uses of all types; except, public utility facilities and warehouses: one space for each vehicle used in conjunction with the use; plus one space for each three hundred (300) square feet of gross floor area.

2. Warehouses, buildings or portions of buildings used exclusively for warehouse purposes: one space for each one thousand (1,000) square feet for the first twenty thousand (20,000) square feet; plus, one space for each two thousand (2,000) square feet for the second twenty thousand (20,000) square feet; plus one space for each four thousand (4,000) square feet in excess of forty thousand (40,000) square feet; plus one space for each vehicle operated from the property. Prior to approval of a warehouse use by the city, a covenant shall be recorded, guaranteeing the warehouse area, facility or building will not be converted, remodeled or changed to a nonwarehouse use unless the number of spaces otherwise required by this chapter are secured and provided prior to such change or unless approved by planning commission in accordance with this chapter.

J. Mobilehomes or trailer parks: two spaces for each dwelling unit with at least one space adjacent to the trailer site.

K. Mortuaries or undertaking establishments: one space for each seventy-five (75) square feet of

building area for the chapel or public assembly area.

L. Motels: one space for each unit, plus two for the manager's unit.

M. Recreation or amusement establishments: one space for each seventy-five (75) square feet of gross floor area.

N. Service stations: one space for each one thousand (1,000) square feet of site area.

O. The parking requirements for a snack bar and/or snack shop shall be the same as that for a restaurant, unless it can be shown to the Planning Commission that the characteristics of the building; its location, size and other mitigating factors such as limited service area relative to gross floor area and limited seating capacity result in less parking demand than for a restaurant use. In these cases the Planning Commission may consider the retail commercial requirement for parking, pursuant to Section 17.44.210 Parking Plans. (Ord. 04-1241 § 4, 2004; Ord. 95-1126 § 1, 1995; prior code Appx. A, § 1152) (Ord. 95-1126 § 1, 1995; prior code Appx. A, § 1152)

17.44.040 Parking requirements for the downtown district.

The following requirements apply within the boundary of the Downtown District, as defined by the map incorporated by this reference.

A. The amount of parking shall be calculated for each particular use as set forth in Section 17.44.030 with the exception of the following:

1. Retail, general retail commercial uses: one space for each 333.3 square feet of gross floor area (or 3 spaces per 1000 square feet).

2. Offices, general: one space for each 333.3 square feet of gross floor area (or 3 spaces per 1000 square feet).

3. Office, medical: one space for each 333.3 square feet of gross floor area (or 3 spaces per 1000 square feet).

B. When the use of an existing building or portion thereof is less than 5,000 square feet gross floor area is changed from a non-restaurant use to a restaurant use, the parking requirement shall be calculated as set forth in Section 17.44.030, with no parking credit allowed for the existing or prior use.

C. When the use of an existing building or a portion thereof is changed to a more intensive use with a higher parking demand (with the exception of restaurants less than 5,000 square feet gross floor area as noted above), the requirement for additional parking shall be calculated as the difference between the required parking as stated in this chapter for that particular use as compared to a base requirement of 1 space per 250 square feet gross floor area.

D. For expansions to existing buildings legally nonconforming to parking requirements, parking requirements shall only be applied to the amount of expansion.

E. Parking in-lieu fees. When the city council provides for contributions to an improvement fund for a vehicle parking district in lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this chapter.

1. The Director of the Community Development Department shall be responsible for the calculations required under this chapter and shall calculate and collect the in-lieu contribution.

2. The following allowances through in-lieu fee contributions for parking may be allowed with a parking plan as approved by the planning commission and as prescribed in Section 17.44.210:

a). Building sites with a ratio of building floor area to building site of one to one or less may pay an "in-lieu" fee for all required spaces.

b). Building sites where buildings will exceed a one to one gross floor area to building site area ratio shall be required to provide a minimum of twenty-five (25) percent of the required parking on-site." (Ord. 04-1239 § 4, 2004; Ord. 94-1099 § 1, 1994; prior code Appx. A, § 1152.5)

17.44.050 Unlawful to reduce available parking.

The provision and maintenance of required off-street parking facilities and areas, and of area available to the owner or user of real property for meeting minimum required parking standards, shall be a continuing obligation of the property owner and user. An owner or user of real property containing uses for which off-street parking facilities or areas are required by this chapter shall be prohibited from the following:

A. Reducing, diminishing or eliminating existing required off-street parking facilities or area under the ownership or control of such owner or user, whether on the same lot or on a separate lot from the use requiring such off-street parking facilities or area; or

B. Selling, transferring, leasing or otherwise making unavailable for such required off-street parking facilities or area any portion of said lot or of any adjacent lot under the same ownership or control if the same is necessary for and available to satisfy in whole or in part the off-street parking requirements imposed by this chapter. (Prior code Appx. A, § 1153)

17.44.060 Common parking facilities.

Common parking facilities may be provided to wholly or partially satisfy the off-street parking requirements of two or more uses when one or more of such uses will only infrequently generate use of such parking area at times when it will ordinarily be needed by the patrons or employees of the other use(s).

A. Up to one hundred (100) percent of the parking requirements of governmental and public auditorium uses may be allowed to be provided in such multiple-use parking areas. Up to eighty (80) percent of the parking requirements of other uses may be allowed to be provided in such multiple-use parking areas.

B. The following factors shall be considered in determining the proportionate part of the required parking for such use(s):

1. Whether the affected requirements are those of permanent buildings, or those of mere occupancies;

2. The peak as well as normal days and hours of operation of such buildings and of the structures and occupancies with which it is proposed to share multiple-use parking areas;

3. Whether the proposed multiple-use parking area is normally or frequently used by the patrons, customers or employees of other buildings or occupancies which will share such parking area at the same time as the applicant's patrons, customers and

employees will normally or frequently utilize such parking area;

4. The certainty that the multiple-use parking area(s) will be available for satisfying such parking requirements to the extent approved, and the permanency of such availability;

5. The proximity and accessibility of the multiple-use parking area(s).

C. A parking plan approval by the planning commission for multiple-use parking area(s) shall be so conditioned as to reasonably ensure the satisfaction of the appropriate parking requirements during the continued existence of the buildings or occupancies involved.

D. If the common parking area(s) and the building sites to be served are subject to more than one ownership, permanent improvement and maintenance of such parking facilities must be provided in one of the following manners:

1. By covenant or contract among all such property owners; and duly recording an appropriate covenant running with the land;

2. By the creation of special districts and imposing of special assessments in any of the procedures prescribed by state law;

3. By utilizing the authority vested in a parking authority as provided by state law;

4. By dedicating such common parking area to the city for parking purposes subject to the acceptance of such dedication by the city council. (Prior code Appx. A, § 1154)

17.44.070 Off-street Parking—Mixed uses.

Whenever there is a combination of two or more distinct uses on one lot or building site, the total number of parking spaces required to be provided for such lot or building site shall be not less than the sum total of the parking spaces required for each of the distinct uses. No off-street parking facilities provided for one use shall be deemed to provide parking facilities for any other use except as otherwise specified within this chapter. (Prior code Appx. A, § 1155)

17.44.080 Uses not otherwise specified.

The aggregate amount of off-street automobile parking spaces provided in connection with any use not otherwise provided for in this chapter shall come before the commission for parking determination. (Prior code Appx. A, § 1156)

17.44.090 Off-street parking location.

All off-street automobile parking facilities shall be located as follows:

A. All required parking spaces shall be located on the same lot or building site as the use for which such spaces are provided; provided however, that such parking spaces provided for commercial, business, industrial or warehouse uses may be located on a different lot or lots, all of which are less than three hundred (300) feet distance from the use for which it is provided, and such lot or lots are under common ownership with the lot or building site for which such spaces are provided.

Where the buildings are situated on one lot and the parking is situated on another lot, the owner shall file with the Community Development Department an affidavit recorded by the office of the Los Angeles County Recorder that these lots are held in common ownership for the use specified. Such distance shall be measured along a straight line drawn between the nearest point on the premises devoted to the use served by such parking facilities and the nearest point on the premises providing such parking facilities.

It is further provided that uses located within the boundaries of an established off-street parking district, organized pursuant to action by the City Council, shall be waived by the requirements of this subsection. (Ord. 04-1243 §4(2), Oct 2004; Ord. 02-1221, § 4(2), July 2002)

B. No parking space required for any residential use shall be more than two hundred (200) feet total walking distance from the nearest entrance of the dwelling unit for which it is provided, except that residential uses located within the boundaries of an established off-street parking district, organized pursuant to action by the city council, shall be waived by the requirements of this subsection.

C. In residential zones, garages or parking stalls fronting on a public street shall be set back a minimum of seventeen (17) feet from the exterior

edge of the nearest public improvement (sidewalk or street improvement) if roll-up garage doors are installed, or set back twenty (20) feet if standard garage doors are installed. On streets where public improvements for sidewalks have not been completed the above setback shall be measured from the edge of the required or planned sidewalk. This measurement does not include structural supports or other parts of the structure provided parking dimensions and turning radii are not obstructed.

Garages or parking stalls fronting on an alley shall provide one of the following setbacks from the property line: seventeen (17) feet, nine feet or three feet, except garages or parking stalls fronting on an alley of fifteen (15) feet in width or less need only to comply with the turning radius requirements of Section 17.44.130. For purposes of this section the service road located parallel to Hermosa Avenue approximately between 27th Street and 35th Street shall be considered as an alley.

D. Residential parking within the front twenty (20) feet shall be allowed only when paved and leading to a garage.

E. A garage may be located on one side lot line or on a rear property line which does not border a street or alley when said garage complies with all of the following:

1. No portion of such garage is more than thirty-five (35) feet from the rear lot line; and
2. No portion of such garage is closer than three feet to a habitable building on adjacent lot; and
3. There are no openings on the side of the garage which are on the property line; and
4. The wall on the side of the garage is constructed of one-hour fire resistant materials, and meets all building code regulations; and
5. There has been provision for all roof drainage to be taken care of on the subject lot; and
6. Such accessory structure is no more than one story in height and a distance of not less than six feet from the main building; and
7. Such accessory building is used only for storage of automobiles, and may be used in conjunction therewith for open sun deck.

F. Open parking spaces for residential uses in the open space zone (OS-O) shall be located only within the rear fifty (50) percent or in the rear forty (40) feet whichever is the lesser of a residential lot. (Ord. 98-1179 § 4 (1), 01/27/98; Ord. 96-1153 § 1, 1996; Ord. 94-1120 § 1, 1994; prior code Appx. A, § 1157)

G. Required guest parking spaces for duplex, two-family or multiple-family residential uses that are shared between units shall not be located in tandem and shall be open and accessible to guests of all the units. (Ord. 00-1207, § 4(3), 10/24/00).

17.44.100 Size of spaces.

A. No parking space for residential uses within any building shall be less than an inside dimension of eight feet, six inches wide or less than twenty (20) feet long.

B. Parking spaces, not within a building, shall comply with the parking lot design standards attached hereto, with the following exceptions:

1. In residential zones, guest parking spaces located in tandem behind a required parking space shall have a minimum length of seventeen (17) feet.

2. Guest parking spaces situated parallel to alleys and located behind garage doors with a nine-foot setback shall have a minimum length of twenty-two (22) feet.

C. Parking lot design standards for commercial and manufacturing uses are amended to allow the inclusion of thirty (30) percent compact car spaces in lots of ten or more stalls. (Prior code Appx. A, § 1158)

17.44.110 Tandem parking and entry-way standards for residential parking.

A. No entranceway for vehicular access to any garage shall be less than eight feet wide. No such entranceway shall have less than six feet eight inches vertical clearance.

B. In all residential zones, required parking spaces including replacement of on-street parking may be tandem. In the R-1 zone only, tandem parking may be accessed directly from a public street.

Guest spaces in all residential zones may be located in garage setbacks of seventeen (17) feet or nine feet as required in Section 17.44.090(C); provided, they comply with the dimensional requirements specified in Section 17.44.100. However, in no case may one guest space be located behind another guest space.

The second floor level of a dwelling unit may project over a driveway fronting on a street or alley to within the prescribed setback required by the zone in which the development is proposed, or exists. (Prior code Appx. A, § 1159)

17.44.120 Driveways.

Off-street automobile parking facilities shall be provided with driveways providing vehicular access to such facilities from a public street or alley as follows:

A. The minimum driveway width shall be nine feet, clear of all obstructions.

B. All driveways and parking spaces shall be paved with not less than three and one-half inches of portland cement concrete, except that when supported by a selected rock base which is acceptable to the chief building inspector for the type of soil upon which it is constructed, driveways may be paved with a minimum of two inches of asphaltic concrete.

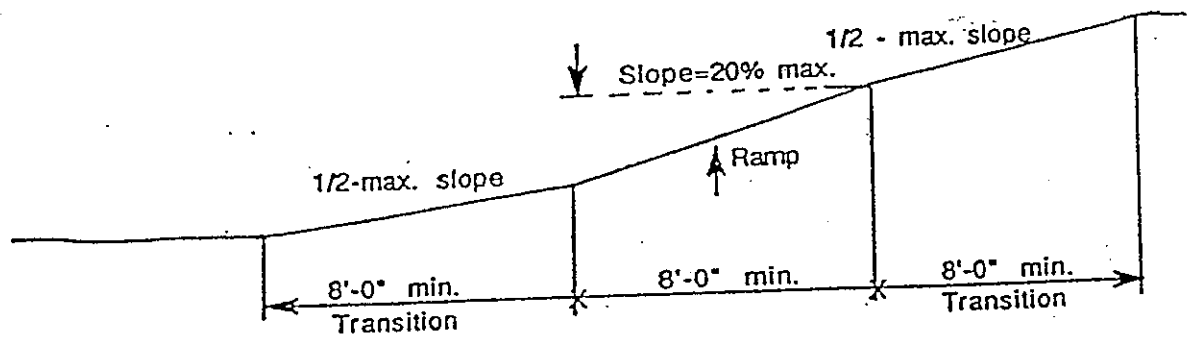
C. All such driveways for vehicular access to parking spaces provided for any residential use shall be located wholly on the same lot as the parking spaces for which such driveway provides access, except in the case of common driveways. In the case of common driveways, easements of five feet on adjoining properties may be combined to create a driveway ten feet in width.

Where access to required off-street parking spaces is via a common driveway, the owner shall file with the building department an affidavit recorded by the office of the Los Angeles County recorder that joint easements exist for the purpose of the driveway.

D. No driveway providing access to any off-street parking space or garage shall have a slope greater than twenty (20) percent; provided, that any ramp slope in excess of twelve and one-half

(12 1/2) percent includes transitions on each side with a minimum length of eight feet and a maximum slope of one-half the maximum ramp slope, in accordance with the driveway grade standards set forth below; further, any area used for guest parking shall have a maximum slope of twelve and one-half (12 1/2) percent. (Ord. 93-1089 § 1, 1993; prior code Appx. A, § 1160)

DRIVEWAY TRANSITIONS



NOTE:
No part of ramp shall encroach into the Public Right-of-Way

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17.44.130 Turning radii, stall width and aisle width.

For the purpose of determining access to garages or open parking spaces, the minimum dimensions for turning radii, for stall widths, and for aisle widths shall be as set forth in the "parking lot design standards," on file with the city. Where an angle of parking other than one listed in the attached standards is proposed, the chief building inspector shall determine by interpolation the dimensions required for such parking. (Prior code Appx. A, § 1161)

17.44.140 Requirements for new construction.

Parking spaces shall be provided, permanently maintained and available for every building hereafter erected in compliance with this Chapter 17.44. (Ord. 05-1257 § 9, 2005; 04-1239 § 6, 2004; Ord. 94-1099 § 2, 1994; prior code Appx. A, § 1162)

17.44.150 Underground parking facilities.

Underground parking facilities shall conform to all the provisions of this chapter; provided however, that underground parking facilities may be located in the side, front and rear yards which are completely below existing ground level. However, in the side yards and rear yards not abutting a street, the grade may be raised an average of three feet with a maximum of six feet above the existing grade, provided both side yards are provided with cement steps in order not to obstruct any pedestrian way. No portion of such facility shall have less than seven feet inside vertical clearance, except doorways may be six feet eight inches. (Prior code Appx. A, § 1163)

17.44.160 Required improvement and maintenance of parking area.

Every lot or area used for a public or private parking area shall be developed and maintained in the following manner:

A. Surface Parking Area.

1. Off-street parking areas shall be paved with not less than two-inch asphaltic or three and one-half inch portland cement concrete surfacing and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all sur-

face water. In no case shall drainage be allowed across sidewalks or driveways, except residential use.

2. Designated parking spaces shall be indicated with paint or approved stripping material on the surface of the parking area.

B. Border Barricades, Screening and Landscaping.

1. Off-street parking area that is not separated by a fence from any street, alley or property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier of dressed dimension stock not less than six inches in height, located not less than two feet from such street or alley property lines, and such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

2. Any unenclosed off-street parking area abutting property located in one of the R zones shall be separated from such property by a solid masonry wall six feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R zone property; provided, that along the required front yard, the solid masonry wall shall not exceed forty-two (42) inches in height. No such solid masonry wall need be provided where the elevation of that portion of the parking area immediately adjacent to an R zone is six feet or more below the elevation of such R zone property along the common property line.

C. Lighting. Any lights provided to illuminate any off-street parking area or used car sales area permitted by this ordinance shall be arranged so as to reflect the light away from any street or premises upon which a dwelling unit is located.

D. Entrances and Exits. The location and design of all entrances and exits shall be subject to the approval of the city engineer.

E. Traffic Circulation. Traffic circulation within off-street parking facilities except for residential parking shall be designed to ensure that no automobile need enter a major street in order to progress from one aisle to any other aisle within the same parking lot, or enter such major street

backwards in order to leave such lot. If such circulation is not otherwise possible, a turnaround area within such lot, not less than thirty (30) feet in diameter, shall be provided. Directional signs or markings shall be provided in all facilities in which one-way traffic has been established.

F. Authorized Vehicles. In all residential zones, parking spaces shall be maintained free and clear and utilized solely for the parking of authorized vehicles (obstructive storage prohibited).

"Authorized vehicles" shall mean automobiles, motorcycles, light trucks and vans not exceeding one and one-half ton capacity. Trailers, boats, recreational vehicles, motor homes, campers (not mounted to a motorized vehicle), tractor trucks and inoperable vehicles are prohibited. (Prior code Appx. A, § 1164)

17.44.170 Parking area in R-3 or R-P zones. Every parking area located in an R-3 or R-P zone shall be governed by the following provisions in addition to those required above:

A. No parking lot to be used as an accessory to a commercial or industrial establishment shall be established until it shall first have been reviewed by the planning commission and its location approved. Such approval may be conditioned upon the commission's required lighting, planting and/or maintenance of trees, shrubs or other landscaping within and along the borders of such parking area.

B. Such a parking lot to be used as an accessory to a permitted commercial or industrial establishment shall be so located that the boundary of such parking lot closest to the site of the commercial or industrial establishment to which it is accessory shall be not more than fifty (50) feet distant.

C. Such parking lot shall be used solely for the parking of private passenger vehicles.

D. No sign of any kind, other than one designating entrances, exits or conditions of use shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area. (Prior code Appx. A, § 1165)

17.44.180 Resulting fractions.

When calculating the number of off-street automobile parking spaces required by this code for any particular use, building or structure, or integrated group of uses, buildings or structures, any resulting fraction less than one-half shall be disregarded, and any such fraction one-half or greater shall be construed as requiring one additional parking space. (Prior code Appx. A, § 1166)

17.44.190 Reserved

17.44.200 Assignment of off-street residential parking spaces.

Required off-street parking spaces, except guest spaces, shall be permanently assigned and/or rented with each unit on the basis of the required parking per unit stated under Section 17.44.020, and the unit occupant shall be given sole use of said spaces for vehicle parking only. (Prior code Appx. A, § 1168)

17.44.210 Parking Plans.

A. A parking plan may be approved by the planning commission to allow for a reduction in the number of spaces required. The applicant shall provide the information necessary to show that adequate parking will be provided for customers, clients, visitors and employees or when located in a vehicle parking district, the applicant shall propose an in-lieu fee according to requirements of this chapter.

B. Factors such as the following shall be taken into consideration:

1. Van pools;
2. Bicycle and foot traffic;
3. Common parking facilities;
4. Varied work shifts;
5. Valet parking;
6. Unique features of the proposed uses;
7. Peak hours of the proposed use as compared with other uses sharing the same parking facilities especially in the case of small restaurants or snack shops in the downtown area or in multitenant buildings;
8. Other methods of reducing parking demand.

C. A covenant with the city a party thereto, may be required limiting the use of the property and/or designating the method by which the re-

quired parking will be provided at the time that the planning commission determines that inadequate parking exists.

D. Fees, application and processing procedures for parking plans shall set forth by resolution of the city council. (Ord. 94-1099 § 3, 1994; prior code Appx. A, § 1169)

17.44.220 Consolidated off-street parking.

Subject to approval by the planning commission as prescribed in Section 17.44.210, required parking spaces for various uses may be reduced in number and computed at one space per two hundred fifty (250) square feet of gross floor area when parking is consolidated in retail shopping centers over ten thousand (10,000) square feet in size, or where public parking areas are created to take the place of on-site parking within vehicle parking districts. (Prior code Appx. A, § 1170)

Chapter 17.52

NONCONFORMING BUILDINGS AND USES

Sections:

- 17.52.010 General Goals.
 17.52.020 Continuance and maintenance.
 17.52.030 Expansions, remodeling and alteration.
 17.52.035 Requirements for buildings nonconforming to parking requirements.
 17.52.040 Nonconforming use limits other uses.
 17.52.050 Change in status of nonconforming use.
 17.52.060 Nonconforming commercial and manufacturing businesses subject to the requirement for a conditional use permit.
 17.52.070 Reconstruction of a damaged nonconforming building.

17.52.010 General Goals

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

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

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

C. To limit expansion of nonconforming buildings and uses that are deficient as to parking, or significantly exceed residential density requirements." (Ord. 05-1257 § 5, 2005; 95-1124 § 1 (part), 1995: prior code Appx. A, § 13-0)

17.52.020 Continuance and maintenance.

The nonconforming use of a building may be continued, provided any structural alteration or expansion shall comply with Section 17.52.030. When a use which is nonconforming to the use regulations for the district where it is located is vacated or discontinued for ninety (90) consecutive days or more, the nonconforming use will be deemed abandoned, and any future use of such building shall conform to the provisions of the zone in which it is located.

A nonconforming structure may be maintained and the use therein continued, provided any structural alteration or expansion shall comply with Section 17.52.030.

Routine maintenance and repairs, repairs and/or replacement to plumbing, electrical wiring and similar work, shall not be considered structural alterations within the meaning of this Chapter, and may be performed on nonconforming structures and buildings containing nonconforming uses. (Ord. 05-1257 §6, 2005; 95-1124 § 1 (part), 1995: prior code Appx. A, § 13-1)

17.52.030 Expansion, remodeling and alteration.

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

A. Buildings Containing Nonconforming Uses.

1. Structural removal allowed:

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 systems 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 fifty (50) 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 not permitted if residential density exceeds forty-five (45) units per acre.

c. For buildings nonconforming to current parking requirements of Chapter 17.44 pertaining to off-street parking, refer to Section 17.52.035.

B. Nonconforming Buildings.

1. Structural removal allowed:

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.

d. Existing nonconforming stairways: Existing nonconforming stairways that encroach into required yard areas and that provide legally required access to legal dwelling units, may be fully reconstructed if beyond repair, provided no other reasonable location is available that does not require major reconfiguration or alteration of the structure. Said stairways, if reconstructed or replaced to allow continued access to the dwelling unit, shall be constructed in conformance with Chapter 34 of the Uniform Building Code; shall be constructed of non-combustible materials; shall conform to handrail, guardrail, tread depth, and riser requirements; and, shall not contain storage areas below. No replacement of said stairways shall be allowed in conjunction with an expansion and/or remodel project that exceeds a 100% increase in floor area." (Ord. 05-1257 § 7, 2005; 95-1124 § 1 (part), 1995; prior code Appx. A, § 13-2)

17.52.035 Requirements for buildings nonconforming to parking requirements.

A. The following limitations on expansion apply to residential buildings on building sites containing two dwelling units or less that are

nonconforming as to the number of parking spaces required on the building site, including guest parking spaces, based on the number of parking spaces available that meet all the requirements of Chapter 17.44, or that meet the exceptions of subsection B. In the event of conflict between the limitation contained in this section and Section 17.52.030, the more restrictive shall apply.

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

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

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

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

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

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

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

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

E. When the use of an existing commercial, manufacturing or other non-residential building or structure is changed to a more intense use with a higher parking requirement the requirement for additional parking shall be calculated as the difference between the required parking as stated in Section 17.44.030 for that particular use as compared to the requirement for the existing or previous use, which shall be met prior to occupying the building unless otherwise specified in Chapter 17.44. (Ord 05-1257 §8, 2005)

17.52.040 Nonconforming use limits other uses.

While a nonconforming use exists on any lot, and it is the only use on the lot, no new use may be established thereon even though such other use would be a conforming use. While a nonconforming use occupies a portion of a lot or building with multiple uses no new use may be established within that portion of the lot or building which the existing nonconforming use occupies. (Ord. 95-1124 § 1 (part), 1995: prior code Appx. A, § 13-3)

17.52.050 Change in status of nonconforming use.

If an existing nonconforming manufacturing, commercial or residential use is vacated or removed and it is succeeded by another use, this shall be deemed the termination of the existing nonconforming use, and thereby immediately loses any vested right to continue. A nonconforming use may be succeeded by a use which is itself nonconforming, provided the degree of nonconformity is less intensive (e.g., requires less parking or results in fewer dwelling units).

It is the intent of this section to allow for an improvement in the degree of nonconformity of a use utilizing existing structures. It is not intended to

allow the construction of new structures in violation of the provisions of this chapter.

The planning commission shall make determinations as to whether a use is less intensive upon request. (Prior code Appx. A, § 13-4)

17.52.060 Nonconforming commercial and manufacturing businesses subject to the requirement for a conditional use permit.

A. Nonconforming Alcohol Beverage Establishment—On and Off-Sale. This conditional use permit process, established pursuant to this chapter, shall apply to establishments which sell alcohol and fall into any category of use which requires a conditional use permit in order to sell alcoholic beverages in the city. All establishments which do not possess a conditional use permit for the sale of alcoholic beverages on the effective date of Ordinance No. 86-865 shall be required to apply for a conditional use permit within two years of the effective date of the ordinance codified in this chapter.

Upon the filing of an application, each establishment must diligently prosecute its application and receive a conditional use permit under the standards in effect at the time of the effective date of this ordinance. Said application must be heard before the planning commission within six months of the filing of the application. Any applicant may be granted an extension of time within which to receive their conditional use permit if they can demonstrate to the planning commission there is good cause for an extension of time necessary to receive the permit.

If no permit is either sought or granted within the time periods specified above, such establishment shall no longer have the legal authority to sell alcoholic beverages within the boundaries of the city.

B. Remaining Nonconforming Commercial and Manufacturing Establishments Subject to the Requirement for a Conditional Use Permit. The conditional use permit process, established pursuant to this title, shall apply to the types of business establishments as identified on the commercial and manufacturing permitted use lists in Chapters 17.26 and 17.28. All such establishments which do not possess a conditional use permit as required by

Chapters 17.26 and 17.28 on the effective date of Ordinance No. 90-1041 shall be required to apply for a conditional use permit within two years from the date of receiving notification from the city of the requirement to apply for a conditional use permit.

Upon receiving notification from the city, each establishment shall have a maximum of two years to apply for a conditional use permit, and once application is made it must diligently pursue its application and receive a conditional use permit. Said application must be heard before the planning commission within six months of the filing of the application. Any applicant may be granted an extension of time within which to receive their conditional use permit if they can demonstrate to the planning commission there is good cause for an extension of time necessary to receive the permit.

If no permit is either sought or granted within the time periods specified above, the establishment, or the portion of the establishment, conducting an operation subject to a conditional use permit requirement shall no longer have the legal authority to operate. (Prior code Appx. A, § 13-5)

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

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

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

B. Commercial/Industrial Buildings. A nonconforming commercial or industrial building located in the commercial or manufacturing zones 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 as long as the cause of the destruction is not intentionally perpetrated by the owner and provided that:

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

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

C. If damage to structures is so widespread throughout the city due to a major emergency (such as an earthquake or citywide fire) that the City Council or other government authority declares a state of emergency, this section will be superseded by any action of the City Council taken at that time in regards to reconstruction of damaged buildings. (Ord. 06-1275 § 5, Dec. 2006; 93-1086 § 1, 1993; prior code Appx. A, § 13-6)

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RESOLUTION P.C. 93-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A PARKING PLAN TO ALLOW LESS THAN REQUIRED PARKING, THEREBY ALLOWING A MEDICAL OFFICE AT 555 PIER AVENUE LEGALLY DESCRIBED AS LOTS 1-12 INCLUSIVE, AND THE VACATED ALLEY IN BETWEEN, BLOCK 72, SECOND ADDITION TO HERMOSA BEACH

WHEREAS, the Planning Commission held a public hearing on September 7, 1993, to receive oral and written testimony on this matter and made the following Findings:

- A. The parking demand resulting from change of use of a portion of the office/retail building from retail to a medical office is very minimal, and as such, can be absorbed by the large parking that exists at the building in conjunction with the available public parking in the area;
- B. The existing mix of uses, the availability of a large common parking area, and the location near public parking areas, all serve to justify allowing less than required parking, pursuant to Section 1169 of the zoning ordinance;
- C. Any impact caused by approval of the Parking Plan will be mitigated by the imposed conditions of approval;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hermosa Beach, California, does hereby approve the requested Parking Plan subject to the following conditions:

SECTION I - Conditions of Approval:

1. The proposed medical office shall be limited in total area within the office as proposed in the submittal. Minor modifications shall be submitted for review and may be approved by the Planning Director.
2. A minimum of 41 parking spaces shall be continually maintained in the parking lot.
3. Existing landscaping on the site shall be maintained in a healthy and attractive manner.

- 1 4. The mixture of the office uses of the lease spaces within
2 the building shall be similar with the submitted parking
3 summary. Changes to other uses may be permitted which have
4 an equivalent or lesser parking requirement as determined by
5 the Planning Director. Any change to a use that results in
6 greater parking requirements shall require amendment to the
7 Parking Plan.
- 5 5. Prior to the Parking Plan being in effect the applicant and
6 the property owner shall submit to the planning department a
7 signed and notarized "Acceptance of Conditions" form.
- 7 6. The Parking Plan shall be recorded with the deed, and proof
8 of recordation shall be submitted to the Planning Department.

8 SECTION II

9 Each of the above conditions is separately enforced, and if any
10 of the conditions of approval is found to be invalid by a court
11 of law, all the other conditions shall remain valid and
12 enforceable.

12 Permittee shall defend, indemnify and hold harmless the City, its
13 agents, officers, and employees from any claim, action, or
14 proceeding against the City or its agents, officers, or employees
15 to attack, set aside, void or annul this permit approval, which
16 action is brought within the applicable time period of Government
17 Code Section 65907. The City shall promptly notify the permittee
18 of any claim, action, or proceeding and the City shall cooperate
19 fully in the defense. If the City fails to promptly notify the
20 permittee of any claim, action or proceeding, or if the City
21 fails to cooperate fully in the defense, the permittee shall not
22 thereafter be responsible to defend, indemnify, or hold harmless
23 the City.

18 The permittee shall reimburse the City for any court and
19 attorney's fees which the City may be required to pay as a result
20 of any claim or action brought against the City because of this
21 grant. Although the permittee is the real party in interest in
22 an action, the City may, at its sole discretion, participate at
23 its own expense in the defense of the action, but such
24 participation shall not relieve the permittee of any obligation
25 under this condition.

23 The subject property shall be maintained and operated in full
24 compliance with the conditions of this grant and any law,
25 statute, ordinance or other regulation applicable to any
26 development or activity on the subject property. Failure of the
27 permittee to cease any development or activity not in full
28 compliance shall be a violation of these conditions.

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SECTION III

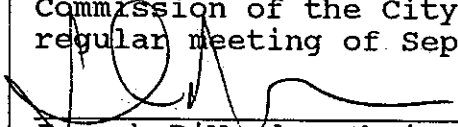
Any violation of the conditions of approval and/or violation of the Hermosa Beach Municipal Code may be grounds for a public hearing for the revocation of the parking plan.

The Planning Commission may review this Parking Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

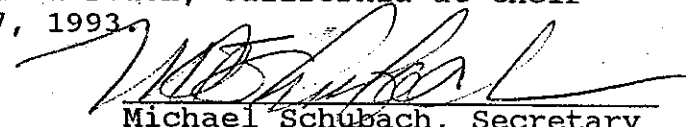
VOTE: AYES: Comms.Marks, Oakes, Suard, Chmn. DiMonda
NOES: None
ABSTAIN: Comm. Merl
ABSENT: None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 93-60 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of September 7, 1993.



Joseph DiMonda, Chairman



Michael Schubach, Secretary

9-21-93 Date

p/pcrs2615