

September 13, 2007

City Council Meeting
September 25, 2007

Mayor and Members
of the City Council

ORDINANCE NO. 07-1287 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING SECTION 17.52.070 OF THE ZONING ORDINANCE PERTAINING TO REBUILDING OF DAMAGED NONCONFORMING STRUCTURES."


Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 07-1287** relating to the above subject.

At the meeting of September 11, 2007, the ordinance was presented to the City Council for consideration and was amended in Section 4, 17.52.070, B. b. to read "There is no increase in the occupant load of the building, expansion of any nonconforming condition, or intensification of any nonconforming use." The ordinance, as amended, was then introduced by the following vote:

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


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 07-1287

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, AMENDING SECTION 17.52.070 OF THE ZONING
ORDINANCE PERTAINING TO REBUILDING OF DAMAGED
NONCONFORMING STRUCTURES**

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

SECTION 1. The Planning Commission held a duly noticed public hearing on July 17, 2007, to review and consider clarifications to Section 17.52.070 of the Zoning Ordinance, and based on the evidence and testimony receive, recommended that said Section be amended.

SECTION 2. The City Council held a duly noticed public hearing on September 11, 2007, to consider the recommendation of the Planning Commission.

SECTION 3. Based on the evidence considered at the public hearing, and the record of decision of the Planning Commission, the City Council makes the following findings:

1. Section 17.52.070, as revised in November, 2006, does not address the issue of rebuilding a nonconforming commercial use in a residential zone and is inconsistent with State Law as it does not allow reconstruction of existing residential uses that exceed 45 units per acre.

2. The subject text amendment is exempt from the requirements of the California Environment Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that this text amendment may have a significant effect on the environment.

SECTION 4. Based on the foregoing, the City Council hereby ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, Chapter 17.08, Section 17.52.070 be amended 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

1 the time of such destruction may be continued as long as the cause of the
2 destruction is not intentional (i.e. through arson or other means perpetrated by the
3 owner) and provided that:

4 a. The rebuilt structure conforms as closely as possible to current parking
5 and other zoning standards (such as setbacks);

6 b. There is no increase in any nonconformity;

7 c. The height of the building or buildings does not exceed twenty (20)
8 percent more than permitted by the zone in which it is located;

9 d. The basic structural features, setbacks, floor area, and room sizes can be
10 duplicated in compliance with current building and safety codes;

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

14 B. Commercial/Industrial Buildings

15 A nonconforming commercial or industrial building damaged by fire,
16 explosion or other casualty or act of God, or the public enemy, may be restored to
17 its pre-damaged condition and the occupancy or use of such building or part thereof
18 which existed at the time of such destruction may be continued as long as the cause
19 of the destruction is not intentional (i.e. through arson or other means perpetrated
20 by the owner) and provided that:

21 a. The rebuilt structure does not exceed the gross floor area and footprint of
22 the building prior to damage or destruction;

23 b. There is no increase in the occupant load of the building, expansion of any
24 nonconforming condition, or intensification of any nonconforming use;

25 c. The damaged building can be duplicated to its pre-damaged condition in
26 compliance with current building and safety codes;

27 d. Reconstruction includes installation of a fully code complying fire
28 sprinkler system.

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

4 **SECTION 7.** This Ordinance shall become effective and be in full force and effect from and
5 after thirty (30) days of its final passage and adoption.

6 **SECTION 8.** Prior to the expiration of fifteen (15) days after the date of its adoption, the
7 City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of
8 general circulation published and circulated, in the City of Hermosa Beach in the manner provided
9 by law.

10 **SECTION 9.** The City Clerk shall certify to the passage and adoption of this Ordinance,
11 shall enter the same in the book of original Ordinances of said city, and shall make minutes of the
12 passage and adoption thereof in the records of the proceedings of the City Council at which the
13 same is passed and adopted.

14
15 **PASSED, APPROVED and ADOPTED** this 25th of September 2007 by the following vote:

16 AYES:
17 NOES:
18 ABSENT:
19 ABSTAIN:

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

22 ATTEST:

23 APPROVED AS TO FORM:

24
25 _____
26 City Clerk

27 _____
28 City Attorney