STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
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RECORD PACKET COPY September 28, 2001

TO Commissioners and Interested Parties

FROM: Deborah Lee, Senior Deputy Director
Teresa Henry, District Manager, South Coast District
Al J. Padilla, Coastal Program Analyst

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SUBJECT: Major Amendment Request No. 1-2000 to the City of Hermosa Beach certified Land Use Plan and submittal of Implementation Ordinance; (for public hearing and Commission action at the October 8, 2001 meeting in Coronado).

Background and Plan Description

The City of Hermosa Beach has submitted a Land Use Plan amendment and the Implementation Plan portion of the Local Coastal Program for action by the Commission. The City's Land Use Plan was certified in August 1981. The proposed Land Use Plan amendment will eliminate the development cap for the downtown area that was imposed in conjunction with the City's reduced parking requirements, modify the plans Coastal Development and Design policies and programs and remove the City's Housing policies.

The Implementation Plan, which is part of this submittal applies to the entire coastal zone within the City of Hermosa Beach. The Implementation Plan consists the zoning text, and is included in Title 17 of the Municipal code, including the Coastal Development Permit Ordinance (Chapter 17.37). In addition to its zoning code, the City submitted applicable portions of its water quality ordinance, Downtown Enhancement District parking in-lieu fee ordinance, and other ordinances and policies applicable to public access.

Coastal Act section 30513 requires that an Implementation Plan shall include sufficient zoning ordinances, zoning district maps and other implementing actions as necessary to fully conform with and be adequate to carry out the policies and standards of the certified Land Use Plan. The Hermosa Beach Implementation Plan raises issue with respect to its conformity with and adequacy to carry out the shoreline access, public recreation, and water quality policies of the certified Land Use Plan.

SUMMARY OF LUP AMENDMENT REQUEST

Public hearing and action on request by the City of Hermosa Beach to amend the Certified Land Use Plan: the purpose of the amendment is to eliminate the development cap for the downtown area that was imposed in conjunction with the City's reduced parking requirements, modify the plans Coastal Development and Design policies and programs and remove the City's Housing policies.

SUMMARY OF STAFF RECOMMENDATION AND AREAS OF REMAINING CONTROVERSY

Staff recommends the Commission deny the request to amend the Land Use Plan, as submitted, and certify the requested LUP amendment with suggested modifications necessary to bring the amended LUP into conformity with the public access and development provisions of the Coastal Act.

The City's LCP submittal would continue to allow new commercial development in the Downtown area, including intensification of existing uses, with a reduction in the amount of required off-street parking. Although certain development would no longer be exempted from providing additional parking when development increases, the City would eliminate the current cap on total Downtown development. The staff agrees with the elimination of the exception, but recommends that the Commission maintain a cap on the total amount of new Downtown development allowed with reduced parking in order to protect public access to the coast. The City objects to the staff's recommended changes to the LCP dealing with temporary events. The City's proposed ordinance does not distinguish between small, local events that have no impact and larger events that could have a significant impact on beach access and parking. The suggested modifications would ensure that events are adequately reviewed to protect public beach access and parking. Finally, the City objects to modifications to their Water Quality ordinance. The City has adopted strong water quality measures and feels that their Citywide water quality ordinance, is sufficient to ensure the protection of water quality. The suggested modifications will supplement and strengthen the City's ordinance as it pertains to development in the Coastal Zone.

SUBMITTAL OF LUP AMENDMENT

The Commission conditionally certified the Land Use Plan on August 19, 1981. The City of Hermosa Beach Land Use Plan (LUP) was effectively certified on April 21, 1982. The City does not have a certified Implementation Program.

The Commission has certified five amendments to the LUP between 1984 and 1994. In October 1984, the Commission certified LUPA 1-84 which changed the height limit on a parcel of land (Biltmore site) from 45 feet to 54 feet. In February 1986, the Commission certified LUPA 1-85, which changed land use of .87 acres of a 5 acre elementary school site from open space to high-density residential. In March 1991, the Commission certified LUPA 1-90 which redesignated the property commonly know as the "Biltmore Site" from Hotel use to Residential use and redesignated a second parcel (Parking Lot C) to General Commercial (for public parking purposes), on the east side of The Strand, between 14th and 15th Street. In May 1993, the Commission certified LUPA 1-93 which redesignated a portion (Biltmore Site) of the Specific Plan Area from a mixed commercial/residential use to Open Space. Finally, In October 1994, the Commission certified LUPA 1-94 which reduced the parking requirement for the downtown Commercial District.

The City forwarded its resolution submitting the LUPA and Implementation Ordinance on August 2, 2000, to California Coastal Commission. On October 11, 2000, the Commission granted a one-year extension to allow analysis of the LUPA and Implementation Ordinance.

PUBLIC PARTICIPATION.

Section 30503 of the Coastal Act requires public input in Local Coastal Program development Section 30503 states:

> *During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.*

The City of Hermosa Beach Planning Commission held two public hearings on March 21, 2000 and April 5, 2000. The City Council held a public hearing on May 9, 2000.

STANDARD OF REVIEW

The standard of review for the proposed LUP amendment, pursuant to Sections 30512, 30512.1 and 30512.2 of the Coastal Act, is that the proposed amendment conforms to the policies of Chapter 3 (commencing with Section 30200).

ADDITIONAL INFORMATION

Copies of the City's submittal are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. For additional information, contact Al J. Padilla in the Long Beach Office at (562) 590-5071.

TABLE OF CONTENTS

I.	LUP Denial as Submitted	6
	A. Motion I	6
	B. Staff Recommendation	6
	C. Resolution	6
II.	Approval of LUPA with Suggested Modifications	6
	A. Motion II	6
	B. Staff Recommendation	7
	C. Resolution	7
III.	Rejection of LIP as Submitted	7
	A. Motion III	7
	B. Staff Recommendation	7
	C. Resolution	7
IV.	Approval of LIP with Suggested Modifications	7
	Motion IIV	7
	Staff Recommendation	8
	Resolution	8
V.	Suggested Modifications for LUPA	8
VI.	Suggested Modifications for LIP	13
VII.	Findings for Denial of LUPA	33
	A. Amendment Description and Background	33
	B. Public Access	34
	C. Public Recreation	37
	D. Low & Moderate Income Housing Requirements	38
	E. Water Quality	39
VIII.	Findings For Certification of LUPA if Modified	40
	A. Public Access	40
	B Low & Moderate Income Housing	41
	C. Water Quality	42
	D. California Environmental Quality Act	43
IX.	Findings for Denial of LIP as Submitted	44
	A. Public Access	44
	B. Public Recreation	45
	C. Water Quality	45
	D. Coastal Development Permit Issuing Ordinance	45
X.	Findings for Approval of Implementation Plan if Modified	47
	A. Public Access	47

B. Public Recreation 47
C. Water Quality 48
D. Permit Issuing Procedures and Public Participation 49

LIST OF EXHIBITS

1. Vicinity Map
2. Coastal Zone Boundary Map
3. Zoning Map
4. General Plan Map
5. City Council Resolution

I. DENIAL OF LUPA AS SUBMITTED

Staff Recommendation

Staff recommends adoption of the following motions and resolutions

A. DENIAL OF THE AMENDMENT TO THE CERTIFIED LAND USE PLAN AS SUBMITTED

MOTION I: ***I move that the Commission certify the Land Use Plan Amendment 1-2000 as submitted by the City of Hermosa Beach.***

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the amendment to the Land Use Plan 1-2000 submitted for **the City of Hermosa Beach** and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

II. CERTIFICATION WITH SUGGESTED MODIFICATIONS

Staff Recommendation

Staff recommends adoption of the following motions and resolutions

MOTION II: ***I move that the Commission certify the Amendment 1-2000 to the Land Use Plan portion of the City of Hermosa Beach Local Coastal Program if modified as suggested in this staff report.***

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amended land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the amended Land Use Plan for the City of Hermosa Beach, if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

III. DENIAL OF IMPLEMENTATION PROGRAM AS SUBMITTED

Staff Recommendation

Staff recommends adoption of the following motions and resolutions

Motion III: ***I move that the Commission reject the Implementation portion of the City of Hermosa Beach Local Coastal Program.***

Staff recommends a **YES** vote which would result in the adoption of the resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution to Reject the Implementation Plan

The Commission hereby rejects the Implementation Plan of the City of Hermosa Beach LCP on the grounds that it does not conform with or is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Implementation Program would have on the environment.

IV. APPROVAL OF IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS

Motion IV: ***I move that the Commission certify the Implementation Plan portion of the City of Hermosa Beach Local Coastal Program if***

it is modified in conformity with the modifications suggested below.

Staff recommends a **YES** vote for the adoption of the following resolution. The motion requires an affirmative vote of a majority of the Commissioners present to pass the motion.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM IF MODIFIED:

The Commission hereby approves certification of the Zoning and Implementation portion of the Hermosa Beach LCP based on the findings set forth below on the grounds hat the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Zoning and Implementation Program if modified would have on the environment.

V. SUGGESTED MODIFICATIONS for LUPA

The Commission hereby suggests the following changes to the City of Hermosa Beach LCP amendment which are necessary to ensure that the amended LUP meets the requirements of, and is in conformity with, the policies of chapter 3 (commencing with Section 30200) of the California Coastal Act. If the City Council of Hermosa Beach adopts and transmits its revisions to the LUP amendment by formal resolution in conformity with the suggested modifications within six months of this Commission action, then the Executive Director shall so notify the Commission along with a finding that the City Council's resolution conforms with the Commission's suggested modifications. If the Commission concurs with the Executive Director's conclusion the LUP amendment will become effective.

In the following suggested modifications, the Commission's suggested additions are indicated by double underline and suggested deletions are indicated by double ~~strike out~~. The City's proposed changes to the LUP policies and programs, as submitted by the City, are provided to the Commission in bold ~~**strikeout**~~ and bold **underline**.

Certification of the Land Use Plan amendment is subject to the following Suggested Modifications:

Beginning on page 3, II. Parking and Access Summary, the City shall revise the parking and access programs as follows:

Modification No. 1. Page 3, first Program under C.1.:

C. Policies and Programs

1. Existing Policies and Programs

Program: ~~Current City Building Codes and t~~The Zoning Ordinance in effect as of October 8, 2001 supports the current policy. ~~**Two on-site parking spaces are required for each residence that is constructed, with an additional guest space provided per every three units constructed.**~~ **The** replacement of parking spaces**, or other means deemed appropriate to reduce parking demand,** is mandatory for all ~~**new**~~ developments in which on-street parking spaces are eliminated or the total number of off-street parking spaces are reduced.

Modification No. 2. Page 4, fourth program under C.1.:

Program: A minimum of 471 free p~~**P**~~**ublic** ~~**Free**~~ parking spaces will **continue to** be provided to beach visitors ~~**on the railroad right of way**~~ **at the following locations**:

- **On the Greenbelt, between 8th and 11th Street, east side of Valley Drive**
- **Public lots near the Civic Center**
- **West of Valley Drive adjacent to Valley Park**

Modification No. 3. Delete Page 4, fifth Policy under C.1. and Page 5, eighth Program under C.1.and replace it with the language of number 4 below:

Policy: The City shall establish parking requirements in the Downtown Enhancement District (DED) identical to the requirements set forth in other areas of the City's coastal zone. However in recognition of the unique parking needs and constraints in the downtown district, the City may **explore the creation of and** grant exceptions to the parking requirements **such as, but not limited to, in-lieu fee programs, parking plans, the creation of remote parking lots with shuttle connections, reduced parking requirements, or shared parking programs.** ~~**for new buildings, expansions, and/or intensification of uses within the downtown district if the City can assure that there is parking available within the DED to support beach access and the proposed development. The City may approve exceptions for commercial development up to 96,250 square feet if the findings outlined below are made. After 96,250 square feet of new commercial development has received Coastal Development Permits (CDP), these exceptions cannot be granted unless the Coastal Commission certifies an amendment to the Land Use Plan.**~~

~~Modification No. 4. Page 5, eighth Program under C.1.~~

~~Program: New development, including expansions and intensification of use shall provide parking consistent with requirements elsewhere in the City unless the following findings are made. If the following findings are made, the exceptions described in Section 2, may be granted.~~

~~1. Findings: Before granting the exceptions below, the Community Development Director shall certify the following:~~

~~a. Fewer than 96,250 square feet of commercial development, including new buildings, expansions and/or intensification of uses, in the DED has received a CDP since November 1, 1994..~~

~~b. There is currently adequate parking to support the development and provide adequate beach parking.~~

~~c. The City Council has approved an interim parking study for the DED that shows the occupancy of the parking spaces in the DED is 90% or less during daylight hours on summer weekends.~~

~~No more than 24,063 square feet of commercial development in the DED has received CDP's since the last interim parking study was approved by the City Council.~~

~~2. Exceptions~~

Modification No. 5. Replace the fifth policy under C.1, Page 4 and eighth program on page 5 under C.1, as shown above in number 3 with the following:

Policy: The City shall establish parking requirements in the Downtown Enhancement District (DED) identical to the requirements set forth in other areas of the City's coastal zone. However in recognition of the unique parking needs and constraints in the downtown district, the City may explore the creation of parking requirements such as, but not limited to, in-lieu fee programs, parking plans, the creation of remote parking lots with shuttle connections, reduced parking requirements, or shared parking programs for new buildings, expansions, and/or intensification of uses within the downtown district if the City can assure that there is parking available within the DED to support beach access and the proposed development. The City may approve commercial development up to *32,340* square feet with a 65% reduced parking requirement. After *32,340* square feet of new commercial development has received Coastal Development Permits (CDP), all new development, including new buildings, expansions and/or intensification of uses must provide parking at the rate required in section 17.44.030 of the Zoning Code unless the Coastal Commission certifies an amendment to the Local Coastal Program.

Modification No. 6. Modify the following Program, Page 6, first Program

Program: The City shall not accept a fee in lieu of providing on site parking unless the Community Development Director assures that sufficient parking exists to accommodate the parking demand of new development. The improvement fund to mitigate increased parking demand shall be geared to a threshold limit of increased parking demand. The threshold limit shall be established at 100 parking spaces, **the City shall construct new parking upon reaching that threshold limit or the City**

shall not ~~approve new development~~ accept any fees in-lieu of parking beyond that threshold limit.

Under Chapter IV. Coastal development and Design, Section C. Policies and Programs, subsection 2. Future Policies and Programs:

Modification No. 7. Modify the following policy, page 11:

Policy: The **former** Biltmore Site, **known as Noble Park and North Pier Parking Structure,** is a vital asset of the people of Hermosa Beach. ~~**The people concur that the most beneficial public recreational, and environmental use for**~~ This coastal site shall be maintained as ~~is~~ public open space and beach public parking.

Modification No. 8. Modify the following policy, page 11:

Program: The certified land use designations for the publicly owned property known as the Biltmore Site are as follows (Amended by vote of the people November 5, 1992):

1. The designation for the property specifically known as the Biltmore Site**, known as Noble Park,** is Restricted Open Space (O-S-2), to ensure its preservation and use as a public park.

2. The designation for that part of the Biltmore Site known as ~~Parking Lot C~~ **the North Pier Parking Structure** is commercial/Public Beach Parking.

Modification No. 9. On page 8, the City shall change the chapter heading, as follows:

IV. Coastal Recreational Access

Modification No. 10. Page 9, under Coastal Recreational Access, add the following:

Policy: Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for those temporary events which have the potential to directly or indirectly impact coastal access, coastal resources, environmentally sensitive resources, and rare or endangered species.

Modification No. 11. The City shall add the following section:

V. Water Quality

A. Statement of Philosophy

Hermosa Beach shall ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas.

B. Goals and Objectives

1. Reduce pollutants in storm water discharges to the maximum extent practicable.
2. Regulate illicit connections and illicit discharges and thereby reduce the level of contamination of storm water and urban runoff into the City's stormwater system.
3. Regulate Non-Storm Water Discharges to the City's stormwater system.

C. Policies

Control storm water runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or to other coastal resources, such as sensitive habitat areas or coastal waters. All development in the coastal zone, public and private, shall be in conformance with the storm water standards of the State of California as cited in section 8.44. of the Municipal Code, the Coastal Act, and the most recent standards of the Regional Water Quality Control Board with regards to storm water runoff (specifically, the Standard Urban Storm Water Mitigation Plan, issued March 8, 2000). New development or major rehabilitation projects will also be required to conform to any amendment to, or re-issuance of these State, Federal and Municipal standards. Pursuant to this:

a) All development shall comply with the provisions contained in section 8.44 of the Municipal Code, and with applicable State and federal water quality standards for discharges into sensitive habitat areas.

b) All development shall be designed to minimize the creation of impervious surfaces, and, to the maximum extent possible, to reduce directly-connected impervious areas on the site. Setback areas should remain permeable (vegetated or crushed gravel) where feasible.

c) Plans for new development and redevelopment projects, shall incorporate Best Management Practices (BMPs) and other applicable Management Measures contained in the California Non-point Source Pollution Control Plan, that will reduce to the maximum extent practicable the amount of pollutants that are generated and/or discharged into the City's storm drain system and surrounding coastal waters. BMP's should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses.

d) As part of the implementation of this Land Use Plan Amendment, the City shall develop a Public Participation component that identifies methods to encourage public participation in managing, development and minimizing urban runoff impacts to the coast. This component should include a public education program designed to: raise public awareness about stormwater issues and the potential impacts of water pollution; and involve the public in the development and implementation of the City's Stormwater and Urban Runoff Pollution Control Plan.

e) It is the intent of the City to pursue opportunities to participate in watershed level planning and management efforts directed towards reducing stormwater and urban runoff impacts to water quality and related resources including restoration efforts and regional mitigation, monitoring, and public education programs.

VI. SUGGESTED MODIFICATIONS LIP

The Commission hereby suggests the following changes to the City of Hermosa Beach LCP Implementation Plan which are necessary to bring the Implementation Plan into conformity with and adequate to carry out the provisions of the certified City of Hermosa Beach Land Use Plan. If the local government accepts within six months the suggested modifications by formal resolution of the City Council, the Implementation Plan will become effective upon Commission concurrence with the Executive Director finding that this has been properly done.

In the following suggested modifications, the Commission's suggested additions are indicated by double underline and suggested deletions are indicated by double ~~strike out~~.

Modification No. 1. On page 3, under Section 17.37.020, modify the following definition:

"Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition. or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations.

Modification No. 2. Add the following definition under Section 17.37.020:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Modification No. 3. On page 5, modify the following:

17.37.030 Permit Required

A. Coastal Development Permit Required. Any development in the Coastal Zone shall obtain a Coastal development permit, with the exception of ~~projects identified in Section 30519(b) of the Public Resources Code or a~~ development specially exempted by Section 17.37.040 of this Division.

Modification No. 4. Beginning on Page 5, modify the following:

17.37.040 Exemptions and ~~Categorical Exclusions~~ Temporary Events

A. Exemptions. The provisions of this Chapter shall not apply to the following projects as long as all applicable zoning standards are satisfied and no discretionary zoning approvals are necessary:

1. Additions to existing single-family residences and ancillary structures such as garages, swimming pools, fences, storage sheds and landscaping with the exception of the following:

   a. Development that involves a risk of adverse environmental effect pursuant to Section 13250, Title 14, of the California Code of Regulations.

   b. Improvements to any structure in the appealable area when such improvements could result in any of the following:

      (1) An increase of 10 percent or more of the internal floor area of existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.

      (2) The construction of an additional story or loft or increase in building height of more than 10 percent.

      (3) The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective work, guesthouse, or self contained second unit.

      (4) Improvements located on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as a viewpoint in the LCP, or within 50 feet of the edge of a coastal bluff.

   c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the ~~Coastal Commission~~ City Council as a significant natural habitat.

2. The maintenance, alteration or addition to existing structures, other than a single-family residence or public works facilities, provided the project does not involve:

   a. An adverse effects as specified in Section 13253, Title 14, of the California Code of Regulations.

   b. Any improvement to a structure that changes the intensity of use or use of the structure.

c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the ~~Coastal Commission~~ City Council as a significant natural habitat.

d. Improvements located on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as highly scenic in the LCP, or within 50 feet of the edge of a coastal bluff.

4. The installation, testing, placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act; provided that the Director may require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. All repair, maintenance and utility hook-ups shall be consistent with the provisions adopted by the California Coastal Commission. See Appendix A for list of repair, maintenance and utility hook-up exemptions.

~~7. Any category of development determined by the Coastal Commission to have no potential for any significant impact on the environment, coastal resources or public access to the coast.~~

Modification No. 5. Beginning on page 7, modify the following:

~~8.~~B. Temporary/Special Event.

A. For purposes of this Section, a "special event" shall mean any organized event, activity, celebration or function involving the use of City property, rights-of-way, parkland or the beach at which twenty-five (25) or more persons are to be assembled. The activities described in Sections 12.28.060 through 12.28.090 and 12.28.110 are "special events" within the meaning of this Section regardless of anticipated or actual attendance.

B. No person shall organize or conduct a special event without first obtaining a permit to do so as prescribed by this Section.

C. Application for a special event permit shall be made on forms provided for that purpose by the Community Resources Department, and shall contain the following information:

1. Name, address, telephone number and other identification information about the person or organization responsible for organizing the event, including its commercial/nonprofit status.
2. The proposed dates and hours of operation of the event, including the period required for set-up and break-down/clean-up.
3. The estimated daily and total attendance at the event (including organizers, participants, spectators, volunteers and others), with an explanation as to the factual basis for the estimate.

4. A description of all organized activities proposed to take place during the event, and whether admission is to be charged.
5. A description or diagram showing the proposed location of the event, including all temporary facilities/structures/signage/equipment to be erected, ingress and egress, number and type of vehicles and whether existing structures/facilities are to be relocated or modified.
6. A parking plan showing the number of public parking spaces to be occupied by the event organizers, the location of satellite parking lots to be used for attendee parking, arrangements for shuttle bus transportation, and plans for publicizing the availability of off-site public parking.
7. Such other information determined by the Director of Community Resources to be necessary to evaluate the proposed event.
8. A permit fee in an amount determined by resolution of the City Council.
9. A dated signature of the organizer or its authorized agent attesting to the truth, completeness and accuracy of the contents of the application.

D. The Community Resources Director may issue a special events permit upon finding that:

1. The special event, if it falls within Sections 12.28.060 through 12.28.090 and 12.28.110, is included in the annual special event calendar approved by the City Council.
2. The applicant reimburses the City for all costs incurred by the City in connection with the event, including public safety, traffic control and monitoring.
3. The number of estimated attendees can be accommodated at the proposed location and surrounding area.
4. The applicant is capable and qualified to manage the event in a competent, professional manner in accordance with all conditions of approval.
5. Adequate provision has been made for satellite parking, shuttle transportation and traffic control.
6. Adequate provision has been made for security, crowd control, ingress and egress, and clean-up.
7. The total number of days required for the event shall not exceed fourteen (14) days.
8. The applicant provides required insurance, deposits, bonding and indemnification of the City.

E. The Community Resources Director may impose such conditions and operational rules and regulations on the special event permit as are necessary to minimize its impact on the community and to assure that it will not be a detriment to public health and safety. Such conditions include, but are not limited to:

1. Monetary deposits, bonds and other security as may be necessary to guarantee performance of all required conditions, clean-up and repair of any City property or facilities damaged as a result of the event.
2. Procurement of liability and other insurance policies to protect the applicant and attendees, naming the City and its officers and employees as additional insurers.
3. Limitations on the hours of operation and volume of public address systems and/or amplified music.

F. The Community development director shall conduct hearings and provide notice on applications for a special event as a coastal development permit if the following circumstances apply:

1. It is held between Memorial Day weekend and Labor Day; and ,

2. It occupies more than 5,000 square feet a sandy beach area and reserves more than 35 spaces in a beach parking lot or downtown for exclusive use of the event sponsors or special guests; and ,

3. Fees are charged for admission to more that 25% of the seats or spaces.

4. Notwithstanding the requirements above, if, in the opinion of the ~~Community Development Director~~, City Council or the Community Resources Director, the location, nature, configuration or length of the event, may result in impacts to coastal recreational opportunities and resources, access and impacts to the environment a coastal development permit shall be required for the event.

G. If a coastal development permit is heard for the event, the community resources director shall issue notices and hold hearings consistent with notice and hearing requirements indicated in section 17.37.080 of this ordinance. The hearings and decision on the special event permit and of the coastal development permit for such an event shall be combined. Coastal Development Permits for temporary events shall be subject to, and processed in conformance with, all applicable procedures set forth in Chapter 17.37

H. Any person may appeal a decision of the Community Resources Director as regards a special event permit application and or a coastal development permit for a special event by filing an appeal in writing to the City Clerk within ten (10) days of the decision. The appeal shall set forth the grounds upon which the appellant believes the decision is in error or inconsistent with the LCP. The City Council shall consider and take action on the appeal at its next regular meeting following receipt of the appeal, provided that it may continue its deliberations to a date certain with the

consent of the applicant. The decision of the City Council shall be final unless the event is located in the geographic area in which coastal development permits may be appealed and the event has received a coastal development permit, in which case the procedures for the issuance of appealable coastal development permits found in chapter 17 shall apply.

Section 17.37.044 Findings - Temporary Events.

All decisions on Coastal Development Permits for temporary events shall be accompanied by written findings. A Coastal Development Permit for a temporary event shall be approved either as applied for, or as modified, only if all of the following findings can be specifically supported:

A. The staging of this temporary event will not result in more than two (2) temporary event occurring on the beach during the calendar year that proposes to charge admission fees for more than 25 percent of the provided seating capacity.

B. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Hermosa Beach Local Coastal Program.

C. The temporary event, as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 commencing with Section 30200 of the Public Resources Code, specifically:

1. The event does not physically block or prohibit access to the shoreline, Pier, or The Strand by the general public or impose conditions on the public for access to the shoreline, Pier or The Strand. A specific requirement for a minimum fifteen (15) foot wide accessway to the Pier is included in the Coastal Development Permit as a condition of approval.

2. The event includes a parking plan which minimizes exclusive use of public parking spaces in the area located between the beach and Hermosa Avenue, by allowing the exclusive use of public parking spaces only for those vehicles deemed essential to the operation of the event. A specific description of the parking plan is included in the Coastal Development Permit as a condition of approval.

5. If the event requires the use of more than twenty (25) public parking spaces in the area located between the beach and Hermosa Avenue, the parking spaces are replaced at a minimum one-to-one ratio in parking lots open for use by the general public, and adequate free transportation is provided between the replacement parking spaces and Hermosa Avenue to assure that they effectively serve public beach access. A specific description of the replacement parking program is included in the Coastal Development Permit as a condition of approval.

4. If the expected attendance at the event exceeds 1,500 persons on any day, measures to effectively serve beach access are provided, including, but not limited to the provision of alternate parking and a beach shuttle service, and an interim traffic control plan, including notification to the public. Such measures shall be adequately publicized by ticket sales, incentives, signs, radio and other measures required by the Department of Parks and Recreation or the Community Development Director. A specific description of the measures to be used are included in the Coastal Development Permit as conditions of approval.

5. The cumulative effects of the event, in conjunction with other past, concurrent, or future planned temporary events, will not result in unmitigated impacts on coastal access during the peak beach use period commencing May 1 and ending September 30.

D. The event will not be significantly detrimental to the public health, safety or welfare of persons residing or working in the vicinity of the proposed event; the event will not be significantly detrimental to properties or improvements in the vicinity of the event; and the proposed event will not be significantly detrimental to the general welfare of the City.

E. All feasible mitigation measures and conditions to the Coastal Development Permit have been adopted to offset any adverse impacts of the proposed event.

Modification No. 6. On page 8, delete the following:

~~**B. Categorical Exclusions.** The provisions of this Chapter shall not apply to the following projects:~~

~~1. All projects consistent with the zoning ordinance that do not require discretionary review and are not located in the appealable area or are subject to appeal as stated in Section 17.37.130.~~

~~2. (RESERVED) Specific list of categorical exclusions to be submitted separately.~~

~~3. The City shall maintain a record of all permits issued for categorically excluded developments for public review. Each permit shall contain the name of applicant, location of project and a brief description of the project.~~

~~4. Notice for projects that are categorically excluded shall be provided to the Coastal Commission within five (5) working days.~~

Modification No. 7. On page 8, modify the following:

17.37.050 Coastal Development Permit Applications

A. Application. Applications for a Coastal Development Permit shall be approved prior to issuance of building permits. A Coastal Development Permit application shall be made to the Community Development Department on forms provided by the same Department. ~~The required contents of the Coastal Development Permit shall be as set forth by the Community Development Department and shall be accompanied by the filing fee as established by resolution of the City Council.~~ The applicant shall state in the application how:

1. The proposed development conforms to the certified Local Coastal Program.

2. The proposed development, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3, Division 20 of the Public Resources Code.

B. Application Requirements.

Each coastal development permit application shall be accompanied by:

1. Filing fee, as established by resolution of the City Council;

2. Evidence that the applicant meets the following criteria:

   a. Is the owner of the property involved; or

   b. Has written permission of the owner or owners of the property to make such application; or

   c. In the case of a public agency, is negotiating to acquire a portion of the property involved.

3. Description of the nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used.

4. A location map showing the area to be developed in relation to nearby lots, streets, highways, and major natural features, such as the ocean, beaches, and other major landforms.

5. A site plan, drawn to scale, showing:

   a. Existing and proposed property lines of the site to be developed, including all easements over or adjacent to the lot;

   b. Existing and proposed topography;

   c. All existing and proposed structures, roads, utility lines, signs, fence, accessways and other improvements;

   d. Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted.

6. Any additional information determined, within thirty (30) days of the coastal development permit application submittal, to be necessary for evaluation of the proposed development.

7. Description of any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact the development may have on the environment.

8. For development proposed on beachfront property, the application shall include documentation that is sufficient to determine the maximum extent of storm wave uprush on the project site based on current and predicted sea level rise and beach erosion over the life of the structures.

9. Address labels for all known interested parties, and all property owners, residents, tenants, leasees, and businesses within a 100 foot radius of the parcel on which development is proposed.

10. Evidence that the applicant has posted a notice in a conspicuous location at the site of the proposed development that clearly states the applicant's intent to apply for a Coastal Development Permit. The posted notice shall contain a brief description of the proposed development.

~~B.~~C. **Refusal of Acceptance of Application for Lack of information.** The Director may reject, without a public hearing, an application for a Coastal Development Permit if such application does not contain the required information.

~~C.~~D. **Concurrent Filing.** A Coastal Development Permit shall be considered concurrently with any other discretionary permits or approvals required for the project by the City.

Modification No. 8. On page 9, modify as follows:

17.37.060 Determination of Jurisdiction

A. Determination. Prior to or at the time of an application for a Coastal Development Permit, the Director shall determine if the proposed project is located within an area that is:

1. An area where the California Coastal Commission continues to exercise Original Permit Jurisdiction, as defined in Section 30519 of the California Coastal Act, and the applicant must obtain a Coastal Development Permit directly from the Coastal Commission.

2. Appealable to the Coastal Commission and requires a Coastal Development Permit.

3. Non-appealable to the Coastal Commission and requires a Coastal Development Permit.

4. ~~Categorically excluded or~~ E~~e~~xempt and does not require a Coastal Development Permit.

Modification No. 9. On page 9, modify the following:

17.37.070 Resolving Jurisdictional Determination Disputes

A. Dispute Procedure. Where a question as to the appropriate jurisdiction has arisen, the following procedures shall establish whether a development is exempt, ~~categorically excluded~~, non-appealable or appealable:

1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, ~~categorically excluded~~, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.

2. If the determination of the local government is challenged, or if the local government wishes to have the Commission determine the appropriate designation, the local government or an interested person shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

3. The Executive Director shall, within two (2) working days of the ~~local government~~ request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is exempt, ~~categorically excluded~~, non-appealable or appealable.

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the ~~area~~ project. The Coastal Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request.

Modification No. 10. On page 10, modify Section 17.37.080, subsection B.5. as follows:**B. Contents of Coastal Development Permit Hearing Notice.** In addition to the noticing required for public hearings in accordance with City Council policy, the notice for a Coastal Development Permit shall contain the following information:

1. A statement that the development is located within the Coastal Zone and is either Appealable or Non-Appealable to the Coastal Commission.

2. A statement of the public comment period.

3. The date of the filing of the application and the name of the applicant.

4. The file number assigned to the application.

5. A description of the development ~~at~~ and its proposed location.

6. The date, time, and place at which the application will be heard.

7. A brief description of the general procedure concerning the conduct of hearing and local actions.

8. The procedure for local and Coastal Commission appeals, including any local fees required.

Modification No. 11. On page 10, modify Section 17.37.100 as follows:

17.37.100 Coastal Development Permit Approval or Denial Findings

A. Findings for Approval. An application for a Coastal Development Permit shall be approved when the evidence substantiates to the satisfaction of the approving authority. All decisions on Coastal Development Permits shall be accompanied by written findings and shall include the following findings:

1. The proposed development is in conformity with the Certified Local Coastal Program.

2. Any development, located between the ~~nearest~~ first public road paralleling ~~and~~ the sea or shoreline of any body of water located within the Coastal Zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

3. The proposed development conforms to the requirements of the California Environmental Quality Act (CEQA).

Modification No. 12. On page 12, Section 17.37.130, subsection C. modify as follows:

C. Appeals to the Coastal Commission

1. Exhaustion of Local Appeals. An appellant must exhaust all local appeals under the City's appeal procedure prior to filing an appeal to the Coastal Commission~~.~~, unless one of the grounds listed in California Code of Regulations, Title 14, Section 13573 are present.

2. Non Appealable Jurisdiction: A decision for a development located in the non-appealable jurisdiction is not appealable unless the development:

    a. Requires amendment to the Zoning Ordinance or General Plan.

    b. Constitutes a major public works project or a major energy facility.

3. Appellants: A decision for a development located in the appealable jurisdiction or as described in 17.30.130 C2 above may be appealed by:

    a. The applicant or aggrieved person who exhausted local appeals.

    b. Any two members of the Coastal Commission.

4. Appeal Time Limit: All appeals must be filed with the Coastal Commission within ten (10) working days of the date the Coastal Commission receives the notice of final local action on the Coastal Development Permit as defined in Section 13571(a), Title 14, of the California Code of Regulations.

5. Grounds for Appeal. The grounds for an appeal of a local decision on a development shall be limited to an allegation that the decision ~~did~~ does not conform to the Certified Local Coastal Program, or the public access policies of the Coastal Act.

6. Effect of Appeal to the Coastal Commission. Upon receipt of a notice from the Executive Director of the Coastal Commission that an appeal has been filed, the City shall refrain from issuing a building permit on the development, and the City's action on the development shall be stayed, pending Coastal Commission action on the appeal.

Modification No. 13. Beginning on Page 12, modify as follows:

17.37.140 Expiration of Unused Permits

A. Permit Expiration. If development authorized by a Coastal Development Permit has not commenced within the specified time, or if no time is specified, within two years of the granting of the permit, the permit becomes null and void with the exception of the following:

1. In the case of a permit for a publicly owned use, the development shall be deemed to have commenced, provided that the public agency accomplished the following:

   a. Within one year of the approval date, the City either acquires the property involved or commences legal proceedings for its acquisition.

   b. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area indicating the agency and the purpose of which it is to be developed. One such sign shall be placed facing and located within 5 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway, the agency shall erect one sign facing the street, highway or parkway nearest the property.

2. In the case of a Coastal Development Permit heard concurrently with any other discretionary permit, the Planning Commission and/or City Council shall specify time limits and extensions to be concurrent and consistent with those of the land division, variance or other permit.

3. Extension of Permit. The Planning Commission may extend a permit for a period of not to exceed one year if the development has not commenced during that time, provided an application requesting such extension is filed prior to such expiration

date. In the case of a non-profit corporation organized to provide low-income housing, the Planning Commission may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

Modification No. 14. On Page 14, modify the following:

17.37.170 Revocation of Coastal Development Permits

A. Grounds for Revocation. The City may initiate proceedings to revoke a Coastal Development Permit upon the receipt of evidence indicating that:

1. The applicant included inaccurate, erroneous and/or incomplete information, and if accurate and complete information had been provided, the Coastal Development Permit would not have been approved or different conditions of approval would have been imposed; or,

2. There was failure to comply with notice provisions of Section 17.37.080, where the views of the person(s) not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions on a permit or deny an application.

3. The applicant is violating the conditions of approval, has been requested by the City to correct said violation(s), and has failed to correct a violation(s) despite this request by the City.

4. The development is being operated in such a manner as to be a threat to public health and safety or is creating a nuisance.

B. Initiation of Revocation. Initiation of proceedings to revoke a permit based on evidence constituting grounds for revocation, as stated in sub-section A above, may be made by the City, on its own motion, or any person who did not have an opportunity to fully participate in the original permit proceedings because of the reasons stated in sub-section A above and who applies to the Director specifying the particular grounds for revocation. ~~The City may initiate proceedings to revoke a permit based on evidence submitted by any person constituting grounds for revocation as stated in sub-section A above.~~ The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and is without merit, or was filed without due diligence, shall initiate revocation proceedings.

Modification No. 15. On page 15, modify the following:

17.37.190 Emergency Coastal Development Permits

A. Emergency Permits. In the event of a verified emergency, an oral or written temporary emergency authorization to proceed with remedial measures may be given by the Director until such time as a full Coastal Development Permit application has

been ~~be~~ filed, as set forth in Sections 13136 through 13143, Title 14, of the California Code of Regulations. If oral authorization to proceed is given by the Director, as soon as feasible, the Director shall also issue a written authorization describing the activity that has been authorized.

B. Immediate Emergency Action. In some instances it may be necessary to take immediate action to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or other emergency, before applications and procedures for obtaining a permit can be complied with in a timely manner. In such cases the requirements of obtaining a permit may be waived as long as the actions taken do not result in permanent erection of structures valued at more than twenty-five thousand dollars ($25,000). The Executive Director of the Coastal Commission shall be notified of the type and location of the emergency action taken within three (3) days of the disaster or discovery of the danger, whichever occurs first. Within seven (7) days of taking such action, the Director shall send a written statement to the Coastal Commission of the reasons why the action was taken and verify that the action complied with the expenditure limits set forth in Public Resources Code Section 30611.

C. Limitations. The Director shall not grant an Emergency Coastal Development Permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority or for any development that is appealable to the Coastal Commission. In such areas, a request for an emergency authorization must be made to the Coastal Commission.

Modification No.16. On page 16, add the following:

17.37.210 Local Coastal Program Amendments

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Coastal Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the Coastal Zone must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:

1. A resolution of intention initiated by the Planning Commission.

2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.

3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments to the Local Coastal Program.

1. Upon receipt of a completed amendment application or duly adopted resolution of intention, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.

2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment may be appealed by any interested person, including a Commissioner or Council member, per Section 17.37.130.

C. City Council Action on Amendments to the Local Coastal Program. The recommendation of the Planning Commission to approve or deny a proposed Local Coastal Program Amendment, or the appeal from a decision by the Planning Commission shall be considered by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to Section 17.37.080.

D. Fees. A fee for an amendment to the Local Coastal Program shall be established by a resolution of the City Council.

E. Coastal Commission Certification of Amendments to the Local Coastal Program. Any proposed Amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to the certified Local Coastal Plan shall not become effective until the amendment is submitted pursuant to the requirements of Section 13551 of the California Code of Regulations and certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act~~.~~, as follows:

1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection 2 of this section.

2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

Modification No. 17. On page 17, modify as follows:

17.37.220 Encroachments

An encroachment is defined as any structure, object, use, or landscaping, owned by a private property owner that is ~~proposed to be~~ located on or over public property.

A. Encroachment Permits.

1. All encroachments shall be required to obtain an Encroachment Permit, as specified in Municipal Code Chapter 12.16, as well as any necessary Coastal Development Permits, as detailed in this section.

2. Any application for encroachment in the Coastal Zone shall be evaluated for conformance with the policies of the California Coastal Act and the Certified Land Use Plan.

3. Access in the Coastal Zone along public rights-of-way, such as paved sidewalks and walk streets, shall be protected. No permanent device, structure, use, object or landscaping preventing public access along paved sidewalks shall be permitted.

B. Outdoor Dining on Lower Pier Avenue.

1. Applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall be subject to Section 12.16, Encroachments, of the Municipal Code.

2. Notwithstanding the provisions of 17.37.220, A. above, applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall not require a Coastal Development Permit as long as the <u>cumulative outdoor dining area on Pier Avenue, between Pacific Coast Highway and the Strand, does not exceed 3,300 square feet, and the</u> provisions of Municipal Code section 12.16 are complied with.

Modification No. 18. The City shall amend Chapter 8.44 of their Municipal Code as follows:

8.44.060 Prohibited Activities

A. Illicit Discharges and Connections.

It is prohibited to commence, establish, use, maintain, or continue any Illicit Connections to the MS4 or any Illicit Discharges to the MS4. This prohibition against Illicit Connections applies to the use, maintenance, or continuation of any Illicit Connection, whether that connection was established prior to or after the effective date of this Chapter. <u>All construction, alteration, or repair activities of any storm water drainage structure, facility, or channel must first obtain a permit therefor from the City's Department of Public Works</u>.

D. Non-Storm Water Discharges.

The following Non-Storm Water Discharges into the MS4 are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board:

3. To the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, ~~which are visibly leaking oil, fluid or antifreeze,~~ is undertaken;

11. The discharge of untreated runoff to the MS4 from new or refurbished parking lots with 25 or more parking spaces.

8.44.075 Site Development Standards for Storm Water and Urban Runoff Prevention and Control

A. Acess Roads, Driveways, Turnarounds

1. All roads, driveways, and turnarounds should avoid where possible locations requiring substantial cut and fill. Limit related land disturbance such as clearing, grading, and cut and fill to reduce erosion and loss of topsoil.

2. On disturbed surfaces adjacent to roads, soil stabilization practices such as permanent seeding, mulching, slope terracing/rounding, top/toe and mid-slope diversion ditches, and/or slope/subsurface drains shall be implemented.

3. For roads, access ways, and turnarounds that would change the overall runoff either qualitatively or quantitatively, the runoff shall, to the maximum extent practicable, be directed to vegetated pervious areas such as vegetated filter strips or grassed swales for treatment. Pond systems, and/or infiltration systems shall otherwise be installed and maintained.

B. Landscaping and Vegetation

Native vegetation shall be retained, protected, and supplemented to the maximum extent practicable. In no event shall the native vegetative ground cover be destroyed, removed, or disturbed more than fifteen (15) days prior to grading unless otherwise approved by the engineer representing the permit-issuing authority. When vegetation must be removed, the method shall be one that will minimize the erosive effects from the removal. Exposure of soil to erosion by removing vegetation shall be limited to the area required for immediate construction operations. Only areas essential to the proposed construction and development shall be permitted to be cleared of native vegetation.

C. Grading

Plan and design development within the natural constraints of the site to minimize the clearing, grading, cuts and fill required for the development. Grading operations shall be conducted so as to prevent damaging effects of sediment production and dust on the site and on adjoining properties. All land-disturbing activities during the rainy season (October 15 – April 15), regardless of size, shall be avoided to the maximum extent practicable and may be undertaken only in accordance with an erosion control plan approved by the City. Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance. Earth dikes, swales, or, where possible, other unpaved facilities or diversion for intercepting surface runoff shall be installed at the top of cut or fill slopes where there is a potential for erosion. Such interceptors shall not divert additional runoff onto adjacent properties or into adjacent drainage basins.

D. Sediment Control During Construction

Sediment shall be retained on the site. Sediment basins, sediment traps, filtering or similar sediment control measures shall be installed before any clearing and grading operations begin.

8.44.080.C. Storage, Maintenance, and Repair of Materials, Machinery, and Equipment.

Machinery and equipment used for construction, industrial, and/or commercial purposes shall only be maintained and washed in confined areas specifically designed to control runoff. These confined areas shall be more than 50 feet away from the MS4. Other Mmachinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure that prevents contact with runoff or spillage to the MS4; or (2) protected by secondary containment structures such as berms, dikes, or curbs. The material storage area must be paved and sufficiently impervious to contain leaks and spills. The material storage area must also have a roof or awning to minimize collection of storm water within the secondary containment area.

8.44.095 Standard Urban Storm Water Mitigation Plan ("SUSMP") Requirements for New Development and Redevelopment Projects.

B. Incorporation of SUSMP Into Project Plans.

An application for a New Development or a Redevelopment Project identified in paragraph a. of this Section shall incorporate into the applicant's project plans a Storm Water Mitigation Plan which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations, as set forth in the SUSMP applicable to the applicant's project. Structural or Treatment

Control BMPs set forth in project plans shall meet the design standards set forth in the SUSMP.

In addition, for all other projects not identified in paragraph a. of this Section, structural and non-structural BMPs during and after construction shall be implemented and maintained as needed to treat and control the increased runoff and associated pollutants caused by changed soil and surface conditions. Specifically, for design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) shall be designed, where appropriate, to treat, infiltrate or filter storm water runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs (i.e., standards set forth in the SUSMP), and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.

The design standards are not applicable to single family residence developments and any other small-scale developments limited in land disturbance and runoff impacts provided all of the following are true:

1. No post construction runoff discharges directly into the MS4;

2. The intervening pervious areas between any impervious areas on-site and the MS4 are at least one half the size of the impervious areas generating runoff and at least one half the width of the widest part of the impervious draining surface; and

3. The intervening pervious areas between any impervious areas and the MS4 are of appropriate location, slope and design.

If a project applicant has included or is required to include Structural or Treatment Control BMPs in project plans, the applicant shall provide verification of maintenance provisions. The verification shall include the applicant's signed statement, as part of its project application, accepting responsibility for all structural and treatment control BMP maintenance until such time, if any, the property is transferred.

BMPs incorporating the use of vegetation, shall be maintained with an emphasis on reducing mowing and spraying while increasing the planting of native species.

Structural or treatment control BMPs shall be inspected prior to the start of the rainy season and no later than October 15th. Major observations to be made during inspections include:

1. Locations of discharges of sediment or other pollutants from the property;
2. BMPs that are in need of maintenance;
3. BMPs that are not performing, failing to operate, or inadequate; and
4. Locations where additional BMPs are needed.

BMPs shall be maintained according to the specific measures outlined in the appropriate BMP design manuals, as referenced by the SUSMP, with considerations for regional differences in climate and soil.

BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15th each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate and lawful manner.

Non-routine maintenance activities that are expensive but infrequent, such as pond dredging, should be performed on an as-needed basis based on information gathered during regular inspections.

Where feasible, all critical corrective BMP maintenance shall be performed immediately and no later than the onset of the following rain season.

8.44.130 Citywide Urban Runoff Pollution Prevention Education Program.

The Department of Environmental and Public Works Management, along with other City departments, shall conduct an informational program to educate the public about the dangers of urban runoff pollution and the means of preventing such pollution. The program shall educate residents and business persons who operate within the City about the contents of this Chapter.

Modification No. 19. The City shall add the following section:

17.37.260 Parking In-lieu Fee

Businesses within the Downtown Enhancement District proposing in-lieu fees to fulfill parking required under Section 17.44.190 of the municipal code shall first provide evidence acceptable to the Director, that there is adequate additional underused capacity within the Downtown Business District to accommodate the number of spaces required.

1. The in-lieu fee shall be the actual construction cost of a space in an above ground parking structure, adjusted for inflation by the percentage change in the Consumer Price Index (CPI), between June 1999, through the month in which payment is made. As of June 1999, the in-lieu fee was $12,500.

2. The fee shall be deposited in the City's Parking Improvement Fund. All parking mitigation fees deposited into this Fund, and all interest earned, are to be used specifically for creating parking opportunities within the Coastal Zone.

3. Fees collected in-lieu of providing required parking for development within the Downtown Enhancement District shall be limited to a threshold limit of 84 parking spaces, based on the calculated cost of constructing a parking space at the time each fee is collected.

Modification No. 20. Minor or grammatical changes:

1. Renumbering of sections. Where modifications include the creation of new or deleted sections, if the proposed numbering is inconsistent with the City's numbering, the City shall renumber the sections to ensure consistency throughout the plan.

2. Where the "California Coastal Commission" is referenced as "Commission", text should be modified to read as "Coastal Commission" to ensure continuity throughout the plan and consistency with the definition section of the LIP.

VII. FINDINGS FOR DENIAL OF LUPA

The Commission hereby finds and declares as follows:

A. Amendment Description and Background

On August 1, 2000 the City of Hermosa Beach submitted an amendment to its certified land use plan LUP and a newly adopted implementation program (LIP) for its local coastal program. In October 2001, the Commission extended the time for it to review the submittal by one year. The Commission certified the City's Land Use Plan on August 19, 1981, with suggested modifications. Subsequent to the certification of the LUP, there have been five amendments that have been submitted by the City and approved by the Commission.

The City of Hermosa Beach is located in the South Bay area of Los Angeles County between Manhattan Beach to the north and Redondo Beach to the south. The Hermosa Beach Coastal Zone includes approximately .75 miles of beachfront, a fishing/pedestrian pier, bike and pedestrian promenade (the Strand), commercial development, and residential development varying in size from single-family to multiple-family development. The Coastal Zone extends approximately half a mile inland. The amended land use plan includes some chances in land use designations, none of them major (Exhibits), and a number of policies to address locally controversial issues such as business and commercial parking and the use of some of the industrial sites remain in the City's coastal zone. . Since the certification of the Land Use plan, Hermosa Beach has revisited its development standards and updated its General Plan, and Zoning, adopting more modern standards, but endeavoring to retain the scale and important public features of the City. The goals have been to maintain public open space along the former railroad right-of-way and on the City's walk streets, to allow development while maintaining the scale of the community, and to encourage the recycling of downtown commercial structures to economically viable uses without creating a parking problem in the area close the beach, where the older structures are located.

B. Public Access

The certified Hermosa Beach LUP identifies public access corridors (the walk streets and the beachfront walk, "the Strand") and includes provisions to protect these resources. The major issue over the years has been parking. In the 1994 LUP amendment 1-94, it was stated that most of the urbanized coastline in Los Angeles is within small cities. In many, like Hermosa Beach, the beach is publicly owned and access is limited by the transportation system, which for people in the Los Angeles basin means the automobile. Many of these small cities, including Hermosa Beach, were subdivided in the time of the street railways and have inadequate provisions for cars. The inadequate provisions for cars include narrow streets and very little off-street parking. Additionally, historic downtown subdivision and development practices have restricted adequate provisions of off-street private parking spaces. This has resulted in a shortage of parking due to competing peak hour and seasonal parking demands of beach goers, customers of commercial establishments and the surrounding residential uses which range from low to high density.

The LUP established a requirement of two parking spaces per residential unit. The City now proposes to eliminate that provision and to rely on the "zoning code." The zoning and building codes provide (see exhibit) two spaces plus one guest space for each single family and duplex unit and two spaces plus one guest spacer for every two multiple housing units. The City's initial submittal also referred to the Building Code. However, the Building Code is essentially duplicative and contains other information that is not germane to the issuance of coastal development permits. Moreover the Uniform Building Code is routinely updated by the state. This could result in unnecessary amendments to the Local Coastal Program, because the LUP and LIP would then refer to an outdated Building Code. For this reason, the LUP and LIP should not adopt the Building Code by reference and the LUP as submitted must be denied. However, referring only to "the Zoning Code " is far too general. It does not specify which version of the Zoning Code was provided to the Commission and may result in confusion concerning which standard the Commission has certified.

The use of the current Zoning Code represents an increase in the parking ratios of the currently certified LUP, and will adequately protect coastal access parking by assuring that each development can provide enough parking to satisfy its demand. Reliance on the Zoning Code means, however that any amendment to the Zoning Code will have to be certified by the Coastal Commission as an LUP and LIP amendment before it will apply within the Coastal Zone.

A more difficult problem has been the provision of parking when older commercial structures that were built to be served by streetcars attempt to recycle as restaurant or other high intensity uses. This tendency has been exacerbated by the failure in the 1960's of many neighborhood retail businesses as shopping centers supplanted them and recycling the space to entertainment uses. When the LUP was initially certified, the City had two existing public parking lots that that had been paid for by assessments on commercially zoned property. The Commission certified a policy-allowing City to approve up to development requiring up to100 spaces without the immediate provision of additional parking. However the policy included an in lieu fee, and re use of the

properties still languished. No developer took advantage of this and little recycling of these buildings occurred.

In an effort to mitigate these parking conflicts and to address the City's unique parking needs, in 1994 the Commission approved an LUP amendment (1-94) that allowed new development on lots less than 10,000 square feet and developed to less than 1:1 floor area to building area, to use existing on-street parking and commercial parking lots in lieu of providing on-site parking. It also allowed new development in the downtown area to provide parking at 65% of the parking standard. For development that was required to provide parking, developers could provide a fee in lieu of the parking. This in-lieu fee was limited to no more than 100 spaces.

The amendment was predicated on the existence of downtown commercial lots that had been built with the assistance of owners of the non-conforming structures, and the documentation that on many days, there existed a surplus of spaces in the downtown area. The background information also noted the high occurrence of shared parking and of use of alternative modes of transportation to the downtown, such as walking and using bicycles. The information submitted by the City at that time indicated that the downtown area contained 350,776 square feet of commercial development, and theoretically, could be expanded to accommodate a total of approximately 994,884 square feet. Based on the maximum potential build-out and the City's 65% parking reduction, there would be a parking deficiency of 434 parking spaces.

The exceptions to the parking requirements within the Downtown Commercial District granted in the amended LUP was permitted only as limited by a build-out cap. New development was limited to a total of 96,250 sq. ft. of new development. The cap was established by a City parking analysis that indicated that there was an existing surplus of 250 parking spaces which could accommodate approximately 96,250 square feet of new commercial development, based on the 65% parking reduction. Although roughly related to the surplus public parking spaces, the cap was designed so that the program would be self-limiting in case any of the assumptions on which the program was designed were incorrect. By imposing a cap, the Commission limited the effects of any mistake by limiting the amount of development that could occur. The cap would be triggered when 96,250 square feet of new development was reached, even if all of the "surplus" spaces were not committed.

Since the approval of the 1994 amendment, the City and the Commission have approved over 96,250 square feet of business improvements and expansions, including a 96-unit limited-term occupancy condominium hotel (Coastal Development Permit #5-96-282.) All of this development received one or another parking "break" in calculating the amount of required parking authorized in the amendment. "Breaks" included a lower parking generation ratio (65%) and exceptions for smaller structures. Under the provisions of the 1994 amended LUP, all new projects were subject to the City's standard parking requirements. Now that the cap has been reached, the Commission must certify a new LUP amendment based on a new parking study before approving any additional development based on the program.

In the current LUP amendment, the City is proposing to eliminate the development cap for the Downtown District and to continue the parking demand ratio reduction along with parking exceptions for smaller structures. In replace of the cap the City is proposing to minimize parking impacts through alternative measures such as an in-lieu fee program, parking plans, creation of remote parking lots, reduced parking requirements, or shared parking programs.

Although the City has since reached the development cap, in 1998-99 the City constructed a new parking structure with 380 additional public parking spaces [CDP No. 5-97-11(City of Hermosa Beach). However, due to additional project development, and replacement of displaced parking, the actual number of surplus spaces available is 84 spaces [CDP No. 5-96-2112-A1 (City of Hermosa Beach)]. Based on the City's 65% parking break for the downtown area the 84 spaces would provide 32,340 square feet of new commercial development.

According to City estimates, and a 1996 circulation and parking study prepared for the City, the downtown business area contains approximately 361,993 square feet of commercial development and has the potential to develop to a total of approximately 691,460 square feet, based on current zoning. The additional square footage, if the area were to be developed to it's maximum build-out potential, would generate a parking demand of 855 additional cars, based on the City's 65% parking break. This amount of potential build-out would create a parking deficit of approximately over 400 parking spaces.

This deficit would have a significant impact on public access. The City's submittal does not adequately address the cumulative impacts on beach parking if an additional 329,467 square feet of development were permitted with reduced parking. Furthermore, without a limit to the amount of development that can occur in the downtown area, and a mechanism to monitor development impacts to public access, the submittal does not ensure that public access will be protected.

Therefore, the Commission finds that the proposed LUP amendment policies, as submitted, must be denied. The Commission further finds that the proposed LUP amendment is not consistent with Sections 30211 and 30252 of the Coastal Act which require that new develop enhance and not interfere with public access to the coast, and must be denied.

If the LUP policies are modified consistent with the suggested modifications stated in Section V of this report, (page) to assure that sufficient parking exists within the Downtown Enhancement District to accommodate new development and beach parking and to adequately monitor downtown development and parking, the modified LUP policies will be consistent with the access provisions of the Coastal Act. As modified, the LUP amendment will permit reduced parking requirement up to a limit of 146,300 square feet of new commercial development.

C. Public Recreation

Section 30212.5 of the Coastal Act requires that public recreation opportunities be distributed throughout coastal areas to prevent overuse of any single area. Section 30213 requires that lower cost recreational facilities be encouraged. The certified LUP includes policies that are intended to protect and enhance the recreational areas and facilities. These include policies to identify the walk streets as access corridors, and policies to protect the beach as a public recreational resource. The proposed LUP amendment, however, does not address temporary events and their potential impact to recreational areas and facilities.

In recent years it has become apparent to the commission that cumulatively private and public temporary events on the beach and other areas could reduce the availability of those areas to the general public for activities protected by the coastal act. The Legislature has recently directed the commission adopt guidelines indicating which temporary events on the beach or elsewhere should be excluded form permit requirements and which events, because of their impact of public use of beach and other resources should be reviewed for a coastal development permit.

Policy 30610 of the coastal act now includes the following language that indicates that while many temporary events should not require permits, some events could have a significant adverse impact on coastal resources, including on the available of public recreation resources for the general public. Section 30610(i) states:

> *(1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.*
>
> *(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).*

Sections 30220 and 30221 of the Coastal Act require that coastal areas be protected for recreational uses. The proliferation of special temporary events in some coastal areas has been determined to negatively impact public access and recreation. In the South Bay, where public parking is limited and the beach is relatively narrow, a temporary event can dominate beach parking and block beach views for the days on which it occurs. The proposed LUP does not include a policy to address the issues

raised by temporary events. Therefore, the proposed LUP does not meet the requirements of, and is not in conformity with, the Chapter 3 policies of the Coastal Act.

D. Low and Moderate Income Housing Requirements

The LUP amendment proposes to remove all housing policies from the certified LUP. In 1982, when the LUP was certified the Coastal Act contained sections that required the protection of housing opportunities for persons and families of low or moderate income. These provisions of the Act that pertained to low and moderate income housing have been removed from the Act. Therefore, the protection of low and moderate-income housing is no longer a mandate of the Commission. Furthermore, Section 30500.1 of the Coastal Act states:

> **Section 30500.1.**
>
> *No local coastal program shall be required to include housing policies and programs.*

However, State law requires that density incentives be granted to make the construction of low and moderate-income housing feasible. Section 65915 of the State Government Code requires all local jurisdictions in California to offer a density bonus for affordable housing. The law requires a density bonus of 25% above the maximum density otherwise permitted by the underlying zone and one other incentive or concession.

The LUP does not allow the density standards in the LCP to be exceeded when required under the housing code. The amendment fails to recognize that the designated densities must be exceeded to allow for affordable housing in accordance with the Government Code section cited above. The absence of any language setting out a method for reconciling differences between the City's certified Local Coastal Program and the Government Code will result in a conflict between the certified land use plan and implementation ordinances and any density bonuses. The City contends that its average lot size in the Coastal Zone is so low and the ownership patterns involve so many different owners that it is unlikely that an applicant would request a density incentive. The City proposed Land Use plan and LIP allow two or at most three units per lot. This is below the threshold where Government Code 65915 would apply. Providing the density bonus required under the Government Code may potentially have an impact on coastal resources. While the Commission cannot deny the LUPA because it fails to address how the density bonus requirements will be implemented in the coastal zone, failure to resolve the conflict could result in future delays and disagreements, should the City found itself needing to apply the law.

E. Water Quality

When considering an update to an LUP applying to most of the land in a City, the Commission must also consider the water quality standards of the LUP as they affect recreation and habitat.

Coastal Act Sections 30231 and 30240 require:

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The currently adopted LUP includes no water quality standards. The City has recently adopted an ordinance that reflects Los Angeles County's current water quality improvement standards but has not incorporated these standards into its LUP. The standards are limited to major polluters such as large construction projects, industrial sites and service stations but do not address sources of run-off that can cumulatively affect beaches and waterways.

The City has indicated that it supports the enforcement of strong measures to protect water quality, but the Coastal Zone is a small proportion of its area. It is, in the view of the City staff, an inefficient use of its time to enforce two separate standards, when the Water Board will within a very short time strengthen the standards that apply to the whole City.

While most lots in the City are developed, the LUP will allow recycling to a higher intensity than now exists. With lower height limits, developers may seek to increase lot coverage, which can increase run-off. Development on the pier and on the first row of lots may discharge directly onto the beach or into the ocean, but the ordinance does not yet identify which lots discharge into sensitive resource and habitat areas. The Regional Water Quality Control Board requires additional measures to filter and control discharges that directly impact sensitive environmental areas. There is no guarantee that the Regional Water Quality Control Board will increase standards in the region adequately to protect the sensitive resources that are found in offshore areas from the impacts of adjacent development. An LUP that contains policies for the entire coastal zone of the City but does not include water quality standards is not consistent with the Coastal Act. Without water quality standards development permitted under this LUP will have individual and cumulative impacts on water quality of the Bay, impacting

recreational use and wildlife. For these reasons the LUPA is not adequate and is not consistent with the policies of the Coastal Act protecting habitat and recreation and must be rejected.

VIII. FINDINGS FOR CERTIFICATION OF THE LUPA IF MODIFIED

A. Public Access

Section 30252 of the Coastal Act requires that public access to the coast be enhanced by providing adequate public parking facilities.

Section 30252 of the Coastal Act:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

As noted in the findings for denial as submitted, the LUP amendment would eliminate the downtown development cap and continue the parking demand ratio reduction along with parking exceptions for smaller structures. Without such limits, new development and intensification of existing development could significantly impact the public's ability to park in the downtown area and impact public beach access. However, as modified to continue a development cap for the downtown area, development will be limited to ensure that the existing parking supply will be adequate to support future development.

Consistent with LUP amendment 1-94, the proposed modification adjusts the development cap based on the amount of surplus parking available within the downtown area. Based on the most recent information available to Commission staff, the number of spaces available for public parking within the downtown area is 84 spaces. This number of spaces, based on the City's downtown parking break of 65%, would provide 32,340 square feet of new commercial development. Therefore, since the previous allowable cap of 96,250 square feet has been reached, the suggested modification would establish a new cap which would limit new development and intensification of existing development to 32,340 square feet, and continue the requirements that the City ensure, through interim parking studies, that adequate parking continues to be available.

Furthermore, to ensure that the parking studies are current and it is necessary to retain the policy of setting a cap on the amount of development that can occur between interim parking studies. The original policy set the parking study cap at 24,063 square feet, or 25% of the total

allowable square footage. Therefore, the suggested modification continues to use 25% as the benchmark, which would require a new study for every 8,085 square feet of commercial development.

As in LUP amendment 1-94, once the cap has been reached or that it has been determined, through the interim parking studies, that parking demand has reached the available supply, the City will require development to provide the required parking.

As a continued parking option for some lots, the ability to provide a fee in lieu of any required parking will continue to be available. The fee was originally established at approximately $8,000 per space. This fee was based on the construction cost of a parking space in the downtown area. However, in 1999, due to increases in land and construction cost, the City increased the fee to $12,500 per space, based on new City analysis and land appraisal. Although the fee is high, the proposed amendment will continue this program as a parking mitigation option. This option was limited to a threshold limit of 100 parking spaces. As a suggested modification, the threshold limit has been reduced from 100 to 84, based on the number of surplus spaces available. Furthermore, this policy does not currently take into account the possibility that surplus parking can be taken-up by development that is not required to provide parking. Such development could generate a demand that would reduce the number of surplus spaces. Therefore, the policy is further modified to limit the number of in-lieu spaces to a maximum of 84 spaces or the amount of available parking spaces based on an interim parking study. Once the limit has been reached the City's amendment will require the City to not accept any fees in-lieu of parking beyond the threshold limit, or to construct new parking upon reaching the limit.

Since 1982, when the City first started accepting fees in lieu of providing parking spaces, the City has accepted fees for approximately five spaces. Given the limited demand for paying the fee, the probability of the City accepting in-lieu fees totaling 84 parking spaces is low. Nevertheless, the limit should be based on the number of spaces available and should continue to be an option for development.

As modified, the proposed amendment will ensure that parking demand from new development will not exceed the existing parking supply and will be consistent with the access policies of the Coastal Act.

B. Housing for Low and Moderate Income Persons

As noted above, State law requires that density incentives be granted to make the construction of low and moderate-income housing feasible. Section 65915 of the State Government Code requires all local jurisdictions in California to offer a density bonus for affordable housing. The law requires a density bonus of 25% above the maximum density otherwise permitted by the underlying zone and one other incentive or concession. In this LUP, the City identifies one area in which the underlying zoning is high enough to trigger this requirement

Government Code §65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The

statute requires that local governments grant a density bonus of "at least 25 percent" to developers who agree to make a specified percentage of new units affordable to low income or senior households. Government Code §65915(b) also requires local governments to grant at least one other incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing.

The City's proposed LUP does not indicate how density increases will be applied consistent with policies of Chapter 3 of the Coastal Act. As a result, the proposed LUP does not ensure that the application of density increases and incentives will occur in a manner that conforms to the policies of Chapter 3 of the Coastal Act. Without such a policy that harmonizes the requirements of both Government Code §65915 and the Coastal Act, including §30250 of the Coastal Act the City will need to process an amendment to its LCP as part of approving a project requiring such an incentive.

The Commission has discussed possible modifications to the LUP that would enable the City to balance these two mandates and conform with the LUP and to both the Coastal Act and the government code housing provisions. These suggested modifications harmonize the requirements of the density bonus statute with the Coastal Act. The legal basis supporting these suggested modifications is set forth in the memorandum to Coastal Commissioners from Ralph Faust, Chief Counsel, Dorothy Dickey and Amy Roach, dated October 10, 1995, which is hereby incorporated by reference. However, the City has indicated that is does not wish to accept any modifications that would establish a method for harmonizing these two different state mandates.

Accordingly, the LCP will conform to the Coastal Act, but if incentives are granted an LCP amendment would have to be processed to assure that the development conforms both to that section of the Government Code and to the Coastal Act. The City asserts that because almost all of the residential lots in the Coastal Zone are less than 4000 square feet, and many are less than 3500 square feet, the candidates for the incentives granted by that section of the Government Code would be few. Moreover the City representatives note that most of its lots are in separate ownership and developed with relative new single-family homes and duplexes. The latest study in fact showed (a mid-eighties bootleg study carried out by commission interns) that actual number of units on the City's residential lots has in fact dropped since the mid seventies the boom of the construction of new buildings. The City representatives indicate that the lack of a harmonizing provision will not raise a practical problem and that they would rather deal with any exception by means of an LUP amendment. As proposed, the LUP will conform to the policies of Chapter 3 of the Coastal Act.

C. Water Quality

Run-off from storm drains, discharge of chemicals, sewage outfalls and siltation from construction has resulted in severe impacts to the biological quality of offshore waters, reduction in the extent of kelp forests, and has raised concerns about the safety of locally caught fish for human consumption. The City of Hermosa Beach has adopted stormwater and urban runoff pollution ordinances that control runoff caused by

development and activities, but the ordinances do not address runoff due to construction activities. Although the City is built-out, recycling and redevelopment activities can be a significant source of pollution.

The City has indicated that it supports the enforcement of strong measures to protect water quality, but the coastal zone is a small proportion of its area. It is, in the view of the City staff, an inefficient use of its time to enforce two separate standards, when the water board will within a very short time strengthen the standards that apply to the whole City.

Beachfront and waterfront development discharges directly into the ocean, which is a sensitive habitat. The Regional Water Quality Control Board requires additional measures to filter and control discharges that directly impact sensitive environmental areas. There is no guarantee that the Regional Water Quality Control Board will increase standards in the region adequately to protect the sensitive resources that are found in offshore areas from the impacts of adjacent development. As modified, the LUP policies require that construction activities are adequately mitigated and that Best Management Practices (BMP's) are implemented to reduce off–site storm water runoff to the maximum extent afforded by the State Water Resources Board. As modified, the policy will do as much as possible within the confines of the City to reduce storm drain discharge into the ocean. As modified, the policy is consistent with the habitat and recreation sections of the Coastal Act and with State law that requires cooperative efforts between the State Department of Water Resources and the Commission.

D. California Environmental Quality Act

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform to the provisions of CEQA. The City of Hermosa Beach LCP amendment 1-2001 consists of a Land Use Plan (LUP) amendment.

As outlined in this staff report, the proposed LUP amendment as modified, designates preserves existing public open space, reduces heights over most of the City and controls development to existing levels. As modified, the LUPA minimizes risk to life and property from geologic hazards and flooding, provides housing for low an moderate income persons to the extent required by the Government Code, preserves historic structures and controls development to the level of intensity that can be accommodated by the existing transportation system. Therefore the Commission finds that the proposed amendment is in conformity with the policies of Chapter 3 of the Coastal Act. The approval of the LUP amendment as modified will not result in significant adverse

environmental impacts under the meaning of CEQA and certifies LUP Amendment 1-2001 as modified.

IX. FINDINGS FOR DENIAL OF IMPLEMENTATION PLAN AS SUBMITTED

The Commission hereby finds and declares as follows:

Section 30513 of the Coastal Act states:

> *The Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Land Use Plan as acted upon by the Commission contains policies and land use designations. The Implementation must be evaluated for its conformance with and adequacy to carry out these policies and land use designations.*

As indicated below, the proposed Plan raises issue with respect to its conformity with and adequacy to carry out the public access, public recreation, and water quality policies of the certified Land Use Plan.

A. Public Access

As indicated above in the Commission's findings on the LUP, the proposed downtown parking standards could result in individual and cumulative impacts on the availability of public access parking. According the Commission has eliminated "exceptions" to the City's LUP parking Standards and has required that all development adequate parking. Moreover, as proposed the implementation ordinance does not adequately protect the mitigation parking required in the Commission's 1982 permit granting a preferential parking program to the city. The Commission has required the LUP to be modified to conform to that permit. However, the Commission finds that the proposed LIP, which is the zoning ordinance and the public park plan do not conform with and modified LUP in a way that is consistent with those LUP preferential parking policies (they reserve over 400 free public spaces while allowing residential area to limit parking) and are not adequate to carry it out. Unless the City modifies its standards relating to the management of public streets, which it has not submitted to the Commission, and the creation of preferential parking programs in such a way to protect public parking lots and reserved spaces, the LIP is not consistent with and is not adequate to carry out the policies of the modified LUP.

The Commission has found that only as modified will the LUP adequate protect public access. The proposed implementation ordinance grants exceptions to commercial parking standards. It does not contain protections for public parking as noted in the modified LUP. As such they are inconsistent with and inadequate to carry out the parking provisions to the LUP as modified by the Commission in this action.

B. Public recreation

The LUP as modified protects public access and recreation from the cumulative and individual impacts of temporary events. The submitted implementation ordinances do not distinguish between small, local events that have no impact and larger events that might occupy significant portions of the beach and public parking for significant long periods, and effectively exclude the general public and privatize the beach. The LUP has been modified to make the distinction. The current park and recreation ordinances are unclear as to (1) are they part of the LUP and (2) what methods they have to protect general public use of beach facilities. As modified the LUP does protect the public from the impact of large temporary events. The related LIP ordinances either not exist or do not address these issues. Therefore, the LIP as submitted is not consistent with and inadequate to carry out the LUP as modified.

C. Water Quality.

As indicated above, only by applying methods to protect water quality can the health of offshore biologic resources and the suability of the water for recreation be preserved. The City indicates that it will adopt water quality standards when ordered by the Regional Water Quality Control Board. Indeed, it has indicated that it supports tough water quality standards but does not wish to adopt different standards for a very small part of its jurisdiction. Instead it believes that it is more administratively sensible and effective to adoption standard City wide. However as noted in the LUP findings above that small area is directly adjacent to the coastline. The City has proposed that the Commission approve the City's existing water quality standards as both the LUP and LIP. However, these standards lack details that the Commission has suggested strengthening the LUP water quality standards. Indicated above only by applying methods to protect water quality can the health of offshore biologic resources and the suitability of the water for recreation be preserved. As modified the LUP will include detailed water quality standards that will protect offshore water from siltation and pollution from the cumulative effects of nearshore development and uses, consistent with the policies of the coastal act that protect both recreation and offshore biologic resources. The current Citywide standards are not consistent with and are inadequate to carry out the LUP water quality standards as modified by the Commissions' s action on the LUP. The LIP standards do not protect water quality as envisioned in the modified LUP. Therefore the LIP as submitted must be rejected.

D. Coastal Development Permit issuing Ordinance

The California Coastal Act provides for the transfer of much of the Commission's authority to local jurisdictions upon effective certification of a Local Coastal Program for their geographic area. The Coastal Act and accompanying implementing Regulations therefore require that the implementation Plan portion of the LCP include procedures for carrying out this transferred authority. Five basic elements must be addressed to adequately fulfill this procedural requirement. These elements are as follows:

- Permit Requirements
- Hearing and Notice Procedures
- Appeal Procedures

- Open Space and Access Implementation and Document Review
- LCP Amendment Procedures

The permit processing portion of the City's Implementation Program is contained within Chapter 17.37 (entitled Coastal Development Overlay Zone. The Coastal Development Permit (CDP) portion of the Implementation Plan proposed by Hermosa Beach, omit or contradict certain procedural requirements of the Coastal Act and its implementing regulations. Consequently, the procedural portions of Implementation Plan as proposed are inadequate to transfer Coastal Act authority from the Commission to the City of Hermosa Beach and must be rejected. Therefore, staff is recommending that certain proposed sections of Hermosa Beach's Permit Processing Procedures be rejected and approved only if modified as set forth herein.

a. Development Must Be Defined consistently with the Coastal Act

Development is defined in Section 30106 of the Coastal Act. In order to assume the permit authority of the Commission, local governments must grant themselves the same jurisdiction over projects that the Commission has. A common definition of what constitutes development is, therefore, essential to a full transfer of authority. The Hermosa CDP Ordinance includes a definition of development consistent with the Coastal Act in proposed Section 17.37.020 of the zoning ordinance. However, the proposed CDP ordinance requires a coastal development permit only for development which is not otherwise exempted in Section 25.07.008 or categorically excluded in Section 25.07. 010. Further, as indicated above, proposed revisions to Sections 11.02.010, 14.02.010(B), 21.08.020 and 22.04.020 of the City Municipal Code state that a coastal development permit will only be required if a development project is not otherwise exempted by the City's noncoastal Municipal Code provisions. Although the Coastal Act does exempt and categorically exclude certain types of development, the types of development which can be exempted or categorically excluded are very specifically defined.

First, section 30610 of the Coastal Act and California Code of Regulations Sections 13250 through 13253 exempt a limited amount of what would generally be considered development from the coastal permit requirement. The Coastal Act and applicable regulations must be read together to determine exactly what type of development is exempt. As proposed, however, the section of the CDP ordinance defining coastal permit exemptions is inconsistent with Coastal Act requirements because it includes more types of development than exempted under the Coastal Act. (Proposed Section 25.07.008). Both sections 25.07.004 and 25.07.008 of the proposed zoning ordinance should be rejected and modified to include all development, subject only to the specified exemptions provided by the Coastal Act and its regulations. It is thus necessary to modify Proposed Section 25.07.008(B)(4) as well as add a subsection to Section 25.07.008(B) so that the listed coastal permit exemptions to the coastal development permit requirements are consistent with the Coastal Act. If modified for consistency with Coastal Act Section 30610 and California Code of Regulations Sections 13250, 13252 and 13253, proposed Section 25.07.008 of the CDP ordinance will be adequate to implement the transfer of Coastal Act authority to the City. (See Suggested Modifications and new Subsection to Proposed Section 25.07.008 defining exemptions in Appendix A.)

Second, the Coastal Act provides for the discretionary exclusion of certain types of development by Commission action (Coastal Act Section 30610.5 and 30610(e) and Implementing

Regulations 13240 et seq.). Categorical Exclusions approved by the Commission for local government which do not have certified LCP's expire upon LCP Certification (California Code of Regulations 13249(b)). A new "post cert" Categorical Exclusion may be applied for, but because the voting requirements are different, must be processed separately from the LCP. A two-thirds vote of the Commission (California Code of Regulations 13243) is required to approve a Categorical Exclusion, whereas a simple majority is needed for LCP approval. Submittal and action requirements are also different.

It is clear from the City's proposed revisions to Sections 11.02.010, 14.02.010(B), 21.08.020 and 22.04.020 of the City Municipal Code that certain categorical exclusions are anticipated. In those sections, the City subjects certain development projects which require a specific type of city permit to the coastal development permit requirements only if those developments are not otherwise exempted within the City's Municipal Code. As proposed in these sections, any provisions exempting development because of the City's other Code provisions amount to categorical exclusions inconsistent with Coastal Act requirements and should be rejected. In order to avoid confusion and to maintain consistency with the requirements of the Coastal Act, the proposed sections of the Municipal Code should be modified to delete premature references to categorical exclusions in proposed Sections11.02.010, 14.02.010(B), and 21.08.020. If the references exemptions that are not authorized in the coastal act and its associated regulations or that might be subsequently authorized in subsequent Commission regulations are deleted, proposed Sections 11.02.010, 14.02.010(B), 21.08.020 and 22.04.020 of the City's Municipal Code will be consistent. In the mean time, potentially excludible development remains subject to the coastal permit requirement. (See Suggested Modifications to Proposed Sections 11.02.010, 14.02.010(B), 21.08.020, 22.04.020 of the City's Municipal Code in Appendix B.)

X. FINDINGS FOR APPROVAL OF IMPLEMENTATION PLAN IF MODIFIED

A. Public Shoreline Access

As modified, the proposed LIP will be consistent with and adequate to carry out the modified Land Use Plan with respect to shoreline access. As modified, the LIP will protect public parking resources from individual and cumulative impacts as required in the suggested modifications to the LUP.

B. Public Recreation

As modified the proposed LIP will be consistent with and adequate to carry out the modified Land Use Plan with respect to recreational access to public and beach facilities. The modified LIP will protect public beach resources from individual and cumulative impacts from encroachments and from impacts of temporary events on public use of the beach as required in the modified LUP.

C. Water Quality

As indicated above, only by applying methods to protect water quality can the health of offshore biologic resources and the suability of the water for recreation be preserved. However as noted in the LUP findings above that small area is directly adjacent to the coastline.

As modified, policies and laws will consistent with LUP policies, require that new development in the City will do as much as is feasible that can be legally required to protect the health of the public swimming in offshore waters, and to protect the productivity and health of offshore habitat. As modified the LIP policies will be consistent with and adequate to carry out the modified water quality policies of the LUP.

D. Permit Issuing Procedures and Public Participation.

As modified the implementation ordinance will be consistent with the coastal act requirements that the implementation ordinances be (1) consistent with the certified Land Use Plan, and (2) and adequate to carry it out. This will take place by assuring that all LUP policies are carried out by consistent implementation ordinances and the provision of proper procedures and notice to the public and appeals on appealable permits. As modified, the LIP procedures will be consistent with and adequate to carry out the certified Land Use Plan, provide proper notice and require that all development that requires a coastal development permit will receive review and that all appealable development will be noticed so that appeals can take place.

5-97-611

Vicinity Map

Figure

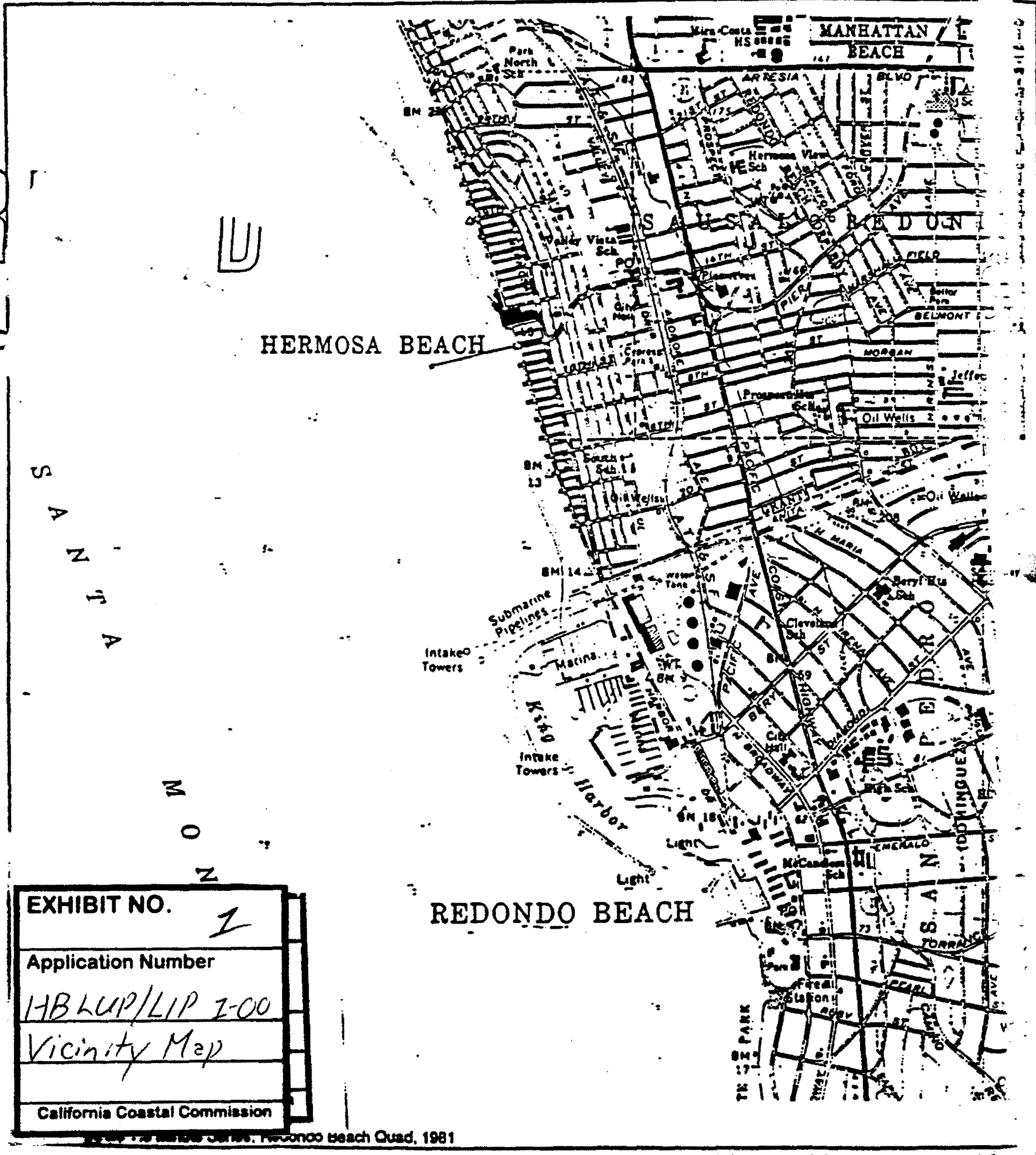


EXHIBIT NO. 1

Application Number

HB LUP/LIP 1-00

Vicinity Map

California Coastal Commission

[illegible] Series, Redondo Beach Quad, 1981

0 0.25 0.5 1.0
Scale Miles

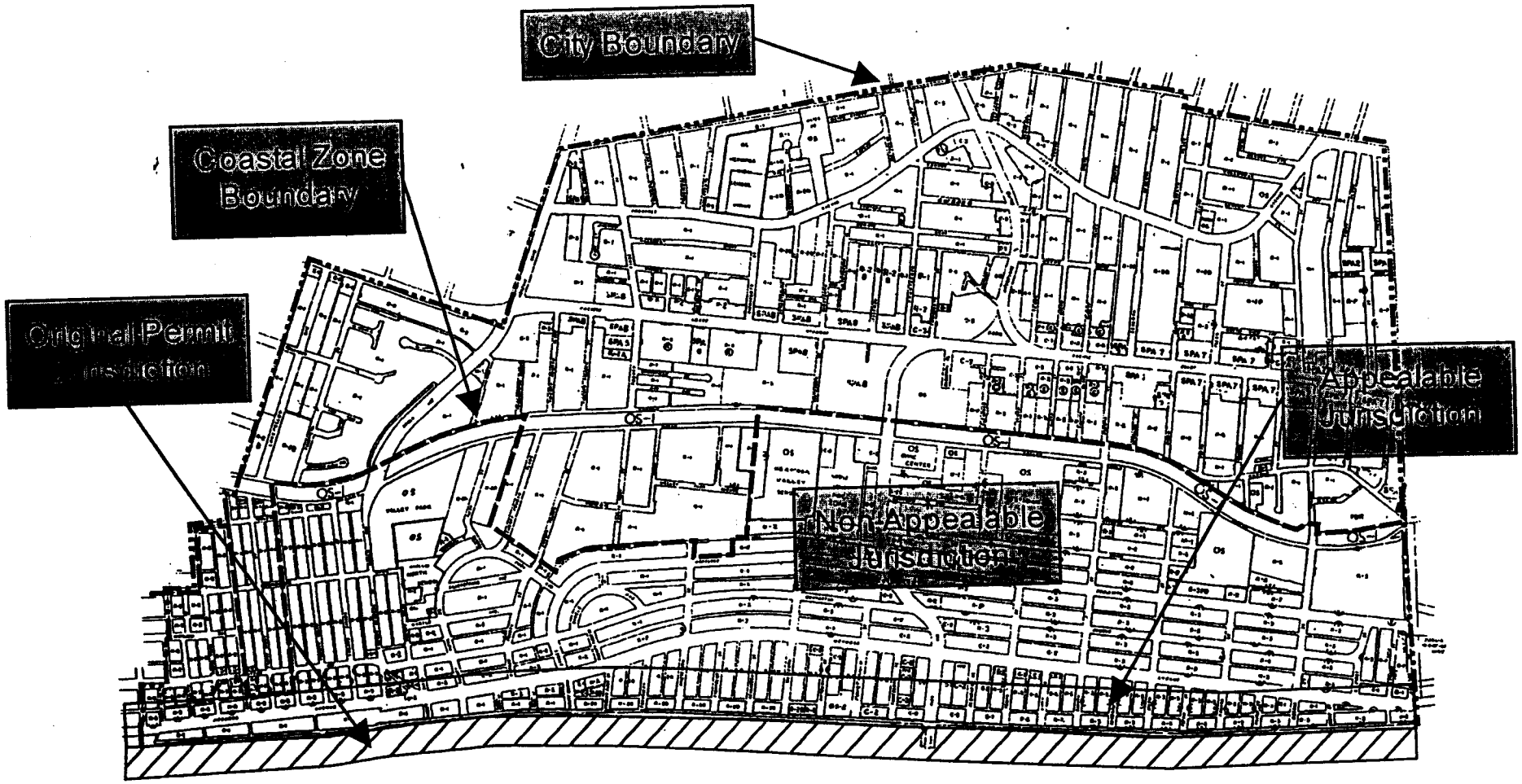


EXHIBIT NO. 2

Application Number

HB LUPA/LIP 1-00

Coastal Zone Boundary Map

California Coastal Commission

COASTAL ZONE BOUNDARIES

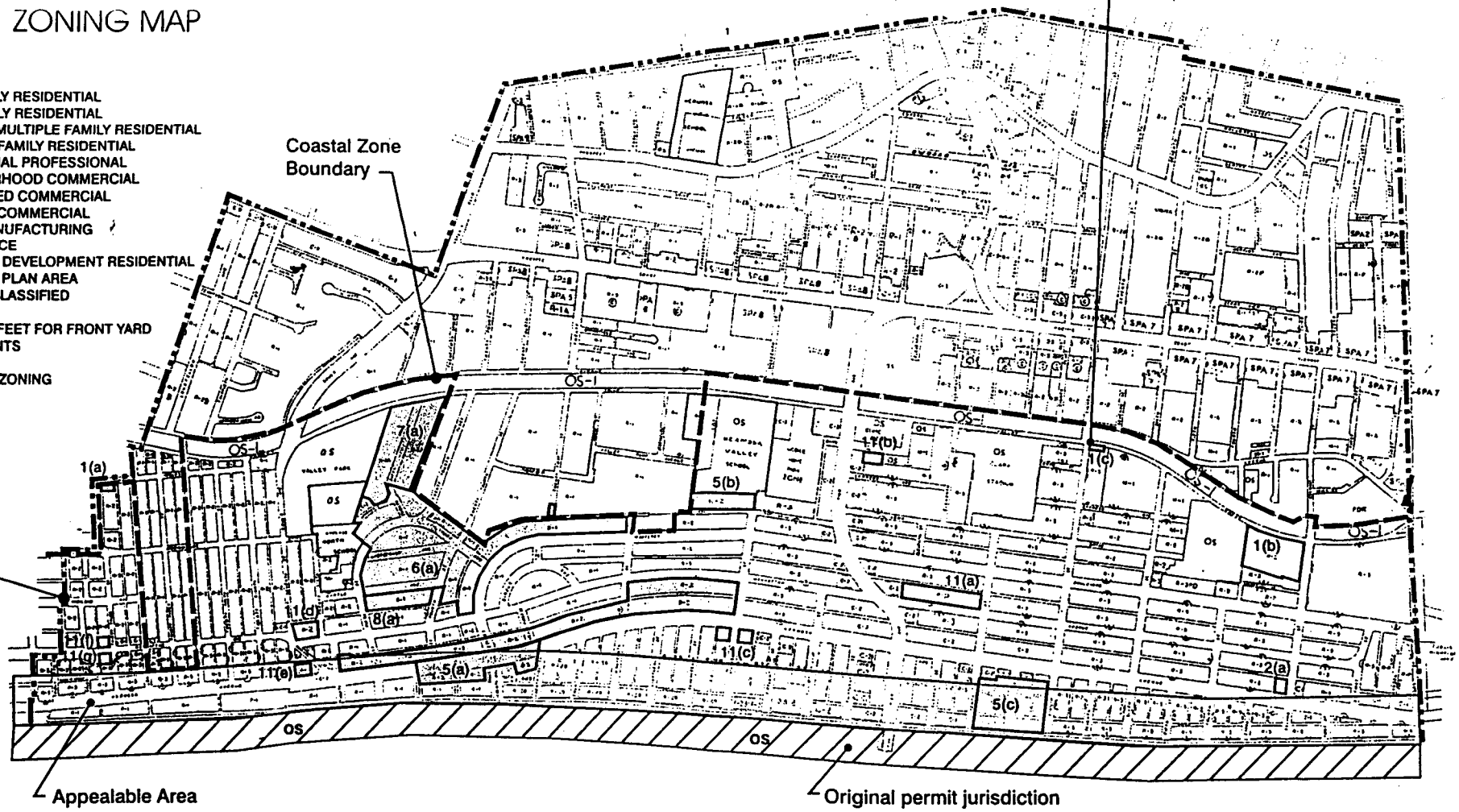
CITY OF

ZONING MAP

LEGEND

R-1 - ONE FAMILY RESIDENTIAL
R-2 - TWO FAMILY RESIDENTIAL
R-2B - LIMITED MULTIPLE FAMILY RESIDENTIAL
R-3 - MULTIPLE FAMILY RESIDENTIAL
R-P - RESIDENTIAL PROFESSIONAL
C-1 - NEIGHBORHOOD COMMERCIAL
C-2 - RESTRICTED COMMERCIAL
C-3 - GENERAL COMMERCIAL
M-1 - LIGHT MANUFACTURING
OS - OPEN SPACE
PDR - PLANNED DEVELOPMENT RESIDENTIAL
SPA - SPECIFIC PLAN AREA
UNCLASS - UNCLASSIFIED
O - POTENTIAL
5) - SETBACK IN FEET FOR FRONT YARD REQUIREMENTS

OS - PROPOSED ZONING



PREPARED BY:

NTER

EXHIBIT NO. 3
Application Number
HB LUPA 1-00
Zoning Map
California Coastal Commission

CITY OF

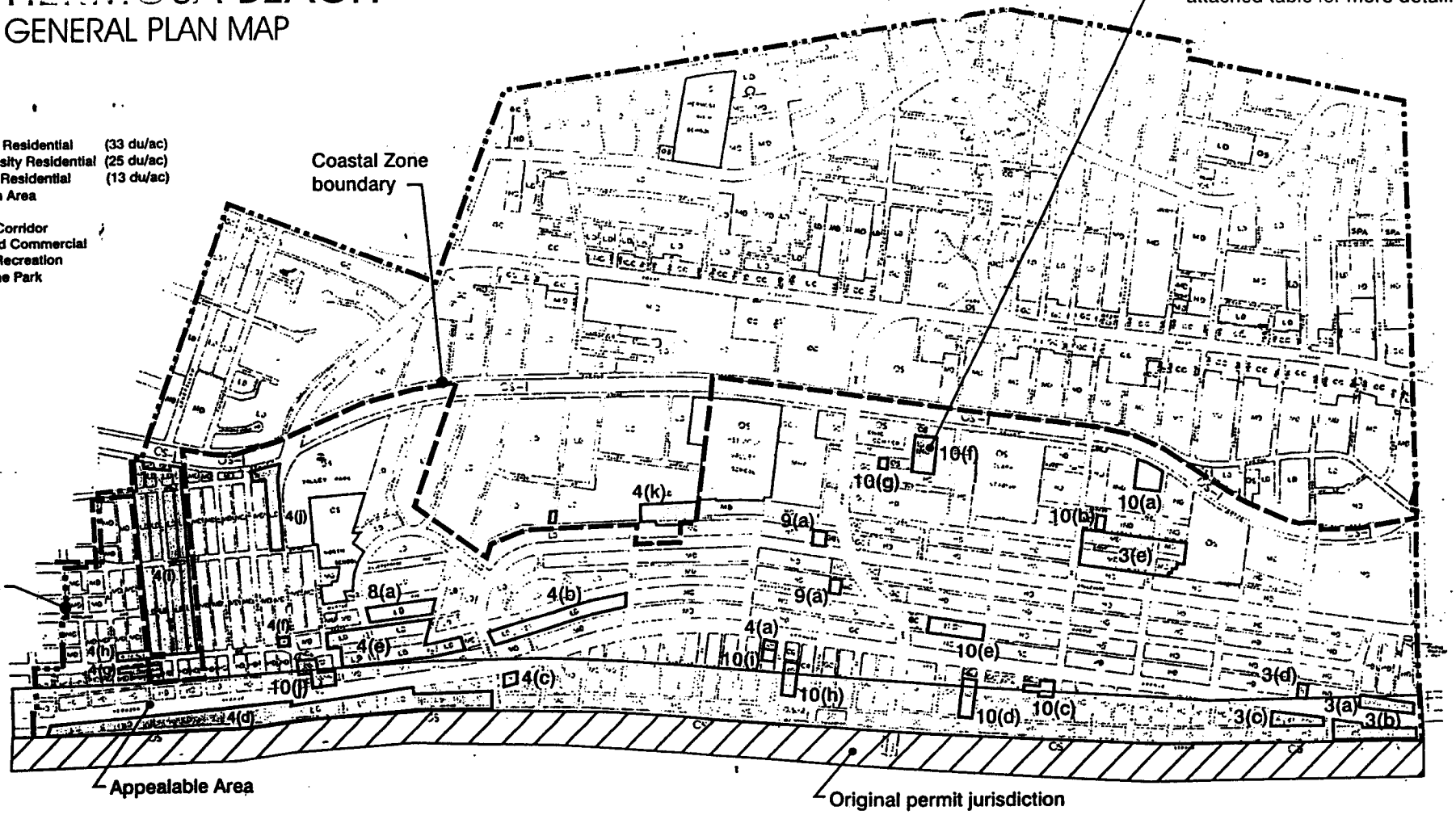
HUNTINGTON BEACH

GENERAL PLAN MAP

Local Coas[illegible]gram [illegible]. See the attached table for more detail.

LEGEND

- HD - High Density Residential (33 du/ac)
- MD - Medium Density Residential (25 du/ac)
- LD - Low Density Residential (13 du/ac)
- SPA - Specific Plan Area
- GC - Commercial
- CC - Commercial Corridor
- NC - Neighborhood Commercial
- CR - Commercial Recreation
- MHP - Mobile Home Park
- IND - Industrial
- OS - Open Space



PREPARED BY:

ENTER

EXHIBIT NO. 4
Application Number
HB LUPA/LIP 1-00
General Plan Map
California Coas[illegible]mmission

RESOLUTION NO. 00-6065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA TO AUTHORIZE SUBMITTAL OF A COMPLETE LOCAL COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

The City Council of the City of Hermosa Beach does hereby resolve as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to certify their Local Coastal Program, including Land Use Plan and Implementing Ordinance, and obtain the authority to issue Coastal Development Permits:

Section 3. The Planning Commission and City Council gave full consideration to the proposed Local Coastal Program at properly noticed and advertised public hearings and the City Council approved the proposed Local Coastal Program, including amendments to the Certified Coastal Land Use Plan, and amendments to the Municipal Code, Zoning Ordinance to adopt provisions to implement the Program.

Section 4. Based on the foregoing the City Council does hereby resolve to submit a completed Local Coastal Program, and authorizes transmittal of all relevant documents and maps that make up the City's Local Coastal Program to the California Coastal Commission.

PASSED, APPROVED and ADOPTED this 9th day of May, 2000.

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

ATTEST:

Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT NO. 5

Application Number

HB LUPA/LIP 1-00

City Resolution

California Coastal Commission

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 00-6065 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on May 9, 2000.

The vote was as follows:

AYES:	Bowler, Dunbabin, Edgerton, Reviczky, Mayor Oakes
NOES:	None
ABSTAIN:	None
ABSENT:	None

Dated: May 22, 2000

Elaine Doerfling

Elaine Doerfling, City Clerk

RESOLUTION NO. 00-6064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, AMENDMING AND UPDATING THE CERTIFIED COASTAL LAND USE PLAN PORTION OF THE CITY'S LOCAL COASTAL PROGRAM

The City Council of the City of Hermosa Beach does hereby resolve as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to certify their Local Coastal Program, including Land Use Plan and Implementing Ordinance, and obtain the authority to issue Coastal Development Permits:

Section 3. The City Council, pursuant to applicable law, held a duly noticed hearing on May 9, 2000, to consider the proposed Local Coastal Program, including proposed amendments to the Certified Land Use Plan as recommended by the Planning Commission, at which testimony and evidence, both written and oral, was presented to and considered by the Council:

Section 4. The Planning Commission, pursuant to applicable law, held a duly noticed hearing on March 21, and April 5, 2000, to consider the proposed Local Coastal Program, including proposed amendments to the Certified Land Use Plan, at which testimony and evidence, both written and oral, was presented to and considered by the Council:

Section 5. Based on the evidence considered at the public hearing, the City Council makes the following findings

1. The proposed Coastal Land Use Plan, as amended, has been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and is consistent with the provisions of said Act:

2. The City's Certified Coastal Land Use Plan, as amended, is consistent with the General Plan of the City and comprises the policy portion of the City's Local Coastal Program to be transmitted to the California Coastal Commission for certification;

3. The proposed Amendments to the Certified Land Use Plan are statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9.

Section 6. Based on the foregoing, the City Council hereby amends the Certified Coastal Land Use Plan, to be submitted for consideration and certification by the California Coastal Commission as set forth in the following attachments, incorporated herein by reference:

1 .Amendments to the Certified Land Use Plan Land Use Plan – dated May 9, 2000

2. Coastal Land Use Plan Amendment Areas Map and index

PASSED, APPROVED and **ADOPTED** this 9th day of May, 2000

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

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 00-6064 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on May 9, 2000.

The vote was as follows:

AYES:	Bowler, Dunbabin, Edgerton, Reviczky, Mayor Oakes
NOES:	None
ABSTAIN:	None
ABSENT:	None

Dated: May 22, 2000

Elaine Doerfling

Elaine Doerfling, City Clerk

ORDINANCE 00-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA TO AMEND THE MUNICIPAL CODE, ZONING ORDINANCE, TO ADOPT AN IMPLEMENTING ORDINANCE FOR THE LOCAL COASTAL PROGRAM, ESTABLISHING A COASTAL DEVELOPMENT OVERLAY ZONE, AND OTHER TEXT AMENDMENTS TO IMPLEMENT THE POLICIES OF COASTAL LAND USE PLAN

The City Council of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to certify their Local Coastal Program, including Land Use Plan and Implementing Ordinance, and obtain the authority to issue Coastal Development Permits.

Section 3. The City Council, pursuant to applicable law, held a duly noticed hearing on May 9, 2000, to consider the proposed Local Coastal Program, including the proposed Implementation Ordinance and text amendments as recommended by the Planning Comission, at which testimony and evidence, both written and oral, was presented to and considered by the Council.

Section 4. The Planning Commission, pursuant to applicable law, held a duly noticed hearing on March 21, and April 5, 2000, to consider the proposed Local Coastal Program, including the proposed Implementation Ordinance and text amendments, at which testimony and evidence, both written and oral, was presented to and considered by the Commission.

Section 5. Based on the evidence considered at the public hearing, the City Council makes the following findings

1. The proposed Implementation Ordinance of the Local Coastal Program and Zoning Amendment has been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and :

2. The proposed Implementation Ordinance and Zoning Code Amendment is consistent with the City's Certified Land Use Plan, as amended, General Plan and Municipal Code.

3. The proposed Amendments to the Certified Land Use Plan, Implementation Ordinance and Zoning Code Amendment are statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9.

Section 6. Based on the foregoing, the City Council hereby ordains that the Municipal Code be amended as follows, to be submitted for consideration and certification by the California Coastal Commission as the Implementing Ordinance for the Local Coastal Program:

1. Amend the Zoning Ordinance, Title 17, by adding "Chapter 17.37, Coastal Development Overlay Zone," attached hereto and incorporated by reference.

2. Amend the City's Official Zoning Map as follows:

   1. Designate the Beach and Strand as Open Space for consistency with the General Plan Open Space Designation.
   2. Designate the Coastal Zone area on the Zoning Map with a Coastal Zone Overlay designation ("CZ").

3. Amend Section 17.44.040, Parking Requirements for Downtown, as follows:

"17.44.040 Parking requirements for the downtown area.

The following requirements apply within in the boundary of the downtown area, as defined by the map incorporated by this reference.

A. For new retail and office developments of expansion of existing retail and offices the amount of parking shall be calculated at sixty-five (65) percent of the parking required for these uses ~~each particular use~~ as set forth in Section 17.44.030.

~~B. Building sites equal to or less than ten thousand (10,000) square feet: If the floor area to lot area ratio is 1:1 or less no parking is required. If the floor area to lot area ratio exceeds 1:1 only the excess floor area over the 1:1 ratio shall be considered in determining the required parking pursuant to subsection A of this section.~~

B.~~C~~. Bicycle racks/facilities shall be provided and/or maintained in conjunction with any intensification of use, or new construction, in an amount and location to the satisfaction of the ~~planning~~ Community Development Director."

4. Amend Section 17.44.140(E) pertaining to parking requirements for expansion of existing uses, as follows:

"E. When the use of an existing building or structure is changed to a more intense use with a higher parking demand ~~there shall be no additional parking requirement for sites in the downtown area except to the extent there is a change of floor area to lot area ratio in excess of 1:1. Otherwise~~, 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 the requirement for the existing or previous use which shall be met prior to occupying the building unless otherwise specified in this chapter."

5. Amend Section 17.44.190 A, Off-street parking within vehicle parking districts, as follows

"17.44.190 Off-street parking within vehicle parking districts.

A. Parking requirements within parking districts shall be as provided in this chapter, except that when the city council provides for contributions to an improvement fund in lieu of parking spaces so required, said contributions shall be considered to satisfy the requirements of this chapter.

If the ~~downtown business area enhancement district commission~~ City Council determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee as requested by the ~~DBAEDC~~ City Council~~.~~

B. The ~~building~~ Community Development Director shall be responsible for the calculations required under this chapter and ~~the building department~~ shall calculate and collect the in-lieu contribution for, and as directed by, resolutions passed by the vehicle parking district commission, as approved by the City Council.

C. ~~The following allowances for parking.~~ The contribution of fees in-lieu of parking in the downtown area may be ~~allowed~~ permitted with a parking plan as approved by the planning commission and as prescribed in Section 17.44.210.

~~1. Building sites containing less than four thousand one (4,001) square feet 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.~~

~~2. Building sites of less than four thousand one (4,001) square feet 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.~~

~~3. Building sites containing four thousand one (4,001) square feet or greater but less than twelve thousand one (12,001) square feet shall be required to provide a minimum of fifty (50) percent of all required parking on site.~~

~~4. Building sites with or greater than twelve thousand one (12,001) square feet shall be required to provide one hundred (100) percent of all required parking on site~~."

Section 7. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

Section 8. 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 9. 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 day of , 2000, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

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

ATTEST:_____ **APPROVED AS TO FORM:**_____

City Clerk City Attorney

Cc/coastord

CITY COUNCIL FINAL

CITY OF HERMOSA BEACH:

Draft Amendments to the Certified Land Use Plan

Submitted to:

CITY OF HERMOSA BEACH
City Council and Planning Commission

Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235

Submitted by:

THE PLANNING CENTER

MAY 9, 2000

CITY COUNCIL
FINAL

CITY OF HERMOSA BEACH:

Amendments to the Certified Land Use Plan

Submitted to:

CITY OF HERMOSA BEACH
City Council and Planning Commission

Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235

Submitted by:

THE PLANNING CENTER

1580 Metro Drive
Costa Mesa, CA 92626
Phone: 714.966.9220
Fax: 714.966.9221
E-mail: costamesa@planningcenter.com

MAY 9, 2000

INTRODUCTION

The following document presents the amendments to the City of Hermosa Beach Certified Land Use Plan as approved by the City Council. The amendments are necessary to update the L.U.P. and improve consistency with the California Coastal Act. The regulations to implement the policies of the LUP and the Coastal Act are contained within the Implementation Ordinance (separate cover)..

TABLE OF CONTENTS

I. Local Coastal Program Preparation 2

II. Parking and Access Summary 3

III. Coastal Recreation Resources 8

IV. Coastal Development and Design 9

Note: Proposed amended language is shown in bold as strike-through (text to be removed) and underlined (text to be added).

~~**Background**~~

~~**In 1972, the people of California passed the Coastal Initiative (Proposition 20) which provides the establishment of the California Coastal Commission. In 1976, this agency was renewed and instructed by the California State legislature to assist local communities to develop a master plan for the preservation and enhancement of its environment. This plan, designated as the Local Coastal Plan (LCP) is undertaken by the City, in accordance with the California Coastal Act of 1976, to establish policies for the preservation of its coastal environment.**~~

~~**Through a review process by the City, the South Coast Regional Coastal Commission, and the State Coastal Commission, a work program was established for preparing the Local Coastal Plan. The tasks enumerated in the work program relate only to the coastal issues within this designated coastal study area of the City (see Figure I). These issues basically are: Access, primarily for parking and housing availability; Recreation, concerns with the regional importance of the City's coastal amenities; Development, potential adverse or beneficial development actions open to the City; and various complimentary tasks most important of which is public participation**~~.

I. Local Coastal ~~Plan~~ Program Preparation

~~**Preparation of the Local Coastal Plan for the City of Hermosa Beach has been conducted on an incremental basis. Draft reports on Parking, Housing, Recreation, and Design and Development have been prepared and reviewed in public hearing by both the City's Planning Commission and City Council as well as other City Commissions and Departments. Beginning in the late part of December 1978, and extending through the major part of 1979 and 1980, the preparation of the LCP has resulted from over 35 public hearings and numerous subcommittee hearings and has generated the formulation of 43 policy statements and 22 programs. The following is the summary of the needs, policies, and programs within the LCP.**~~

The Local Coastal Program incorporates the goals and policies of the Coastal Act into the City of Hermosa Beach's regulations. The Local Coastal Program identifies the location, type, densities and development standards for future development within the Coastal Zone. The Local Coastal Program is comprised of two documents:

- **Land Use Plan (LUP). A portion of the City's General Plan and General Plan Map addressing the California Coastal Act.**
- **Implementing Ordinance. The portions of the City's development standards, operating procedures, Zoning Ordinance and maps that implement the requirements of the California Coastal Act.**

This document is the Land Use Plan portion of the City's Local Coastal Program. The Land Use Plan was originally certified by the Coastal Commission in 1982. The Land Use Plan was updated when the Local Coastal Program, including the Implementing Ordinance, was certified by the Coastal Commission on 2000.

The Local Coastal Program was certified by the Coastal Commission following a Citywide informational mailer, two public hearings with the Planning Commission and public hearings with the City Council.

The following are the Goals, Objectives, Policies and Programs that will guide the implementation of the Coastal Act in the City of Hermosa Beach. The Goals, Objectives, Policies and Programs are contained in three main categories: Parking and Access, Coastal Recreational Access, and Coastal Development and Design. Each category begins with a guiding Statement of Philosophy,

followed by a set of broad Goals and Objectives, and finishes with a set of more detailed Policies and Programs. The Policies and Programs are divided into existing, measures that are currently employed by the City, and future policies and programs, measures that the City will employ when the ability and opportunity arise.

II. Parking and Access Summary

A. Statement of Philosophy

To preserve and increase where feasible, residential, commercial, and general public parking within the Coastal Zone.

B. Goals and objectives

1. To provide adequate residential parking

2. To maintain adequate parking space for ~~both~~ visitors, ~~and~~ shoppers, **and beach-goers**.

3. To **facilitate** ~~provide~~ easy access to work-related parking for merchants.

4. To maximize the safety and accessibility of parking while minimizing noise, traffic congestion and negative visual impacts.

5. To provide an equitable distribution and allocation of parking resources.

6. To recognize the unique parking needs of the pedestrian-oriented downtown business **and visitor-serving** area, which are less than a typical commercial area because of its proximity to a regional bike path and to high density residential areas, **and to continue to explore and encourage new sources of parking, parking strategies, transit options, and alternative means of travel as alternatives to providing parking on-site for new development.** ~~in order to maximize improvements and expansions to visitor-serving business activities without the burden of unnecessary parking regulations and further to encourage alternatives to motorized vehicles in reaching downtown destinations.~~

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: That the City should not allow the elimination of existing on-street parking or off-street parking spaces within the coastal zone. Future residential and commercial construction should provide the actual parking necessary to meet the demand generated. In the pedestrian-oriented downtown commercial district alternatives to providing parking to meet increased demands for use should be allowed, to encourage alternatives to using motorized vehicles and to encourage improvement and enhancement of visitor-serving business activities.

Program: Current City Building Codes and the Zoning Ordinance support the current policy. ~~Two on-site parking spaces are required for each residence that is constructed, with an additional guest space provided per every three units constructed.~~ **The** replacement of parking spaces**, or other means deemed appropriate to reduce parking demand,** is mandatory for all ~~new~~ developments in which on-street parking spaces are eliminated or the total number of off-street parking spaces are reduced.

Policy: That the City should control congestion through the granting of parking permits through an allocation plan that reflects the actual need and supply.

Policy: Balance beach access and residential parking by continuing the seasonal preferential parking and remote beach parking programs within impacted residential areas near the beach.

Program: Continue to implement the preferential parking and remote beach parking program during the summer, pursuant to Coastal Development Permit 5-84-236, as amended, to provide beach access parking at parking meters and in "remote" but beach accessible parking lots, and to limit non-resident parking on designated residential streets. (As identified on the Preferential Parking District Boundary Map).

Program: Provide and maintain signs to direct beach-goers to beach access remote parking lots, and other beach access parking lots within the City.

Program: **Public** ~~Free~~ parking will **continue to** be provided to beach visitors ~~on the railroad right-of-way~~ **at the following locations:**

- **On the Greenbelt, between 8th and 11th Street, east side of Valley Drive**
- **Public lots near the Civic Center;**
- **West of Valley Drive adjacent to Valley Park**

Policy: **Maintain a supply of parking that balances** ~~That a separation of~~ long-term (beach user) and short-term (shoppers) parking ~~be created~~ in the downtown area to provide **an** adequate and flexible number of parking spaces **to satisfy beach user and** ~~for~~ commercial demand.

Program: **Public parking is provided in the North Pier parking structure, public parking lots, and on the street.** The **rates for parking** ~~manner in which time is purchased~~ at ~~each of~~ the**se** downtown parking **facilities** ~~lots determines how the lots will be used~~ **will continue to be flexibly structured, recognizing seasonal and locational demands, to encourage an efficient balance between beach users, visitor-serving commercial uses, and other commercial demand.**

Program: **The City has commissioned** a study ~~is being done by the VPD~~ to develop a downtown parking plan.

Program: The City ~~has established the Downtown Enhancement Commission (DEC)[formerly the Vehicle Parking District Commission to~~ **Council, acting as members of theVehicle Parking District Commission, shall** determine the best use of revenue funds for the downtown district ~~which will be recommended to the City Council. The proposed uses are~~ for the acquisition, construction of new parking facilities, and/or the maintenance and operation of existing parking facilities for the benefit of the area; for other improvements and enhancements including, but not limited to: street, landscaping, and pedestrian sidewalk improvements; public events; and the general promotion of business activities in the area.

Policy: The City shall establish parking requirements in the Downtown Enhancement District (DED) identical to the requirements set forth in other areas of the City's coastal zone. However in recognition of the unique parking needs and constraints in the downtown district, the City may **explore the creation of and** grant exceptions to the parking requirements **such as, but not limited to, in-lieu fee programs, parking plans, the creation of remote parking lots with shuttle connections, reduced parking requirements, or shared parking programs.** ~~for new buildings, expansions, and/or intensification of uses within the downtown district if the City can assure that there is parking available within the DED to support beach access and the proposed development. The City may approve exceptions for commercial~~

~~development up to 96,250 square feet if the findings outlined below are made. After 96,250 square feet of new commercial development has received Coastal Development Permits (CDP), these exceptions cannot be granted unless the Coastal Commission certifies an amendment to the Land Use Plan.~~

~~Program: New development, including expansions and intensification of use shall provide parking consistent with requirements elsewhere in the City unless the following finding are made. If the following findings are made, the exceptions described in Section 2, may be granted.~~

~~1. Findings: Before granting the exceptions below the Community Development Director shall certify the following:~~

~~a. Fewer than 96,250 square feet of commercial development, including new buildings, expansions and/or intensification of uses, in the DED has received a CDP since November 1, 1994.~~

~~b. There is currently adequate parking to support the development and provide adequate beach parking.~~

~~c. The City Council has approved an interim parking study for the DED that shows the occupancy of the parking spaces in the DED is 90% or less during daylight hours on summer weekends~~

~~No more than 24,063 square feet of commercial development in the DED has received CDP's since the last interim parking study was approved by the City Council.~~

~~2. Exceptions~~

Policy: Minimize parking impacts by encouraging a mix of visitor-serving and other commercial uses that balances peak and non-peak parking demand that occurs during the day and seasonally.

Program: For new retail and office development or expansions of existing retail and office development within the DED, required parking in excess of that existing on the site shall be provided at 65% of the current parking requirement.

~~a. When parking is required for projects on lots exceeding 10,000 square feet and/or 1: 1 F.A.R., parking in excess of that existing on the site at the time of the proposal shall be provided at 65% of the current parking requirement.~~

~~b. Because of the physical constraints to providing parking and the desire to promote a pedestrian orientation in the DED, for projects on lots less than 1:1 F.A.R., no parking other than the parking existing on the site at the time of the proposal shall be required.~~

Program: In order to mitigate the impacts of increased parking demand that is created by new development, but is not compensated for by requiring additional parking spaces, **the ~~DEC, or its successor agency or the private party,~~ City Council** shall provide an in-lieu fund transfer or an in-lieu fee to an improvement fund earmarked specifically for creating parking, in an amount determined to be sufficient to off-set the increase in required parking spaces caused by the expansion, intensification, or new construction not provided on site.

If the ~~DEC~~ **City Council** determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee ~~as requested by DEC~~.

Program: The City shall not accept a fee in lieu of providing on site parking unless the Community Development Director assures that sufficient parking exists to accommodate the parking demand of new development. The improvement fund to mitigate increased parking demand shall be geared to a threshold limit of increased parking demand. The threshold limit shall be established at 100 parking spaces **and the City shall construct new parking upon reaching that threshold limit or the City shall not** ~~approve new development~~ **accept any fees in-lieu of parking beyond that threshold limit.**

~~**Program: All new commercial development on any lot within the Downtown Enhancement District shall require participation by the business owner(s) in the parking validation program. Existing development of less that 500 square feet may expand or increase in intensity of use up to 15% without participation in the validation program. The validation program shall provide validation for no less than two hours unless all required parking is provided on site without any parking exceptions specified in Section 2 above or any other parking variances or exceptions.**~~

~~**Policy: That the city has the responsibility to insure the safety of its citizens by removing vehicles which are parked in illegal parking spaces and may pose a threat to the safety of its citizens and/or guests.**~~

~~**Program: Within the Motor Vehicles and Traffic Codes of the City and the State, specific regulations have been outlined for curbing violations regarding illegal parking of vehicles.**~~

2. Future Policies

That the City should investigate and, where feasible, enact the following policies:

~~**Policy: City should consider land donations or the equivalent for parking as part of a condominium conversion.**~~

~~**Policy: City should consider establishing a fee in-lieu of providing additional parking on-site for curb cuts**~~

Policy: That the City should **maximize the efficiency of and consider** ~~investigate~~ **the possibility of lease or purchase of parking lots** dispersed throughout the City **and downtown enhancement district** so as to minimize the impact on the parking demand to the City and its residents~~.~~

~~**Policy: City should examine the current status of public lands leased and the rents received**~~.

~~**Policy: That the City should consider converting the City streets with two-way traffic with parking on one side into one-way streets with parking on two sides.**~~

Policy: That the City should consider the reorientation of the City's current transportation service so as to provide transit service for visitors and residents according to their needs.

~~**III. Coastal Housing**~~

~~A. **Statement of Philosophy**~~

~~**The City of Hermosa Beach shall maintain its current diversified housing environment. The City also recognizes the need to address certain housing policies which relate to the**~~

~~replacement and protection of existing housing and the provision of new housing. These policies must be addressed on a City-wide basis and as such will be dealt with in the Housing Element of the General Plan as mandated by State law.~~

~~B. Goals and Objectives~~

~~1. To preserve the City's existing diversified mix of age and income groups.~~

~~2. To preserve the City's existing diversified neighborhoods.~~

~~3. To promote and encourage the conservation, rehabilitation, and maintenance of the City's existing housing stock.~~

~~C. Policies and Programs~~

~~Hermosa's particular history of housing is reflected in the following policies and programs. Policies have been divided between those that are now in force and currently supported by codes and ordinances and those policies that the City should consider for enactment.~~

~~1. Existing Policies and Programs~~

~~Policy: There shall be no discrimination in housing.~~

~~Program: The Planning Commission and the City Council review all new condominium development Covenants, Conditions, and Restrictions (CC&R's) to assure there is no discrimination.~~

~~Policy: To continue the current mix of low, moderate, and high housing densities.~~

~~Program: The Land Use Element of the General Plan shall continue to define low, medium, and high density residential areas within the City. (See Appendix I.)~~

~~Program: The Zoning Code shall continue to define the different building standards for each of the residential zones.~~

~~Policy: That illegal bootleg apartments shall be discouraged as they may represent substandard and potentially unsafe housing or usage in conflict with zoning and/or general plan standards.~~

~~Program: The abatement of bootlegs in the City is being accomplished in the following manner:~~

~~1) deed restrictions whenever a discretionary act is approved and if there is a bootleg potential;~~

~~2) whenever there is an administrative action as the result of a complaint, abatement is required as well as a deed restrictions. Currently, the BZA, through public hearing, examines units, resulting in either abatement of use or legal non-conforming status of unit;~~

~~3) through the preferential parking program, guest permits are issued to legal units only and residential addresses are reviewed by the Building Department. Bootlegs are being identified by this list.~~

~~2. Future Policies and Programs – When & Where Feasible~~

~~**Policy: That the rehabilitation of residential structures be encouraged.**~~

~~**Policy: That the City should use financial incentives to encourage owner rehabilitation and maintenance of existing housing.**~~

~~**Policy: City should consider rezoning existing mobile home parks to preserve their use as mobile home parks.**~~

III. Coastal Recreational Access

A. Statement of Philosophy

Hermosa Beach shall maintain its current high level of recreational access to the coast and its recreational facilities and be consistent with maintaining the beach in its most natural state.

B. Goals and Objectives

1. Maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

2. Low cost visitor recreational facilities will be maintained and encouraged where feasible.

3. The City shall protect its coastal resources for recreational activities.

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: That the City should restrict buildings and structures on the beach with regards to size and number consistent with current access, safety, and beach usage. Police/Lifeguard structures should be held to a minimum both in size and number consistent with good safety practices.

Program: The City presently has within its Beach Development Plan (adopted Jan. 4, 1972 and included as Appendix F) a restriction on the type and number of facilities that can be placed on the beach west of the Strand.

Policy: Recreational activities on the beach should be maintained both during the daylight hours and night hours.

Program: Improved and more functional lighting on the Strand has been provided.

Policy: Vehicular traffic, including lifeguard trucks and police cars should be barred from the beach and the Strand except for emergencies and necessary cleaning and patrolling functions.

Policy: That existing access through regular streets and walk-streets that now give everyone excellent access to and from the beach shall continue. (See Appendix C, Page C-2, Figure 8).

2. Future Policies and Programs

~~**Policy: That the City should separate Strand uses that add to the congestion on the Strand between 10th and 15th Streets during the summer months.**~~

Policy: That the City should, in conjunction with the City of Manhattan Beach, create a continuous and seamless beachfront bicycle and pedestrian path between the two cities.

Policy: That the City should promote beach and recreational facilities related to commercial development by refining the commercial (C-2) zone to encourage commercial-recreational uses.

Policy: The City, where feasible, should construct parkettes **and pedestrian spaces** similar to the ones constructed at **13th, 14th and** 15th Street**s** and Beach Drive.

Policy: That the parkettes **and pedestrian spaces** should be integrated with the east side of the Strand to provide rest areas with benches and that the placement of benches **and other pedestrian amenities** be distributed evenly along the Strand to avoid congestion points.

IV. Coastal Development and Design

A. Statement of Philosophy

Hermosa Beach is a densely developed, older community which is in transition and which is a coastal resource for the people of California.

B. Goals and Objectives

1. To develop a stable population which is suited to available land area and community resources.
2. To preserve and enhance coastal overview and key view point areas.
3. To encourage historic preservation to maintain the eclectic character of Hermosa Beach's mixed architectural styles.
4. To continue to develop facilities that serve the needs of both coastal visitors and the City's residents.
5. To preserve and, where feasible, enhance the City's remaining open space.

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: Development in the Coastal Zone will be reviewed and permitted pursuant to the provisions of the Coastal Act and the policies and implementation programs of the City's Local Coastal Program.

Policy: That the City should restrict building height to protect overview and view shed qualities and preserve the City's existing low-rise profile.

Program: Zoning and building codes limit the height of all structures depending on zone. ~~**The maximum height in each residential R-1, R-2 and R-3 zones are 25 ft., 30 ft., and 35 ft. respectively. The maximum height in the City is 45 ft. or three stories and is in the commercial zones.**~~

Policy: Establish residential condominium approval procedure that will encourage the development of units that will contribute to and are consistent with the evolving character of the City.

Program: The current condominium ordinance, which includes design and building permit review, are programs that support this policy.

Policy: That the zoning and general plan will be made consistent.

Program: **The City began the process to resolve inconsistencies between the General Plan Land Use Map and the Zoning Map in 1981, and resolved the inconsistencies within the Coastal Zone by 1990.**~~**In the November 1980 election, the citizens of Hermosa Beach voted that whenever there was a conflict between the Zoning Code and the General Plan, that whichever designation had the lesser density that density should apply The Planning Commission started hearings to resolve the conflicts beginning January of 1981. Until such time that consistency is accomplished between the General Plan and Zoning, the General Plan will guide land use decisions.**~~

Policy: The City should always encourage creativity in commercial, and residential development, allowing variety and flexibility, while maintaining high standards of design. ~~**That a special overlay zone for the development of large parcels of land should be enacted.**~~

Program: The City will continue its current Precise Development Plan process to ensure flexibility and quality in all residential and commercial development. ~~**The City Council in November of 1980, passed the Planned Development Zone. The intent of this overlay zone is to encourage a creative approach in commercial and residential development, allow variety and flexibility while maintaining high standards of design.**~~

Policy: The City should continue to maintain high standards of design for public works projects and public improvement programs, including the redevelopment of the streetscape at upper and lower Pier Avenue and Hermosa Avenue in the downtown area.

Program: The City will continue to utilize the City of Hermosa Beach Downtown Implementation Plan, dated October 1994, as a guideline for the design and development of the streetscape at upper and lower Pier Avenue and Hermosa Avenue.

~~**Policy: That the City has recognized the need for a comprehensive downtown plan and consequently has enacted PAID to examine the needs of the downtown commercial area**~~

~~**Program: City has enacted PAID with an appointed Commission to represent the business district. The Commission shall adopt a plan for downtown development**~~.

Policy: Although the LUP proposed no additional construction of structures seaward of the mean high tide line, the City recognizes the need to maintain consistency with provisions required for shoreline structures in other jurisdictions.

Program: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed and constructed to minimize erosive impact on adjacent unprotected property and minimize encroachment on to the beach and shall indicate all area seaward of the seawall for lateral access for the public.

Policy: Encourage the preservation of the City's historical buildings and cultural heritage. (Existing policy *reworded and* relocated from below)

Program: In November 1998 the City conducted a survey of historic resources, adopted a historic preservation ordinance, and designated a historic landmark.

2. Future Policies and Programs

~~**Policy: That rehabilitation of commercial-residential structures be encouraged to preserve the City's historical buildings and cultural heritage.**~~ **(Existing policy relocated above)**

Policy: The Zoning Code will be examined to remove unnecessary impediments to the ~~**recycling**~~ **rehabilitation** of existing commercial and residential structures.

Policy~~**: That the City**~~ Encourage ~~**coastal related**~~ **visitor-serving** commercial land uses within the downtown area.

~~**Policy: Develop design standards for development of the Biltmore Site and other City owned property which are in keeping with the scale and character of the area.**~~

~~**Policy: That the City will maintain the existing commercial-recreational orientation in the downtown area**~~.

Policy: That the City construct, where appropriate, landscaping along the east side of the Strand in order to improve the aesthetic appearance of the Strand.

Policy: The **former** Biltmore Site, **known as Noble Park and North Pier Parking Structure,** is a vital asset of the people of Hermosa Beach. ~~**The people concur that the most beneficial public recreational, and environmental use for**~~ This coastal site is public open space and beach public parking.

Program: The certified land use designations for the publicly owned property known as the Biltmore Site are as follows (Amended by vote of the people November 5, 1992).

1. The designation for the property specifically known as the Biltmore Site, **known as Noble Park,** is Restricted Open Space (O-S-2), to ensure its preservation and use as a public park.

2. The designation for that part of the Biltmore Site known as ~~**Parking Lot C**~~ **the North Pier Parking Structure** is commercial/Public Beach Parking.

ORDINANCE 00-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA TO AMEND THE MUNICIPAL CODE, ZONING ORDINANCE, TO ADOPT AN IMPLEMENTING ORDINANCE FOR THE LOCAL COASTAL PROGRAM, ESTABLISHING A COASTAL DEVELOPMENT OVERLAY ZONE, AND OTHER TEXT AMENDMENTS TO IMPLEMENT THE POLICIES OF COASTAL LAND USE PLAN

The City Council of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to certify their Local Coastal Program, including Land Use Plan and Implementing Ordinance, and obtain the authority to issue Coastal Development Permits.

Section 3. The City Council, pursuant to applicable law, held a duly noticed hearing on May 9, 2000, to consider the proposed Local Coastal Program, including the proposed Implementation Ordinance and text amendments as recommended by the Planning Comission, at which testimony and evidence, both written and oral, was presented to and considered by the Council.

Section 4. The Planning Commission, pursuant to applicable law, held a duly noticed hearing on March 21, and April 5, 2000, to consider the proposed Local Coastal Program, including the proposed Implementation Ordinance and text amendments, at which testimony and evidence, both written and oral, was presented to and considered by the Commission.

Section 5. Based on the evidence considered at the public hearing, the City Council makes the following findings

1. The proposed Implementation Ordinance of the Local Coastal Program and Zoning Amendment has been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and :

2. The proposed Implementation Ordinance and Zoning Code Amendment is consistent with the City's Certified Land Use Plan, as amended, General Plan and Municipal Code.

3. The proposed Amendments to the Certified Land Use Plan, Implementation Ordinance and Zoning Code Amendment are statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9.

Section 6. Based on the foregoing, the City Council hereby ordains that the Municipal Code be amended as follows, to be submitted for consideration and certification by the California Coastal Commission as the Implementing Ordinance for the Local Coastal Program:

1. Amend the Zoning Ordinance, Title 17, by adding "Chapter 17.37, Coastal Development Overlay Zone," attached hereto and incorporated by reference.

2. Amend the City's Official Zoning Map as follows:

   1. Designate the Beach and Strand as Open Space for consistency with the General Plan Open Space Designation.
   2. Designate the Coastal Zone area on the Zoning Map with a Coastal Zone Overlay designation ("CZ").

3. Amend Section 17.44.040, Parking Requirements for Downtown, as follows:

"17.44.040 Parking requirements for the downtown area.

The following requirements apply within in the boundary of the downtown area, as defined by the map incorporated by this reference.

A. For new retail and office developments or expansion of existing retail and offices the amount of parking shall be calculated at sixty-five (65) percent of the parking required for these uses ~~each particular use~~ as set forth in Section 17.44.030.

~~B. Building sites equal to or less than ten thousand (10,000) square feet: If the floor area to lot area ratio is 1:1 or less no parking is required. If the floor area to lot area ratio exceeds 1:1 only the excess floor area over the 1:1 ratio shall be considered in determining the required parking pursuant to subsection A of this section.~~

B.~~C~~. Bicycle racks/facilities shall be provided and/or maintained in conjunction with any intensification of use, or new construction, in an amount and location to the satisfaction of the ~~planning~~ Community Development Director."

4. Amend Section 17.44.140(E) pertaining to parking requirements for expansion of existing uses, as follows:

"E. When the use of space within an existing building or structure is changed to a more intense use with a higher parking demand ~~there shall be no additional parking requirement for sites in the downtown area except to the extent there is a change of floor area to lot area ratio in excess of 1:1. Otherwise~~, 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 the requirement for the existing or previous use which shall be met prior to occupying the building unless otherwise specified in this chapter."

5. Amend Section 17.44.190 A, Off-street parking within vehicle parking districts, as follows

"17.44.190 Off-street parking within vehicle parking districts.

A. Parking requirements within parking districts shall be as provided in this chapter, except that when the City Council provides for contributions to an improvement fund in lieu of parking spaces so required, said contributions shall be considered to satisfy the requirements of this chapter.

If the ~~downtown business area enhancement district commission~~ City Council determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee as requested by the ~~DBAEDC~~ City Council~~.~~

B. The ~~building~~ Community Development Director shall be responsible for the calculations required under this chapter and ~~the building department~~ shall calculate and collect the in-lieu contribution for, and as directed by, resolutions passed by ~~the vehicle parking district commission, as approved~~ by the City Council.

C. ~~The following allowances for parking.~~ The contribution of fees in-lieu of parking in the downtown area may be ~~allowed~~ permitted with a parking plan as approved by the planning commission and as prescribed in Section 17.44.210.

~~1. Building sites containing less than four thousand one (4,001) square feet 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.~~

~~2. Building sites of less than four thousand one (4,001) square feet 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.~~

~~3. Building sites containing four thousand one (4,001) square feet or greater but less than twelve thousand one (12,001) square feet shall be required to provide a minimum of fifty (50) percent of all required parking on-site.~~

~~4. Building sites with or greater than twelve thousand one (12,001) square feet shall be required to provide one hundred (100) percent of all required parking on site~~."

Section 7. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

Section 8. 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 9. 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 23rd day of May, 2000, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

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

ATTEST:_____ **APPROVED AS TO FORM:**_____

City Clerk City Attorney

F:/b95/cd/cc/coastord

CITY COUNCIL
FINAL

CITY OF HERMOSA BEACH:

Implementing Ordinance

Submitted to:

CITY OF HERMOSA BEACH
City Council and Planning Commission

Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235

Submitted by:

THE PLANNING CENTER

MAY 23, 2000

CITY COUNCIL
FINAL

CITY OF HERMOSA BEACH:

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Submitted to:

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Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235

Submitted by:

THE PLANNING CENTER

1580 Metro Drive
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Phone: 714.966.9220
Fax: 714.966.9221
E-mail: costamesa@planningcenter.com

MAY 23, 2000

INTRODUCTION

The following document presents the implementing ordinance portion of the City of Hermosa Beach Local Coastal Program as approved by the City Council. The proposed ordinance would apply to the portion of the City that is located within the Coastal Zone, except in the original jurisdiction of the Coastal Commission as provided in Section 17.37.060.

CHAPTER 17.37

COASTAL DEVELOPMENT OVERLAY ZONE

17.37.010 Purpose
17.37.020 Definitions
17.37.030 Permit Required
17.37.040 Exemptions and Categorical Exclusions
17.37.050 Coastal Development Permit Applications
17.37.060 Determination of Jurisdiction
17.37.070 Resolving Jurisdictional Determination Disputes
17.37.080 Coastal Development Permit Notice Requirements
17.37.090 Coastal Development Permit Public Hearings
17.37.100 Coastal Development Permit Approval or Denial Findings
17.37.110 Conditions of Approval
17.37.120 Notice of Action and Appeal Rights
17.37.130 Appeals
17.37.140 Expiration of Unused Permits
17.37.150 Amendments to Coastal Development Permit Permits
17.37.160 Reapplication
17.37.170 Revocation of Coastal Development Permits
17.37.190 Enforcement
17.37.190 Emergency Coastal Development Permits
17.37.200 Continuing Validity of Permit
17.37.210 Local Coastal Program Amendments
17.37.220 Encroachments
17.37.230 Downtown Implementation Plan
17.37.240 Water Quality
17.37.250 Temporary/Special Event Calendar

17.37.010 Purpose. The regulations of this Chapter shall apply in the Coastal Zone, as defined by the California Coastal Act and map prepared by the California Coastal Commission and zoned as Coastal Zone Overlay (-CZ) on the City's Zoning Map. The Coastal Development Permit is established to ensure that public or private development within the Coastal Zone conforms to the policies and programs of the California Coastal Act (Division 20 of the Public Resources Code) as amended, the City of Hermosa Beach Certified Local Coastal Program, the General Plan, Zoning Ordinance and any implementation programs.

17.37.020 Definitions

Definitions of terms not contained herein, shall be the same those terms are defined in Coastal Act.

"Appealable Development" means any development project that may be appealed to the Commission and is located within or constitutes any of the following:

I. Approval of a development project located within any appealable area, as follows:

   a. All areas between the sea and first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.

b. All areas within one hundred (100) feet of any wetland, estuary, or stream and all areas within three hundred (300) feet of the top of the seaward face of any coastal bluff.

2. Approval or denial of a development project that constitutes a major public works project or a major energy facility.

3. Approvals of developments that require an amendment to the City Zoning Ordinance or General Plan.

"Applicant" means the person, partnership, corporation, or state or local government agency applying for a Coastal Development Permit.

"Approving Authority" means a City officer, City Council, or commission approving a Coastal Development Permit.

"Coastal Commission" means the California Coastal Commission.

"Coastal Development Permit" means a permit issued by the City of Hermosa Beach, in accordance with the provisions of this chapter, approving development in the CZ Overlay District as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all application materials, plans and conditions on which the approval is based.

"Coastal Policy Checklist" means a form prepared and completed by the Director as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all relevant Local Coastal Program policies, those policies with which the application does not comply, and recommended conditions, if any, which could be imposed to bring the application into compliance.

"Coastal Zone" means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, that lies within the City of Hermosa Beach, as indicated on a map on record with the Department of Community Development.

"Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition. or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations.

"Director" means the City of Hermosa Beach Community Development Director.

"Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services

"Local Coastal Program" means the City's land-use plans, Planning and Zoning Ordinances, zoning maps, and implementation actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

"Major Public Works Project" means:

1. A public works project that exceeds one hundred thousand dollars ($100,000) in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 301611 or 30624.

2. Not withstanding the criteria in (1), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the facilities.

"Other Permits and Approvals" means permits and approvals, other than a Coastal Development Permit, required by the City of Hermosa Beach Zoning or Municipal Code before a development may proceed.

"Overlay District" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the Overlay District and the underlying base zoning district and Area District.

"Pemittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.

"Project" means any development as defined in this section.

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through-any connection with the Pacific Ocean excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity. "Sensitive coastal resources areas" include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in the coastal plan.

2. Areas possessing significant recreational value.

3. Highly scenic areas.

4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

5. Special communities or neighborhoods which are significant visitor destination areas.

6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

7. Areas where divisions of land could substantially impair or restrict coastal access.

"Temporary/Special Event" is an activity or use that does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis. A Temporary/Special Event involves the placement of non-permanent structures, such as film sets and equipment, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, which do not involve grading or landform alteration for installation, and/or exclusive use of a sandy beach, parkland, water, streets or parking area which is otherwise open and available for general public use. "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.

17.37.030 Permit Required

A. Coastal Development Permit Required. Any development in the Coastal Zone shall obtain a Coastal Development Permit, with the exception of projects identified in Section 30519 (b) of the Public Resources Code or a development specifically exempted by Section 17.37.040 this Division.

B. Determination of Exemption or Categorical Exclusion. A determination of whether a development is exempt or categorically excluded from the Coastal Development Permit requirements shall be made by the Director at the time an application is submitted for development within the Coastal Zone pursuant to Section 17.37.040. Any dispute arising from the Director's determination shall be resolved pursuant to the procedure described in Section 17.37.070.

C. Existing Coastal Development Permits or Applications in Process. The following shall apply to existing applications for Coastal Development Permits or existing Coastal Development Permits:

1. Development authorized by a permit issued by the California Coastal Commission shall remain under the jurisdiction of the Commission for the purposes of compliance, amendment, extension, reconsideration and revocation.

2. Any proposed development that the City preliminarily approved before effective certification of the Local Coastal Program and which has not been filed complete with the Commission, shall be re-submitted to the City through an application for a permit pursuant to the Local Coastal Program.

3. Any proposed development that the City preliminarily approved before effective certification of the Local Coastal Program and which has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for review. Projects that elect to obtain a coastal permit from the Coastal Commission shall remain under the jurisdiction of the Commission as set forth in (1) above.

4. Upon effective certification of the Local Coastal Program, no applications for development within the certified area shall be accepted by the California Coastal Commission.

17.37.040 Exemptions and Categorical Exclusions

A. Exemptions. The provisions of this Chapter shall not apply to the following projects as long as all applicable zoning standards are satisfied and no discretionary zoning approvals are necessary:

1. Additions to existing single-family residences and ancillary structures such as garages, swimming pools, fences, storage sheds and landscaping with the exception of the following:

a. Development that involves a risk of adverse environmental effect pursuant to Section 13250, Title 14, of the California Code of Regulations.

b. Improvements to any structure in the appealable area when such improvements could result in any of the following:

(1) An increase of 10 percent or more of the internal floor area of existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.
(2) The construction of an additional story or loft or increase in building height of more than 10 percent.
(3) The construction, placement or establishment of any significant detached structure such as a garage.

c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.

2. The maintenance, alteration or addition to existing structures, other than a single-family residence or public works facilities, provided the project does not involve:

a. An adverse effects as specified in Section 13253, Title 14, of the California Code of Regulations.

b. Any improvement to a structure that changes the intensity of use or use of the structure.

c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.

3. Repair or maintenance activities that do not result in an addition, enlargement or expansion unless classified as:

a. Repair or maintenance of a seawall revetment, breakwater, groin, culvert, outfall or similar shoreline work that involves:

(1) Substantial alteration of the foundation, including pilings and other surface and subsurface structures.
(2) The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material on a beach, or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
(3) The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.
(4) The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.

b. The replacement of twenty (20) percent or more of a sea wall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

4. The installation, testing, placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act; provided that the Director may require reasonable conditions to mitigate any adverse impacts on

coastal resources, including scenic resources. All repair, maintenance and utility hook-ups shall be consistent with the provisions adopted by the California Coastal Commission.

5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and, shall be sited in the same location on the affected property as the destroyed structure.

6. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

7. Any category of development determined by the Coastal Commission to have no potential for any significant impact on the environment, coastal resources or public access to the coast.

8. Temporary/Special Event.

   a. Temporary/Special events shall be exempt from Coastal Development Permit requirements except those meeting any of the following criteria:

      1. It is held between Memorial Day weekend and Labor Day; and,

      2. It occupies all or a portion of a sandy beach area; and,

      3. In the opinion of the Community Development Director, the location, nature, configuration or length of the event, may result in impacts to coastal recreational opportunities and resources, access and impacts to the environment.

   b. Notwithstanding the foregoing, the following are exempt:

      (1) If an admission fee is charged for entry to the event, the fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,

      (2) The event is less than 24 hours in duration; or,

      (3) The event has previously received a Coastal Development Permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.

   c. The Director or the City Council may determine that a Temporary/Special event shall be subject to Coastal Development Permit review if unique or changing circumstances exist relative to a particular Temporary/Special event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

      (1) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources;

(3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

(4) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

d. In addition to any necessary Coastal Development Permits, Temporary/Special Events must obtain a Special Event Permit from the Department of Community Resources.

B. Categorical Exclusions. The provisions of this Chapter shall not apply to the following projects:

1. All projects consistent with the zoning ordinance that do not require discretionary review and are not located in the appealable area or are subject to appeal as stated in Section 17.37.130.

2. (RESERVED) *Specific list of categorical exclusions to be submitted separately.*

3. The City shall maintain a record of all permits issued for categorically excluded developments for public review. Each permit shall contain the name of applicant, location of project and a brief description of the project.

4. Notice for projects that are categorically excluded shall be provided to the Coastal Commission within five (5) working days.

17.37.050 Coastal Development Permit Applications

A. Application. Applications for a Coastal Development Permit shall be approved prior to issuance of building permits. A Coastal Development Permit application shall be made to the Community Development Department on forms provided by the same Department. The required contents of the Coastal Development Permit shall be as set forth by the Community Development Department and shall be accompanied by the filing fee as established by resolution of the City Council. The applicant shall state in the application how:

1. The proposed development conforms to the certified Local Coastal Program.

2. The proposed development, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3, Division 20 of the Public Resources Code.

B. Refusal of Acceptance of Application for Lack of information. The Director may reject, without a public hearing, an application for a Coastal Development Permit if such application does not contain the required information.

C. Concurrent Filing. A Coastal Development Permit shall be considered concurrently with any other discretionary permits or approvals required for the project by the City.

17.37.060 Determination of Jurisdiction

A. Determination. Prior to or at the time of an application for a Coastal Development Permit, the Director shall determine if the proposed project is located within an area that is:

1. An area where the California Coastal Commission continues to exercise Original Permit Jurisdiction, as defined in Section 30519 of the California Coastal Act, and the applicant must obtain a Coastal Development Permit directly from the Coastal Commission.

2. Appealable to the Coastal Commission and requires a Coastal Development Permit.

3. Non-appealable to the Coastal Commission and requires a Coastal Development Permit.

4. Categorically excluded or exempt and does not require a Coastal Development Permit.

17.37.070 Resolving Jurisdictional Determination Disputes

A. Dispute Procedure. Where a question as to the appropriate jurisdiction has arisen, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.

2. If the determination of the local government is challenged, or if the local government wishes to have the Commission determine the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

3. The Executive Director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request.

17.37.080 Coastal Development Permit Notice Requirements

A. Notice of Hearing. The Director shall provide notice of a hearing for a Coastal Development Permit by first class mail at least 10 calendar days prior to the public hearing to the following:

1. The applicant.

2. Property owners and occupants of commercial and residential property located within a 100-foot radius (not including public right-of-ways) of the perimeter of the parcel of real property of record on which the development is proposed.

3. The California Coastal Commission, public agencies that have an interest in the project, newspaper of general circulation.

4. Any person who has requested to be noticed of such permit.

B. Contents of Coastal Development Permit Hearing Notice. In addition to the noticing required for public hearings in accordance with City Council policy, the notice for a Coastal Development Permit shall contain the following information:

1. A statement that the development is located within the Coastal Zone and is either Appealable or Non-Appealable to the Coastal Commission.

2. A statement of the public comment period.

3. The date of the filing of the application and the name of the applicant.

4. The file number assigned to the application.

5. A description of the development at its proposed location.

6. The date, time, and place at which the application will be heard.

7. A brief description of the general procedure concerning the conduct of hearing and local actions.

8. The procedure for local and Coastal Commission appeals, including any local fees required.

17.37.090 Coastal Development Permit Public Hearings

A. Hearing. The Planning Commission shall hold a public hearing to review and consider an application for a Coastal Development Permit.

B. Findings. All decisions on the Coastal Development Permit shall be accompanied by separate written findings, as specified in Section 17.37.100.

C. Continuation of Action. A public hearing for a Coastal Development Permit may be continued without new public notice to another day if continued to a date certain. If the public hearing is continued to a date uncertain, notice of the continued public hearing shall be provided in accordance with Section, 17.37.080.

17.37.100 Coastal Development Permit Approval or Denial Findings

A. Findings for Approval. An application for a Coastal Development Permit shall be approved when the evidence substantiates to the satisfaction of the approving authority the following findings:

1. The proposed development is in conformity with the Certified Local Coastal Program.

2. Any development, located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

3. The proposed development conforms to the requirements of the California Environmental Quality Act (CEQA).

B. Findings for Denial. An application for a Coastal Development Permit shall be denied where the evidence fails to substantiate the basis for approval contained in Section 17.37.100 A.

17.37.110 Conditions of Approval

The City may impose conditions as necessary to ensure that the Coastal Development Permit conforms to the requirements of the Local Coastal Program. The landowner and applicant shall record with the Office of the Los Angeles County Recorder an affidavit accepting and agreeing to implement all conditions of permit approval, and binding all successors to said conditions of approval, and which shall run with the land.

17.37.120 Notice of Action and Appeal Rights

A. Notice of Final Action. Within seven (7) calendar days of final action on a Coastal Development Permit, the Director shall provide notice of such action by first class mail to the applicant, property owner, the Coastal Commission and to any person or agency who specifically requested notice of such decision by submitting a self-addressed stamped envelope to the Community Development Department.

B. Contents of Notice of Action. The notice of action shall contain the following information:

1. Project description.

2. Written findings for approval and conditions of approval (if any).

3. Appeal procedure and appeal period as specified in Section 17.37.130.

17.37.130 Appeals

A. Final Decision. A decision of the Planning Commission shall be considered the final decision of the City when all local appeal periods, specified below, have been exhausted, and the City Council has not initiated review and no appeal has been filed. Otherwise the City Council's decision shall be considered a final decision of the City.

B. Local Appeals

1. The City Council may initiate a review of the decision of the Planning Commission by any two votes of the City Council at its meeting next succeeding the Planning Commission action pursuant to Section 2.52.040. In the event the Council initiates such a review, the Planning Commission's decision will be stayed until the Council completes its review hearing and takes final action on the Coastal Development Permit.

2. Within ten (10) days following the Council meeting that succeeds the Planning Commission action, an appeal in writing may be filed with the City Council by any person dissatisfied with the decision of the Planning Commission. The filing of such appeal within such time shall stay the effective date of the order of the Planning Commission until such time as the City Council has acted on the appeal.

3 Within forty (40) days of a review initiated by Council, or an appeal filed by a dissatisfied person, the City Council shall conduct a public hearing, which shall be noticed as required by Section 17.68.050.

4. The decision of the City Council, supported by findings as set forth in Section 17.37.100, shall be set forth in full in a resolution.

5. Within seven (7) calendar days of final action by the City Council on an appeal of a Coastal Development Permit, the Director shall provide notice of such action by first class mail to the applicant, property owner, the Coastal Commission and to any person or agency who specifically

requested notice of such decision by submitting a self-addressed stamped envelope to the Community Development Department.

C. Appeals to the Coastal Commission

1. Exhaustion of Local Appeals. An appellant must exhaust all local appeals under the City's appeal procedure prior to filing an appeal to the Coastal Commission.

2. Non Appealable Jurisdiction: A decision for a development located in the non-appealable jurisdiction is not appealable unless the development:

   a. Requires amendment to the Zoning Ordinance or General Plan.

   b. Constitutes a major public works project or a major energy facility.

3. Appellants: A decision for a development located in the appealable jurisdiction or as described in 17.30.130 C2 above may be appealed by:

   a. The applicant or aggrieved person who exhausted local appeals.

   b. Any two members of the Coastal Commission.

4. Appeal Time Limit: All appeals must be filed with the Coastal Commission within ten (10) working days of the date of final local action on the Coastal Development Permit as defined in Section 13571(a), Title 14, of the California Code of Regulations.

5. Grounds for Appeal. The grounds for an appeal of a local decision on a development shall be limited to an allegation that the decision did not conform to the Certified Local Coastal Program, or the public access policies of the Coastal Act.

6. Effect of Appeal to the Coastal Commission. Upon receipt of a notice from the Executive Director of the Coastal Commission that an appeal has been filed the City shall refrain from issuing a building permit on the development, and the City's action on the development shall be stayed, pending Coastal Commission action on the appeal.

17.37.140 Expiration of Unused Permits

A. Permit Expiration. If development authorized by a Coastal Development Permit has not commenced within the specified time, or if no time is specified, within two years of the granting of the permit, the permit becomes null and void with the exception of the following:

1. In the case of a permit for a publicly owned use the development shall be deemed to have commenced, provided that the public agency accomplished the following:

   a. Within one year of the approval date, the City either acquires the property involved or commences legal proceedings for its acquisition.

   b. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area indicating the agency and the purpose of which it is to be developed. One such sign shall be placed facing and located within 5 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway, the agency shall erect one sign facing the street, highway or parkway nearest the property.

2. In the case of a Coastal Development Permit heard concurrently with any other discretionary permit, the Planning Commission and/or City Council shall specify time limits and extensions to be concurrent and consistent with those of the land division, variance or other permit.

3. Extension of Permit. The Planning Commission may extend a permit for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a non-profit corporation organized to provide low-income housing, the Planning Commission may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

B. Expiration Following Cessation of Use. A Coastal Development Permit granted by action of the Planning Commission or City Council shall automatically cease to be of any force and effect if the use for which such Coastal Development Permit was granted has ceased or has been suspended for a consecutive period of two or more years.

17.37.150 Amendments to Coastal Development Permits

A. Amendment Procedure. An amendment shall be accomplished in the same manner specified for initial approval of the Coastal Development Permit. All sections of this Chapter shall apply to permit amendments.

B. Application for Amendments. An amendment may be made to a Coastal Development Permit previously approved by the City by filing a written application with the Director. Such application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, drawings or other material appropriate to the request. A filing fee, as required by Resolution of City Council, shall accompany a request for an amendment.

C. Rejection of Application for Amendment. An application for an amendment shall be rejected if it would lessen or void the effect of the original permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the permit was granted.

D. Action on Amendments. For those Coastal Development Permit Amendment applications accepted, the Director shall determine whether the proposed amendment represents an immaterial or material change to the permit.

1. For amendment applications representing immaterial changes, the Director shall prepare and send a written notice as required by Section 17.37.120, including a statement informing persons of the opportunity to submit written objections to the Director within 10 days of the date the notices were mailed to persons within a 300 foot radius. The Director shall also mail notices to all persons who testified at a public hearing on the permit and who submitted written testimony on the permit and such other persons as the Director has reason to know may be interested in the application. If the Director receives no written objections within 10 days of mailing, the Director's determination shall be conclusive and the proposed amendment approved.

2. For amendment applications representing material changes, objections to determinations of immateriality, or amendments to conditions affecting coastal resource protection or coastal access, a Coastal Development Permit Amendment is required per 17.37.150. A. The Director shall mail notices in accordance with Section 17.37.080, and to all persons who testified at the public hearing on the permit, submitted written testimony on the permit, objected to the Director's determination of

immateriality, or such persons as the Director has reason to know may be interested in the application.

3. The appropriate reviewing body shall review material changes and determine whether the proposed development and amendment are consistent with the California Coastal Act and the Certified Local Coastal Program.

17.37.160 Reapplication

A. Reapplication Limit. No application for a Coastal Development Permit that has been previously denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission has been granted by the Approving Authority.

17.37.170 Revocation of Coastal Development Permits

A. Grounds for Revocation. The City may initiate proceedings to revoke a Coastal Development Permit upon the receipt of evidence indicating that:

1. The applicant included inaccurate, erroneous and/or incomplete information, and if accurate and complete information had been provided, the Coastal Development Permit would not have been approved or different conditions of approval would have been imposed; or,

2. There was failure to comply with notice provisions of Section 17.37.080, where the views of the person(s) not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions on a permit or deny an application.

3. The applicant is violating the conditions of approval, has been requested by the City to correct said violation, and has failed to correct a violation despite this request by the City.

4. The development is being operated in such a manner as to be a threat to public health and safety or is creating a nuisance.

B. Initiation of Revocation. The City may initiate proceedings to revoke a permit based on evidence submitted by any person constituting grounds for revocation as stated in sub-section A above. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and is without merit, or was filed without due diligence, shall initiate revocation proceedings.

C. Temporary Suspension. Where the Director determines that grounds exist for revocation of a Coastal Development Permit, the operation of the permit shall be reviewed and be automatically suspended if it is a threat to public health and safety. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act.

D. Procedure for Revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures contained in this section to the address shown in the permit application. The Planning Commission may, after a public hearing noticed and held in the manner prescribed in Sections 17.37.080 and 17.37.090, revoke or modify the permit.

17.37.180 Enforcement

In addition to the enforcement provisions contained in this ordinance, the provisions of the California Coastal Act contained in Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement.

17.37.190 Emergency Coastal Development Permits

A. Emergency Permits. In the event of a verified emergency, a temporary emergency authorization to proceed with remedial measures may be given by the Director until such time as a full Coastal Development Permit application has been be filed, as set forth in Sections 13136 through 13143, Title 14, of the California Code of Regulations.

The application to be reported at the time of emergency or within three (3) working days after the emergency shall include the following:

1. Nature of the emergency.

2. Cause of the emergency, insofar as this can be established.

3. Location of the emergency.

4. The remedial, protective, or preventive work required to deal with the emergency.

5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of filing to take action.

B. Immediate Emergency Action. In some instances it may be necessary to take immediate action to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or other emergency, before applications and procedures for obtaining a permit can be complied with in a timely manner. In such cases the requirements of obtaining a permit may be waived. The Executive Director of the Coastal Commission shall be notified of the type and location of the emergency action taken within three (3) days of the disaster or discovery of the danger, whichever occurs first. Within seven (7) days of taking such action, the Director shall send a written statement to the Coastal Commission of the reasons why the action was taken and verify that the action complied with the expenditure limits set forth in Public Resources Code Section 3061.

C. Limitations. The Director shall not grant an Emergency Coastal Development Permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority. In such areas, a request for an emergency authorization must be made to the Coastal Commission.

D. Public Noticing. The Director shall provide public notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place, mailed to all persons the Director has reason to know would be interested in such action and to the Coastal Commission.

E. Findings and Conditions. The Director may grant an Emergency Coastal Development Permit if it is found that:

1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.

2. Public comment on the proposed emergency action has been reviewed, if time allows.

3. The work proposed is consistent with the requirements of the Certified Local Coastal Program.

F. Expiration of Emergency Permit. An Emergency Coastal Development Permit shall be valid for sixty (60) days from the date of issuance by the Director. Prior to expiration of the emergency permit, the permittee must submit a regular Coastal Development Permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.

G. Report to City Council and Coastal Commission. The Director shall report the granting of an emergency permit to the City Council at its next scheduled meeting. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

17.37.200 Continuing Validity of Permit

A Coastal Development Permit that is valid and in effect, and was granted pursuant to the provisions of this chapter shall adhere to the land and continue to be valid upon change of ownership of the land or any existing building or structure on said land.

17.37.210 Local Coastal Program Amendments

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the Coastal Zone must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:

1 A resolution of intention initiated by the Planning Commission.

2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.

3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments to the Local Coastal Program.

1. Upon receipt of a completed amendment application or duly adopted resolution of intention, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.

2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment may be appealed by any interested person, including a Commissioner or Council member, per Section 17.37.130.

C. City Council Action on Amendments to the Local Coastal Program. The recommendation of the Planning Commission to approve or deny a proposed Local Coastal Program Amendment, or the appeal from a decision by the Planning Commission shall be considered by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to Section 17.37.080.

D. Fees. A fee for an amendment to the Local Coastal Program shall be established by a resolution of the City Council.

E. Coastal Commission Certification of Amendments to the Local Coastal Program. Any proposed Amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to the certified Local Coastal Plan shall not become effective until the amendment is submitted pursuant to the requirements of Section 13551 of the California Code of Regulations and certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.

17.37.220 Encroachments

An encroachment is defined as any structure, object, use or landscaping owned by a private property owner that i~~s proposed~~ to be located on or over public property.

A. Encroachment Permits.

1. All encroachments shall be required to obtain an Encroachment Permit, as specified in Municipal Code Chapter 12.16, as well as any necessary Coastal Development Permits, as detailed in this section.

2. Any application for encroachment in the Coastal Zone shall be evaluated for conformance with the policies of the California Coastal Act and the Certified Land Use Plan.

3. Access in the Coastal Zone along public rights-of-way, such as paved sidewalks and walk streets, shall be protected. No permanent device, structure, use, object or landscaping preventing public access along paved sidewalks shall be permitted.

B. Outdoor Dining on Lower Pier Avenue.

1. Applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall be subject to Section 12.16, Encroachments, of the Municipal Code.

2. Notwithstanding the provisions of 17.37.220, A. above, applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall not require a Coastal Development Permit as long as the provisions of Municipal Code section 12.16 are complied with.

17.37.230 Downtown Implementation Plan

The recommendations of the Hermosa Beach Downtown Implementation Plan, October 1994, regarding the revitalization of the Downtown area shall be utilized as guidelines in the design and improvement of streetscape and roadway improvements along portions of Hermosa Avenue (8th Street to 15th Street) and Pier Avenue (The Strand to the Greenbelt).

17.37.240 Water Quality

In order to reduce urban runoff and its potential impacts to the Coastal Zone, the City of Hermosa Beach has adopted Stormwater and Urban Runoff Pollution Control Regulations, as specified in Municipal Code Chapter 8.44. The requirements and standards of this section shall be applicable in the Coastal Zone.

17.37.250 Temporary/Special Events Calendar

The City of Hermosa Beach City Council shall adopt an annual calendar of major Temporary/Special Events on or before March 31 of every year.

Title 17

ZONING

Chapters:

17.02	DECLARATION OF PURPOSE
17.04	DEFINITIONS
17.06	ESTABLISHMENT OF ZONES
17.08	R-1 SINGLE-FAMILY RESIDENTIAL ZONE
17.10	R-1A TWO DWELLING UNITS PER LOT ZONE
17.12	R-2 TWO FAMILY RESIDENTIAL ZONE
17.14	R-2B LIMITED MULTIPLE-FAMILY RESIDENTIAL ZONE
17.16	R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE
17.18	MHP MOBILEHOME PARK DEVELOPMENT DISTRICT
17.20	R-P RESIDENTIAL PROFESSIONAL ZONE
17.22	CONDOMINIUMS, STOCK COOPERATIVES AND COMMUNITY APARTMENTS
17.24	RPD RESIDENTIAL PLANNED DEVELOPMENT
17.26	C-1, C-2 AND C-3 COMMERCIAL ZONES
17.28	M-1 LIGHT MANUFACTURING ZONE
17.30	O-S OPEN SPACE ZONE
17.32	O-S-1 RESTRICTED OPEN SPACE ZONE
17.34	O-S-2 RESTRICTED OPEN SPACE ZONE
17.36	OS-O OPEN SPACE OVERLAY ZONE
17.38	SPECIFIC PLAN AREAS
17.40	CONDITIONAL USE PERMIT STANDARDS
17.42	GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONAL USES
17.44	OFF-STREET PARKING
17.46	YARD, HEIGHT AND AREA RESTRICTIONS
17.48	TRIP REDUCTION AND TRAVEL MANAGEMENT
17.50	SIGNS

17.52	NONCONFORMING BUILDINGS AND USES
17.53	HISTORIC RESOURCES PRESERVATION
17.54	VARIANCES
17.56	CONDITIONAL USE PERMITS
17.58	PRECISE DEVELOPMENT PLANS
17.60	DETERMINATION OF LEGALITY OF NONCONFORMING RESIDENTIAL BUILDINGS
17.62	PLANNING COMMISSION AUTHORITY--BUILDING CODE
17.64	DEVELOPMENT AGREEMENTS
17.66	AMENDMENTS
17.68	PROCEDURE, HEARINGS, NOTICES AND FEES
17.70	REVOCATION AND EXPIRATION
17.72	PERMITS, LICENSES, RESTRICTIONS AND COVENANTS
17.74	PENALTY

Chapter 17.02

DECLARATION OF PURPOSE

Sections:

17.02.010 Purpose of provisions.
17.02.020 Title for citation.
17.02.030 Interpretation of provisions.
17.02.040 Constitutionality.

17.02.010 Purpose of provisions.

A precise land use plan for the city is adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. (Prior code Appx. A, § 100)

17.02.020 Title for citation.

This title shall be known as the zoning ordinance. (Prior code Appx. A, § 101)

17.02.030 Interpretation of provisions.

In interpreting and applying the provisions of this title they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces that are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this title shall control. (Prior code Appx. A, § 1700)

17.02.040 Constitutionality.

If any section, subsection, clause or phrase of this title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Prior code Appx. A, § 1701)

Chapter 17.04

DEFINITIONS

Sections:

17.04.010	**Definitions not affected by headings.**
17.04.020	**Tenses.**
17.04.030	**Number.**
17.04.040	**General definitions.**
17.04.050	**Commercial land use definitions.**
17.04.060	**Adult use definitions.**

17.04.010 Definitions not affected by headings.

Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof. (Prior code Appx. A, § 200)

17.04.020 Tenses.

The present tense includes the future, and the future the present. (Prior code Appx. A, § 201)

17.04.030 Number.

The singular number includes the plural, and the plural the singular. (Prior code Appx. A, § 202)

17.04.040 General definitions.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as a part of the main building.

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Block" means:

1. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts;

2. Where the need for determination regarding lot merger, **Section 16.20.030**, occurs, the following definition shall apply:

All lots facing a common street on both sides of said street, except where residential zoned lots do not exist, or are not within the city limits, and said lots are between intersecting and/or intercepting streets or between a street and a railroad right-of-way, terminus, dead-end street or city boundary.

"Building" means a permanently located structure having a roof but excluding all forms of vehicles even though immobilized. Where this title requires, or where special authority granted pursuant to this title requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Building height" means a vertical distance measured from grade, as determined as described herein, to the corresponding uppermost point of the roof, as shown in the examples at the end of **Chapter 17.04.**

"Grade" at any point on a lot is determined based on existing corner point elevations, taking into consideration significant variations relative to adjacent properties. In cases where there is significant variation in elevations between adjacent properties at corner points, the point of measurement shall be established based on the elevation at the nearest public improvement or an alternative point within 3 horizontal feet which, based on supporting evidence, represents existing unaltered grade. In the absence of supporting documentation the corner point elevation shall be established at 1/2 the difference

between the adjacent elevation and the elevation on the property in question.

The determination of grade shall be made by the Community Development Director, based on all available evidence, and any disputes shall be referred to the Planning Commission.

For lots with convex contours (where the ground level arches upward along a property line) the "grade" of a lot may be based on a detailed topographical survey along the property line with spot elevations called out at a minimum of two (2) foot intervals.

Building, Main. **"Main building"** means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses; each such permissible building on one lot as defined by this title shall be construed as constituting a main building.

"Building site" means: (a) the ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this title.

"Commission" means the planning commission of the city.

Day Care Home, Large. **"Large day care home"** means day care provided within a home for a minimum of seven children and a maximum of twelve (12) children, including children who reside in the home.

Day Care Home, Small. **"Small day care home"** means day care provided within a home for one to six children, maximum, including children who reside in the home.

"Dump" means an area devoted to the disposal of refuse, including incineration, reduction or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals.

"Dwelling" means a building or portion of a building designed for residential purposes, including one-family, two-family and multiple dwellings, but shall not include hotels, boarding and lodging houses.

"Dwelling unit" or "apartment" means one or more rooms in a dwelling or apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

All rooms comprising a dwelling unit shall have interior access through an interior doorway not containing a deadbolt lock to other parts of the dwelling unit with the exception of accessory living quarters, provided that where a dwelling unit occupies two stories, interior access shall be provided between stories by an open unenclosed stairway.

For the purpose of this section, **"open stairway"** means a stairway which has a minimum of one wall which is not more than forty-two (42) inches high opening into at least one room from which the stairway connects each floor.

If in the opinion of the director of building and safety the design of a dwelling has the potential to be converted to additional dwelling units, the director may require a deed restriction to be recorded prior to issuance of a building permit.

Dwelling, One-Family. **"One-family dwelling"** means a detached building designed for occupancy by one family containing one dwelling unit.

Dwelling, Two-Family. **"Two-family dwelling"** means a building designed for occupancy by two families living independently of each other, and containing two dwelling units.

Dwelling, Multiple. **"Multiple dwelling"** means a building, or a portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

"Educational institution" means elementary, junior high, high schools, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

"Family" means two or more persons living together in a dwelling unit, sharing common

cooking facilities, and possessing the character of a relatively permanent single bona fide housekeeping unit in a domestic bond of social, economic and psychological commitment to each other, as distinguished from a group occupying a boarding house, club, dormitory, fraternity, hotel, lodging house, motel, rehabilitation center, rest home or sorority.

Garage, Private. **"Private garage"** means an accessory building or an accessory portion of the main building, having a roof, enclosed on all sides and designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Garage, Public. **"Public garage"** means a building enclosed on all sides other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are stored or kept for hire or sale.

"Guest house" or "accessory living quarters" means living quarters within a main building for the use of persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Guest houses and accessory living quarters are subject to the issuance of a conditional use permit and are not allowed in accessory buildings.

"Kitchen" means any room or space used or intended or designed to be used for cooking or the preparation of food.

The installation of a cooking appliance constitutes a kitchen within the meaning of this definition, and where such a kitchen is installed or maintained in a room or suite of rooms said room or suite of rooms shall constitute a dwelling unit.

"Lot" means:

1. A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder as part of an approved subdivision having its principal frontage upon publicly dedicated street; or

2. A parcel of real property delineated on a record of survey, lot split, or sub-parceling map approved by the city.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel. For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot, Corner. **"Corner lot"** means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

"Lot coverage" means:

1. That portion of a lot covered by the area within the foundation of the main building and all accessory buildings and structures,

2. The area covered by cantilevers projecting from a building,

3. The area covered by decks and stairs more than thirty (30) inches above grade as that term is defined in **Section.17.04.040**.

The following shall not be included when calculating lot coverage:

1. The area covered by architectural projections, eaves, and unenclosed balconies (i.e. balconies open on at least two sides and which may be under another balcony) that project five (5) feet or less from the face of a building,

2. Non-structural stairs, patios, walkways, and planters which establish finished grade and

3. Fences and walls. (Ord. 00-1205, §4, 09/26/00)

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and

parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. **"Interior lot"** means a lot other than a corner lot or reversed corner lot.

Lot, Key. **"Key lot"** means the first lot to the rear of a reversed corner lot and whether or not separated by an alley.

Lot Line, Front. **"Front lot line"** means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear. **"Rear lot line"** means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(a) for A triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line;

(b) in the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and

(c) in the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. **"Side lot line"** means any lot boundary line not a front lot line or a rear lot line.

Lot, Reversed Corner. **"Reversed corner lot"** means a corner lot, the side street line of which is substantially a continuation of a front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Through. **"Through lot"** means a lot having frontage on two parallel or approximately parallel streets.

Lot Width. **"Lot width"** means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

"Manufactured house" is a structure which is transportable and is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

A module is a unit of a manufactured house.

"Manufactured house" is synonymous with "mobile home" as defined in Section 5402(6) of the National Mobile Home Construction and Safety Standards Act of 1974 except that for the purpose of this definition a manufactured house shall only be a mobile home which is attached to a permanent foundation and is at least nineteen (19) feet in body width.

"Nonconforming building or structure" means a building, structure, or portion thereof, which was lawfully erected or altered and maintained, but which no longer conforms to the zoning standards of the zone in which it is located.

"Nonconforming use" means a use which was lawfully established and maintained but which, no longer conforms to the use regulations, or the lot area per dwelling unit regulations, of the zone in which it is located.

"Open space" means areas which are from ground to sky free and clear of any obstructions or obstacles unless otherwise specified within each zone classification.

Minor obstacles such as telephone and power lines or similar obstacles, and obstructions such as eaves or entryway overhangs, a maximum of thirty (30) inches wide, may encroach into open space areas in the R-1 zone.

Planned Development.

1. **"Floor area ratio"** means the amount of gross floor area, not including

covered garages, of building permitted in relation to gross land area.

2. **"Gross land area"** means the area of a lot, expressed in square feet, including all easements, measured to the center line of all abutting streets, alleys and walkways.

3. **"Open space"** means the amount of gross land area, expressed in percentages, which must be kept open but may be used for various purposes such as walkways, driveways, landscaping and streets.

4. **"Livability space"** expressed as a percentage of the gross land area is a portion of the open space and includes, but is not limited to, recreation space. This space is defined as that space which may be used by the occupants of the building for recreation, landscaping and balconies having a minimum width and length of ten feet, and may be utilized as a part of any open space requirement.

5. **"Recreation space"** means the amount of usable livability space which must be provided for recreation, expressed as a percentage of gross land area. This space must be sufficiently large and so located as to permit use for normal recreation activities such as open air dining, court games, swimming, and grass lawns.

6. **"Occupant car ratio"** means the number of covered off-street parking spaces which must be provided, expressed in whole numbers or fractions per dwelling unit, figured to the next larger whole number.

7. **"Total car ratio"** means the number of occupant and visitor off-street parking spaces which must be provided, expressed as whole numbers.

"Recyclable material" is re-usable material including but not limited to metals, glass, and paper, which are intended for re-use, re-manufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

"Rest home," "convalescent home" or "guest home" means a home operated as a boarding home, and in which nursing dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals or in which no persons are kept or served who normally would be admittable to a mental hospital.

"School" means an elementary, junior high, high school, college or university or other schools giving general academic instruction in the several brands of learning and study required to be taught in the Education Code of the State of California.

"Street" means a thoroughfare having a width of not less than twenty-one (21) feet, and dedicated to public use and which affords primary means of access to abutting property.

"Street line" means the boundary line between a street and the abutting property.

Street, Side. **"Side street"** means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Trailer, Automobile. **"Automobile trailer"** means a vehicle without motor power, designed to be drawn by a motor vehicle and to be

used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

"Trailer park," "trailer court" and "public camp," any or all of them shall mean any area or tract of land used or designed to accommodate two or more automobile trailers or two or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Use" means the purpose for which land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

"Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front. **"Front yard"** mea Supp.8 (08/00) extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Yard, Rear Line of Required Front. **"Rear line of the required front yard"** means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Side. **"Side yard"** means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rear-most main building if there is more than one, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building. (Ord. 00-1199, §4, 05/09/00; Ord. 96-1163 §1, 10-22-96; Ord. 95-1130 §9(A), 1995; Ord. 95-1124, §4, 1995; Ord. 94-1121 §1, 1994; prior code Appx. A, §§ 203--223, 226--229, 229.1, 230--254, 259, 260, 266, 267, 271, 272, 278)

17.04.050 Commercial land use definitions.

Alcohol Beverage Establishment, Off-Sale. **"Off-sale alcohol beverage establishment"** means retail sales of alcoholic beverages (beer, wine, spirits) in packaged containers for consumption off the premises. This definition includes liquor stores or grocery stores or food and beverage markets which sell alcohol.

Alcohol Beverage Establishment, On-Sale. **"On-sale alcohol beverage establishment"** means sale of alcoholic beverages (beer, wine, spirits) for consumption on the premises whether in conjunction with a restaurant, or as a bar or cocktail lounge or in conjunction with a nightclub (see definition of "restaurant").

"Animal hospitals" means establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum thirty [30] days) boarding of animals is included.

"Art, antiques, curios, gallery or shop" means retail sales or display of art objects, antique items, and/or various other objects or items typically used for decorating the home or yard or as gift items.

"Audio/video equipment and supplies, sales and repair" means the retail sales of typical household audio/video equipment, including but not limited to televisions, VCR's, radios, stereos, personal computers and accessories, and the sale of videocassettes, compact discs, laser discs, audio tapes, computer software, etc., and their related

accessories--does not include the sale of musical instruments.

"Bakery" means the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site. This classification includes incidental consumption of said goods on the premises.

"Banks and financial institutions" means financial institutions that provide services to individuals and businesses, including retail banking, collection services, loan services, and tax and investment services. These uses do not include check cashing businesses.

"Billiard or pool halls" means establishments that provide billiard tables for customer's use.

"Bus station (not including terminal facilities)" means a facility providing the site and support services for bus transfers or loading and unloading. Does not include storage or long-term parking of buses.

"Business schools" means a commercial enterprise involving the teaching of business or related skills to adults. This definition does not include a school or educational institution giving general academic instruction, such as an elementary, junior high, high school or college.

"Catering business" means preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Clinic, Medical or Dental. **"Medical or dental clinic"** means a place that provides patient care services on an outpatient basis.

"Clothing and wearing apparel sales and service" means retail sales and service of clothing and wearing apparel. Typical uses include clothing stores, tailors, shoe stores, shoe repair stores, jewelry stores.

"Club" means an association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

"Convention hall" means an enclosed building or structure used for public assembly for meetings, conventions or special events. This classification includes auditoriums.

"Copying and printing services and supplies" means businesses providing copying, printing, typesetting and related clerical services to individuals and businesses and/or the retail sales of supplies used for copying and printing.

Typical uses include blueprinting shops, photocopying and typesetting services, and stationary stores. This classification does not include commercial publishing or printing businesses or retail sales and service of copy machines.

Dancing, Customer. **"Customer dancing"** means provision of facilities and floor space for participant dancing including a dance studio or instructional dancing. The definition does not include "taxi" dancing where a fee is charged to dance with a particular person.

"Department store" means a retail business selling a variety of products, such as jewelry, clothing, appliances; this classification does not include the sale of products that are prohibited, or require a conditional use permit by this title in specified zones.

"Drugstore" means retail sales of prescription and nonprescription drugs.

Entertainment, Live. **"Live entertainment"** means the provision of live entertainment, such as live music, stand-up comedy, and/or live theater on a regular basis.

Entertainment, Special Performances. **"Special performance entertainment"** means temporary or short term live entertainment.

"Equipment rental and/or repair (tools and/or lawn/garden equipment including small engines other than street vehicles" means a business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers etc., but excluding vehicles, trucks, and trailers licensed for street use.

"Florist or plant shop" means retail sales of flowers and plants and accessories with storage of merchandise inside a building; outside flower and plant displays permitted.

"Food and beverage market (maximum four thousand (4,000) square feet)" means retail sales of food and beverages, where a regular or substantial portion is for off site preparation and consumption. Typical uses include groceries, convenience stores, delicatessens, health food stores, and or produce market. Includes incidental sales of prepared food for take-out consumption. Over four thousand (4,000) square feet is classified as a supermarket.

"Fortune tellers, psychics, astrologers" means businesses offering personal services to individuals based on the spiritual arts--does not include classes or seminars for groups.

"Funeral homes, including mortuaries" means establishments primarily engaged in the provision of services involving [1]Supp.8 (08/00) preparation and/or disposition of human dead other than cemeteries.

"Furniture/furnishings, sales and display" means retail sales and/or display of various household and office furnishings including, but not limited to, carpet and floor coverings, drapes and window coverings, lighting fixtures, tables, desks, chairs, sofas, beds, wall coverings, bookshelves and patio furniture.

"Game arcade (or amusement arcade)" means any place having five or more coin-operated, slug-operated or any type of amusement or entertainment machine, equipment or facilities for which payment is necessary for operation and which is the primary purpose of the business. These include pinball, video games, slot-car racing or other type of game entertainment, but do not include merchandise vending machines.

"Gun shop" means retail sales of guns, firearms, ammunition, etc., in accordance with the state and federal laws.

"Gymnasium/health and fitness center" means a facility, whether open to the public or a private club, which provides the indoor space, equipment and the supervision/training/teaching for physical activities including, but not limited to sporting activities, exercising, martial arts, aerobic dancing, weight training, gymnastics and spas.

"Hardware/home improvement stores" means retail and/or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

"Hobby and craft supplies and service" means retail sales, service and provision of facilities for various types of crafts and hobbies engaged in by individuals typically for fun or relaxation but not for financial gain, including, but not limited to, photography, knitting, weaving, cooking, home brewing, collecting (e.g. stamps, baseball cards, coins etc.), model trains and cars, stained glass, and other typical home arts and crafts. This classification does not include sport and recreation activities, or "hobbies" that involve heavy machinery or motor vehicles.

Hospital, General. **"General hospital"** means a facility licensed by the State Department of Public Health with a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides twenty-four (24) hour, in-patient care, including, but not limited to, medical, nursing, surgical, obstetric, laboratory, radiology, pharmacy and dietary services. Mental health care is limited to psychiatric out-patient services only. This definition does not include mental hospitals.

"Hotel" means one or more buildings containing six or more guest rooms, with such rooms being designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. No room may be used, rented or hired out by the same person or persons for a period exceeding ninety (90) days per year, whether or not consecutive. Access to all rooms is provided through a common entrance; and the project shall include a registration lobby manned on a twenty-four (24) hour basis.

This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons,

detention homes and similar buildings where human beings are housed and detained under legal restraint.

The decision-making body shall have the authority to set any limitation on the number and/or type of kitchenette facilities provided in the guest rooms for projects located on parcels of greater than twenty thousand (20,000) square feet.

"Household appliances and office equipment, sales and repair (including large or major appliances and/or equipment)" means retail sales and/or repair of appliances and/or equipment such as refrigerators, washer-dryers, cooking and kitchen appliances, copy machines, micro-computers etc.

"Instruments (professional and/or scientific), sales" means small hand-operated specialized technical instruments used in professions or sciences. This definition does not include tools, machinery or musical instruments.

"Laboratories" means establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical or testing services.

"Laundry business (including self-service) and dry-cleaning" means an establishment that provides laundry and/or dry-cleaning services, with the dry-cleaning performed off the premises. Definition does not include on-premises dry-cleaning.

Lumberyard, Retail. **"Retail lumber-yard"** means retail sales of building materials, including lumber and ornamental brick and stone, provided all materials are stored within an enclosed seven-foot high masonry wall and open storage is limited to twenty (20) foot height.

"Massage Therapy Business" means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than 25% of the area of the establishment. This definition also specifically excludes Adult Massage as defined in Section 17.04.060. (Ord. 97-1174 § 2, 08/12/97)

Mini-Storage, Personal. **"Personal mini-storage"** means an establishment which rents storage space for personal use by the renter, and no materials of a hazardous nature, i.e., toxins, highly inflammable, and/or similar are stored; nor shall there be warehousing of wholesale and/or retail materials and/or products.

"Miniature golf course" means participant golfing, limited to putting.

"Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

"Monuments" means custom productions and sales of statues, tombstones and/or similar items.

"Motel" means one or more buildings containing guest rooms with such rooms being designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests, in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. No room may be used, rented or hired out by the same person or persons for a period exceeding ninety (90) days per year, whether or not consecutive. Such facilities are designed, and used for automobile tourists or transients and shall include a registration/checkout service on a twenty-four (24) hour basis.

This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where

human beings are housed and detained under legal restraint.

The decision-making body shall have the authority to set any limitation on the number and/or type of kitchenette facilities provided in the guest rooms for projects located on parcels of greater than twenty thousand (20,000) square feet.

"Motor Vehicles and Equipment Sales and Service" (Including Automobiles, Trucks, Motorcycles, Boats, Recreational Vehicles and Excluding Tractor Trucks):

1. Sales/Rental, New or Used. **"New or used sales rental"** means sale or rental of motor vehicles including storage and incidental maintenance.

2. **"General repair, service, installations of parts and accessories"** means repair of motor vehicles. This classification includes auto repair shops, wheel and brake shops, tire sales and installation, auto upholstery installation, car stereo installation, window installation or tinting but excludes auto body repair and painting, vehicle dismantling or salvage and tire retreading or recapping.

3. **"Body repair and painting"** means repair or service of motor vehicles that involves body and fender repair, and/or painting.

4. **"Car washes"** means washing, waxing or cleaning of automobiles, trucks and vehicles.

5. **"Service stations"** means establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of trailers, tractors, heavy trucks or similar vehicles.

6. Parts and Accessories, Retail Sales. **"Retail sales parts and accessories"** means retailing of new or used motor vehicle parts and accessories, and related equipment parts and accessories for installation off-site. This classification does not include installation, repair or service of parts and accessories of motor vehicles or related equipment.

7. **"Vehicle storage"** means storage of operative or inoperative vehicles. This classification includes parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

"Movie theaters" means a facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

"Music academy" means a school offering classes and curriculum primarily in the musical arts which includes the facilities for playing and practicing with musical instruments.

Musical Instruments, Retail Sales and Repair. **"Musical instruments, retail sales and repair"** means retail sales and repair of musical instruments and accessories. This classification does not include musical training or practice.

"Nurseries" means establishments which primarily sell plants and landscaping/gardening supplies. All merchandise other than plants are kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Office, General. **"General office"** means the location where primarily the administrative activities of a business are performed. Such activities may include maintaining records, preparing and writing reports, telephone communications, computer processing, personal contact with clients, and similar activities.

"Parcel delivery terminal" means parcel and package delivery, pick-up, and storage services including the normal accessory services provided thereto.

"Pet grooming, no overnight kennels" means provision of bathing and trimming services for animals.

"Pet stores, including sales of pets" means retail sales and boarding of small animals

for sale, provided such activities take place within an entirely enclosed building.

"Photography (equipment sale and service, film processing studio)" means an establishment providing retail sales, repair service, and/or film processing and developing services.

Printing and/or Publishing Business, Commercial. **"Commercial printing and/or publishing business"** means the commercial reproduction of books, magazines, newspapers, posters, etc., either for distribution or sale.

"Radio and television stations" means a commercial establishment involving the operation of radio or television sending and/or receiving devices for general "over-the-air" distribution to the public.

"Recyclable material" means re-usable material including but not limited to metals, glass and paper, which are intended for re-use, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

"Recycling collection facilities" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as permitted by conditional use permit. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and include:
   a. A mobile unit,
   b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
   c. Kiosk type units which may include structures,
   d. Unattended containers placed for the recyclable materials;
3. Large collection facilities which may occupy an area of more than five hundred (500) square feet, may include permanent structures and is not appurtenant to a host use.

"Restaurant" means an establishment which primarily sells prepared food. Where beer and wine are sold, a minimum of sixty-five (65) percent of the total gross sales, computed monthly, shall result from the sale of prepared food; where other alcoholic beverages, not exclusively beer and wine, are sold, a minimum of fifty (50) percent of the total gross sales, computed monthly, shall result from the sale of prepared food. The establishment shall serve either one of the following: breakfast, lunch or dinner or has a kitchen with equipment capable of serving breakfast, lunch or dinner.

"Reverse vending machine(s)" means an automated mechanical device which accepts at least one or more types of empty beverage containers including but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Secondhand Merchandise, Retail Sales. **"Retail sales secondhand merchandise"** means retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/ recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Skating Rink, Ice or Roller. **"Ice or roller skating rink"** means an establishment that provides the facilities for participant skating.

"Snack bar and/or snack shop" means an establishment that serves a snack usually for

consumption between meals; specifically, items such as donuts, ice cream, yogurt or cookies are considered snacks, and the planning commission may consider additional items as snacks.

"Sound score production facility" means an establishment which provides the facilities for recording, rehearsing, mixing or any other sound reproduction.

Sporting/Recreational Equipment Sales, Service and Rental. Uses include beach recreational equipment rental and sales bicycle shops, sporting goods stores, bait and tackle shops, etc.

"Supermarkets" means food markets, or combination food markets and department stores with over four thousand (4,000) square feet of floor area.

"Upholstering shop" means repair and upholstery replacement to household and office furnishings-- does not include motor vehicle upholstering or repair.

Wedding Chapel, Commercial. **"Commercial wedding chapel"** means an establishment which primarily provides the facilities and services for weddings on a commercial basis. This definition does not include churches and similar congregations where weddings are an ancillary use.

"Youth Hostel" Means one (1) or more buildings containing six (6) or more guest rooms, in which some or all offer dormitory style sleeping facilities. The sleeping facilities contained in such rooms are designed, intended to be used and are used, rented or hired out as temporary or overnight accommodations for guests in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. Access to all rooms is provided through a common entrance and a registration lobby is located on the premises. This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint. (Ord. 97-1174 §2, 08/12/97; Ord. 96-1157 §2, 1996; Ord. 96-1148 §1 (part), 1996; Ord. 95-1130 §9(C), 1995)

17.04.060 Adult use definitions.

"Adult bathhouse" means an establishment which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, during which a regular or substantial portion of the services performed involves the display of specified anatomical areas or the occurrence of specified sexual activities. This definition does not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner, medical doctor, physician, chiropractor or similar professional licensed by the state of California. An adult bathhouse is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult bookstore" means an establishment that has a regular or substantial portion of its stock-in-trade distinguished or characterized by specified sexual activities or specified anatomical areas, including, but not limited to, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides or other verbal or visual representations that are characterized by a depiction or description of specified sexual activities or specified anatomical areas. An adult bookstore is considered a form of written and visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult business" means a business establishment in which a regular or substantial portion of its stock-in-trade material is specifically intended for the exclusive patronage of adults and/or is precluded from selling such material to minors and/or admitting minors into the premises of the business by Section 313 et seq. of the California Penal Code. "Regular or substantial portion" is defined as greater than twenty (20) percent of an establishment's stock-in-trade materials and/or services offered to patrons, for compensation or some form of gratuity. For the purposes of this title, adult businesses shall refer only to those establishments which involve forms of written or visual speech protected by the First

Amendment, specifically adult bookstores, adult cabarets, adult motion picture theaters/arcades, and adult newsracks. This definition does not include businesses primarily characterized by activities not protected by the First Amendment, which specifically refers to adult bathhouses, adult massage parlors, adult motels/hotels, outcall services and sexual encounter establishments.

"Adult cabaret" means a nightclub, bar, restaur-ant or similar establishment featuring live perfor-mances in which a regular or substantial portion of such performances involve the exposure of specified anatomical areas and/or the depiction or description of specified sexual activities. An adult cabaret is considered a form of visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, manipulating, or stimulating the external genitalia, breasts or buttocks or the human body with the hands or with the aid of any mechanical, electrical apparatus, or other appliances or devices, with or without such supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or similar preparations.

"Adult massage parlor" means an establishment in which a regular and substantial portion of its services involves adult massages. An adult massage parlor is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult motel/hotel" means an establishment offering public accommodations, for any consideration or gratuity, in which a regular or substantial portion of the material and/or services provided to patrons is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. An adult motel/hotel is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult motion picture theater/arcade" means an establishment in which a regular or substantial portion of its stock-in-trade material, including but not limited to films, motion pictures, video cassettes, picture viewing machines, slide projections or similar photographic reproductions, features the exposure of specified anatomical areas or the depiction or description of specified sexual activities. An adult motion picture theater/arcade is considered a form of visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult newsrack" means any coin-operated machine or device which has a regular or substantial portion of its stock-in-trade material devoted to the depiction or description of specified sexual activities or specified anatomical areas. An adult newsrack is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult paraphernalia" means any instruments or devices that are designed for use in connection with specified sexual activities, including but not limited to the following:

1. Any lotions, ointments, oils or similar preparations primarily intended to induce or enhance sexual arousal through external application;
2. Any product for internal consumption that is primarily intended to induce or enhance sexual arousal;
3. Any apparatus depicting the human body and/or specified anatomical areas intended to induce or enhance sexual arousal; and
4. Any apparel primarily intended to accentuate specified anatomical areas in order to induce or enhance sexual arousal.

Adult paraphernalia is not a form of speech protected by the First Amendment.

"Bathhouse" means an establishment which provides hydrotherapy treatment practiced by, or under the supervision of a medical practitioner, medical doctor, physician, chiropractor or similar professional licensed by the

state of California. If the establishment is not supervised by a licensed medical professional, it shall be defined as an adult bathhouse.

"Outcall service" means an establishment in which a regular or substantial portion of the services provided involves individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs. An outcall service is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Regular or substantial portion" refers to greater than twenty (20) percent of an establishment's stock-in-trade mater Supp.8 (08/00) services offered to patrons, for comp some form of gratuity.

"R-rated" refers to any materials or services which include the display of specified anatomical areas but not the depiction or description of specified sexual activities.

"Sexual encounter establishment" means an establishment in which a regular or substantial portion of the materials and/or services provided involves, for any form of consideration or gratuity, public accommodations which provides a place where two or more persons may congregate, associate or consort for the purpose of engaging in specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy. A sexual encounter establishment is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this section.

"X-rated" refers to any materials or services which include the depiction or description of specified sexual activities. (Ord. 97-1174 §2, 08/12/97; Ord. 96-1130 § 9(B), 1996; prior code Appx. A, §§ 284, 284.1--284.9, 285, 285.1--285.8)

Chapter 17.06

ESTABLISHMENT OF ZONES

Sections:

17.06.010 Names of zones.
17.06.020 Degree of restrictiveness.
17.06.030 Establishment of zones by map.
17.06.040 Division of zoning map.
17.06.050 Changes in boundaries.
17.06.060 Uncertainty of boundaries.
17.06.070 Limitation of land use.
17.06.080 Density limited by official zoning map.

17.06.010 Names of zones.

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the destiny of population, fifteen (15) classes of zones are by this ordinance established to be known as follows:

R-1	Single-family residential zone.
R-1A	Two dwelling units per lot zone.
R-2	Two-family residential zone.
R-2B	Limited multiple-family residence zone.
R-3	Multiple-family residential zone.
MHP	Mobilehome park development district.
R-P	Residential professional zone.
C-1	Limited business and residential.
C-2	General commercial district.
C-3	General and highway commercial district.
M-1	Light manufacturing zone.
RPD	Residential planned development.
O-S	Open space zone.
O-S-1	Restricted open space zone.
O-S-2	Restricted open space zone.

Where areas are shown upon the zoning map enclosed with an O, the areas thus shown are intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle. (See Chapter 17.42.) Uncircumscribed symbols within such designated areas represent classification. (Ord. 96-1155 § 34, 1996; prior code § 300)

17.06.020 Degree of restrictiveness.

"More restrictive uses" as employed in this title means the following:

A. Those uses first permitted in the R-1 zone are the most restrictive.

B. All other uses are less restrictive in the order they are first permitted in the zones in the sequence shown R-2, R-3, R-P, C-1, C-2, C-3 and M. (Prior code Appx. A, § 301)

17.06.030 Establishment of zones by map.

The location and boundaries of the various zones are such as are shown and delineated on the zoning map of the city of Hermosa Beach, a copy of which is on file in the clerk's office and by this reference made a part of this title. (Prior code Appx. A, § 302)

17.06.040 Division of zoning map.

The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map. (Prior code Appx. A, § 303)

17.06.050 Changes in boundaries.

Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of said map, or unit of a part of zoning map, which said amended maps, or part or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this title. (Prior code Appx. A, § 304)

17.06.060 Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of

any zone shown upon a zoning map or any part or unit thereof, the following rules of construction shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.

C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.

D. Areas of dedicated streets or alley and railroad rights-of-way other than such as are designated on the zoning map as being classified in one of the zones provided in this title, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and movement of rolling stock.

E. Any property which, for any reason is not designated on the zoning map as being classified in any of the zones established hereby, or any property annexed to or consolidated with the city subsequent to the effective date of the ordinance codified in this chapter shall be deemed to be classified as R-1 zone until the same shall have been otherwise classified in the manner set forth in Chapter 17.66.

F. The city council may, upon recommendation of the planning commission, invoke a classification other than R-1 (single-family residential) upon properties being annexed to or consolidated with the city by the adoption of an emergency interim ordinance. Formal proceedings, however, must be instituted within a reasonable length of time in order to properly amend the zoning ordinance in the manner set forth in Chapter 17.66 and repeal the emergency ordinance. (Prior code Appx. A, § 305)

17.06.070 Limitation of land use.

Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located. (Prior code Appx. A, § 306)

17.06.080 Density limited by official zoning map.

Where a number follows the zoning symbol on the zoning map, it shall represent the number of square feet of lot area required for each dwelling unit in lieu of the minimum area established in each zone. If no number follows the zoning symbol, the area prescribed in the chapter governing each zone shall apply. (Prior code Appx. A, § 307)

Chapter 17.08

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

17.08.010 Purpose.
17.08.020 Permitted uses.
17.08.030 Development standards.

17.08.010 Purpose.

This zone is intended to provide development standards for single-family dwellings; assure adequate access to schools, parks and other community service facilities; prohibit negative impacts from adjacent nonresidential uses; protect the residential character of each neighborhood; and otherwise encourage a high quality environment for family life and the preservation of residential property values. (Prior code Appx. A, § 4-1)

17.08.020 Permitted uses.

Subject to the restrictions hereinafter specified, only the following uses are permitted in an R-1 zone:

A. Single-family dwelling, including mobile homes.

A conditional use permit may be granted for a second unit on lots of at least eight thousand (8,000) square feet intended for sole occupancy by one or two adults who are sixty (60) years of age or older, and the floor space of the dwelling unit would be a maximum of six hundred forty (640) square feet, and that the existing residence meets R-1 parking requirements and that a deed restriction be placed on the unit limiting its occupancy to one or two individuals of at least sixty (60) years of age, and that the existing and proposed units meet all other R-1 development standards and have two parking spaces per unit.*

B. Accessory buildings:

1. Patio covers,
2. Bathhouse or greenhouse,
3. Swimming pool and/or spa,
4. Tool shed,
5. Garage,
6. Storage room for customary household-related items, and a maximum of four hundred (400) square feet in size;

C. Day care homes, small (See Section 17.04.040);

D. Day care homes, large: conditional use permit required; if all requirements of Section 5.36.090 are met, a conditional use permit shall be granted (see Sections 17.04.040 and 5.36.090); 17.40.100

E. Churches, synagogues, temples and other similar congregations: Conditional use permit required subject to Chapter 17.40;

F. Home occupations: When conducted in accordance with the following requirements, and when a permit therefor, containing any conditions deemed necessary to ensure compliance with the requirements of this chapter and with its purpose and intent, has been issued by the business license department; provided however, that any occupation may be excluded from certain or all zones, or portions thereof, if determined by the planning commission to be incompatible with neighboring residential uses.

The following requirements are severally and jointly stated as absolute requirements, and any home occupation not conforming to the following requirements shall not be permitted:

1. Such occupation shall be carried on only by occupants of a dwelling, and shall involve the use of not more than four hundred (400) square feet, not to exceed twenty-five (25) percent of the total area of the permitted buildings on the premises.
2. Inventory and supplies for such home occupation shall occupy not more than twenty-five (25) percent of the permitted area and shall be stored entirely within an enclosure or building.
3. No sale of goods is permitted on the premises.
4. No employees are allowed.
5. No signs are permitted.
6. No display of any kind shall be visible from the exterior of the premises.
7. Light, but not medium or heavy, business machines are allowed. The classification by the planning department shall be final.
8. No presses, data processing equipment, or any electrical or other equipment requiring specialized electrical installation, or requiring

over one hundred twenty (120) volts of power to operate are allowed, nor shall any mechanical shop or electrical tools be permitted except those which are customary to home crafts.

9. No tools or equipment may be operated which make a sound audible from without the premises at a distance of twenty (20) feet from the property line, between the hours of six p.m. and nine a.m. No activity or equipment which makes any loud or whining noise discernible from without the premises is permitted at any time.
10. No garaging or storing of vehicles bearing any advertising related to the home occupation is allowed upon the premises or in the street in the vicinity.
11. No foot or vehicle traffic may be generated to or from the premises except for traditional uses such as tutors and day care centers as approved by the planning director.
12. There shall be complete conformity to fire, building, plumbing, electrical, zoning and health codes and to all state and city laws and ordinances; except, where required parking spaces are not available, the planning commission may temporarily waive such requirements if they find:

- a. The garage, carport or space is not available solely because of temporary storage, and not because of construction and/or building improvement or modifications, and
- b. The temporary storage is not related to products, materials, etc., used for the conduct of the home occupation, and
- c. Such waiver to be effective only if no detrimental effects are caused to adjacent properties and no valid complaints were filed due to storage.

13. No structural alterations of the premises are permitted solely for the benefit of the business.
14. No professional offices are allowed, specifically including but not limited to the healing arts, law, accounting, real estate, clergy, insurance and similar professional or semi-professional offices, unless the person engaged in such home occupation maintains a principal licensed office in an area permitting such activity as a principal use.
15. No listing or advertising of the address of such home occupation for business purposes is permitted including display ads in telephone, business and city directories and in newspapers and magazines. The telephone number and address may be listed on business cards.
16. The term of any permit shall be for one year, or for such other period as shall be authorized by the city council.
17. It shall be a condition of any permit hereunder that the applicant shall agree that, in the event of amendment of this section to prohibit such or any home occupation in a zone in which the same is situated, that such home occupation shall not have the status of nonconforming use, and may be eliminated forthwith without provision for extended liquidation or amortization.
18. Prior to permit approval, the premises shall be inspected to determine compliance with all limitations and requirements, particularly subsection F (12) of this section;

G. Garage sales, subject to Chapter 5.44;

H. Accessory living quarters shall be allowed within a main building only, subject to a conditional use permit in accordance with Chapter 17.40;

I. Elementary Schools, Grades K through 8, conditional use permit required;

J. Day nursery, preschool, and/or after school child care with thirteen (13) or more children, conditional use permit required subject to Section 17.40.110;

K. Second Units. The creation of second units on single-family lots is prohibited, pursuant to Government Code Section 65852.2(c), based on the findings of the city council as contained in Ordinance No. 92-1080, which acknowledge that housing opportunities may be limited in the region, and further, makes certain findings of specific adverse impacts on the public health, safety and welfare that would otherwise result if second units were permitted.

* Ordinance No. 92-1081, § 2, adopted January 14, 1993 establishes that this subsection shall only be effective if a court of competent jurisdiction invalidates subsection K of this section. (Prior code Appx. A, § 4-2)

Section 17.08.030 Development standards.

The following development standards shall apply in the R-1 zone:

A. Building Height. Any building shall not exceed a maximum of twenty-five (25) feet in height. (Ord. 00-1199, §4, 05/09/00)

B. Front Yard. Every lot shall have a front yard setback equal to at least ten percent of the depth of the lot; however, the maximum setback shall be ten feet, and the minimum setback shall be five feet.

C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten percent of the width of the lot, provided such side yard shall not be less than three feet in width and need not exceed five feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five feet from the property line. The second floor can be three feet from the property line. On an alley, the rear yard requirement is a depth of three feet from the property line on the first floor and one foot from the property line on the second floor.

E. Additional Yard Regulations. Refer to Chapter 17.46 for additional yard regulations.

F. Exterior Wall Covering. All dwellings shall be covered with an exterior material customarily used on conventional dwellings and the exterior covering material shall extend to the ground. Rolled siding shall be prohibited.

G. Mobilehomes. Mobilehomes shall have been constructed after September 15, 1971, and have been issued an insignia of approval by the California Department of Housing and Community Development or were constructed after July 1, 1976, and were issued an insignia of approval by the U.S. Department of Housing and Urban Development.

H. Off-Street Parking. Off-street parking requirements and regulations for the R-1 zone are as provided in Chapter 17.44.

I. Lot Area. The minimum lot area for newly created lots shall be four thousand (4,000) square feet.

J. Permissible Lot Coverage. All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot.

K. Building Placement.

1. Any building used for human habitation shall not be located closer to the rear property line than a distance of five feet; however, where a rear yard abuts a street or alley, the building may be located three feet from the rear property line on the ground level, and one foot from the rear property line on the upper stories.

2. The distance between any buildings used for human habitation shall be not less than eight feet. The accessory building shall be not less than six feet.

3. No buildings may be erected over any easement dedicated for public or utility uses except over those easements of record granted to Warren Gillelen.

4. No accessory building may be located closer than three feet to any side or rear property line.

L. Open Space. There shall be a minimum of four hundred (400) square feet of usable open space with a minimum dimension of ten feet. Twenty-five (25) percent of this open space may be provided in balconies or decks with a minimum dimension of ten feet.

Required front, and/or side yards, driveways, turning areas, and parking areas shall be excluded from open space computation.

(1) Exceptions for Small Lots: Lots of 2100 square feet or less in area shall be allowed a minimum of three hundred (300) square feet of usable open space with minimum dimensions of seven (7) feet in length and width, and all of the required usable open space may be provided on balconies or decks provided that at least sixty percent (60%) of usable open space is directly accessible to primary living areas (living rooms, family rooms, and kitchen and living room or family room combinations). and located on the same floor level as the accessible primary living area.

Lots within 10% of the lot size identified above (i.e. 2101 - 2310 square feet) may also be permitted some or all of the open space exception for small lots, pursuant to the above paragraph, subject to review and approval by the Planning Commission if found justifiable based on any of the following reasons:

- To achieve a consistent and comparable amount of indoor living space with existing delling units in the immediate neighborhood;
- To achieve a consistent and comparable amount of indoor living space with existing dwelling units in the immediate neighborhood;
- To allow design flexibility in the application of the open space standard in conjunction with the remodeling and expansion of existing structures
- To allow an innovative design which otherwise is consistent with the goals and intent of the open space and development standards for the R-1 zone;
- To address unusual lot configurations or topography, as compared with surrounding lot and development patterns

M. Sign Regulations. All signs in the R-1 zone shall conform to the requirements and regulations of this code. (Ord. 97-1170 §1, 04/09/97; Prior code Appx. A, § 4-3)
(Ord. 97-1170, Amended, 04/09/1997)

Chapter 17.10

R-1A TWO DWELLING UNITS PER LOT ZONE

Sections:

17.10.010 Permitted uses.
17.10.020 Development standards.
17.10.030 Sign regulations.

Section 17.10.010 Permitted uses.

In an R-1A zone the following uses are permitted.

A. Any use permitted in the R-1 (one-family) residential zone;

B. Two-unit complex;

C. Condominium developments consistent with the provisions of the condominium ordinance of the city. (Prior code Appx. A, § 4.5-1)

Section 17.10.020 Development standards.

The following development standards shall apply in the R-1A zone:

A. Building Height. Any building shall not exceed a maximum of twenty-five (25) feet in height. Refer to **Chapter 17.22** for additional height requirements for condominiums. (Ord. 00-1199, §4, 05/09/00)

B. Front Yard. Every lot shall have a front yard setback of ten percent of lot depth or a maximum of ten feet.

C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten percent of the width of the lot, provided such side yard shall not be less than three feet in width and need not exceed five feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five feet in depth. The second floor can be three feet from the property line. On any alley the rear yard requirement is a depth of three feet from the property line. On any alley the rear yard requirement is a depth of three feet from the property line on the first floor and one foot from the property line on the second floor.

E. Additional Yard Regulations. R-1A zones shall be subject to additional yard regulations as provided in **Chapter 17.46**.

F. Off-Street Parking. Off-street parking requirements and regulations for the R-1A zone are provided in **Chapter 17.44**.

G. Lot Area. The minimum area for new lots in the R-1A zone created by subdivision shall be six thousand seven hundred (6,700) square feet.

H. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be not less than three thousand three hundred fifty (3,350) square feet and a maximum number of units per lot shall be two.

I. Permissible Lot Coverage. All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot.

J. Placement of Buildings. Placement of buildings on any lot shall conform to the following:

1. No building may occupy any portion of the required yard.

2. Any building used for human habitation shall not be located closer to the rear property line than a distance of five feet; however, where a rear yard abuts a street or alley, the building may be located three feet from the rear property line on the first floor and one foot from the property line on the second floor.

3. The distance between any buildings used for human habitation shall be not less than six feet. The distance between a main building and an accessory building shall be not less than six feet.

K. Open Space. There shall be a minimum of four hundred (400) square feet of usable open space per dwelling unit.

1. Fifty (50) percent or more of the required open space shall be directly accessible to each unit and solely for private enjoyment and use by a specified unit.

2. Private and common open space may be covered up to twenty-five (25) percent, but shall not be enclosed on more than two sides.

3. The minimum dimension of open space areas shall be ten feet.

4. Common open space areas may include pools, spas, gardens, play equipment and courtyards (a minimum of twenty (20) feet wide). Twenty-five (25) percent may be in decks over non-living areas, and/or similar areas. Driveways, turning areas, parking areas and required front, rear, and side yard areas shall not be counted toward open space.

5. Private open space areas may include patios, pools, spas, and garden areas; twenty-five (25) percent may be in balconies and decks over non-living areas or over living areas of the same dwelling unit when accessible through the interior of the dwelling unit and over only the dwelling unit for which there is interior access.

6. Refer to **Chapter 17.22** for additional requirements for condominiums.

7. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimensions of the required setback and the exceeding area together has a dimension of at least ten feet in width and length.

8. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of one hundred (100) square feet in area as well as a minimum of ten-foot dimensions.

9. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of 58. (Prior code Appx. A, § 4.5-2)

17.10.030 Sign regulations.

All Signs in the R-1A zone shall conform to the requirements and regulations of this code. (Prior code Appx. A, § 4.5-3)

Chapter 17.12

R-2 TWO FAMILY RESIDENTIAL ZONE

Sections:

17.12.010	**Permitted uses.**
17.12.020	**Development standards.**
17.12.030	**Off-street parking.**
17.12.040	**Lot area.**
17.12.050	**Lot area per dwelling unit.**
17.12.060	**Permissible lot coverage.**
17.12.070	**Placement of buildings.**
17.12.080	**Open space.**
17.12.090	**Lot width.**
17.12.100	**Sign regulations.**

17.12.010 Permitted uses.

In an R-2 zone only the following uses that are hereinafter specifically provided and allowed are permitted, subject to the provisions of Chapter 17.44 governing off-street parking requirements:

A. Any use permitted in the R-1 (one-family) residential zone;

B. Attached, and/or detached multiple-family dwelling units;

C. Condominium developments consistent with the provisions of the condominium ordinance of the city;

D. Conditional uses as set forth in **Chapter 17.40.** (Prior code Appx. A, § 500)

17.12.020 Development standards.

A. Building Height. Any building shall not exceed a maximum of thirty (30) feet in height. Refer to **Chapter 17.22** for additional height requirements for condominiums. (Ord. 00-1199, §4, 05/09/00)

B. Front Yard. Every lot shall have a front yard setback equal to at least five feet unless a greater than five-foot setback is indicated on the official zoning map of the city, in which case, the larger figure shall apply.

C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten percent of the width of the lot, provided such side yard shall not be less than three feet in width and need not exceed five feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five feet in depth. The second floor can be three feet from the property line. On any alley the rear yard requirement is a depth of three feet form the property line on the first floor and one foot from the property line on the second floor.

E. Additional Yard Regulations. R-2 zones shall be subject to additional yard regulations as provided in Chapter 17.46.

F. Residential Planned Development (RPD-2). Upon application any property owner may cause a change of land use to RPD-2 whereupon the planning commission may, at is discretion and upon good cause shown, vary the provisions of subsections A through E of this section, subject to the final approval of the city council. (Prior code Appx. A, § 501)

17.12.030 Off-street parking.

Off-street parking requirements and regulations for the R-2 zone are provided in (Prior code Appx. A, § 502)

.12.040 Lot area.

The minimum lot area for new lots in the R-2 zone created by subdivision or other means shall be four thousand (4,000) square feet. (Prior code Appx. A, § 503)

17.12.050 Lot area per dwelling unit.

The minimum lot area per dwelling unit shall be not less than one thousand seven hundred fifty (1,750) square feet. (Prior code Appx. A, § 504)

17.12.060 Permissible lot coverage.

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot. (Prior code Appx. A, § 505)

17.12.070 Placement of buildings.

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of the required yard.

B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five feet; however, where a rear yard abuts a street or alley, the building may be located three feet from the rear property line on the first floor and one foot from the property line on the second floor.

C. The distance between any buildings used for human habitation shall be not less than six feet. The distance between a main building and an accessory building shall be not less than six feet. (Prior code Appx. A, § 506)

17.12.080 Open space.

There shall be a minimum of three hundred (300) square feet of usable open space provided for each dwelling unit.

A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.

B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two sides by building walls or guardrails greater than forty-two inches in height.

C. The minimum dimension of open space areas shall be seven feet by seven feet (7' X 7').

D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit, but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.

E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimensions of seven by seven feet (7' X 7'). For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.

F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven feet in width and length.

G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven foot dimensions.

H. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of 58.

I. Each development of five or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden, and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas. (Ord. 00-1207, §4, 10/24/00; Prior code Appx. A, § 507)

17.12.090 Lot width.

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard; provided, that any lot existing on the effective date of the ordinance codified in this chapter and having a substandard width of less than thirty (30) feet can be utilized for a single-family dwelling only. (Prior code Appx. A, § 508)

Chapter 17.16

R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

17.16.010	**Permitted uses.**
17.16.020	**Height.**
17.16.030	**Front yard.**
17.16.040	**Side yards.**
17.16.050	**Placement of buildings.**
17.16.060	**Area.**
17.16.070	**Permissible lot coverage.**
17.16.080	**Usable open space.**
17.16.090	**Lot area per dwelling unit.**

17.16.010 Permitted uses.

In an R-3 zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Chapter 17.44 governing off-street parking requirements:

A. Any use permitted in the R-2 zone;

B. Multiple dwellings;

C. Group houses;

D. Condominiums. (Refer to Chapter 17.22 for additional condominium requirements);

E. A public parking area when developed as required by Chapter 17.44. (Prior code Appx. A, § 600)

17.16.020 Height.

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominately built higher that the height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

A. No building shall exceed thirty (30) feet in height unless in compliance with subsections B and C of this section. Refer to Chapter 17.22 for additional height requirements for condominium projects located adjacent to walk streets.

B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30} feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section 17.58.040:

1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;

2. The proposed development is located between, and adjacent to, two or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;

3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;

4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:

a. The style and pitch of the roof,

b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),

c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.

C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of existing buildings for determining if existing building on adjacent lots exceed thirty (30) feet. (Ord. 95-1136 §§ 1 (part), 2 (part), 1995; prior code Appx. A, § 601)

17.16.030 Front yard.

Every lot shall have a front yard as shown on the map entitled "Front Yard Requirements" and adopted as a part of this title. Refer to Chapter 17.22 for additional front yard requirements for condominiums. (Prior code Appx. A, § 602)

17.16.040 Side yards.

A. Interior lots and corner lots shall have a side yard on each side of the lot of ten percent of the width of the lot, provided such side yard shall be not less than three feet in width and need not exceed five feet in width.

B. Reversed corner lot shall have the following side yards:

1. Where the side lot line of the reversed corner lot adjoins another lot there shall be maintained a side yard not less than ten percent of the width of the lot, provided such side yard shall be not less than three feet in width and need not exceed five feet in width.

2. On the street side, the side yard shall have a width of not less than the front yard setback required on the abutting lot to the rear or a width equal to ten percent of the width of the reversed corner lot, whichever is the lesser. (Prior code Appx. A, § 603)

17.16.050 Placement of buildings. space areas may

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of a required yard.

B. Any buildings used for human habitation shall not be located closer to the rear property line than a distance of five feet. However, where a rear yard abuts a street or alley, the building may be located three feet on the ground floor level, and one foot on upper stories, from the rear property line.

C. The distance between any building used for human habitation shall be not less than eight feet. The distance between a main building and accessory building shall be not less than six feet.

D. No buildings may be erected over any easement dedicated for public utility uses except those easements of record granted to Warren Gillelen.

E. No accessory building may be located closer than three feet to any side or rear property line. (Prior code Appx. A, § 604)

17.16.060 Area.

The minimum required lot area shall be four thousand (4,000) square feet. (Prior code Appx. A, § 605)

17.16.070 Permissible lot coverage.

All buildings, including accessory buildings and structures, shall not cover more than sixty-five (65) percent of the area of the lot. (Prior code Appx. A, § 606)

17.16.080 Usable open space.

There shall be a minimum of three hundred (300) square feet of usable open space provided for each dwelling unit.

A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.

B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two sides by building walls or guardrails greater than forty-two inches in height.

C. The minimum dimension of open space areas shall be seven feet by seven feet (7' X 7').

D. Open include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit, but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.

E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimensions of seven by seven feet (7' X 7'). For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below

F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be

counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven feet in width and length.

G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven foot dimensions.

H. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of 58.

I. Each development of five or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden, and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas. (Ord. 00-1207, §4, 10/24/00; Prior code Appx. A, § 507)

17.16.090 Lot area per dwelling unit.

The minimum lot area per dwelling unit shall be not less than one thousand three hundred twenty (1,320) square feet. (Prior code Appx. A, § 608)

Chapter 17.18

MHP MOBILEHOME PARK DEVELOPMENT DISTRICT

Sections:

17.18.010 Intent and purpose.
17.18.020 Permitted uses.
17.18.030 Principal permitted structures and accessory structures.
17.18.040 Development standards.
17.18.050 Development plans and review.

17.18.010 Intent and purpose.

It is the intent and purpose of the mobilehome park (MHP) zone to preserve one of the housing alternatives presently available to the citizens of Hermosa Beach, thereby contributing to a diversity of housing types to meet the needs of the community. This section establishes procedures for the development and regulation of uses and structures within mobilehome parks. (Prior code Appx. A, § 6.5-1)

17.18.020 Permitted uses.

A. Mobilehome parks, meaning any area or tract of land where two or more mobilehome lots are rented or leased to accommodate mobilehomes used for human habitation;

B. Home occupations as permitted by local code. (Prior code Appx. A, § 6.5-2)

17.18.030 Principal permitted structures and accessory structures.

A. Independent mobile homes, meaning a structure, transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, and shall not include recreational vehicles, commercial coach or factory-built housing.

B. Accessory structures incidental to mobile home units, including garages, carports and storage units.

C. Independent accessory structures including common recreational facilities, a business office, and laundry facilities. (Prior code Appx. A, § 6.5-3)

17.18.040 Development standards.

A. Mobilehome Spaces. Each mobilehome space shall be of sufficient width and depth to meet the setback requirements of Title 25 of the California Administrative Code as of 1982.

B. Mobilehome Units. All mobilehome units shall conform to the health and safety requirements set forth in Title 25 of the California Administrative Code as of 1982.

C. Interior Roadways. All interior roadways shall comply with the minimum requirements of Title 25 of the California Administrative Code as of 1982. (Prior code Appx. A, § 6.5-4)

17.18.050 Development plans and review.

A. The following development in the MPH zone shall be subject to the review and approval of the planning commission:

1. Redesign of an existing park involving relocation of spaces, new driveways or relocation of driveways providing access to and from the public right-of-way; and

2. Construction of new mobilehome park.

B. An application for site development plan approval shall provide the following information:

1. Grading plan;

2. Landscaping plan;

3. A complete site plan drawn to scale including:

a. Project layout,

b. Elevations of proposed structures,

c. Utility plan,

d. Traffic circulation and parking plan with analysis of project and parking impacts both within the project and in relationship to adjacent areas,

e. Project amenities,

f. Proposed public improvements and/or dedications,

g. Any project covenants, restrictions or conditions,

h. Development standards,

i. A certified land survey,

j. Space layout plan.

The addition or deletion of spaces in an existing park in the MHP zone shall be subject to review and approval by the planning commission. An application for the deletion or addition of spaces in an existing park in the MHP zone must be accompanied by the following information:

1. Project layout; and

2. Space layout plan. (Prior code Appx. A, § 6.5-5)

Chapter 17.20

R-P RESIDENTIAL PROFESSIONAL ZONE

Sections:

17.20.010 Permitted uses.
17.20.020 Height.
17.20.030 Front yard.
17.20.040 Side yards.
17.20.050 Placement of buildings.
17.20.060 Area.
17.20.070 Permissible lot coverage.
17.20.080 Lot width.
17.20.090 Lot area per dwelling unit.

17.20.010 Permitted uses.

In an R-P zone only the following uses are permitted:

A. Any use permitted in the R-3 zone, subject to the same regulations as provided in said R-3 zone. Refer to Chapter 17.22 for additional requirements of condominiums;

B. The following professional services, subject to the granting of a conditional use permit:

1. Accountants,
2. Attorneys,
3. Brokers,
4. Doctors, dentists and similar professional offices,
5. Engineers, architects, planners,
6. Private schools,
7. Real estate agencies. (Prior code Appx. A, § 700)

17.20.020 Height.

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominantly built higher than the height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

A. No building shall exceed thirty (30) feet in height unless in compliance with Section 17.16.020 B and C. Refer to Chapter 17.22 for additional height requirements for condominium projects located adjacent to walk streets.

B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30) feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section 17.58.040:

1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;

2. The proposed development is located between, and adjacent to, two or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;

3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;

4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:

a. The style and pitch of the roof,

b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),

c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.

C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of existing buildings for determining if existing building on adjacent lots exceed thirty (30) feet. (Ord. 95-1136 §§ 1 (part), 2 (part), 1995; prior code Appx. A, § 701)

17.20.030 Front yard.

Every lot shall have a front yard as shown on the map entitled "Front yard requirements" and adopted as a part of this chapter. (Prior code Appx. A, § 702)

17.20.040 Side yards.

A. Interior lots and corner lots shall have a side yard on each side of the lot of ten percent of the width of the lots, provided such side yards shall be not less than three feet in width and need not exceed five feet in width.

B. Reversed corner lots shall have the following side yards:

1. Where the side lot line of the reversed corner lot adjoins another lot there shall be maintained a side yard not less than ten percent of the width of the lot, provided such side yard shall be not less than three feet in width and need not exceed five feet in width.

2. On the street side, the side yard shall have a width of not less than the front yard set-back required on the abutting lot to the rear or width equal to ten percent of the width of the reversed corner lot, whichever is the lesser. (Prior code Appx. A, § 703)

17.20.050 Placement of buildings.

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of a required yard.

B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five feet. However, where a rear yard abuts a street or alley, the building may be located three feet on the ground floor level, and one foot on upper stories, from the rear property line.

C. The distance between any buildings used for human habitation shall not be less than eight feet. The distance between a main building and an accessory building shall not be less than six feet.

D. No buildings may be erected over any easement dedicated for public utility uses except those easements of record granted to Warren Gillelen.

E. No accessory building may be located closer than three feet to any side or rear property line. (Prior code Appx. A, § 704)

17.20.060 Area.

The minimum required lot area shall be four thousand (4,000) square feet. (Prior code Appx. A, § 705)

17.20.070 Permissible lot coverage.

All buildings, including accessory buildings and structures, shall not cover more than seventy (70) percent of the area of the lot; however, if the lot contains less than four thousand (4,000) square feet, or less than a forty (40) foot width and is devoted to residential purposes, it shall be limited to not more than two dwelling units. (Prior code Appx. A, § 706)

17.20.080 Lot width.

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard; provided, that any lot existing on the effective date of the ordinance codified in this chapter and having a substandard width of less than thirty (30) feet can be utilized for a single-family dwelling only. (Prior code Appx. A, § 707)

17.20.090 Lot area per dwelling unit.

The minimum lot area per dwelling unit shall be

the same for the R-3 zone, as set forth in Section 17.16.090. (Prior code Appx. A, § 708)

Chapter 17.22

CONDOMINIUMS, STOCK COOPERATIVES AND COMMUNITY APARTMENTS

Sections:

17.22.010 Definitions.

17.22.020 Construction, maintenance and development--Residential--Applicability.

17.22.030 Construction, maintenance and development--Residential--Purpose.

17.22.040 Construction, maintenance and development--Residential--Conditional use permit required.

17.22.050 Construction, maintenance and development--Residential--Declaration of covenants, conditions and restrictions.

17.22.060 Construction, maintenance and development--Residential--Minimum design standards.

17.22.070 Construction, maintenance and development--Commercial/industrial--Applicability.

17.22.080 Construction, maintenance and development--Commercial/industrial--Findings and intent.

17.22.090 Construction, maintenance and development--Commercial/industrial--Purpose.

17.22.100 Construction, maintenance and development--Commercial/industrial--Standards for uses.

17.22.110 Construction, maintenance and development--Commercial/industrial--Permits required--Application procedure.

17.22.120 Construction, maintenance and development--Commercial/industrial--Covenants, conditions and restrictions.

17.22.130 Construction, maintenance and development--Commercial/industrial--General design standards.

17.22.140 Construction, maintenance and development--Commercial/industrial--Certification of occupancy.

17.22.150 Conversions to residential--Findings and intent.

17.22.160 Conversions to residential--Purpose.

17.22.170 Conversions to residential--Conditional use permit required--Public hearing--Appeal.

17.22.180 Conversions to residential--Public hearing--Notice.

17.22.190 Conversions to residential--Information prerequisite to filing permit and/or tentative map application.

17.22.200 Conversions to residential--Tenant assistance plan.

17.22.210 Conversions to residential--Required documents and information on permit application.

17.22.220 Conversions to residential--Declaration of covenants, conditions and restrictions.

17.22.230 Conversions to residential--Structural pest report required prior to final map approval.

17.22.240 Conversions to residential--Compliance with fire protection standards prior to final map approval.

17.22.250 **Conversions to residential--Approval of final map--Affidavit--Grounds for denial.**

17.22.260 **Conversions to residential--Required findings for approval of application.**

17.22.270 **Conversions to residential--Issuance of certificate--Fee.**

17.22.280 **Conversions to residential--Availability of reports to public and prospective buyers--Posting.**

17.22.290 **Conversions to residential--Compliance with city codes and general plan.**

17.22.300 **Conversions to residential--General standards for preexisting buildings.**

17.22.310 **Conversions to commercial/industrial--Commercial/industrial conversion project defined.**

17.22.320 **Conversions to commercial/industrial--Applicability.**

17.22.330 **Conversions to commercial/industrial--Purpose and intent.**

17.22.340 **Conversions to commercial/industrial--Standards for uses.**

17.22.350 **Conversions to commercial/industrial--Permits required--Application procedures.**

17.22.360 **Conversions to commercial/industrial--Tenant assistance plan.**

17.22.370 **Conversion to commercial/industrial--General design standards.**

17.22.380 **Conversions to commercial/industrial--Covenants, conditions and restrictions.**

17.22.390 **Conversions to commercial/industrial--Approval of final map--Affidavit--Grounds for denial--Required findings for approval.**

17.22.010 Definitions.

For purposes of this chapter:

"Apartment" means a rental or leased dwelling in a structure designed or used to house two or more families.

"Appliances" means electric- or gas-operated household devices such as stoves, fans, heaters, refrigerators, air conditioners, water heaters, dishwashers or any other devices used for cooking, heating, cooling or cleaning, and air circulation.

"Applicant" means the owner(s), developer(s) or subdivider(s) of a project, as their interests may appear.

"Association" means the organization of persons who own a lot, parcel, area, airspace or right of exclusive occupancy in a unit or condominium, and who have interests in the control of common areas of such project.

"Common area" means those portions of the project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in said project.

"Common garage" means a garage area for four or more vehicles that is completely enclosed only in its perimeter. Within this garage area, specified parking areas are designated but are not partitioned from one another by solid walls and separate doors. Contained within the garage area is a turning radius of at least twenty-three (23) feet for each parking space. A common garage may be provided at ground level or in a subterranean or semi-subterranean basement.

"Community apartment" means a community apartment is a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located therein.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may also include a separate interest in other portions of such real property. Such estate may, with respect

to the duration of its enjoyment, be either: (i) an estate of inheritance, or perpetual estate; (ii) an estate for life; or (iii) an estate for years, such as a leasehold or subleasehold.

"Developer" means the owner or subdivider with controlling proprietary interest in the condominium project, or the person or organization making application to the city to build such a project.

"Floor area ratio" means the proportional relationship between the amount of gross floor area of the project and the land area of the project site.

"Gross floor area" means the total area occupied by a building or structure, excepting therefrom only the area of any inner courts, exterior corridors, open balconies, open stairways and designated garages. Such total area shall be calculated by measuring along the outside dimensions of the exterior surfaces of such building or total of each floor level.

"Lot" means a lot is a subdivided parcel as shown on a recorded subdivision or parcel map.

"Open space" means all land areas that are not occupied by buildings, structures, parking areas or driveways, streets or alleys.

"Organizational documents" means declarations of restrictions, management or operation of all or any part of a project.

"Parcel" means a building site, and may consist of one or more subdivided lots.

"Planned unit development" means a form of subdivision wherein the dwelling space as well as the land directly beneath a dwelling is owned individually and only the land surrounding the dwelling units is held in common ownership. No dwelling unit shall be vertically stacked so as to be over or under any other dwelling unit.

"Project" means the entire parcel of real property and buildings proposed to be used or divided, as land or airspace, into two or more lots or units as a condominium, community apartment, stock cooperative or planned unit or townhouse.

"Recreation space" means patios, decks, private and enclosed open space balconies. Such space must be directly accessible to a unit and must have a minimum dimension of seven feet.

"Stock cooperative" means a corporation formed or availed of primarily for the purpose of holding title to, either in fee simple of for a term of years, improved real property. All or substantially all of the shareholders of such corporation must receive a right of exclusive occupancy in a portion of real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

"Townhouse" means a design style with all elements of a dwelling unit stacked vertically, so no other unit is over or under the dwelling.

"Unit" the particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupiers, whether or not they have interests in common areas of said project.

"Walk street" means a street that is designed for pedestrian rather than vehicular usage, with vehicular access to property being solely from an alley. (Prior code Appx. A, § 7.2-1)

17.22.020 Construction, maintenance and development--Residential--Applicability.

Sections 17.22.030 through 17.22.060 apply to new construction of condominiums, community apartments, stock cooperatives, planned unit developments and residential portions of commercial planned developments. It is a supplement and an addition to the standards, and requirements of the zone in which the development is proposed, or exists, and to the general plan designation in which the development is proposed or exists. (Prior code Appx. A, § 7.2-2)

17.22.030 Construction, maintenance and development--Residential--Purpose.

The purpose of Sections 17.22.030 through 17.22.060 is to promote the following standards for condominiums and like developments.

A. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding neighborhood so that it promotes stability of and does not constitute a disruption to the established character of the neighborhood;

B. Provide for a high level of safety, compatibility and quality of the design of buildings, signs, parking areas, landscaping, luminaries and other site features. These may include functional aspects of the site development such as automobile and pedestrian circulation;

C. A comprehensive and integrated design, providing its own open space, off-street parking and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways and other areas for people should be separated from parking areas, driveways and other areas for automobiles;

D. A layout of structures and other facilities to effect conservation in street, driveway, curb cut and other public or quasi-public improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources such as sunlight, air circulation, view sheds and energy;

E. A design that maintains as much of the natural topography and environment as practical. Trees over six inches in diameter should not be removed unless it can be demonstrated that their removal is an unavoidable consequence of development and that any trees removed will be replaced by comparable landscaping. These determinations shall be made by the planning director;

F. A configuration and orientation which respects reasonable design limits imposed by the natural and manmade environment. Structures should be situated to take advantage of view, topography, sun and wind, while at the same time not obstructing comparable advantages for adjacent properties. Structures should be situated to minimize or buffer any undesirable characteristics of the site such as street noise and nearby deleterious commercial or industrial uses;

G. The layout of units and open space within the project should establish, through the use of structure and manmade and landscape materials, a perceptible spatial transition from the public street, through semi-privacy of common areas, to the privacy of the unit. The environment of each condominium unit should be private and free from visual, audio and other intrusions.

H. Provision by the project sponsor of adequate private outdoor living space, storage space and parking space to meet the needs of long-term property owners.

I. Covenants, conditions and restrictions ensuring that potential problems, resulting from lack of continuous and centralized management, do not impact upon the public health, safety and welfare. (Prior code Appx. A, § 7.2-3)

17.22.040 Construction, maintenance and development--Residential--Conditional use permit required.

All condominiums, community apartments and stock cooperatives shall be subject to approval of a conditional use permit by the planning commission. (Prior code Appx. A, § 7.2-4)

17.22.050 Construction, maintenance and development--Residential--Declaration of covenants, conditions and restrictions.

The project covenants, conditions and restrictions shall be submitted with the filing of a tentative map or conditional use permit application and shall contain all of the following provisions:

A. Storage for Boats, Trailers and Recreational Vehicles. Storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited in required parking spaces and/or where visible from the public right-of-way, and/or adjacent property.

B. Guest Parking. Guest parking spaces shall be used only for guest parking. No individual vehicle

shall use a guest space for more than seventy-two (72) hours without the specific permission of the homeowners' association.

C. Conveyance of private open space. The surface area and appurtenant air space, deck, or balcony required by Section 17.22.060(E)(1), including any integral portion of that patio, deck or balcony shall be described and conveyed in the declaration as an integral part of the unit. There shall be no overlap of the common area and this private open space.

D. Conveyance of Private Storage Areas. The surface and appurtenant airspace of private storage spaces required by Section 17.22.060(F) shall be described and conveyed in the declaration as an integral part of the unit. There shall be no overlap of the common area and this private storage space.

E. Assignment and Use of Required Off-Street Parking Spaces. Required off-street parking spaces, except guest parking spaces, shall be permanently and irrevocably assigned to particular units within the project on the basis of the required parking per unit. To the maximum practicable extent the parking spaces assigned to each unit shall be contiguous to the unit. In no case shall the private storage area of one unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely for the purpose of parking motor vehicles, as defined in the Motor Vehicle Code of the State of California (Vehicle Code, Section 415). No parking spaces shall be used, rented or leased to any person except in conjunction with the occupancy of a unit within the project.

F. Right of Public Entry to Common Area. The city of Hermosa Beach, county of Los Angeles, State of California, and Government of the United States, and any department, bureau or agency thereof, shall have the right of access to the common areas of the project at all times for the purpose of preserving the public health, safety and welfare.

G. Television and Radio Antennas Including Dish Antennas. Individual television and radio antennas shall be prohibited outside of the owner's unit. The declaration shall provide either for a central antenna with connections to each unit via underground or internal wall wiring, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the city.

H. Maintenance of Common Open Space.

1. Assessments. Provision shall be made for annual assessments for maintenance and special assessments for capital improvements. The amount of the annual assessment as well as the data and procedure for its increase shall be specified and shall be limited to the estimated yearly payment of real property taxes and maintenance and improvement expenses incurred with respect to the common area. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement upon the common area shall be specified. Both annual and special assessments must be fixed at a uniform rate for all units and may be collected on a monthly basis.

I. Approved Plans Binding on Association. The covenants, conditions and restrictions shall state that the final city-approved building plans, landscaping plans and utility plans are binding on the association. Planning commission approval must first be secured for any changes to said items, and any modification to any portion of the approved which involves the city must first be approved by the planning commission.

J. Condominium Association. All condominium projects are required to establish an operating homeowners association to have jurisdiction over all matters of common interest to the members of the particular association. Such homeowners' association shall comply with all requirements found in the California Corporations Code and any other applicable state and/or federal law.

K. Maximum Number of Units Allowed. The declaration shall specify the number of units in the project approved by the city, stated as the maximum allowed without city approval for additional units.

L. Rights of the City. The declaration shall specify that if, in the opinion of the city manager of the city (or an authorized representative), the association at any time fails to maintain the common areas or improvements thereon in accordance with standards of repair,

maintenance and cleanliness specified in the declaration, the city may give written notice to the association and shall require that the association take appropriate corrective action within thirty (30) days of receipt of such written notice unless there exists a hazardous condition creating an immediate possibility of serious injury to persons or property, in which case the time for correction may be reduced to a minimum of five days. The association shall have the right, within ten days of receipt of such written notice of deficiency, to file an appeal with the city council of the city for public hearing before the city council to consider the reasonableness of the city's requirements as set forth in the written notice of deficiency. The decision of the city council on such appeal shall be binding upon all parties but may be appealed by the association through an appropriate action in any court having jurisdiction. If the association, within the time set forth in the notice of deficiency (subject to extension for such time as may be required to appeal the notice of deficiency to the city council) does not undertake and complete the corrective work required in the notice of deficiency, the city may undertake and complete such corrective measures against the association as a lien, in the same manner as set forth herein for the establishment of liens against association property. The remedy in this section allows the city to take action but does not require any action by the city. This remedy is cumulative in nature and does not prevent the city from exercising any other remedy civilly, criminally or administratively than it may possess under its police powers and the state of California. (Prior code Appx. A, § 7.2-5)

17.22.060 Construction, maintenance and development -- Residential -- Minimum design standards.

A. Minimum Lot Width. The minimum lot width shall be twenty-nine (29) feet.

B. Minimum Unit Sizes. The following shall be the minimum dwelling unit size (in gross floor area):

		Square Feet
1.	One bedroom	900
2.	Two bedrooms	1,100
3.	Two bedrooms and den	1,250
4.	Three bedrooms	1,400
5.	Three bedrooms and den	1,600

6. Every bedroom over four bedrooms, requires one hundred thirty (130) square feet of floor area.

Dens shall be differentiated from bedrooms by the fact that there are no closets.

C. Height. In addition to height restrictions found within the various zones, along walk streets the maximum height in the front half of the lot shall be twenty-five (25) feet. The walk street shall be considered the front of the lot, except on reversed corner lots, where the side yard adjacent to the walk street shall be considered the front.

D. Setback. Front setback shall be a minimum of five feet.

E. Private Storage Space. Each unit within the project shall have at least two hundred (200) cubic feet of enclosed, weatherproofed and lockable storage space. Such space shall be for the sole use of the unit owner. Two of the storage space dimensions shall be of the minimum of two feet and three feet in size. At least half of the space must be accessible and contiguous to the ground floor level. Such space may be provided within individual storage lockers, cabinets or closets within the garage and/or under stairwells, or "over-the-hood" with no more than three feet overhang and a minimum forty-eight (48) inches clearance below. It is the intention of this standard to require space over and above that normally associated with day-to-day functions of the unit and it shall not be a substitute for normal linen and clothes closets or pantries customarily within dwelling units.

F. Utilities.

1. All utilities shall be underground.

2. With the exception of water supply, each utility that is controlled by and consumed within the individual unit shall be separately metered.

3. All meters, utility service connections and major roof chimneys, pipes or structures shall be integrated with the design of the building and screened architecturally and/or by landscaping.

4. Clothes washers, dishwashers, hot water heaters and any other appliances likely to be a potential source of water leakage or flooding shall be installed with built-in drip pans and appropriate drains, subject to the approval of the building

director (except in the case of concrete slab floors on grade).

5. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible without leaving the unit. Each dwelling unit and common area shall have its own manually switchable circuit.

6. No plumbing fixtures shall be located in a common wall between two individual units. Each condominium unit shall have the necessary facilities installed (e.g., plumbing, electrical, venting, etc.) for washers and dryers.

7. No common vents or drain lines shall be permitted for contiguous units unless there is at least ten feet of pipe between the closest plumbing fixtures within the separate units.

8. All water supply lines within the project shall be isolated from wood, metal and other framing with pipe isolators specifically manufactured for that purpose and approved by the director of building and safety. All vertical drainage lines within the project shall be isolated from touching wood, metal and other framing and all drainage pipe shall be surrounded by building department approved insulation.

G. Sound Insulation. Wall and floor/ceiling assemblies separating units from each other or from public or quasi-public spaces, such as interior corridors, laundry rooms, recreation rooms, parking spaces, etc., shall provide airborne sound insulation, impact sound insulation, and isolation of vibration and sources of structure-borne noise (including shock mounting of mechanical equipment). The minimum wall insulation rating between units shall be 52 STC, and between floor/ceilings of stacked units, it shall be 58 STC.

H. Architecture and Building Layout.

1. The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.

2. All structures proposed to be constructed within a project shall conform to the following requirements:

a. Townhouse condominiums having dwelling units attached side-by-side shall avoid the long-row effect by being composed of not more than four dwelling units. Alternative designs which accomplish the same purpose may be approved by the planning commission;

b. Structures having dwelling units attached side-by-side shall break the facade by having an off-set in the front building line of at least two feet for every two dwelling units within such structure;

c. Stacked units shall provide architectural treatment that eliminates the long-row appearance;

d. Consideration shall be given to the effect of proposed development on the light, air, view and privacy of adjacent properties.

3. Landscaping.

a. A detailed landscape plan shall be approved by the planning director prior to issuance of any building permits.

b. All setback areas fronting on a public street and all common open space areas shall be landscaped and permanently maintained in an attractive manner.

c. An automatic landscape sprinkler system shall be provided. (Ord. 00-1207, §4 (part), 10/24/00; Prior code Appx. A, § 7.2-6)

17.22.070 Construction, maintenance and development -- Commercial/ industrial -- Applicability.

This division applies to new construction of commercial and industrial condominiums. (Prior code Appx. A, § 7.2-7)

17.22.080 Construction, maintenance and development -- Commercial/ industrial--Findings and intent.

A. The city council finds that such condominium, stock cooperative and commercial planned development projects are different from other types and forms of commercial and industrial land use ownership development and so require different zoning and subdivision regulations.

B. It is the expressed intent of the city to treat such projects differently from commercial

rental structures and other like structures. The intent of this division is to further the city's general plan goal of providing a balanced mix of commercial stock in the city by regulating the placement and design of condominiums and like projects. (Prior code Appx. A, § 7.2-8)

17.22.090 Construction, maintenance and development -- Commercial/ industrial -- Purpose.

The purpose of this division is to establish criteria for commercial and industrial condominiums:

A. Architectural unity and harmony should be achieved both within the project and the surrounding neighborhood so that it promotes stability of and does not constitute a disruption to the established character of the neighborhood;

B. Provide for a high level of safety, compatibility and quality of the design of buildings, signs, parking areas, landscaping, luminaries and other site features. These may include functional aspects of the site development such as automobile and pedestrian circulation;

C. A comprehensive and integrated design, providing its own open space, off-street parking, and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways, and other areas for people, should be separated from parking areas, driveways and other areas for automobiles;

D. A layout of structures and other facilities to effect conservation in street, driveway, curb cut and other public and quasi-public improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources such as sunlight, air circulation, view sheds and energy;

E. A design that maintains as much of the natural topography and environment as practical. Trees over six inches in diameter should not be removed unless it can be demonstrated that their removal is an unavoidable consequence of development and that any trees removed will be replaced by comparable landscaping;

F. A configuration and orientation which respects reasonable design limits imposed by the natural and man-made environment. Structures should be situated to take advantage of view, topography, sun, and wind, while at the same time not obstructing comparable advantages for adjacent properties. Structures should also be situated to minimize or buffer any undesirable characteristics of the site such as street noise and nearby deleterious commercial or industrial uses;

G. The layout of units and open space within the project should establish, through the use of structure and manmade and landscape materials, a perceptible spatial transition from the public street, through semiprivacy of common areas. The environment of each condominium unit should be free from visual, audio and other intrusions;

H. Provision by the project sponsor of adequate parking space to meet the needs of long term property owners;

I. Covenants, conditions and restrictions ensuring that potential problems, resulting from lack of continuous and centralized management, do not impact upon the public health, safety, and welfare. (Prior code Appx. A, § 7.2-9)

17.22.100 Construction, maintenance and development -- Commercial/ industrial -- Standards for uses.

All commercial/industrial condominiums require a conditional use permit. The use restrictions for the zone in which the property is located shall apply. (Prior code Appx. A, § 7.2-10)

17.22.110 Construction, maintenance and development -- Commercial/ industrial -- Permits required -- Application procedure.

All commercial and industrial condominiums shall meet the restrictions, submit the applications and secure the permits required by the applicable provisions of this chapter. (Prior code Appx. A, § 7.2-11)

17.22.120 Construction, maintenance and development -- Commercial/ industrial--Covenants, conditions and restrictions.

No tentative map or permit shall be approved upon the condition that a declaration of covenants, conditions and restrictions, containing the following provisions, be approved by the planning director and the city attorney prior to the approval of the final map:

A. Maintenance of Common Areas. Perpetual maintenance by the associated owners, in good sanitary and attractive condition, of all common areas and improvements, including landscaping areas, walls, driveways, parking areas, trash areas, and buildings, in accordance with plans and documents on file in the department of building and safety, city of Hermosa Beach. The management structure shall be in existence for the life of the building and that structure must clearly be delineated.

B. Maintenance of Fire Protection Equipment. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be maintained in operable condition at all times by the owner's association.

C. Right or Public Entry to Common Areas. The city of Hermosa Beach, county of Los Angeles, State of California and Government of the United States, and any department, bureau or agency thereof, shall have the right to access to the common area of the project at all times for the purpose of preserving the public health, safety and welfare.

D. Assessments. Provisions shall be made both for annual assessments for maintenance and special assessments for capital improvements. The amount of the annual assessments as well as the data and procedure for its increase shall be specified and shall be limited to the estimated yearly payment of real property taxes and maintenance and improvement expenses incurred with respect to the common area. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement upon the common area shall be specified. Both annual and special assessments must be fixed at a uniform rate for all units and may be collected on a monthly basis.

E. Remedies for Nonpayment of Assessments. The remedies which the association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. In consideration for the city's approval of a condominium project, the declaration shall provide that the city may act as the agent of the association and may in the name of the association do any of the following in the event of abandonment of individual units of the project:

1. Do or perform any act that the association may do or perform;

2. In the event of default by the association according to its own bylaws and declarations, the city may, without otherwise complying with the provisions of the declarations, fix the annual assessment against each unit;

3. If the city, in its discretion, determines the association is not diligently attempting to collect the amounts owed the association, the city may, in the name of the association, take any legal steps to collect such amounts by actions of law as the city may determine to be necessary. It shall be specified that in the event the city should exercise any of the above specified remedies, any sums recovered from such suit or suits shall be applied first to cover the city's cost. The balance shall be applied against any amount which is then lawfully owing to other public or private entities. All remaining sums belong to the association.

F. Nonconforming Projects. If the condominium project has become nonconforming due to changes in the zoning ordinance or the general plan and if it is determined by the fire and building departments that three-fourths of the project has been destroyed or substantially damaged, the project shall not be rebuilt or reconstructed, unless it is done according to existing development standards. Further, if the fire and building departments find that the project has been damaged or destroyed to such an extent that a material part of the project has not been rendered unfit for its prior use and has not been repaired for a period of three years after such damage or destruction, then said nonconforming status would be lost and the project could only be reconstructed in conformity with existing zoning requirements. Any property owners affected by the findings of the fire and building departments may, within thirty (30) days after written notice of these findings, appeal to the city council.

G. Parking Spaces. All parking spaces shall be used solely for the purpose of parking motor vehicles, as defined in the Motor Vehicle Code of the State of California Vehicle Code, Section 415). When the intensity of use is increased through the addition of floor area or change in use,

additional parking and loading shall be provided as required by Section 1150 of the city zoning code.

H. Approved Plans Binding on Association. The covenants, conditions and restrictions shall state that the final city approved building plans and landscaping plans are binding on the association. Any changes to these items must first secure the approval of the planning commission. Within thirty (30) days of submitting covenants, conditions and restrictions to the Los Angeles County recorder, applicant shall provide the city with a certified copy of the covenants, conditions, and restrictions recorded with the Los Angeles County recorder. (Ord. 96-1146 § 1 (part), 1996; prior code Appx. A, § 7.2-12)

17.22.130 Construction, maintenance and development -- Commercial/ industrial -- General design standards.

The project shall conform to the following general design standards:

A. General Plan. The project shall be consistent with the general plan.

B. Architectural Unity and Harmony. Architectural unity and harmony should be achieved within the project between the project and the surrounding neighborhood so that it promotes the stability of and does not constitute a major disruption to the established character of the neighborhood.

C. Landscaping. Provision of permanently maintained landscaping as approved by the planning commission shall be required.

D. Lighting. The developer shall install on-site lighting in all parking areas, vehicular accessways and along major walk-ways of more than twenty-five (25) feet. Such lighting shall be directed onto driveways and walkways within the project, and away from dwelling units and adjacent properties, and shall be of a type approved by the building department.

E. Residential Standards. A commercial planned development, where it includes residential units, shall meet the residential standards of Sections 17.22.040 through 17.22.060.

F. Technical Standards.

1. All condominium projects shall meet current state of California energy conservation standards. No commercial condominium project shall be required to provide setbacks, except as may be required by a precise plan. All commercial condominium projects shall be required to comply with this title. All condominium projects shall comply with the parking requirements stipulated in Chapter 17.44.

2. All condominium projects shall comply with the fire, plumbing and electrical codes of the city.

3. All industrial condominium projects shall be required to comply with Chapter 17.28.

G. Compliance with Fire Protection Standards Prior to Final Map Approval. All condominium projects shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and if not, whether the installation of additional water service improvements should be required for fire protection purposes. The subdivider shall install such additional water service improvements as may be specified by the fire department, in accordance with city standards and specifications. Installation of required water service improvements shall be completed prior to approval of the final map unless an agreement for this subsequent installation is entered into between the subdivider and the city. A smoke detection system which rings a local alarm system and transmits a signal to the fire department dispatch shall be provided. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Ord. 96-1146 §§ 1 (part), 2, 3, 1996; prior code Appx. A, § 7.2-13)

17.22.140 Construction, maintenance and development -- Commercial/ industrial -- Certification of occupancy.

No condominium or planned unit development project may be occupied until a certificate of occupancy is issued by the building department. An occupancy certificate shall not be issued until all the requirements of Sections 17.22.070 through 17.22.140 and the conditional use permit are satisfied. (Prior code Appx. A, § 7.2-14)

17.22.150 Conversions to residential -- Findings and intent.

A. Effect Upon Community. Condominium conversions, community apartments and stock cooperative projects provide for individual ownership or its functional equivalent of separate dwelling units which usually are in close proximity to one another. The area surrounding the dwelling units is a common area that is normally managed and maintained by the individual owners of dwelling units in accordance with an owner's association agreement. These hybrid forms of ownership, that mix individual ownership and ownership in common, magnify the impact on public health, safety, welfare, convenience and economic prosperity of a large community when conditions of poor land use and site planning, mismanagement, neglect and blight are allowed to occur. Additionally, the conversion of existing apartment and other multiple-family dwelling structures into condominium conversions, community apartments or stock cooperative apartments has the potential of displacing long-term residents, particularly senior citizens and families with school-age children, who may be required to move from the community due to shortage of replacement rental housing.

B. Findings. The city finds and determines that condominium conversion, community apartment and stock cooperative projects differ from apartments in numerous respects and for the benefit of public health, safety and welfare, such projects should be treated differently from apartments.

C. Intent. The city council therefore states its expressed intent to treat such projects differently from apartments and like structures and to adopt regulations for the protection of the community, displaced tenants, and the purchasers of condominium conversions, community apartment projects and stock cooperative projects. The city seeks to avoid the unique problems that beset condominium conversion, stock cooperative and community apartment projects and it further seeks to provide and ensure a reasonable balance of rental and ownership housing in the city and a variety of individual choices of tenure, type, price and location of housing, and to maintain a supply of rental housing for low and moderate income persons and families. (Prior code Appx. A, § 7.2-15)

17.22.160 Conversions to residential -- Purpose.

The city has a responsibility to the health and welfare of its citizens and of the general public to properly regulate the creation of new ownership and group ownership housing units in the community created by condominium conversions, community apartments and stock cooperatives. The city does have jurisdiction over these forms of housing unit sale and creation and does hereby note its intention to exercise that authority. Stock cooperatives, community apartments and condominium conversions may be approved and created in accordance with the provisions of Sections 17.22.170 though 17.22.300:

A. To establish criteria for the conversion of existing multiple rental housing to condominium conversions, community apartments or stock cooperatives;

B. To reduce the impact of such conversions, community apartments or stock cooperatives on area residents and also residents in rental housing who may be required to relocate due to the conversion, community apartment or cooperative process; to provide for procedures for timely notification of area residents as well as for project residents and adequate time and assistance for any required relocation of project residents;

C. To assure that purchasers of conversions, community apartments or cooperative housing have been properly informed as to the physical condition of the structure which is offered for purchase, or as part of a cooperative project;

D. To ensure that converted housing achieves a high degree of appearance, quality and safety and is consistent with the goals of the city, specifically those specified in the city's general plan;

E. To provide reasonable balance of ownership and rental housing in Hermosa Beach and a variety of choices of tenure, type, price and location of housing, and maintain an adequate supply of rental housing for low and moderate income persons and families;

F. To assure that ownership or group ownership units have design and amenities that would be attractive to more long-term residents and

not be a more fragmented ownership form of rental housing. (Prior code Appx. A, § 7.2-16)

17.22.170 Conversions to residential -- Conditional use permit required -- Public hearing -- Appeal.

Condominium conversions, community apartments and stock cooperatives shall require a conditional use permit from the planning commission. Said permit if approved by the commission in a public hearing shall be subject to approval or denial by the city council. The actions of the planning commission in regard to a request for condominium conversion, community apartment or stock cooperative may be appealed in writing to the city council within ten days of the formal action by the commission. (Prior code Appx. A, § 7.2-17)

17.22.180 Conversions to residential -- Public hearing -- Notice.

The planning commission shall hold a duly noticed public hearing on a request for condominium conversion, stock cooperative or community apartment. Notice of said hearing shall be given pursuant to city council resolution and shall be given to existing project residents and residents and owners within three hundred (300) feet of the proposed project. (Prior code Appx. A, § 7.2-18)

17.22.190 Conversions to residential -- Information prerequisite to filing permit and/or tentative map application.

No tentative map or application for permit shall be received for filing unless it is accompanied by the following:

A. Notice of Intent. A notice of intent to convert shall be delivered to each tenant sixty (60) days prior to application for a permit. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the planning and environmental services department and shall contain not less than the following:

1. Name and address of current owner;

2. Name and address of the proposed subdivider;

3. Approximate date on which the tentative map is proposed to be filed;

4. Approximate date on which the final map or parcel map is to be filed;

5. Approximate date on which the unit is to be vacated by nonpurchasing tenants;

6. Tenant's right to purchase;

7. Tenant's right of notification to vacate;

8. Tenant's right of termination of lease;

9. Statement of no rent increase;

10. Provision of special cases;

11. Provisions of moving expense;

and other information may be required as deemed necessary.

B. Schedule of Rents. A schedule of rents for each unit showing charges occurring in the previous six-month period.

C. Tenant Assistance Plan. A proposed tenant assistance plan completed in accordance with Section 17.22.200. (Prior code Appx. A, § 7.2-19)

17.22.200 Conversions to residential -- Tenant assistance plan.

A tenant assistance plan must contain the following components:

A. Location of Replacement Rental Housing--Option to Purchase. A statement of method by which tenants will be assisted by the subdivider or his agents in finding comparable replacement rental housing within the area of the conversion, including professional relocation assistance to those who do not choose to purchase, and will be given first option to purchase units and methods of assistance in purchasing said units, including tenant purchase discounts;

B. Compliance with State Subdivision Map Act. A statement of the method by which the subdivider will comply with the requirements of Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Such method must provide that no tenant shall be required to move from his or her apartment due to the proposed conversion until the expiration of the two-month period for exercise by the tenant of his or her right of first refusal pursuant to Section 66427.1(b) of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Said two-month period shall not commence as to any tenant until such tenant has received written notification

of issuance of the final public report of the department of real estate and such tenant's right to contract for the purchase of his or her unit as a specified purchase price for sixty (60) days following the date of such notification;

C. Reimbursement for Moving Costs Incurred. A statement of a method by which the subdivider or his agents will reimburse each tenant within thirty (30) days for costs actually incurred in relocating from his apartment due to the planned conversion to a common ownership unit with a maximum of one and one-half times the unit's monthly rent, as well as for moving expenses actually incurred, not to exceed five hundred dollars ($500.00);

D. Extension of Tenancy to Complete School Term. A statement of method by which the subdivider will assure that each tenant who attends, whose spouse attends or dependent child attends school at the time that the notice of termination of tenancy (as required by Section 66427.1 of the State Subdivision Map Act) is given will be granted an extension of tenancy as necessary to permit such person to complete the school year, semester, or quarter (whichever is the minimum school term) as he or she is enrolled in at such time. As used herein, "school" includes any public elementary school or secondary school, college, community college, university or vocational school;

E. Bond. No tentative map or permit shall be approved except upon the condition that a secured, written agreement satisfactory to the city council be entered into between the city and the subdivider for the benefit of each tenant, by which the subdivider covenants to carry out the terms of a tenant assistance plan, as finally approved by the council. Such agreement must be secured by a bond or bonds by one or more duly authorized corporate sureties in a total amount equal to one thousand dollars ($1,000.00) multiplied by the total number of units, and the total amount of said bond or bonds shall be security for each and every obligation to any tenant undertaken by the subdivider in such agreement.

1. Release of Security. The security specified in this section shall not be released except with the consent of the planning director on behalf of the city. Such consent shall be given upon proof that the conversion has been completed except for partial early releases as hereinafter authorized. Prior to the full release, the applicant shall provide written certification to the homeowners association of the project that any pool or pool equipment (filters, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association shall be in operable working condition.

2. Partial Release of Security. Partial early releases may be granted, not more than once in each six-month period following approval of the final map, upon the submission of proof of entitlement to the planning director, in proportion to the number of units in which the tenants have either:

a. Vacated,

b. Purchased without vacating,

c. Waived their rights pursuant to this section.

3. Special Agreement with Tenants. The rights of a tenant pursuant to the contract executed pursuant to this section shall not apply if knowingly waived by a tenant as follows:

a. A written agreement, signed by both the tenant and the subdivider or his agent, is executed by which the specifically described rights are expressly waived in return for such specifically described consideration as may be mutually agreed upon between the parties.

b. The agreement between the subdivider and the tenant is executed subsequent to the agreement under this section and specifically states that the tenant has read that agreement and is aware of his rights thereunder.

c. A copy of the executed agreement is promptly filed with the planning director;

F. Vacation of Units. Each nonpurchasing tenant not in default under the obligation of the rental agreement or lease under which he occupies his unit shall have not less than one hundred eighty (180) days from the date of receipt of notice of intent to find substitute housing and to relocate. After submittal of an application for a permit any prospective tenants shall be notified of the intention to convert or create a cooperative or community apartment prior to leasing or renting any unit, and all the provisions of this section shall not apply to that tenancy;

G. No Increase in Rents. A tenant's rent shall not be increased for one year from the time of the filing of the request for permit until

relocation takes place or until the project is denied or withdrawn;

H. Special Cases. Any nonpurchasing tenant age sixty-two (62) or older or handicapped or with minor children in school shall be given at least an additional six months in which to find suitable replacement housing. If the comparable replacement housing rent is greater than the existing unit rent, then the applicant shall pay the differential up to a maximum of one hundred dollars ($100.00) for up to six months. (Prior code Appx. A, § 7.2-20)

17.22.210 Conversions to residential -- Required documents and information on permit application.

A. Compliance. No tentative map or permit application shall be deemed filed until the applicant has complied with the requirements of this section.

B. Physical Report. In addition to the information required by other applicable sections, a report on the physical elements of all structures and facilities in the proposed conversion or cooperative shall be submitted with a conditional use permit application. Said report shall be prepared at the applicant's expense including the provisions of subsection B(1) below, which shall be prepared by the city or its designee. Said report shall include but not be limited to the following:

1. A report detailing the structural condition of all elements of the property including foundations, electrical, plumbing, laundries, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. Regarding each such element the report shall state the date or estimated date when such element was built, the condition of each element, when said element was replaced, the estimated date when said element will need to be replaced, the approximate cost of replacement, and any variation of the physical condition of said element from the current zoning and from the codes of the city;

2. A statement of proposed improvements and/or repairs to be made by applicant to achieve a high degree of appearance, livability and safety for the project, including improved accessibility to and within the project for senior citizens and the handicapped, and an estimate of any initial assessments anticipated for future repair and maintenance;

3. Submission of a current termite and pest and soils report may be required by the building department within thirty (30) days of the application date.

C. Declaration of Covenants, Conditions and Restrictions. A copy of the project's declaration of covenants, conditions and restrictions.

D. Special Project Information. Special project information including but not limited to:

1. Square footage and number of rooms in each unit;

2. Project common amenities and individual unit amenities;

3. Signed affidavit of notification of all present tenants of proposed conversion and of notification of all owners and residents within three hundred (300) feet of the project, and signed affidavit by applicant through deed restriction, waiving right to protest the formation of an underground utility district;

4. Ten sets of project plans; plans and documents certified as to accuracy by a licensed engineer or architect, showing the following information shall be submitted at the time of filing of the tentative map:

a. Site plan, including building (all four elevations), structures (including floor plans), yards, open space, landscaped areas, vehicular travel and parking areas, driveway approaches, recreational facilities, placement and design of trash facilities and utility services,

b. Parking plan, disclosing the location of all parking spaces, the dimensions thereof, the status of a garage, carport or uncovered space, dimensions of aisles and driveways, location of columns, walls and other possible obstructions, the designation of each space as assigned to a particular unit or as guest parking, and the location of each unit to which a space is assigned in a manner such that the walking distance between each unit and its assigned spaces may be readily determined,

c. A storage area plan, showing the location and dimensions of storage areas,

d. If a recreational vehicle storage area is to be provided, the site plan shall disclose the location and dimensions of such area and screening by wall and/or landscaping, if any;

5. Fifteen (15) sets of tentative map. (Prior code Appx. A, § 17.2-21)

17.22.220 Conversions to residential -- Declaration of covenants, conditions and restrictions.

No tentative map or permit shall be approved except upon the condition that a declaration of covenants, conditions and restrictions be approved by the planning director and the city attorney prior to the approval of the final map, providing the following:

A. Perpetual maintenance, by the associated owners, in good sanitary and attractive condition of all common areas and improvements, including landscaping areas, walls, driveways, parking areas, trash areas and buildings, in accordance with plans and documents on file in the department of building and safety of the city. The management structure shall be in existence for the life of the building and said structure must be clearly delineated;

B. Prohibition of the parking or storage of trailers, boats and recreational vehicles, except in such areas reserved for the storage thereof as may be provided in the plans and documents on file with the department of building and safety. Parking for each unit shall be assigned and designated, shall not be transferable, and cannot be separately sold or rented;

C. As to the above requirements, a power of enforcement to the city, exercisable in the discretion of the council, and a prohibition against any relinquishment, amendment or deletion of such requirements without the consent of the council;

D. There shall be no restriction or discrimination with regard to residency in the project on basis of age;

E. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be maintained in an operable condition at all times by the homeowners association. (Prior code Appx. A, § 7.2-22)

17.22.230 Conversions to residential -- Structural pest report required prior to final map approval.

No final map shall be approved for a conversion project until the applicant has filed with the planning director a current structural pest control inspection report issued on each structure and each unit within the structure by a licensed structural pest control operator, showing the subject premises to be free of evidence of termites, dry rot, fungi and/or damage therefrom. Such a report shall be deemed current for a period of not more than ninety (90) days following the date or the inspection. (Prior code Appx. A, § 7.2-23)

17.22.240 Conversions to residential -- Compliance with fire protection standards prior to final map approval.

Each conversion project shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and, if not, whether the installation of additional water service improvements should be required for fire protection purposes. The subdivider shall install such additional water service improvements as may be specified by the fire department, in accordance with city standards and specifications. Installation of required water service improvements shall be completed prior to approval of the final map unless an agreement for the subsequent installation is entered into between the subdivider and the city. Smoke detectors shall be provided for each unit. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Prior code Appx. A, § 7.2-24)

17.22.250 Conversions to residential -- Approval of final map --Affidavit -- Grounds for denial.

A. Affidavit Required. The findings required by Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code) shall not be made unless the subdivider or his agent files an affidavit or declaration under penalty of perjury including the following:

1. A current listing of tenants and rents for each unit;

2. An explanation of rent increases occurring since the filing of the tentative map, or a statement that no such increases have occurred;

3. A listing and explanation of any termination of tenancies for reasons other than the conversion, or a statement that no such termination has occurred;

4. A listing of special agreements pursuant to Section 17.22.200 or a statement that no such agreements have been executed;

5. A statement of the time and manner in which notice of the conversion was given or will be given pursuant to Section 66427.1(a) of the Subdivision Map Act (Title 7, Division 2 of the Government Code), and in which notice of a right of first refusal has been given or will be given pursuant to Section 66427.1(b) of said act.

B. Grounds for Denial. The findings required by Section 66427. I of the State Subdivision Map Act (Title 7, Division 2 of the Government Code) shall not be made if, based on the subdivider's declaration and such other evidence as may be presented to the council, the council determines that the subdivider or his agent has engaged in any pattern or practice designed to avoid his obligations to the tenants under said section. (Prior code Appx. A, § 7.2-25)

17.22.260 Conversions to residential -- Required findings for approval of application.

The planning commission and the city council must make the following findings in order to approve a project and grant a permit:

A. Proposed project is consistent with the general plan;

B. All provisions of this title and referenced codes have been met;

C. The overall design, physical condition and amenities of the project provide for livability and safety, and the project will not be a physical or financial burden to the city or neighborhood;

D. Project provides an adequate program of tenant purchase and relocation assistance. (Prior code Appx. A, § 7.2-26)

17.22.270 Conversions to residential -- Issuance of certificate -- Fee.

A condominium conversion, stock cooperative or community apartment certificate will be issued by the city upon city approval of a conditional use permit and map approval, and upon payment of the required fees as established by resolution of the city council. Said fee is an infrastructure fee toward the physical and service structure of the community from which the development benefits. (Prior code Appx. A, § 7.2-28)

17.22.280 Conversions to residential -- Availability of reports to public and prospective buyers--Posting.

The applicant shall make available to the general public and shall provide all potential buyers with a copy of the physical report prior to executing any purchase agreement or other contract to purchase a unit or share in the project, and the developer shall give the purchaser sufficient time to review said reports and the covenants, conditions and restrictions. Said reports at time of sale shall also be posted conspicuously at all times in any and all sales offices and at the project site. (Prior code Appx. A, § 7.2-29)

17.22.290 Conversions to residential -- Compliance with city codes and general plan.

To achieve the purpose of this chapter, the planning commission shall require that condominium conversions, stock cooperatives and community apartments conform to the current requirements of the city codes, including building codes and Sections 17.22.020 through 17.22.060, and to the general plan of the city. (Prior code Appx. A, § 7.2-30)

17.22.300 Conversions to residential -- General standards for pre-existing buildings.

A. Building Structure and Safety. The building must comply with all current requirements of this chapter and all requirements of state laws and regulations pertaining to building structure and safety.

B. Sound Transmission Standards. Sound transmission between dwelling units shall meet the requirements applicable to new buildings.

C. Energy Insulation Standards. The building must comply with energy insulation standards of both the city and state applicable to new buildings to the extent that the following components are thereby required:

1. Insulation of attic areas;

2. Provision of weather stripping and other anti-infiltration treatment.

D. Separate Utility Shutoff Systems. The project shall provide for separate utility shutoff systems for each unit.

E. Laundry Facilities. The project shall provide laundry facilities.

F. Storage Space. Private lockable storage space of at least two hundred (200) cubic feet shall be provided for each unit.

G. Building Security Standards. The building must comply with building security regulations as applicable to new buildings. (Prior code Appx. A, § 7.2-31)

17.22.310 Conversions to commercial/ industrial -- Commercial/ industrial conversion project defined.

A "commercial/industrial conversion project" is a proposed conversion of an existing building in a commercial or manufacturing zone:

A. Used exclusively for commercial or industrial purposes, or both; or

B. Used exclusively for residential purposes as an existing apartment house, apartment hotel, hotel, multiple dwelling, or group dwelling;

to a condominium or stock cooperative to be used exclusively for commercial or industrial purposes, or both. For purposes of this definition, the term "existing" means any building for which a certificate of occupancy was issued prior to the time of the application for conversion. (Prior code Appx. A, § 7.2-32)

17.22.320 Conversions to commercial/ industrial -- Applicability.

Sections 17.22.310 through 17.22.390 apply to the conversion of residential, commercial and industrial buildings to commercial and industrial condominiums. (Prior code Appx. A, § 7.2-33)

17.22.330 Conversions to commercial/ industrial -- Purpose and intent.

The purpose and intent of Sections 17.22.310 through 17.22.390 is to promote the standards for conversions to commercial and industrial condominiums and like developments as provided in Sections 17.22.150 and 17.22.160. (Prior code Appx. A, § 7.2-34)

17.22.340 Conversions to commercial/ industrial -- Standards for uses.

Only those uses permitted in Section 17.22.100 are permitted under Sections 17.22.310 through 17.22.390. (Prior code Appx. A, § 7.2-35)

17.22.350 Conversions to commercial/ industrial -- Permits required -- Application procedures.

A. Applicants shall secure the permits required and fulfill the conditions in Section 17.22.090. Additional requirements for conditional use permits application shall be a history of occupancy report including:

1. Rental rate history for the past five years;

2. Nature of existing tenant businesses and length of tenancy; and

3. Estimated sale prices of units.

B. Applicants shall comply with Sections 17.22.170 through 17.22.190, 17.22.210 and 17.22.230.

C. Compliance with Fire Protection Standards Prior to Final Map Approval. All condominium projects shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and, if not, whether the installation of additional water service improvements should be required for fire protection purposes and those that indicate a greater occupancy load or more intense use would be subject to upgrade of water services and fire flow requirements. The subdivider shall install such additional water service improvements as may be specified by the fire department, in accordance with city standards and specifications. Installation of

required water service improvements shall be completed prior to approval of the final map unless an agreement for this subsequent installation is entered into between the subdivider and the city. A smoke detection system which rings a local alarm system and transmits a signal to the fire department dispatch shall be provided. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Prior code Appx. A, § 7.2-36)

17.22.360 Conversions to commercial/ industrial -- Tenant assistance plan.

A tenant assistance plan must contain the following components:

A. Location of Replacement Rental Housing--Option to Purchase. A statement of method by which tenants will be assisted by the subdivider or his agents in finding comparable replacement rental housing within the area of the conversion, including professional relocation assistance to those who do not choose to purchase, and will be given first option to purchase units and methods of assistance in purchasing said units, including tenant purchase discounts.

B. Compliance with State Subdivision Map Act. A statement of the method by which the subdivider will comply with the requirements of Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Such method must provide that no tenant shall be required to move from his or her apartment due to the proposed conversion until the expiration of the two-month period for exercise by the tenant of his or her right of first refusal pursuant to Section 66427.1(b) of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Said two-month period shall not commence as to any tenant until such tenant has received written notification of issuance of the final public report of the department of real estate and such tenant's right to contract for the purchase of his or her unit at a specified purchase price for sixty (60) days following the date of such notification.

C. Reimbursement for Moving Costs Incurred. A statement of a method by which the subdivider or his agents will reimburse each tenant (who lived there at the time of filing of application to convert) within thirty (30) days for cost actually incurred in relocating from his unit due to the planned conversion to a common ownership unit. The tenant of any unit shall receive moving expenses equal to three months' rent. The moving expenses shall be due and payable at the time of moving. Relocation payments may be applied to down payments for those tenants purchasing units.

D. Extension of Tenancy to Complete School Term. A statement of method by which the subdivider will ensure that each tenant who attends, whose spouse attends or dependent child attends school at the time that the notice of termination of tenancy (as required by Section 66427.1 of the State Subdivision Map Act) is given, will be granted an extension of tenancy as necessary to permit such person to complete the school year, semester or quarter (whichever is the minimum school term) as he or she is enrolled in at such time. As used herein, "school" includes any public or private elementary school or secondary school, college, community college, university or vocational school.

E. Bond. No tentative map or permit shall be approved except upon the condition that a secured, written agreement satisfactory to the city council be entered into between the city and the subdivider for the benefit of each tenant, by which the subdivider covenants to carry out the terms of a tenant assistance plan, as finally approved by the council. Such agreement must be secured by a bond or bonds by one or more duly authorized corporate sureties in a total amount equal to one thousand dollars ($1,000.00) multiplied by the total number of units, and the total amount of said bond or bonds shall be security for each and every obligation to any tenant undertaken by the subdivider in such agreement.

1. Release of Security. The security specified in this section shall not be released except with the consent of the planning director on behalf of the city. Such consent shall be given upon proof that the conversion has been completed except for partial early releases as hereinafter authorized. Prior to the full release, the applicant shall provide written certification to the homeowners' association of the project that any pool or pool equipment (filters, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association shall be in operable working condition.

2. Partial Release of Security. Partial early releases may be granted, not more than once in each six-month period following approval of the final map, upon the submission of proof of entitlement to the planning director, in proportion to the number of units in which the tenants have either:

a. Vacated;

b. Purchased without vacating;

c. Waived their rights pursuant to this section.

3. Special Agreement with Tenants. The rights of a tenant pursuant to the contract executed pursuant to this section shall not apply if knowingly waived by a tenant as follows:

a. A written agreement, signed by both the tenant and the subdivider or his agent, is executed by which the specifically described rights are expressly waived in return for such specifically described consideration as may be mutually agreed upon between the parties.

b. The agreement between the subdivider and the tenant is executed subsequent to the agreement under this section and specifically states that the tenant has read that agreement and is aware of his rights thereunder.

c. A copy of the executed agreement is promptly filed with the planning director.

F. Vacation of Units. Each nonpurchasing tenant not in default under the obligation of the rental agreement or lease under which he occupies his unit shall have not less than one hundred eighty (180) days from the date of receipt of notice of intent to find substitute housing and to relocate. After submittal of an application for a permit any prospective tenants shall be notified of the intention to convert or create a cooperative or community apartment prior to leasing or renting any unit, and all the provisions of this section shall not apply to that tenancy.

G. No Increase in Rents. A tenant's rent or, if applicable, the percentage of gross sales agreed upon as compensation for occupancy, shall not be increased for one year from the time of the filing of the request for permit, unless one of the following conditions takes place:

1. Preconversion tenant relocates;

2. Project is denied or withdrawn.

H. Special Cases. Any nonpurchasing tenant age sixty-two (62) or older or handicapped or with minor children in school shall be given at least an additional six months in which to find suitable replacement housing. If the comparable replacement housing rent is greater than the existing unit rent, then the applicant shall pay the differential up to a maximum of one hundred dollars ($100.00) for up to six (6) months.

I. Tenants Not Eligible for Moving Expenses. After filing application to convert, all new tenants shall be informed in writing of such, and shall not be eligible for moving expenses.

J. Coercion of Tenants by the Applicant. No conversion shall be approved if the applicant has engaged in retaliatory action regarding the tenants in order to coerce them into supporting the application for conversion. (Prior code Appx. A, § 7.2-37)

17.22.370 Conversions to commercial/ industrial -- General design standards.

The project shall comply with Section 17.22.130. Additionally, a minimum of two parking spaces per unit shall be required. Each unit shall have its own electric meter and shut-off system, and the same shall apply to gas when it is possible. No condominium or planned unit development project may be occupied until a temporary or permanent certificate of occupancy is issued by the building department. An occupancy certificate shall not be issued until all the requirements of Sections 17.22.310 through 17.22.390 are satisfied. Meter and shut-off system requirement is to be met within sixty (60) days of closing of escrow of each unit. (Prior code Appx. A, § 7.2-38)

17.22.380 Conversions to commercial/ industrial--Covenants, conditions and restrictions.

The project shall conform with Section 17.22.120 and where residential units are included in a commercial planned development, the project shall conform with Section 17.22.220. (Prior code Appx. A, § 7.2-39)

17.22.390 Conversions to commercial/ industrial -- Approval of final map -- Affidavit -- Grounds for denial -- Required findings for approval.

All commercial/industrial condominium conversions shall meet the requirements of Sections 17.22.250 through 17.22.280 and 17.22.300 (with the exception of subsections (E) and (F). (Prior code Appx. A, § 7.2-40)

minor children in school shall be given at least an additional six months in which to find suitable replacement housing. If the comparable replacement housing rent is greater than the existing unit rent, then the applicant shall pay the differential up to a maximum of one hundred dollars ($100.00) for up to six (6) months.

I. Tenants Not Eligible for Moving Expenses. After filing application to convert, all new tenants shall be informed in writing of such, and shall not be eligible for moving expenses.

J. Coercion of Tenants by the Applicant. No conversion shall be approved if the applicant has engaged in retaliatory action regarding the tenants in order to coerce them into supporting the application for conversion. (Prior code Appx. A, § 7.2-37)

17.22.370 Conversions to commercial/ industrial--General design standards.

The project shall comply with Section 17.22.130. Additionally, a minimum of two parking spaces per unit shall be required. Each unit shall have its own electric meter and shut-off system, and the same shall apply to gas when it is possible. No condominium or planned unit development project may be occupied until a temporary or permanent certificate of occupancy is issued by the building department. An occupancy certificate shall not be issued until all the requirements of Sections 17.22.310 through 17.22.390 are satisfied. Meter and shut-off system requirement is to be met within sixty (60) days of closing of escrow of each unit. (Prior code Appx. A, § 7.2-38)

17.22.380 Conversions to commercial/ industrial--Covenants, conditions and restrictions.

The project shall conform with Section 17.22.120 and where residential units are included in a commercial planned development, the project shall conform with Section 17.22.220. (Prior code Appx. A, § 7.2-39)

17.22.390 Conversions to commercial/ industrial--Approval of final map--Affidavit--Grounds for denial--Required findings for approval.

All commercial/industrial condominium conversions shall meet the requirements of Sections 17.22.250 through 17.22.280 and 17.22.300 (with the exception of subsections (E) and (F). (Prior code Appx. A, § 7.2-40)

Chapter 17.24

RPD RESIDENTIAL PLANNED DEVELOPMENT

Sections:

17.24.010 Purpose and intent.
17.24.020 Permitted uses.
17.24.030 Manner of approval.
17.24.040 Preliminary development plan.
17.24.050 Final development plan.
17.24.060 Commission decision.
17.24.070 Final approval by city council.
17.24.080 Permits issued.
17.24.090 Appeal.
17.24.100 Term of residential planned development.

17.24.010 Purpose and intent.

The intent of this chapter is to provide greater variety and flexibility in land development for the most appropriate use of land through special methods of development in residential zones without creating an unreasonable imposition on existing or planned land uses in and around the neighborhood concerned. It is the further intent of this chapter to provide that a general statement of modified development criteria is to be made at the time of mapping any residential planned development, to provide guidance for property owners and developers in submitting proposed plans for approval.

The residential planned development may be permitted in any residential zone in accordance with the provisions of this chapter. The property owner at all times has the right to develop property in accordance with the then existing zone, or the property owner may utilize the flexibility in the development of land through this residential planned development procedure.

Notwithstanding the use of the residential planned development procedure, the property owner shall be required to comply with all applicable state law and local ordinances, such as environmental impact report requirements and the requirements of the California Coastal Zone Conservation Act of 1972.) (Prior code Appx. A, § 7.5)

17.24.020 Permitted uses.

A. Single-Family Residential Planned Development (R-1PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the single-family residential zone (R-1):

a. Condominium.

2. Total floor area shall not exceed fifty (50) percent of the lot area.

3. Yard Requirements.

a. Open space (as defined in Section 17.04.040), and which includes that portion of land area set aside for open space must be at least thirty-five (35) percent of the lot.

b. Recreation space (as defined in Section 17.04.040), must be at least ten percent of lot area.

B. Two-Family Residential Planned Development (R-2PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the two-family residential zone (R-2):

a. Condominium;

b. Condominium units on parcels in excess of five thousand (5,000) square feet of lot area;

c. Separate dwellings on one lot where adequate permanent mutual access to front and rear of lot is provided for each dwelling;

d. Apartment buildings not exceeding six units per building on lots or parcels in excess of four thousand (4,000) square feet.

2. Total floor area shall not exceed eighty-five (85) percent of the lot area.

3. Yard Requirements:

a. Open space (as defined in Section 17.04.040), which includes that portion of land area set aside for recreation space and livability space, must be at least thirty-five (35) percent of the lot area.

b. Recreation space as defined in Section 17.04.040, must be at least ten percent of lot area, but not-less than two hundred (200) square feet per unit.

C. Multiple-Family Residential Planned Development (R-3PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the multiple-family residential zone (R-3):

a. Single-family dwellings on half lots fronting on alleys where a specific plan for widening said alley to at least twenty-five (25) feet and landscaping same has been adopted;

b. Condominiums or the conversion of multiple dwellings to condominiums on parcels in excess of five thousand (5,000) square feet of lot area, where:

i. The maximum density does not exceed the general plan density of dwelling units per acre,

ii. The minimum dwelling unit size is one thousand (1,000) square feet,

iii. No tandem parking is provided for project of four units or more,

iv. One visitor off-street parking space is provided for each six units,

v. Twenty-five (25) percent of the required recreation space is at ground level;

c. Condominiums.

2. Total floor area shall not exceed one hundred twenty-five (125) percent of the lot area.

3. Yard Requirements:

a. Open space (as defined in Section 17.04.040), which includes that portion of land area set aside for recreation space and livability space, must be at least thirty-five (35) percent of the lot area.

b. Recreation space (as defined in Section 17.04.040), must be at least ten percent of the lot area, or two hundred (200) square feet per dwelling unit.

D. Off-Street Parking. Two spaces shall be provided for each dwelling unit.

E. Density. Dwelling unit density shall not exceed general plan designation for the property in question.

F. Under a residential planned development, the following may be required:

1. Permanent irrigation facilities in all landscaped areas;

2. Access to public streets may be limited where vehicular and pedestrian safety so indicate;

3. Reasonable limitations upon the size, length, width and bulk of structures may be imposed in order to protect topographical assets or enhance the residential planned development;

4. Size of parking spaces may be varied where development warrants. (Prior code Appx. A, § 7.5-3)

17.24.030 Manner of approval.

Residential planned developments may be permitted in any residential zone when a conditional use permit for each such development is granted as provided in Chapter 17.56, as amended.

A. General Requirements. Unless the planning commission shall specifically waive or modify the requirement, an applicant for a residential planned development shall prepare and submit for its consideration a preliminary development plan as a part of his application. The final development plan as set forth below shall be in substantial conformity with the preliminary development plan and any amendments thereto. The planning commission may refer the preliminary development plan to committee for review and recommendation.

B. Permits. No permits shall be issued for the construction, erection or moving in of any building or structure, nor for grading other than of a general nature, nor for any use of land for which a land use permit is required by zoning regulations, except in conformance with the final development plan as approved by the planning commission.

Exception. Developments may be permitted without prior approval of a final development plan if such developments are in full conformity with the most restrictive requirements of the zone in which the subject development is located. (Prior code Appx. A, § 7.5-4)

17.24.040 Preliminary development plan.

A. The preliminary development plan shall consist of the following, submitted in eight copies:

1. A plot plan of the proposed development, showing:

a. The boundaries of property,

b. Topography,

c. Approximate ground floor area and location of all buildings, and

d. General circulation pattern;

2. A statement as to the architectural design and building heights proposed;

3. Statistical information, including the following:

a. Acreage or square footage in the property,

b. Floor area ratio, open space, and recreation space,

c. Number, size and type of dwelling units,

d. Occupant car ratio and total car ratio,

e. A schedule for development, including a construction sequence for the land covered by the residential planned development, showing the order in which particular structures will be constructed,

f. Any other related information reasonably necessary to enable the planning commission to make appropriate findings;

4. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development.

B. Approval in principle of the preliminary development plan means that the land uses proposed and their interrelationship are generally acceptable. Approval is not an endorsement of precise location or extent of uses, or of engineering feasibility. Planning commission may not approve the preliminary development plan unless it finds that:

1. The preliminary development plan conforms to the general plan;

2. The character of the proposed development will enhance the surrounding neighborhood and is desirable and will promote stability;

3. Sufficient driveway widths are provided for traffic flow and maneuverability;

4. The development will not impose a burden on access traffic facilities, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed development;

5. Adequate provision has been made for maintenance of areas of parking, open space, landscaping and recreational facilities consistent with the anticipated population of the development;

6. The proposed development is not out of harmony with its surrounding neighborhood;

7. Provision has been made to provide adequate ingress and egress for fire-fighting equipment.

If a revised preliminary development plan is presented, it shall be processed in the same manner as the original plan or plans were processed. When approved, such revised preliminary development plan shall automatically supersede any previously approved preliminary development plan. (Prior code Appx. A, § 7.5-5)

17.24.050 Final development plan.

If the planning commission chooses to require significant modification before final approval, a final development plan may be required. Eight copies of a final development plan shall be submitted to the planning department, one copy of which shall be filed as a permanent record in the office of the planning department. The final development plan shall be subject to at least one public hearing with notice provided as prescribed in Chapter 17.68, as amended, and shall include:

A. A plot of the proposed residential planned development, drawn to appropriate scale, showing:

1. The boundaries of the subject property, topography, and a proposed grading plan,

2. The width, location and names of all surrounding streets,

3. The location, dimensions and uses of each existing structure on adjacent properties within fifty (50) feet of the boundary lines of the subject property,

4. The location of each existing proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building and floor areas, approximate location of entrances thereof,

5. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development,

6. Location and design of vehicle parking areas, including size and number of stalls and internal circulation pattern,

7. All streets, curb cuts, driving lanes and illumination facilities for same,

8. All pedestrian walks and open areas for the use of occupants and members of the public, and

9. Types of surfacing such as paving, turfing or gravel, to be used at various locations;

B. Schematic drawings and renderings to scale showing the architectural design of buildings and structures proposed to be constructed;

C. Statistical information updated;

D. Such information in revised form as was submitted with the preliminary development plan but has been changed with the approval of the planning commission;

E. Any appropriate additional drawings or information as may be required by the planning commission. (Prior code Appx. A, § 7.5-6)

17.24.060 Commission decision.

Within four weeks after receipt of the final development plan, the planning commission shall consider said plan and shall approve, conditionally approve or disapprove the final development plan within a reasonable time thereafter.

The planning commission may impose those conditions which it considers necessary to protect the best interest of the city and to assure compliance with the general plan. The planning commission may require the conservation of open spaces or the dedication of scenic easements, Or both if the commission is of the opinion that either or both of these requirements will be necessary to insure the permanence of areas designated as open space.

No approval shall be given to a final development plan unless the planning commission specifically finds that such plan is in substantial conformity with the approved preliminary development plan.

When the commission's action is to approve a residential planned development, the commission shall, within ten days from the date of such action, forward to the city council a copy of said resolution, together with the complete file in the case. (Prior code Appx. A, § 7.5-7)

17.24.070 Final approval by city council.

Procedures for final approval by the city council shall generally be those set forth in Sections 17.66.110 through 17.66.140, as amended, pertaining to recommendations by the planning commission. (Prior code Appx. A, § 7.5-8)

17.24.080 Permits issued.

Upon final approval of the residential planned development by the city council, permits may be issued for grading, uses, buildings, and structures which are in substantial conformity with the approved final development plan and the conditions imposed, if any. Substantial conformity shall be determined by the planning commission. (Prior code Appx. A, § 7.5-9)

17.24.090 Appeal.

Any person may appeal the decision of the planning commission on any matter connected with the statement of development criteria, the preliminary development plan, or the final development plan, through procedures set forth in Chapters 17.54 through 17.58 as amended. (Prior code Appx. A, § 7.5-10)

17.24.100 Term of residential planned development.

If within six months after the final approval of the residential planned development the construction set forth therein is not begun, the residential planned development becomes null and void. The planning commission may extend the time to start construction upon a showing of good cause. (Prior code Appx. A, § 7.5-11)

Chapter 17.26

C-1, 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	
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	

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

USE	C-1	C-2	C-3	See Section
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	
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	
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

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

USE	C-1	C-2	C-3	See Section
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	
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; one or more apartments may be built above a commercial building	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	

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

USE	C-1	C-2	C-3	See Section
Wedding chapel, commercial	-	-	P	
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. 97-1174 § 1, 08/12/97; Ord. 96-1157 § 1 , 05/28/96: Ord. 95-1130 § 2, 1995: Ord. 94-1118 § 1, 1995: prior code Appx. A, § 8-3)

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
Temporary Uses				
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. 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.

I. 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. 94-1115 § 1, 1994; Ord. 94-1100 § 2, 1994; prior code Appx. A, § 8-5)

Chapter 17.28

M-1 LIGHT MANUFACTURING ZONE

Sections:

17.28.010 **Specific Purposes.**
17.28.020 **Permitted Uses.**
17.28.025 **Similar Use Permitted.**
17.28.030 **Standards and Limitations.**

17.28.010. Specific Purposes.

In addition to the general purposes listed in Chapter 17.02 the specific purposes of the Light Manufacturing zone is to:

A. Provide appropriately located areas consistent with the General Plan for a range of light manufacturing and warehousing, distribution uses and certain appropriate service commercial uses.

B. Strengthen the city's economic base and employment base, but also protect existing small businesses that serve and employ city residents.

C. Create and maintain suitable environments for various types of manufacturing and compatible uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of development in the M-1 zone on adjacent residential districts.

E. Ensure that the appearance and effects of manufacturing and commercial buildings in the M-1 zone are harmonious with the character of the area in which they are located.

F. Ensure the provision of adequate off-street parking and loading facilities. (Ord. 99-1193 §4 (part); 09/14/99; Prior code Appx. A, §9-1)

17.28.020 Permitted Uses.

In the following matrix, the letter "P" designates use classifications permitted and the letter "U" designates use classifications permitted by approval of a Conditional Use Permit. Use classifications not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

(See matrix on page three)

17.28.025. Similar Use Permitted.

When a use is not specifically listed in this Chapter, it shall be understood that the use may be permitted if it is determined by the Community Development Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Article, and anticipating that new uses will evolve over time, this Section establishes the Community Development Director with the authority to compare a proposed use and measure it against those listed for determining similarity subject to confirmation by the City Council.

In determining 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;

D. The proposed use shall share characteristics common with, and not be of greater intensity, density or environmental impact, than those uses listed in the zone in which it is to be located; and,

E. The determination that the proposed use is similar must be confirmed by the City Council. (Ord. 99-1193 §4 (part); 09/14/99)

17.28.030 Standards and limitations.

Every use permitted, or maintained in the M-1 zone shall be subject to the following:

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

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

1. Outdoor uses permitted by conditional use permit as stated in the permitted use list;
2. Commercial parking lots;
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 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 shall be substantially screened from pubic visibility, public streets, parks or other public places and property.

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

D. Building Height. Any building may have a maximum of thirty-five (35) feet in height and have a maximum of two stories. Oil and gas operations may exceed this height for a temporary period of time and to a height as set forth in an approved conditional use permit pursuant to Ordinance No. 85-803.

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

F. Alley Setback. Any building located on an alley shall maintain a distance of not less than three feet from such alley.

G. Rear and Side Yard Setback Adjacent to Residential Zones. A minimum rear and/or side yard setback of eight feet shall be provided, and 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 M-1 zone from the residential zone.

H. 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. (Prior code Appx. A, § 9-3)

M-1 ZONE, LAND USE REGULATIONS

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

USE		See Section
Administrative offices accessory to a primary permitted use (listed below), not exceeding twenty-five percent of the gross floor area	P	
Artist studio	P	
Audio/Visual recording studio	P	
Motor Vehicle and equipment service:		
• General repair, service, installation of parts and accessories	U	Chapter 17.40
• Body repair and painting	U	Chapter 17.40
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials: Coated, plated and engraved metal products Diecut paper, paperboard, cardboard Machinery Equipment and supplies Surfboards	U	Chapter 17.40
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials Apparel Audio/Visual products Awnings Bakery Products Communications Equipment Confectionery and related products Electronic components, computers, and accessories Electric lighting and wiring equipment Stone and cut stone products Furniture and fixtures Glass products Household tools and hardware Jewelry, silverware, and plated ware Luggage Motor vehicle parts and accessories Musical instruments and parts Office and household machines and appliances Office products	P	

USE		See Section
Paperboard containers and boxes Pharmaceutical Products Photographic and optical goods, watches and clocks Hardware, plumbing, heating equipment and supplies Pottery and related products Professional, scientific and controlling instruments Toys, amusements, sporting and athletic goods (excluding surfboards) Wooden containers		
Wholesale distribution of the products and materials listed above, and including the following: Packaged groceries and related products	P	
Warehousing	P	

(Ord. 99-1193 §4 (part); 09/14/99

Chapter 17.32

O-S-1 RESTRICTED OPEN SPACE ZONE

Sections:

17.32.010 Intent and purpose.
17.32.020 Permitted uses.
17.32.030 Permitted improvements.
17.32.040 Area designated.
17.32.050 Presence of dogs restricted.

17.32.010 Intent and purpose.

The O-S-1 zone is intended to restrict further the use of certain designated open space to assure permanent open space in and for public parks and recreation area. (Prior code Appx. A, § 9.51-1)

17.32.020 Permitted uses.

Those uses permitted in the O-S zone, except that no structure, building or improvement shall be developed, constructed or erected unless specifically authorized as a permitted improvement herein. (Prior code Appx. A, § 9.51-2)

17.32.030 Permitted improvements.

Improvements permitted in the O-S-1 zone shall be as follows:

A. Only nonbuilding public improvements relating to landscaping, beautification, erosion control and irrigation improvements by the city which are consistent with or necessary to maintain and assure permanent open space in and for public parks and recreation purposes or relating to anti-seawater intrusion wells as an existing use;

B. Improvements to only those two existing parking areas located within the greenbelt area across from Clark Stadium and City Hall consistent with or necessary to maintain and assure designated parking spaces, without expanding the existing parking area. Such improvements shall be of a nature and material designed to enhance and preserve the existing natural landscape. (Prior code Appx. A, § 9.51-3)

17.32.040 Area designated.

The greenbelt area shall be designated and zoned O-S-1. (Prior code Appx. A, § 9.51-4)

17.32.050 Presence of dogs restricted.

It is unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to be within the greenbelt area unless such dog be restrained by a substantial leash or chain and be in the charge, care, custody or control of competent person, all pursuant to Section 6.08.020 or as said section of the code may be amended from time to time consistent with the terms herein. (Prior code Appx. A, § 9.51-5)

Chapter 17.34

O-S-2 RESTRICTED OPEN SPACE ZONE

Sections:

17.34.010 Intent and purpose.
17.34.020 Permitted uses.
17.34.030 Permitted improvements.

17.34.010 Intent and purpose.

The O-S-2 zone is intended to restrict further the use of certain designated open space to assure permanent open space for public park purposes. (Prior code Appx. A, § 9.52-1)

17.34.020 Permitted uses.

A public park: with landscaping, beautification, grass, trees, flowers, plants and other uses if specifically authorized as a permitted improvement in this chapter. (Prior code Appx. A, § 9.52-2)

17.34.030 Permitted improvements.

Improvements in the O-S-2 zone shall be as follows:

A. Only non-building public improvements relating to landscaping, beautification: grass, trees, flowers, plants, soil, unobtrusive park lighting, some benches to view the ocean, existing public utilities, one flag pole for the American Flag, and erosion and irrigation improvements to assure permanent open space for park purposes shall be permitted.

B. No buildings, malls, plazas or structures, temporary or permanent in nature, shall be built, developed, constructed or erected on the Biltmore Site.

C. Softscape shall include grass, trees, plants, soil, flowers and shall be artistically designed to cover all of the Biltmore Site.

D. The use and improvements to the park are to ensure a natural, peaceful, serene and safe environment to improve and enhance the quality of life of Hermosa Beach. (Prior code Appx. A, § 9.52-3)

Chapter 17.36

OS-O OPEN SPACE OVERLAY ZONE

Sections:

17.36.010 Intent and purpose.
17.36.020 Permitted uses.
17.36.030 Use and development standards.
17.36.040 Waiver.

17.36.010 Intent and purpose.

The OS-O zone is intended to limit the intensity of use of areas beyond limitations prescribed by the primary, or underlying zoning. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-1)

17.36.020 Permitted uses.

A. Only the following uses shall be permitted:

1. Landscaping (hardscape/softscape);
2. Open vehicle and motorcycle parking (In designated areas per Section 17.36.030;
3. Walls and fences;
4. Barbecue/fire pits;
5. Bird baths;
6. Lighting;
7. Ponds;
8. Table/chairs;
9. Decks;
10. Fountains.

B. Prohibited uses:

1. Spas;
2. Swimming pools;
3. Furniture designed for indoors use;
4. Storage of any type;
5. Sheds;
6. Parking/storage of (a) Nonregistered or expired registered vehicles; (b) commercial trucks; (c) motorhomes; (d) trailers; (e) boats; (f) campers, off of vehicles. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-2)

17.36.030 Use and development standards.

A. Landscaping. Landscaping shall be limited in height to a maximum of thirty-six (36) inches.

B. Fences/Walls.

1. A permanent barrier, between the parking area, and the remaining area shall be installed and maintained in good condition.

a. Existing barrier walls may be deemed in compliance with this chapter by the city council.

b. Barrier walls shall be a maximum of thirty-six (36) inches in height, and a minimum of twenty-four (24) inches in height, and a maximum of forty (40) feet from the rear property line.

c. Barrier walls shall be of a solid material, permanent in nature, and nonmovable; chain link, chains, fencing on hinges, and removable metal poles are prohibited.

2. Perimeter fences/walls may be installed, and shall comply with all provisions of Section 17.46.110 pertaining to fencing, except that no fence shall be over thirty-six (36) inches in height.

C. Structures.

1. Decks shall have a maximum height of twelve (12) inches and all other permitted structures shall have a maximum height of thirty-six (36) inches, except tables and chairs which may be of standard height.

2. Ponds shall not exceed one and one-half feet in depth, and/or a diameter of ten feet.

D. Primary Zone. The portion of a lot with OS-O zoning shall not be used for calculation of allowable lot coverage, density, setbacks, open space and/or guest parking for development of the total lot.

E. Parking Areas.

1. Parking areas shall be paved and maintained in good condition and governed by 17.44.090(F).

2. Vehicular access shall be prohibited from walk-streets, except in locations leading to legally permitted enclosed parking. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-3)

17.36.040 Waiver.

At the time any public right-of-way is considered

for vacation and the OS-O overlay zone is proposed, the city council may waive by resolution any OS-O use and development standard(s), if a hardship finding can be made. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-4)

Chapter 17.36

OS-O OPEN SPACE OVERLAY ZONE

Sections:

17.36.010 Intent and purpose.
17.36.020 Permitted uses.
17.36.030 Use and development standards.
17.36.040 Waiver.

17.36.010 Intent and purpose.

The OS-O zone is intended to limit the intensity of use of areas beyond limitations prescribed by the primary, or underlying zoning. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-1)

17.36.020 Permitted uses.

A. Only the following uses shall be permitted:

1. Landscaping (hardscape/softscape);
2. Open vehicle and motorcycle parking (In designated areas per Section 17.36.030;
3. Walls and fences;
4. Barbecue/fire pits;
5. Bird baths;
6. Lighting;
7. Ponds;
8. Table/chairs;
9. Decks;
10. Fountains.

B. Prohibited uses:

1. Spas;
2. Swimming pools;
3. Furniture designed for indoors use;
4. Storage of any type;
5. Sheds;
6. Parking/storage of (a) Nonregistered or expired registered vehicles; (b) commercial trucks; (c) motorhomes; (d) trailers; (e) boats; (f) campers, off of vehicles. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-2)

17.36.030 Use and development standards.

A. Landscaping. Landscaping shall be limited in height to a maximum of thirty-six (36) inches.

B. Fences/Walls.

1. A permanent barrier, between the parking area, and the remaining area shall be installed and maintained in good condition.

a. Existing barrier walls may be deemed in compliance with this chapter by the city council.

b. Barrier walls shall be a maximum of thirty-six (36) inches in height, and a minimum of twenty-four (24) inches in height, and a maximum of forty (40) feet from the rear property line.

c. Barrier walls shall be of a solid material, permanent in nature, and nonmovable; chain link, chains, fencing on hinges, and removable metal poles are prohibited.

2. Perimeter fences/walls may be installed, and shall comply with all provisions of Section 17.46.110 pertaining to fencing, except that no fence shall be over thirty-six (36) inches in height.

C. Structures.

1. Decks shall have a maximum height of twelve (12) inches and all other permitted structures shall have a maximum height of thirty-six (36) inches, except tables and chairs which may be of standard height.

2. Ponds shall not exceed one and one-half feet in depth, and/or a diameter of ten feet.

D. Primary Zone. The portion of a lot with OS-O zoning shall not be used for calculation of allowable lot coverage, density, setbacks, open space and/or guest parking for development of the total lot.

E. Parking Areas.

1. Parking areas shall be paved and maintained in good condition and governed by 17.44.090(F).

2. Vehicular access shall be prohibited from walk-streets, except in locations leading to legally permitted enclosed parking. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-3)

17.36.040 Waiver.

At the time any public right-of-way is considered

for vacation and the OS-O overlay zone is proposed, the city council may waive by resolution any OS-O use and development standard(s), if a hardship finding can be made. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-4)

Chapter 17.38

SPECIFIC PLAN AREAS

Sections:

17.38.010 Plan Area No. 2--Authority.
17.38.020 Plan Area No. 2--Location and description.
17.38.030 Plan Area No. 2--Purpose.
17.38.040 Plan Area No. 2--Permitted uses and density.
17.38.050 Plan Area No. 2--Development standards.
17.38.060 Plan Area No. 3--Authority.
17.38.070 Plan Area No. 3--Location and description.
17.38.080 Plan Area No. 3--Purpose.
17.38.090 Plan Area No. 3--Permitted uses.
17.38.100 Plan Area No. 3--Development standards.
17.38.110 Plan Area No. 4--Authority.
17.38.120 Plan Area No. 4--Location and description.
17.38.130 Plan Area No. 4--Purpose.
17.38.140 Plan Area No. 4--Permitted uses.
17.38.150 Plan Area No. 4--Development standards.
17.38.160 Plan Area No. 4--Development requirements.
17.38.170 Plan Area No. 5--Authority.
17.38.180 Plan Area No. 5--Location and description.
17.38.190 Plan Area No. 5--Purpose.
17.38.200 Plan Area No. 5--Permitted uses.
17.38.210 Plan Area No. 5--Development standards.
17.38.220 Plan Area No. 6--Authority.
17.38.230 Plan Area No. 6--Location and description.
17.38.240 Plan Area No. 6--Purpose.
17.38.250 Plan Area No. 6--Permitted uses.
17.38.260 Plan Area No. 6--Development standards.
17.38.270 Plan Area No. 7--Authority.
17.38.280 Plan Area No. 7--Location and description.
17.38.290 Plan Area No. 7--Purpose.
17.38.300 Plan Area No. 7--Permitted uses.
17.38.310 Plan Area No. 7--Residential development standards.
17.38.320 Plan Area No. 7--Commercial development standards.
17.38.330 Plan Area No. 7--Precise development plan.
17.38.340 Plan Area No. 8--Authority.
17.38.350 Plan Area No. 8--Location and description.
17.38.360 Plan Area No. 8--Purpose.
17.38.370 Plan Area No. 8--Permitted uses.
17.38.380 Plan Area No. 8--Residential development standards.
17.38.390 Plan Area No. 8--Commercial development standards.
17.38.400 Plan Area No. 8--Precise development plan.
17.38.410 Plan Area No. 9--Authority.
17.38.420 Plan Area No. 9--Location and description.
17.38.430 Plan Area No. 9--Purpose.
17.38.440 Plan Area No. 9--Permitted uses.
17.38.450 Plan Area No. 9--Development standards.

17.38.010 Plan Area No. 2--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California Planning and Zoning Law (California Government Code Section 65450 et seq.). (Prior code Appx. A, § 9.62-1)

17.38.020 Plan Area No. 2--Location and description.

The subject area is located between Barney Court and Meyer Court from the south city boundary, to the rear of the lots fronting on Second Street. (Prior code Appx. A, § 9.62-2)

17.38.030 Plan Area No. 2--Purpose.

The purpose of the specific plan area is to set forth the development requirements, standards and permitted uses for the subject area. (Prior code Appx. A, § 9.62-3)

17.38.040 Plan Area No. 2--Permitted uses and density.

A. Any use permitted in the R-1 (one-family) residential zone;

B. Two units on a lot provided the units are detached;

C. The minimum lot area per dwelling unit shall be not less than two thousand (2,000) square feet. (Prior code Appx. A, § 9.62-4)

17.38.050 Plan Area No. 2--Development standards.

A. A minimum of three off-street parking spaces shall be provided for each dwelling unit.

B. Lot coverage shall not exceed fifty (50) percent.

C. Lots with two street frontages shall have a unit facing each street.

D. The maximum height shall be twenty-five (25) feet with a maximum of two stories.

E. All other development standards shall be as set forth in Chapter 17.08, R-1 Single-Family Residential Zone.

F. All other standards shall be as set forth in the city zoning ordinance. (Prior code Appx. A, § 9.62-5)

17.38.060 Plan Area No. 3--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.63-1)

17.38.070 Plan Area No. 3--Location and description.

The subject property is fronting on First Street and First Place and is generally known as 603 First Street. The property consists of four lots, and has a total area of twenty-six thousand three hundred nineteen (26,319) square feet. Refer to map on file and available for inspection in the office of the planning director and the city clerk. (Prior code Appx. A, § 9.63-2)

17.38.080 Plan Area No. 3--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.63-3)

17.38.090 Plan Area No. 3--Permitted uses.

The permitted use shall consist of a maximum of eleven dwelling units. (Prior code Appx. A, § 9.63-4)

17.38.100 Plan Area No. 3--Development standards.

A. Parking dimensions shall comply with Chapter 17.44, and a minimum of two parking spaces per unit plus one additional guest space shall be provided per dwelling unit.

B. A minimum ten-foot building setback shall be provided along all property lines abutting a public street.

C. The lot coverage required for the specific plan area shall not exceed thirty-two and six-tenths (32.6) percent.

D. All other standards including but not limited to open space, placement of building, setbacks other than noted above, and building height shall be governed by the Chapter 17.12, R-2 Two-Family Residential Zone, and Chapter 17.22, Condominiums, Stock Cooperative and Community Apartments.

E. Any residential use shall be subject to an approval of a conditional use permit. (Prior code Appx. A, § 9.63-5)

17.38.110 Plan Area No. 4--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law. (California Government Code Section 65450 et seq.) (Prior code Appx. A, § 9.64-1)

17.38.120 Plan Area No. 4--Location and description.

The subject property is fronting on 1st Street and has a side property line adjacent to the Ardmore Avenue public right-of-way. The site is twenty-four thousand two hundred fifty-one (24,251) square feet. The property is commonly known as 540 1st Street and is legally described aa a portion of Lot 42, Block 78, Second Addition to Hermosa Beach Tract. (Prior code Appx. A, § 9.64-2)

17.38.130 Plan Area No. 4--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.64-3)

17.38.140 Plan Area No. 4--Permitted uses.

The specific plan area shall allow for a maximum of ten dwelling units. (Prior code Appx. A, § 9.64-4)

17.38.150 Plan Area No. 4--Development standards.

The development standards shall be similar to development standards for the R-2 zone with the following modifications:

A. One guest parking space shall be provided per unit.

B. A maximum of ten dwelling units shall be permitted.

C. A minimum ten-foot setback shall be provided on 1st Street.

D. The lot coverage required for the specific plan area shall not exceed thirty-two (32) percent of the overall area. (Prior code Appx. A, § 9.64-5)

17.38.160 Plan Area No. 4--Development requirements.

Any residential use shall be subject to approval of a conditional use permit. (Prior code Appx. A, § 9.64-6)

17.38.170 Plan Area No. 5--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.65-1)

17.38.180 Plan Area No. 5--Location and description.

The subject property is fronting on 21st Street and generally known as 731, 737 and 739 21st Street. The property contains three lots, and has a total of twenty thousand six hundred five (20,605) square feet. Refer to the map attached to Ordinance No. 89-1009. (Prior code Appx. A, § 9.65-2)

17.38.190 Plan Area No. 5--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.65-3)

17.38.200 Plan Area No. 5--Permitted uses.

The permitted use shall consist of a maximum of eight attached or detached residential dwelling units. (Prior code Appx. A, § 9.65-4)

17.38.210 Plan Area No. 5--Development standards.

A. The maximum lot coverage shall not exceed thirty-five (35) percent.

B. A minimum of three parking spaces shall be required for each dwelling unit.

C. All other standards, including but not limited to open space, placement of buildings, setbacks, building height and parking, shall be governed by the zoning ordinance, Chapter 17.12, R-2 Two-Family Residential Zone, Chapter 17.22, Condominiums, Stock Cooperatives and Community Apartments, and Chapter 17.44, Off-Street Parking. (Prior code Appx. A, § 9.65-5)

17.38.220 Plan Area No. 6--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.66-1)

17.38.230 Plan Area No. 6--Location and description.

The subject property is fronting on Pacific Coast Highway and is generally known as a portion of 1845 Pacific Coast Highway. The property consists of one lot, and has a total of thirty-seven thousand one hundred fifty-five (37,155) square feet. Refer to map attached to Ordinance No. 89-1012. (Prior code Appx. A, § 9.66-2)

17.38.240 Plan Area No. 6--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property, and to ensure development of the subject property in a manner compatible with the adjacent residential property located to the west. (Prior code Appx. A, § 9.66-3)

17.38.250 Plan Area No. 6--Permitted uses.

The permitted uses shall be as follows:

A. Attached and/or detached multifamily dwelling units, with a maximum density of thirty-three (33) units per acre, if approved by a conditional use permit subject to the provisions of Chapter 17.40;

B. Multiple dwelling units designed for, and limited to occupancy for senior citizens, with no maximum density, if approved by a conditional use permit subject to the provisions of Chapter 17.40; and if consistent with the general plan;

C. Service commercial uses subordinate and secondary to the primary use as a senior citizen housing project, designed primarily for use by residents and guests of the project, if approved by a conditional use permit. (Prior code Appx. A, § 9.66-4)

17.38.260 Plan Area No. 6--Development standards.

A. All standards, including but not limited to open space, placement of buildings, setbacks, building height, and parking, shall be governed by Chapter 17.16, R-3 Multiple-Family Residential Zone, Chapter 17.22, Condominiums, Stock Cooperatives and Community Apartments, and Chapter 17.44, Off-Street Parking.

B. The planning commission may require conditions more restrictive than the above standards to address parking, setbacks, landscaping, architectural design, density and any other project characteristic to ensure the compatibility of a project with its surroundings, and to protect the health, safety and welfare of the citizens of Hermosa Beach.

C. The planning commission may waive requirements pertaining to density and parking only for a senior citizen housing project, designed for and limited to occupancy for senior citizens. (Prior code Appx. A, § 9.66-5)

17.38.270 Plan Area No. 7--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Section 65450 et seq.) (Prior code Appx. A, § 9.67-1)

17.38.280 Plan Area No. 7--Location and description.

The subject area is located on the east and west sides of Pacific Coast Highway and is designated as commercial corridor on the official general plan map. (Prior code Appx. A, § 9.67-2)

17.38.290 Plan Area No. 7--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area, and to carry out the policies of the commercial corridor general plan area as stated in the land use element of the general plan. (Prior code Appx. A, § 9.67-3)

17.38.300 Plan Area No. 7--Permitted uses.

A. Commercial permitted uses shall be the same as those permitted in C-3 general commercial zone as contained in Section 17.26.040, and nonconforming uses shall be subject to the provisions of Chapter 17.52.

B. A property being exclusively used for residential purposes at the date of the adoption of the ordinance codified in this chapter shall be permitted to be continued as a residential use, maintaining its conforming status, and may be remodeled or redeveloped as a residential use as long as the density (number of dwelling units) is not increased.

C. Residentially developed properties or vacant properties can only be converted to commercial uses if the property fronts on Pacific Coast Highway or is an assemblage of properties which front on Pacific Coast Highway.

D. Properties with existing commercial uses or other than residential uses which do not front on Pacific Coast Highway may be used commercially, expanded, and/or remodeled, if the existing access is maintained.

E. Any residential use which shares a lot or parcel with a commercial use shall be considered a nonconforming use and subject to Chapter 17.52. (Prior code Appx. A, § 9.67-4)

17.38.310 Plan Area No. 7--Residential development standards.

A. In respect to height, yard, setback, open space and dimensional requirements, any residential project whether new or a remodel of an existing structure shall be subject to the provisions contained in the zoning ordinance of the city, depending on the applicable zoning district. The applicable residential zoning district shall be determined based on the nearest residential zoning district on the same block. (Prior code Appx. A, § 9.67-5)

17.38.320 Plan Area No. 7--Commercial development standards.

A. Purpose and Intent. The standards and guidelines are designed to protect the health, safety and welfare of the citizens of Hermosa Beach and to encourage the development of high quality commercial development along Pacific Coast Highway in respect to its impact on residential projects, environmental impacts, circulation and appearance.

B. Standards. Two sets of standards apply in this specific plan area, first tier and second tier. Compliance with first tier standards allows the project to proceed with a building permit. If a project goes beyond any of the first tier standards the procedure for submittal and approval of a precise development plan shall be followed. Developments must be in compliance with second tier standards at all times.

Project sponsors are encouraged to discuss preliminary plans of proposed projects with the planning department before making any formal applications for building permits or precise development plans.

	First Tier Maximum/ Minimum Requirements	**Second Tier Maximum/ Minimum Requirements**
1. Maximum height:		
East of P.C.H.	30 feet	35 feet
West of P.C.H.	30 feet	35 feet
2. Bulk	Max. 1.0 F.A.R.*	none

*Gross floor area/lot area ratio (excludes parking structures).

3. Maximum size:	10,000 sq. ft. gross floor area	none
4. Minimum landscape coverage:	5% of lot area	2% of lot area

(The required landscape buffer between commercial and residential zones shall not be included in this calculation.)

C. Requirements. The following requirements apply to all proposed projects.

1. Landscaping Specifications.

a. A minimum three-foot wide player strip with raised six-inch curbing, or an area equivalent in size to a three-foot wide planter strip along the front of the lot, shall be provided along street frontage. A five-gallon shrub shall be provided for each twenty (20) square feet.

b. Landscaping buffer from residentially zoned property: A minimum five-foot wide planter strip landscaped with a minimum of one twenty-four (24) inch or fifteen (15) gallon size specimen tree provided for every ten feet of length.

c. Six-inch high raised concrete curbing shall be provided along the perimeter of all landscaped areas except on the side abutting building walls or fences.

d. All landscaped areas shall include an automatic irrigation system.

e. The landscape plan and irrigation system shall be reviewed and approved by the planning director.

2. The development, including the landscaping and the entire property grounds, shall be maintained in a neat and clean manner.

3. Setback from residentially zoned property: A minimum of eight feet plus two feet for each additional story.

4. All other development standards shall be governed by the city zoning ordinance, including, but not limited to Chapter 17.26, Commercial Zones, and Chapter 17.44, Off-Street Parking; with the exception of Chapter 17.58, Precise Development Plans. (Prior code Appx. A, § 9.67-6)

17.38.330 Plan Area No. 7--Precise development plan.

A. Purpose. The purpose of this section is to set forth the procedures and guidelines for review of precise development plans, which are required when a proposed project exceeds any one of the first tier standards.

B. Guidelines for Planning Commission Review.

1. General Guidelines. To allow projects which exceed any of the first tier standards, the overall building and project design should be of a superior quality, be compatible with surrounding properties, and be designed in scale with the community. The planning commission shall consider the following in making this determination:

a. The building should be designed with interesting architectural features and materials to enhance the overall project. A three-dimensional quality should be emphasized by the use of stepping architectural features to avoid massive flat building faces. Special attention should be given to the appearance of the building from the street.

b. Landscaping should be utilized throughout the site in a manner which enhances the building and the site, and to mitigate the visual impacts of any flat and/or massive parts of the building.

c. The project should be compatible with neighboring projects with respect to height, scale, bulk, proportion. This is not a prescription for similar architectural styles, although in some cases it may be desirable, nor a prescription to match existing buildings, as many existing buildings do not stand scrutiny under these guidelines.

d. Architectural renderings and perspectives must be submitted to show the three-dimensional quality of the proposed building(s).

2. Height. To allow projects to exceed the first tier height limits, the building design should incorporate features to minimize and break up the visual impact and view impacts of the higher structures on neighboring residential areas and on the streetscape. The planning commission shall consider the following guidelines in making this determination:

a. Limit Lot Coverage of Uppermost Level. The area of the portion of the structure which exceeds the first tier height limit should not cover a major portion of the lot area, and said over-height area should be compensated by a proportional area of the building which is at or less than the height limit.

b. Flat roofs and flat tall vertical walls should be avoided. Stepped, variable or sloping roofs should be encouraged. The appearance of flat roofs and massive flat vertical walls should be avoided through the use of stepping or tiered architectural features.

c. Greater Setbacks for Upper Levels. Progressing from the first floor to the uppermost story of the building setbacks from the rear property line should increase and exceed minimum requirements, and the upper stories shall have tiered setbacks from the lower levels as viewed from the front.

3. Bulk. To allow projects which exceed the maximum floor area/lot area ratio (F.A.R.), the building design should incorporate features to minimize the appearance of bulk, and to compensate for the bulk of a building with attractive architectural features which enhance the building and which reduce the visual impact of large areas of flat vertical walls. The planning commission shall consider the following guidelines in making this determination:

a. Avoid Box-Like Structures. Significant and attractive architectural features should be used to break up the bulky appearance of box-like structures.

b. Building Step-Backs. Step-ins and step-outs should be used on the front of the building to break up the bulky appearance. This could accompany varying widths of the landscape planter area in the front of the building.

c. Variable Heights. The roofline of the building should be designed with variable heights, and roof patterns or materials, to avoid the appearance of a flat building.

4. Landscaping. The objective of the landscaping requirement is to enhance the overall project including the streetscape, to complement the building design, to break up the impact of vast expanses of pavement, to buffer sound and visual impacts on neighboring residential areas, to provide shade for parking areas and to deflect direct sunlight into the interior of buildings. To allow less than the minimum five percent coverage, a landscaping plan must compensate for the loss of coverage by providing a superior design through the use of types, quantity, and location of plant materials to achieve the objectives described above.

C. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

1. Distance from existing residential uses in relation to negative effects;

2. Impact on ocean views from residential areas;

3. The amount of existing or proposed off-street parking in relation to actual need;

4. The combination of uses proposed, as they relate to compatibility;

5. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;

6. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;

7. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;

8. Noise, odor, dust and/or vibration that may be generated by the proposed use;

9. Impact of the proposed use to the city's infrastructure, and/or services;

10. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;

11. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

D. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in

relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems.

2. The proposed development would have significant environmental adverse impacts which cannot be mitigated, and where the finding of overriding considerations cannot be made.

E. Appeal. The derision of the planning commission may be appealed to the city council by filing a written appeal within ten days of the planning commission's decision.

F. Term. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

G. Compliance. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan.

H. General Procedures and Submittal Requirements.

1. Application for precise development plan review shall be filed and approval given prior to the issuance of building permits.

2. Applications shall include detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations including perspective drawings to exhibit the required three-dimensional features, landscape plans and/or any other data found to be reasonably required.

3. Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.

4. Fees for submittals shall be set by policy of the city council. (Prior code Appx. A, § 9.67-7)

17.38.340 Plan Area No. 8--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Section 65450 et. seq.). (Prior code Appx. A, § 9.68-1)

17.38.350 Plan Area No. 8--Location and description.

The subject area is located on the east and west side of Pacific Coast Highway and is designated as commercial corridor on the official general plan map. (Prior code Appx. A, § 9.68-2)

17.38.360 Plan Area No. 8--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area, and to carry out the policies of the commercial corridor general plan area as stated in the land use element of the general plan. (Prior code Appx. A, § 9.68-3)

17.38.370 Plan Area No. 8--Permitted uses.

A. Commercial permitted uses shall be the same as those permitted in C-3 general commercial zone as contained in Section 17.26.040, and nonconforming uses shall be subject to the provisions of Chapter 17.52.

B. A property being exclusively used for residential purposes at the date of the adoption of the ordinance codified in this chapter shall be permitted to be continued as a residential use, maintaining its conforming status, and may be remodeled or redeveloped as a residential use as long as the density (number of dwelling units) is not increased and does not exceed thirty-three (33) units per acre.

C. Residentially developed properties or vacant properties can only be converted to commercial uses if the property fronts on Pacific Coast Highway or is an assemblage of properties which front on Pacific Coast Highway.

D. Properties with existing commercial uses or other than residential uses which do not front on Pacific Coast Highway may be used commercially, expanded and/or remodeled, if the existing access is maintained.

E. Any residential use which shares a lot or parcel with a commercial use shall be considered a nonconforming use and subject to Chapter 17.52. (Prior code Appx. A, § 9.68-4)

17.38.380 Plan Area No. 8--Residential development standards.

In respect to height, yard, setback, open space and dimensional requirements, any residential project whether new or a remodel of an existing structure shall be subject to the provisions contained in the zoning ordinance, depending on the applicable zoning district. The applicable residential zoning district shall be determined based on the nearest residential zoning district on the same block. (Prior code Appx. A, § 9.68-5)

17.38.390 Plan Area No. 8--Commercial development standards.

A. Purpose and Intent. The standards and guidelines are designed to protect the health, safety and welfare of the citizens of Hermosa Beach and to encourage the development of high quality commercial development along Pacific Coast Highway in respect to its impact on residential projects, environmental impacts, circulation and appearance.

B. Standards. Two sets of standards apply in this specific plan area, first tier and second tier. Compliance with first tier standards allows the project to proceed with a building permit. If a project goes beyond any of the first tier standards the procedure for submittal and approval of a precise development plan shall be followed. Developments must be in compliance with second tier standards at all times.

Project sponsors are encouraged to discuss preliminary plans of proposed projects with the planning department before making any formal applications for building permits or precise development plans.

	First Tier Maximum/ Minimum Requirements	**Second Tier Maximum/ Minimum Requirements**
1. Maximum height:		
East of P.C.H.	25 feet	35 feet
West of P.C.H.	30 feet	35 feet
2. Bulk	Max. 1.0 F.A.R.*	none

*Gross floor area/lot area ratio (excludes parking structures).

3. Maximum size:	10,000 sq. ft. gross floor area	none
4. Minimum landscape coverage:	5% of lot area	2% of lot area

(The required landscape buffer between commercial and residential zones shall not be included in this calculation.)

C. Requirements. The following requirements apply to all proposed projects:

1. Landscaping Specifications.

a. A minimum three-foot wide planter strip with raised six-inch curbing, or an area equivalent in size to a three-foot wide planter strip along the front of the lot, shall be provided along street frontage. A five-gallon shrub shall be provided for each twenty (20) square feet.

b. Landscaping Buffer from Residentially Zoned Property. A minimum five-foot wide planter strip landscaped with a minimum of one twenty-four (24) inch or fifteen (15) gallon size specimen tree provided for every ten feet of length.

c. Six-inch high raised concrete curbing shall be provided along the perimeter of all landscaped areas except on the side abutting building walls or fences.

d. All landscaped areas shall include an automatic irrigation system.

e. The landscape plan and irrigation system shall be reviewed and approved by the planning director.

2. The development, including the landscaping and the entire property grounds, shall be maintained in a neat and clean manner.

3. Setback from Residentially Zoned Property. A minimum of eight feet plus two feet for each additional story.

4. All other development standards shall be governed by the city zoning ordinance, including, but not limited to Chapter 17.26, Commercial Zones, and Chapter 17.44, Off-Street Parking; with

the exception of Chapter 17.58, Precise Development Plans. (Prior code Appx. A, § 9.68-6)

17.38.400 Plan Area No. 8--Precise development plan.

A. Purpose. The purpose of this section is to set forth the procedures and guidelines for review of precise development plans, which are required when a proposed project exceeds any one of the first tier standards.

B. Guidelines for Planning Commission Review.

1. General Guidelines. To allow projects which exceed any of the first tier standards, the overall building and project design should be of a superior quality, be compatible with surrounding properties, and be designed in scale with the community. The planning commission shall consider the following in making this determination:

a. The building should be designed with interesting architectural features and materials to enhance the overall project. A three-dimensional quality should be emphasized by the use of stepping architectural features to avoid massive flat building faces. Special attention should be given to the appearance of the building from the street.

b. Landscaping should be utilized throughout the site in a manner which enhances the building and the site, and to mitigate the visual impacts of any flat and/or massive parts of the building.

c. The project should be compatible with neighboring projects with respect to height, scale, bulk, proportion. This is not a prescription for similar architectural styles, although in some cases it may be desirable, nor a prescription to match existing buildings, as many existing buildings do not stand scrutiny under these guidelines.

d. Architectural renderings and perspectives must be submitted to show the three-dimensional quality of the proposed building(s).

2. Height. To allow projects to exceed the first tier height limits, the building design should incorporate features to minimize and breakup the visual impact and view impacts of the higher structures on neighboring residential areas and on the streetscape. The planning commission shall consider the following guidelines in making this determination:

a. Limit Lot Coverage of Uppermost Level. The area of the portion of the structure which exceeds the first tier height limit should not cover a major portion of the lot area, and said over-height area should be compensated by a proportional area of the building which is at or less than the height limit.

b. Flat roofs and flat tall vertical walls should be avoided. Stepped, variable or sloping roofs should be encouraged. The appearance of flat roofs and massive flat vertical walls should be avoided through the use of stepping or tiered architectural features.

c. Greater Setbacks for Upper Levels. Progressing from the first floor to the uppermost story of the building setbacks from the rear property line should increase and exceed minimum requirements, and the upper stories shall have tiered setbacks from the lower levels as viewed from the front.

3. Bulk. To allow projects which exceed the maximum floor area/lot area ratio (F.A.R.) the building design should incorporate features to minimize the appearance of bulk, and to compensate for the bulk of a building with attractive architectural features which enhance the building and which reduce the visual impact of large areas of flat vertical walls. The planning commission shall consider the following guidelines in making this determination:

a. Avoid Box-Like Structures. Significant and attractive architectural features should be used to break up the bulky appearance of box-like structures.

b. Building Step-Backs. Step-ins and step-outs should be used on the front of the building to break up the bulky appearance. This could accompany varying widths of the landscape planter area in the front of the building.

c. Variable Heights. The roofline of the building should be designed with variable heights, and roof patterns or materials, to avoid the appearance of a flat building.

4. Landscaping. The objective of the landscaping requirement is to enhance the overall project including the streetscape, to complement the building design, to break up the impact of vast expanses of pavement, to buffer sound and visual impacts on neighboring residential areas, to provide shade for parking areas and to deflect direct sunlight into the interior of buildings. To allow less than the minimum five percent coverage, a landscaping plan must compensate for the loss of coverage by providing a superior design through the use of types, quantity and location of plant materials to achieve the objectives described above.

C. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

1. Distance from existing residential uses in relation to negative effects;

2. Impact on ocean views from residential areas;

3. The amount of existing or proposed off-street parking in relation to actual need;

4. The combination of uses proposed, as they relate to compatibility;

5. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;

6. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;

7. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;

8. Noise, odor, dust and/or vibration that may be generated by the proposed use;

9. Impact of the proposed use to the city's infrastructure, and/or services;

10. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;

11. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

D. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems.

2. The proposed development would have significant environmental adverse impacts which cannot be mitigated, and where the finding of overriding considerations cannot be made.

E. Appeal. The decision of the planning commission may be appealed to the city council by filing a written appeal within ten days of the planning commission's decision.

F. Term. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

G. Compliance. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan.

H. General Procedures and Submittal Requirements.

1. Application for precise development plan review shall be filed and approval given prior to the issuance of building permits.

2. Applications shall include detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations including perspective drawings to exhibit the required three-dimensional features, landscape plans and/or any other data found to be reasonably required.

3. Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.

4. Fees for submittals shall be set by policy of the city council. (Prior code Appx. A, § 9.68-7)

17.38.410 Plan Area No. 9--Authority.

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law

(California Government Code Section 65450 et. seq.) (Prior code Appx. A, § 9.69-1)

17.38.420 Plan Area No. 9--Location and description.

The subject area is located on the east side of Prospect Avenue between 24th Street and Artesia Boulevard and located on the north side of 24th Street east of Prospect Avenue. (Prior code Appx. A, § 9.69-2)

17.38.430 Plan Area No. 9--Purpose.

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area. (Prior code Appx. A, § 9.69-3)

17.38.440 Plan Area No. 9--Permitted uses.

A. Any use permitted in the R-1 single-family residential zone;

B. An attached or detached two-family dwelling unit per lot. (Prior code Appx. A, § 9.69-4)

17.38.450 Plan Area No. 9--Development standards.

A. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be not less than one thousand three hundred twenty (1,320) square feet.

B. Development standards shall be as set forth in Chapter 17.12, R-2 two-family residential zone, except as pertaining to lot area per dwelling unit as stated in subsection A of this section.

C. All other standards shall be as set forth in the zoning ordinance. (Prior code Appx. A, § 9.69-5)

Chapter 17.40

CONDITIONAL USE PERMIT STANDARDS

Sections:

17.40.010	**General intent and purpose.**
17.40.020	**General criteria for all uses.**
17.40.030	**Coin operated, self-service car wash.**
17.40.040	**Service stations (gasoline sales).**
17.40.050	**Adult businesses (over twenty percent of stock-in-trade consisting of materials exclusively intended for adults only in accordance with Section 313 et seq. of the California Penal Code), excluding adult newsracks.**
17.40.060	**Sale of X-rated materials and/or adult paraphernalia in business establishments that do not meet adult business definition.**
17.40.070	**Adult newsrack.**
17.40.080	**On sale alcohol beverage establishment.**
17.40.090	**Off-sale alcohol beverage establishment open between the hours of 11:01 p.m. and two a.m.**
17.40.100	**Large day care homes.**
17.40.110	**Day nursery, preschools and after school child care with thirteen or more children.**
17.40.120	**Reverse vending machine(s).**
17.40.130	**Recycling--Small collection facilities.**
17.40.140	**Recycling--Large collection facilities.**
17.40.150	**Youth Hostel**
17.40.160	**Massage Therapy Business**

17.40.010 General intent and purpose.

The lists of conditions found within this chapter for various uses are intended to be standard conditions imposed on all such proposed uses as specified. These conditions are not intended to be the only conditions imposed, and each specific use noted may have additional conditions imposed by the planning commission and/or city council.

Any additional conditions may be based on criteria found within this article for all uses requiring a conditional use permit and/or factors related to the specific use and location. (Prior code Appx. A, §10-1)

17.40.020 General criteria for all uses.

In considering the granting of any conditional use permit for any use, the following criteria for granting said permit shall be considered:

A. Distance from existing residential uses;

B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;

C. Location of and distance to churches, schools, hospitals and public playgrounds;

D. The combination of uses proposed;

E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;

F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;

G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;

H. The number of similar establishments or uses within close proximity to the proposed establishment;

I. Noise, odor, dust and/or vibration that may be generated by the proposed use;

J. Impact of the proposed use to the city's infrastructure, and/or services;

K. Will the establishment contribute to a concentration of similar outlets in the area;

L. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole. (Prior code Appx. A, § 10-2)

17.40.030 Coin operated, self-service car wash.

The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing

or future permitted uses in the vicinity, may be required:

A. The maximum operating hours shall be between six a.m. and ten p.m. only.

B. All car wash structures and sites shall be maintained in a neat and orderly condition. Daily sweeping and cleanup shall be required. Annual repainting shall be required for all structures other than those having a baked enamel finish, and more frequent painting shall be required when necessary to maintain a clean and neat appearance.

C. All car wash sites shall be supervised a minimum of four hours during each day of operation, and shall be securely closed to vehicular access during those hours when operation is prohibited.

D. Distance of any equipment including vacuum cleaners shall be a minimum of fifty (50) feet from adjacent residence.

E. A minimum of six-foot masonry wall shall be provided along the perimeter of the property abutting other private properties. (Prior code Appx. A, § 10-3)

17.40.040 Service stations (gasoline sales).

The following uses and activities, and minimum conditions and standards, in addition to any other deemed appropriate or necessary to ensure compatibility with existing or future permitted use in the vicinity, may be allowed and/or required;

A. Normal service station sales and service, including minor repairs and the installation of accessories, where such operations may normally be completed within one hour;

B. Lubrication, general repair and maintenance, and auto washing by hand; provided, that such operations are conducted within a building enclosed on at least three sides and in such a manner as not to produce an objectionable odor, undue amount of noise, or unsightly appearance, and so as not to constitute a nuisance to adjacent residential or commercial uses;

C. Trailer rental; provided, that trailers: (i) are stored at least twenty (20) feet from any street line; (ii) are stored at least twenty (20) feet from any property line unless separated from the adjoining by a six-foot masonry wall; (iii) are stored in a location not required for off-street automobile parking; (iv) do not exceed a total often rental trailers; and (v) are limited to units which do not exceed four feet by twelve (12) feet in body size;

D. Body and fender work and automobile painting are prohibited;

E. Repair of trucks is limited to trucks one and one-half tons or less in size;

F. A service station abutting property zoned for residential uses shall be separated therefrom by a concrete block wall six feet in height, excepting that the wall shall be forty-two (42) inches in height for a distance equal to the required front yard setback in the residential zone. (Prior code Appx. A, § 10-4)

17.40.050 Adult businesses (over twenty percent of stock-in-trade consisting of materials exclusively intended for adults only in accordance with Section 313 et seq. of the California Penal Code), excluding adult newsracks.

In lieu of the findings required by Section 17.40.020, the planning commission shall approve an application for a conditional use permit for an adult business where evidence presented substantiates all of the following findings. Appropriate and reasonable exceptions may be made by the planning commission and/or city council for conditional use permits imposed in the amortizing of existing adult businesses, and/or where not applicable.

A. The exterior walls so the establishment are located more than two hundred (200) feet from the exterior boundaries of any lot or parcel of residentially zoned property.

B. The exterior walls of the establishment are located more than one thousand (1,000) feet from the exterior boundaries of any property zoned or used for school, church or park purposes.

C. The exterior walls of the establishment are located more than one thousand (1,000) feet from the exterior boundaries of any lot or parcel of land upon which any other such adult business establishment is located.

D. Every establishment shall have clearly visible signs at all entrances stating "Adults Only--No Minor Permitted" or equivalent wording.

E. All building openings, entries and windows shall be designed or screened so that the contents may not be seen from the public sidewalk or equivalent public areas accessible to minors.

F. The public interior areas shall be fully and brightly lighted and arranged so that every portion of the premises is visible upon entrance, but shall not be viewed from outside of the premises, and so that the entire body of any patron is also visible immediately upon entrance to the premises.

G. The number of film or video viewing machines or booths shall not exceed one machine per thirty (30) square feet of floor area. All adult businesses that include film or video viewing machines or booths shall provide one off-street parking space for every such machine or booth.

H. There shall be no doors or other similar closable screens on video or film viewing booths.

I. No alcoholic beverages shall be sold or consumed on the premises and appropriate notification of this restriction shall be displayed on the premises. (Ord. 95-1130 § 5, 1995: prior code Appx. A, § 10-5)

17.40.060 Sale of X-rated materials and/or adult paraphernalia in business establishments that do not meet adult business definition.

In lieu of the findings required by Section 17.40.020, the planning commission shall approve an application for a conditional use permit for any retail business in which some, but not greater than twenty (20) percent, of its stock-in-trade material meets the "X-rated" and/or "adult paraphernalia" definitions, where evidence presented substantiates all of the following findings. Appropriate and reasonable exceptions may be made by the planning commission and/or city council for conditional use permits imposed in the amortizing of existing adult businesses and/or where not applicable.

A. The public interior areas shall be fully and brightly lighted and arranged so that every portion of the premises is visible immediately upon entrance and so that the entire body of any patron is also visible immediately upon entrance to the premises.

B. All stock-in-trade materials, either for sale or rental, which have exterior covers that display specified anatomical areas or specified sexual activities shall be adequately covered with an opaque material so as not to expose any display of specified anatomical areas or specified sexual activities to the general public.

C. The area designated for adult videos shall be partitioned and screened from view, accessible only to persons eighteen (18) years of age and over. A sign stating "Adults Only-No Minors Permitted" or equivalent wording shall be conspicuously located at the entrance to the designated adult area.

D. The store shall be managed in a manner that anything illegal for a minor to view shall not be displayed from an area where a minor could view such objects.

E. Advertisements, displays or other promotional exhibits of any materials depicting specified anatomical areas or specified sexual activities shall be prohibited.

F. The area designated for adult paraphernalia shall be partitioned and screened from view, accessible only to persons eighteen (18) years of age and over. A sign stating "Adults Only-No Minors Permitted" or equivalent wording shall be conspicuously located at the entrance to the designated adult area. (Ord. 95-1130 § 6, 1995: prior code Appx. A, § 10-5.1)

17.40.070 Adult newsrack.

The following conditions shall be imposed on all adult newsracks, and when such conditions are met, the planning commission shall issue a conditional use permit.

A. All adult newsracks shall be located one thousand (1,000) feet from the closest boundary line of any real property on which is located any one of the following:

1. A school primarily attended by minors;
2. A church which conducts religious education classes for minors;
3. A public park, public beach or public recreation facility.

B. An adult newsrack shall not be located within five hundred (500) feet of any other adult newsrack or any adult bookstore.

C. Each adult newsrack shall have the cover painted or be opaque.

D. Each adult newsrack shall have permanently affixed thereto the name, address and telephone

number of the owner in a place where such information may easily be read.

E. Each adult newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, shall be subject to all standards set forth in Sections 12.32.010 through 12.32.030.

F. Each adult newsrack shall be maintained in a clean and neat condition and in good repair at all times. (Prior code Appx. A, § 10-6)

17.40.080 On sale alcohol beverage establishment.

The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted use in the vicinity, may be required:

A. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.

B. The business shall prevent loitering, unruliness and boisterous activities of the patrons outside the business or in the immediate area.

C. The police chief may determine that a continuing police problem exists, and may, subject to the review of the planning commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem. If the problem persists the chief then shall submit a report to the planning commission, which will automatically initiate a review of this conditional use permit by the commission.

D. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.

E. Any changes to the interior layout which alter the primary function of the business shall be subject to review and approval by the planning commission. (Ord. 95-1130 § 7 (part), 1995: prior code Appx. A, § 10-7)

17.40.090 Off-sale alcohol beverage establishment open between the hours of 11:01 p.m. and two a.m.

A. Any new off-sale alcohol beverage establishments open between the hours of 11:01 p.m. and two a.m. the next day shall be a minimum of one hundred (100) feet from any residential use and/or zone.

B. The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted use in the vicinity, may be required:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
2. The business shall prevent loitering and littering on the premises at all times.
3. Clearly visible signs prohibiting loitering, littering, on the premises and limiting the parking period to two hours shall be posted in conspicuous locations.
4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti, at all times.
5. Any changes to the interior layout which would alter the primary function of the business shall be subject to review and approval by the planning commission. (Ord. 95-1130 § 7 (part), 1995: Ord. 94-1118 § 2, 1994; prior code Appx. A, § 10-8)

17.40.100 Large day care homes.

The planning commission shall grant a permit if all of the following conditions are met, and may waive said conditions when deemed appropriate:

A. Maximum number of children shall be twelve (12).

B. A minimum of six on-site parking spaces shall be provided not including the two required on-site resident spaces.

C. There shall be compliance with requirements of the home occupation permit, Section 17.08.020. (Prior code Appx. A, § 10-9)

17.40.110 Day nursery, preschools and after school child care with thirteen or more children.

The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

A. A minimum of one parking space for every seven children.

B. In residential zones, only property adjacent to commercially zoned property or property developed with a church or school facility shall be considered for a day nursery, preschool, or child care facility with thirteen (13) or more children.

C. Adequate space for loading and unloading children shall be available or shall be provided on the site.

D. Residential use of a day nursery, preschool, or child care facility with thirteen (13) or more children shall be prohibited.

E. All day care centers shall comply with state statutes and shall be licensed by the state. (Prior code Appx. A, § 10-9)

17.40.120 Reverse vending machine(s).

Reverse vending machine(s), single feed, may be installed without a conditional use permit when the following criteria and standard are met; any variation to such standards or criteria shall require a conditional use permit. Violation of the standards and criteria shall be deemed a misdemeanor offense, and grounds for removal of the use as determined by the planning commission.

A. Established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;

B. Located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;

C. Parking spaces required by the primary use are not occupied;

D. No more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;

E. Constructed of durable waterproof and rustproof material;

F. Clearly marked to identify the type material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

G. Sign area of a maximum of four square feet per machine, exclusive of operating instructions;

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of county health department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards;

H. Maintained in a clean, litter-free condition on a daily basis;

I. Operating hours shall be at least the operating hours of the host use;

J. Illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

K. An annual business license shall be obtained. (Prior code Appx. A, § 10-10)

17.40.130 Recycling- -- Small collection facilities.

The following minimum conditions and standards which apply to the siting of a collection facility, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

A. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;

B. No larger than five hundred (500) square feet;

C. Set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;

D. Accept only glass, metals, plastic containers, papers and other items as deemed acceptable by the planning commission;

E. No power-driven processing equipment except for reverse vending machines;

F. Containers constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in conjunction with the collection schedule;

G. Store all recyclable material in containers or in the mobile unit vehicle, and no materials outside of containers when attendant is not present;

H. Maintained free of litter and any other undesirable materials, and mobile facilities, when truck or containers are removed at the end of each

collection day, shall be swept at the end of each collection day;

I. Maximum noise levels of sixty (60) dBA as measured at the property line of residentially zoned or occupied property; a maximum of seventy (70) dBA in all other cases;

J. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven-thirty p.m.;

K. Containers for the twenty-four (24) hour donation of materials shall be at least one hundred (100) feet from any property occupied for residential use unless there is a recognized service corridor and acoustical shielding between the container and the residential use;

L. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure of containers:

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of the county health department for persons to contact in case of an immediate threat to public health and safety caused by debris and/or any other health hazards;

M. Signs may be established as follows:

Recycling facilities may have identification signs with a maximum of twenty (20) percent per side or sixteen (16) square feet, whichever is larger, in addition to informational signs required in condition (12); in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;

N. The facility shall not encroach into any landscaping;

O. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

P. Occupation of parking spaces by the facility and the attendant may not reduce available parking spaces below the minimum number required for the primary host use;

Q. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration. (Prior code Appx. A, § 10-11)

17.40.140 Recycling -- Large collection facilities.

The following minimum conditions and standards which apply to the siting of a collection facility, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

A. Facility does not abut a property zoned or planned for residential use;

B. Facility will be screened from the public right-of-way by operating in an enclosed building or:

1. Within an area enclosed by an opaque block wall at least six feet in height with landscaping,
2. At least one hundred fifty (150) feet from the property zoned or planned for residential use, and
3. Meets all applicable noise standards;

C. Setbacks and landscape requirements shall be reviewed and approved by the planning commission;

D. All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition; storage containers for flammable material shall be constructed of nonflammable material; oil storage must be in containers approved by the fire department; no storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;

E. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;

F. A minimum of six vehicle parking spaces, or one space per one thousand (1,000) square feet of land area, whichever is greater, shall be provided;

G. One parking space will be provided for each commercial vehicle operated by the recycling facility;

H. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially

zoned property, or otherwise shall not exceed seventy (70) dBA;

I. If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m.;

J. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;

K. Donation areas will be kept free of litter and any other undesirable material, and containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;

L. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way:

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of county health department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards;

M. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved if noise and other conditions are met. (Prior code Appx. A, § 10-12)

17.40.150 Youth Hostel.

The following conditions and standards of operation, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

A. All prospective lodgers shall provide a passport or international student identification and membership in an international hostel association as a condition to lodging. Lodging by minors shall not be permitted if it would violate provisions of State or Local laws.

B. The accommodations are only to be rented or hired out to any individual for a maximum duration of seven (7) consecutive days. There shall be a minimum of 21 days between stays for repeat visitors.

C. Building occupancy limits established by the Hermosa Beach Municipal Code shall not be exceeded.

D. Management shall provide daily linen and cleaning service.

E. Management shall ensure that a live-in manager is on duty at all times.

F. Management shall adopt, inform lodgers of, and strictly enforce rules of conduct of its guests to ensure their operation is not detrimental to the health, safety, peace or welfare of the neighborhood. All operation rules of and for the hostel shall be conspicuously displayed at locations throughout the premises and shall be printed in multiple languages to accommodate foreign travelers. These rules shall include, without limitation, the following:

1. Specific times for check-in, check-out, day time lock-out (for cleaning purposes) and a nighttime curfew times shall be specified, subject to the approval of the Planning Commission and enforced by the management.
2. No controlled substances or alcohol are permitted on the premises.
3. No pets are permitted (except guide dogs for the disabled).
4. No amplified music is allowed in any sleeping area.

G. The hostel shall maintain affiliation with Hostelling International-American Youth Hostels (HI-AYA) or other international hostel associations and otherwise promote the premises as a hostel catering to international travelers.

H. The hostel shall include a common area (i.e. a lounge or day room), which may include a kitchen or cooking facilities, for daytime use of the lodgers. (Ord. 96-1157 S3, 1996)

17.40.160 Massage Therapy Business

The following conditions and standards of operation, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

1. A licensed Massage Therapist, pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, shall be on the premises at all times when the business is open. The business may employ technicians or aides only if supervised by a licensed Massage Therapist.
2. Management shall adopt, inform patrons and employees of, and strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in Chapter 5.74.
3. Hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. or other hours as established by the Planning Commission if deemed necessary because of proximity to residential uses. (Ord. 97-1174 § 3; 09-12-97)

Chapter 17.42

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONAL USES

Sections:

17.42.010 Foregoing regulations subject to this chapter.
17.42.020 Clarification of ambiguity.
17.42.030 Indicated potential classifications.
17.42.040 Translating potential classification to permissible use.
17.42.050 Land may be used in accordance with precised plan.
17.42.060 Temporary real estate office.
17.42.070 Temporary construction buildings.
17.42.080 Storage of trailers.
17.42.090 Limitation on occupancy by unrelated persons.

17.42.010 Foregoing regulations subject to this chapter.

The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and exceptions contained in this chapter. (Prior code Appx. A, § 1100)

17.42.020 Clarification of ambiguity.

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this chapter, or with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the commission to ascertain all pertinent facts and by resolution of record set forth its findings and its interpretations, which resolution shall be forwarded to the city council and, if approved by the city council, thereafter such interpretation shall govern. (Prior code Appx. A, § 1101)

17.42.030 Indicated potential classifications.

Where areas are shown upon the zoning map enclosed within a dashed line, the area thus shown is intended to approximate the location of the areas to be reclassified for the type of land use indicated by the symbol therein enclosed with a circle. Such future classification designation shall be a part of the zoning map and may be adopted or amended only in the manner prescribed for the reclassifying of property as required in Chapter 17.66. Uncircumscribed symbols shown within such areas represent the classification of such properties until they are processed as set forth herein.

The designation of a future classification is based on a recognition of the suitability of location for the type of use indicated by circumscribed symbol and the impracticability of precisely classifying such property for particular types of use until such lands are precisely designed and precisely planned so as to established location and dimensions of any streets, alleys, parking areas, building sites and similar features pertinent to zoning. (Prior code Appx. A, § 1102)

17.42.040 Translating potential classification to permissible use.

Types of land-use indicated by circumscribed symbols within areas identified on the zoning map by a dashed line may be activated and made permissible uses by the adoption of a precised plan of design for the area. Such precise plan shall be adopted as a part of the proceedings for the reclassification of property to the indicated potential zone as provided in Chapter 17.66 and the map adopted thereby shall constitute an amendment to the zoning map. This precise plan shall by map, diagram or test, or all of them, indicate the boundaries, design, arrangement and dimension of any streets, alleys, parking areas, building sites and similar features pertinent to precised zoning. The comprehensive provisions of such precise plan shall take precedence over the individual provisions of this ordinance covering subjects such as parking, yards, etc. (Prior code Appx. A, § 1103)

17.42.050 Land may be used in accordance with precised plan.

In order to assure that the purpose and provisions of a formally-adopted precised plan of record shall be conformed to, the land reclassified within any precised plan shall be limited exclusively to such uses as are first permitted in the zone in which it is classified. (Prior code Appx. A, § 1104)

17.42.060 Temporary real estate office.

One temporary real estate office and one temporary real estate billboard may be located on any new subdivision in any zone, provided that such office and billboard if in any R zone shall be removed at the end of one year from the date of recording of the map of the subdivision upon which said office and billboard are located. (Prior code Appx. A, § 1106)

17.42.070 Temporary construction buildings.

Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project; provided that such temporary structure may not be maintained for a period exceeding one year. (Prior code Appx. A, § 1107)

17.42.080 Storage of trailers.

The storage of one trailer on any lot of record is permissive provided such trailer is not used for living or sleeping purposes while on the premises, is not connected to any sewer or water facility and is not located in any required front or side yard. (Prior code Appx. A, § 1108)

17.42.090 Limitation on occupancy by unrelated persons.

Regardless of the zone therein, the number of unrelated persons who may occupy any premises shall not exceed the following limitations:

A. Single-Family and Two-Family Premises. Regardless of the number of rooms and sleeping rooms, not more than three unrelated persons per dwelling unit.

B. Multifamily Premises (Three or More Units). For the number of bedrooms or sleeping rooms indicated per unit, not more than the number of unrelated persons indicated per unit:

Number of Bedrooms	Limit (persons)
Efficiency (no full bedroom) (licensed motels excluded on nightly occupancy basis)	1
One	2
Two	3
Three or more	4

(Prior code Appx. A, § 1116)

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 area.**
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	**Off-street parking within vehicle parking districts.**
17.44.200	**Assignment of off-street residential parking spaces.**
17.44.210	**Parking plans.**
17.44.220	**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 !and 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

	space lost because of new curbcuts and/or driveways.
C. Multiple dwellings (three or more units).	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. Snack Bar/Snack Shop. The parking requirements for a snack bar and/or snack shop shall be the same as that for "restaurant" unless it can be shown to the planning commission that the characteristics of the building; it's location, and other mitigating factors result in less parking being necessary for the business. (Ord. 95-1126 § 1, 1995; prior code Appx. A, § 1152)

17.44.040 Parking requirements for the downtown area.

The following requirements apply within in the boundary of the downtown area, as defined by the map incorporated by this reference.

A. The amount of parking shall be calculated at sixty-five (65) percent of the parking required for each particular use as set forth in Section 17.44.030.

B. Building sites equal to or less than ten thousand (10,000) square feet: If the floor area to lot area ratio is 1:1 or less no parking is required. If the floor area to lot area ratio exceeds 1:1 only the excess floor area over the 1:1 ratio shall be considered in determining the required parking pursuant to subsection A of this section.

C. Bicycle racks/facilities shall be provided and/or maintained in conjunction with any intensification of use, or new construction, in an amount and location to the satisfaction of the planning director. (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, transfering, 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 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 distant 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 building 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.

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 dimension 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.

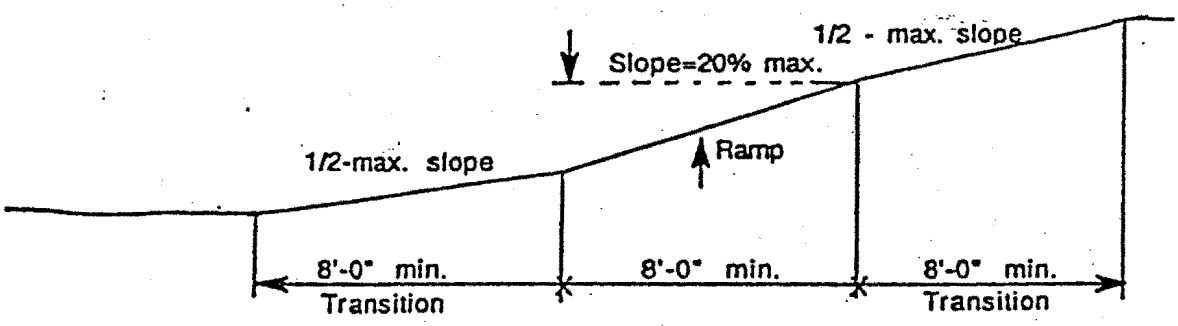
B. All driveways and parking spaces shall be paved with not less than three and one-half inches of portland cement concrete, except that when supported by a selected rock base which is acceptable to the chief building inspector for the type of soil upon which it is constructed, driveways may be paved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

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 and existing construction.

A. For every residential dwelling hereafter erected, parking spaces shall be provided, permanently maintained and permanently available as set forth in Section 17.44.020, including requirements for turning radii, as provided by this chapter, and the parking standards contained herein.

B. For every residential building hereafter which is structurally altered to increase gross floor area, there shall be provided, permanently maintained and permanently available, two parking spaces for each existing unit, including requirements for turning radius and parking standards as required by this chapter. During the life of a building, a single addition of not more than one hundred (100) square feet may be constructed without compliance with this section, and a maximum of two hundred fifty (250) square feet may be constructed if at least one parking space is available with the same requirement as noted above for each existing unit, except that nonconforming uses require planning commission approval.

C. Before any additional units may be added to a lot where there now exists a building or buildings used for human habitation, there shall be provided, permanently maintained and permanently available, two parking spaces for each existing unit, including requirements for turning radius and size, as provided by this article and parking standards herein.

Exception to subsections B and C of this section: Existing garages or parking spaces for existing units eight and one-half feet wide by eighteen (18) feet deep inside measurement, having access from any alley or street and having a distance of not less than twenty (20) feet from the far side of such alley or street, with a minimum eight feet wide driveway, in the clear, will be considered to meet the parking requirements and turning radius of this chapter.

D. For every building in a C or M zone hereafter erected, or reconstructed, or expanded, the parking requirements and turning area for the entire building shall be as set forth in this chapter. However for an expansion of an existing building legally nonconforming to parking requirements, parking requirements shall only be applied to the amount of expansion, subject to Section 17.44.040 for expansions in the downtown area. In no case shall new construction reduce the parking serving an existing use below the requirements of this chapter.

E. When the use of an existing building or structure is changed to a more intense use with a higher parking demand there shall be no additional parking requirement for sites in the downtown area except to the extent there is a change of floor area to lot area ratio in excess of 1:1. Otherwise, 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 the requirement for the existing or previous use which shall be met prior to occupying the building unless otherwise specified in this chapter. (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 surface 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 Off-street parking within vehicle parking districts.

A. Parking requirements within parking districts shall be as provided in this chapter, except that when the city council provides for contributions to an improvement fund in lieu of parking spaces so required, said contributions shall be considered to satisfy the requirements of this chapter.

If the downtown business area enhancement district commission determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee as requested by the DBAEDC.

B. The building director shall be responsible for the calculations required under this chapter and the building department shall calculate and collect the in-lieu contribution for, and as directed by, resolutions passed by the vehicle parking district commission, as approved by the city council.

C. The following allowances for parking may be allowed with a parking plan as approved by the planning commission and as prescribed in Section 17.44.210.

1. Building sites containing less than four thousand one (4,001) square feet 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.

2. Building sites of less than four thousand one (4,001) square feet 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.

3. Building sites containing four thousand one (4,001) square feet or greater but less than twelve thousand one (12,001) square feet shall be required to provide a minimum of fifty (50) percent of all required parking on-site.

4. Building sites with or greater than twelve thousand one (12,001) square feet shall be required to provide one hundred (100) percent of all required parking on-site. (Ord. 94-1099 § 4, 1994; prior code Appx. A, § 1167)

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 required 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 17.46

YARD, HEIGHT AND AREA RESTRICTIONS

Sections:

17.46.010	Height of roof structures.
17.46.015	Calculating, measuring, and enforcing maximum building height.
17.46.020	Yard regulations.
17.46.030	Yard requirement when more than one main building exists.
17.46.040	Commission may establish formula for modifying yard requirements.
17.46.050	Measurement of front yards.
17.46.060	Vision clearance--Corner lots.
17.46.070	Architectural encroachments into required yards.
17.46.080	Fireplace encroachment into yards.
17.46.090	Fire escape encroachment into yards.
17.46.100	Stairway and balcony encroachments into front yard areas.
17.46.110	Uncovered, solid, concrete stair landings and stairs on grade may project into a side yard.
17.46.120	Guard railings may project into yards.
17.46.130	Walls, fences and hedges in residential, commercial and manufacturing zones.
17.46.140	Required increase of side yard where rear of dwellings abuts side yard.
17.46.150	Required increase of side yard where multiple or row dwellings front upon a side yard.
17.46.152	Front yard requirements for through lots.
17.46.154	Yard requirements for "alf-lots" fronting on alleys.
17.46.160	Only one building on a lot or building-site constitutes a main building.
17.46.170	Through lots may be divided in certain cases.
17.46.180	Lot area not to be reduced.
17.46.190	Greater lot area may be required.
17.46.200	Substandard lots.
17.46.210	Lot splits, general provisions.
17.46.220	Division of lots which does not create more than four parcels.
17.46.230	Sales contrary to lot split regulations are illegal and voidable.
17.46.240	Antennas, satellite dishes and similar equipment.

17.46.010 Height of roof structures.

Commercial and Manufacturing Zones. The following elements may be constructed above the height limit, provided they do not exceed the height limit by more than eight feet and cover no more than five percent of the total roof area. Where the height of the element is governed by a uniform building code standard, the element may exceed the height limit only by the minimum amount necessary to comply with the uniform building code standards.

A. Elevator housing;
B. Stairways;
C. Tanks;
D. Ventilating fans;
E. Parapet fire walls;
F. Towers;
G. Chimneys;
H. Flues;
I. Vents;
J. Smokestacks;
K. Wireless masts;
L. Similar structures as determined by the planning commission;

No structure exceeding the height limit shall result in additional floor area.

Residential Zones. Residential uses may have chimneys, vents and flues exceed the height limit only to the extent required to meet the uniform building code requirements.

For the height standards for antennas, satellite dishes, and similar structures refer to **Section 17.46.240.** (Prior code Appx. A, § 1201)

17.46.015 Calculating, measuring, and enforcing maximum building height.

The allowed building height is set forth in each specific zone. Determining maximum building height for any building in any zone is based on the definition for "building height" as contained in Chapter 17.04. The procedure for calculating, measuring, and enforcing building height requirements is as follows:

A. A detailed topographic survey, prepared and certified by a licensed surveyor or civil engineer, indicating all corner point elevations of a property shall be the basis for calculating building height.

B. Maximum building height at critical points of the building shall be calculated by interpolating from the elevation points indicated on the survey.

C. The maximum allowable building height shall be indicated at each critical point on the roof plan and building elevation plans.

D. The building, while under construction and at the roof framing inspection stage, shall be surveyed to determine building heights at critical points on the roof (or uppermost portion of the building roof sheathing) corresponding to approved plans. The survey shall be conducted and certified by a licensed surveyor or civil engineer.

E. A building height verification letter shall be submitted indicating that the building is at or below the calculated maximum building height at the critical points before the roof framing final inspection is approved by the City.

F. Alterations and expansions to existing one-story buildings not resulting in additional stories, and minor alterations to any building which are clearly below maximum height limits, may be excepted from these procedures at the discretion of the Director of the Community Development Department. (Ord. 00-1199, §4 part, 05/09/00)

17.46.020 Yard regulations.

Except as provided in this chapter, every required front, side and rear yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building or buildings for the purpose of complying with the provisions of this ordinance as it pertains to any given lot shall be considered as providing a yard or open space on any adjoining property. (Prior code Appx. A, § 1202)

17.46.030 Yard requirement when more than one main building exists.

Where two or more buildings are, by definition of this title, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the rear yard requirement shall apply only to the building closest to the rear lot line, and there shall be a distance between such main buildings not less than eight feet. (Prior code Appx. A, § 1204)

17.46.040 Commission may establish formula for modifying yard requirements.

The planning commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required yards in all residential zones where geometric shape and dimensions and topography are such as to make literal application of such required yard impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act. (Prior code Appx. A, § 1205)

17.46.050 Measurement of front yards.

Front yard requirements shall be measured from the front property line or the indicated edge of a street for which a precise plan exists or from the edge of any setback established by a setback ordinance, whichever is the greatest distance from the center line of the street. (Prior code Appx. A, § 1206)

17.46.060 Vision clearance--Corner lots.

All corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area one angle of which shall be formed by the front and side lot lines and the sides of such triangle forming the corner angle shall each be ten feet in length measured from the aforementioned angle.

The third side of said triangle shall be a straight line connecting the last two mentioned

points which are distant ten feet from the intersection of the front and side lot lines. Within the area comprising said triangle, no tree, fence, shrub or other physical obstruction higher than thirty-six (36) inches above the established curb grade shall be permitted.

Exception: Any portion of a structure commencing eight (8) feet or more above the established curb grade need not comply with the foregoing restriction. (Prior code Appx. A, § 1207)

17.46.070 Architectural encroachments into required yards.

Required yard areas shall be unobstructed from ground to sky except specifically allowed as follows:

A. Cornices, eaves, belt courses, sills and buttresses may encroach into any required yard area not more than thirty (30) inches, provided that in no case may such encroachments be closer than thirty (30) inches to any lot line.

B. Bay windows, greenhouse windows and similar windows which are no wider than eight feet, spaced a minimum of ten feet apart, and which do not create additional floor area may encroach within three feet of the side or rear lot line, and three feet from the front lot line, but in no case shall the depth of such windows be more than thirty (30) inches.

C. Pilasters, columns and chases for mechanical equipment which have a depth of six inches or less, a width of one foot or less, may encroach, but in no case shall such encroachment be closer than thirty (30) inches to the lot line.

D. Encroachments into required yards which are determined to be architectural projections by the planning director shall be a minimum of ten feet apart. (Prior code Appx. A, § 1209)

17.46.080 Fireplace encroachment into yards.

Fireplace structures which are not wider than eight feet, are spaced a minimum of ten feet apart, and are part of the main building may project into the required yards a distance of thirty (30) inches, provided such encroachments are no closer than thirty (30) inches to the lot line. (Prior code Appx. A, § 1210)

17.46.090 Fire escape encroachment into yards.

Fire escapes may encroach into yards thirty (30) inches provided that in no case such encroachment is closer than thirty (30) inches to the lot line. (Prior code Appx. A, § 1211)

17.46.100 Balcony encroachments into front yard areas.

An open uncovered balcony may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three feet to the front property line and shall be a minimum of seven feet above finished grade. (Ord. 98-1188, §4(1), 12/08/98; Prior code Appx. A, §1212)

17.46.110 Stairway encroachment into yard areas.

A. **Side Yards:** Uncovered, solid concrete stair landing and stairs on grade which are not over four feet to the highest point from the natural, existing or finished grade, whichever is the lesser height, and do not extend above the level of the first floor of the building may extend or project into any required side yard. In order that such structure shall not obstruct any pedestrian way on the ground level, the stairs shall extend from the stair landings in both directions.

B. **Front Yards:** An unenclosed stairway or uncovered steps leading from grade to the first floor level may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three feet to the front property line. (Ord. 98-1188, §4(1), 12/08/98; Prior code Appx. A, § 1213)

17.46.120 Guard railings may project into yards.

Guard railing for safety protection around depressed ramps, open work fences, hedges or landscape architectural features not more than forty-two (42) inches in height may be located in any front or side yard, provided they do not obstruct any pedestrian way on ground level. (Prior code Appx. A, § 1214)

17.46.130 Walls, fences and hedges in residential, commercial and manufacturing zones.

A. A wall, fence or hedge forty-two (42) inches in height may be located and maintained on any part of a lot. A fence, wall or hedge not more than six feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard, provided that on the side street line of a corner lot a fence, wall or hedge higher than forty-two (42) inches may extend only from the rear lot line to the rear line of the required side yard. In the case of a reversed corner lot, a fence, wall or hedge higher than forty-two (42) inches shall not be located closer to the side street than a distance equal to the depth of the required front yard on the lot to the rear.

B. Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge; provided, that in any event, a protective open work fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall. An "open work fence" means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60) percent of the total surface area of the fence.

C. No fence or wall three feet or greater in height shall be constructed without first obtaining a building permit.

D. Under no circumstances shall any fence, wall, or hedge be constructed or altered to add razor wire, barbed wire, broken glass or other similar material.

Exception. Security fences around oil development facilities may be installed with barbed wire during the active life of the oil wells.

E. Walls, or fences, including the visible surface of retaining walls, shall be constructed of, or treated with, an aesthetically pleasing material approved by the planning director, including, but not limited to, masonry block designed and manufactured to be exposed (e.g., split-face, scored, textured or striated); surface treated masonry (e.g. stucco or paint); wrought iron or simulated wrought iron; brick; wood; stucco or paint. Plain gray untreated block not designed or manufactured to be exposed and chain link fences are prohibited. Chain link fences with vinyl or wood slats may be approved by the planning director in commercial or manufacturing zones only.

Exception. Chain link fencing may be installed for temporary periods around Christmas tree lots, pumpkin lots or similar temporary uses, and any construction project to meet the safety requirements of the Uniform Building Code for the period of construction, or, may be installed around temporarily dangerous areas as determined by city officials from fire, police, building and safety or planning departments.

Exception. Permanent chain link fencing may be installed around schools, tennis courts, baseball fields, parks or other recreational facilities.

F. Where commercial, manufacturing or any use other than residential uses abuts a residential use, a fence or wall with a height greater than as noted above may be constructed if a conditional use permit has been granted for such a fence or wall pursuant to Chapter 17.40, subject to the following criteria:

1. The use of the higher wall or fence is necessary to mitigate potential noise, visual or other impact of a nonresidential use on a residential use.

2. The greater height will not be detrimental to neighboring property or to the public welfare, and will not interfere with the light, air and scenic views of any property.

3. The higher wall or fence shall be constructed of materials as noted in subsection E of this section.

4. Vehicle vision clearance shall not be hindered by a wall or fence resulting in a safety hazard. (Ord. 96-1164 § 1, 1994; Ord. 94-1102 § 1, 1994; Ord. 93-1092 §§ 1, 2, 1993; prior code Appx. A, § 1215)

17.46.140 Required increase of side yard where rear of dwellings abuts side yard.

Where two-family dwellings or multiple-family dwellings group houses, court apartments or

row dwellings are arranged so that the rear of such dwellings abuts upon the side yards, and such dwellings have openings onto such side yards used as a means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having an entrance or exit opening into or served by such yard; provided, such increase need not exceed five feet. Open, unenclosed porches not extending above the level of the first floor may project into the required width of such side yard; provided such porches shall not reduce to less than three feet the unobstructed pedestrian way or sidewalk at the ground level. (Prior code Appx. A, § 1216)

17.46.150 Required increase of side yard where multiple or row dwellings front upon a side yard.

The minimum width of the side yard upon which dwellings front shall be not less than one and one-half times the width of the side yard to the rear of such dwellings. (Prior code Appx. A, § 1217)

17.46.152 Front yard requirements for through lots.

A. The required front yard on "through lots", as defined herein, shall be provided on the street frontage where the majority of the existing dwelling units on the block are fronting.

B. The following list indicates which frontage is designated the front yard for various blocks with through lots:

Through Lots Located Between:	Front Yard Shall Be Provided On:
Ava Avenue and Ardmore Avenue	Ava Avenue
Ava Avenue and Springfield Street	Springfield Avenue
Barney Court and Meyer Court	Barney Court
Bonnie Brae Street and Campana Street	Bonnie Brae Street
Monterey Boulevard and Culper Court	Monterey Boulevard
Monterey Boulevard and Loma Drive	Monterey Boulevard
Monterey Boulevard and Morningside Dr.	Monterey Boulevard
15th Place and 16th St. (E. of Mira Street)	15th Place
The Strand and Hermosa Avenue	Both The Strand and Hermosa Avenue (See Exception Below)

C. Exception for The Strand/Hermosa Avenue Through Lots: New developments shall be required to provide front yards on both The Strand and Hermosa Avenue. For existing developed properties and remodeling and expansion projects thereon The Strand shall be designated the front yard. For the purposes of calculating required open space in the various residential zones, the Strand front yard area may be counted towards the open space requirement. (Ord. 98-1179 § 4(2), 01-27-98)

17.46.154 Yard requirements for "half-lots" fronting on alleys.

The side of the lot facing the alley is considered the front yard, but the applicable yard requirement is three (3) feet from the property line on the ground floor and one (1) foot on the second floor and above. (Ord. 98-1179 § 4(3), 01-27-98)

17.46.160 Only one building on a lot or building-site constitutes a main building.

Any building which the only building on a lot or building site is a main building. (Prior code Appx. A, § 1218)

17.46.170 Through lots may be divided in certain cases.

Through lots one hundred eight feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the control applying to the street upon which such one-half faces. If the division results in parcels having less than the minimum lot area required in this ordinance, then no division may be made. If the whole of any through lot is improved as one building site, the main building shall

conform to the zone classification of the frontage upon which such main building faces, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street. (Prior code Appx. A, § 1219)

17.46.180 Lot area not to be reduced.

No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the regulations established by this chapter. (Prior code Appx. A, § 1220)

17.46.190 Greater lot area may be required.

Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a precised plan in the manner prescribed by law, designating the location and size of such greater required areas. (Prior code Appx. A, § 1221)

17.46.200 Substandard lots.

When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precised plan and was of record on the effective date of the ordinance codified in this chapter, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or precised plan. (Prior code Appx. A, § 1222)

17.46.210 Lot splits, general provisions.

A. No lot shall be separated in ownership or otherwise divided into two, three or four parcels and no such divided parcel shall be separately maintained, unless the division conforms to that shown on the official division land map of the city.

B. No building permit shall be issued, and no building or structure shall be constructed, altered or maintained on any land which has been separated in ownership or otherwise divided into two, three or four parcels in violation of the provisions of this chapter.

C. No portion or part of a lot shall be separated in ownership, which would reduce or diminish the size of the original lot area.

D. Where there is to be erected more than one single-family dwelling unit, or more than one structure, or one or more structures where there exists one or more structures on a lot, or where there is to be an enlargement or structural alteration to an existing building containing more than one dwelling unit, or there exists more than one structure on said lot, the building inspector, before issuing a building permit, shall require the owner or owners to file an affidavit and agreement to be recorded with the county recorder's office that the owner or owners do hereby promise, covenant and agree to and with the city, a municipal corporation, and said building inspector of said city, that said lot shall be held as one parcel and no portion shall be sold separately.

E. These regulations shall not apply to the leasing or sale of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building or trailer park, nor to mineral, oil or gas leases, nor shall they apply to the following division of land:

1. A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder as part of a subdivision properly approved by the authority having jurisdiction at the time of recording;

2. A parcel of real property delineated on a record of survey, lot split, or sub-parceling map approved by the city;

3. A parcel of real property which has been separated in ownership or divided prior to the effective date of the ordinance codified in this chapter;

4. Those made solely for the purpose of opening or widening of a public street or alley, or those involving the conveyance, transfer, creation or establishment of an easement for pedestrian or vehicular access, sewers, water or public utility, provided that no division or parcels of land are created other than those directly caused by such action;

5. Those made solely because of the acquisition of lands by governmental agencies for

freeways, parks, public buildings, flood control channels or other public purposes;

6. Those involving land dedicated for cemetery purposes under the applicable provisions contained in the health and safety code of the state of California. (Prior code Appx. A, § 1223)

17.46.220 Division of lots which does not create more than four parcels.

Each property owner applying for approval of a division of land shall file with the planning commission an application which shall include the following:

A. Ten (10) copies of a map showing the land to be divided and its proposed division. The map shall be prepared by a licensed surveyor, or registered architect, or registered civil engineer, and it shall be based upon a filed survey. The map shall be made on sheets of paper or cloth eight and one-half inches wide by eleven inches long. It shall be legibly drawn using a decimal or an engineer's scale and shall clearly show the following information:

1. The dimensions, total area and record boundaries of the total parcel together with a legal description of the total parcel attached to the map;

2. The dimensions, area, legal descriptions and boundaries of each proposed parcel;

3. The names, addresses and telephone numbers of the property owners, the registered civil engineer, or licensed surveyor, or registered architect, who prepared the map;

4. The abutting streets and alleys and existing surface improvements and proposed dedications and improvements, if any;

5. The location of other existing easements;

6. Showing any and all improvements existing on the property in relation to the property lines and the proposed division;

7. Applicant shall agree to provide any necessary easements for the proposed parcel or parcels;

8. If necessary, the planning commission shall establish the front of the lots and front setbacks;

9. Such other information as the building and planning director determines is necessary for the planning commission to consider the proposed division, including topographic data in hillside areas.

B. Criteria. The planning commission shall find that:

1. The proposed lot split would not create lots smaller than a forty (40) foot width and having less than four thousand (4,000) square feet;

2. That the proposed lot, after being divided, fronts on a public street, not an alley;

3. That the proposed lot split shall in no way be detrimental to the surrounding lot pattern, thereby tending to reduce property values in the surrounding area;

4. That the size of the proposed lot is not smaller than the prevailing lot size in the area in which it would be located;

5. That the granting of the lot split would result in the creation of a lot that would be of a size and configuration which would be applicable to the standards of development specified by this chapter in the land use district in which it is located;

6. That the creation of the proposed lot would be in conformity with the intent and purpose of the comprehensive general plan for the city.

C. Processing Application. All applications submitted shall be processed in the manner set forth in Chapters 17.54 through 17.58. (Prior code Appx. A, § 1224)

17.46.230 Sales contrary to lot split regulations are illegal and voidable.

A. Illegality of Sale. It is unlawful for any person to execute any deed of conveyance for, to offer to sell, to contract to sell, or to sell, any lot of which conveyance or sale shall result in a division of such land into two or more parcels or a reduction in the area or a separation of the ownership of such lot or otherwise, until a final map thereof has been approved by the planning commission and recorded with the county recorder of Los Angeles County and except in compliance with the design and dimensions of such lot as shown on said recorded final map and in accordance with the provisions of this chapter.

B. Invalidity of Conveyance. Any deed of conveyance, sale or contract to sell made

contrary to the provisions of this chapter, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustees in insolvency or bankruptcy within one year after the final date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee. (Prior code Appx. A, § 1225)

17.46.240 Antennas, satellite dishes and similar equipment.

No antenna, television aerial, satellite dish or other similar device shall be erected, constructed, maintained or operated except in conformance with the following regulations:

A. Applicability.

1. Antennas, television aerials, satellite dishes, similar devices or any apparatus designed or used to receive television, radio or other electronic communication signals broadcast or relayed from another location shall be regulated by this section.

2. Such device shall be considered an accessory structure under the zoning code.

B. Location of Device.

1. Except as herein provided, no such device shall be allowed to exceed the height limit applicable in the zone in which the device is located. The height limit in any particular zone shall apply whether or not the device is placed on the roof or in the rear yard. For the purposes of this chapter, all such devices placed upon a roof shall be combined for purposes of measurement. The surface area of the device shall be measured at its maximum projection above the height limit.

2. Said devices shall be allowed to exceed the height limit only to the extent that the surface area of the device on its widest side shall not exceed twelve (12) square feet of surface area over the height limit. The surface area measurement shall only include measurement of the surface area of the device that exceeds the applicable height limit. It shall not include the surface area of the device below the height limit.

3. Such devices shall be located and designed to reduce visual impact from surrounding properties and from public streets and shall be screened in a manner compatible with existing architecture and/or landscaping. However, no screening shall be required which blocks the ability of any such device to receive signals. Based on a determination by the building director or his designee, screening of a type and construction compatible with the architecture of the building in question may be required.

4. All devices regulated under this section and the construction and installation thereof shall conform to applicable city building code, zoning code, and electrical code regulations and requirements.

5. Such devices shall meet all manufacturer's specifications, and all antennas and screens shall be fire-resistive and of corrosive resistant material, and shall be erected in a secure, wind resistant manner. They shall also be maintained in good condition.

6. Every such device shall be adequately grounded for protection against a direct strike of lightning.

7. No building permit shall be issued until there is filed with the city a site plan and building elevations showing conformance with this section. For the purposes of this section, a building permit shall be required for all satellite dishes and for other antennas or aerials which exceed ten feet in height above the existing roof line when measured from the base of the antenna or aerial. (Prior code Appx. A, § 1227)

Chapter 17.48

TRIP REDUCTION AND TRAVEL MANAGEMENT

Sections:

17.48.010 Definitions.
17.48.020 Review of transit impacts.
17.48.030 Transportation demand and trip reduction measures.
17.48.040 Monitoring.
17.48.050 Enforcement.

17.48.010 Definitions.

The following words or phrases shall have the following meanings when used in this chapter:

"Alternative transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

"Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section 17.48.030.

"Buspool" means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

"Carpool" means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

"The California Environmental Quality Act (CEQA)" means a statute that requires all jurisdictions in the state of California to evaluate the extent of environmental degradation posed by proposed development.

"Developer" means the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

"Development "means the construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this ordinance and which exceed the thresholds defined in Section 17.48.030 shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

"Employee parking area" means the portion of total required parking at a development used by onsite employees. Unless specified in the city's zoning/building code, employee parking shall be calculated as follows:

Type of Use	% of Total Required Parking Devoted to Employees
Commercial	30%
Office/professional	85%
Industrial/manufacturing	90%

"Preferential parking" means parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

"Property owner" means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

"South Coast Air Quality Management District (SCAQMD)" is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin.

"Tenant" means the lessee of facility space at an applicable development project.

"Transportation Demand Management (TDM)" means the alteration of travel behavior, usually on the part of commuters, through programs of incentives, services and policies. TDM addresses

alternatives to single-occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

"Trip reduction" means reduction in the number of work-related trips made by single occupant vehicles.

"Vanpool" means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

"Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Prior code Appx. A, § 8.5-1)

17.48.020 Review of transit impacts.

Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions. The "Transit Impact Review Worksheet," contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommended mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. (Prior code Appx. A, § 8.5-2)

17.48.030 Transportation demand and trip reduction measures.

A. Applicability of Requirements. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

1. This chapter shall not apply to projects for which a development application has been deemed complete by the city pursuant to Government Code Section 65943, or for which a notice of preparation for a DEIR has been circulated or for which an application for a building permit has been received, prior to the effective date of the ordinance codified in this chapter.

2. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards.

1. Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the city:

A bulletin beard, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

a. Current maps, routes and schedules for public transit routes serving the site;

b. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

c. Ridesharing promotional material supplied by commuter-oriented organizations;

d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection B(1) of this section and shall provide all of the following measures to the satisfaction of the city:

a. Not less than ten percent of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the city.

3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections B(1) and (2) of this section, and shall provide all of the following measures to the satisfaction of the city:

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

c. If determined necessary by the city to mitigate the project impact, bus stop improvements must be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite. (Prior code Appx. A, § 8.5-3)

17.48.040 Monitoring.

In order to assure compliance with this chapter, Section 17.72.010 shall be complied with prior to the issuance of a certificate of occupancy from the building department. (Prior code Appx. A, § 8.5-4)

17.48.050 Enforcement.

Enforcement of this chapter shall be set forth in Section 17.72.040 and Chapter 17.74. (Prior code Appx. A, § 8.5-5)

Chapter 17.50

SIGNS

Sections:

17.50.010	**Purpose, intent and scope.**
17.50.020	**Enforcement.**
17.50.030	**Definitions.**
17.50.040	**Permits required.**
17.50.050	**Maintenance.**
17.50.060	**Inspections.**
17.50.070	**Design and construction.**
17.50.080	**Prohibited signs.**
17.50.090	**Sign requirements and regulations in residential zones and for residential uses.**
17.50.100	**Sign requirements and regulations in R-P zone (residential-professional).**
17.50.110	**Sign requirements and regulations in the OS (open space) and OS-1 (restricted open space) zone.**
17.50.120	**Sign requirements and regulations, C-1 zone (neighborhood commercial).**
17.50.130	**Sign requirements and regulations in C-2 zone (restricted commercial).**
17.50.140	**Sign requirements and regulations in C-3 zone (general and highway commercial).**
17.50.150	**Sign requirements and regulations in M zone (manufacturing).**
17.50.160	**Political signs.**
17.50.170	**Nonconforming signs in all zones.**
17.50.180	**Conditional approval.**
17.50.190	**Variances.**
17.50.200	**Sign review.**
17.50.210	**Temporary signs.**

17.50.010 Purpose, intent and scope.

A. The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and enhancing the design, quality of materials, construction, illumination, location, identification and maintenance of all signs and sign structures not located within a building. The intent of this chapter is to promote and maintain the attractiveness, orderliness and dignity of the city's appearance, to preserve property values, and to protect the welfare of citizens through the regulation of signs without impairing the ability of its citizens and businesses to carry out their normal functions. It is further intended that the necessary regulations control and enforcement be carried out expeditiously, yet without planning under burdens upon any citizens of business.

B. No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device. No scenic values or other public interests should be harmed as a result of signing.

C. The regulations of this chapter are not intended to permit any violation of the provisions of any other lawful ordinance. (Prior code Appx. A, § 13.5-1)

17.50.020 Enforcement.

A. Authority. The building official is authorized and directed to enforce all the provisions of this chapter.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe, the building official or his authorized representative may enter the premises or building on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed upon the building official by this chapter; provided, that if such building or premises on which the sign is located is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, promptly to permit entry

therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

C. Violations and Penalties. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an infraction.

1. Each violation is punishable as follows:
   - a. A fine of fifty dollars ($50.00) for the first violation;
   - b. A fine of one hundred dollars ($100.00) for a second violation of the same condition within one year;
   - c. A fine of one hundred fifty dollars ($150.00) for a third violation of the same condition within one year; and
   - d. A fine of three hundred dollars ($300.00) for each additional violation of the same condition within one year.
2. Each person, firm or corporation found guilty of an infraction shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person, and shall be punishable accordingly. (Prior code Appx. A, § 13.5-2)

17.50.030 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

"Approved plastic materials" shall be those which have a flame-spread rating of 225 or less when tested in accordance with U.B.C. Standard No. 42-1 in the way intended for use; and a smoke density rating no greater than 450 when tested in accordance with U.B.C. Standard No. 42-1 in the intended for use; or a smoke density rating no greater than 75 when tested in the thickness intended for use by the chamber method of test under U.B.C. Standard No. 52-2.

"Awning" means a temporary shelter supported entirely from the exterior wall of a building.

"Awning sign" means any sign painted on, attached to or supported by an awning with the sign copy parallel or almost parallel to the plane of the supporting building wall.

"Banner" means a temporary sign constructed of cloth, canvas or a light fabric.

"Billboard" means any off-premises sign erected for the purpose of identifying a product, event person or subject not entirely related to the premises on which said sign is located.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building frontage" means the exterior building wall of a ground floor business on the side or sides of the building fronting on or oriented toward a street or highway, which is used exclusively for pedestrian or vehicular traffic. Building frontage is measured continuously along the wall for the entire length of the building. In cases where the exterior walls of a business are oriented to more than one street or highway, the primary building frontage shall be the frontage which is associated with the street identified with the street address of the business. Secondary frontage must have a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or highway.

"Building line" is a line established by the outer walls creating the perimeter of the structure. A building line may also be a property line.

"Building official" is the officer or other person charged with the administration and enforcement of this chapter or his duly authorized deputy.

"Building identification sign" is any sign containing the name or address of the building which may include hours of operation and emergency information located on the same site as the building.

"Bulletin board" means a structure containing a surface upon which is displayed the name of a park, church, school, library, community center or similar

institution and the announcement of the services or activities thereof.

"Business sign" means a sign which identifies only the name, address and general nature of the business or businesses conducted from or upon the premises upon which the sign is located.

"Clock" means any timepiece erected on the exterior of any building or structure for the convenience of the public.

"Commission" means the Hermosa Beach planning commission.

"Commodity identification sign" is any sign which advertises a product or service which is available on the premises on which the sign is located, using a brand name, symbol, logo or trade name as part of the sign. If a business name includes a brand name, symbol, logo, or trade name, signs using that business name shall not be considered to be commodity identification signs.

"Construction sign" means a temporary sign stating the name of individuals or businesses directly connected with the construction project, their addresses, and/or their telephone numbers.

"Curbline" is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the city engineer (see "Legal setback line").

"Directional sign" means entrance and exit signs, operating instructions, and such like signs.

"District" means any zoning district designated in the zoning ordinance of the city of Hermosa Beach.

"Double-face sign" means a sign which has two or more display surfaces backed against each other, or against the same background, one face of which is designed to be seen from one direction and the other from the other direction.

"Electric sign" is any sign containing electric wiring, but not including signs illuminated by an exterior light source.

"Entity" means any person who is the lessee, owner or who has a proprietary interest in the business for which the sign is proposed. Each business shall be considered a separate entity.

"Fascia" means the flat outside horizontal member of a building having the form of a flat band or broad fillet.

"Flag" means a piece of fabric, plastic, canvas or any other soft material, in any geometric form, that is attached to a structure, pole or wire. Included in this definition are pennants and streamers. "Flag" shall not include any support, frame or standard used exclusively for the display of the flag of the United Stated of America, the state or the city, nor shall it include these flags.

"Grade (adjacent ground elevation)" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Ground sign" is a sign which is supported by one or more uprights, poles or braces in or upon the ground, other than a pole sign, as defined by this section.

"Illuminated sign" or "lighted sign" means a lighted sign which has the source of light on the surface of the sign or in the interior of the sign itself, or which has a source of light located such that the beam of the light falls upon the surface of the sign.

"Legal setback line" is an established line beyond which no building may be built. A legal setback line may be a property line.

"Lot frontage" means the linear distance of a lot line, separating the lot from the street or highway which is used for pedestrian or vehicular access to the business being conducted on said lot. In cases where a lot is contiguous to more than one street, the lot frontage associated with the street identified with the address of the business.

"Marquee sign" means a sign painted on, attached to, or supported by a marquee with the exposed face of the sign in a plane parallel to the building wall which supports the marquee.

"Mobile sign" is any portable display surface mounted on any nonmotorized or inoperative vehicle or device for the purpose of advertising or identifying businesses services or products.

"Moving sign" means a sign which has any actual or apparent moving, revolving, scintillating, flashing or rotating parts activated by electric, electronic, kinetic or mechanical devices, or by wind current, and shall include, but not be limited to, balloons, time or temperature recording devices (except clocks), signs which are constructed of or faced with reflective tape or other similar materials,

signs which change color, and signs where the intensity of lighting changes or appears to change.

"Mural" is a pictorial representation not specifically identifying goods or services offered by the business on the premises.

"Neon sign" means a sign utilizing electric energy combined with glass tubing and gaseous substance to create light source.

"Noncombustible," as applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-1 shall be considered noncombustible within the meaning of this subsection.
2. Material having a structural base of noncombustible material as defined in subdivision 1 above, with a surfacing material not over one-eighth-inch thick which has a flame spread rating of fifty (50) or less.

"Noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearance to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subdivision 1 above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating, as used herein, refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.

"Nonconforming sign" is a sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the provisions of the Hermosa Beach sign code.

"Nonstructural trim" is the molding, battens, caps, nailing strips, latticing, cutouts or letters which are attached to the sign structure.

"Off-premises sign" is a sign which is not located on the property which it directs attention to.

"Permanent sign" means any sign which is not classed as a temporary sign.

"Person" means a person who is, and includes, every person, firm, partnership, association or corporation, whether acting as principal, agent, employee or otherwise.

"Pole sign" is a sign wholly supported by a single member in the ground.

"Political sign" means a temporary, commercial sign identifying any person or proposition appearing on the ballot for any election scheduled to be held in the city.

"Premises" means a lot or parcel of real property, or any portion thereof which is used separately from other portions thereof, any building located thereon, or any portion of such building which has a separate street address.

"Projecting sign" is a sign, other than a wall sign, which projects from and is supported by a wall of a building structure with the exposed face of the sign not parallel to the plane of said wall.

"Projection" is the distance by which a sign extends over public property or beyond the building line.

"Real estate sign" (such as a "For Sale" sign, a "For Lease" sign, or a "For Rent" sign) means a temporary sign indicating property for sale, lease or rent and the name, address, and telephone number of the owner, broker or other person offering the same for sale, lease or rent, located on the premises for sale, lease or rent or on property owned by another, with that persons consent. In addition, the works "Sold," "Leased," "In Escrow" or "Rented" may be added to a previously posted sign. The area of the sign shall include the area of any and all riders. All riders shall be attached to the face of the basic sign.

"Rental sign" means a permanent or temporary sign which is used for giving information on availability of rentals on multiple dwellings, hotels, clubs, lodges and similar permitted uses.

"Roof sign" is a sign erected upon, above or extending above a roof line of a building or structure. Architectural projections above the roof line which function as background for a sign shall be considered a sign structure. A sign on such structure shall be considered a roof sign.

"Roof Line", for the purposes of this section, is considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or facade.

"Sign" is any medium including representational art with its structure and component parts which is intended to be used to attract attention to goods

and/or services offered by the business on the premises.

"Sign area" means the area included within the outer dimensions of a sign. In the case of a sign placed or painted on a wall or other building surface, without any border and with its background the same color as the wall of the building, the area shall be computed by enclosing the entire sign within one or more pairs of horizontally parallel and one or more pairs of vertical parallel lines and determining the area thus enclosed.

"Sign structure," for identification purposes only, is any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole or poles and may or may not be an integral part of the building.

"Site" means any separate parcel of property as shown on the latest available assessor's maps; provided, however, when a shopping center has been divided into separate parcels, it shall continue to be considered as one parcel of record; and provided, further, where one tenant, business or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of record.

"Street frontage" means the linear distance of a lot line, separating the lot from the street or highway which is used exclusively for pedestrian or vehicular traffic, excluding alleys. Where such site is abutted by more than one street, each street will qualify as frontage if the following condition exists: There are building entrances or exits opening onto the street which are open to the public during business hours.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

"Temporary sign" is any sign, banner, valance or identification display constructed of cloth, canvas, fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a limited period of time only.

"Uniform Building Code" is the edition of the Uniform Building Code published by the International Conference of Building Officials and which has been adopted by the city, subject to the particular additions, deletions and amendments set forth therein.

"U.B.C. Standards" is the edition of the Uniform Building Code Standards published by the International Conference of Building Officials and which has been adopted by the city, subject to the particular additions, deletions and amendments set forth therein.

"Wall sign" is any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and not extending above the wall to which it is attached.

"Wind sign" means any cloth or plastic or other flexible light material made in strips, triangles or other shapes which are fastened together at intervals by wire, rope, cord, string or other means in such manner as to move by wind pressure and which are used or displayed to attract attention to a business, product, service or entertainment.

"Window signs" are permanent and/or temporary signs inside or outside of and attached to the surface of windows. (Ord. 96-1156, § 1, Amended, 05/14/96; Prior code Appx. A, § 13.5-3)

17.50.040 Permits required.

A. No sign shall be erected, re-erected, constructed, altered or maintained, except as provided by this chapter and until a permit for the same has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

B. Application for a sign permit shall be made in writing upon forms furnished by the building official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector, and shall be accompanied by the written consent of the record owner of the property on which the sign is to be erected. Every application for such permit shall set forth in detail by use of diagrams, drawings, plans or written description of the proposed method of compliance. The diagrams, drawings, plans or written description shall contain all of the electrical and other work which is to be installed as part of the sign, shall include elevations and sections of the sign drawn to scale, and shall show the precise location of the sign on the building, parcel or structure.

C. Comprehensive Sign Plan to be Required on Proposed Commercial Developments. The applicant shall submit a sign plan for the development showing the location, size, color and, if possible, copy for all signs proposed for the site; the sign plan shall include a rendered elevation, showing all signs in relation to the structure. The theme of such signing shall be approved as a part of plans for new multi-tenant commercial or industrial developments, and shall be an integral part of the development.

D. Exceptions. The following signs shall not require a sign permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provision of this chapter or any other law or ordinance relating the same.

1. The changing of the identifying copy or message on theater marquees and similar signs specifically designed for the use of replaceable copy;
2. Repainting or cleaning of a sign shall not be considered an erection or alteration which requires a sign permit unless a structural, copy or color change is made;
3. Nonilluminated construction signs, not to exceed twenty-five (25) square feet per site and not more than six feet in height above grade; provided the sign shall not be erected, installed or maintained on any premises until the required permits for the construction have been obtained and are removed prior to final inspection;
4. One nonilluminated real estate sign per site provided the sign complies with the regulations for real estate signs set forth in each zoning district;
5. Political signs;
6. Building identification signs not to exceed two square feet in area.

A sign permit fee and a plan-checking fee shall be paid in accordance with an amount fixed by resolution of the city council. (Ord. 98-1179, § 4, 01/27/98; Prior code Appx. A, § 13.5-4)

17.50.050 Maintenance.

All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

A. Any location where business goods are no longer sold or produced or where services are no longer provided or where sign copy has been removed from the sign structure shall have one hundred twenty (120) days to remove any remaining nonconforming or derelict on-premises signs or sign structures following notification by the city, and at the expense of the owner of said property. Where due written notification has been given by the city and compliance has not been made within the required one hundred twenty (120) day period the city may cause removal of such signs with the cost for such removal to be attached to the property.

B. On-premises signs shall be refinished, repaired or removed as necessary to correct problems of rust, corrosion, cracks, broken faces, malfunction lamps, missing letters or characters, peeling, warping, facing or unsafe conditions within thirty (30) days following notification by the city. (Prior code Appx. A, § 13.5-5)

17.50.060 Inspections.

All signs for which a permit is required shall be subject to inspection by the building official.

Footing inspections may be required by the building official for all signs having footings.

All signs containing electrical wiring shall be subject to the provisions of the governing electrical code and the electrical components used shall bear the label of an approved testing agency.

The building official may order the removal of any sign that is not maintained in accordance with provisions of Section 17.50.050.

All signs may be reinspected at the discretion of the building official. (Prior code Appx. A, § 13.5-6)

17.50.070 Design and construction.

A. Design.

1. General. Signs and their supporting members shall be designed in accordance with recognized engineering principles and the provisions of the Uniform Building Code.
2. Materials. Materials for the construction of signs and their supporting members shall conform to applicable Uniform Building Code Standards.
3. Display Surfaces. Display surfaces in all types of signs may be made of metal, glass, approved plastics or wood:

a. Glass thickness and area limitations shall be as set forth in Table No. 7-A.
b. Sections of approved plastics on wall signs shall not exceed one hundred fifty (150) square feet in area.
c. Sections of approved plastics on wall signs shall be separated three feet laterally and six feet vertically by the required exterior wall construction.
d. Exception. Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the building official.

1. Restrictions on Combustible Material. Combustible materials shall not be used where prohibited by the provisions of the Uniform Building Code. No combustible materials other than approved plastics shall be used in the construction of electric signs.
2. Illuminated Signs. The approval of any illuminated sign is not final until thirty (30) days after installation, during which period the building official may order the dimming of any illumination found to be excessively brilliant. Illumination is considered excessive if it prevents normal perception of objects beyond or in vicinity of the sign.

B. Projections and Clearance.

1. General. Signs shall conform to the clearance and projection requirements of this section and Table Nos. 7-B and 7-C.
2. Clearance from high-voltage power lines. Signs shall be located not less that six feet horizontally or twelve (12) feet vertical from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.
3. Clearance From Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
4. Obstruction of Openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the Uniform Building Code.
5. Projection Over Alleys. No sign or sign structure shall project into any public alley below a height of fourteen (14) feet above grade, nor project more than twelve (12) inches where the sign structure is located fourteen (14) feet to sixteen (16) feet above grade. The sign or sign structure may project not more than thirty-six (36) inches into the public alley where the sign or sign structure is located more than sixteen (16) feet above grade.
6. Clearance From Streets. Signs shall not project within two (2) feet of the curbline.

TABLE NO. 7-A, SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

Minimum Size of Exposed Glass Panel		Minimum Thickness of Glass	
Any Dimension (in inches)	Area (in square inches)	(in inches)	Type of Glass
30	500	1/8	plain, plate, wired
45	700	3/16	plain, plate, wired
144	3600	1/4	plain, plate, wired
Over 144	Over 3600	1/4	wired glass

TABLE NO. 7-B PROJECTION OF SIGNS

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
Over 8 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet, not to exceed 36 inches

TABLE NO. 7-C THICKNESS OF PROJECTING SIGN

Projection	Maximum Thickness
3 feet	3 feet
2 feet	3 feet 6 inches
1 foot	4 feet

(Prior code Appx. A, § 13.5-7)

17.50.080 Prohibited signs.

A. The following signs are prohibited in all zones:

1. Contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words for advertisement purposes that simulate traffic devices and tend to confuse the motorists or pedestrians;
2. Are of a size, location, movement, content, coloring or manner of illumination which may be confused with or constructed as a traffic control device or which hide form view by motorists or pedestrians;
3. Advertise any activity, business, product or service no longer conducted on the premises upon which the sign is located, including off-site signs;
4. Contain or consist of banners, posters, pennants, ribbons, streamers, lines of flashing light bulbs, spinners, rotating signs, gas-fired torches or other similar devices that move in any manner or have a moving part. These devices;
5. when not a part of any sign, are similarly prohibited unless they are permitted specifically by this chapter or other provision of this code;
6. Are of flashing, rotating, scintillating nature and of such design as to give the appearance of movement. This section shall not apply to signs which indicate time or temperature.

B. In addition, the following signs are prohibited:

1. Billboards;
2. Mobile signs, including portable signs, A-frame signs or sidewalk signs;
3. Moving signs;
4. Off-premises signs (except real estate signs);
5. Projecting signs (except for business identification signs in C-1 and C-2 zones);
6. Roof signs (with the following exceptions):
   - Signs located on pre-existing architectural projections extending above a roof line that have historically been used for sign purposes.
   - Signs located on projections above the roof line that are deemed by the Planning Commission to be architectural projections that are part of the architecture of the building and not solely for purposes of sign background.;
7. Wind signs;
8. Signs other than those which are permitted in the zone as set forth in this chapter. (Ord. 96-1156, § 2, Amended, 05/14/96; Prior code Appx. A, § 13.5-8)

17.50.090 Sign requirements and regulations in residential zones and for residential uses.

A. Permitted Signs. In all residential zones and on any property being exclusively used for residential purposes in any zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. One unlighted wall real estate sign not to exceed six square feet, or one single-faced real estate sign not to exceed six square feet, or one double-faced real estate sign not to exceed ten square feet in sign area. The area of the sign shall include the area of any and all riders. All riders shall be attached to the face of the basic sign;
2. One wall identification sign not exceeding two square feet in sign area, containing name, and address of occupant of premises. This sign may be illuminated provided the source thereof is indirect and shielded, and the illumination is not intermittent.
3. Exception. Where such site is abutted by more than one street, the above signs may be erected, installed or maintained on each street frontage;
4. Construction signs (see Section 17.50.040(D)(3));
5. For multiple dwelling units (three or more units, attached), one unlighted wall or ground rental sign, single-faced, twelve (12) square feet, or double-faced not to exceed sixteen (16) square feet in sign area, giving information on availability of rental on multiple dwellings. Such signs shall be removed upon renting all units with the building.

B. Location and Height.

1. Such signs shall be located entirely on private property.
2. Ground signs shall not be over four feet high above finished grade.
3. Wall signs shall not be over eight feet high above finished grade.
4. No moving sign, wind sign, projecting sign, combination sign, construction sign, roof sign, mobile sign, commodity identification sign, or any other sign having a device, symbol, design or figure used as identification, other than numbers or letters, shall be permitted. (Prior code Appx. A, § 13.5-9)

17.50.100 Sign requirements and regulations in R-P zone (residential-professional).

In the R-P zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

A. Permitted signs for residential dwellings permitted in the R-P zone are the same as those set forth in the Section 17.50.090 for residential zones and dwellings.

B. Permitted signs for businesses permitted in the R-P zone are the same as those set forth in Section 17.50.120, C-1 zone. (Prior code Appx. A, § 13.5-10)

17.50.110 Sign requirements and regulations in the OS (open space) and OS-1 (restricted open space) zone.

All new signs shall require approval by the planning commission and are limited to wall signs and ground signs, which should be constructed of appropriate natural appearing materials such as wood, shall not be illuminated except where necessary for safety purposes, and shall blend in with the natural setting of the open space area. (Prior code Appx. A, § 13.5-11)

17.50.120 Sign requirements and regulations, C-1 zone (neighborhood commercial).

Intent: to regulate signs recognizing the unique characteristics of neighborhood commercial districts, namely their proximity to residential uses and their orientation to pedestrian users.

A. Permitted Signs. In the C-1 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One real estate sign;
4. One construction sign;
5. Temporary sign(s);
6. Commodity identifications signs for commodities which are integral to the business per the following schedule:
   - Percent of allowable sign area which may be used for commodity identification:

- Commodity equal to less than 10 percent of business...10 percent
- Commodity equal to 10 percent to 50 percent of business...25 percent
- Commodity equal to more than 50 percent of business...75 percent
- Commodity identification for beverages sold by restaurants and markets...10 percent

B. Styles of Signs. Only the following styles of signs shall be permitted:

1. One wall sign;
2. One awning sign;
3. One ground sign;
4. One projecting sign (for business identification only);
5. Window sign(s);
6. Mural. (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style.)

These signs may be electrical, illuminated or neon.

C. Projection, height and location.

1. A single, nonilluminated projecting business identification sign for each business is permitted and may be hung from a wall projection or marquee over an entry way, provided the sign does not exceed a total area of four square feet per face and provided it shall be at least eight feet above the sidewalk and may not project outward more than three feet.
2. Wall signs shall not project more than six inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
3. No sign shall be located on or attached to a parapet wall, roof, or ridge line of a building two stories or higher.
4. All ground signs shall be located entirely on private property and cannot project over public property. No ground sign shall be allowed in the C-1 zone that is greater than eight feet in height, measured from grade to the highest point of said sign.

D. Allowable Sign Area.

1. Total permanent sign area allowable shall not exceed two square feet for each lineal foot of building frontage; provided however, that minimum of twenty (20) square feet shall be allowed. Both sides of a double-face sign shall be calculated when determining allowable sign area.
2. Where more than one separate business or entity is located on any one site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.
4. No sign shall cover more than twenty-five percent of the wall or facia it occupies or is placed upon.
5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building side facing such public way as the building frontage. Only one such building side may be considered building frontage.

Exception. On each street frontage one real estate sign not exceeding twenty-five (25) square feet in sign area and one construction sign not exceeding twenty-five (25) square feet in sign area may be erected in addition to the allowable sign area on any one site or entity.

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Residential Uses. When the property is being used solely for residential purposes, the sign permitted on the premises and the requirements and regulations shall be as set forth in Section 17.50.090 multiple-family residential.

G. Second-Story Signs. Signs for second-story businesses may be provided, but shall be part of the total sign area allocation for the corresponding

building frontage on the ground floor below. No signs are allowed above the second story.

H. Pole Signs. Pole signs shall not be permitted in a C-1 zone. (Prior code Appx. A, § 13.5-12)

17.50.130 Sign requirements and regulations in C-2 zone (restricted commercial).

Intent: to regulate signs recognizing the characteristics of restricted commercial zone as a pedestrian-oriented shopping and entertainment district, and as the city's downtown district.

A. Permitted Signs. In the C-2 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One real estate sign;
4. One construction sign;
5. Temporary signs;
6. Percent of allowable sign are which may be used for commodity identification:
   - Commodity equal to less than 10 percent of business...10 percent
   - Commodity equal to 10 percent to 50 percent of business...25 percent
   - Commodity equal to more than 50 percent of business...75 percent
   - Commodity identification for beverages sold by restaurants and markets...10 percent

B. Styles of Signs. Only the following styles of signs shall permitted per business:

1. One wall sign;
2. One ground sign per site;
3. One awning sign;
4. Projecting sign (business identification only);
5. One marquee sign;
6. Window sign(s);
7. Banners;
8. Mural. (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style.

   These signs may be electrical, illuminated or neon.

C. Projection, Height and Location.

1. A single, nonilluminated projecting business identification sign for each business is permitted and may be hung from a wall projection or marquee over an entry way, provided the sign does not exceed a total area of four square feet per face and provided it shall be at least eight feet above the sidewalk and may not project outward more than three feet.
2. Walls signs shall not project more than six inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
3. All ground signs shall be located entirely on private property and cannot project over public property, and shall not exceed ten feet from grade to the highest portion of the sign body.

No ground sign shall be allowed in the C-2 zone that is greater than eight feet in height, measured from the grade to the highest point of said sign.

D. Allowable Sign Area.

1. Total permanent sign area shall not exceed two square feet for each foot of lineal building frontage; provided however, that a minimum of twenty (20) square feet shall be allowed. Double-faced sign area shall be calculated by counting one side and one-half of the other side.
2. Where there is more than one business or entity located on any one site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than one street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/ pedestrian use, which entrance is fronting on a street or highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.
4. No sign shall cover more than twenty-five (25) percent of the wall or facia it occupies or is placed upon.
5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building

side facing such public way as the building frontage. Only one such building side may be considered building frontage.

Exception. On each street frontage one real estate sign not exceeding twenty-five (25) square feet in sign area and one construction sign not exceeding twenty-five (25) square feet in sign area may be erected in addition to the allowable sign area on any one site or entity.

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Second-Story Signs. Signs for second-story businesses may be provided, but shall be part of the total sign area allocation for the corresponding building frontage on the ground floor below. No signs are allowed above the second story.

G. Pole signs. Pole signs shall not be permitted in a C-2 zone. (Prior code Appx. A, § 13.5-13)

17.50.140 Sign requirements and regulations in C-3 zone (general and highway commercial).

Intent: to regulate signs recognizing the characteristics of the general commercial zone as an automobile oriented strip commercial district.

A. Permitted Signs. In the C-3 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One real estate sign;
4. One construction sign;
5. Temporary sign(s);
6. Percent of allowable sign area which may be used for commodity identification:
   - Commodity equal to less than 10 percent of business...10 percent
   - Commodity equal to 10 percent to 50 percent of business...25 percent
   - Commodity equal to more than 50 percent of business...75 percent
   - Commodity identification for beverages sold by restaurants and markets...10 percent

B. Styles of Signs. Only the following styles of signs shall be permitted per business.

1. One wall sign;
2. One ground sign, or one pole sign per site;
3. One awning sign;
4. One marquee sign;
5. Window sign(s);
6. Banners;
7. Mural. (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style.)

These signs may be electrical, illuminated or neon.

C. Projection and Height.

1. Wall signs shall not project more than six inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
2. All ground signs shall be located entirely on private property and cannot project over public property, and shall not exceed ten feet from grade to the highest portion of the sign body.

D. Allowable Sign Area.

1. Total permanent sign area shall not exceed three square feet for each foot of lineal building frontage. Both sides of a double-face sign shall be calculated when determining sign area.
2. Where there is more than one business or entity located on any one site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than one street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/ pedestrian use, which entrance is fronting on a street or highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.
4. No sign shall cover more than twenty-five (25) percent of the wall or facia it occupies or is placed upon.
5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building side facing such public way as the building

frontage. Only one such building side may be considered building frontage.

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Second-Story Signs. Signs for second-story businesses may be provided, but shall be part of the total sign area allocation for the corresponding building frontage of the ground floor below. No signs are allowed above the second story.

G. Pole Signs. pole signs are permitted but shall not exceed the height of the building on the same lot, or twenty (20) feet in height measured from existing grade, whichever is lesser, and no part of the sign shall encroach or project within five feet of any adjacent private property, or, encroach or project into the public right-of-way. To qualify for a pole sign, the site must have at least forty (40) feet of street frontage. No pole sign may have more than one sign can attached to it and all pole signs shall incorporate a raised landscaped planter. (Prior code Appx. A, § 13.5-14)

17.50.150 Sign requirements and regulations in M zone (manufacturing).

Sign requirements and regulations for business permitted in the M zone are the same as those set forth in Section 17.50.140. (Prior code Appx. A, § 13.5-15)

17.50.160 Political signs.

Any political sign shall be permitted on private property only, with the consent of the property owner, in any zone, for a reasonable period of time preceding an election. No political signs shall be posted on public property or utility poles. All political signs shall be removed within fifteen (15) days following the date of the subject election. (Prior code Appx. A, § 13.5-16)

17.50.170 Nonconforming signs in all zones.

A. Signs lawfully existing at the time of the adoption of this section which do not comply with the sign ordinance shall be deemed legal nonconforming structures and shall be removed or made to comply whenever the following conditions occur.

1. The sign is damaged or destroyed to more than fifty (50) percent of its replacement cost and the destruction cannot be repaired within thirty (30) days of its destruction;
2. The sign is altered, enlarged, remodeled, reconstructed or relocated, other than facial copy replacement;
3. The building or land use upon which the sign is located is expanded or enlarged and the sign is effected by the construction enlargement or remodeling, or the cost of construction, enlargement, or remodeling, exceeds fifty (50) percent of the replacement cost of the building;
4. A sign for which there has been an agreement between the sign owner and the city for compliance or removal on any give date;
5. The use of the sign has ceased, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than ninety (90) days;
6. The sign is or may become a danger to the public or is unsafe;
7. If the sign constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city.

B. Exception. The above provisions may be waived by the planning commission for a sign or signs found to be of historic value. The commission shall base its determination on a consideration of the following criteria:

1. Age of sign - is it more than twenty-five (25) years old; and
2. Business it advertised - did the business or activity being advertised have some prominent place in the history of Hermosa Beach; and
3. Appearance: does the sign have any attractive or memorable features? Do the sign features demonstrate any significant trend or period in the arts and/or architectural history?

An exception may be granted by the procedure set forth in Section 17.50.200(B) and (C).

If an exception is granted, additional signs may be allowed by the planning commission, not to exceed total allowable sign area. (Ord. 94-1106 § 1, 1994; prior code Appx. A, § 13.5-17)

17.50.180 Conditional approval.

The planning commission or the city council, on appeal, may attach appropriate and reasonable

conditions to the approval of sign or signs in conjunction with the review of a precise development plan. Conditional use permit or other discretionary land use, including but not limited to allowable projection and height, allowable sign area, location of sign or signs upon the lot or building, and other design modifications. In granting its conditioned approval, the commission shall find that:

A. The sign is permitted in the particular zone; and

B. The modifications and conditions are reasonably compatible in character and quality of design with the exterior architecture of the premises and other structures and signing in the immediate area; and

C. The modifications and conditions will not materially reduce the visibility of existing conforming signs in the area. (Prior code Appx. A, § 13.5-18)

17.50.190 Variances.

The planning commission or the city council, on appeal, may grant a variance to the specific requirements of this chapter, provided a demonstrated hardship exists and the proposed sign will not adversely affect public safety or the design and appearance of the surrounding neighborhood and the following conditions are found to exist:

A. A variance authorized is not a grant of a special privilege inconsistent with the limitations on other properties in the vicinity; and

B. Special conditions and extraordinary circumstances apply to the property and do not apply to the other properties in the vicinity so that the strict application of this chapter works a demonstrated hardship on the particular property; and

C. The variance will not adversely affect public safety and the design and appearance of the signing and structures of the surrounding area. (Prior code Appx. A, § 13.5-19)

17.50.200 Sign review.

A. The department of building and safety shall be the sign reviewing agency and shall make final determinations on all signs. Provided that any determination may be brought before the planning commission on appeal.

B. On appeal to the planning commission, or further appeal to the city council, the city shall post a notice for sign appeal hearing at least sixteen (16) inches by twenty (20) inches, posted in a prominent place on the subject premises, clearly visible from the street, for at least one week prior to the review, stating the type, number and size of signs proposed, the date and place of hearings, and the telephone number of the department of building and safety for further information.

C. A fee for a sign review shall be paid in accordance with an amount fixed by resolution of the city council. (Prior code Appx. A, § 13.5-20)

17.50.210 Temporary signs.

Temporary signs are allowed in addition to permanent signs subject to the following criteria:

A. Allowable Area. The allowable area for one or more temporary signs shall not exceed forty (40) percent of the allowable area for permanent signs; provided, that in any case a temporary sign of twenty (20) square feet in area shall be allowed, and one hundred (100) square feet shall be the maximum area.

B. Duration of Display. The total duration of display for all temporary signs for any business shall not exceed ninety (90) days during any calendar year.

C. Applications. An application for a temporary sign shall be made in writing on forms furnished by the building official. Such application shall contain the location of the proposed temporary sign, as well as the name and address of the business owner.

The building official shall obtain written permission from the applicant to enter the subject property for the purpose of removing any temporary signs which remain displayed after their expiration date.

D. Exception to Regulations. The requirements of this section shall not apply to temporary political signs, or to temporary real estate signs, or temporary construction signs.

E. Exception for Temporary Window Signs. The requirements of subsection C of this section regarding applications shall not apply to temporary window signs of less than ten square feet.

F. Exception for Grand Openings. The requirements of subsection A of this section regarding the allowable area for temporary signs, shall not apply to one-time grand opening promotional events. Further, signs otherwise not allowed by this chapter such as flags, pennants and balloons may be permitted in conjunction with a promotional grand opening, but shall be subject to subsection B and C of this section. (Ord. 98-1178 § 4, 01-27-98; Ord. 94-1106 § 2, 1994; prior code Appx. A, § 13.5-21)

Chapter 17.52

NONCONFORMING BUILDINGS AND USES

Sections:

17.52.010	**General goals.**
17.52.020	**Continuance and maintenance.**
17.52.030	**Expansion, remodeling and alteration.**
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 council 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 some limited alteration and expansion of said buildings when certain criteria are met;

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

C. To encourage the use of the ordinance to meet current and future minimum standards of parking, open space, setbacks, height, etc.;

D. To limit remodeling and expansion of buildings which by current standards are exceptionally undersized, dilapidated, significantly overdense, or do not meet minimal standards for parking and setback. (Ord. 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, enlargement of window and door openings, repairs and/or replacement to plumbing, electrical wiring and that required by law or similar work as determined by the community development director, shall not be considered structural alterations, and may be performed on a nonconforming structure. (Ord. 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. Roofs may be removed to add additional stories;
   b. A maximum of ten percent linear feet of exterior walls and ten percent of floor area may be removed;
   c. Planning commission approval is required to remove more than specified above.
2. Expansion/alteration allowed:
   a. Maximum of fifty (50) percent of the current replacement cost of the existing building(s) excluding any expansion that has occurred after October 26, 1989 (Replacement cost based on building valuation data

provided by the International Conference of Building Officials (ICBO), with remodeling computed at fifty (50) percent of the value for new construction);

b. Expansion not permitted if residential density exceeds forty-five (45) units per acre;

c. Expansion must conform to current codes (except existing nonconforming side yards may be extended if within ten percent current side yard standard);

d. For buildings nonconforming to current parking requirements, refer to Section 17.44.140;

e. Any garage expansion for parking shall not be included in the allowed expansion.

B. Nonconforming Buildings.

1. Structural removal allowed:

a. Roofs may be removed to add additional stories;

b. Up to thirty (30) percent existing linear feet of exterior walls and thirty (30) percent of floor area;

c. Planning commission approval required to remove more than specified above.

2. Expansion/remodel allowed:

a. Up to one hundred (100) percent expansion/ remodel of the current replacement cost of the existing building(s) excluding any expansion that has occurred after October 26, 1989. Greater than fifty (50) percent up to one hundred (100) percent requires planning commission approval. (Replacement cost based on building valuation data provided by the International Conference of Building Officials (ICBO), with remodeling computed at fifty (50) percent of the value for new construction);

b. Expansion must conform to current codes (except existing nonconforming side yards may be extended if within ten percent of current side yard standard);

c. Existing nonconforming side yards may be continued and extended subject to planning commission approval;

d. For buildings nonconforming to current parking requirements, refer to Section 17.44.140;

e. Any garage expansion for parking shall not be included in the allowed expansion.

f. 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 50% increase in replacement cost to existing buildings on the site. . (Ord. 98-1188 §4 12/08/98)

C. Policies, procedures and fees for issuing building permits, and for actions requiring planning commission approval subject to this section, shall be established by resolution of the city council. (Ord. 95-1124 § 1 (part), 1995: prior code Appx. A, § 13-2)

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 potion 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. A nonconforming building damaged to the extent of not more than fifty (50) percent of reasonable replacement cost at the time of its

destruction by fire, explosion or other casualty or act of God, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued subject to all other provisions of this chapter.

B. A nonconforming building damaged more than fifty (50) percent of reasonable replacement cost at the time of its destruction by fire, explosion, or other casualty or act of God, or the public enemy, shall not be restored except in full conformity with the regulations for the zone in which it is located and the nonconforming occupancy or use of such building shall not be resumed.

1. Exceptions. Nonconforming residential buildings located in residential zones may be restored whatever the extent of the damage if approved by the planning commission based on the guidelines set forth below; provided, that the rebuilt structure is made as conforming as possible in terms of parking standards and/or other zoning standards such as setbacks; and further provided there is no increase in any nonconformity.

a. The density of the buildings or buildings on site does not exceed forty-five (45) units per acre;

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

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

d. The cause of the destruction is not intentional through arson or other means.

C. The extent of damage or partial destruction shall be based on the ratio of the estimated cost of restoring the structure to its conditions prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates shall be made or shall be reviewed and approved by the director of building and safety and shall be based on the International Conference of Building Officials data.

D. Disputes as to the interpretation of the provisions of this section or any requested waiver of subsection B(1) for residential structures in residential zones shall be heard and resolved by the planning commission, subject to appeal to the city council. Subsection B(1)(d) cannot be waived.

E. 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. 93-1086 § 1, 1993: prior code Appx. A, § 13-6)

CHAPTER 17.53

HISTORIC RESOURCES PRESERVATION

17.53.010	Title.
17.53.020	Purpose and intent.
17.53.030	Area of application.
17.53.040	Definitions.
17.53.050	Powers and duties.
17.53.060	Landmark designation criteria.
17.53.070	Nomination and application requirements, landmark.
17.53.080	Minimum eligibility requirement, landmark.
17.53.090	Delay of work pending hearing.
17.53.100	Council study and determination.
17.53.110	Notice of designation, City departments.
17.53.120	Removal of designation.
17.53.130	Use of California Historical Building Code.
17.53.140	Certificate of Appropriateness required.
17.53.150	Review procedures for Certificates of Appropriateness.
17.53.160	Criteria for Approval of Certificates of Appropriateness.
17.53.170	Expiration of Certificate of Appropriateness.
17.53.180	Revocation of Certificate of Appropriateness.
17.53.190	Ordinary maintenance and repair.
17.53.200	Duty to keep in good repair.
17.53.210	Enforcement.
17.53.220	Penalties.

17.53.010 Title.

This chapter shall be known as the "Hermosa Beach Preservation Ordinance. (Ord. 98-1186 §4, 11/10/98)

17.53.020 Purpose and intent.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of historic resources such as buildings, structures, sites, and places within the City that reflect special elements of the City's architectural, artistic, cultural, historical, political, and social heritage for the following reasons:

A. To safeguard the City's heritage by encouraging the protection of landmarks representing significant elements of its history;

B. To foster civic and neighborhood pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources;

C. To enhance the visual character of the City by preserving diverse architectural styles reflecting phases of the City's history and by encouraging complementary contemporary design and construction;

D. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists, and visitors;

E. To stabilize and improve property values within the City by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs;

F. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the city;

G. To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;

H. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and

I. To take whatever steps are reasonable and necessary to safeguard the property rights of owners whose property is declared to be a landmark. (Ord. 98-1186 §4, 11/10/98)

17.53.030 Area of application.

This chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Hermosa Beach. (Ord. 98-1186 §4, 11/10/98)

17.53.040 Definitions.

A. Alteration means any exterior or interior changes or modification of any landmark including, but not limited to, exterior or interior changes to or modifications to a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, and new structures.

B. Certificate of Appropriateness means a certificate approving such plans, specifications, design, or statements of work, for any proposed alteration, restoration, demolition, removal, or relocation, in whole or in part, of or to improvements relative to designated landmarks, or landmarks contemplated for historic preservation designation as reflected in Planning Commission Resolution No. 98-58.

C. Council means the City Council.

D. Demolition means any acts that destroys in whole or in part a building, structure, or improvement.

E. Exterior and interior architectural feature means the architectural styles, design, general arrangement, components, natural features and all the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, the type and style of all, windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement.

F. Historic resource means any improvement, building, structure, landscape, sign, feature, site, place, or area of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the City, including, but not limited to the resources identified in Planning Commission Resolution No. 98-58.

G. Improvement means any building, structure, place, wall, fence, gate, sign, landscaping, or other object constituting a physical alteration of real property, or any part of such alteration.

H. Landmark means any improvement that has historical, cultural, aesthetic or architectural character or value, or which represents one or more architectural periods or styles typical to the history of the City, and that has been designated as a landmark pursuant to this chapter.

I. Ordinary maintenance means any cleaning, painting, or similar work that does not result in the alteration of an improvement.

J. Person means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

K. Relocation means the displacement of any improvement within the same site.

L. Removal means the displacement of any improvement from the site.

M. Restoration means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work. (Ord. 98-1186 §4, 11/10/98)

17.53.050 Powers and duties.

The City Council shall have the following powers and duties in the implementation of this chapter:

A. Study, review, conduct public hearings, and make decisions regarding proposed designations and removal of designations of landmarks.

B. Maintain a register of landmarks within the City.

C. Determine an appropriate system of markers for landmarks.

D. Adopt application and submittal requirements for Certificates of Appropriateness to alter, restore, demolish, remove, or relocate any landmark.

E. Review and render decisions regarding all alteration, restoration, demolition, removal, and relocation proposals related to landmarks in conjunction with applications for Certificates of Appropriateness pursuant to this Chapter.

F. Develop, or cause to be developed, and recommend to the City Council a program of incentives for preservation of historic resources. (Ord. 98-1186 §4, 11/10/98)

17.53.060 Landmark designation criteria.

For the purposes of this chapter, an historic resource may be designated a landmark, pursuant to Sections 17.53.070 through 17.53.120 of this Chapter, if it meets one or more of the following criteria:

A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

B. It is identified with persons or events significant in local, state, or national history; or

C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer, or architect; or

E. Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City. (Ord. 98-1186 §4, 11/10/98)

17.53.070 Nomination and application requirements, landmark.

Nominations of an historic resource as a landmark shall be made by the City, or by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located. (Ord. 98-1186 §4, 11/10/98)

17.53.080 Minimum eligibility requirement, landmark.

In order to be eligible for consideration as a landmark, an historic resource must be at least 50 years old; with the exception that an historic resource of at least 30 years old may be eligible if the Council determines that the resource is exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration. (Ord. 98-1186 §4, 11/10/98)

17.53.090 Delay of work pending hearing.

Once a nomination or completed application has been accepted for the designation of a landmark; no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark, shall be issued until a final determination is made regarding the proposed designation, except as provided under Section 17.53.200 of this Chapter. (Ord. 98-1186 §4, 11/10/98)

17.53.100 Council study and determination.

Not more than 45 days from the nomination or the acceptance of a completed application for the designation of a landmark, a public hearing shall be scheduled before the Council to study the proposed designation and to determine its eligibility and qualifications. Notice of the date, place, time and purpose of hearings shall be given by first class mail to the owner(s) of all nominated resource(s) at least ten days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall be advertised in a newspaper of general circulation at least ten days prior to the hearing. The Council may also give such other notice as they deem desirable and practicable.

Following the public hearing, but within no more than 70 days from the date of the initial hearing, the Council shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination. The time limit for making a decision may be extended at the request or with the concurrence of the applicant(s). (Ord. 98-1186 §4, 11/10/98)

17.53.110 Notice of designation, City departments.

Notice of the designation of a landmark shall be transmitted to all appropriate City departments and any other interested governmental and civic agencies. Each City department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark shall be made with the knowledge of the designation. (Ord. 98-1186 §4, 11/10/98)

17.53.120 Removal of designation.

A. In the event of substantial destruction of a landmark, the owner or owners of a landmark may apply for removal of designation. The City Council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the same

manner as designations as set forth in this Article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Council.

B. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.

C. Once a landmark designation has been removed, affected properties shall no longer be subject to any provision or regulation of this ordinance. (Ord. 98-1186 §4, 11/10/98)

17.53.130 Use of California Historical Building Code.

All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks may conform to the standards of the California Historical Building Code as an alternative to complying with building standards set forth in Title 15 of this Code, notwithstanding the fact that such buildings may be nonconforming. (Ord. 98-1186 §4, 11/10/98)

17.53.140 Certificate of Appropriateness required.

A. No person shall alter, restore, demolish, remove, or relocate any interior or exterior improvement or architectural feature of a landmark or potential landmark on a list of historic resources established by City Council being considered for landmark status, or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way without being granted a Certificate of Appropriateness, except as provided under Section 17.53.200 of this Chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.

B. Minor Alterations. The Council may, by resolution, adopt a list of those types of alterations that are subject to approval of a Certificate of Appropriateness that are deemed to be "minor" in nature. The Council may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for Certificates of Appropriateness involving only minor alterations shall be reviewed pursuant to procedures in Section 17.53.150(E). (Ord. 98-1186 §4, 11/10/98)

The requirements of Section 17.53.140 shall not apply to work performed pursuant to a permit issued under Section 5 of Ordinance No. 96-1168-U following a determination by the City Council that the preservation purposes of this Ordinance have been fulfilled. (Ord. 98-1186 §10, 11/10/98)

17.53.150 Review procedures for Certificates of Appropriateness.

The following procedures shall be followed in processing applications for Certificates of Appropriateness.

A. Application. An application shall be filed by the applicant with the City Clerk.

B. Application Materials. Such application shall be accompanied by such materials as are required by the Community Development Department that are reasonably necessary for the proper review of the proposed project.

C. Noticing.

(1) Minor alterations. No public noticing shall be required for applications for Certificates of Appropriateness involving only minor alterations.

(2) All applications other than minor alterations. For applications involving other than minor alterations, public notice shall be provided pursuant to Section 17.68.050 of the Zoning Ordinance.

D. Economic Hardship. In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:

(1) For all property:

(a) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;

(b) The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;

(c) Remaining balance on any mortgage or other financing secured by the property;

(d) Estimated market value of the property both in its current condition,

and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;

(e) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;

(f) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;

(g) The assessed value of the land and improvements thereon according to the two most recent assessments;

(h) Real estate taxes for the previous two (2) years;

(i) Annual debt service, if any, for the previous (2) two years;

(j) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.

(k) All listing of the property for sale or rent, price asked and offers received, if any, and

(l) Any consideration by the owner as to profitable adaptive uses for the property.

(2) For income-producing property:

(a) Annual gross income from the property for the previous two (2) years;

(b) Itemized operating and maintenance expenses from the previous two (2) years;

(c) Annual cash flow, if any, for the previous two (2) years.

E. Review of Applications Involving Minor Alterations. Applications for Certificates of Appropriateness involving only minor alterations shall be reviewed by the Director of Community Development Department, subject to the following provisions:

(1) The Director shall complete his/her review and mail notice to the applicant within 30 days of the date of the acceptance of a completed application of his/her decision to approve or conditionally approve the application or to forward the application to the Council for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision. The time limit for Director action may be extended upon the request or with the concurrence of the applicant.

(2) Where the decision of the Director is to conditionally approve the application, the decision of the Director shall be final and conclusive unless, within 12 days of the date of notice of the decision, the applicant files with the Planning Division a written appeal setting forth all the points of disagreement with the Director.

(3) Where the application has been forwarded or appealed to the Council, the application shall be heard by the Council at its next available regular meeting, and the Council shall complete its review and render a decision to approve, approve with conditions, or deny a Certificate of Appropriateness within 45 days of the initial hearing. Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

F. Review of Other Applications. Applications for Certificates of Appropriateness other than for minor alterations shall be reviewed by the Council, subject to the following provisions:

(1) The Council shall complete its review and make a decision within 75 days of the date of the acceptance of a completed application. The time limit for Council action may be extended (1) upon the request or with the concurrence of the applicant; or (2) for failure of the applicant to provide any reasonable additional information or material requested by the Council during the course of its review.

(2) Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

(3) For applications for all work other than to demolish or remove a landmark or structure, the Council shall decide to approve, approve with conditions, or deny a Certificate of Appropriateness.

(4) For applications to wholly or partially demolish or remove a landmark, the Council shall decide to approve a Certificate of

Appropriateness or to initiate a period of delay prior to granting approval. The delay of approval shall not exceed ninety (90) days. The length of the delay shall be determined in accordance with its intended purpose (e.g. compiling photographic records or arranging for removal to another site). The Council may extend any period of delay for up to an additional ninety (90) days for good cause, except in cases where it has determined a condition of economic hardship to exist. If no alternative arrangements have been completed by the expiration of the period of delay or any extension thereof, a Certificate of Appropriateness shall be issued without the need for further action by the Council.

(5) For applications seeking approval on the basis of a finding of economic hardship, the Council shall first review the application on the basis of criteria contained in Section 17.53.170(D). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Sections 17.53.170 (A)-(C). Prior to making a final determination in such cases, the Council shall have the authority to invoke a period of delay. Such a period of delay shall not exceed sixty (60) days. During this delay, the Council shall investigate alternative means to allow for a reasonable use or return from the property or to otherwise preserve the property. (Ord. 98-1186 §4, 11/10/98)

17.53.160 Criteria for Approval of Certificates of Appropriateness.

The City Council shall issue a Certificate of Appropriateness only when it determines the following conditions to exist as applicable in each case:

A. In the case of a landmark, the proposed work (other than demolition or removal);

(1) Conforms to the prescriptive standards adopted by the Council; and

(2) Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature and

(3) Will retain the essential elements that make the resource significant.

B. In the case of construction of a new building, structure, or improvement on a site where a landmark is located:

(1) The exterior of such improvements will not adversely affect and will be compatible with the external appearance of the existing designated improvements, buildings and structures on such site.

C. In the case of the whole or partial demolition or removal of a landmark:

(1)The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or

(2) The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or

(3) Removal of the resource to another site is not feasible or practical; or

(4) For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or

(5) Any imposed delay of approval or extension thereof has expired.

D. In the case where the applicant has requested consideration for approval on the basis of economic hardship:

(1) It is not feasible to remove the resource to another site or otherwise preserve it; and

(2) The denial of the proposed work will work an immediate and substantial hardship on the applicant because of conditions peculiar to the particular improvement; and

(3) The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work. (Ord. 98-1186 §4, 11/10/98)

17.53.170 Expiration of Certificate of Appropriateness.

A Certificate of Appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, a Certificate of Appropriateness may be extended by

the Council for an additional period of up to twelve (12) months. The Council may approve, approve with conditions, or deny any request for extension. (Ord. 98-1186 §4, 11/10/98)

17.53.180 Revocation of Certificate of Appropriateness.

A Certificate of Appropriateness may be revoked or modified for reasons of (1) noncompliance with any terms or conditions of the Certificate; (2) noncompliance with any provisions of this Chapter; or (3) a finding of fraud or misrepresentation used in the process of obtaining the Certificate. Revocation proceedings may be initiated by motion of the Council. Once revocation proceedings have been initiated, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Council following a public hearing, with written notice provided to the property owner at least ten days prior thereto. (Ord. 98-1186 §4, 11/10/98)

17.53.190 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design, material or external appearance thereof, nor does this Chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Director certifies to the Council that such action is required for the public safety due to an unsafe or dangerous condition and cannot be accomplished under the California Historical Building Code. (Ord. 98-1186 §4, 11/10/98)

17.53.200 Duty to keep in good repair.

The owner, occupant or other person in actual charge of a landmark building structure or improvement, shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or exterior architectural feature.

17.53.210 Enforcement.

A. It shall be the duty of the Director of Community Development Department or the Director's delegate to administer and enforce the provisions of this chapter.

B. Methods of enforcement. In addition to the regulations of this chapter, other regulations of the Hermosa Beach Municipal Code, and other provisions of law which govern the appeal or disapproval of applications for permits, licenses or Certificates of Appropriateness covered by this chapter, the Director shall have the authority to implement the enforcement thereof by serving notice requiring the removal of any violation of this Chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.

C. Methods of enforcement. In addition to the foregoing remedies, the City Attorney may institute any necessary legal proceedings to enforce the provisions of this Chapter, including the ability to maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this Chapter, or for an injunction in appropriate cases. (Ord. 98-1186 §4, 11/10/98)

17.53.220 Penalties.

For any action or development covered by this Chapter that is undertaken without the issuance of a Certificate of Appropriateness or that is undertaken without full compliance with the terms and conditions of an issued Certificate of Appropriateness, the Director shall order the action stopped by written notice. It shall be a misdemeanor for any person to carry out any work on any building, structure, improvement, or property in violation of a notice stopping such work or in violation of this Chapter. (Ord. 98-1186 §4, 11/10/98)

Chapter 17.54

VARIANCES

Sections:

17.54.010	**Authority to grant--Restrictions upon granting--Conditional use permits excluded.**
17.54.020	**Findings--Conditions.**
17.54.030	**Scope of administrative variances.**
17.54.040	**Notices--Public comments or hearing.**
17.54.050	**Report of decision and findings--Disposition of report.**
17.54.060	**Appeals--Filing, fees procedure.**
17.54.070	**Reapplication upon denial.**
17.54.080	**Revocation--Causes--Hearing.**

17.54.010 Authority to grant--Restrictions upon granting--Conditional use permits excluded.

A. The planning commission shall grant variances; the building director shall serve as zoning administrator and shall grant administrative variances. Variances and administrative variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

B. A variance or administrative variance which authorizes a use or activity not otherwise expressly authorized by the zoning regulation governing the subject property shall not be granted.

C. The provisions of this division shall not apply to conditional use permits. (Prior code Appx. A, § 1400)

17.54.020 Findings--Conditions.

A. Who Shall Issue Findings. The planning commission shall issue findings on variances; the zoning administrator shall issue findings on administrative variances.

B. Required Findings. The following written findings are required for all variances and administrative variances:

1. Exceptional circumstances applicable to the property involved;

2. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property;

3. That the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located;

4. That the granting of the variance will not conflict with the provisions of, or be detrimental to, the general plan.

C. Conditions to Assure Nondiscrimination. Any variance or administrative variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. (Prior code Appx. A, § 1401)

17.54.030 Scope of administrative variances.

Administrative variances may be authorized for the following categories of uses, which council may amend by resolution:

A. Up to ten percent reductions in setback and open space requirements for existing buildings;

B. Projections where existing setbacks conform except for projections at local points in the building walls, such as for bay windows when the length parallel to the wall of any such projection is no greater than eight feet, or when the existing projecting element is no closer than three feet from the property line and no greater than one-quarter of the total length of the wall from which it projects;

C. Eaves, to match the existing cave projection when adding to an existing building, and when the

new eave will also conform to the requirements of the Uniform Building Code;

D. The enlargement of windows in nonconforming buildings, and other minor structural alterations in nonconforming buildings, provided there is no increase in total floor area;

E. Up to a ten percent reduction in parking stall dimensions for structural reasons, when providing parking in existing buildings;

F. Arbors or trellises in rear yards, for privacy, when the grade of the adjacent property is higher than that of the subject property. Sides and tops of arbors and trellises are to be made only of framework or latticework, and must be at least fifty (50) percent open. (Prior code Appx. A, § 1402)

17.54.040 Notices--Public comments or hearing.

A. Administrative Variances.

1. Notice. The zoning administrator and the city staff shall provide for notice upon receipt of a completed application for an administrative variance. The applicant shall pay for the notice. The notice shall contain an indication that an application for an administrative variance has been filed, the address of the property for which the application has been filed, a description of the request, the address and location of where a copy of the application may be found, and requirements for comments on the application.

2. Notice shall be mailed to the owner and residents of property immediately adjacent to the subject property, including those properties on directly opposing street frontages. Mailing must be through the United States Mail with postage prepaid. Notice shall be postdated two days and shall be mailed to the last known property owners, as shown on the last local Los Angeles County tax assessor's roll. Notice shall also be provided by posting all street and alley frontages of the subject property, and by publication of legal notice in a newspaper of general circulation, published and circulated in Hermosa Beach.

2. Comments by the Public. Public comments must be received by the zoning administrator within ten days of the date appearing on the mailed notice. Comments must be in writing, and must be specific.

B. Variances--Notice. The applicant shall provide notice a minimum of ten days before a hearing on an application for a variance. The method of notice will be established by resolution to the city council. The date of the hearing shall be set by the building department. The date must be a minimum of ten days and a maximum of forty (40) days from the date the application is accepted as complete. (Prior code Appx. A, § 1402.1)

17.54.050 Report of decision and findings--Disposition of report.

A. Administrative Variances. The report of decision and findings shall be issued by the zoning administrator. The written report shall be issued not sooner than fifteen (15) nor later than thirty (30) days after public notice as provided by Section 17.54.040(A)(1). The report shall include a statement granting or denying or granting with conditions the administrative variance, a statement of required findings, and a statement advising the applicant of the right to appeal the administrator's decision to the city council within fifteen (15) days of the issuance of the report of decision and findings. The report of decision and findings shall be mailed to the applicant, and to those originally sent written notice.

B. Variances. The board of zoning adjustments shall issue the report of decision and findings for variances. The written report shall be issued within twenty (20) days of the conclusion of the hearing on the variance application. The report shall include a decision granting, denying or granting with conditions the variance, the required findings, and an indication that the planning commission's decision shall become final if not appealed within fifteen (15) days of the issuance of the report of decision and findings. A copy of the report of decision and findings shall be sent to the name and address shown on the application. Reports shall be numbered consecutively in the order of filing, and kept as a permanent record. (Prior code Appx. A, § 1402.2)

17.54.060 Appeals--Filing, fees procedure.

A. Administrative Variances. Appeals shall be in writing, including specific items of disagreement with the zoning administrator's decision or findings. Appeals shall be filed with the city clerk's office within fifteen (15) days of the issuance of the report of decision and findings. Fees for appeals will be established by resolution of the city council.

The filing of an appeal with the city clerk shall stay the decision of the zoning administrator until the appeal has been acted on. When an appeal is filed, the zoning administrator shall forward the record of the case to the city council. The city council shall conduct a public hearing accordance with Chapter 17.68. Such hearings shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its decision and findings within sixty (60) days of the closing of the hearing, unless good cause is shown for an extension of time. The council may incorporate by reference the findings of the zoning administrator. Within thirty (30) days of the final decision on an administrative variance, the city council shall mail notice to the appellant and applicant. A copy of this notice shall be included in the zoning administrator's files.

B. Variances. Appeals shall be in writing, including the specific areas of disagreement with the board of zoning adjustments' decision. Fees for appeals will be established by resolution of the city council. Appeals shall be filed with the city clerk's office in writing ten days from the date of the succeeding regular city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 within fifteen (15) days of the planning commission's issuance of a report of decision and findings. The filing of an appeal with the city clerk shall stay the planning commission's decision on a variance. When an appeal is filed, the planning commission shall transmit the record of the case to the city council. The city council shall conduct a public hearing in accordance with Chapter 17.68. Such hearing shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its findings within sixty (60) days of the hearing, unless good cause is found for an extension. The council may incorporate by reference the findings of the board of zoning adjustment. The council's action shall be final. Within thirty (30) days of its final decision on a variance, the city clerk shall mail notice to the applicant and appellant. A copy of this notice shall be included in the planning commission's permanent files. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1402.3)

17.54.070 Reapplication upon denial.

After the denial of a variance or administrative variance has become final, no further application for the same variance or administrative variance shall be filed for the same property for the ensuing six months, unless the project has been redesigned so as to eliminate the planning commission's or the zoning administrator's or city council's previous objections to the project. Said redesign will require a complete new application process. (Prior code Appx. A, § 1402.4)

17.54.080 Revocation--Causes--Hearing.

Any variance may be revoked by the planning commission, and any administrative variance may be revoked by the zoning administrator, for any of the following causes.

A. That any term or condition has not been complied with;

B. That the property for which the variance or administrative variance has been granted is used or maintained in violation of any statute, law, regulation or condition of approval;

C. That the use for which the variance or administrative variance was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned;

D. That the use for which the variance or administrative variance was granted has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. A hearing to show cause why a variance should not be revoked

shall be held by the awarding body prior to the revocation of any variance or administrative variance. (Prior code Appx. A, § 1402.5)

Chapter 17.56

CONDITIONAL USE PERMITS

Sections:

17.56.010 Authority to grant.
17.56.020 Purpose.
17.56.030 Notice and hearing on application.
17.56.040 Report on findings and decision.
17.56.050 Report to be numbered and kept as permanent record.
17.56.060 Notice of decision to applicant.
17.56.070 Effective date--Time limitation for appeal.
17.56.080 Transmission of planning commission's record to council.
17.56.090 Council to hold public hearing on appeal.
17.56.100 Council to announce findings and decision.
17.56.110 Decision of the council shall be final.
17.56.120 Notice of decision of the council.

17.56.010 Authority to grant.

A. The planning commission may grant conditional use permits for residential planned developments and commercial planned developments.

B. The planning commission may grant conditional use permits upon application for all such matters as by this ordinance are required to be reviewed and allowed only upon the granting of a conditional use permit. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1403)

17.56.020 Purpose.

The purpose of a conditional use permit shall be:

A. To assure that the degree of compatibility shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located; and

B. To recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors and hazards. (Prior code Appx. A, § 1404)

17.56.030 Notice and hearing on application.

Upon the filing of an application for a conditional use permit by a property owner, or by a lessee with the written consent of the property owner, due notice of public hearing shall be given at least ten calendar days prior to said hearing in accordance with requirements to be established by resolution of the city council. (Prior code Appx. A, § 1405)

17.56.040 Report on findings and decision.

Not more than twenty (20) days following the public hearing on a conditional use permit, nor more than twenty (20) days following the filing of an application for a conditional use permit where no hearing is required, the planning commission shall announce its findings by formal report and said report shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of the conditional use permit necessary to carry out the provisions and general purpose of this title, and shall order that the conditional use permit be granted or denied, and if such report orders that the conditional use permit be granted, it shall also recite such conditions and limitations as it may impose. (Prior code Appx. A, § 1406)

17.56.050 Report to be numbered and kept as permanent record.

The formal report of the planning commission announcing its decision on a conditional use permit shall be numbered consecutively in the order of filing and shall become a permanent record in the file of the planning commission. (Prior code Appx. A, § 1407)

17.56.060 Notice of decision to applicant.

Not later than ten days following the rendering

of a decision ordering that a conditional use permit be granted or denied, a copy of the report shall be mailed to the applicant and his attorney at the address shown on the application filed with the planning commission. (Prior code Appx. A, § 1408)

17.56.070 Effective date--Time limitation for appeal.

The order of the planning commission in granting or denying a conditional use permit shall become final and effective ten days from the date of the succeeding city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 of this code until within such ten-day period an appeal in writing is filed with the council by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such time shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal as hereinafter set forth in this title. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1409)

17.56.080 Transmission of planning commission's record to council.

Upon receipt of a written appeal filed with the council as provided herein, the planning commission shall thereupon transmit to the council the planning commission's complete record of the case. (Prior code Appx. A, § 1410)

17.56.090 Council to hold public hearing on appeal.

Within not to exceed forty (40) calendar days following filing of a written appeal, the city council shall conduct a duly advertised public hearing, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council. (Prior code Appx. A, § 1411)

17.56.100 Council to announce findings and decision.

City council shall announce its findings and decision within a reasonable time, but not to exceed sixty (60) days, following the close of the public hearing, unless good cause is shown for the extension of time and the applicant or opponent or both are notified of this extension and the reasons therefor. The findings and decision shall recite the facts and reasons which in the opinion of the city council make the approval or denial of the conditional use permit necessary to carry out the general purpose of this title, and shall order that the conditional use permit be granted, denied or modified subject to such conditions or limitations that it may impose. City council may incorporate by reference all or part of any findings of any commission, hearing officer or administrative officer without expressly setting forth in full the findings of said commission, hearing officer or administrative officer if the findings of said commission, hearing officer or administrative officer are in writing and on file with the city clerk and made a part of the permanent record of the city.

If the city council does not announce its findings and decision, notice shall be given by mail to the applicant or opponent, or to both if they be different parties, of when the findings and decision will be made so that the applicant or opponent or both may be present at the meeting when said findings and decision are announced. (Prior code Appx. A, § 1412)

17.56.110 Decision of the council shall be final.

The action by the city council on such matters shall be by three affirmative votes of the council, and shall be final and conclusive except:

A. The city council may approve, modify or disapprove the recommendation of the planning commission; provided, that any modification of a proposed conditional use permit, precise development plan, variance, height limit exception, nonconforming remodel, parking plan, permitted use request or other similar discretionary land use matter, by the council may be referred back to the planning commission for report and recommendation, and the planning commission shall

not be required to hold a public hearing thereon. Failure of the planning commission to report to the city council within forty (40) days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

B. Upon return of the matter to the city council, the city council may by three affirmative votes of the council, approve, modify or disapprove the final recommendation of the planning commission on such matters. (Ord. 94-1109 § 1, 1994: prior code Appx. A, § 1413)

17.56.120 Notice of decision of the council.

Not later than thirty (30) days following the final decision of the city council that a conditional use permit be granted or denied, notice of such action shall be mailed to the applicant or opponent, or both if they be different parties, and one copy shall be attached to the planning commission's file of the case and said file returned to the planning commission for permanent filing. Failure to give notice shall not affect the decision rendered in these matters. (Prior code Appx. A, § 1414)

Chapter 17.58

PRECISE DEVELOPMENT PLANS

Sections:

17.58.010 Purpose and intent.
17.58.020 Projects requiring review.
17.58.030 Standards and review criteria.
17.58.040 Appeals.
17.58.050 Compliance.
17.58.060 General procedures.

17.58.010 Purpose and intent.

The purpose and intent of requiring precise development plan review for development projects is to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives, and to protect existing and potential developments, and uses on adjacent and surrounding property. (Prior code Appx. A, § 1430)

17.58.020 Projects requiring review.

In order to achieve the purpose of this section, it is considered necessary to require that the use of land, and erection, construction or location of buildings or structures in any zone shall require submittal of plans for planning commission review, with the exception of the following:

A. Single-family residences, including new construction, remodels or additions thereto;

B. Remodels or additions of less than one thousand five hundred (1,500) square feet in any zone. (Prior code Appx. A, § 1431)

17.58.030 Standards and review criteria.

A. Standards. All development shall be in compliance with minimum standards of the zoning ordinance. On a case basis, the planning commission may impose standards above the minimums designated by the zoning ordinance to improve the quality of development and to mitigate any environmental impacts.

B. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

1. Distance from existing residential uses in relation to negative effects;

2. The amount of existing or proposed off-street parking in relation to actual need;

3. The combination of uses proposed, as they relate to compatibility;

4. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;

5. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;

6. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;

7. Noise, odor, dust and/or vibration that may be generated by the proposed use;

8. Impact of the proposed use to the city's infrastructure, and/or services;

9. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;

10. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

C. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems;

2. The proposed development would have significant environmental adverse impacts which are not mitigable, and where the finding of overriding considerations cannot be made. (Prior code Appx. A, § 1432)

17.58.040 Appeals.

The decision of the planning commission may be

appealed to the city council by filing a written appeal within ten days from the date of the succeeding city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 of this code. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1435)

17.58.050 Compliance.

A. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

B. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan. (Prior code Appx. A, § 1436)

17.58.060 General procedures.

Application for precise development plan review shall be filed and approval given prior to the issuance of building permits. An application shall consist of detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations, landscape plans and/or any other data found to be reasonably required.

Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.

Fees shall be set by policy of the city council. (Prior code Appx. A, § 1437)

Chapter 17.60

DETERMINATION OF LEGALITY OF NONCONFORMING RESIDENTIAL BUILDINGS

Sections:

17.60.010	**Definitions.**
17.60.020	**Validation of legality of nonconforming buildings constructed prior to January 1, 1959.**
17.60.030	**Application for validation.**
17.60.040	**Notice of hearing.**
17.60.050	**Hearing.**
17.60.060	**Negotiation of agreement between property owner and city.**
17.60.070	**Substandard structures.**
17.60.080	**Determination of legality of buildings constructed after January 1, 1959.**
17.60.090	**Taxes and fees for city services.**
17.60.100	**Violation--Penalty.**

17.60.010 Definitions.

A. "Validation," for the purposes of this chapter only, is defined as a process whereby the planning commission has the power to grant to the applicant a status report of legal nonconformity with reference to the structure submitted to the board for determination. The legal nonconformity can include but is not limited to declarations of the legality of violations of the current zoning ordinance such as height of the building, side yard setback, off-street parking provisions and similar violations, and shall also include the declaration of legality of existing violations of the housing code, building code, and other codes of the city.

B. "Substandard housing," as defined in Assembly Bill No. 475, means housing which has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety or building. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9)

17.60.020 Validation of legality of nonconforming buildings constructed prior to January 1, 1959.

When it can be shown as hereinafter described that dwelling units constructed prior to January 1, 1959, were constructed in accordance with then applicable laws, that said dwelling is not substandard within the intent and meaning of Assembly Bill No. 475, and that the use of said dwelling has been consistent since January 1, 1959, then said residential dwelling unit or units shall be declared legally nonconforming. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.1)

17.60.030 Application for validation.

When city records and actual property use conflict, the property owner may apply to the planning commission to have such records corrected. Such application shall be made to the building director, and shall include the written permission of the property owner and all occupants of the subject building to permit a physical inspection of the building to make a determination of whether or not said building is substandard.

Upon the completion of said physical inspection of the premises by the community development director, said director shall process the application with the intention to consider at a public hearing the granting of a validation, and shall so notify the property owner in writing. The notice to the property owner shall include the following:

A. A statement of whether or not the structure is substandard, and findings in accordance therewith;

B. A written opinion of whether or not the structure and all the units therein were constructed prior to January 1, 1959, and findings in connection therewith; and

C. A description of the status of existing city records with reference to said structure. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.2)

17.60.040 Notice of hearing.

Following the application of the property owner to the building director for validation of the legality of a nonconforming building and correction of city records, the community development director shall give notice of the intention of the planning commission to consider the matter at a public hearing to the property owner and to all owners of real property within a radius of three hundred (300) feet of the exterior boundaries of the affected property at least ten calendar days before said hearing, using for this purpose the last known name and address of the owner of such property as shown upon the last local assessment roll of property in the county of Los Angeles prior to the date of such mailing. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.3)

17.60.050 Hearing.

All public testimony, oral or documented, as to whether or not the structure, when constructed, was consistent with the then existing zoning code and all other applicable codes and has been continuously so utilized since that time (except that it is rebuttably presumed that said structure has continuously been so used) shall be reviewed by the planning commission.

After the conclusion of the hearing, the planning commission shall deny or grant the application in whole or in part, based upon the evidence received.

The decision of the planning commission shall be final unless appealed. At the conclusion of the public hearing, in the event of a denial, the applicant shall be advised that he or any person may appeal said decision by filing with the city manager a written request for a hearing before the city council, said appeal to be filed within ten days after the date of the decision by the planning commission. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.4)

17.60.060 Negotiation of agreement between property owner and city.

The planning commission shall have the power to negotiate with the property owner concerning property promises on behalf of the property owner in exchange for the validation, and upon agreement by all parties the premises and validations will be set out in writing and executed by the property owner and by the building director on behalf of the city and shall constitute an agreement with reference to the structure for the term that the property remains legally nonconforming in accordance with the provisions of the zoning ordinance. (Prior code Appx. A, § 7-9.5)

17.60.070 Substandard structures.

In the event that the planning commission grants a validation and the structure has been found to be substandard, said validation shall not become effective until the substandard condition is corrected in accordance with the provisions of Sections 17299 and 24436.5 of the Revenue and Taxation Code of the State of California as enacted by Assembly Bill No. 475. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.6)

17.60.080 Determination of legality of buildings constructed after January 1, 1959.

If there is a conflict between the actual use of property and such use as would be permitted by the records of the city, then the property owner upon application may request that the records be corrected and the structure validated, following procedures set forth in Sections 17.60.040 and 17.60.050. Upon such application being made, the building director shall make an exterior inspection of the premises and make a determination of whether the building appears to be substandard within the meaning of Assembly Bill No. 475. If at that time or at any time during the procedure set forth herein it appears either to the appeals board or to the building inspector that the building may be substandard, then the procedure shall be halted until such time as the property owner and all occupants of the subject building grant permission to the city to make a physical inspection of the interior of the building.

If such permission is not granted within thirty (30) days, then the application shall be deemed denied.

If it appears from an exterior inspection of the building that the structure is not substandard, then the validation process shall continue except that prior to the validation being effective the property owner and all occupants of the subject building are required, as part of the validation process, to give permission to the city to make an interior inspection of premises to determine if the structure is substandard. If the structure is determined to be substandard, then such condition must be corrected within six months after the granting of the validation or the application is deemed denied. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.7)

17.60.090 Taxes and fees for city services.

When the applicant has been granted approval by the planning commission for legal nonconforming status of a residential unit then said unit shall be accepted as a new dwelling unit upon payment of a validation fee, the amount of which shall be established by resolution of the city council, and a business license tax where applicable. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.8)

17.60.100 Violation--Penalty.

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, remove, improve, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the building official hereunder. Any person violating the provisions of this code shall be guilty of a misdemeanor for each day such violation continues.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the city jail or in the county jail, as the committing magistrate may direct, for no more than six months, or by both such fine and imprisonment in the discretion of the court. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.9)

Chapter 17.62

PLANNING COMMISSION AUTHORITY--BUILDING CODE

Sections:

17.62.010 Requiring approval of planning commission.
17.62.020 Moving buildings.

17.62.010 Requiring approval of planning commission.

The city council, after due consideration, finds and determines that local conditions, environmental health, and beach community features prevailing within this city make it necessary to provide control of certain architectural features in the design of buildings, and therefore the following new Section 209 shall be added to the Uniform Building Code, 1988 Edition, to read as follows:

SECTION 209.

Section 209. Certain Buildings Requiring Planning Commission Approval. Notwithstanding any of the other provisions of this code no building or relocation permit shall be issued for the following until approved by the planning commission as set forth hereunder:

(a) For any building or structure which calls for galvanized iron or sheet metal exterior for all or a part thereof; or

(b) A building or structure of an unusual or unorthodox architectural deign, commonly referred to as a novelty building; or

(c) For a building or structure which, in the opinion of the community development director, may be detrimental to the public interest, welfare, health, comfort and safety, or adversely affects substantial vested rights of adjoining property owners.

The community development director shall refer said application to the planning commission for study and report, and said commission shall make such investigation and shall hold such hearings on said application as is deemed desirable for approval or denial. If said application is denied by the planning commission, the community development director shall notify the applicant in writing of the action taken. The applicant may thereupon, by notice in writing filed with the city manager within thirty (30) days from the date of mailing of the notice denying his application, demand a hearing on said application, and the city manager shall thereupon set said matter for hearing after due notice to the applicant of the time and place thereof. At said hearing applicant shall be permitted to testify and give evidence in support of his application, and if the city council determines that the proposed construction will not be detrimental to the public interest, health, safety or general welfare, or will not materially depreciate or detrimentally affect adjoining property, said application may be granted; otherwise, the same shall be denied.

(Ord. 96-1160 § 1 (part), 1996; prior code § 7-1.7)

17.62.020 Moving buildings.

Section 302 of the Uniform Building Code, 1988 Edition, is hereby amended by adding thereto the following subsection (e) to read as follows:

SECTION 302.

(e) Moving buildings. To obtain a permit to move a building into the city or to move any building or structure from one location within the city to another, the applicant shall, in addition to the information required in subsections, (a), (b), (c) and (d) hereof, furnish the following information:

(1) The age of the building, which shall be verified by the building department in the city in which said building was erected.

(2) Provide a plot plan, which shall include precise new location of building in relation to property lines.

(3) Submit a floor plan of all floors of said building. Plan shall be drawn to scale of one-eighth inch or one-quarter inch equals one foot.

(4) Furnish a sketch or plan showing the size and general design of the building.

(5) Submit four (4) photographs, eight (8) inches by ten (10) inches in size, showing the front, rear and side views of the building, and three (3) photographs of the front and side views of the proposed location.

After the applicant has filed such application, the community development director of the city shall inspect said building for all necessary requirements and for the purpose of ascertaining whether structurally the same complies with this code, and having made such inspection, the community development director shall make findings showing the result of such inspection and refer the same, together with the written application, sketches and photographs, to the planning commission of the city.

The applicant shall then pay to the planning commission a review fee of one hundred dollars ($100.00). The planning commission shall hold hearings notice of which to be given to the applicant and to other interested persons in the neighborhood of the proposed location, such notice to be in form and at such time as deemed reasonable to the planning commission. After the hearing and within ten (10) days, the planning commission shall make its recommendations to the community development director of the city, as to whether or not a permit shall be granted, and if the planning commission recommends that a permit be granted, then the community development director shall file with the city council the findings of the planning commission and all pertinent information relating to said application within thirty (30) days of receipt or the planning commission's recommendation for council's final approval.

After final approval from the city council, the community development director shall require the applicant to file with the community development director a bond equal to the amount of the estimated cost of placing such building on a foundation as required by this code, and preparing, altering or improving such structure to meet the requirements of this code and the recommendations of the planning commission and the city council. Such bond may be a cash bond in said amount of estimated cost or a surety bond, but, if a surety bond, it shall be in double the amount of the estimated cost, and the sureties thereon shall appear before the community development director and satisfy him as to their financial worth and ability to pay to the city the amount of the surety bond in the event it is necessary for the city to bring action thereon. Such bonds shall be payable to the city and shall be conditioned upon the construction and completion of the structure in compliance with this code and the requirements of the planning commission and the city council, and for the payment of materialmen and laborers, furnishing material and laborers for the rebuilding or completion of the structure, with foundation, as required by this code and the recommendations of the planning commission and the city council.

(Ord. 96-1160 § 1 (part), 1996; prior code § 7-1.8)

Chapter 17.64

DEVELOPMENT AGREEMENTS

Sections:

17.64.010 **Processing proposed development agreements.**
17.64.020 **Periodic review of development agreements.**
17.64.030 **Action to determine validity.**

17.64.010 Processing proposed development agreements.

A development agreement which may be proposed by the city or any person having a legal or equitable interest in real property shall be processed in the manner of a zone change as provided in Article 15 and shall conform to the requirements of Article 2.5 (commencing with Section 65864) Division 1, of the Government Code entitled "Development Agreements." (Prior code Appx. A, § 15.5-1)

17.64.020 Periodic review of development agreements.

Any approved development agreement shall be reviewed by the planning commission (whose decision may be appealed to the city council in writing within ten days after the planning commission decision on review) at least every twelve (12) months after the approval of the agreement. The review shall be preceded by reasonable notice to the other party of the time of review and of any evidence that the agreement is not being complied with. (Prior code Appx. A, § 15.5-2)

17.64.030 Action to determine validity.

An action to determine the validity of a development agreement entered into by the city, or any amendment or modification to it, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. (Prior code Appx. A, § 15.5-3)

Chapter 17.66

AMENDMENTS

Sections:

17.66.010	**Title may be amended.**
17.66.020	**Initiation of amendment.**
17.66.030	**Application for amendment.**
17.66.040	**Commission to hold hearing on amendments.**
17.66.050	**Time for hearing.**
17.66.060	**Commission to announce findings.**
17.66.070	**Notice of commission's decision when approving.**
17.66.080	**Notice of decision of commission when denying the application.**
17.66.090	**Commission action shall be final when denying application.**
17.66.100	**Transmission of commission's record to city council.**
17.66.110	**City council to hold public hearing on commission's recommendations on amendments and on appeals.**
17.66.120	**City council to announce findings and decision.**
17.66.130	**Decision of city council shall be final.**
17.66.140	**Notice of decision of city council.**

17.66.010 Title may be amended.

Boundaries of the zones established by this title, the classification of property uses therein or other provisions of this title may be amended whenever public necessity and convenience and general welfare require. (Prior code Appx. A, § 1500)

17.66.020 Initiation of amendment.

Amendments of this title may be initiated by:

A. The verified application of one or more owners of property proposed to be changed or reclassified;

B. Direction by the city council;

C. Direction by the planning commission. (Ord. 95-1123 § 1, 1995; prior code Appx. A, § 1501)

17.66.030 Application for amendment.

Whenever the owner of any land or building desires an amendment, supplement to or change of the regulations prescribed for his property, he shall file with the planning commission an application therefor, verified by him requesting such amendment. (Prior code Appx. A, § 1502)

17.66.040 Commission to hold hearing on amendments.

Upon filing of a verified application for an amendment, or direction by the planning commission or the city council, the planning commission shall hold one public hearing thereon, and notice of such hearing shall be given as provided in Chapter 17.68. (Ord. 95-1123 § 2, 1995; prior code Appx. A, § 1503)

17.66.050 Time for hearing.

The hearing for an amendment to the land-use plan established in this title shall be held not later than forty (40) days following the filing of an application for such amendment or direction by the planning commission or the city council. (Ord. 95-1123 § 3, 1995; prior code Appx. A, § 1504)

17.66.060 Commission to announce findings.

The planning commission shall announce its findings by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reason which, in the opinion of the commission, make the approval or denial of the application for the amendment necessary to carry out the general purpose of this title, and shall recommend the adoption of the amendment by the city council or deny the application. (Prior code Appx. A, § 1505)

17.66.070 Notice of commission's decision when approving.

When the commission's action is to recommend the adoption of the amendment, the commission shall, within ten days from the date of such action, notify the applicant by forwarding a copy of the resolution to the applicant at the address shown upon the application, and shall forward to the city council a copy of the said resolution, together with the complete file in the case. (Prior code Appx. A, § 1506)

17.66.080 Notice of decision of commission when denying the application.

When the action of the commission is to deny an application, the commission shall, within ten days from the date of such action, notify the applicant by forwarding a copy of the resolution to the address shown upon the application. (Prior code Appx. A, § 1507)

17.66.090 Commission action shall be final when denying application.

The action of the planning commission in denying an application for amendment shall be final and conclusive unless, within ten days following the mailing of a notice of the action by the planning commission, an appeal in writing is filed with the city council by the applicant. (Prior code Appx. A, § 1508)

17.66.100 Transmission of commission's record to city council.

Upon receipt of a written appeal filed with the city council by the applicant, as provided in this chapter, the clerk of the city council shall advise the secretary of the planning commission who shall transmit to the clerk of the city council the planning commission's complete record of the case. (Prior code Appx. A, § 1509)

17.66.110 City council to hold public hearing on commission's recommendations on amendments and on appeals.

Within not to exceed forty (40) calendar days following receipt of the resolution from the planning commission recommendation the adoption of an amendment concerning matters listed in Section 17.68.050(C), or following filing of a written appeal from an order of the planning commission denying an application for an amendment, supplement or change of regulations prescribed for the property of an applicant, the city council shall conduct a duly advertised public hearing, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council. (Prior code Appx. A, § 1510)

17.66.120 City council to announce findings and decision.

City council shall announce its findings and decision within a reasonable time but not to exceed sixty (60) days following the close of the public hearing, unless good cause is shown for the extension of time and the applicant is notified of this extension and the reasons therefor. The findings and decision shall recite the facts and reasons which in the opinion of the city council make approval or denial of the amendment necessary to carry out the general purpose of this title, and shall order that the amendment be granted, denied or modified subject to such conditions or limitations that it may impose. City council may incorporate by reference all or part of any findings of the commission, hearing officer or administrative officer without expressly setting forth in full the findings of the commission, hearing officer or administrative officer if the findings of the commission, hearing officer or administrative officer are in writing and on file with the city clerk and made a part of the permanent record of the city.

If the city council does not announce its findings and decision, notice shall be given by mail to the applicant of when the findings and decision will be made so that the applicant may be present at the

meeting when the findings and decision are announced. (Prior code Appx. A, § 1511)

17.66.130 Decision of city council shall be final.

The action by the city council on such matters shall be by three affirmative votes of the council and shall be final and conclusive, except:

A. The city council may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the city council shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report to the city council within forty (40) days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

B. Upon the return of the matter to the city council, the city council may by three affirmative votes of the council approve, modify or disapprove the final recommendation of the planning commission on such matters. (Prior code Appx. A, § 1512)

17.66.140 Notice of decision of city council.

Not later than thirty (30) days following the final decision of the city council ordering an amendment to this title, or denying an application or recommendation for an amendment, notice of such action shall be forwarded to the applicant at the address shown upon the application, and one copy shall be attached to the planning commission's file of the case and said file returned to the planning commission for permanent filing. Failure to give notice shall not affect the decision rendered in these matters. (Prior code Appx. A, § 1513)

Chapter 17.68

PROCEDURE, HEARINGS, NOTICES AND FEES

Sections:

17.68.010 **Commission shall prescribe form of application blanks and type of required information.**
17.68.020 **Acceptability of signatures on applications.**
17.68.030 **Applications a part of permanent record.**
17.68.040 **Setting of hearing.**
17.68.050 **Notices.**
17.68.060 **Hearing.**
17.68.070 **Investigations.**
17.68.080 **Permanent files shall include summary of testimony.**

17.68.010 Commission shall prescribe form of application blanks and type of required information.

The planning commission shall prescribe the form on which applications are made for changes in zone boundaries, of classifications, or for variance or conditional use permits. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. (Prior code Appx. A, § 1600)

17.68.020 Acceptability of signatures on applications.

If signatures of persons other than the owners of property making application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served on them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission or city council. (Prior code Appx. A, § 1601)

17.68.030 Applications a part of permanent record.

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the agency to which application is made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto. (Prior code Appx. A, § 1602)

17.68.040 Setting of hearing.

All proposals for amending zone boundaries or classifications of property uses within such zones as are defined by this title, or the granting of variances or conditional use permits as provided in this title, shall be set by the secretary of the planning commission for public hearing when such hearing is to be held before the planning commission, and by the clerk of the city council for hearing to be held before the city council. The date of the hearing shall be not less than ten days nor more than forty (40) days from the time of filing of such verified application or the adoption of such resolution, or the making of such motion. (Prior code Appx. A, § 1604)

17.68.050 Notices.

A. Notice of time and place of a public hearing on any amendment to the zoning ordinance which amendment does not change any property from one zone to another or impose any regulation set forth in subsection C of this section, or modify any such regulation heretofore imposed, shall be published by the city at least ten calendar days prior to said hearing in a newspaper of general circulation, published and circulated in this city.

B. Notice of public hearing on an application for a zone variance or a conditional use permit shall be given at least ten calendar days prior to said hearing

in accordance with requirements established by resolution of the city council.

C. Notice of public hearing to consider a proposed amendment or modification to the zoning ordinance concerning matters listed below shall be given at least ten calendar days prior to said hearing according to requirements established by resolution of the city council:

1. Changing any property from one zone to another;

2. Imposing or modifying any of the following regulations as set forth within the zoning ordinance:

a. The use of buildings, structures and land as between industry, business, residences, open space including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes,

b. Location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use,

c. Requirements for off-street parking and loading;

3. Establishment and maintenance of building setback lines;

4. The creation of civic districts around civic centers, public parks, public buildings or public grounds and the establishment of regulations therefor. (Prior code Appx. A, § 1605)

17.68.060 Hearing.

Any hearing may be continued from time to time, and if the hearing is continued, the time, date and place of the continuation shall be established and announced to those present. (Prior code Appx. A, § 1606)

17.68.070 Investigations.

The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon an application set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purposes of this title and with previous amendments or variances. (Prior code Appx. A, § 1607)

17.68.080 Permanent files shall include summary of testimony.

A summary of all pertinent testimony offered at any public hearing held in connection with an application filed pursuant to this title, and the names of persons testifying shall be recorded and made a part of the permanent files of the case. (Prior code Appx. A, § 1608)

Chapter 17.70

REVOCATION AND EXPIRATION

Sections:

17.70.010 Permits or variances may be revoked.
17.70.020 Expiration.

17.70.010 Permits or variances may be revoked.

Planning commission may, after a public hearing held in the manner prescribed in Chapter 17.42 governing variances and conditional use permits, revoke or modify any permit or variance issued on any one or more of the following grounds:

A. That the approval was obtained by fraud;

B. That the use for which such approval is granted is not being exercised;

C. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;

E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance. (Prior code Appx. A, § 1800)

17.70.020 Expiration.

Any permit or variance granted by the planning commission or city council becomes null and void if not executed within the date specified in such permit or variance, or if no date is specified, within two years from the date of approval of such permit or variance. (Prior code Appx. A, § 1801)

Chapter 17.72

PERMITS, LICENSES, RESTRICTIONS AND COVENANTS

Sections:

17.72.010 Certificate of occupancy permit.
17.72.020 No conflicting licenses or permits shall be issued.
17.72.030 Restrictions and covenants.
17.72.040 Enforcement.

17.72.010 Certificate of occupancy permit.

To assure compliance with the parking requirements and other provisions of the zoning ordinance a certificate of occupancy shall be obtained from the building department before:

A. Any new building is initially occupied or used;

B. Any existing building is altered or a change of type or class of use is made; and

C. Any change of use of any unimproved premises is made. (Prior code Appx. A, § 1900)

17.72.020 No conflicting licenses or permits shall be issued.

All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of the zoning code; except, however, that permits for transient activities including, transient sales, parades, sports tournaments, nonpermanent filming activities, and special events shall not be deemed as precluded within any area of the city by virtue of the zoning code. Transient activities are defined as temporary, nonpermanent and of short duration. These transient activities do not constitute a permanent use of land, but rather, only a temporary activity. Except as expressly provided herein, no such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of the zoning code shall be issued. Any such license or permit, if issued in conflict with the provisions thereof, shall be null and void. (Ord. 94-1108 § 3, 1994: prior code Appx. A, § 1901)

17.72.030 Restrictions and covenants.

At the discretion of the city any restriction as to the use of property imposed as a condition to the grant of any application pursuant to the provisions of this title or any agreement, promise or covenant entered into between this city and any applicant shall be reduced to writing as a covenant running with the land and/or a deed restriction, and, after due execution, shall be recorded with the office of the county recorder, and the applicant shall pay any recordation fees in connection therewith. (Prior code Appx. A, § 1901.1)

17.72.040 Enforcement.

The community development director, or his duly designated representative, is designated as the enforcing agent of this title and any amendments thereto. Any appeals from the decision of the enforcing agent in the administration of the zoning ordinance shall be made to the city planning commission. The decision of the planning commission in such matters shall be final and conclusive unless otherwise designated by this title. (Prior code Appx. A, § 1902)

Chapter 17.74

PENALTY

Sections:

17.74.010	**Violators punishable by fine and imprisonment.**
17.74.020	**Each day a separate offense.**
17.74.030	**Violation of conditions of conditional use permits and precise development plans.**
17.74.040	**Penalties--Declaration.**
17.74.050	**Arrest--Notice to appear.**
17.74.060	**Appearance--Time limitation.**
17.74.070	**Appearance--Place.**
17.74.080	**Appearance--Promise.**
17.74.090	**Notice--Filing--Bail depositing.**
17.74.100	**Appearance.**
17.74.110	**Warrant--Issuance.**
17.74.120	**Authority of authorized city employees to arrest without warrant.**

17.74.010 Violators punishable by fine and imprisonment.

Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment in the county jail for a period of not more than ninety (90) days, or both such fine and imprisonment. (Prior code Appx. A, § 20-1)

17.74.020 Each day a separate offense.

Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this title, and any use, occupation or building or structure maintained contrary to the provisions hereof shall constitute a public nuisance. (Prior code Appx. A, § 20-2)

17.74.030 Violation of conditions of conditional use permits and precise development plans.

No person shall violate any conditions of a conditional use permit or precise development plan. Any person violating any of the said conditions shall be guilty of an infraction. (Prior code Appx. A, § 20-3)

17.74.040 Penalties--Declaration.

A. Each violation is punishable as follows:

1. A fine of fifty dollars ($50.00) for the first violation;

2. A fine of one hundred dollars ($100.00) for a second violation of the same condition within one year;

3. A fine of one hundred fifty dollars ($150.00) for a third violation of the same condition within one year; and

4. A fine of three hundred dollars ($300.00) for each additional violation of the same condition within one year.

B. Each person guilty of an infraction shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person and shall be punishable accordingly. (Prior code Appx. A, § 20-4)

17.74.050 Arrest--Notice to appear.

If any person is arrested for the violation and such person is not immediately taken before a magistrate, as is more fully set forth in the Penal Code of the state of California, the arresting officer shall prepare, in duplicate, a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where such person shall appear in court. (Prior code Appx. A, § 20-5)

17.74.060 Appearance--Time limitation.

The time specified in the notice to appear shall

be not less than eleven (11) days after such arrest. (Prior code Appx. A, § 20-6)

17.74.070 Appearance--Place.

The place specified in the notice to appear shall be either:

A. Before a judge of a justice court or a municipal court judge within the county who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or

B. Upon the demand of the person arrested, before a judge of the municipal court of the Los Angeles judicial district, or before a judge of a justice court or a municipal court in the judicial district in which the offense is alleged to have been committed; or

C. Before an officer authorized to receive a deposit of bail. (Prior code Appx. A, § 20-7)

17.74.080 Appearance--Promise.

The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure a release, must give his written promise to appear in court by signing the duplicate notice, which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. (Prior code Appx. A, § 20-8)

17.74.090 Notice--Filing--Bail depositing.

The officer shall, as soon as practicable, file a duplicate notice with the magistrate specified in such notice. The defendant, prior to the date upon which he promised to appear in court, may deposit with the magistrate the amount of bail. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited and may at his discretion order that no further proceeding shall be had in this case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the treasury of the county for distribution in the manner provided by law. (Prior code Appx. A, § 20-9)

17.74.100 Appearance.

A warrant shall not issue on such charge for the arrest of a person who, pursuant to the provisions of this chapter, has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgement, or to comply with the terms and provisions of the judgement as required by law. (Prior code Appx. A, § 20-10)

17.74.110 Warrant--Issuance.

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 17.74.090, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised. If a person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense, such magistrate shall issue and have delivered for execution a warrant for his arrest. When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (Prior code Appx. A, § 20-11)

17.74.120 Authority of authorized city employees to arrest without warrant.

City officers or employees, when designated may arrest persons without a warrant whenever they have reasonable cause to believe that an infraction has been committed by such persons. (Prior code Appx. A, § 20-12)

Chapter 12.16

ENCROACHMENTS

Sections:

12.16.010	**Definitions.**
12.16.020	**Permit required.**
12.16.030	**Commencement of work without permit.**
12.16.040	**Authority to grant.**
12.16.050	**Residential encroachments.**
12.16.060	**Commercial encroachments.**
12.16.070	**Findings necessary to grant an encroachment.**
12.16.080	**Guidelines and conditions for approval.**
12.16.090	**Commercial outdoor dining.**
12.16.100	**Mandatory conditions imposed upon all encroachments.**
12.16.110	**Application procedure.**
12.16.120	**Maintenance of encroachment.**
12.16.130	**Nonconformance of encroachment.**
12.16.150	**Revocation.**
12.16.160	**Encroachment violation.**
12.16.170	**Violation--Misdemeanor.**
12.16.180	**Violations--Additional remedies--Injunctions.**
12.16.190	**Fees.**

12.16.010 Definitions.

As used in this chapter:

"Encroachments" are structures, objects, uses or landscaping owned by a private property owner and located on or over adjoining public right-of-way for the property owner's private use and enjoyment. Permissible encroachments are those which place a minimal burden on the right-of-way, are easily removable and do not materially alter the character of the right-of-way as open space, and include landscaping, fencing, movable personal property (such as furniture and planters), patios, decks, landscape irrigation and lighting systems and similar structures and objects, in accordance with the standards, conditions and requirements of this Chapter. No building or structural element of a building (including walls, roofs, structural supports, balconies, stairwells, and the like) shall be permitted to encroach on or over a public right-of-way.

"Encroachment" means and includes any obstruction, tower, pole, pole line, pipe, wire, cable, conduit, wall, fence, balcony, deck, stand or building, or any structure or object of any kind or character which is placed in, along, under, over or across public right-of-way.

"Pedestrian walk street" is defined by council under a separate resolution.

"Person" includes any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, any district, any city, any county including this county, and all departments and bureaus thereof except the city of Hermosa Beach.

Shall and May. "Shall" is mandatory; "may" is permissive.

"Structure" is as defined by the Uniform Building Code as that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. No. 96-1161, §1; 07/09/96; Prior code § 29-31)

12.16.020 Permit.

An encroachment permit is required for any landscaping in excess of forty-two inches (42") in height, and any structure, object or use which is permitted by this Chapter to encroach on or over a public right-of-way. The encroachment permit shall be in a form provided by the Public Works Director and approved by the City Attorney. Issuance of an encroachment permit is within the City's discretion and constitutes a privilege granted by the City as a convenience to an adjoining property owner and not a right. An encroachment permit is not a substitute for a building permit or a construction permit when either is otherwise required by this Code. (Ord. No. 96-1161, §2; 07/09/96; Prior code § 29-32)

12.16.030 Commencement of work without permit.

Any person who shall commence any work, for which a permit is required by this chapter,

without first having obtained a permit shall stop work and apply for such permit. The fee for the permit shall be doubled. In addition, failure to stop constitutes a misdemeanor and is defined in this chapter. (Prior code § 29-33)

12.16.040 Authority to grant.

A permit to encroach into a planned or existing public right-of-way may be granted upon such terms and conditions as are deemed necessary. The authority to grant or deny such permit application is vested in the director of public works, unless otherwise specified. Approval of encroachments which deviate from the established guidelines can only be granted with city council approval in an appeal process. If the applicant for an encroachment permit is an officer or employee of the City, only the City Council is authorized to issue the permit. (Ord. No. 96-1161, §3; 07/09/96; Prior code § 29-34)

12.16.050 Residential encroachments.

Approvals of all residential encroachments is vested with the director of public works and the rules and guidelines are set forth herein. Only the owner of record of real property is eligible to apply for and receive an encroachment permit for encroachments from adjacent residential property. (Ord. No. 96-1161, §4; 07/09/96; Prior code § 29-35)

12.16.060 Commercial encroachments.

Approvals of all commercial encroachments shall be done in conjunction with the conditional use permit process, shall be reviewed by the staff environmental review committee and the rules and guidelines are set forth herein. Only the owner of record of real property is eligible to apply for and receive an encroachment permit for encroachments from adjacent commercial property, except that commercial outdoor dining encroachment permits may be issued to a lessee in connection with approval of a conditional use permit pursuant to Section 12.16.090. (Ord. 96-1161, §5; 07/09/1996; Prior code § 29-36)

12.16.070 Findings necessary to grant an encroachment.

The director of public works, in granting approval of an encroachment permit application shall make a finding that the plans and application meet the guidelines and conditions of approval as set forth in Section 12.16.080, and the granting of such encroachment will not adversely affect the general plan of the city. Approval of encroachments which deviate from these established criteria can only be granted with city council approval in an appeal process. (Prior code § 29-37)

12.16.080 Requirements and conditions of approval.

Permitted encroachments shall comply with the following requirements and conditions:

(1) *General* (applicable to all encroachments):

a. All construction shall conform to the requirements of the Uniform Building Code, the Municipal Code, and the Department of Public Works Standards and Policies.

b. Landscaping encroachments within the public right-of-way shall not exceed the building height limitation of the zone in which it is planted.

c. In the case of an encroachment occupying the public right-of-way enclosed by the extension of the two side property lines between the front property line and the existing or future sidewalk, a minimum of one-third of the encroachment area shall be landscaped in accordance with a landscape plan to be approved by the Public Works Department in conjunction with the encroachment permit application.

d. Height of any encroachment shall be measured from the natural grade unless otherwise specifically approved by the Director of Public Works by virtue of unusual topography or other extraordinary physical circumstances.

e. Encroachments shall not obstruct access to underground utilities nor significantly impair scenic vistas from neighboring properties.

f. Public right-of-way, through receipt of an encroachment permit, shall not satisfy required open space or any conditions of building or zoning that are normally

provided on-site, except for providing required residential guest parking, pursuant to Sections 17.44.090(c) and 17.44.110(b) of the Zoning Ordinance, and for providing required parking approved by a parking plan granted pursuant to Section 17.44.210 of the Zoning Ordinance.

g. An encroachment shall not provide structural support for any structure located on private property.

(2) *Pedestrian walk street* (applicable only to those streets):

a. Fences shall not exceed a maximum height of forty-two inches (42").

b. Fences are allowed at a height of forty-two inches (42") maximum on top of retaining walls of masonry, block, brick or concrete. The fence height is measured from the natural grade. A retaining wall on public right-of-way shall not support any structure on private property.

c. Decks may be permitted to a maximum height of twelve inches (12") height above the existing natural grade and if they do not project into the public right-of-way more than half the distance between the property line and edge of existing or future sidewalk. Deck railings are permitted provided that they are of open construction and that deck and railing do not exceed a maximum height of forty-two inches (42").

(3) *Vehicular street* (applicable only to those streets):

a. Fences shall not exceed a maximum height of forty-two inches (42").

b. Encroachments shall not be placed over an existing or planned sidewalk.

(Ord. 96-1161, §6; 07/09/1996; Ord. 95-1144 §1, 1995; Ord. 93-1084 § 1, 1993; prior code § 29-38)

12.16.090 Commercial outdoor dining.

A conditional use permit is required for use of public right-of-way for commercial outdoor dining subject to the following conditions:

A. Provides for and maintains an area for passage of pedestrian traffic;

B. Does not inconvenience pedestrian traffic;

C. Conforms to all applicable health codes and this code;

D. Applicant to pay all appropriate fees, including but not limited to rental fees;

E. Applicant to maintain and keep in force at all times a policy of liability insurance, naming the city as an additional insured in the amount of one million dollars ($1,000,000.00); and

F. To pay restorative costs, if applicable, in an amount to be determined by the director of public works, plus administrative costs. (Prior code § 29-39)

12.16.100 Commercial outdoor dining - exception for Pier Avenue

Notwithstanding the provisions of Section 12.16.060 and 12.16.090, a conditional use permit shall not be required for commercial outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand as long as the conditions set forth in Section 12.16.090 are satisfied and the outdoor dining facility complies with design standards adopted by resolution of the City Council. (Ord. Ord. 97-1172, §1, Amended, 06/24/97; Ord. Ord. 96-1161, Amended, 07/09/96)

12.16.110 Application procedure.

A. Filing. An application for an encroachment into a planned or existing public right-of-way shall be filed by the owner of the property for which the encroachment is sought or by an authorized representative of the owner. Such application shall be made to the director of public works and shall be on forms furnished by the department of public works.

B. Filing Fee. A uniform fee, established by council under separate resolution, shall be required upon the filing and investigation of the application for encroachment or transfer of an encroachment permit to defray administrative costs incurred by the city in processing the application. Such fee shall be nonrefundable and shall include the costs of recordation of the encroachment, if granted.

C. Investigation. An investigation shall be conducted by all departments of the city

having an interest in, or jurisdiction over, the matter. Upon the receipt of an application pursuant to the provisions of this chapter, the director of public works shall transmit the application to all affected departments for written reports of findings and recommendations. All such written reports shall be submitted to the director of public works for consideration when making a decision on the application.

D. Director of Public Works Findings and Decision. The director of public works shall make a written decision. Such decision shall recite the findings upon which the director bases his decision. If the decision is favorable to the granting of the encroachment, it shall set forth the conditions to be imposed. The conditions set forth in Sections 12.16.080 through 12.16.100 shall be attached to every permit approval.

E. Appeal. The decision of the director of public works shall be final ten days after mailing a copy of his decision to the applicant. Within said ten-day period, the applicant may appeal the decision of the director of public works to the council to review; a denial of the application or any conditions attached to an approval other than those set forth in Section 12.16.080. Upon consideration of such appeal, the council may approve, modify, or disapprove the application for encroachment. The council may add, delete or modify the conditions attached to the encroachment permit. The action of the council shall be final.

F. Time Limit for Development. Any encroachment granted pursuant to the provisions of this chapter shall be developed and utilized within a period not to exceed six months from and after the date of the granting of such encroachment, and, if not so developed and utilized, such encroachment automatically shall become null and void at the expiration of such six-month period.

G. Extension of Time. The permittee may apply in writing for one extension of time, not to exceed six months, within which to develop and use such encroachment. The director of public works, after due consideration, shall either grant or deny the extension of time for such development and use. (Prior code § 29-41)

12.16.120 Maintenance of encroachment.

It shall be the responsibility of the adjacent property owner to maintain the encroachment in a condition satisfactory to the city. (Prior code § 29-42)

12.16.130 Nonconformance of encroachment.

No building permit shall be issued for new construction or for remodeling of an existing structure exceeding fifty (50) percent of the existing structure's square footage or fifty (50) percent of the assessed valuation, whichever is less, until the adjacent city right-of-way is determined to be in accordance with the city standards. Additionally, all existing encroachment permits shall become null and void if or when the building on private property is removed. (Prior code § 29-43)

Encroachments in existence on May 15, 1996, which do not conform to the standards set forth in Section 12.16.080 may remain as they exist as of May 15, 1996, whether or not a valid encroachment permit is obtained from the City as long as the encroachment is not expanded, increased or intensified, until the earlier of either of the following events:

1. The City revokes the encroachment permit or requires removal of the encroachment for any reason, including construction of public improvements, which requires access to the encroachment area;
2. The primary structure on the property benefiting from the encroachment is remodeled or reconstructed at a cost which exceeds fifty percent (50%) of the replacement cost of the existing structure.

In either of the above events, the encroachment shall be removed and any replacement encroachment shall be subject to receipt of an encroachment permit and shall conform to the requirements of Section 12.16.080. (Ord. 96-1161, § 9; 07/09/1996)

12.16.150 Revocation.

The director of public works or the council may revoke any encroachment permit for noncompliance with the conditions set forth in granting such encroachment or if it is determined that such permit is not in the public interest. A written notice shall be mailed to the permittee of such revocation. Within ten days of mailing of such notice of revocation to the permittee, a written appeal of such action may be filed. Any such appeal shall be reviewed by the council, and its determination of the matter shall be final. (Prior code § 29-45)

12.16.160 Encroachment violation.

It is unlawful for any person to construct or maintain, or cause to be constructed or maintained, any encroachment in violation of the provisions of this chapter. (Prior code § 29-46)

12.16.170 Violation--Misdemeanor.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Prior code § 29-47)

12.16.180 Violations--Additional remedies--Injunctions.

As an additional remedy, the construction or maintenance of any encroachment in violation of any provision of this chapter shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior code § 29-48)

12.16.190 Fees.

All fees applicable pursuant to this chapter shall be set by resolution of the city council. (Prior code § 29-49)