

**CITY OF HERMOSA BEACH
ORDINANCE NO. 24-XX**

AN ORDINANCE OF THE CITY COUNCIL APPROVE ZONE TEXT AMENDMENT (TA) 24-02 AND ORDINANCE TO AMEND PORTIONS OF TITLE 17 OF THE HERMOSA BEACH MUNICIPAL CODE FOR HOUSING ELEMENT-RELATED REGULATIONS PERTAINING TO MIXED USE DEVELOPMENTS, REVIEW PROCESSES, AND MULTI-FAMILY RESIDENTIAL PARKING REQUIREMENTS AND MAKE A DETERMINATION THAT THE ZONING TEXT AMENDMENT IS CONSISTENT WITH THE PLAN HERMOSA ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Section 17.39.030 (Minimum Density of Chapter 17.39 (HE Overlay) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby amended as follows:

17.39.030 Minimum Density

A. Sites designated as –HE used to satisfy lower income housing must be developed to a minimum density of twenty (20) dwelling units per acre.

B. If a site designated as –HE is developed at a density that is below the minimum residential density anticipated in the City's Housing Element, the City must either:

1. Make a finding that the remaining sites identified in the Housing Element are adequate to meet the City's remaining RHNA for the Housing Element planning period by income category. This finding should include a quantification of the remaining unmet need for the City's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level; or
2. Makes available sufficient sites to accommodate the remaining unmet RHNA for the income category within 180 days or other time frame as established by law, whichever is later.

Section 17.40.180 (B)(1) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code as follows:

1. Residential uses must occupy at least 50 percent of the floor area.

SECTION 2. Chapter 17.42.250 (C)(2) (Work/live developments.) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

2. For project sites in the Housing Element (--HE) Overlay, a minimum of 50% of the total floor area must be allowed for residential space.

SECTION 3. Section 17.44.020 (Off-street parking – Residential uses.) of Chapter 17.44 (Off-Street Parking) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

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:

	Residential Housing Type	Parking Requirement
A.	One (1) family dwelling;	Two (2) off-street parking spaces plus one (1) guest space.
B.	Duplex or two (2) family dwelling; Exceptions: Section 17.44.020(F)	Two (2) off-street parking spaces for each unit plus one (1) guest space. One (1) additional space of on-site guest parking shall be provided for each on-street space lost because of new curb cuts and/or driveways.
C.	Multiple dwellings (three (3) or more units); Exception: Section 17.44.020(F)	Spaces per each dwelling unit: Zero to one bedroom: 1.5 spaces Two bedrooms: 2 spaces Three+ bedrooms: 2.5 spaces; plus one (1) additional space for each on-street space lost because of new curb cuts and/or driveways.
D.	Supportive or transitional housing-	Parking requirement for residential use. Exception: no parking required if within ½ mile of public transit stop.
E.	Junior accessory dwelling unit and accessory dwelling unit	Refer to Section 17.21.050(F).
F.	Density bonus projects; Projects with 15% or more lower-income affordable units; Projects with 25% or more moderate-income housing;	(Maximum Requirement per unit) (1) Zero to one bedroom: one (1) parking space. (2) Two to three bedrooms: one and a half (1.5) parking spaces.

		(3) Four and more bedrooms: two and one-half (2.5) parking spaces.
G.	Residential Care Facilities – Small.	Same as the Residential Housing Type
H.	Residential Care Facilities – Large; Assisted Living Facility	1 for every 3 beds
I.	Emergency Shelters; Low Barrier Navigation Centers	One (1) space for each staff member or employee on duty.

SECTION 4. Section 17.58.020(B)(2) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be amended as follows:

B. Precise Development Plans shall be decided upon by the Planning Commission with the following exceptions which shall be decided upon by the Community Development Director or designee:

1. New residential projects with two (2) or more dwelling units including a minimum of 20% lower-income units
2. Projects including minimum of 20% lower-income units that qualify for a density bonus pursuant to Section 17.42.100
3. Review for projects subject to said non-discretionary precise development plan shall:
 - a. Focus solely on physical design and ensuring conformance with objective development standards; and
 - b. Not constitute a 'project' pursuant to the California Environmental Quality Act (CEQA)

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof is declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937, or upon certification of the City's 2021-2029 Housing Element (6th Cycle) by the California Department of Housing and Community Development, **whichever is later.**

SECTION 7. Relationship to Ordinance 23-1471 (adopted November 14, 2023). This Ordinance shall apply to language in Ordinance 23-1471 prior to both Ordinances taking effect at the same time. Whenever a conflict exists between this ordinance and Ordinance 23-1471, this Ordinance shall prevail.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, and ADOPTED on this 9th day of July, 2024.

Justin Massey

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

For Reference Only - Legislative Digest – Zone Text Amendment 24-02

Section 17.39.030 (Minimum Density of Chapter 17.39 (HE Overlay) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby amended as follows:

17.39.030 Minimum Density

A. Sites designated as --HE used to satisfy lower income housing must be developed to a minimum density of twenty (20) dwelling units per acre.

A.B. If a site designated as --HE is developed at a density that is below the minimum residential density anticipated in the City's Housing Element, the City must either:

1. Make a finding that the remaining sites identified in the Housing Element are adequate to meet the City's remaining RHNA for the Housing Element planning period by income category. This finding should include a quantification of the remaining unmet need for the City's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level; or
2. Makes available sufficient sites to accommodate the remaining unmet RHNA for the income category within 180 days or other time frame as established by law, whichever is later.

Section 17.40.180 (Mixed Use Development of Chapter 17.40 (Conditional Use Permit and Other Permit Standards) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby replaced as follows:

17.40.180 Mixed-use development

For uses allowed in the C-1 Zone and for Housing Element Sites Inventory Sites (--HE) as part of a mixed-use development, the following conditions and standards of development, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

C. Mixed-Use Developments shall be subject to a Precise Development Plan in accordance with Chapter 17.58.

D. Residential Development Standards. The residential portion of a mixed-use development shall be subject to the following development standards:

1. Residential uses must occupy at least 50 percent of the floor area.

~~1.2.~~ If the residential portion of a mixed-use development is a condominium development, then the development shall be subject to the condominium development standards as set forth in Chapter 17.22.

~~2.3.~~ Rear and Side Yard setbacks shall be subject to Chapter 17.16.

~~3.4.~~ Building design guidelines shall be subject to Chapter 17.42.260.

~~4.5.~~ Building height shall be regulated by underlying zoning district the site is located.

~~5.6.~~_____The placement of buildings shall conform to the standards set forth in Chapter 17.16.050.

~~6.7.~~_____Any expansion of a structure that existed prior to (date of codification), to implement a mixed-use configuration, is subject to the standards of the underlying zone, and Chapter 17.52, relating to nonconforming structures.

~~7.8.~~_____Applicability of other standards. All other standards shall be governed by the sites underlying zoning district and the City zoning ordinance.

E. Commercial Development Standards. In addition to the requirements of the commercial zone, the following standards shall apply to the mixed-use development.

1. Ground floor commercial spaces shall have a minimum average depth of 30-feet.
2. Building frontage shall be used for commercial purposes with the exception of entry-exit corridors and stairs for accessing the residential units, and/or for driveways to access parking.

F. General Development Standards

1. Noise: Residential uses shall be separate from commercial uses by sound proofed floors and walls with minimum sound transmission rating as required for condominiums as set forth in Chapter 17.22. Commercial uses hours of operations shall be limited where appropriate so that residents are not exposed to offensive noise or activity.
2. Security: Entrances for residences shall be separate from non-residential uses and be independently accessible to pedestrian and parking areas.
3. Lighting: Outdoor lighting and lighting for signs associated with commercial uses designed so as not to adversely impact residences. No flashing, blinking or high intensity lighting. Adequate lighting to illuminate parking areas and corridors to access parking and public sidewalk. Lighting for signs may only be illuminated during business hours.

G. Signs. Signs shall be limited to the commercial space frontage pursuant to the requirements of Chapter 17.50.

H. Allowed Commercial Uses. Permitted commercial uses within a mixed-use development shall be as permitted in the underlying commercial zone with the following exceptions which shall not be permitted:

1. Late-night restaurants and bars;
2. Laundry and dry-cleaning businesses;
3. Parking lots and/or structures.

I. Limitations on hours of operation. The hours of operation for any commercial use shall be limited to 8:00 a.m. to 10:00 p.m.

J. Parking and Transportation Storage

1. Vehicle parking shall be in accordance with Chapter 17.44.

- a. Reduced vehicle parking may be planned in accordance with Section 17.44.210 Parking Plans. Application fees for Parking Plans that accompany a development for affordable housing may be waived; all other application fees apply.
2. Bicycle Parking Standards.
- a. Spaces Required.
 - 1. Residential Uses. A minimum of one bicycle parking space shall be provided for every five units for Residential, Group Residential, and Single Room Occupancy.
 - 2. Other Uses. Any establishment with 25 or more full time equivalent employees shall provide bicycle parking at a minimum ratio of one space per 25 vehicle spaces.
 - b. Location. Bicycle parking must be located on the same lot as the use it serves. In parking garages, long-term bicycle parking must be located near an entrance to the facility.
 - c. Security. Long-term bicycle parking must be in:
 - 1. An enclosed bicycle locker; or
 - 2. A fenced, covered, locked or guarded bicycle storage area; or
 - 3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or
 - 4. Other secure area approved by the Director.
 - d. Size and Accessibility.
 - 1. Each bicycle parking space shall accommodate a variety of bicycle types, but generally be a minimum of two feet in width and size feet in length.
 - 2. Bicycles shall be accessible without moving another bicycle.
 - 3. Access to a bicycle parking area shall not be through vehicle parking spaces.
 - e. Bicycle Parking Reductions and Modifications. A modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Section 17.44.210, Parking Plans, if the review authority finds that:
 - 1. Adequate site space is not available on an existing development to provide bicycle parking; or
 - 2. Reduced bicycle parking is justified by reasonably anticipated demand; or
 - 3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.

- K. Owner shall disclose separately and in writing upon sale or rental of the subject property that it is a mixed- use development and permits commercial and residential uses.

Chapter 17.42.250 (Work/live developments.) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

- A. Purpose. This purpose of this section is to allow and establish requirements for work/live developments. Units within work/live developments are intended to allow for a non-residential primary use, with an accessory residential use, which together foster creative and innovative industrial uses.
- B. Applicability. Work/live units are allowed in the M-1 zoning district.
- C. General Provisions.
 - 1. Work/live units must be located in a development, building, or structure approved and permitted for such use. This section is not intended to allow conversion of non-residential spaces in a fully non-residential building into full or partial residential spaces.
 - 2. For project sites in the Housing Element (--HE) Overlay, a minimum of 50% of the total floor area must be allowed for residential space.
 - 2.3. _____ The non-residential component of work/live units must comply with the uses set forth in Section 17.28.020 (Permitted uses).
 - 3.4. _____ The non-residential and the residential units must be occupied by the same tenant.
 - 4.5. _____ Residential areas are permitted above or behind the non-residential component, provided that there is internal access between the residential and non-residential unit.
 - 5.6. _____ The non-residential component shall be operated indoors and shall not be conducted in any required yard or parking area.
 - 6.7. _____ Signage intended to promote on-site non-residential uses shall comply with Section 17.50.150.
 - 7.8. _____ The external access for the non-residential component shall be oriented to the street and should have at least one external entrance/exit separate from the residential space. The entrance to the non-residential component shall be located on the ground level.
 - 8.9. _____ The work/live unit shall be required to provide parking in accordance with Chapter 17.44 (Off-Street Parking).

~~9.10.~~ 10.10. The non-residential use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

~~10.11.~~ 10.11. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

D. Short term rentals prohibited. It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration.

Section 17.44.020 (Off-street parking – Residential uses.) of Chapter 17.44 (Off-Street Parking) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

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:

	Residential Housing Type	Parking Requirement
A.	One (1) family dwelling;	Two (2) off-street parking spaces plus one (1) guest space.
B.	Duplex or two (2) family dwelling; Exceptions: <u>Section 17.44.020(F)</u> <u>Density Bonus Projects</u>	Two (2) off-street parking spaces for each unit plus one (1) guest space. One (1) additional space of on-site guest parking shall be provided for each on-street space lost because of new curb cuts and/or driveways.
C.	Multiple dwellings (three (3) or more units); Exception: <u>Section 17.44.020(F)</u> <u>Density Bonus Projects</u>	Spaces per each dwelling unit: Zero to one bedroom: 1.5 spaces Two bedrooms: 2 spaces Three+ bedrooms: 2.5 spaces; plus one (1) guest space for each two (2) dwelling units ; plus one (1) additional space for each on-street space lost because of new curb cuts and/or driveways.
D.	Supportive or transitional housing-	Parking requirement for residential use. Exception: no parking required if within ½ mile of public transit stop.

E.	Junior accessory dwelling unit and accessory dwelling unit	Refer to Section 17.21.050(F).
F.	Density bonus projects; Projects with <u>15% or more</u> over 20% <u>lower-income</u> affordable units; <u>Projects with 25% or more moderate-income housing;</u> <u>Senior housing</u>	(Maximum Requirement per unit) (1) Zero to one bedroom: one (1) parking space. (2) Two to three bedrooms: one and a half (1.5) parking spaces. (3) Four and more bedrooms: two and one-half (2.5) parking spaces.
G.	Residential Care Facilities – Small.	Same as the Residential Housing Type
H.	Residential Care Facilities – Large; Assisted Living Facility	1 for every 3 beds
I.	Emergency Shelters; Low Barrier Navigation Centers	One (1) space for each staff member or employee on duty.

Chapter 17.58 (Precise Development Plan) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

17.58.010 Purpose

This Chapter establishes the Precise Development Plan procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Precise Development Plan process are to:

- A. Promote excellence in design, layout, and other physical features of development to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives;
- B. Ensure that new and altered development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of physical features of development that are not otherwise addressed.

17.58.020 Applicability and Review Authority

- A. A Precise Development Plan review is required for all projects that require a permit for new construction, ~~rehabilitation~~, alteration, or other improvements to the exterior of a structure, site or a parking area except for:
 1. Single-family (1 unit) residences; ~~Projects with four (4) or less dwelling units,~~ including new construction, remodels or additions thereto; and
 2. Remodels or additions of less than one thousand five hundred (1,500) square feet in any zone.

B. Precise Development Plans shall be decided upon by the Planning Commission with the following exceptions which shall be decided upon by the Community Development Director or designee:

1. New residential projects with two (2) or more dwelling units including a minimum of 20% lower-income units
2. Projects including minimum of 20% lower-income units that qualify for a density bonus pursuant to Section 17.42.100
3. Review for projects subject to said non-discretionary precise development plan shall:
 - a. Focus solely on physical design and ensuring conformance with objective development standards; and
 - b. Not constitute a 'project' pursuant to the California Environmental Quality Act (CEQA)

~~1.~~

~~—New construction, rehabilitation, alteration, or other improvements to the exterior of a structure, site or a parking area for:~~

- ~~1. Projects with two (2) or more dwelling units with affordable units or senior units (refer to section 17.42.100) Projects that qualify for a density bonus pursuant to Section 17.42.100 or are comprised entirely of residential units restricted to be affordable to moderate or lower income households shall be subject to a non-discretionary precise development plan focusing solely on physical design and ensuring conformance with objective development standards, rather than examining the appropriateness of the use itself; said precise development plan process is not a 'project' and is not subject to the California Environmental Quality Act (CEQA).~~

C. Application. All applications for Precise Development Plan shall be filed with the Community Development Department on forms prescribed by the Community Development Director.

D. Concurrent Processing. When a development project requires a Use Permit, Variance, or any other discretionary approval, the Precise Development Plan application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance., except as noted in Section 17.58.020(B)(1)(ii)(1).

E. Notification.

1. An application for a Precise Development Plan decided upon by the Community Development Director or design shall require a mailed notice to the applicant.
2. An application for a Precise Development Plan decided upon by the Planning Commission shall require notice, pursuant to Chapter 17.68, Procedure, Hearings, Notices and Fees

F. Review Authority

1. Public Hearing is required for projects subject to Section 17.58.20(A). An application for a Precise Development Plan shall require a public hearing before the Planning Commission, pursuant to Chapter 17.68, Procedure, Hearings, Notices and Fees
2. The Community Development Director shall act as the review authority for projects subject to Section 17.58.020(B). No public hearing shall be required.

17.58.030 Scope of Precise Development Plan Review

A. Precise Development Plan Review Considerations. Precise Development Plan review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

1. Building proportions, massing, and architectural details.
2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
3. Size, location, design, development, and arrangement of site access for modes of transportation, including on-site vehicle and bicycle parking.
4. Height, materials, and design of fences, walls, and screen plantings;
5. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
6. Size, location, design, color, lighting, and materials of all signs.

17.58.040 Required Findings

The review authority must make all of the following findings to approve or conditionally approve a Precise Development Plan application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The design, layout, and other physical features of the project comply with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
- B. The design, layout, and other physical features of the project are consistent with the General Plan, and any applicable specific plan or design guidelines; and
- C. The design, layout, and other physical features of the project comply with any design or development standards applicable to the zone, unless waived or modified pursuant to the provisions of this Title.

17.58.050 Conditions of Approval

In approving a Precise Development Plan, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the following outcomes:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the city council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Precise Development Plan listed in Section 17.58.050, Required Findings; or;

Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.