

RESOLUTION P.C. 17-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH RECOMMENDING CITY COUNCIL APPROVAL OF A TEXT AMENDMENT TO MUNICIPAL CODE TITLE 17 REGARDING DEFINITIONS AND STANDARDS FOR ASSEMBLY USES, IN ORDER FOR THE CITY TO BE CONSISTENT WITH THE FEDERAL RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA), AND DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. The Planning Commission held a duly noticed public hearing on June 20, 2017 to consider a text amendment regarding definitions and standards for assembly uses, in order for the City to be consistent with federal civil rights law regarding, Religious Land Use and Institutionalized Persons Act (RLUIPA). The current Municipal Code does not contain a definition or standards for “religious institutions,” “churches,” or “assembly halls,” but does provide development standards for assembly-type uses. This text amendment clarifies the provisions applicable to assembly-type uses in a manner that better achieves the intent of existing regulations to apply neutral, consistent regulations to mitigate the impacts for all assembly-type uses. (TEXT 17-1).

SECTION 2. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment because the project proposes to amend the Municipal Code to allow religious institutions in zones allowing assembly uses. All assembly uses create the same land use impacts regardless of whether the use is religious or secular. For purposes of regulating all assembly uses equivalently, there will be no change in the environmental impacts generated by these uses. This is an administrative change that is consistent with federal law.

SECTION 3. The Planning Commission finds that the proposed amendment to the Municipal Code to allow religious institutions in zones allowing assembly uses, is consistent with the City’s General Plan Land Use Element policy to “Ensure the placement of new uses does not create or exacerbate nuisances between different types of land uses” and the associated Implementation Objective to “Establish development standards to correspond with any new land use designations with consideration of neighborhood character areas.” The ordinance also furthers the general purpose of the zoning ordinance by allowing religious institutions in zones allowing assembly uses, with the requirement to obtain a Conditional Use Permit to address and review standards and criteria to assure compatibility for assembly-type uses in adjacent zones. The amendment will not impede the City’s ability to meet its general plan goals and the amendment is necessary to carry out the purposes of the Zoning Ordinance, including the orderly planned use of land resources.

The Planning Commission further finds that the proposed amendment to the Municipal Code is consistent with the federal civil rights law, Religious Land Use and Institutionalized Persons Act

(RLUIPA), and clarifies the provisions applicable to assembly-type uses in a manner that better achieves the intent of existing regulations to apply neutral and consistent regulations to mitigate the impacts for all assembly-type uses.

SECTION 4. The Planning Commission hereby recommends City Council approval of the proposed ordinance attached hereto as Exhibit A.

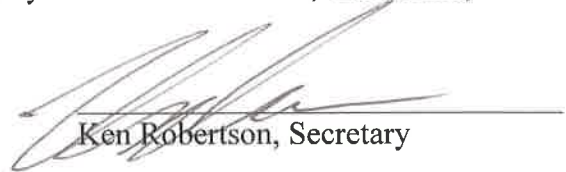
VOTE:	AYES:	Comms.Hoffman,Pedersen,Rice,Saemann,Chair Flaherty
	NOES:	None
	ABSTAIN:	None
	ABSENT:	None

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 17-19 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of June 20, 2017.



Michael Flaherty, Chairman



Ken Robertson, Secretary

June 20, 2017

Date

Exhibit A

ORDINANCE NO. _____

AN ORDINANCE REGARDING DEFINITIONS AND STANDARDS
FOR ASSEMBLY USES AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE

The City Council of the City of Hermosa Beach does ordain as follows:

Section 1. Section 17.04.050 of Chapter 17.04 of Title 17 of the Hermosa Beach Municipal Code is amended by adding/amending the following terms in the alphabetical list of terms:

“Assembly hall” shall mean any building, or portion of a building, used for public or private gatherings. For example, and without limitation, assembly hall includes, convention/meeting halls, business schools, funeral homes, gymnasium/health and fitness centers, educational institutions (K-12), game arcades with five or more machines, miniature golf courses, large day spas, movie theatres, museums, music academies, religious institutions, skating rinks, whether available for public or private use.

“Convention hall” means an enclosed building or structure used for public assembly for meetings, conventions or special events. This classification includes assembly halls.

“Religious institutions” shall mean facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (for example, a recreational camp) are classified according to their respective activities.

Section 2. Section 17.08.020 of Chapter 17.08 of Title 17 of the Hermosa Beach Municipal Code, R-1 Single-Family Residential Zone, Permitted uses, is amended by (1) removing “Churches, synagogues, temples and other similar congregations: conditional use permit required subject to Chapter 17.40;” from the alphabetical list of uses, adding the following new use category in the alphabetical list of uses to read as follows:

Religious Institutions: conditional use permit required subject to Chapter 17.40; and renumbering all of the subsections in Section 17.08.020 to reflect these changes.

Section 3. Section 17.26.030 of Chapter 17.26 of Title 17 of the Hermosa Beach Municipal Code, C-1, C-2 and C-3 land use regulations, is amended by adding the following new use category to the alphabetical list of uses to read as follows and to

delete the use category for business schools, convention/meeting halls, educational institutions (K-12), funeral homes, including mortuaries, game arcade with five or more machines, large day spas, miniature golf course, movie theaters, museums, music academies and skating rinks:

Uses	C-1	C-2	C-3	See section
Assembly halls	-	U	U	17.40

Section 4. The following use category in the alphabetical list of uses in Section 17.28.020 of Chapter 17.28 of Title 17 of the Hermosa Beach Municipal Code, Light Manufacturing Zone, Permitted uses, is deleted.

Gymnasium/health and fitness center, limited	P	17.28.040
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Section 5. Section 17.28.040 of Chapter 17.28 of Title 17 of the Hermosa Beach Municipal Code, Light Manufacturing Zone, Gymnasium/health and fitness center, limited, is deleted in its entirety.

Section 6. Section 17.38.540 of Chapter 17.38 of Title 17 of the Hermosa Beach Municipal Code, Specific Plan Areas, Plan Area No. 11 – Uses, is amended by adding the following new use category to the alphabetical list of uses to read as follows and to delete the use category for billiard or pool halls; clubs, private; convention/meeting halls, gymnasiums/health and fitness centers; large day spas, movie theaters, museums and music academies:

Uses	P or U	Section
Assembly halls	U	17.40

Section 7. Subsection A of Section 17.44.030 of Chapter 17.44 of Title 17 of the Hermosa to read as follows:

Assembly halls: one (1) space for each five (5) seats, permanent or removable, or one (1) space for each fifty (50) square feet of gross floor area in the assembly hall, whichever is greater.

Section 8. The proposed amendments to Title 17 of the Hermosa Beach Municipal Code were reviewed by the Planning Commission at a duly noticed public hearing on June 20, 2017 to consider a text amendment regarding definitions and standards for assembly uses, in order for the City to be consistent with federal civil rights law regarding, Religious Land Use and Institutionalized Persons Act (RLUIPA). The current Municipal Code does not contain a definition or standards for “religious institutions,” “churches,” or “assembly halls,” but does provide development standards for assembly-type uses. This text amendment clarifies the provisions applicable to assembly-type uses in a manner that better achieves the intent of existing regulations to apply neutral, consistent regulations to mitigate the impacts for all assembly-type uses.

Section 9. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment because the project proposes to amend the Municipal Code to allow religious institutions in zones allowing assembly uses. All assembly uses create the same land use impacts regardless of whether the use of is religious or secular. For purposes of regulating all assembly uses equivalently, there will be no change in the environmental impacts generated by these uses. This is an administrative change that is consistent with federal law.

Section 10. The proposed amendments to Title 17 of the Hermosa Beach Municipal Code to allow religious institutions in zones allowing assembly uses, is consistent with the City's General Plan Land Use Element policy to "Ensure the placement of new uses does not create or exacerbate nuisances between different types of land uses" and the associated Implementation Objective to "Establish development standards to correspond with any new land use designations with consideration of neighborhood character areas." The ordinance also furthers the general purpose of the zoning ordinance by allowing religious institutions in zones allowing assembly uses, with the requirement to obtain a Conditional Use Permit to address and review standards and criteria to assure compatibility for assembly-type uses in adjacent zones. The amendment will not impede the City's ability to meet its general plan goals and the amendment is necessary to carry out the purposes of the Zoning Ordinance, including the orderly planned use of land resources.

The ordinance further finds that the proposed amendment to the Municipal Code is consistent with the federal civil rights law, the regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA), and clarifies the provisions applicable to assembly-type uses in a manner that better achieves the intent of existing regulations to apply neutral and, consistent regulations to mitigate the impacts for all assembly-type uses.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

MAYOR

Attest:

City Clerk