



ZONE-IN Hermosa
HERMOSA BEACH ZONING ORDINANCE UPDATE



PRELIMINARY DRAFT
CITYWIDE STANDARDS



City of Hermosa Beach
August 2022

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Introduction

Zoning updates are significant undertakings for any community. Proceeding with discrete, digestible groups of specific sections make the project more approachable. To this end, this paper presents draft provisions for regulations or programs that apply citywide, including affordable housing density bonus provisions, condominiums, historic resource preservation, nonconforming uses and structures, off-street parking, performance standards, and signs. This paper also includes draft provisions for the O-S-O Open Space Overlay Zone which limits development in vacated public right-of-way areas.

Affordable Housing, Density Bonus and Incentive Program

Regulations and permit procedures governing the density bonus in Section 17.42.100, Affordable Housing Density Bonus and Incentive Program, of the existing Zoning Ordinance are reorganized, clarified, consolidated to improve usability, and updated to ensure consistency with State law.

Condominiums

Regulations and permit procedures governing condominiums and the conversion of existing buildings to condominiums in Chapter 17.22 of the existing Zoning Ordinance are reorganized, clarified, consolidated to improve usability, and updated consistent with State law. Standards and requirements address storage space, utilities, and sound insulation; warranties of improvements; long term reserves; and CC&Rs; as well as application requirements and tenant protection provisions for condominium conversions. Design standards in the current provisions have been removed as condominium projects are subject to the same design standards as any other development.

Historic Resources Preservation

Provisions contained in Chapter 17.53, Historic Resources Preservation, addressing the protection and treatment of historic resources is carried forward, reformatted to be consistent with other Chapters. Provisions establish procedures for the designation of historic resources and landmarks; review of improvements and alterations of historic resources; maintenance; and enforcement. A new provision allows the City to withhold a permits for a period of up to five years for a site if the City determines that demolition of historic resources has occurred without the benefit of required permits. Definitions of terms related to historic resources will be grouped with other definitions and found at the end of the updated Zoning Ordinance.

Nonconforming Uses, Structures, and Lots

This chapter includes provisions for nonconforming uses, structures and lots which are currently located in Chapter 17.56, Nonconforming Uses and Structures.

The draft regulations offer flexibility for nonconforming structures in order to promote adaptive reuse of existing structures. Structural and nonstructural maintenance, repair, and interior alterations of nonconforming structures are allowed. Alterations and additions to nonconforming structures are also allowed, provided use of the property is conforming, the addition or alteration conforms to current requirements, and there is no increase in the discrepancy between existing conditions and the requirements of the Code. Structural repairs are currently only allowed to protect health and safety and additions are limited to 100 percent of the existing square footage.

The Zoning Code also includes provisions requiring the removal of nonconforming uses if they have been abandoned, destroyed, or substantially damaged. Consistent with existing provisions, the draft regulations include provisions for allowing the restoration of nonconforming structures when damaged by fire or other calamity to the extent of 50 percent or less of the value. If a nonresidential structure is damaged to the extent of 50 percent or more of the value, the land and building are subject to all of the requirements of the most current Code. Nonconforming residential uses may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.

Lawful nonconforming uses may be continued and maintained unless they are determined to be a public nuisance because of health or safety concerns. Consistent with current provisions, nonconforming uses may be maintained, changed to a permitted use, or be substituted with another nonconforming use (with Planning Commission approval). The draft provisions include a new allowance for nonconforming uses to be expanded with Conditional Use Permit approval where the Planning Commission finds the expansion would not be detrimental to public health, safety, or welfare.

Off-street Parking

Applicability

The proposed parking and loading regulations apply to new buildings and uses, projects creating additional dwelling units, change or expansion in use, or expansion of floor area, consistent with the existing thresholds for the provision of required parking that were adopted as part of the targeted parking amendments in August 2021. Applicability of parking requirements for nonconforming residential development is proposed to be changed from any expansion in floor area to anytime a new unit is created. This is intended to accommodate and facilitate adaptive reuse of existing buildings.

Required Number of Spaces

The number of parking spaces required for each land use have been refined and updated. Wherever possible, consistent parking requirements are used for individual use classifications within the same use type. This is intended to ease administration and provide flexibility with

regard to re-use and changes of occupancy. Generally, the grouped uses had similar parking requirements and the predominant lower parking requirement was applied to the group. Separate requirements are established for land uses with particular space and operational requirements that generate unique parking demands, such as various residential and public and semipublic uses, restaurants, and hotels.

Residential

Under the current parking requirements, two off-street parking spaces plus one guest space are required for single-family, duplex or two-family dwellings. Multiple dwellings (three or more units) are also required to have two off-street spaces, plus one guest space for each two dwelling units. These parking requirements do not support a variety of housing types, limit design options, result in residential street frontages dominated by parking and garages, and can preclude achievement of maximum allowed density, particularly in the RH Zone.

Residential parking requirements are proposed to be revised to have different parking requirements for developments of one or two units (single family residences and duplexes) and developments of three or more units.

For developments of one or two units, 2 parking spaces are required for each unit with 3,500 square feet of living area or less. Each unit with more than 3,500 square feet of living area are required three parking spaces.

Parking requirements for developments of three or more units are proposed to be scaled to the number of bedrooms, as follows:

- Studio: 0.5 spaces/unit
- 1 bedroom: 1 space/unit
- 2 or more bedrooms: 2 spaces/unit
- Guest spaces: 1 per 5 units

Effect of Change

For developments of one or two units, smaller units (units with 3,500 square feet of living area or less) would no longer be required to provide a guest parking space. However, if the required parking spaces are provided in a garage, there would be no physical change to development as the guest parking space was typically provided in the driveway in front of the garage. Larger units (units with more than 3,500 square feet of living area) would still be required to provide three parking spaces.

In developments of three or more units, there is no change in the required number of tenant parking spaces for units with two or more bedrooms. Studio and 1-bedroom unit tenant parking

space requirements are reduced from 2 spaces per unit to 0.5 and 1 space per unit, respectively. For all units, the number of required guest spaces is reduced.

Comparison with Neighboring Jurisdictions

Hermosa Beach currently requires more parking for residential development compared with neighboring jurisdictions, primarily due to Hermosa Beach's requirement of 1 guest space per unit for single-unit and duplex development and 1 guest space per two units for multi-unit development. Other jurisdictions do not require guest parking for single-unit or duplex development with the exception of Redondo Beach, which requires one guest space for duplex development on lots 50 feet wide or wider. For multi-unit development, neighboring jurisdictions require fewer guest parking spaces; 0, .25, or .33 spaces per unit vs. Hermosa Beach's guest space requirement of .5 spaces per unit.

Required Number of Parking Spaces per Residential Unit - Comparison				
	<i>Hermosa Beach</i>	<i>Manhattan Beach</i>	<i>Redondo Beach</i>	<i>El Segundo</i>
Single-Unit	3 (2 plus 1 guest)	<3,600 sf: 2 >3,600 sf: 3	2	<3,500 sf: 2 >3,500 sf: 3
Duplex	3 (2 plus 1 guest)	2	Lots less than 50 ft wide: 2 Lots 50 ft wide or more: 3 (2 plus 1 guest*)	<3,500 sf: 2 >3,500 sf: 3
Multi-Unit	2.5 (2 plus .5 guest)	3 units: 2 4+ units: 2.25 (2 plus .25 guest)	Lots less than 50 ft wide: 2 Lots 50 ft wide or more: 2.33, rounded up (2 plus .33 guest)	2.33, rounded down (2 plus .33 guest)

Rate of Change

It is important to note that new parking requirements will apply to future development. The City is largely built out and new development will occur primarily through redevelopment. As a result, the actual change in parking availability will occur incrementally over time as properties are redeveloped.

Parking Reductions and Flexibility Provisions

Existing provisions for common parking facilities and parking in-lieu fees are carried forward. Parking reductions are available for the provision of motorcycle parking or car share vehicle parking, and instances where the Planning Commission finds that conditions exist whereby parking demand generated by the project will be adequately served. Parking may also be located

off-site, within 300 feet, where it can be shown the off-site parking area is reserved for the subject use. These standards provide flexibility while still accommodating parking demand.

Bicycle Parking Requirements

New bicycle parking requirements have been added. Both short-term bicycle parking, serving visitors to a site who generally stay for a short time, and long-term bicycle parking, to serving employees, residents, commuters, and others who generally stay at a site for four hours or longer, are required.

Parking Area Design and Development Standards

Draft regulations revise and expand the parking area design and development standards to address various aspects of parking area design, including access, parking space dimensions, maneuvering aisles, surfacing, striping, curbing, lighting, landscaping, separation from buildings, screening, circulation, alternative designs, and maintenance. Existing allowances for mechanical lifts are carried forward. Allowances for tandem parking in residential zones have been refined so that a standard set of standards apply to residential and nonresidential uses.

The draft regulations require 10 percent of the parking area to be landscaped and detail minimum requirements including minimum planter dimensions of 25 square feet, layout, landscaped islands every six stalls, landscaped buffers, trees every five spaces, protection of vegetation, and clearance. Requiring landscaping will help improve the aesthetic appearance of parking lots, promote energy conservation through the creation of shade, reduce heat gain, and reduce noise and glare. Parking and loading provisions also address bicycle parking and on-site loading.

Performance Standards

Draft provisions establish standards for determining if a use or activity creates a nuisance on adjoining property due to operational items such as air contaminants, fire and explosion hazards, glare, noise, and vibration. Where an impact is also addressed in another part of the municipal code or by other regulations, the regulations reference the applicable code.

Signage Standards

The draft sign regulations reorganize, clarify, and consolidate the sign regulations and permit procedures in Chapter 17.50 of the existing ordinance. Where appropriate, provisions currently located in the Sign Handbook or implemented by policy are incorporated. Draft regulations largely carry forward existing allowances for exempt signs, prohibited signs, temporary signs, the type and size of signs, and the review process. Notable changes include:

- Standards have been incorporated to specifically address electronic signs which are limited to fuel price signs at service and gas stations and associated with public

facilities. Standards address how often the message change and how bright the sign is.

- Projecting and shingle signs, which are currently limited to the C1 and C2 Zones, are allowed sign types in all nonresidential zones.
- Standards for pole and ground signs are combined into one set of standards for 'freestanding' signs. Proposed standards limit the height of freestanding signs to eight or ten feet, depending on zone, and require the support structure to be at least 1/3 the width of the sign face. These standards effectively prohibit new pole signs. Existing pole signs would become legal nonconforming and subject to the nonconforming sign provisions, which allow a sign to remain and change copy unless the sign is damaged or destroyed more than 50 percent and not repaired within 30 days or the use of the sign has ceased for more than 90 days.
- Procedures for sign permits and comprehensive sign programs have been incorporated. The director is the review authority for sign permits and sign programs that comply with the established sign standards. All Comprehensive Sign Programs that include a request for a deviation from the standards are subject to review and approval by the Planning Commission.

O-S-O Open Space Overlay Zone

This chapter carries forward provisions currently located in Chapter 17.36, O-S-O Open Space Overlay Zone which establishes standards for development in vacated public right-of-way areas to maintain views to the beach and ocean and a sense of open space while allowing for private use of such areas.

Citywide Regulations

Chapter 17.04 Affordable Housing, Density Bonus and Incentive Program

17.04.010 Purpose

The purpose of this Chapter is to implement the State Density Bonus Law, California Government Code Section 65915 et seq.

17.04.020 Applicable Zoning Districts

This Chapter shall be applicable in all zoning districts that allow residential uses.

17.04.030 Qualifications

All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.

17.04.040 Density Bonus, Incentives and Concessions

The City of Hermosa Beach shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

17.04.050 Application

An application for a density bonus or other incentive under this Chapter for a housing development shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Chapter, and in connection with the project for which the request is made, including, but not limited to, the following:

- A. A brief description of the proposed housing development;

- B. The total number of housing units proposed in the development project, including unit sizes and number of bedrooms;
- C. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
- D. The total number of units to be made affordable to or reserved for sale or rental to, very low, low, or moderate income households, or senior citizens, or other qualifying residents;
- E. The zoning, general plan designations and assessor's parcel number(s) of the project site;
- F. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout; and
- G. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

17.04.060 Review and Consideration

The application shall be considered by the Planning Commission or City Council at the same time the project for which the request is being made is considered. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Chapter shall be considered by the Community Development Director. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

17.04.070 Continued Affordability

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density bonus or other incentives being approved for a project, the City and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

17.04.080 Denial of Affordable Housing Projects

If at least 20 percent of a housing development's units are sold or rented to low income households, and the balance of the units are sold or rented to either low or moderate income households, it shall not be disapproved or conditioned in a manner which renders the project infeasible for development for the use of low and moderate income households unless the decision making body finds, based upon substantial evidence, one of the following, pursuant to California Government Code Section 65589.5:

- A. The project is not needed for the City to meet its share of the regional need of low and/or moderate income housing as outlined in the adopted Housing Element to the General Plan; or

- B. The project as proposed would have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low and/or moderate income households; or
- C. Denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low and/or moderate income households; or
- D. Approval of the project would increase the concentration of low income households in a neighborhood that already has a disproportionately high number of low income households and there is no feasible method of approving the development at a different site, including sites identified in the adopted Housing Element, without rendering the development unaffordable to low and/or moderate income households; or
- E. The project is proposed on land zoned for resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project; or
- F. The project is inconsistent with the land use designation as outlined in the adopted General Plan or in any General Plan element as it existed on the date the application for the project was deemed complete.

Chapter 17.05 Condominiums

17.05.010 New Condominiums

- A. **Purpose.** The ownership of condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this Section is to establish criteria for the construction of new condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.
- B. **Applicability.** The regulations set forth in this Section shall apply to the construction of new condominiums.
- C. **Development Standards.** In addition to the development standards contained in the applicable zoning district and other applicable standards in this Title, the following development standards apply to new condominium projects.
1. ***Shock Mounting of Mechanical Equipment.*** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 2. ***Utilities.*** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.
 3. ***Additional Standards Applicable to Residential Condominiums.***
 - a. ***Private Storage Space.*** Each unit within the project shall have at least 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 four foot 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.
 - b. ***Utilities.***
 - i. 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 Official (except in the case of concrete slab floors on grade).

- ii. 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.
 - iii. 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.
 - iv. 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.
- c. *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.

D. **Warranty for Improvements.** The subdivider shall provide to the owner's association the following minimum warranties from the date of Final Map or Parcel Map approval, unless otherwise specified:

1. **Roof and Exterior Finish.** A five-year warranty that all roofs and exterior finishes have been installed as necessary to ensure weatherproof conditions.
2. **Moisture Barriers.** A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.
3. **Paved Areas.** A five-year warranty of a useful life for all paved areas within the project.
4. **Swimming Pools.** A five-year warranty of structural soundness.
5. **Appliances.** A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
6. **Condition of Equipment Owned in Common.** A one-year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working

condition. The subdivider shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.

- E. **Long Term Reserves.** Prior to approval of the Final Map or Parcel Map the subdivider shall provide evidence to the City that a long-term reserve fund for replacement has been established in the name of the owner's association.
1. **Residential Condominiums.** Such fund shall equal two times the estimated monthly homeowner's assessment for each dwelling unit.
 2. **Nonresidential Condominiums.** Such fund be based on a reserve study showing the amount which must be set aside as long-term reserves for capital and maintenance replacement.
- F. **Covenants, Conditions, and Restrictions.** Project covenants, conditions, and restrictions (CC&Rs) in accordance with Section TBD, Covenants, Conditions, and Restrictions shall be developed, and shall be reviewed and approved by the City Attorney and Director prior to approval of the Final or Parcel Map.

17.05.020 Condominium Conversions

- A. **Purpose.** The purpose of this Section is to establish criteria for the conversion of existing buildings to condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large. Additional purposes of this Section are to:
1. Reduce the impact of conversions of existing multiple-unit rental housing to condominiums on residents in rental housing who may be required to relocate due to the conversion.
 2. 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.
 3. Assure that purchasers of units have been properly informed as to the physical condition of the structure which is offered for purchase, or as part of the project.
- B. **Applicability.** The regulations set forth in this Section shall apply to the conversion of existing buildings into condominiums. This Section shall not apply to a "limited-equity housing cooperative" as defined in Section 11003.4 of the California Business and Professional Code.
- C. **Application Requirements.** A Tentative Map application shall be filed with the Community Development Department on the prescribed application forms. In addition to any other application requirements, the applicant shall submit:

1. ***Physical Elements Report.*** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:
 - a. ***Structural Condition of Elements.*** A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
 - b. ***Pest Control.*** A report from a licensed structural pest control operator, approved by the City, on each structure and each unit within the structure.
 - c. ***Soil Conditions.*** A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
 - d. ***Repairs and Improvements.*** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.
2. ***Plot Plan and Project Characteristics.*** A plot plan of the project including location and sizes of structures, square footage of each building and unit, exterior elevations, parking layout, and access areas. In addition, applications for residential condominium conversions shall include specific information concerning the demographic characteristics of the project, including but not limited to the following:
 - a. Square footage and number of rooms in each unit;
 - b. Project common areas and individual unit amenities;
 - c. Rental rate history for each type of unit for previous five years;
 - d. Monthly vacancy rate for each month during preceding two years;

- e. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;
 - f. Proposed sale price of units;
 - g. Proposed owner's association fee;
 - h. Financing available; and
 - i. Names and addresses of all tenants.
3. Signed Affidavit by the applicant through deed restriction, waiving right to protest the formation of an underground utility district.
4. ***Verification of Notice.***
- a. *Residential Condominium Conversions - Notice of Intent to Convert.* Signed copies from each tenant of Notice of Intent to Convert. The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail. The form of the notice shall be as approved by the Community Development Department and shall contain not less than the following:
 - i. Name and address of current owner;
 - ii. Name and address of the proposed subdivider;
 - iii. Approximate date on which the tentative map is proposed to be filed;
 - iv. Approximate date on which the final map or parcel map is to be filed;
 - v. Approximate date on which the unit is to be vacated by nonpurchasing tenants;
 - vi. Tenant's right to purchase;
 - vii. Tenant's right of notification to vacate;
 - viii. Tenant's right of termination of lease;
 - ix. Statement of no rent increase;
 - x. Provision of special cases; and
 - xi. Provisions of moving expense.

- b. **Nonresidential Condominium Conversions - Notice to Tenants.** Evidence of written notice provided to each tenant explaining that the owner intends to apply to the City for a condominium conversion. The notice to tenants must be sent at least six months before the application is submitted to the City, and further notice must be given to any tenant who occupies the building after the original notice was sent.
 5. **Tenant Assistance Plan, Residential Condominium Conversions.** A proposed tenant assistance plan pursuant to Section TBD, Tenant Assistance Plan.
 6. **Budget.** A proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five-year period or such time as is required by the Department of Real Estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of similar condominium complexes. The management firm shall submit a statement of professional qualifications.
 7. **Additional Information.** Any other information the Director finds necessary to evaluate the project.
- D. **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the City. The reports in their final form shall remain on file with the Community Development Department for review by any interested persons and shall be referenced in the staff report to the review authority.
- E. **Development Standards.** In addition to the following standards, all condominium conversions must comply with all standards and requirements of the Municipal Code in effect at the time of Tentative Map approval. The Building Official shall perform an assessment of building conditions prior to Tentative Map approval. A report of violations shall be specified in the staff report to the review authority. A physical inspection of every unit shall be required prior to Final Map or Parcel Map approval is required.
1. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 2. **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.
 3. **Fire Protection.** 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.

F. Tenant Provisions, Residential Condominium Conversions.

1. ***Tenant Assistance Plan.*** An application for a Residential Condominium Conversion shall provide a tenant assistance plan containing 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 their 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 their or her apartment due to the proposed conversion until the expiration of the two-month period for exercise by the tenant of their 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 their unit as a specified purchase price for 60)days following the date of such notification.
 - c. ***Reimbursement for Moving Costs Incurred.*** A statement of a method by which the subdivider or their agents will reimburse each tenant within 30 days for costs actually incurred in relocating from their 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 \$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.

2. ***Bond.*** No Tentative Map or Condition Use 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 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 \$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.
 - a. ***Release of Security.*** The security specified in this Section shall not be released except with the consent of the 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 owner's 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.
 - b. ***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 Director, in proportion to the number of units in which the tenants have either:
 - i. Vacated,
 - ii. Purchased without vacating, or
 - iii. Waived their rights pursuant to this Section.
 - c. ***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:
 - i. A written agreement, signed by both the tenant and the subdivider or their 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.

- ii. 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 their rights thereunder.
 - iii. A copy of the executed agreement is promptly filed with the Director.
3. ***Vacation of Units.*** Each nonpurchasing tenant not in default under the obligation of the rental agreement or lease under which they occupy a unit shall have not less than 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.
4. ***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.
5. ***Special Cases.*** Any nonpurchasing tenant age 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 \$100.00 for up to six months.
6. ***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.
7. ***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.
- G. ***Warranty for Improvements.*** The subdivider shall provide to the owner's association the following minimum warranties from the date of Final Map or Parcel Map approval, unless otherwise specified:
 1. ***Roof and Exterior Finish.*** A five-year warranty that all roofs and exterior finishes have been repaired as necessary to ensure weatherproof conditions.
 2. ***Moisture Barriers.*** A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.

3. ***Paved Areas.*** A five-year warranty of a useful life for all paved areas within the project.
 4. ***Swimming Pools.*** A five-year warranty of structural soundness.
 5. ***Appliances.*** A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 6. ***Condition of Equipment Owned in Common.*** A one-year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The subdivider shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.
- H. **Long Term Reserves.** Prior to approval of the Final Map or Parcel Map the subdivider shall provide evidence to the City that a long-term reserve fund for replacement has been established in the name of the owner's association.
1. ***Residential Condominiums.*** Such fund shall equal two times the estimated monthly homeowner's assessment for each dwelling unit.
 2. ***Nonresidential Condominiums.*** Such fund be based on a reserve study showing the amount which must be set aside as long-term reserves for capital and maintenance replacement.
- I. **Required Findings, Residential Condominium Conversions.**
1. ***Required Findings.*** In addition to the findings required by Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code), the City shall find that project provides an adequate program of tenant purchase and relocation assistance.
 2. ***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 their agent files an affidavit or declaration under penalty of perjury including the following:
 - a. A current listing of tenants and rents for each unit;
 - b. An explanation of rent increases occurring since the filing of the tentative map, or a statement that no such increases have occurred;
 - c. A listing and explanation of any termination of tenancies for reasons other than the conversion, or a statement that no such termination has occurred;
 - d. A listing of special agreements pursuant to Section TBD, Tenant Provisions, Residential Condominium Conversions, or a statement that no such agreements have been executed;

- e. 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.
- 3. *Grounds for Denial.* 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 if, based on the subdivider's declaration and such other evidence as may be presented to the City Council, the Council determines that the subdivider or their agent has engaged in any pattern or practice designed to avoid their obligations to the tenants under said section.
- J. **Covenants, Conditions, and Restrictions.** Project covenants, conditions, and restrictions (CC&Rs) in accordance with Section TBD, Covenants, Conditions, and Restrictions shall be developed, and shall be reviewed and approved by the City Attorney and Director prior to approval of the Final or Parcel Map.
- K. **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by Section TBD, Application Requirements, prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City, at the project site. Copies shall be provided to the owner's association upon its formation.
- L. **Final Information Submitted.** No later than six months from the date the subdivider closes escrow on the first sale of a unit, the subdivider shall submit the following information to the Community Development Department:
 - 1. Name, address and phone number of the owner's association;
 - 2. Actual sale price of units;
 - 3. Actual owner's association fee;
 - 4. Number of prior tenants who purchased units; and
 - 5. Number of units purchased with intent to be used as rentals.

17.05.030 Covenants, Conditions, and Restrictions

Project covenants, conditions, and restrictions (CC&Rs) in accordance with the following shall be developed, and shall be reviewed and approved by the City Attorney and Director prior to approval of the Final or Parcel Map.

- A. **Owner's Association.** All condominium projects are required to establish an operating owners association to have jurisdiction over all matters of common interest to the members of the particular association. Such owners' association shall comply with all requirements found in the California Corporations Code and any other applicable state and/or federal law.
- B. **Conveyance of Private Open Space.** The surface area and appurtenant air space of private open space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
- C. **Conveyance of Private Storage Space.** The surface and appurtenant air space of storage space areas shall be described and conveyed in the declaration as an integral part of the unit.
- D. **Assignment and Use of Required Parking Spaces.** Required parking spaces, except guest parking spaces, shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit. All parking spaces shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, Section 415.
- E. **Right of Public Entry to Common Area.** Officers, agents, and employees of the City, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare.
- F. **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 with the City. The management structure shall be in existence for the life of the building and that structure must clearly be delineated.
- G. **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.
- H. **Maintenance of Units.** Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.
- I. **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. 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.

- J. **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.
- K. **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting or emergency equipment can reach and operate efficiently in all areas.
- L. **Access for Construction, Maintenance, or Repairs.** Each owner and the owner's association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.
- M. **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the owner's association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the owner's association assumes control of the project, or at that time renegotiate any such contracts.
- N. **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining written consent of the City.

- O. **Conditions of Approval.** CC&Rs shall reference by incorporation any Conditions of Approval approved by the review authority.
- P. **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 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 10 days of receipt of such written notice of deficiency, to file an appeal with 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.

Chapter 17.06 Historic Resources Preservation

17.06.010 Purpose

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.

17.06.020 Applicability

This Chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Hermosa Beach.

17.06.030 Procedures for Designation

- A. **Nomination and Application Requirements.** 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.
- B. **Minimum Eligibility Requirement.** 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 City Council determines that the resource is exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration.
- C. **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 TBD, Duty to Keep in Good Repair.
- D. **City Council Study and Determination.**
 - 1. 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 City 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 10 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.
 - 2. 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).
- E. **Notice of Designation.** 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.

F. Removal of Designation.

1. 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 Chapter, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Council.
2. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.
3. Once a landmark designation has been removed, affected properties shall no longer be subject to any provision or regulation of this Ordinance.

17.06.040 Designation Criteria

For the purposes of this Chapter, an historic resource may be designated a landmark, 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.
- B. It is identified with persons or events significant in local, state, or national history.
- 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.
- D. It is representative of the notable work of a builder, designer, or architect.
- 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.

17.06.050 Certificate of Appropriateness

- A. **Certificate of Appropriateness Required.** 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 below or under Section TBD, Duty to Keep in Good Repair. Approval of such work shall be required even if no other permits or entitlements are required by the City.
 1. **Minor Alterations.** Alterations the Director determines are minor in nature and will not affect a contributing factor to the historic significance of a landmark or potential landmark may be reviewed pursuant to procedures in Section TBD,

Review of Applications Involving Minor Alterations. In determining whether an alteration will affect a contributing factor, the Director may consult with an appropriate historic preservation consultant.

B. Review Procedures. The following procedures shall be followed in processing applications for Certificates of Appropriateness.

1. **Application.** An application shall be filed by the applicant with the Community Development Department and shall be accompanied by materials as are required by the Community Development Department that are reasonably necessary for the proper review of the proposed project.
2. **Noticing.**
 - a. *Minor Alterations.* No public noticing shall be required for applications for Certificates of Appropriateness involving only minor alterations.
 - b. *All Applications Other Than Minor Alterations.* For applications involving other than minor alterations, public notice shall be provided pursuant to Section TBD, Public Notice.
3. **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:
 - a. For all property:
 - i. For-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
 - ii. 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;
 - iii. Remaining balance on any mortgage or other financing secured by the property;
 - iv. 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;
 - v. 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;
 - vi. 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;

- vii. The assessed value of the land and improvements thereon according to the two most recent assessments;
- viii. Real estate taxes for the previous two years;
- ix. Annual debt service, if any, for the previous two years;
- x. All appraisals obtained within the previous two years by the owner or applicant in connection with their purchase, financing or ownership of the property.
- xi. All listing of the property for sale or rent, price asked and offers received, if any, and
- xii. Any consideration by the owner as to profitable adaptive uses for the property.
- xiii. For income-producing property:
- xiv. Annual gross income from the property for the previous two years;
- xv. Itemized operating and maintenance expenses from the previous two years;
- xvi. Annual cash flow, if any, for the previous two years.

4. ***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:

- a. The Director shall complete their review and mail notice to the applicant within 30 days of the date of the acceptance of a completed application of their 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.
- b. 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 Community Development Department a written appeal setting forth all the points of disagreement with the Director.
- c. 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.

5. ***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:
 - a. 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 as follows:
 - i. Upon the request or with the concurrence of the applicant; or
 - ii. For failure of the applicant to provide any reasonable additional information or material requested by the Council during the course of its review.
 - b. Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
 - c. 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.
 - d. 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 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 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.
 - e. 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 TBD, Economic Hardship Criteria. If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in paragraphs 1 through 3 of Section TBD, Criteria for Approval. 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 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.

- C. **Criteria for Approval.** The City Council shall issue a Certificate of Appropriateness only when it determines the following conditions to exist as applicable in each case:
1. **Landmark Criteria.** In the case of a landmark, the proposed work (other than demolition or removal);
 - a. Conforms to the prescriptive standards adopted by the Council; and
 - b. Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and
 - c. Will retain the essential elements that make the resource significant.
 2. **New Construction Criteria.** In the case of construction of a new building, structure, or improvement on a site where a landmark is located:
 - a. 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.
 3. **Demolition Criteria.** In the case of the whole or partial demolition or removal of a landmark:
 - a. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
 - b. 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
 - c. Removal of the resource to another site is not feasible or practical; or
 - d. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or
 - e. Any imposed delay of approval or extension thereof has expired.
 4. **Economic Hardship Criteria.** In the case where the applicant has requested consideration for approval on the basis of economic hardship:
 - a. It is not feasible to remove the resource to another site or otherwise preserve it; and

- b. 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
 - c. 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.
- D. **Expiration.** A Certificate of Appropriateness shall lapse and become void 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 12 months. The Council may approve, approve with conditions, or deny any request for extension.
- E. **Revocation.** 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.

17.06.060 Use of the California Historic 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 the Hermosa Beach Municipal Code, notwithstanding the fact that such buildings may be nonconforming.

17.06.070 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 City 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.

17.06.080 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.

- A. The City shall have the authority to withhold a permits for a site if the City determines that demolition work has been done on the site without the benefit of required permits. If the City, after notice and hearing, makes this determination, the City shall also have the authority to record an affidavit with the County Recorder stating that no permits for any new development shall be issued on the property for a period of five years.

17.06.090 Enforcement

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.

- A. **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.
- B. **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.
- C. **Additional Remedies.** 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.

Chapter 17.07 Nonconforming Uses, Structures, and Lots

17.07.010 Purpose

This Chapter is intended to permit the use of lots, continuation of uses, and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan or impact public health, safety, or general welfare. To that end, this Chapter establishes the circumstances under which a nonconforming lot, use, or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

17.07.020 Applicability

The provisions of this Chapter apply to structures, lots, and uses that have become nonconforming by adoption of this Title as well as structures, lots, and uses that become nonconforming due to subsequent amendments to this Title or to the Zoning Map.

17.07.030 General Provisions

- A. **Nonconformities, Generally.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title shall be considered nonconforming.
- B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.
 - 1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
 - 2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.
 - 3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated for the relevant period of time described in Section TBD, Abandonment of Nonconforming Uses.

17.07.040 Nonconforming Lots

Any lot that is smaller than the minimum lot size required by this Title or does not meet any of the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is described in the official records on file in the office of the County Recorder as a parcel of record under one ownership.

- A. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other waiver, modification, or exception is approved as provided for in this Title.
- B. A nonconforming lot shall not be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.
- C. Nonconforming contiguous lots held by the same owner shall be involuntarily merged if one or more of the lots does not conform to the minimum lot size in compliance with Government Code Section 66451.11.

17.07.050 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

- A. **Maintenance and Repairs.** Structural and nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height.
- B. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Title, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Title (i.e. there is no increase in the nonconformity).
- C. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Title may only be maintained in compliance with the requirements of Chapter TBD, Signs.

17.07.060 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their

agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its replacement cost immediately prior to such damage, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.
- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its replacement cost immediately prior to such damage, the land and building shall be subject to all of the requirements of this Title, except as provided below.
 - 1. ***Non-residential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.
 - 2. ***Residential Uses and Structures.*** Nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.
 - a. ***Timing.*** Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

17.07.070 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

- A. **Expansion.** Nonconforming uses may only be expanded with Conditional Use Permit approval where the Planning Commission makes the following findings.
 - 1. ***Required Findings.***
 - a. The nonconforming use was legally established.
 - b. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare.
 - 2. **Conditions.** When making its decision on an application for an expansion of a nonconforming use, the Planning Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:

- a. Required improvement of, or modifications to existing improvements on, the property;
 - b. Limitations on hours of operations; and
 - c. Limitations on the nature of operations.
- B. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter TBD, Use Classifications.
- C. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.
- D. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.
- E. **Substitution of a Nonconforming Use with Another Nonconforming Use.** The Planning Commission may allow substitution of a nonconforming use with another nonconforming use, subject to approval of a Conditional Use Permit. In addition to any other findings required by this Title, the Planning Commission must find that the proposed new use will be no less compatible with the purposes of the zoning district and surrounding uses that comply with the requirements of this Title than the nonconforming use it replaces.

17.07.080 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of 90 days. The 90 day-period shall commence when the use ceases and any one of the following occurs:

- A. The site is vacated;
- B. The business license lapses;
- C. Utilities are terminated; or
- D. The lease is terminated.

Chapter 17.08 Off-Street Parking

17.08.010 Purpose

The purposes of the off-street parking regulations are to:

- A. Require parking spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- C. Ensure that adequate off-street bicycle parking facilities are provided;
- D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.

17.08.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

- A. **New Buildings and Land Uses.** On-site parking shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established, except as provided in Section TBD.C, DT and NC Districts.
- B. **DT and NC Districts.**
 - 1. In the DT and NC Districts, no on-site parking is required for the first 5,000 square feet of ground floor non-residential, non-office, and non-late night alcohol establishment use. Parking in accordance with this Chapter shall be provided for ground floor area in excess of 5,000 square feet and for all upper story floor area.
 - 2. In the DT and NC Districts, residential, office, and late night alcohol establishments shall provide parking in accordance with this Chapter.
- C. **Existing Non-Residential Buildings.**
 - 1. **Change of Use of Existing Non-Residential Buildings.** When a new use is established in an existing building, parking shall be provided as follows.

- a. **Late Night Alcohol Establishment.** Where the new use is a late night alcohol establishment, parking in accordance with this Chapter shall be provided.
 - b. **Ground Floor Offices in the DT and NC Districts.** Where the new use is a office use on the ground floor in the DT or NC District, parking in accordance with this Chapter shall be provided.
 - c. **Other Uses.** When a new use other than an office use on the ground floor in the DT or NC District or a late night alcohol establishment is established in an existing building, no additional parking spaces shall be required. Any addition or expansion to the existing building shall provide parking pursuant to TBD.D. Additions or Expansions of Existing Non-Residential Buildings.
2. **Additions or Expansions of Existing Non-Residential Buildings.**
- a. **Additions Less than 10 Percent or 500 Square Feet.** No additional parking is required for alterations to existing buildings that do not change the building square footage on site by more than 10 percent or 500 square feet, whichever is greater, provided the use is other than a late night alcohol establishment.
 - b. **Additions Greater than 10 Percent or 500 Square Feet.** Additional parking in accordance with this Chapter shall be provided for any alteration which would change the building square footage on site by more than 10 percent or 500 square feet, whichever is greater.
 - c. **Late Night Alcohol Establishments.** For late night alcohol establishments, additional parking in accordance with this Chapter shall be provided for any alteration what would change the building square footage on-site.
- D. **Existing Residential Buildings.** Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.
- E. **When Constructed.** Parking facilities required by this Chapter shall be constructed or installed prior to final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

17.08.030 General Provisions

- A. **Existing Parking to be Maintained.** No existing parking serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.

- B. **Nonconforming Parking.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking facilities required by this Chapter, provided that facilities used for parking as of the date of adoption of this Title are not reduced in number to less than what this Chapter requires.
- C. **Accessibility.** Parking areas must be accessible for its intended purpose during all hours of operation.

17.08.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of parking spaces stated in Table TBD, Required Parking Spaces. The parking requirement for any use not listed in Table TBD shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	Required Parking Spaces
Residential Uses	As specified for each land use classification below
Residential Dwelling Unit	1-2 units: - Units with 3,500 square feet or less of living area: 2 spaces/unit - Units with more than 3,500 square feet of living area: 3 spaces/unit 3 or more units: - Studio: 0.5 spaces/unit 1 bedroom units: 1 space/unit 2 or more bedroom units: 2 spaces/unit - Guest spaces: 1 per 5 units
Accessory Dwelling Unit	See Section TBD, Accessory Dwelling Units
Family Day Care	
<i>Small</i>	None beyond what is required for the residential unit type
<i>Large</i>	1 for each nonresident employee plus parking required for the residential use
Group Residential	1 covered space per sleeping room
Mobilehome Park	2 spaces per unit
Residential Care Facilities	
<i>Small</i>	None beyond what is required for the Residential Housing Type
<i>Large</i>	1 for every 3 beds
Residential Facility, Assisted Living	1 for every 3 beds
Single Room Occupancy (SRO)	Studio: 0.5 spaces/unit

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
	1 bedroom: 1 space/unit Guest spaces: 1 per 5 units
Supportive Housing	None beyond what is required for the residential unit type
Transitional Housing	None beyond what is required for the residential unit type
Public/Semi Public Uses	1 per 250 square feet of floor area except as specified below
Community Assembly	1 for each 5 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Community Garden	None
Emergency Shelter	1 for every 3 beds plus 1 per employee
Hospitals	1 for every bed
Skilled Nursing Facility	1 for every 3 beds
Park and Recreation Facilities	As determined by the Director
Parking Lots and Structures	None
Schools	High School: 4 spaces per classroom plus 1 for every 300 square feet of office Other schools: 2 spaces per classroom plus 1 for every 300 square feet of office
Commercial Uses	1 per 250 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area except as specified below
Commercial Entertainment and Recreation	Cinema/Theaters: 1 for each 5 permanent seats Indoor Entertainment and Recreation: 1 per 250 square feet of floor area Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 100 square feet of floor area plus 1 per 200 square feet of on-site outdoor seating area in excess of 400 square feet
Farmer's Markets	None
Funeral Parlors and Interment Services	1 for each 5 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Lodging	
Hotels	1 for each guest room Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use
Short-term Vacation Rental	Studios and 1-bedroom units: 1 per unit 2 or more bedroom units: 2 per unit
Offices, DT District	1 per 333.33 square feet
Retail Sales, DT District	1 per 333.33 square feet

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Industrial Uses	1 per 300 square feet of floor area plus 1 per 1,000 square feet of indoor warehousing or storage area and outdoor use area
Transportation, Communication, and Utility Uses	1 per 250 square feet of office floor area plus 1 for every fleet vehicle

B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. **Floor Area.** Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
2. **Employees.** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
3. **Bedrooms.** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
4. **Students.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 75 inches of bench-type seating at maximum seating capacity is counted as one seat.
6. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section TBD, Parking Reductions.

17.08.050 Parking Reductions

The number of parking spaces required by Section TBD, Required Parking Spaces, may be reduced as follows. Parking reductions are cumulative; all applicable parking reductions may be applied in determining the number of required parking spaces.

- A. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- B. **Carsharing Programs.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces, pursuant to the following:
 - 1. Up to 20 percent of the required automobile parking spaces may be designated as Carshare Vehicle parking spaces.
 - 2. Carshare Vehicles shall be maintained for active use by Carshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the land use regulations in the zoning district.
 - 3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.
- C. **Common Parking Facilities.** Pursuant to a Parking Plan approved by the Planning Commission, 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).
 - 1. The following factors shall be considered in determining the proportionate part of the required parking for such use(s):
 - a. Whether the affected requirements are those of permanent buildings, or those of mere occupancies;
 - b. 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;
 - c. 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;
 - d. 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; and
 - e. The proximity and accessibility of the multiple-use parking area(s).

2. A Parking Plan 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.
 3. 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:
 - a. By covenant or contract among all such property owners; and duly recording an appropriate covenant running with the land;
 - b. By the creation of special districts and imposing of special assessments in any of the procedures prescribed by state law;
 - c. By utilizing the authority vested in a parking authority as provided by state law;
 - d. By dedicating such common parking area to the City for parking purposes subject to the acceptance of such dedication by the City Council.
- D. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Parking Plan as follows.
1. **Criteria for Approval.** A Parking Plan for a parking reduction may be approved if the Planning Commission finds that special conditions exist that will reduce parking demand at the site. Factors such as the following shall be taken into consideration:
 - a. Van pools;
 - b. Bicycle and foot traffic;
 - c. Common parking facilities;
 - d. Varied work shifts;
 - e. Unique features of proposed uses;
 - f. Peak hours of proposed uses compared with other uses sharing the same facilities;
 - g. Mechanical vehicle lifts; and
 - h. Other methods of reducing parking demand.
 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.08.060 Parking In-Lieu Fees

When the City Council provides for contributions to an improvement fund for a vehicle parking district in lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this Chapter pursuant to a Parking Plan approved by the Planning Commission.

17.08.070 Location of Required Parking

- A. **Residential Zones.** The following setbacks apply to parking spaces in Residential Zones.
1. **Fronting a Public Street.** Parking spaces fronting on a public street shall be set back a minimum of 17 feet from the exterior edge of the nearest public improvement (sidewalk or street improvement). 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.
 2. **Fronting an Alley.** Parking spaces fronting on an alley shall provide one of the following setbacks from the property line: 17 feet, nine feet or three feet, except parking spaces fronting on an alley of 15 feet in width or less need only to comply with turning radius requirements. 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.
 3. Residential parking within the front 20 feet of a lot shall be allowed only when paved and leading to a garage.
- B. **Underground Parking Facilities.** Parking facilities located completely below grade may be located within required setback areas provided the existing grade in street facing setbacks is not raised and existing grade in interior side and rear setbacks is raised no more than an average of three feet and no more than six feet at any point.
- C. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.
1. **Allowance for Off-Site Parking.** Required parking for nonresidential uses may be located off-site provided the off-site parking facility is located within 300 feet, 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.
 - a. **Evidence of Access and Right to Use.** The applicant shall provide evidence from the owner or manager of the off-site parking facility that customers,

clients, employees, and other users of the subject use have exclusive use of the required number of parking spaces in the off-site parking facility.

17.08.080 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, shall be provided as specified below.
1. **Short-term Bicycle Parking Spaces Required.** For the following uses, the number of short-term bicycle parking spaces shall be at least 20 percent of the number of required automobile parking spaces, with a minimum of four parking spaces provided per establishment.
 - a. Residential, Group Residential, and Single Room Occupancy with five or more units.
 - b. All uses in the Public and Semi-Public Use Classification.
 - c. All uses in the Commercial Use Classification.
 2. **Location.** Short-term bicycle parking must be located within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.
 - a. In the NC District and DT Districts, required short-term bicycle parking may be located in the right-of-way with an encroachment permit issued by the City.
 3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
 4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
1. **Long-term Bicycle Parking Spaces Required.**

- a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for Residential, Group Residential, and Single Room Occupancy.
 - b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 25 vehicle spaces.
 - c. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.
 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking garages, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
 3. **Covered Spaces.** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 4. **Security.** Long-term bicycle parking must be in:
 - a. An enclosed bicycle locker;
 - b. A fenced, covered, locked or guarded bicycle storage area;
 - c. 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
 - d. Other secure area approved by the Director.
 5. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
- C. **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 Chapter TBD, Modifications, 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.

17.08.090 Parking Area Access

Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the City Engineer.

- A. **Driveways.** Off-street parking facilities shall be provided with driveways providing vehicular access to such facilities from a public street or alley as follows:
 - 1. Minimum driveway width shall be nine feet, clear of all obstructions.
 - 2. Driveways for vehicular access to residential parking spaces 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 10 feet in width.
 - a. 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.
 - 3. No driveway providing access to any off-street parking space or garage shall have a slope greater than 20 percent.
 - a. Any ramp slope in excess of 12.5 percent shall include transitions on each side with a minimum length of eight feet and a maximum slope of one-half the maximum ramp slope.
- B. **Maneuvering.**
 - 1. Circulation within off-street parking facilities for nonresidential uses shall be designed to ensure that no vehicle 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 30 feet in diameter, shall be provided.
 - 2. Except for alternative parking configurations pursuant to Subsection TBD, Alternative Parking Configurations, no parking space shall be located so as to require the moving of another vehicle in order to access the space.

17.08.100 Size of Parking Spaces and Maneuvering Area

The minimum dimensions for turning radii, stall widths, and aisle widths shall be as set for in the "Parking Lot Design Standards" on file with the City except that all residential parking spaces located within a building shall have a minimum width of eight feet six inches, minimum depth of 20 feet, and minimum clearance of six feet eight inches.

17.08.110 Alternative Parking Configurations

- A. **Valet Parking.** Required off-street parking spaces for nonresidential uses may be provided through valet parking with review and approval of a Parking Plan.
- B. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
 - 1. No more than two vehicles shall be placed one behind the other.
 - 2. Both spaces shall be assigned to a single dwelling unit or nonresidential establishment.
 - 3. Tandem parking to meet required parking for nonresidential uses may be used for employee parking.
 - 4. Tandem parking shall not be used to meet the guest parking requirement.
- C. **Mechanical Lifts.**
 - 1. **Where Allowed.**
 - a. *Lots 2,100 Square Feet or Smaller in Size.* Mechanical vehicle lifts may be used to provide parking spaces for residential uses required pursuant to Section TBD, Required Parking.
 - b. *Lots Greater than 2,100 Square Feet in Size.* Mechanical vehicle lifts may be used to provide parking for residential uses in addition to the number of parking spaces required pursuant to Section TBD, Required Parking or, where approved pursuant to a Parking Plan, to provide parking spaces for residential uses required pursuant to Section TBD, Required Parking.
 - c. Mechanical vehicle lifts shall not be utilized to meet required guest parking. Guest parking shall remain open and accessible at all times.
 - 2. **Building Permit Required.** A building permit is required for the installation of a mechanical vehicle lift system.
 - 3. **Location.** Mechanical vehicle lift shall be located only within a fully enclosed garage.
 - 4. **Vertical Clearance.** A mechanical vehicle lift may only be used to store two vehicles vertically where a minimum vertical height clearance from the garage floor to the garage ceiling plate or, in the case of a lift installed below the garage floor, from the below grade floor to the garage ceiling, is a minimum of 12 feet clear of obstructions.
 - 5. **Safety.**

- a. All equipment shall be listed and rated by a testing agency recognized by California (i.e., UL).
 - b. A mechanical vehicle lift shall be permitted only if it is operated with an automatic shutoff safety device and is installed in accordance with manufacturer specifications.
 - c. A mechanical vehicle lift shall be equipped with a key locking mechanism.
 - d. Mechanical vehicle lifts shall provide a manual override to access or remove vehicles from the mechanical vehicle lift in the event of a power outage.
6. **Nonconforming Parking.** For uses that are nonconforming to parking, where fewer parking spaces are provided than required by Section TBD, Required Parking, the number of at-grade parking spaces shall not be reduced.

17.08.120 Surface Parking Area Design and Development Standards

Surface parking areas shall be designed and developed consistent with the following standards.

- A. **Parking Lot Striping.** All parking stalls except in a garage or carport containing two or fewer parking spaces shall be clearly outlined with striping .
- B. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.
- C. **Surfacing.** All parking areas shall be paved and improved in accordance with the following. No unpaved area shall be used for parking.
 - 1. *Pavement Standards.* Parking areas shall be paved with not less than three inch asphaltic or six inch Portland cement concrete or comparable material, including pervious or permeable materials, approved by the Building Official or City Engineer.
 - 2. *Landscaping Alternative.* Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
- D. **Slope.** Parking areas used exclusively for parking and vehicle maneuvering shall be designed and improved with grades not to exceed a five percent slope.
- E. **Drainage.** All parking areas shall be drained consistent with applicable stormwater runoff regulations.

- F. **Perimeter Curbing.** Parking areas shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- G. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.
1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
- H. **Lighting.** Parking areas designed to accommodate three or more vehicles shall be provided with a minimum of one foot-candle and a maximum of 3.0 foot-candles of light over of the parking and access surface during the hours of use from one-half hour before dusk until one-half hour after dawn. All lighting shall comply with the standards of Chapter TBD, Lighting and Illumination.
- I. **Landscaping and Screening.** Parking areas designed to accommodate three or more vehicles must be landscaped according to the general standards of Chapter TBD, Landscaping, as well as the standards of this Subsection.
1. ***Landscape Area Required.*** A minimum of ten percent of the parking lot area, including all driveways and maneuvering areas shall be landscaped.
 2. ***Minimum Planter Dimension.*** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.
 3. ***Landscaping and Screening Adjacent to Streets and Alleys.*** Landscaping and screening shall be provided between any surface parking area and any adjacent public or private street or alley in compliance with the following:
 - a. A landscaped area at least three feet wide shall be provided.
 - b. Screening a minimum 30 inches in height and consisting of one or any combination of the following methods.
 - i. Walls. Low-profile walls located a minimum of four feet from the property line consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends.
 - ii. Planting. Plant materials consisting of compact evergreen plants that form an opaque screen.

- iii. **Berms.** Berms a minimum of two feet in height and planted with appropriate shrubs and ground cover.
- 4. ***Landscaped and Screening Abutting Interior Lot Lines.***
 - a. *Adjacent to a Residential District.* Landscaping and screening shall be provided between any surface parking area and any adjacent lot in a Residential District in compliance with the following:
 - i. A landscaped area at least five feet wide shall be provided.
 - ii. A three foot high solid masonry wall shall be located between the landscaped area and the property line of the Residential zoned lot.
 - b. *Adjacent to Any Other District.* A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot in any district other than Residential for the length of the parking area.
- 5. **Trees.** One 24-inch box size tree shall be provided for each ten parking spaces.
- 6. ***Protection of Vegetation.***
 - a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
 - b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- 7. ***Visibility and Clearance.*** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.
- J. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- K. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

Chapter 17.09 Performance Standards

17.09.010 Purpose

The purposes of this Chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from areas of the City.

17.09.020 Applicability

The minimum requirements in this Chapter apply to all land uses in all zones except as provided below.

- A. The following uses and activities are exempt from compliance with the requirements of this Chapter:
 - 1. Legal nonconforming uses, which, based on a written opinion of the City Attorney, have an established right not to comply with the provisions of this Chapter.
 - 2. Temporary events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Title and the Hermosa Beach Municipal Code.
 - 3. Any emergency activity on the part of the City or a private party.
 - 4. Temporary construction activity where such activity is explicitly regulated by other regulations of the Municipal Code.
 - 5. Other uses and activities as otherwise specified in this Title.

17.09.030 General Requirements

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

17.09.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.09.050 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District.

17.09.060 Fire and Explosion Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

17.09.070 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

17.09.080 Glare

No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

17.09.090 Liquid or Solid Waste

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and any other agency as shall have jurisdiction of such activities.
- B. **Containment.** Waste shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Material, including but not limited to paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way it cannot be tracked or carried by

wind off-site. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.

17.09.100 Noise

No use or activity shall create ambient noise levels that exceed the noise limits established in the General Plan or Chapter 8.24, Noise Control, of the Hermosa Beach Municipal Code.

- A. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise exposure greater than that deemed “normally compatible” in the General Plan.
- B. **Noise Attenuation Measures.** Noise attenuation measures necessary to reduce noise impacts to compatible levels are required to be incorporated into a project in accordance with the following:
 - 1. New noise-sensitive uses (e.g., schools, hospitals, places of worship, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 dBA.
 - 2. New dwelling units exposed to an exterior LDn above 65 dB shall incorporate the following noise reduction measures:
 - a. All facades must be constructed with substantial weight and insulation;
 - b. Sound-rated windows providing noise reduction performance similar to that of the façade must be included for all exterior entries;
 - c. Acoustic baffling of vents is required for chimneys, fans, and gable ends; and
 - d. Installation of a mechanical ventilation system affording comfort under closed window conditions.
 - 3. Other measures identified in an acoustic study conducted for the proposed project as necessary to reduce noise levels to “normally compatible” levels. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.

17.09.110 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

17.09.120 Hazardous and Extremely Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

17.09.130 Vibration

No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

Chapter 17.10 Signs

17.10.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- B. Allow signs to serve as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the City;
- C. Maintain and enhance the City's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
- D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;
- E. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and
- F. Ensure that the constitutionally guaranteed right of free speech is protected.

17.10.020 Applicability

- A. The provisions of this Chapter apply to all signs in all zoning districts, unless otherwise specified, constructed or physically altered on or after the effective date of this Chapter.
 - 1. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
 - 2. The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

- B. **Regulatory Interpretations.** The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

17.10.030 Exempt Signs

The following signs are exempt from the permit requirements of this Chapter, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards.

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Commercial Displays on Vehicles.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- C. **Construction Signs.** Nonilluminated construction informational signs not to exceed 25 square feet per site and not more than six feet in height above grade, erected after the required permits for the construction have been obtained and removed prior to final inspection.
- D. **Directional Signs.** Directional and/or informational signs not more than eight square feet in area or four feet in height for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.
- E. **Flags.** Flags that do not display a commercial message and are erected and located in accordance with the following standards:
 - 1. **Maximum Allowable Area.** The maximum allowable area for an individual flag is 32 square feet.
 - 2. **Maximum Height.** Flagpoles are subject to the maximum height standard of the base zoning district in which it is located.
 - 3. **Location.** Flagpoles shall not be located within any required setback.
 - 4. **Maximum Number of Flags.** No more than two flags per lot in Residential Zones, no more than three flags per lot in all other zones.
- F. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic;

non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.

- G. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets, or commemorative signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, with a maximum allowable sign area of four square feet per sign.
- H. **Interior Signs.** Signs that are in the interior areas of a building or site not visible from the public right-of-way, and at least three feet from a window, door, or other exterior wall opening.
- I. **Manufacturer's Mark.** Manufacturer's marks, including signs on items such as vending machines, gas pumps, and ice containers with a maximum allowable sign area of four square feet per sign.
- J. **Murals.** Murals in Nonresidential Zones where the Planning Commission determines the design does not direct attention to a product, place, activity, person, institution, or business.
- K. **Mobile Vendor Signs.** Signs fixed to mobile vending vehicles that identify or advertise the name, product, or service provided by the vendor. Each mobile vending vehicle is limited to a maximum sign area of eight square feet.
- L. **Nameplate.** One nameplate for each tenant or occupancy not to exceed two square feet in area indicating the name of the occupant or tenant.
- M. **Political Signs.** Signs informing of political candidates, parties, issues, measures, propositions, philosophies or personal beliefs, and which are not commercial messages, shall be exempt from all regulations of this Chapter, except that such signs shall not be placed within the public right-of-way. Political signs shall conform to the requirements of the Elections Code for placement and removal.
- N. **Real Estate Signs.**
 - 1. **Residential Zones.** One nonilluminated real estate sign per site with a maximum sign area of six square feet.
 - 2. **Nonresidential Zones.** One nonilluminated real estate sign per street frontage with a maximum sign area of 25 square feet.

17.10.040 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, when not a part of any sign, are similarly prohibited unless they are permitted specifically by this Chapter or other provision of this Code;
5. 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.
6. Lewd, obscene or offensive signs containing statements, words, pictures or graphic representations of an obscene or indecent character that are offensive to the public morals and do not have serious literary, artistic, or scientific value.
7. Signs that display a message or graphic representation that discriminates against persons based on race, gender, age, national origin, or any other characteristic protected by federal or state laws.

B. In addition, the following signs are prohibited:

1. Billboards;
2. Mobile signs, excluding portable A-frame signs permitted under Section TBD;
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, except as follows:
 - a. Signs located on pre-existing architectural projections extending above roof line that have historically been used for sign purposes.
 - b. 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.

17.10.050 Sign Measurement

- A. **Measuring Sign Area.** Sign 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. Each face of a multi-faced sign shall be calculated when determining sign area.
- B. **Measuring Sign Height.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the existing grade immediately below the sign.
- C. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or background embellishments.
- D. **Building Frontage.** Building frontage shall be measured as the widest lineal dimension, parallel to the ground, of a continuous frontage on or oriented toward a street, highway, or pedestrian way. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the frontage and allowable sign area shall be calculated separately for each building frontage.
- E. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

17.10.060 General Provisions

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- B. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Chapter. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be "on-site," regardless of location.
- D. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any other non-commercial message, and any on-site

commercial message may be substituted, in whole or in part, for any other on-site commercial message.

1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other noncommercial message.
 2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.
- E. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs. Fabric signs are limited to awnings, canopies, flags, and temporary signs.
- F. **Changeable Copy.**
1. **Manual Changeable Copy.** Manually changeable copy is allowed.
 2. **Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.
 - a. **Limitations.** Electronic Message Center (EMC) signs and automatic changeable copy are limited to fuel price signs at service and gas station sites and signs in the Public Facilities Zone.
 - b. **Display Duration.** The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.
 - c. **Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity.
 - d. **Light Intensity.** 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination

and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

- e. **Automatic Controls.** All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.
- G. **Illumination.** Illumination shall be shielded or directed so that lighting does not shine or glare into traffic patterns within a parking lot, on a road, or onto adjoining property. The approval of an illuminated sign is not final until 30 days after installation, during which period the Building Official may order the dimming of any illumination found to be excessively bright.
- H. **Clearance from High-voltage Power Lines.** Signs shall be located not less than six feet horizontally or 12 feet vertical from overhead electrical conductors which are energized in excess of 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.
- I. **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.
- J. **Encroachment.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval of an encroachment permit.
 - 1. **Projection Over Alleys.** No sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 12 inches where the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 16 feet above grade.
 - 2. **Clearance From Streets.** Signs shall not project within two feet of the curblane.

17.10.070 Signage Allowances by Zone District

This Section establishes the types of signs allowed per Zone District. These signs are also subject to the regulations in Section TBD, General Provisions, and Section TBD, Standards for Specific Sign Types.

- A. **Types of Signs Allowed.** Table TBD, Allowed Signs by Zone District, establishes the types of signs allowed per zoning district.

TABLE TBD: ALLOWED SIGNS BY ZONE DISTRICT

✓ Allowed (subject to compliance with this Chapter)				- Not Allowed			
Zone District	Sign Type						
	Wall Signs	Freestanding Signs	Awning and Canopy Signs	Projecting and Shingle Signs	Window Signs	Portable Signs	Temporary Signs
All Zone Districts							
See Section TBD, Signage Allowances for Specific Uses and Development and Section TBD.G, Temporary Signs							
Commercial Zones							
NC	✓	✓	✓	✓	✓	-	✓
DT	✓	✓	✓	✓	✓	✓	✓
CC	✓	✓	✓	✓	✓	✓	✓
RC	✓	✓	✓	✓	✓	✓	✓
GC	✓	✓	✓	✓	✓	✓	✓
SC	✓	✓	✓	✓	✓	✓	✓
Light Industrial Zone							
M-1	✓	✓	✓	✓	✓	✓	✓
Public and Semi-Public Zones							
PF	✓	✓	✓	✓	✓	✓	✓
OS	All signs are subject to approval of a Comprehensive Sign Program						✓
B	All signs are subject to approval of a Comprehensive Sign Program						✓

B. **Allowed Sign Area.** Table TBD.B establishes the maximum aggregate sign area allowed per zoning district.

1. **Sign Area Included in Calculation of Aggregate Sign Area.** The sign area of awning and canopy signs, ground signs, pole signs, projecting and shingle signs, wall signs, and window signs is included in the calculation of aggregate sign area.
2. **Sign Area Excluded from the Calculation of Aggregate Sign Area.** The sign area of exempt signs, signage allowances for specific uses and development, portable signs, and temporary signs are not included in the calculation of aggregate sign area.

TABLE TBD: MAXIMUM ALLOWABLE AGGREGATE SIGN AREA

<i>Zone District</i>	<i>Maximum Allowable Aggregate Sign Area</i>
Residential Zones	Allowable sign area is determined by the specific sign allowances in Section TBD, Signage Allowances for Specific Uses and Development
CN, DT, CC, and RC Zones	2 square feet per linear foot of building frontage or width of tenant space or 20 square feet per tenant space, whichever is greater
SC, GC, and M-1 Zones	3 square feet per linear foot of building frontage or width of tenant space
Public and Semi-Public Zones	Pursuant to an approved Comprehensive Sign Program

17.10.080 Signage Allowances for Specific Uses and Development

This Section establishes signage allowances for specific uses and development. These signs are allowed in addition to the signs allowed by zone district in Section TBD Allowed Signs by Zone District, and are not included in the calculation of aggregate sign area. These signs are also subject to the regulations in “Standards for Specific Sign Types” unless otherwise stated.

- A. **Residential Developments.** Residential developments of eight or more units or lots are allowed ground and wall signs with a total aggregate sign area of one square foot per dwelling unit, subject to the following standards.
 1. **Maximum Number of Signs.** One per street frontage.
 2. **Maximum Size per Sign.** 20 square feet.
- B. **Non-Residential Uses in Residential Zones.** Nonresidential uses that are the primary use on a site in a Residential Zone are allowed total aggregate sign area of one square foot per linear foot of building frontage. Allowed sign types and the maximum sign area for individual signs is as follows.
 1. **Awning and Canopy Signs.** Six square feet or 25 percent of the surface area of the awning, whichever is less.
 2. **Window Signs.** 15 percent of window area.
 3. **Wall Signs.** 10 square feet.

17.10.090 Signage Standards for Specific Sign Types

This Section establishes standards for specific sign types that apply to all zones where such signs are allowed.

- A. **Awning and Canopy Signs.** Signs painted or printed on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.

1. **Maximum Allowable Sign Area.** Awning and canopy signs shall have a maximum allowable sign area of 10 square feet, or 25 percent of the total awning area, whichever is less.
 2. **Maximum Sign Height.** Awning and canopy signs shall have a maximum height of 14 feet.
 3. **Minimum Sign Clearance.** Awning and canopy signs shall have a minimum sign clearance of eight feet.
 4. **Illumination.** Awning and canopy signs shall not be illuminated.
- B. **Freestanding Signs.** Freestanding signs are subject to the following standards.
1. **Maximum Sign Height.**
 - a. *NC, CC, and RC Zones.* Eight feet.
 - b. *GC, SC, and M-1 Zones.* Ten feet.
 2. **Support Structure.** The width of the support structure of freestanding signs shall be least one-third of the width of the sign face. The support structure shall be made of materials present on the façade of the building of the related business.
 3. **Maximum Number of Signs.** One freestanding sign per street frontage.
- C. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
1. **Maximum Allowable Sign Area.** Six square feet.
 2. **Maximum Sign Height.** 15 feet.
 3. **Minimum Sign Clearance.** Eight feet.
 4. **Maximum Number of Signs.** One for each building frontage or tenant space.
 5. **Projection Allowed.**
 - a. *Projecting Sign.* A projecting sign cannot extend more than three feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
 - b. *Shingle Sign.* A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.
 6. **Illumination.** Projecting and shingle signs shall not be illuminated.

- D. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.
1. **Maximum Allowable Sign Area.** In all cases, wall sign copy shall not occupy more than 25 percent of the total area of the wall to which the sign is attached.
 2. **Location of Sign.**
 - a. Wall signs shall not be placed higher than the second story of a building.
 - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.
 - c. Wall signs shall not extend higher than the building wall upon which they are attached.
 3. **Maximum Number of Signs.** One per building frontage or tenant space.
 4. **Attachment.** Wall signs may be attached according to the following standards:
 - a. Attached flat against or pinned away from a building wall, but not extending or protruding more than six inches from the wall; or
 - b. Attached to the facade of a building or on a sloping roof (mansard roof), but not extending above the upper edge of the facade or the sloping roof.
- E. **Window Signs.** Signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.
1. **Maximum Allowable Sign Area.** 20 percent of the window area.
 2. **Maximum Sign Height.** Window signs shall not be placed on windows higher than the second story.
- F. **Temporary Signs.** Temporary signs are allowed in addition to permanent signs subject to the following criteria:
1. **Allowable Area.** The allowable area for one or more temporary signs shall not exceed 40 percent of the allowable area for permanent signs; provided, that in any case a temporary sign of 20 square feet in area shall be allowed, and 100 square feet shall be the maximum area.
 2. **Duration of Display.** The total duration of display for all temporary signs for any business shall not exceed 90 days during any calendar year.
 3. **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.

4. 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.
 - a. 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.
5. **Exception for Temporary Window Signs.** The requirements of Subsection TBD.C, Applications, shall not apply to temporary window signs of less than 10 square feet.
6. **Exception for Grand Openings.** The requirements of Subsection TBD.A, Allowable Area, 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 TBD.G.2, Duration of Display, and Subsection TBD.G.3, Applications.

G. **Portable A-frame Signs**

1. **Application.**
 - a. A temporary sign permit under Section TBD and a corresponding application fee in an amount set by City Council resolution shall be required for all portable A-frame signs. The temporary sign permit for an A-frame sign shall be valid for a period of up to 12 months. In addition, an encroachment permit under Chapter 12.16, Encroachments, of the Municipal Code shall be required for all portable A-frame signs located within a public right-of-way.
 - b. Prior to the placement of a portable A-frame sign within a public right-of-way, the business placing the sign shall provide verification of an insurance rider with the City of Hermosa Beach in the amount of one million dollars (\$1,000,000) to the satisfaction of the Community Development Director.
 - c. Authorized portable A-frame signs that meet the requirements of this Section shall have affixed a tag issued by the Community Development Department documenting the authorized status of the sign. Unauthorized signs may be removed without notice and shall be returned to the owner upon compliance with the requirements in this Section.
2. **Design and Construction.** Notwithstanding the provisions for temporary signs in Section TBD, portable A-frame signs shall:

- a. Be a minimum of 28 inches tall and minimum 18 inches wide, a maximum of 42 inches tall and maximum 24 inches wide, and a minimum and maximum base spread of 24 to 30 inches;
- b. Consist of sturdy materials appropriate to the outdoor environment, be designed to withstand wind to the satisfaction of the community development director or designee and have a locking arm or other device to stabilize the structure;
- c. Contain information and advertising for the business placing the sign only and shall not contain any endorsement or logos for any other businesses;
- d. Have a professionally designed appearance and shall not include animation, digital design, internal illumination, use of reflective materials or other materials creating excessive glare, use of attachments, use of audio effects, or use of projections upon the sign; and
- e. Not impede sidewalk access for the disabled as required under Chapter 11 of the California Building Code governing compliance with the ADA (Americans with Disabilities Act).

3. **Location.**

- a. Portable A-frame signs shall be allowed on private property and/or within the public right-of-way on sidewalks along commercial frontages except Pier Plaza, and shall be located abutting the building, or abutting the curb of the street, or abutting a landscape planter which is located between the curb and the sidewalk, and shall be located within the building street frontage of the business. A minimum sidewalk clearance of five feet shall be maintained for pedestrian passage.
- b. A maximum of one portable A-frame sign shall be allowed per business. Portable A-frame signs shall be spaced a minimum of 15 feet from all other permitted portable A-frame signs. The total number of such signs on one parcel or for one shopping center shall not exceed one sign per 25 lineal feet of street frontage where buildings are within two feet of the sidewalk, one per 50 lineal feet of street frontage where buildings are not within two feet of the sidewalk, or one per four businesses, whichever is less.
- c. Portable A-frame signs shall comply with Section TBD, Vision Clearance, Corner Lots.
- d. No portion of a portable A-frame signs shall be located within a landscape planter, and no portion shall block building entrances/exits, parking spaces or traffic lanes, or impede access to benches, bicycle racks, mailboxes, fire hydrants, garbage bins, utility poles or other permanent street furnishings and appurtenances.

- e. Portable A-frame signs shall be displayed only during the hours of operation of the business being advertised, but in no case later than 10:00 p.m. or earlier than 4:00 a.m.

17.10.100 Sign Permit Required

- A. **Sign Permit Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Director. No sign permit is required for exempt signs or normal maintenance of a previously approved sign, unless a structural or electrical change is made.
- B. **Application.** Application for a permit shall be made upon forms provided by the Planning Division and accompanied by the required fee and application materials showing the following:
 - 1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;
 - 2. Location, dimension, and design of all existing signs; and
 - 3. Location, dimension, and design of proposed sign.
- C. **Review and Decision.**
 - 1. Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Comprehensive Sign Program pursuant to Section 17.10.110, Comprehensive Sign Program.
 - 2. The Director's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- D. **Agreement Required.** No sign permit shall be issued, and no sign erected, unless the City and the sign owner have entered into a written agreement ensuring that the sign is erected and maintained in compliance with this Chapter. The sign owner shall be solely responsible for all costs associated with construction, maintenance, and the ultimate removal of the sign. The agreement and the sign permit shall be revocable at any time for failure to comply with this Chapter or the terms of the agreement, or if the City determines that the sign interferes with the public's safe use of the right-of-way.

17.10.110 Comprehensive Sign Program

The purpose of a Comprehensive Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.

- A. **Applicability.** A Comprehensive Sign Program is required for all new nonresidential construction with two or more tenants and whenever a deviation from the standards of this Chapter are requested.
- B. **Application.** Comprehensive Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the amount and type of signage allocated to each tenant, proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Comprehensive Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
 - 1. A Comprehensive Sign Program may be submitted separately or as part of the permit application for the project.
- C. **Allowable Modifications.** A Comprehensive Sign Program may provide for deviations from the standards of this Chapter.
- D. **Review Authority.** All Comprehensive Sign Programs are subject to review and approval by the Director, except as provided below.
 - 1. **Requests for Modifications.** All Comprehensive Sign Programs that include a request for a deviation from the standards of this Chapter are subject to review and approval by the Planning Commission.
- E. **Required Findings.** In order to approve a Comprehensive Sign Program, the Planning Commission must find that all of the following are met, in addition to other applicable regulations in this Chapter.
 - 1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
 - 2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and
 - 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- F. **Lessees to Be Informed of Comprehensive Sign Program.** Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the Comprehensive Sign Program in their lease.

17.10.120 Nonconforming Signs

- A. Signs lawfully existing at the time of the adoption of this Chapter which do not comply with the provisions of this Chapter 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 50 percent of its replacement cost and the destruction cannot be repaired within 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 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 90 days;
 6. The sign is or may become a danger to the public or is unsafe; or
 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 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?

17.10.130 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 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 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 30 days following notification by the City.

17.10.140 Enforcement

Signs that do not conform to the provisions of this Chapter and are erected after its effective date without obtaining required permits thereby are declared to be unlawful and a public nuisance. All violations of this Chapter shall be subject to enforcement remedies, penalties, and abatement as provided by Chapter TBD, Enforcement, and Chapter 1.04, Violations and Penalties, of the Municipal Code.

Overlay Zones

Chapter 17.11 O-S-O Open Space Overlay Zone

17.11.010 Intent and Purpose

The O-S-O Open Space Overlay Zone is intended to establish standards for development in vacated public right-of-way areas to maintain views to the beach and ocean and a sense of open space while allowing for private use of such areas.

17.11.020 Applicability

The O-S-O Open Space Overlay Zone applies to all areas within the O-S-O Open Space Overlay Zone shown on the Official Zoning Map

17.11.030 Permitted Uses

The following uses are permitted within the O-S-O Open Space Overlay Zone. All other uses are prohibited.

- A. Landscaping (hardscape/softscape) less than 36 inches in height;
- B. Open automobile and motorcycle parking (In designated areas per Section TBD, Parking Area Development Standards);
- C. Walls and fences less than 36 inches in height;
- D. Barbecue/fire pits less than 36 inches in height;
- E. Lighting less than 36 inches in height;
- F. Water features less than 18 inches in depth and less than ten feet in diameter;
- G. Outdoor table/chairs of standard height;
- H. Decks less than 12 inches in height; and
- I. Fountains less than 36 inches in height.

17.11.040 Parking Area Development Standards

Parking areas shall be located, improved, and maintained in compliance with Section TBD, Off-Street Parking, and the following.

- A. Parking areas shall be located only within the rear 50 percent or in the rear 40 feet of the lot, whichever is the lesser.
- B. A permanent barrier, between the parking area, and the remaining area shall be installed and maintained in good condition.
 - 1. Barrier walls shall be a maximum of 36 inches in height, and a minimum of 24 inches in height, and a maximum of 40 feet from the rear property line.
 - 2. 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.
- C. Vehicular access shall be prohibited from walk-streets, except in locations leading to legally permitted enclosed parking.

17.11.050 Exclusion from Calculations

The portion of a lot with O-S-O Open Space Overlay Zone shall not be used for calculation of allowable lot coverage, density, setbacks, open space and/or guest parking for development of the total lot.

17.11.060 Waiver

At the time any public right-of-way is considered for vacation and the O-S-O Overlay Zone is proposed, the City Council may waive by resolution any O-S-O use and development standard(s), if a hardship finding can be made.