

**CITY OF HERMOSA BEACH
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE HERMOSA BEACH MUNICIPAL CODE TO IMPLEMENT HOUSING ELEMENT POLICIES AND PROGRAMS, AND DETERMINE PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THAT THE PROJECT IS CONSISTENT WITH THE PLAN HERMOSA ENVIRONMENTAL IMPACT REPORT

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

SECTION 1. The alphabetical list of definitions in Section 17.04.040 (General definitions) of Chapter 17.04 (Definitions) of Title 17 (zoning) is amended to include the following definitions, in alphabetical order:

Emergency shelters shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care with minimal supportive services that limits occupancy by homeless persons to six (6) months or less in any year, and does not deny occupancy due to a person's inability to pay.

Low Barrier Navigation Center. A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- b. Pets.
- c. The storage of possessions.
- d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

Residential Care Facility, Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Residential Care Facility, Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Supportive Housing. Pursuant to Health and Safety Code 50675.14, "means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing his or her ability to live and, when possible, work in the community. For purposes of this definition, "target population" means to people with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly people, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness.

Transitional Housing: Transitional housing is a type of supportive housing and configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Work/Live Unit. A Work/Live unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a non-residential and a residential component that is occupied by the same resident.

SECTION 2. The following list of definitions in Section 17.04.040 (General definitions) of Chapter 17.04 (Definitions) of Title 17 (zoning) is hereby deleted:

Medical or residential care facility means a nursing and convalescent home as licensed by State Department of Public Health, and includes residential care homes as licensed by State Department of Social Welfare Services, Community

Care Licensing Division. This term also includes group living quarters housing persons placed by an authorized agency for rehabilitation purposes and is funded by or licensed by or is operated under the auspices of an appropriate federal, state or county governmental agency.

Transitional housing and transitional housing development means buildings configured as rental housing developments, but operated under federal, state or local housing program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

SECTION 3. Section 17.06.010 (Names of Zones) of Chapter 17.06 (Establishment of Zones) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the destiny of population, eighteen (18) classes of zones are by this ordinance established to be known as follows:

SPA	Specific Plan Areas
R-1	Single-family residential zone.
R-1A	Two dwelling units per lot zone.
R-2	Two-family residential zone.
R-2A	Medium Density residential (22) zone.
R-2B	Limited multiple-family residence zone.
R-3	Multiple-family residential zone.
MHP	Mobilehome park development district.
R-P	Residential professional zone.
C-1	Limited business and residential.
C-2	General commercial district.

C-3	General and highway commercial district.
M-1	Light manufacturing zone.
PF	Public facility zone.
RPD	Residential planned development.
O-S	Open space zone.
O-S-1	Restricted open space zone.
O-S-2	Restricted open space zone.

Where areas are shown upon the zoning map enclosed with an O, the areas thus shown are intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle. (See Chapter 17.42.) Uncircumscribed symbols within such designated areas represent classification.

SECTION 4. Subsection (F), (J) and (N) of Section 17.08.020 (Permitted Uses) of Chapter 17.08 (R-1 Single Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

F. Supportive and Transitional Housing for six (6) or fewer persons.

J. Residential Care Facilities – Small.

N. Residential Facility, Assisted Living.

SECTION 5. Subsection (P) of Section 17.08.020 (Permitted Uses) of Chapter 17.08 (R-1 Single Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby added to read as follows:

P. Residential Care Facilities – Large

SECTION 6. Subsection (B) of Section 17.12.010 (Permitted Uses) of Chapter 17.12 (R-2 Two Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

B. Attached, and/or detached multiple-family dwelling units; (Refer to Chapter 17.58)

SECTION 7. Subsection (E) of Section 17.12.010 (Permitted Uses) of Chapter 17.12 (R-2 Two Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby added to read as follows:

E. Supportive and Transitional Housing meeting requirements set forth in 17.42.220.

SECTION 8. Chapter 17.13 (R-2A – Medium Density Residential (22)) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby added to read as follows:

17.13.010 Permitted uses.

The purpose of the R-2A zone is to allow the same uses as R-2, but allow for development of a minimum density of 22 dwelling units per acre. In an R-2 zone only the following uses that are hereinafter specifically provided and allowed are permitted, subject to the provisions of Chapter 17.44 governing off-street parking requirements:

- A. Any use permitted in the R-1 (one-family) residential zone;
- B. Attached, and/or detached multiple-family dwelling units;
- C. Condominium developments consistent with the provisions of the condominium ordinance of the City;
- D. Conditional uses as set forth in Chapter 17.40.
- E. Supportive and Transitional Housing meeting requirements set forth in 17.42.220

17.13.015 Short term vacation rentals prohibited.

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

17.13.020 Development standards.

- A. Building Height. Any building shall not exceed a maximum of thirty (30) feet in height.
- B. Front Yard. Every lot shall have a front yard setback equal to at least five (5) feet unless a greater than five (5) foot setback is indicated on the official zoning map of the City, in which case, the larger figure shall apply.
- C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten (10) percent of the width of the lot, provided such side yard shall not be less than three (3) feet in width and need not exceed five (5) feet in width.
- D. Rear Yard. Every lot shall have a rear yard not less than five (5) feet in depth. The second floor can be three (3) feet from the property line. On any alley

- the rear yard requirement is a depth of three (3) feet from the property line on the first floor and one (1) foot from the property line on the second floor.
- E. Additional Yard Regulations. R-2A zones shall be subject to additional yard regulations as provided in Chapter 17.46.

17.13.030 Off-street parking.

Off-street parking requirements and regulations for the R-2 zone are provided in Chapter 17.44.

17.13.040 Lot area.

The minimum lot area for new lots in the R-2 zone created by subdivision or other means shall be four thousand (4,000) square feet.

17.13.050 Lot area per dwelling unit.

The minimum lot area per dwelling unit shall be not less than one thousand seven hundred fifty (1,750) square feet.

17.13.060 Permissible lot coverage.

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot.

17.13.070 Placement of buildings.

Placement of buildings on any lot shall conform to the following:

- A. No building may occupy any portion of the required yard.
- B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet; however, where a rear yard abuts a street or alley, the building may be located three (3) feet from the rear property line on the first floor and one (1) foot from the property line on the second floor.
- C. The distance between any buildings used for human habitation shall be not less than six (6) feet. The distance between a main building and an accessory building shall be not less than six (6) feet.

17.13.080 Open space.

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

- A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.
- B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two (2) sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.
- C. The minimum dimension of open space areas shall be seven (7) feet by seven (7) feet.
- D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.
- E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven (7) feet by seven (7) feet. For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.
- F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven (7) feet in width and length.
- G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven (7) foot dimensions.
- H. Decks, balconies or similar areas which extend over more than one (1) dwelling unit shall have a minimum S.T.C. rating of fifty-eight (58).
- I. Each development of five (5) or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas.

17.13.090 Lot width.

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard.

17.13.100 Sign regulations.

All signs in the R-2A zone shall conform to the requirements and regulations of this code.

SECTION 9. Subsection (B) of Section 17.14.010 (Permitted Uses) of Chapter 17.14 (R-2B Limited Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

B. A two (2) family dwelling unit per lot; provided, that it is designed for families as a duplex or condominium; a detached one (1) family dwelling will be allowed if one (1) existed on the lot on the effective date of the ordinance codified in this chapter, provided all yard requirements are conformed to; (Refer to Chapter 17.58 for multiple-family dwellings and 17.22 for condominiums)

SECTION 10. Subsection (E) of Section 17.14.010 (Permitted Uses) of Chapter 17.14 (R-2B Limited Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby added to read as follows:

E. Supportive and Transitional Housing meeting requirements set forth in 17.42.220.

SECTION 11. Subsection (B) of Section 17.16.010 (Permitted Uses) of Chapter 17.16 (R-3 Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

B. Multiple dwellings; (Refer to Chapter 17.58)

SECTION 12. Subsection (E) of Section 17.16.010 (Permitted Uses) of Chapter 17.16 (R-3 Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby added to read as follows:

F. Emergency shelters (Refer to Section 17.42.210)

SECTION 13. Section 17.16.020 (Height) of Chapter 17.16 (R-3 Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominately built higher than the height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

- A. No building shall exceed thirty (30) feet in height unless in compliance with subsections (B), (C), or (D) of this section. Refer to Chapter 17.22 for additional height requirements for condominium projects located adjacent to walk streets.
- B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30) feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section 17.58.040):
 - 1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;
 - 2. The proposed development is located between, and adjacent to, two (2) or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;
 - 3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;
 - 4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:
 - a. The style and pitch of the roof,
 - b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),
 - c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.
- C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of existing buildings for determining if existing building on adjacent lots exceed thirty (30) feet.
- D. Projects utilizing criteria under Section 17.42.100(B) – State Affordable Housing Density Bonus – may exceed the height limit per designated criteria.

SECTION 14. Section 17.16.100 (Building Design Guidelines) of Chapter 17.16 (R-3 Multiple-Family Residential Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is added to read as follows:

All new development shall be subject to Section 17.42.250.

SECTION 15. Section 17.20.100 (Building Design Guidelines) of Chapter 17.20 (R-P Residential Professional) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is added to read as follows:

All new development shall be subject to Section 17.42.250.

SECTION 16. Section 17.26.020 (Specific purposes) of Chapter 17.26 (C1, C2 and C3 Commercial Zones) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

- A. In addition to the general purposes listed in Chapter 17.02 the specific purposes of the commercial zones are to:
 - 1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region;
 - 2. Strengthen the City's economic base, and also protect small businesses that serve City residents;
 - 3. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
 - 4. Minimize the impact of commercial development on adjacent residential districts;
 - 5. Ensure that the appearance and effects of commercial building and uses are harmonious with the character of the area in which they are located;
 - 6. Ensure the provision of adequate off-street parking and loading facilities;
 - 7. Provide sites for public and semi-public uses needed to complement commercial development or compatible with a commercial environment;
- B. The additional purposes of each zone are as follows:
 - 1. C-1 Neighborhood Commercial Zone. To provide sites for a mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhoods; while establishing land use regulations that prevent significant adverse effects on abutting residential uses.
 - 2. C-2 Downtown Commercial Zone. To provide opportunities for a pedestrian-oriented range of office, retail, and service commercial uses specifically appropriate for the scale and character of the downtown, along with mixed-use opportunities including residential development, to form a resident and visitor serving downtown district.
 - 3. C-3 General Commercial Zone. To provide opportunities for the full range of office, retail, service, mixed-use, and multi-family uses in a

scale deemed suitable for the City, and appropriate for the Pacific Coast Highway and Aviation Boulevard commercial corridors.

SECTION 17. Section 17.26.030 (C-1, C-2 and C-3 land use regulations) of Chapter 17.26 (C1, C2 and C3 Commercial Zones) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS				
P = Permitted - = Not Permitted A = Administrative Permit PDP = Precise Development Plan U = Conditional Use or Other Permit Required (See Chapter 17.40)				
Uses	C1	C2	C3	See Section
Mixed-Uses (residential uses with ground floor commercial use(s))	U PDP**	PDP**	PDP**	17.40.180
Residential	PDP**	PDP**	PDP**	17.16
Low Barrier Navigation Center	A	A	A	17.42.240
Residential Facility, Assisted Living	A	A	A	
Residential Care Facilities – Small.	P	P	P	
Residential Care Facilities – Large	A	A	A	17.42.230
Supportive Housing, Up to 50 Units.	A	A	A	17.42.220
Supportive Housing, Over 50 Units	U	U	U	17.56 and 17.42.220
*Allowed by special permit by city council on public streets/right-of-way, pursuant to Section 12.12.070, and permitted by right on private property in conjunction with such a special permit. ** Housing Element Sites Inventory Overlay Sites (--HE) only				

SECTION 18. Section 17.26.050 (Standards and limitations.) of Chapter 17.26 (C1, C2 and C3 Commercial Zones) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is added to read as follows:

J. Building design. Building design shall be provided as specified by Chapter 17.42.260.

SECTION 19. Section 17.28.010 (Specific purposes) of Chapter 17.28 (M-1 Light Manufacturing Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended to read as follows:

In addition to the general purposes listed in Chapter 17.02, the specific purposes of the light manufacturing zone is to:

- A. Provide appropriately located areas consistent with the general plan for a range of light manufacturing, creative industrial, and “work/live” residential, including certain appropriate service commercial uses.
- B. Strengthen the City’s economic base and employment base by creating flexible zoning for existing small businesses that are owned by, serve and employ City residents.
- C. Create and maintain suitable environments for various types of light industrial use and compatible uses.
- D. Minimize the impact of development in the M-1 zone by allowing for creative transitions between small scale light industrial and adjacent residential districts.
- E. Ensure that the appearance and effects of buildings in the M-1 zone are harmonious with the character of the area which they are located.

SECTION 20. Section 17.28.010 (Specific purposes) of Chapter 17.28 (M-1 Light Manufacturing Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby deleted:

- E. Ensure the provision of adequate off-street parking and loading facilities.

SECTION 21. Section 17.28.020 (Permitted uses) of Chapter 17.28 (M-1 Light Manufacturing Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended as follows:

In the following matrix, the letter "P" designates use classifications permitted and the letter "U" designates use classifications permitted by approval of a conditional use permit. Use classifications not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

Work/Live	PDP**	Chapter 17.58
Residential Uses	PDP**	Chapter 17.16
** Housing Element Sites Inventory Overlay Sites (--HE) only		

SECTION 22. Section 17.28.030 (Standards and limitations) of Chapter 17.28 (M-1 Light Manufacturing Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended as follows:

Every use permitted or maintained in the M-1 zone shall be subject to the following:

- A. Parking. Parking shall be provided as specified in Chapter 17.44.
- B. Enclosures. All uses shall be conducted wholly within a building enclosed on all sides, except for the following:
 - 1. Outdoor uses permitted by conditional use permit as stated in the permitted use list;
 - 2. Commercial parking lots;
 - 3. Uses incidental to a use conducted primarily within a building located on the premises; provided, that such incidental uses are not conducted in whole or in part on sidewalks, public ways or within any required front or rear yard; and provided further, that such incidental uses are conducted within buildings. Where incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities. All outdoor storage shall be substantially screened from public visibility, public streets, parks or other public places and property.
- C. Signs. Signs for this section are regulated by Section 17.50.140.
- D. Building Height. Any building may have a maximum of thirty-five (35) feet in height.
- E. Front Yard Setback. No lot need provide a front yard except as may be required by a precise plan.
- F. Alley Setback. Any building located on an alley shall maintain a distance of not less than three (3) feet from such alley.
- G. Rear and Side Yard Setback Adjacent to Residential Zones. A minimum rear and/or side yard setback of eight (8) feet shall be provided, and additional two (2) feet of setback shall be provided for each story over the first story for structures that abut residential zones, except where public rights-of-way, twenty (20) feet or greater in width, separate the M-1 zone from the residential zone.
- H. Landscaping Adjacent to Residential Zones. The required rear and/or side yard area shall be landscaped and provided with an automatic watering system. Size, quantity and type of landscaping shall be subject to review and approval by the planning director. Landscaping shall be appropriately maintained, trimmed and void of weeds.

SECTION 23. Chapter 17.29 (Public Facility Zone) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is added as follows:

17.29.010 Intent

The PF Zone is intended to provide for a broad range of government, institutional, educational, assembly, and community-serving uses. This Zone provides for government-owned facilities, civic-related administrative offices, community space, operational yards, educational or institutional facilities, and other public

and quasi-public uses. The PF Zone implements the Public Facility General Plan Land Use Designation.

17.29.020 Permitted Uses

USES	P/U	See Section
Assembly Hall	PDP	
Convention Hall	PDP	
Government Facilities	P	
Mini-Storage, Personal	U	17.40.020
Monuments	P	
Office, General	P	
Parking Lot, and/or Structure (primary use)	U	
Public Service Facilities	P	
Residential	PDP*	17.42.100
Wireless communication facility	U	17.40.170
*Residential permitted uses shall be the same as those permitted in the R-3, Multiple-Family Residential Zone, as contained in Section 17.16.010.		

17.29.030 Development Standards

Development regulations shall be as specified by the precise development plan in accordance with Chapter 17.58, provided that the need for a precise development plan does not conflict with state law.

Building height limit is 35 feet. If it is determined a building was constructed prior to the codification of this code section, the building shall be valid and considered legal.

SECTION 24. Section 17.38.540 (Plan area no. 11) of Chapter 17.38 (Specific Plan Areas) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is added as follows:

Mixed Uses	PDP**	17.42.100
** Housing Element Sites Inventory Overlay Sites (--HE) only		

SECTION 25. Section 17.38.550(E) (Plan area no. 11 – Development standards.) of Chapter 17.38 (Specific Plan Areas) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended as follows:

1. No building shall exceed a maximum height of thirty (30) feet.

SECTION 26. Chapter 17.39 (Housing Element Sites Inventory Overlay) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

17.39.010 Intent and Purpose

The purpose of the Housing Element Sites Inventory Overlay is to identify sites designated by the City's Housing Element for satisfying the City's Regional Housing Needs Assessment (RHNA). This Overlay implements the City's Housing Element. Overlay sites shall be identified on the City's Zoning Map with a symbol of "—HE" appended to the underlying zoning name (example: C2-HE).

17.39.020 Permitted Uses

- A. Uses permitted by the underlying zoning district.
- B. Uses permitted only for sites designated as a Housing Element Sites Inventory Overlay.

17.39.030 Minimum Density

- A. If a site designated as —HE is developed at a density that is below the minimum residential density anticipated in the City's Housing Element, the City must either:
 - 1. Make a finding that the remaining sites identified in the Housing Element are adequate to meet the City's remaining RHNA for the Housing Element planning period by income category. This finding should include a quantification of the remaining unmet need for the City's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level; or
 - 2. Make available sufficient sites to accommodate the remaining unmet RHNA for the income category within 180 days or other time frame as established by law, whichever is later.

17.39.040 Replacement Units

- A. If an application for development includes demolition of any of the following types of units existing within the past five (5) years, the application must include provisions for replacement:
 - 1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
 - 2. Subject to some form of rent or price control through a public entity's valid exercise of its police power; or
 - 3. Occupied by lower or very low-income households.

- B. Replacement units must be in accordance with Government Code Section 65915(c)(3), including equivalency provisions for income level, size, and number.

17.39.050 Land Value Recapture for Affordable Housing

- A. Sites designated as (--HE) that have underlying non-residential zones are subject to the City's Land Value Recapture Program for Affordable Housing, as follows:
 - 1. Proposed projects that are entirely non-residential are exempt.
 - 2. Projects on sites with a Sites Inventory capacity are subject to the Land Value Recapture Program fee, as follows:
 - a. For sites on the Sites Inventory with a capacity of 5 or more units:
 - 1. Projects proposing a minimum of 10% very low-income units, 15% low-income units, or 20% moderate income units, or combination thereof, (calculated from base density) are exempt from the fee; or
 - 2. Projects proposing a portion of the above affordability requirements shall be subject to the corresponding proportional amount of the fee.
 - 3. Projects not proposing affordable units are subject to the full fee.
 - b. For sites on the Sites Inventory with a capacity of 3 or 4 dwelling units:
 - 1. Projects constructing to minimum density and proposing at least 1 moderate income unit are exempt from the fee.
 - 2. Other projects are subject to the fee.
 - c. For sites on the Sites Inventory with a capacity of 1 or 2 units:
 - 1. Projects constructing to minimum density and consisting of 1 affordable unit (very low, low, or moderate) are exempt from the fee.
 - 2. Other projects are subject to the fee.
- B. The fee amounts for the Land Value Recapture Program for Affordable Housing shall be set by City Council resolution.

17.39.060 Short term vacation rentals prohibited.

For any unit constructed on a (--HE) site after [date of Housing Element certification], it shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a

rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. All developments must be accompanied by a restrictive covenant prohibiting short-term vacation rentals.

SECTION 27. Section 17.40.010 (General Intent and purpose) of Chapter 17.40 (Conditional Use Permit and Other Permit Standards) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is amended as follows:

The lists of conditions found within this chapter for various uses are intended to be standard conditions imposed on all such proposed uses as specified. These conditions are not intended to be the only conditions imposed, and each specific use noted may have additional conditions imposed by the decision-making body.

Any additional conditions may be based on criteria found within this article for all uses requiring a conditional use permit and/or factors related to the specific use and location.

SECTION 28. Section 17.40.020 (General criteria for all uses) of Chapter 17.40 (Conditional Use Permit and Other Permit Standards) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby deleted:

- A. In considering the granting of any conditional use permit for any use, the following criteria for granting said permit shall be considered:
- B. Distance from existing residential uses;
- C. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;
- D. Location of and distance to churches, schools, hospitals and public playgrounds;
- E. The combination of uses proposed;
- F. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;
- G. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;
- H. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
- I. The number of similar establishments or uses within close proximity to the proposed establishment;
- J. Noise, odor, dust and/or vibration that may be generated by the proposed use;
- K. Impact of the proposed use to the City's infrastructure, and/or services;
- L. Will the establishment contribute to a concentration of similar outlets in the area;

- M. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the City as a whole.

SECTION 29. Section 17.40.180 (Mixed Use Development (C-1 zone)) of Chapter 17.40 (Conditional Use Permit and Other Permit Standards) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby replaced as follows:

17.40.180 Mixed-use development

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

- A. Mixed-Use Developments shall be subject to a Precise Development Plan in accordance with Chapter 17.58.
- B. Residential Development Standards. The residential portion of a mixed-use development shall be subject to the following development standards:
 - 1. If the residential portion of a mixed-use development is a condominium development, then the development shall be subject to the condominium development standards as set forth in Chapter 17.22.
 - 2. Rear and Side Yard setbacks shall be subject to Chapter 17.16.
 - 3. Building design guidelines shall be subject to Chapter 17.42.260.
 - 4. Building height shall be regulated by underlying zoning district the site is located.
 - 5. The placement of buildings shall conform to the standards set forth in Chapter 17.16.050.
 - 6. Any expansion of a structure that existed prior to (date of codification), to implement a mixed-use configuration, is subject to the standards of the underlying zone, and Chapter 17.52, relating to nonconforming structures.
 - 7. Applicability of other standards. All other standards shall be governed by the sites underlying zoning district and the City zoning ordinance.
- C. Commercial Development Standards. In addition to the requirements of the commercial zone, the following standards shall apply to the mixed-use development.
 - 1. Ground floor commercial spaces shall have a minimum average depth of 30-feet.
 - 2. Building frontage shall be used for commercial purposes with the exception of entry-exit corridors and stairs for accessing the residential units, and/or for driveways to access parking.
- D. General Development Standards

1. Noise: Residential uses shall be separate from commercial uses by sound proofed floors and walls with minimum sound transmission rating as required for condominiums as set forth in Chapter 17.22. Commercial uses hours of operations shall be limited where appropriate so that residents are not exposed to offensive noise or activity.
 2. Security: Entrances for residences shall be separate from non-residential uses and be independently accessible to pedestrian and parking areas.
 3. Lighting: Outdoor lighting and lighting for signs associated with commercial uses designed so as not to adversely impact residences. No flashing, blinking or high intensity lighting. Adequate lighting to illuminate parking areas and corridors to access parking and public sidewalk. Lighting for signs may only be illuminated during business hours.
- E. Signs. Signs shall be limited to the commercial space frontage pursuant to the requirements of Chapter 17.50.
- F. Allowed Commercial Uses. Permitted commercial uses within a mixed-use development shall be as permitted in the underlying commercial zone with the following exceptions which shall not be permitted:
1. Late-night restaurants and bars;
 2. Laundry and dry-cleaning businesses;
 3. Parking lots and/or structures.
- G. Limitations on hours of operation. The hours of operation for any commercial use shall be limited to 8:00 a.m. to 10:00 p.m.
- H. Parking and Transportation Storage
1. Vehicle parking shall be in accordance with Chapter 17.44.
 - a. Reduced vehicle parking may be planned in accordance with Section 17.44.210 Parking Plans. Application fees for Parking Plans that accompany a development for affordable housing may be waived; all other application fees apply.
 2. Bicycle Parking Standards.
 - a. Spaces Required.
 1. Residential Uses. A minimum of one bicycle parking space shall be provided for every five units for Residential, Group Residential, and Single Room Occupancy.
 2. Other Uses. Any establishment with 25 or more full time equivalent employees shall provide bicycle parking at a minimum ratio of one space per 25 vehicle spaces.
 - b. Location. Bicycle parking must be located on the same lot as the use it serves. In parking garages, long-term bicycle parking must be located near an entrance to the facility.

- c. Security. Long-term bicycle parking must be in:
 - 1. An enclosed bicycle locker; or
 - 2. A fenced, covered, locked or guarded bicycle storage area; or
 - 3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or
 - 4. Other secure area approved by the Director.
- d. Size and Accessibility.
 - 1. Each bicycle parking space shall accommodate a variety of bicycle types, but generally be a minimum of two feet in width and size feet in length.
 - 2. Bicycles shall be accessible without moving another bicycle.
 - 3. Access to a bicycle parking area shall not be through vehicle parking spaces.
- e. Bicycle Parking Reductions and Modifications. A modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Section 17.44.210, Parking Plans, if the review authority finds that:
 - 1. Adequate site space is not available on an existing development to provide bicycle parking; or
 - 2. Reduced bicycle parking is justified by reasonably anticipated demand; or
 - 3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.
- f. Owner shall disclose separately and in writing upon sale or rental of the subject property that it is a mixed use development and permits commercial and residential uses.

SECTION 30. Section 17.40.220 (Emergency shelters) of Chapter 17.40 (Conditional Use Permit and Other Permit Standards) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby deleted:

17.40.220 Emergency shelters.

This section sets forth requirements for the establishment and operation of emergency shelter facilities.

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Administrative Permit Required. Emergency shelters may be established and operated in the C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.
2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.
- B. Development Standards. Emergency shelters shall conform to the following standards.
 1. The maximum number of beds shall be ten (10). An additional four (4) beds may be provided for children under the age of eighteen (18) with a parent or guardian within designated family units.
 2. A minimum separation of three hundred (300) feet, measured from the property line, shall be maintained between all emergency shelters.
 3. Separate private shower and toilet facilities shall be provided for men, women and families.
 4. Alcohol and narcotics use and consumption are prohibited both within the facility and on the property. No amplified music or sound is allowed. No animals are permitted (except guide dogs for the disabled or ordered by a doctor for medical reasons).
 5. One parking space per three (3) beds, plus one (1) space for each staff member and volunteer on duty shall be provided.
 6. Bicycle racks or bicycle lockers for three (3) bicycles shall be provided onsite near the facility.
 7. Stays at the facility shall be on a first-come first-served basis. Clients may be admitted to the facility only between 6:00 p.m. and 8:00 a.m. The facility may remain open twenty-four (24) hours a day only if providing onsite accessory services. Clients have no guaranteed bed for the next night. The maximum length of stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.
 8. The facility may provide the following services in an area separate from sleeping areas, such as counseling services, laundry facilities to serve the clients at the shelter, client storage area such as for the storage of bicycles

or personal items, or similar services geared to homeless clients. All such areas and facilities shall be located within a building, with the exception of bicycle parking.

9. A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum six (6) -foot tall screening of mature landscaping or by a minimum six (6) foot tall decorative masonry wall, and shall provide consideration of shade and protection from the elements.
10. Security and Safety. A staff member shall be on-premises at all times the facility is open to clients. Security and safety shall be addressed for both on and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility. At a minimum, the plan shall contain provisions addressing security and safety.
11. Loitering Control. Measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
12. Management for Outdoor Areas. A system for daily admittance and discharge procedures, including monitoring for waiting areas, shall be developed to minimize disruption to nearby land uses.
13. Staff Training. A staff training program shall be maintained that provide adequate knowledge and skills necessary to assist clients in obtaining permanent shelter and income.
14. Communications. A communication and outreach plan shall be developed to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public.
15. Client Eligibility. A screening program to determine client eligibility is required. The facility shall be required to utilize the Los Angeles County region's current Homeless Management Information System.
16. Counseling Services. Provision of or links to counseling services are encouraged. Identify and describe the counseling programs to be provided as well as procedures that will be used to refer clients to outside assistance agencies. An annual report to the City on this activity is required.
17. Facility rules shall be conspicuously displayed in English and Spanish.

18. Litter Control. Litter and trash removal attributable to facility operations and its clients shall be provided. Graffiti shall be removed within twenty-four (24) hours.

19. Any other reasonable additional specific needs identified by the planning director or police chief. (Ord. 13-1342 §7, 2013)

SECTION 31. Section 17.42.100 (Affordable housing density bonus and incentive program) of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby replaced as follows:

17.42.100 Affordable Housing

A. General Provisions.

1. Compliance with State Law. The provisions of this section shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and state law, the state law provisions shall govern, unless otherwise specified.
2. Median Income Levels. For the purpose of determining the income levels for households under this section, the City shall use the Los Angeles County income limits found in Title 25, Section 6932 of the California Code of Regulations, as regularly updated and published by the State Department of Housing and Community Development, or other income limits set forth in the general plan housing element or adopted by the city council if the State Department of Housing and Community Development fails to provide regular updates.
3. Compatibility. All affordable housing units shall be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects shall be comparable with the design and use of market-rate units in appearance, use of materials, and finished quality. The design and appearance of the affordable housing units shall be compatible with the design of the total housing project and consistent with the surrounding neighborhood. Forms, materials and proportions that are compatible with the character of the surroundings shall be used.
4. Availability. All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project unless both the City and the developer agree in the affordable housing agreement to an alternative schedule for development.
5. Effect of Granting Density Bonus. The granting of a density bonus and other incentives provided for by this section shall not by virtue of such

incentives require a general plan amendment, zone change, variance or other discretionary approval, unless such approval would otherwise be required.

B. State Affordable Housing Density Bonus.

1. Density Bonus. Pursuant to Government Code Section 65915, the City shall grant a density bonus over the otherwise allowable maximum residential density permitted by this chapter and the general plan, in accordance with Government Code Section 65915 to 65918, inclusive.
2. Applicability. The provisions of subsection (B)(1) of this section shall be applicable to residential projects of five (5) or more units, and senior citizen housing developments of at least thirty-five (35) units.
3. Applicant May Request Smaller Density Bonus. Notwithstanding the foregoing, the City may award a smaller density bonus than specified in this section if the applicant so requests.

C. Affordable Housing Concessions and Incentives.

1. Number of Incentives or Concessions. In addition to a density bonus, an applicant is entitled to receive incentives or concessions in accordance with 65915.
2. Proposal of Incentives and Findings. An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and state law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection (C)(1) of this section, unless the City makes a written finding that either:
 - a. The concession or incentive is not necessary in order to provide the proposed targeted units; or
 - b. The concession or incentive would have a specific adverse impact that can not be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
3. Types of Affordable Housing Incentives. Affordable housing incentives may be requested in accordance with Government Code Section 65915. The City may allow for fast-track and priority processing for a project with affordable housing.
 - a. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.
4. Additional Affordable Housing Incentives. The City may allow for additional affordable housing incentives to be granted on a case-by-case basis, when requested by an applicant when more than fifty

(50) percent of the affordable housing units provided contain three (3) or more bedrooms to meet the needs of large families.

5. Lot Consolidation Bonus.

- a. Multifamily residential developments proposed on lots zoned R-3, C-1, PF, SPA-11 or the Housing Element Sites Inventory Overlay (--HE) or allowing an equivalent or higher density meeting the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted an additional density bonus as an incentive to acquire and combine two (2) or more parcels into a single building site according to the following formula:

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 Acre to 0.99 Acre	5% Increase
1.00 Acre or More	10% Increase

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Section 17.42.100. Such projects shall be restricted in compliance with Section 17.42.100(E).

- b. Multifamily residential developments with less than five (5) units or a senior citizen housing development of less than thirty-five (35) units on lots zoned R-3, C-1, PF, SPA 11, or on the Housing Element Sites Inventory Overlay (--HE) or allowing an equivalent or higher density that otherwise meet the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted reduced parking and lot development standards in Section 17.42.100(D)(3) as an incentive to acquire and combine two (2) or more parcels into a single building site. Such projects shall be restricted in compliance with Section 17.42.100(E).
- c. Applications for lot consolidations pursuant to this section processed concurrently with other land use entitlements shall be granted expedited processing of planning and building entitlements and no additional fee shall be charged for such expedited processing.

D. Administration.

1. Application and Review Process. A preliminary review of development projects proposed pursuant to this section is encouraged to discuss and identify potential application issues, including proposed modifications to development standards. The applicant shall request in the application the incentives the applicant wishes to obtain. The application shall include financial

data showing how the incentives are necessary to make the affordable units feasible. Applications shall be reviewed and processed according to the provisions of Chapter 17.58, Precise Development Plans.

2. Duration of Affordability of Rental Units. All lower income and very low income housing units shall be kept affordable for a minimum period of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with state law.
3. Definition of Affordability. Those units targeted for lower income households shall be affordable at a rent that does not exceed thirty (30) percent of sixty (60) percent of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed thirty-five (35) percent of one hundred ten (110) percent of area median income. Median income levels shall be the income limits for Los Angeles County households as provided for in subsection (A)(3) of this section, Median Income Levels.
4. Affordable Housing Agreement Required. An affordable housing agreement is required for all projects with affordable housing units, including those granted a density bonus pursuant to this section. All affordable housing projects shall be subject to the approval of an affordable housing agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code, which shall be recorded as a covenant on the title to the parcel or parcels on which the affordable housing units will be constructed. The terms of the agreement shall be reviewed and revised as appropriate by the director and city attorney. This agreement shall include, but is not limited to, the following:
 - a. Number of Units. The total number of units approved for the projects, including the number of affordable housing units.
 - b. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
 - c. Target Group. A description of the household income groups to be accommodated by the project and a calculation of the affordable rent or sales price, or a commitment to provide a senior citizen housing development.
 - d. Certification Procedures. The party responsible for certifying rents or sales prices of inclusionary units, and the process that will be used to certify renters or purchasers of such units.

- e. Schedule. A schedule for the completion and occupancy of the affordable housing units.
- f. Remedies for Breach. A description of the remedies for breach of the agreement by either party.
- g. Required Term of Affordability. For moderate income, lower income and very low income units, duration of affordability of the housing units, pursuant to Government Code Section 65915 Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
- h. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.
- i. Other Provisions. Other provisions to ensure implementation and compliance with this chapter.
- j. Condominium and Planned Unit Developments. In the case of condominium and planned unit developments, the affordable housing agreement shall provide for the following conditions governing the initial sale and initial resale and use of affordable housing units:
 - 1. Target units shall, upon initial sale, be sold to eligible very low, lower, or moderate income households at an affordable sales price and housing cost, or to qualified residents as defined by this chapter.
 - 2. Target units shall be initially owner-occupied by eligible very low, lower, or moderate income households.
 - 3. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
- k. Rental Housing Developments. In the case of rental housing developments, the affordable housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:
 - 1. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining target units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.
5. Notice of Conversions. Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:
 - a. General. At least a one (1) year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.
 - b. Required Notice. Notice shall be given to the following:
 1. The City;
 2. The State Housing and Community Development Department (HCD);
 3. The Los Angeles County Housing Authority;
 4. The residents of the affordable housing units proposed to be converted; and
 5. Any other person deemed appropriate by the City.
6. Conversion of Affordable Rental Units. If an owner of a housing development issues a notice-of-intent to convert affordable housing rental units to market-rate housing, the City shall consider taking one (1) or more of the following actions:
 - a. Meet with the owner to determine the owner's financial objectives;
 - b. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and
 - c. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of redevelopment housing set-aside funds or assistance in accessing state or federal funding.
 - 1.

SECTION 32. Section 17.42.120 (Housing accessibility – Reasonable accommodation for disability.) of Chapter 17.42 (General Provisions, Conditions

and Exceptional Uses) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

17.42.120 Housing accessibility – Reasonable accommodation for disability

A. Purpose and Applicability.

1. This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Fair Housing Laws in the application of zoning laws, building codes, and other land use regulations, policies and procedures. Fair Housing Laws means "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601, et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.
2. A request for reasonable accommodation may be made by any person with a disability, his/her representative, or any business or property owner when the application of a zoning law, building code provision or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws.
3. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by this section.
4. It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Application Submittal.

1. Any person with a disability may request a reasonable accommodation on a form supplied by the community development department including the following information, accompanied by a fee established by resolution of the city council:

- a. The applicant's or representative's name, mailing address and daytime phone number;
 - b. The address of the property for which the request is being made;
 - c. The specific code section, regulation, procedure or policy of the City from which relief is sought;
 - d. A site plan or illustrative drawing showing the proposed accommodation;
 - e. An explanation of why the specified code section, regulation, procedure or policy is preventing, or will prevent, the applicant's use and enjoyment of the subject property;
 - f. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
 - g. A detailed explanation of why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the City;
 - h. Verification by the applicant that the property is the primary residence of the person(s) for whom reasonable accommodation is requested; and
 - i. Any other information required to make the findings required by subsection (D) of this section consistent with the Fair Housing Laws.
2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
 4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.
 5. Should the request for reasonable accommodation be made concurrently with a discretionary permit, then the fee for a reasonable accommodation application may be waived provided that the prescribed fee shall be paid for all other discretionary permits.
- C. Reviewing Authority.
1. Applications for reasonable accommodation shall be reviewed by the Community Development Director or designee.
- D. Findings. The reviewing authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

1. The housing, which is the subject of the request for reasonable accommodation, will be occupied by an individual with disabilities protected under Fair Housing Laws;
2. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities protected under the Fair Housing Laws;
3. The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the Fair Housing Laws and interpretive case law; and
4. The requested accommodation will not require a fundamental alteration in the nature of the City's zoning or building laws, policies and/or procedures, as defined in the Fair Housing Laws and interpretive case law. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning or building program:
 - a. Whether the requested accommodation would fundamentally alter the character of the neighborhood; and
 - b. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.

E. Decision.

1. The review authority shall consider an application, and issue a written determination within forty (40) calendar days of the date of receipt of a completed application.
2. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
3. The review authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal, and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant.
4. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this section.
5. In making the approval findings in subsection (D) of this section, the review authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.

6. The written decision of the reviewing authority shall be final unless appealed in the manner set forth below.
7. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
8. Where the improvements or modifications approved through a reasonable accommodation would generally require a variance, a variance shall not be required.

F. Appeals.

1. The decision on a reasonable accommodation may be appealed to the city council within ten (10) calendar days of the issuance of a written decision.
2. The appeal shall be made in writing including a statement of the grounds for appeal, and accompanied by a fee established by resolution of the city council.
3. The city council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
4. The City shall provide notice of an appeal hearing to the applicant. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's action shall be final.
5. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

G. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

H. Notice to the Public of Availability of Accommodation Process. The City shall prominently display in the public areas of the community development department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this section. City employees shall direct individuals to the display whenever they

are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

I. Expiration, Time Extension, Violation, Discontinuance, and Revocation.

1. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:
 - a. A building permit has been issued and construction has commenced;
 - b. A certificate of occupancy has been issued;
 - c. The use is established; or
 - d. A time extension has been granted.
2. The community development director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three (3) years. An application for a time extension shall be made in writing to the community development department no less than thirty (30) days or more than ninety (90) days prior to the expiration date.
3. Notice of the director's decision on a time extension shall be provided as specified in subsection (E)(3) of this section.
4. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
5. An accommodation is granted to an individual and shall not run with the land unless the director finds that the modification is physically integrated on the property and cannot feasibly be removed or altered. Any change in use or circumstances that negates the basis for the granting of the approval may render the reasonable accommodation null and void and/or revocable by the City, and thereafter the reasonable accommodation may be required to be removed or substantially conformed to the code if reasonably feasible.

- J. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application and shall be processed in accordance with the requirements of this section. The community development director may waive the requirement for a new application and approve the changes if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

SECTION 33. Section 17.42.170 (Lot consolidation incentives for affordable multifamily development) of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses) of Title 17 (Zoning) of the Hermosa Beach Municipal Code is hereby deleted:

- A. Multifamily residential developments proposed on lots zoned R-3 or allowing an equivalent or higher density meeting the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted an additional density bonus as an incentive to acquire and combine two (2) or more parcels into a single building site according to the following formula:

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 Acre to 0.99 Acre	5% Increase
1.00 Acre or More	10% Increase

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Section 17.42.100. Such projects shall be restricted in compliance with Section 17.42.100(E).

- B. Multifamily residential developments with less than five (5) units or a senior citizen housing development of less than thirty-five (35) units on lots zoned R-3 or allowing an equivalent or higher density that otherwise meet the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted reduced parking and lot development standards in Section 17.42.100(D)(3) as an incentive to acquire and combine two (2) or more parcels into a single building site. Such projects shall be restricted in compliance with Section 17.42.100(E).

- C. Applications for lot consolidations pursuant to this section processed concurrently with other land use entitlements shall be granted expedited processing of planning and building entitlements and no additional fee shall be charged for such expedited processing. (Ord. 13-1341 §10, 2013)

SECTION 34. Chapter 17.42.210 (Emergency shelters) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

This section sets forth requirements for the establishment and operation of emergency shelter facilities.

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:
1. Administrative Permit Required. Emergency shelters may be established and operated in the R-3, C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.
 2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.
- B. Development Standards. Emergency shelters shall conform to the following standards.
1. The maximum number of beds shall be ten (10). An additional four (4) beds may be provided for children under the age of eighteen (18) with a parent or guardian within designated family units.
 2. A minimum separation of three hundred (300) feet, measured from the property line, shall be maintained between all emergency shelters.
 3. Separate private shower and toilet facilities shall be provided for men, women and families.
 4. Alcohol and narcotics use and consumption are prohibited both within the facility and on the property. No amplified music or sound is allowed. No animals are permitted (except guide dogs for the disabled or ordered by a doctor for medical reasons).
 5. Bicycle racks or bicycle lockers for three (3) bicycles shall be provided onsite near the facility.
 6. Stays at the facility shall be on a first-come first-served basis. Clients may be admitted to the facility only between 6:00 p.m. and 8:00 a.m. The facility may remain open twenty-four (24) hours a day only if providing onsite accessory services. Clients have no guaranteed bed for the next night. The maximum length of stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.

7. The facility may provide the following services in an area separate from sleeping areas, such as counseling services, laundry facilities to serve the clients at the shelter, client storage area such as for the storage of bicycles or personal items, or similar services geared to homeless clients. All such areas and facilities shall be located within a building, with the exception of bicycle parking.
8. A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum six (6) -foot tall screening of mature landscaping or by a minimum six (6) foot tall decorative masonry wall, and shall provide consideration of shade and protection from the elements.
9. Security and Safety. A staff member shall be on-premises at all times the facility is open to clients. Security and safety shall be addressed for both on and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility. At a minimum, the plan shall contain provisions addressing security and safety.
10. Loitering Control. Measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
11. Management for Outdoor Areas. A system for daily admittance and discharge procedures, including monitoring for waiting areas, shall be developed to minimize disruption to nearby land uses.
12. Staff Training. A staff training program shall be maintained that provide adequate knowledge and skills necessary to assist clients in obtaining permanent shelter and income.
13. Communications. A communication and outreach plan shall be developed to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public.
14. Client Eligibility. A screening program to determine client eligibility is required. The facility shall be required to utilize the Los Angeles County region's current Homeless Management Information System.
15. Counseling Services. Provision of or links to counseling services are encouraged. Identify and describe the counseling programs to be

provided as well as procedures that will be used to refer clients to outside assistance agencies. An annual report to the City on this activity is required.

16. Facility rules shall be conspicuously displayed in English and Spanish.

17. Litter Control. Litter and trash removal attributable to facility operations and its clients shall be provided. Graffiti shall be removed within twenty-four (24) hours.

SECTION 35. Chapter 17.42.220 (Supportive Housing) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

- A. Supportive and Transitional Housing. Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- B. Up to 50 Units Permitted By Right. Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zones where multi-family and mixed-use residential development are permitted provided the development satisfies all of the following requirements:
 - 1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.
 - 2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
 - 3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 - 4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.
 - 5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:

- a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
6. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
7. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
8. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
9. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
 - a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 - b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.
 - c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.
10. Over 50 units, a conditional use permit is required.

SECTION 36. Chapter 17.42.230 (Residential Care Facilities - Large) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Administrative Permit Required. Emergency shelters may be established and operated in the C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.
 2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.
- B. Requirements for a Large Residential Care Facility. Large residential care facilities shall conform to the following requirements:
1. A Large Residential Care Facility may only be located within a zone that permits them.
 2. All facilities shall comply with the development standards of the zone which they are located.
 3. Separation. Minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9
 4. Parking shall be provided in accordance with the applicable requirements of the primary residential use of the property. Refer to Section 17.44.020.
 5. Restrictions to ensure compliance with City noise regulations (Municipal Code Chapter 8.24) may be placed on the operation of the care facility, including but not limited to the time and location of outdoor activities.
 6. Adequate space for loading and unloading persons shall be available or shall be provided on the site.
 7. Management shall ensure that a manager is on duty at all times the facility is operating.
 8. The applicant shall submit a Programming Plan to detail daily operations.

SECTION 37. Chapter 17.42.240 (Low Barrier Navigation Centers) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

- A. The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.
- B. The provisions of this chapter shall apply to all low-barrier navigation center projects.
- C. An Administrative Permit in accordance with Chapter 17.55 is required prior to establishment of any low-barrier navigation center project meeting either of the following criteria. The permit shall be a ministerial action without discretionary review or a hearing. The City shall notify a developer whether the developer's application is complete within 30 days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed.
- D. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if it meets the following requirements:
 - 1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - 2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - 3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - 4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management

Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

SECTION 38. Chapter 17.42.250 (Work/live developments.) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

- A. Purpose. This purpose of this section is to allow and establish requirements for work/live developments. Units within work/live developments are intended to allow for a non-residential primary use, with an accessory residential use, which together foster creative and innovative industrial uses.
- B. Applicability. Work/live units are allowed in the M-1 zoning district.
- C. General Provisions.
 - 1. Work/live units must be located in a development, building, or structure approved and permitted for such use. This section is not intended to allow conversion of non-residential spaces in a fully non-residential building into full or partial residential spaces.
 - 2. The non-residential component of work/live units must comply with the uses set forth in Section 17.28.020 (Permitted uses).
 - 3. The non-residential and the residential units must be occupied by the same tenant.
 - 4. Residential areas are permitted above or behind the non-residential component, provided that there is internal access between the residential and non-residential unit.
 - 5. The non-residential component shall be operated indoors and shall not be conducted in any required yard or parking area.
 - 6. Signage intended to promote on-site non-residential uses shall comply with Section 17.50.150.
 - 7. The external access for the non-residential component shall be oriented to the street and should have at least one external entrance/exit separate from the residential space. The entrance to the non-residential component shall be located on the ground level.
 - 8. The work/live unit shall be required to provide parking in accordance with Chapter 17.44 (Off-Street Parking).
 - 9. The non-residential use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

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

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

SECTION 39. Chapter 17.42.260 (Building Design Guidelines.) is hereby added to Title 17 (Zoning) of the Hermosa Beach Municipal Code to read as follows:

A. Articulation. No façade facing a public right-of-way shall run in a continuous plane of more than 10 feet without incorporating one or more of the following:

1. A vertical wall shift at least two feet in depth.
2. A change in material. The material change shall be a minimum of three feet wide and a minimum of one story.
3. A window or building entrance.
4. A projection such as a stoop, bay, or overhang.
5. Alternative designs to accommodate a complete architectural style may be approved through the Modification process provided adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

SECTION 40. Section 17.44.020 (Off-street parking – Residential uses.) of Chapter 17.44 (Off-Street Parking) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

The aggregate amount of off-street automobile parking spaces provided in connection with each of the following uses shall be not less than the following:

	Residential Housing Type	Parking Requirement
A.	One (1) family dwelling;	Two (2) off-street parking spaces plus one (1) guest space.

B.	Duplex or two (2) family dwelling; Exception: Density Bonus Projects	Two (2) off-street parking spaces for each unit plus one (1) guest space. One (1) additional space of on-site guest parking shall be provided for each on-street space lost because of new curb cuts and/or driveways.
C.	Multiple dwellings (three (3) or more units); Exception: Density Bonus Projects	Spaces per each dwelling unit: Zero to one bedroom: 1.5 spaces Two bedrooms: 2 spaces Three+ bedrooms: 2.5 space; plus one (1) guest space for each two (2) dwelling units; plus one (1) additional space for each on-street space lost because of new curb cuts and/or driveways.
D.	Supportive or transitional housing	Parking requirement for residential use. Exception: no parking required if within ½ mile of public transit stop.
E.	Junior accessory dwelling unit and accessory dwelling unit	Refer to Section 17.21.050(F).
F.	Density bonus projects; Projects with over 20% affordable units; Senior housing	(Maximum Requirement per unit) (1) Zero to one bedroom: one (1) parking space. (2) Two to three bedrooms: one and a half (1.5) parking spaces. (3) Four and more bedrooms: two and one-half (2.5) parking spaces.
G.	Residential Care Facilities – Small.	Same as the Residential Housing Type
H.	Residential Care Facilities – Large; Assisted Living Facility	1 for every 3 beds
I.	Emergency Shelters; Low Barrier Navigation Centers	One (1) space for each staff member or employee on duty.

SECTION 41. Section 17.44.030 (Off-street parking – Commercial and business uses.) of Chapter 17.44 (Off-Street Parking) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

Required Number of Spaces by Use. The aggregate amount of off-street automobile parking spaces provided for various uses shall not be less than the following, unless a parking plan approved by the planning commission pursuant to 17.44.210 allows for a reduction in the number of spaces required.

- A. Assembly halls: one (1) space for each five (5) seats, permanent or removable, or one (1) space for each fifty (50) square feet of gross floor area in the assembly hall, whichever is greater.
- B. Automobile or boat sales: one (1) space for each one thousand (1,000) square feet of site area.
- C. Bowling alleys: five (5) spaces for each lane plus one (1) space for each three hundred (300) square feet of gross floor area except bowling alley lanes and approach areas.
- D. Clubs, fraternity and sorority houses, rooming and boarding houses and similar uses having sleeping and guest rooms: two (2) covered spaces for each three (3) guest rooms; in dormitories each fifty (50) square feet shall be considered a guest room; two (2) spaces shall be required for each guest room with kitchen facilities.
- E. Commercial Uses.
 - 1. Bars and cocktail lounges: one (1) space for each eighty (80) square feet of gross floor area.
 - 2. Beauty colleges: one (1) space for each one hundred (100) square feet of gross floor area.
 - 3. Business schools and trade schools: one (1) space for each one hundred (100) square feet of gross floor area.
 - 4. Furniture and hardware stores: one (1) space for each two hundred fifty (250) square feet of gross floor area.
 - 5. Offices, general: one (1) space for each two hundred fifty (250) square feet of gross floor area.
 - 6. Offices, Governmental and Public Utilities. Government offices that generate high levels of contact with the public, or have high numbers of employees, including but not limited to employment offices, public social services offices, Department of Motor Vehicle offices: one (1) space per seventy-five (75) square feet of gross floor area for the first twenty-thousand (20,000) square feet of the building(s), plus one (1) space per two hundred fifty (250) square feet of gross floor area for the remaining floor area.
 - 7. Offices, medical: five (5) spaces for each one thousand (1,000) square feet of gross floor area.

8. Restaurants: one (1) space for each one hundred (100) square feet of gross floor area plus one (1) per 200 square feet of on-site outdoor seating area in excess of 400 square feet.
9. Retail, general retail commercial uses: one (1) space for each two hundred fifty (250) square feet of gross floor area.
10. Gymnasiums/health and fitness centers, as follows:
 - a. Less than or equal to three thousand (3,000) square feet and with less than or equal to twenty (20) students at one time if classes are offered: one (1) space per two hundred fifty (250) square feet of gross floor area.
 - b. Greater than three thousand (3,000) square feet but not more than six thousand (6,000) square feet, or with more than forty (40) students at one time if classes are offered: one (1) space per two hundred (200) square feet of gross floor area.
 - c. Greater than six thousand (6,000) square feet, or with more than forty (40) students at one time if classes are offered: one (1) space per one hundred (100) square feet of gross floor area.
- F. Hospitals: two (2) spaces for each patient bed.
- G. Hospitals (mental), convalescent homes, guest homes, rest homes, sanitariums, assisted living facilities, and similar institutions: one (1) space for each three (3) beds.
- H. Hotels: one (1) space for each unit for the first fifty (50) units; one (1) space per one (1) and one-half (1/2) units after fifty (50); and one (1) space per two (2) units after one hundred (100) units. Hotels with facilities including restaurants, banquet rooms, conference rooms, commercial retail uses and similar activities shall provide parking for the various uses as computed separately in accordance with the provisions of this chapter.
- I. Industrial Uses. The parking requirements of this subsection apply only to industrial uses; parking for commercial and other permitted uses in industrial zones shall provide the number of spaces as otherwise specified by this chapter.
 1. Industrial uses of all types, except, public utility facilities and warehouses: one (1) space for each vehicle used in conjunction with the use; plus one (1) space for each three hundred (300) square feet of gross floor area.
 2. Warehouses, buildings or portions of buildings used exclusively for warehouse purposes: one (1) space for each one thousand (1,000) square feet for the first twenty thousand (20,000) square feet; plus, one (1) space for each two thousand (2,000) square feet for the second twenty thousand (20,000) square feet; plus one (1) space for each four

thousand (4,000) square feet in excess of forty thousand (40,000) square feet; plus one (1) space for each vehicle operated from the property. Prior to approval of a warehouse use by the , a covenant shall be recorded, guaranteeing the warehouse area, facility or building will not be converted, remodeled or changed to a nonwarehouse use unless the number of spaces otherwise required by this chapter are secured and provided prior to such change or unless approved by planning commission in accordance with this chapter.

- J. Mobilehomes or trailer parks: two (2) spaces for each dwelling unit with at least one (1) space adjacent to the trailer site.
- K. Mortuaries or undertaking establishments: one (1) space for each seventy-five (75) square feet of building area for the chapel or public assembly area.
- L. Motels: one (1) space for each unit, plus two (2) for the manager's unit.
- M. Recreation or amusement establishments: one (1) space for each seventy-five (75) square feet of gross floor area.
- N. Service stations: one (1) space for each one thousand (1,000) square feet of site area.
- O. Snack Bar/Snack Shop. The parking requirements for a snack bar and/or snack shop shall be the same as that for a restaurant.
- P. Short-term vacation rentals in commercial zones: one (1) space per bedroom, in no case less than one (1) space per unit and a maximum of two (2) spaces per unit being required.
- Q. Residential Uses – refer to 17.44.020
 - 1. Supportive and Transitional Housing
 - 2. Residential Care Facilities
 - 3. Residential Care Facilities
 - 4. Low Barrier Navigation Center
 - 5. Emergency Shelters

SECTION 42. Chapter 17.55 (Administrative Permits) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

17.55.010 Authority to grant.

The community development department may grant administrative permits for all such uses and matters required by this title to be reviewed and allowed only upon the granting of an administrative permit.

17.55.020 Purpose.

The purpose of an administrative permit is to ensure that a proposed use or matter for which an administrative permit is required complies with the standards, limitations and other regulations applicable to the subject use or matter.

17.55.030 Application filing.

Prior to the establishment of any use or grant of any or entitlement for which an administrative permit administered by this section is required by this title or Code, an application for an administrative permit, signed by a property owner, lessee or business owner shall be filed with the community development department upon a form furnished by the department. The application shall include a site plan, drawings and information in sufficient detail to demonstrate compliance with the regulations applicable to the subject use or matter, accompanied by a fee set by resolution of the city council.

17.55.030 Required Findings.

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

- A. The proposed use is allowed within the applicable zone with Administrative Permit approval, and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The site is physically adequate for the type, density, and intensity (e.g., number of employees and customers) of use being proposed, including provision of services (e.g., sanitation and water), public access, and the absence of physical constraints;
- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on site and in the vicinity of the subject property; and
- E. The establishment, maintenance, or operation of the proposed use at the location proposed will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the proposed use.

17.55.040 Report of decision.

Except as set forth below, the community development director shall issue the administrative permit no more than thirty (30) days following the filing of a complete application therefor. Approval will be based upon determining the

request complies with the standards, limitations and other regulations in the governing section, which may include the imposition of conditions and limitations to ensure the permit is consistent with said requirements intended to protect the public health, safety and welfare; otherwise, the director shall deny the application and provide the applicant a written statement of the reasons the permit cannot be issued. The applicant shall be advised in writing of the right to appeal the director's decision pursuant to Section 17.55.050.

Notwithstanding above, permits for accessory dwelling units and/or junior accessory dwelling units shall be decided within one hundred twenty (120) days of receipt of a complete application and subject to the provisions outlined in Chapter 17.21.

17.55.050 Effective date–Appeals.

- A. Notwithstanding 17.55.050(C), decisions of the community development director may be appealed to the planning commission by filing an appeal within fifteen (15) days of the director's decision; provided, that upon affixing the signature of the applicant to an issued permit, the permit shall become effective and the right to appeal shall be waived. Appeals shall be filed in writing with the community development department accompanied by a fee set by resolution of the city council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The commission's review shall be limited to a determination of whether the application complies with the requirements of the applicable governing section(s). The filing of an appeal within such time shall stay the effective date of the decision until the commission has acted on the appeal. The commission's decision shall be final and conclusive, unless the governing section specifically provides for a direct or subsequent appeal to the city council.
- B. Appeals to the city council shall be filed with the city clerk accompanied by a fee set by resolution of the city council. The filing of an appeal within ten (10) days shall stay the effective date of the decision until the council has acted on the appeal as hereinafter set forth in this title. Upon receipt of a written appeal, the planning commission shall transmit to the council the planning commission's complete record of the case. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than

sixty (60) days after an appeal has been filed unless requested by the applicant. The council's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's decision shall be final and conclusive.

- C. Ministerial or non-discretionary Administrative Permits are not eligible for appeal.

17.55.060 Reapplication upon denial.

After the denial of an administrative permit has become final, no further application for the same administrative permit shall be filed for the same property for the ensuing six months, unless the project has been revised so as to eliminate the decision making body's previous objections to the project. Said revision shall require a completely new application process and payment of fees.

17.55.070 Revocation.

Any administrative permit may be revoked by the director or the decision making body for any of the following causes:

- A. That any term or condition has not been complied with;
- B. That the property for which the administrative permit has been granted is used or maintained in violation of any statute, law, regulation or condition of approval;
- C. That the use for which the administrative permit was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned;
- D. The administrative permit has been issued for a short-term vacation rental, which has received three (3) affirmed violations of the ordinance codified in this section or any of the City's quality of life ordinances, such as noise violations, disturbing the peace, or creating a public nuisance, within a 12-month period; or,
- E. That the use for which the administrative permit was granted has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance.

A hearing to show cause why the permit should not be revoked shall be held by the issuing body prior to the revocation of any administrative permit. Written notice shall be provided the permit holder at least ten (10) days prior to the hearing stating the reasons therefor. (Ord. 19-1395 §7, 2019)

17.55.080 Expiration.

An administrative permit shall expire at the conclusion of the permitted use or activity, not to exceed one year from the effective date if no expiration or term is stated therein, and the property shall thereafter be used in compliance with the provisions of this Title and Code.

SECTION 43. Chapter 17.56 (Conditional Use Permits) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

17.56.010 Authority to grant.

- A. The planning commission may grant conditional use permits for residential planned developments and commercial planned developments.
- B. The planning commission may grant conditional use permits upon application for all such matters as by this ordinance are required to be reviewed and allowed only upon the granting of a conditional use permit.

17.56.020 Purpose.

The purpose of a conditional use permit shall be:

- A. To assure that the degree of compatibility shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located; and
- B. To recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors and hazards.

17.56.030 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in any section of this Title which requires a Use Permit.

17.56.040 Criteria for review.

In reviewing any conditional use permit for any use, the following criteria for granting said permit shall be considered:

- A. Distance from existing residential uses;
- B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;
- C. Location of and distance to churches, schools, hospitals and public playgrounds;
- D. The combination of uses proposed;
- E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;
- F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;
- G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
- H. The number of similar establishments or uses within close proximity to the proposed establishment;
- I. Noise, odor, dust and/or vibration that may be generated by the proposed use;
- J. Impact of the proposed use to the City's infrastructure, and/or services;
- K. Will the establishment contribute to a concentration of similar outlets in the area;
- L. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the as a whole.

17.56.050 Required findings.

The Planning Commission must make all of the following findings to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- E. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

17.56.060 Notice and hearing on application.

Upon the filing of an application for a conditional use permit by a property owner, or by a lessee with the written consent of the property owner, due notice of public hearing shall be given at least ten calendar days prior to said hearing in accordance with requirements to be established by resolution of the city council.

17.56.070 Report on findings and decision.

Not more than twenty (20) days following the public hearing on a conditional use permit, nor more than twenty (20) days following the filing of an application for a conditional use permit where no hearing is required, the planning commission shall announce its findings by formal report and said report shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of the conditional use permit necessary to carry out the provisions and general purpose of this title, and shall order that the conditional use permit be granted or denied, and if such report orders that the conditional use permit be granted, it shall also recite such conditions and limitations as it may impose.

17.56.080 Report to be numbered and kept as permanent record.

The formal report of the planning commission announcing its decision on a conditional use permit shall be numbered consecutively in the order of filing and shall become a permanent record in the file of the planning commission.

17.56.090 Notice of decision to applicant.

Not later than ten days following the rendering of a decision ordering that a conditional use permit be granted or denied, a copy of the report shall be mailed to the applicant and his attorney at the address shown on the application filed with the planning commission.

17.56.100 Effective date – Time limitation for appeal.

The order of the planning commission in granting or denying a conditional use permit shall become final and effective ten days from the date of the succeeding city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 of this code until within such ten-day period an appeal in writing is filed with the council by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such time shall stay the effective date of the order

of the planning commission until such time as the council has acted on the appeal as hereinafter set forth in this title.

17.56.110 Transmission of planning commission's record to council.

Upon receipt of a written appeal filed with the council as provided herein, the planning commission shall thereupon transmit to the council the planning commission's complete record of the case.

17.56.120 Council to hold public hearing on appeal.

Within not to exceed forty (40) calendar days following filing of a written appeal, the city council shall conduct a duly advertised public hearing, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council.

17.56.130 Council to announce findings and decision.

City council shall announce its findings and decision within a reasonable time, but not to exceed sixty (60) days, following the close of the public hearing, unless good cause is shown for the extension of time and the applicant or opponent or both are notified of this extension and the reasons therefor. The findings and decision shall recite the facts and reasons which in the opinion of the city council make the approval or denial of the conditional use permit necessary to carry out the general purpose of this title, and shall order that the conditional use permit be granted, denied or modified subject to such conditions or limitations that it may impose. City council may incorporate by reference all or part of any findings of any commission, hearing officer or administrative officer without expressly setting forth in full the findings of said commission, hearing officer or administrative officer if the findings of said commission, hearing officer or administrative officer are in writing and on file with the city clerk and made a part of the permanent record of the .

If the city council does not announce its findings and decision, notice shall be given by mail to the applicant or opponent, or to both if they be different parties, of when the findings and decision will be made so that the applicant or opponent or both may be present at the meeting when said findings and decision are announced.

17.56.140 Decision of the council shall be final.

The action by the city council on such matters shall be by three affirmative votes of the council, and shall be final and conclusive except:

- A. The city council may approve, modify or disapprove the recommendation of the planning commission; provided, that any modification of a proposed conditional use permit, precise development plan, variance, height limit exception, nonconforming remodel, parking plan, permitted use request or other similar discretionary land use matter, by the council may be referred back to the planning commission for report and recommendation, and the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report to the city council within forty (40) days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.
- B. Upon return of the matter to the city council, the city council may by three affirmative votes of the council, approve, modify or disapprove the final recommendation of the planning commission on such matters.

17.56.150 Notice of decision of the council.

Not later than thirty (30) days following the final decision of the city council that a conditional use permit be granted or denied, notice of such action shall be mailed to the applicant or opponent, or both if they be different parties, and one copy shall be attached to the planning commission's file of the case and said file returned to the planning commission for permanent filing. Failure to give notice shall not affect the decision rendered in these matters.

SECTION 44. Chapter 17.58 (Precise Development Plan) of Title 17 (Zoning) of the Hermosa Beach Municipal Code shall be replaced as follows:

17.58.010 Purpose

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

- A. Promote excellence in design, layout, and other physical features of development to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives;
- B. Ensure that new and altered development will be compatible with the existing and potential development of the surrounding area; and

- C. Supplement other City regulations and standards in order to ensure control of physical features of development that are not otherwise addressed.

17.58.020 Applicability and Review Authority

- A. A Precise Development Plan review is required for all projects that require a permit for new construction, rehabilitation, alteration, or other improvements to the exterior of a structure, site or a parking area except for:
 - 1. Projects with four (4) or less dwelling units, including new construction, remodels or additions thereto;
 - 2. Remodels or additions of less than one thousand five hundred (1,500) square feet in any zone.
- B. Precise Development Plans shall be decided upon by the Planning Commission with the following exceptions which shall be decided upon by the Community Development Director or designee:
 - 1. New construction, rehabilitation, alteration, or other improvements to the exterior of a structure, site or a parking area for:
 - a. Projects with two (2) or more dwelling units with affordable units or senior units (refer to section 17.42.100).
 - 1. Projects that qualify for a density bonus pursuant to Section 17.42.100 or are comprised entirely of residential units restricted to be affordable to moderate- or lower-income households shall be subject to a non-discretionary precise development plan focusing solely on physical design and ensuring conformance with objective development standards, rather than examining the appropriateness of the use itself; said precise development plan process is not a 'project' and is not subject to the California Environmental Quality Act (CEQA).
- C. Application. All applications for Precise Development Plan shall be filed with the Community Development Department on forms prescribed by the Community Development Director.
- D. Concurrent Processing. When a development project requires a Use Permit, Variance, or any other discretionary approval, the Precise Development Plan application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance., except as noted in Section 17.58.020(B)(1)(ii)(1).

K. Notification.

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

L. Review Authority

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

17.58.030 Scope of Precise Development Plan Review

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

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

17.58.040 Required Findings

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

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

17.58.050 Conditions of Approval

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

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the city council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Precise Development Plan listed in Section 17.58.050, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

17.58.060 Appeals

- A. Except as noted in Section 17.58.020(B)(1)(ii)(1), decisions of the community development director/staff may be appealed to the planning commission by filing an appeal within fifteen (15) days of the director's decision; provided, that upon affixing the signature of the applicant to an issued permit, the permit shall become effective and the right to appeal shall be waived. Appeals shall be filed in writing with the community development department accompanied by a fee set by resolution of the city council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an

earlier time. The commission's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The filing of an appeal within such time shall stay the effective date of the decision until the commission has acted on the appeal. The commission's decision shall be final and conclusive, unless the governing section specifically provides for a direct or subsequent appeal to the city council.

- B. Appeals to the city council shall be filed with the city clerk accompanied by a fee set by resolution of the city council. The filing of an appeal within ten (10) days shall stay the effective date of the decision until the council has acted on the appeal as hereinafter set forth in this title. Upon receipt of a written appeal, the planning commission shall transmit to the council the planning commission's complete record of the case. notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless requested by the applicant. The council's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's decision shall be final and conclusive.

SECTION 45. Land Value Recapture Program. Regarding proposed Section 17.39.050, the City makes the following findings:

1. The City's 2021-2029 Housing Element Sites Inventory identifies sites that may be used to meet the City's Regional Housing Needs Assessment (RHNA) allocation. The City's RHNA allocation consists of over 60 percent of units in the very low and low income categories.
2. Due to lack of available residentially zoned land, most of the sites in the Sites Inventory are on non-residentially zoned sites.
3. The City must amend the zoning in order to allow for residential or mixed-use development on non-residentially zoned sites.
4. The City's Housing Element includes strategies to facilitate the creation of affordable housing, including very low, low, and moderate income units.
5. There are currently no affordable housing units in the City.

6. As a part of the rezoning effort, the City wishes to capture land value associated with the zoning amendments which enable residential development on non-residentially zoned sites.
7. In accordance with California Government Code 66001, the City Council finds:
 - a. The purpose of the fee (if applicable) is to create much needed affordable residential units in the City.
 - b. Any fees paid would be to fund the creation of affordable residential units and any associated services required by those units (open space, residential amenities, etc).
 - a. The amount of the fee is calculated to be the equivalent cost of creating affordable residential units on-site, on non-residentially zoned properties that now have the ability to include residential development. There is a reasonable relationship to requiring properties that can now include residential development (and may be the bulk of the new residential units coming online in the City) to offset the lack of affordable units in each project with the fee.
 - b.
 - c. The City has an established need for affordable housing, as supported by the adopted 2021-2029 Housing Element.

SECTION 46. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof is declared invalid or unconstitutional.

SECTION 47. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937, or upon certification of the City's 2021-2029 Housing Element (6th Cycle) by the California Department of Housing and Community Development, **whichever is later.**

SECTION 48. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and **ADOPTED** on this _____ day of October, 2023.

Justin Massey

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney