

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 17.21 OF THE HERMOSA BEACH MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINE THE PROJECT IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE.

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

SECTION 1. Whereas the City Council adopted Ordinance No. 22-1556U updating the City's regulations on Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) on December 15, 2022, and staff has identified the need to amend the Ordinance for the following reasons: 1) Corrections to language relating to building height; 2) Clarify language based on consultation with California Department of Housing and Community Development (HCD) and 3) Provide flexibility and more options for the production of ADUs and JADUs .

SECTION 2. The City Council held a duly noticed public hearing on June 13, 2023 to consider a text amendment to Hermosa Beach Municipal Code Chapter 17.21 as described in the proposed ordinance attached as Exhibit A.

SECTION 3. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 4. The City Council finds the proposed amendments are consistent with the City's General Plan. The ordinance will also comply with State requirements. The amendments will not impede the City's ability to meet its General Plan goals, and the amendments are necessary to carry out the purposes of the Zoning Ordinance, including the orderly planned use of land resources.

SECTION 5. The City Council finds that there is a need to amend the Municipal Code with the following modifications (Exhibit A) in order to provide necessary

clarification and flexibility in administering the Hermosa Beach Municipal Code Chapter 17.21.

SECTION 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 7. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

SECTION 8. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 9. 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.

SECTION 10. The City Council approves of the proposed ordinance attached hereto as Exhibit A.

PASSED, APPROVED, and ADOPTED on this 13th day, June 2023.

Mayor Raymond A. Jackson

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

ATTEST:

Myra Maravilla
City Clerk

APPROVED AS TO FORM:

Patrick Donegan
City Attorney

Exhibit A
Amended ADU/JADU Regulations
(follows this page)

17.21.030 (A) Approval of ADUs and JADUs

1. Converted on Single-family Lot: One ADU as described in this subsection (A) (1) and one JADU (or a second ADU in lieu of the JADU) on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU (or a second ADU in lieu of the JADU):
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure (including garage), plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

17.21.040(B) General ADU and JADU Requirements and Development Standards

4. An ADU that is attached to the primary dwelling may not exceed the height limitation imposed by the underlying zone that applies to the primary dwelling, unless it is a conversion of existing space within an existing nonconforming structure that exceeds the height of the underlying zone.
5. For purposes of this subsection, height is measured pursuant to Measuring Building Height, Chapter 17.46.