

**CITY OF HERMOSA BEACH**  
**PC RESOLUTION NO. 23-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVE ZONE TEXT AMENDMENT 23-01, 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 PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE 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 Planning Commission held a duly noticed public hearing on May 16, 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 Planning Commission 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 Planning Commission recommends that the City Council find 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 Planning Commission hereby recommends City Council approval of the proposed ordinance attached hereto as Exhibit A with regard to zone text amendment for section 17.21.040(B)(4) and (B)(5) regarding height.

**VOTE:** AYES: 5 - Chair Izant, Vice Chair Hoffman, Commissioner Rice, Commissioner Wicks, Commissioner Pedersen

NOES: 0

ABSTAIN: 0

ABSENT: 0

**SECTION 7.** The Planning Commission hereby recommends City Council approval of the proposed ordinance attached hereto as Exhibit A with regard to zone text amendment for section 17.21.030(A) regarding ADUs and JADUs.

**VOTE:** AYES: 4 - Chair Izant, Vice Chair Hoffman, Commissioner Rice, Commissioner Wicks

NOES: 1 - Commissioner Pedersen

ABSTAIN: 0

ABSENT: 0

**SECTION 8.** The Planning Commission hereby recommends City Council deny staff recommendation and keep current prohibition on roof top decks for ADUs in 17.21.040(F) attached hereto as Exhibit A.

**VOTE:** AYES: 3 - Chair Izant, Commissioner Rice, Commissioner Pedersen

NOES: 2 - Vice Chair Hoffman, Commissioner Wicks

ABSTAIN: 0

ABSENT: 0

**PASSED, APPROVED and ADOPTED** on this 16th day of May, 2023.

CERTIFICATION

I hereby certify the foregoing PC Resolution 23-05 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of May 16, 2023.



Stephen Izant  
Chair



Carrie Tai  
Secretary

May 16, 2023

Date

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.