

ORDINANCE NO. 22-1444

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH AMENDING TITLE 16, ADDING CHAPTER 16.24 URBAN LOT SPLITS AND SECTIONS 16.24.10 THROUGH 16.24.70 AND ALSO AMENDMENTS TO TITLE 17 OF THE HERMOSA BEACH MUNICIPAL CODE CHAPTER 17.08 R-1 SINGLE-FAMILY RESIDENTIAL ZONE TO INCLUDE TWO-UNIT PROJECTS AS PERMITTED USES IN SECTION 17.08.020 AND ADD A NEW SECTION 17.08.050 TWO-UNIT PROJECTS PERMITTING THEM SUBJECT TO OBJECTIVE STANDARDS IN THE R-1 ZONE AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9

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

Section 1. The Planning Commission held a duly noticed public hearing on November 16, 2021, to consider amending the Hermosa Beach Municipal Code Sections 17.08.020 and adding a new section 17.08.50 related to Two-unit projects in the R-1 Single-Family Residential Zone and associated amendments to Chapter 16.24 adding new section 16.24.10 through 16.24.70 related to Urban lot splits.

Section 2. The City Council held a duly noticed public hearing on December 14, 2021, not to exceed forty (40) calendar days following the Planning Commission’s recommendation, to consider amending the Hermosa Beach Municipal Code Sections 17.08.020 and adding new section 17.05.050 related to Two-unit projects in the R-1 Single-Family Residential Zone and associated amendments to Chapter 16.24 adding new section 16.24.10 through 16.24.70 related to Urban lot splits.

Section 3. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendments will not have a significant effect on the environment because the

1 proposed zone text amendments would provide for new standards consistent with State Law and do
2 not propose any physical construction.

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4 **Section 4.** The City Council approves of the following amendments to the Hermosa Beach
5 Municipal Code:

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7 1. Chapter 16.24 is hereby added to Title 16 of the Hermosa Beach Municipal Code is amended to
8 read as follows:

9 **Chapter 16.24 Urban Lot Splits**

10 **Section 16.24.10 Purpose.** The purpose of this section is to allow and appropriately
11 regulate urban lot splits in accordance with Government Code section 66411.7.

12 **Section 16.24.20 Definition.** An “urban lot split” means a the subdivision of an existing,
13 legally subdivided lot in to two lots in accordance with the requirements of this
14 section.

15 **Section 16.24.30 Application.**

- 16 A. Only individual property owners may apply for an urban lot split. “Individual
17 property owner” means a natural person holding fee title individually or jointly in
18 the person’s own name or a beneficiary of a trust that holds fee title. “Individual
19 property owner” does not include any corporation or corporate person of any kind
20 (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as
21 defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii) or a qualified nonprofit
22 corporation (as defined by § 214.15).
- 23 B. An application for an urban lot split must be submitted on the city’s approved form.
24 Only a complete application will be considered. The city will inform the applicant
25 in writing of any incompleteness within 30 days after the application is submitted.
- 26 C. The city may establish a fee to recover its costs for adopting, implementing, and
27 enforcing this section of the code, in accordance with applicable law. The city
28 council may establish and change the fee by resolution. The fee must be paid with
the application.

29 **Section 16.24.40 Approval.**

- 30 D. An application for a parcel map for an urban lot split is approved or denied
31 ministerially, by the Community Development Director, without discretionary
32 review.

1 E. A tentative parcel map for an urban lot split is approved ministerially if it complies
2 with all the requirements of this section. The tentative parcel map may not be
3 recorded. A final parcel map is approved ministerially as well, but not until the
4 owner demonstrates that the required documents have been recorded, such as the
5 deed restriction and easements. The tentative parcel map expires three months after
6 approval.

7 F. The approval must require the owner and applicant to hold the city harmless from
8 all claims and damages related to the approval and its subject matter.

9 G. The approval must require the owner and applicant to reimburse the city for all
10 costs of enforcement, including attorneys’ fees and costs associated with enforcing
11 the requirements of this code.

12 **Section 16.24.050 Requirements.** An urban lot split must satisfy each of the following
13 requirements:

14 H. Map Act Compliance.

15 1. The urban lot split must conform to all applicable objective requirements of
16 the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”), including
17 implementing requirements in this code, except as otherwise expressly provided in
18 this section.

19 2. If an urban lot split violates any part of the SMA, the city’s subdivision
20 regulations, including this section, or any other legal requirement:

21 a. The buyer or grantee of a lot that is created by the urban lot split has
22 all the remedies available under the SMA, including but not limited to an action for
23 damages or to void the deed, sale, or contract.

24 b. The city has all the remedies available to it under the SMA,
25 including but not limited to the following:

26 i. An action to enjoin any attempt to sell, lease, or finance the
27 property.

28 ii. An action for other legal, equitable, or summary remedy,
29 such as declaratory and injunctive relief.

30 iii. Criminal prosecution, punishable by imprisonment in county
31 jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a
32 misdemeanor.

33 iv. Record a notice of violation.

34 v. Withhold any or all future permits and approvals.

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c. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

3. Zone. The lot to be split is in the R-1 Single-Family Residential Zone.

4. Lot Location.

a. The lot to be split is not located on a site that is any of the following:

i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

ii. A wetland.

iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

iv. A hazardous waste site that has not been cleared for residential use.

v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

vi. Within a 100-year flood hazard area, unless the site has either:

(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

ix. Habitat for protected species.

x. Land under conservation easement.

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b. The purpose of subpart A.4.a above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)

5. **Not Historic.** The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

6. **No Prior Urban Lot Split.**

a. The lot to be split was not established through a prior urban lot split.

b. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

7. **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.

c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

d. Housing that has been occupied by a tenant in the last three years. [The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

8. **Lot Size.**

a. The lot to be split must be at least 2,400 square feet.

b. The resulting lots must each be at least 1,200 square feet.

c. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

1 d. Existing lots with a minimum width of 50 feet, lot splits shall result
2 in two lots with a minimum of 25 feet in width along the public right of way.

3 e. Existing lots with less than a minimum width of 50 feet shall be split
4 in a “flag” lot configuration subject to recording an access agreement on both lots.

5 9. **Easements.**

6 a. The owner must enter into an easement agreement with each public-
7 service provider to establish easements that are sufficient for the provision of
8 public services and facilities to each of the resulting lots.

9 b. Each easement must be shown on the tentative parcel map.

10 c. Copies of the unrecorded easement agreements must be submitted
11 with the application. The easement agreements must be recorded against the
12 property before the final map may be approved, in accordance with subpart B
13 above.

14 d. Access agreement shall be recorded on both properties if lot split
15 results in “flag” lot configuration as provided in section 16.24.050 8.e.

16 10. **Lot Access.**

17 a. Lots created with a minimum of 25 feet in width shall each adjoin
18 the public right of way.

19 11. **Unit Standards.**

20 a. No more than two dwelling units of any kind may be built on a lot
21 that results from an urban lot split. For purposes of this paragraph, “unit” means
22 any dwelling unit, including, but not limited to, a primary dwelling unit, a unit
23 created under section 17.08.50 of this code, an ADU, or a JADU.

24 12. **Separate Conveyance.**

25 a. Within a resulting lot.

26 i. Primary dwelling units on a lot that is created by an urban lot
27 split may not be owned or conveyed separately from each other.

28 ii. Condominium airspace divisions and common interest
29 developments are not permitted on a lot that is created by an urban lot split.

30 iii. All fee interest in a lot and all dwellings on the lot must be
31 held equally and undivided by all individual property owners.

32 b. Between resulting lots. Separate conveyance of the resulting lots is
33 permitted. If dwellings or other structures (such as garages) on different lots are

adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

13. **Regulation of Uses.**

a. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.

b. **No STRs.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.

c. **Owner Occupancy.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

14. **Deed Restriction.** The owner must record a deed restriction, acceptable to the city, that does each of the following:

a. **Expressly prohibits the use of any lot created by an Urban lot split for any rental of any dwelling on the property for a period of less than 30 days.**

b. **Expressly prohibits any non-residential use of the lots created by the urban lot split.**

c. **Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.**

d. **States that the property is formed by an urban lot split and is therefore subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development subject to Section 17.08.50.**

Section 16.24.60 Specific Adverse Impacts.

A. **Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.**

B. **“Specific adverse impact” has the same meaning as in Gov. Code § 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective,**

1 identified written public health or safety standards, policies, or conditions as they
2 existed on the date the application was deemed complete” and does not include (1)
3 inconsistency with the zoning ordinance or general plan land use designation or (2)
4 the eligibility to claim a welfare exemption under Revenue and Taxation Code
5 section 214(g).

6 C. The building official may consult with and be assisted by planning staff and others
7 as necessary in making a finding of specific, adverse impact.

8 **Section 16.24.70 Coastal Regulations Apply in Full.**

9 Nothing in this section alters or lessens the effect or application of the California Coastal
10 Act.

11 **Section 5.** The City Council approves of the following amendments to the Hermosa Beach
12 Municipal Code:

13 1. Section 17.08.020 of Chapter 17.08 of Title 17 of the Hermosa Beach Municipal Code is
14 amended to read as follows:

15 **Section 17.08.020**

16 Subject to the restrictions hereinafter specified, only the following uses are permitted in an
17 R-1 zone:

18 A. Accessory buildings:

- 19 1. Patio covers;
- 20 2. Bathhouse or greenhouse;
- 21 3. Swimming pool and/or spa;
- 22 4. Tool shed;
- 23 5. Garage;
- 24 6. Storage room for customary household-related items, and a maximum of four
25 hundred (400) square feet in size.

26 B. Day care homes, small (see Section [17.04.040](#)).

27 C. Day care homes, large, as an accessory use to a single-family detached dwelling if a day
28 care permit is approved pursuant to Section [17.40.100](#).

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D. Home Occupations. When conducted in accordance with the following requirements, and when a permit therefor, containing any conditions deemed necessary to ensure compliance with the requirements of this chapter and with its purpose and intent, has been issued by the business license department; provided however, that any occupation may be excluded from certain or all zones, or portions thereof, if determined by the planning commission to be incompatible with neighboring residential uses.

The following requirements are severally and jointly stated as absolute requirements, and any home occupation not conforming to the following requirements shall not be permitted:

1. Such occupation shall be carried on only by occupants of a dwelling, and shall involve the use of not more than four hundred (400) square feet, not to exceed twenty-five (25) percent of the total area of the permitted buildings on the premises.
2. Inventory and supplies for such home occupation shall occupy not more than twenty-five (25) percent of the permitted area and shall be stored entirely within an enclosure or building.
3. No sale of goods is permitted on the premises.
4. No employees are allowed.
5. No signs are permitted.
6. No display of any kind shall be visible from the exterior of the premises.
7. Light, but not medium or heavy, business machines are allowed. The classification by the planning department shall be final.
8. No presses, data processing equipment, or any electrical or other equipment requiring specialized electrical installation, or requiring over one hundred twenty (120) volts of power to operate are allowed, nor shall any mechanical shop or electrical tools be permitted except those which are customary to home crafts.
9. No tools or equipment may be operated which make a sound audible from without the premises at a distance of twenty (20) feet from the property line, between the hours of 6:00 p.m. and 9:00 a.m. No activity or equipment which makes any loud or whining noise discernible from without the premises is permitted at any time.
10. No garaging or storing of vehicles bearing any advertising related to the home occupation is allowed upon the premises or in the street in the vicinity.
11. No foot or vehicle traffic may be generated to or from the premises except for traditional uses such as tutors and day care centers as approved by the planning director.
12. There shall be complete conformity to fire, building, plumbing, electrical, zoning and health codes and to all state and city laws and ordinances; except, where required

1 parking spaces are not available, the planning commission may temporarily waive such
2 requirements if they find:

3 a. The garage, carport or space is not available solely because of temporary storage,
4 and not because of construction and/or building improvement or modifications; and

5 b. The temporary storage is not related to products, materials, etc., used for the
6 conduct of the home occupation; and

7 c. Such waiver to be effective only if no detrimental effects are caused to adjacent
8 properties and no valid complaints were filed due to storage.

9 13. No structural alterations of the premises are permitted solely for the benefit of the
10 business.

11 14. No listing or advertising of the address of such home occupation for business
12 purposes is permitted including display ads in telephone, business and city directories
13 and in newspapers and magazines. The telephone number and address may be listed on
14 business cards.

15 15. The term of any permit shall be for one (1) year, or for such other period as shall be
16 authorized by the city council.

17 16. It shall be a condition of any permit hereunder that the applicant shall agree that, in
18 the event of amendment of this section to prohibit such or any home occupation in a zone
19 in which the same is situated, that such home occupation shall not have the status of
20 nonconforming use, and may be eliminated forthwith without provision for extended
21 liquidation or amortization.

22 17. Prior to permit approval, the premises shall be inspected to determine compliance
23 with all limitations and requirements, particularly subsection (D)(12) of this section.

24 E. Garage sales, subject to Chapter [5.44](#).

25 F. Group home for six (6) or fewer persons.

26 G. Elementary schools, grades K through 8th, conditional use permit required.

27 H. Day nursery, preschool, and/or after school child care with thirteen (13) or more
28 children, conditional use permit required subject to Section [17.40.110](#).

I. Religious institutions, conditional use permit required subject to Chapter [17.40](#).

J. Residential or medical care facility for six (6) or fewer persons.

K. Accessory dwelling units and junior accessory dwelling units, in accordance with
Chapter [17.21](#).

L. Single-family dwelling, including mobilehomes.

1 M. Supportive housing for six (6) or fewer persons.

2 N. Transitional housing for six (6) or fewer persons.

3 O. Two-unit projects, in accordance with Chapter 17.08.

4 3 . Chapter 17.08 of Title 17 of the Hermosa Beach Municipal Code is amended to add Section
5 17.08.50 to read as follows:

6
7 **Section 17.08.50 Two-unit Projects**

8 A. **Purpose.** The purpose of this section is to allow and appropriately regulate two-
9 unit projects in accordance with Government Code section 65852.21.

10 B. **Definition.** A “two-unit project” means the development of two primary dwelling
11 units or, if there is already a primary dwelling unit on the lot, the development of a second
12 primary dwelling unit on a legally subdivided lot in accordance with the requirements of
13 this section.

14 C. **Application.**

15 1. Only individual property owners may apply for a two-unit project.
16 “Individual property owner” means a natural person holding fee title individually
17 or jointly in the person’s own name or a beneficiary of a trust that holds fee title.
18 “Individual property owner” does not include any corporation or corporate person
19 of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community
20 land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified
21 nonprofit corporation (as defined by § 214.15).

22 2. An application for a two-unit project must be submitted on the city’s
23 approved form.

24 3. The applicant must obtain a certificate of compliance with the Subdivision
25 Map Act for the lot and provide the certificate with the application.

26 4. Only a complete application will be considered. The city will inform the
27 applicant in writing of any incompleteness within 30 days after the application is
28 submitted.

5. The city may establish a fee to recover its costs for adopting, implementing,
and enforcing this section of the code, in accordance with applicable law. The city
council may establish and change the fee by resolution. The fee must be paid with
the application.

D. **Approval.**

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1. An application for a two-unit project is approved or denied ministerially, by the Community Development Director.

2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.

3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

E. **Requirements.** A two-unit project must satisfy each of the following requirements:

1. **Map Act Compliance.** The lot must have been legally subdivided.

2. **Zone.** The lot is in the R-1 Single-Family Residential Zone.

3. **Lot Location.**

a. The lot is not located on a site that is any of the following:

i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

ii. A wetland.

iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

iv. A hazardous waste site that has not been cleared for residential use.

v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

vi. Within a 100-year flood hazard area, unless the site has either:

(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

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(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

vii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

viii. Habitat for protected species.

ix. Land under conservation easement.

4. **Not Historic.** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

5. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.

c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. **Unit Standards.**

a. **Quantity.**

i. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not

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limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.

ii. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city’s ADU ordinance.

b. **Unit Size.**

i. The total floor area of each primary dwelling built that is developed under this section must be at least 800 square feet

ii. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

iii. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

c. **Demo Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

d. **Lot Coverage.** The City’s existing lot coverage standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter. This lot coverage standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.

e. **Open Space.** The City’s existing open space standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter. This open space standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.

f. **Setbacks.**

i. **Generally.** The City’s existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter. These setback standards shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.

ii. **Exceptions.** Notwithstanding subpart E.6.f above:

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(I) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

g. **Parking.** Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:

i. The lot is located within one-half mile walking distance of either

(I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

(ia) an existing rail or bus rapid transit station,

(ib) a ferry terminal served by either a bus or rail transit service, or

(ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

ii. The site is located within one block of a car-share vehicle location.

h. **Utilities.**

i. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

i. **Building & Safety.** All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.

j. **Other Standards.** All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of State law.

7. **Separate Conveyance.**

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a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

b. Condominium airspace divisions and common interest developments are not permitted within the lot.

c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

8. **Regulation of Uses.**

a. **Residential-only.** No non-residential use is permitted on the lot.

b. **No STRs.** No dwelling unit on the lot may be rented for a period of less than 30 days.

c. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

9. **Notice of Construction.**

a. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

i. Notice that construction has been authorized,

ii. The anticipated start and end dates for construction,

iii. The hours of construction,

iv. Contact information for the project manager (for construction-related complaints), and

v. Contact information for the Building & Safety Department.

b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

10. **Deed Restriction.** The owner must record a deed restriction, acceptable to the city, that does each of the following:

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- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lot.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners’ primary residence and legal domicile.
- e. If the lot is created by an urban lot split, then it is subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development subject to this Chapter.

F. **Specific Adverse Impacts.**

- 1. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- 2. “Specific adverse impact” has the same meaning as in Gov. Code § 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
- 3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

G. **Coastal Regulations Apply in Full.** Nothing in this section alters or lessens the effect or application of the California Coastal Act.

H. **Remedies.** If a two-unit project violates any part of this code or any other legal requirement:

- 1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- 2. The city may:

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- a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
- b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
- c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

Section 6. The City Council finds that the proposed amendment is consistent with the general objectives, principles, and standards of General Plan.

PASSED, APPROVED and ADOPTED this 11th day of January, 2022 by the following vote:

AYES: Councilmembers Armato, Campbell, Massey, and Mayor Detoy
 NOES: Mayor Pro Tem Jackson
 ABSENT: None
 ABSTAIN: None



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

ATTEST:

APPROVED AS TO FORM:

Susan Morrow
Susan Morrow, Interim City Clerk

Michael Jenkins
Michael Jenkins, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Susan Morrow, Interim City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Ordinance No. 22-1444 was introduced by title only at a regular meeting on December 21, 2021 and was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a regular meeting held at the regular meeting place (VIA VIRTUAL MEETING DURING COVID-19) thereof on the 11th day of January, 2022 by the following vote:

AYES: Councilmembers Armato, Campbell, Massey, and Mayor Detoy.
NOES: Mayor Pro Tem Jackson.
ABSENT: None.
ABSTAIN: None.

Dated: January 12, 2022



Susan Morrow, Interim City Clerk