

July 16, 2007

City Council Meeting
July 24, 2007

Mayor and Members
of the City Council

**ADOPTION OF A RESOLUTION TO PLACE A MEASURE
EXEMPTING PIER PLAZA PROPERTIES FROM ON-SITE
PARKING REQUIREMENTS ON THE BALLOT OF THE
GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2007**

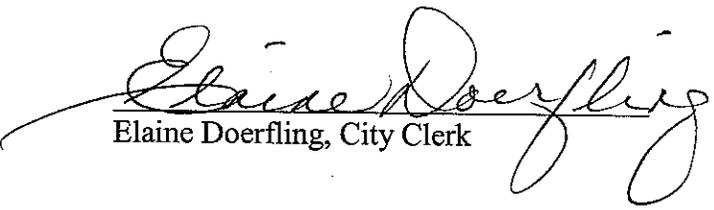
Recommendation:

It is recommended that the City Council adopt the resolution to place the Pier Plaza measure (per referendum) on the ballot.

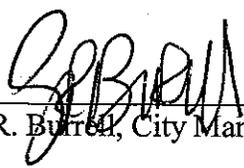
Background:

At its meeting of July 10, 2007, the City Council continued this item with direction to staff to reword the ballot question to better reflect the exact meaning of the ordinance. The attached resolution contains the revised wording of the ballot question.

As previously noted, pursuant to Elections Code Section 9217, if a majority of the votes cast at the November 6 election are in favor of the Pier Plaza ordinance (No. 07-1278), the ordinance shall be considered adopted upon the Council's declaration of the election results, and shall go into effect 10 days after that date. Also, any ordinance adopted by the voters may not be repealed or amended except by another vote of the people.


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

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RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE RELATING TO PIER PLAZA ON-SITE PARKING REQUIREMENTS

WHEREAS, the City Council of the City of Hermosa Beach on March 13, 2007, adopted Ordinance No. 07-1278 providing for the exemption of Pier Plaza building sites from on-site parking requirements when in-lieu parking fees are paid; and

WHEREAS, the ordinance was published as required by law; and

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 2 (commencing at Section 9235) of the Elections Code of the State of California, a petition was filed on April 12, 2007 with the City Clerk of the City of Hermosa Beach signed by more than ten percent of the registered voters of the city to repeal the ordinance or submit it to a vote of the voters; and

WHEREAS, the signature verification was obtained May 7, 2007 from the Los Angeles County Registrar Recorder/County Clerk's office, whose staff examined the records of registration and ascertained that the petition was signed by the requisite number of voters, and the City Clerk then certified the results on May 8, 2007 and presented it to the City Council at its meeting of May 22, 2007; and

WHEREAS, the City Council has not voted in favor of the repeal of the ordinance and is thereby authorized and directed by statute to submit the ordinance to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1 **SECTION 1.** That pursuant to the requirements of the laws of the State of California
2 relating to General Law Cities, there is called and ordered to be held in the City of Hermosa
3 Beach, California, on Tuesday, November 6, 2007, a General Municipal Election for the purpose
4 of submitting the following question, which requires the approval of a majority of those casting
5 votes:
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Shall Ordinance No. 07-1278 be adopted, excluding expansion of buildings and new construction on properties fronting Pier Plaza from the usual requirement that a minimum of 25% of required parking spaces be provided on the property?	YES	
	NO	

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12 **SECTION 2.** That the text of the ordinance submitted to the voters is attached as
13 Exhibit "A."

14 **SECTION 3.** That the ballots to be used at the election shall be in the form and content
15 as required by law.

16 **SECTION 4.** That the City Clerk is authorized, instructed and directed to procure and
17 furnish any and all official ballots, notices, printed matter and all supplies, equipment and
18 paraphernalia that may be necessary in order to properly and lawfully conduct the election.

19 **SECTION 5.** That the polls for the election shall be open at seven o'clock a.m. of the
20 day of the election and shall remain open continuously from that time until eight o'clock p.m. of
21 the same day when the polls shall be closed, except as provided in Section 14401 of the
22 Elections Code of the State of California.

23 **SECTION 6.** That in all particulars not recited in this resolution, the election shall be
24 held and conducted as provided by law for holding municipal elections.

25 **SECTION 7.** That notice of the time and place of holding the election is given and the
26 City Clerk is authorized, instructed and directed to give further or additional notice of the
27 election, in time, form and manner as required by law.
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SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this 24th day of July, 2007.

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

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Exhibit "A"

ORDINANCE NO. 07-1278

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO AMEND THE ZONING ORDINANCE SECTION 17.44.040 TO EXEMPT PIER PLAZA BUILDING SITES FROM PROVIDING A PERCENTAGE OF PARKING SPACES ON SITE WHEN IN-LIEU PARKING FEES ARE PAID

The People of the City of Hermosa Beach, California, do ordain as follows:

SECTION 1. Subsection 17.44.040-E of Title 17 of the Hermosa Beach Municipal Code, pertaining to parking in-lieu fees in the downtown district, is amended as follows:

"E. Parking in-lieu fees. When the City Council provides for contributions to an improvement fund for a vehicle parking district in-lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this chapter.

1. The Director of the Community Development Department shall be responsible for the calculations required under this chapter and shall calculate and collect the in-lieu contribution.
2. The following allowances through in-lieu fee contributions for parking may be allowed with a parking plan as approved by the Planning Commission and as prescribed in Section 17.44.210:
 - a. Building sites with a ratio of building floor area to building site of one-to-one or less may pay an "in-lieu" fee for all required spaces.
 - b. Building sites where buildings will exceed a one-to-one gross floor area to building site area ratio shall be required to provide a minimum of twenty-five (25) percent of the required parking on-site, except for sites on Pier Plaza west of Hermosa Avenue."