

ORDINANCE 93- 1093

1
2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
3 CALIFORNIA, TO AMEND THE OIL CODE, REGARDING THE DEFINITION OF
4 GRADE AND TO AMEND SECTION 21A-2.9(C) TO ALLOW FENCING LESS THAN
5 FEET FROM THE PROPERTY LINE

6 WHEREAS, the City Council held a public hearing on July 13,
7 1993, to consider the recommendation of the Planning Commission
8 and to consider oral and written testimony and made the following
9 Findings:

10 A. Section 21A-1.20 defines grade as the lowest point of the
11 elevation of the finished surface....between the structure
12 and the property line or when the property line is more than
13 five feet from the structure, between the structure and a
14 line five feet from the structure;

15 B. This definition is sometimes overly restrictive because when
16 measuring the height of a structure from grade, such as from
17 an intentionally excavated well cellar for a storage tank,
18 the height would have to be taken from the lowered grade;

19 C. The requirement of Section 21A-2.9(c) that fencing be setback
20 a minimum of five (5) feet from the property line is
21 unnecessary and inconsistent with the zoning ordinance which
22 has no setback requirements for commercially or industrially
23 zoned property.

24 D. These amendments to the grade definition, and fencing
25 setback, since it only applies to the City maintenance yard
26 site at 555 6th Street, will result in insignificant or
27 negligible impacts as set forth in the Addenda to EIR for oil
28 development at the City Yard;

NOW, THEREFORE, the City Council of the City of Hermosa
Beach, California, does hereby ordain that the Oil Code text be
amended as follows:

SECTION 1. Amend Section 21A-1.20, regarding the definition of GRADE to read as follows:

"Grade" (adjacent ground elevation) means the lowest point of elevation of the finished surface level of the ground, paving or sidewalk, within the area between the structure and the property line or, when the property line is more than five feet from the structure, between the structure and a line five feet from the structure excluding excavations for well cellars and storage tanks, within the enclosed area of the privacy wall described in Section 21A-2.9(c)"

SECTION 2. Amend Section 21A-2.9(C), second paragraph first sentence, to eliminate the 5-foot setback requirement for fencing, to read as follows:

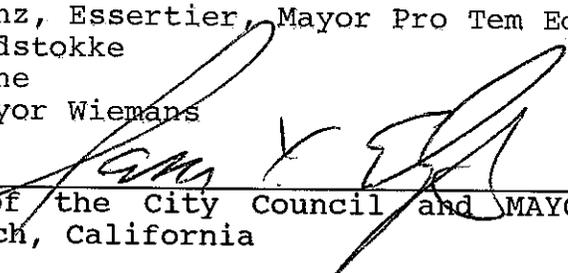
"Setbacks for such fencing shall conform to the provisions of the zoning ordinance for industrial or commercial property but in no case shall be less than five feet from the property line. "

SECTION 4. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED this 27th day of July , 1993, by the following vote:

AYES: Benz, Essertier, Mayor Pro Tem Edgerton
NOES: Midstokke
ABSTAIN: None
ABSENT: Mayor Wiemans



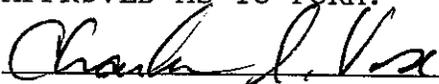
PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

p/pcrtoil 6/1/93

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF HERMOSA BEACH)

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Ordinance No. 93-1093 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 thereof on the 27th day of July, 1993, and was published in the Easy Reader on August 5, 1993.

The vote was as follows:

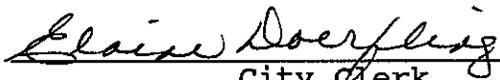
AYES: Benz, Essertier, Mayor Pro Tem Edgerton

NOES: Midstokke

ABSENT: Mayor Wiemans

ABSTAIN: None

DATED: August 5, 1993



City Clerk