

ORDINANCE NO. *****

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REPEALING SECTIONS 9-20.01 THROUGH 9-20.08 OF TITLE 9, CHAPTER 20 OF THE REDONDO BEACH MUNICIPAL CODE REGARDING THE HANDICAPPED ACCESS APPEALS BOARD, AND AMENDING TITLE 2, CHAPTER 9, ARTICLE 4, SECTIONS 2-9.402 AND 2-9.403 REGARDING THE PUBLIC WORKS AND SUSTAINABILITY COMMISSION

WHEREAS, Sections 9-20.01 through 9-20.08 of the Redondo Beach Municipal Code ("Municipal Code") were adopted by Ordinance No. 2624, on July 4, 1991, and established the Handicapped Access Appeals Board ("Board") pursuant to California Health and Safety Code section 19957.5; and,

WHEREAS, Health and Safety Code section 19957.5 states that local agencies may appoint a local appeals board composed of five qualified members to hear written appeals; and,

WHEREAS, Health and Safety Code section 19957 further provides that in cases of practical difficulty, unnecessary hardship, or extreme differences, a building department responsible for the enforcement of this part may grant exceptions from the literal requirements of the standards and specifications required by this part or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured; and,

WHEREAS, the Board has not been staffed for several years due to practical difficulty, and the existing Public Works and Sustainability Commission may be appointed as the local appeals board in accordance with Health and Safety Code section 19957.5; and,

WHEREAS, on May 7, 2024, during its regular meeting, the City Council approved eliminating the Handicapped Access Appeals Board and designating the Public Works and Sustainability Commission as the local appeals board, and directed staff to prepare an ordinance reflecting such action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. REPEAL OF CODE SECTIONS. Sections 9-20.01 through 9-20.08 of Title 9, Chapter 20 of the Redondo Beach Municipal Code are hereby repealed.

SECTION 2. AMENDMENT OF CODE SECTION. Title 2, Chapter 9, Article 4, Section 2-9.402 of the Redondo Beach Municipal Code is amended to read as follows:

"2-9.402. Appointment and terms of members.

- (a) The Commission shall consist of seven members. Unless otherwise authorized by the City Council, one member shall be appointed from each council district and two members shall be appointed at large. Except in cases of practical difficulty, unnecessary hardship, or extreme differences, two members shall be persons experienced in construction, two members shall be physically handicapped persons, and one person shall be a public member. The Chief Building Official shall be an ex officio member of the Commission, but shall not be entitled to vote.
- (b) The members shall serve for a term of four years, commencing on October 1 and ending September 30, or as soon thereafter as his or her successor is appointed and qualified.
- (c) No person shall serve more than two full terms on the Commission. No person shall serve simultaneously on more than one board or commission.

SECTION 3. AMENDMENT OF CODE SECTION. Title 2, Chapter 9, Article 4, Section 2-9.403 of the Redondo Beach Municipal Code is amended to read as follows:

“2-9.403. Powers and duties; Appeals.

- (a) The Commission shall advise the Mayor and City Council in all matters relating to public works, capital improvement programs, solid waste and hazardous waste disposal, public utilities, traffic and transportation as directed by the City Council and in such other matters as may also be directed by the City Council.
- (b) The Commission shall advise the Mayor and City Council on all environmental issues, including evaluating solutions to City problems and overall advancement through an environmental sustainability lens.
- (c) Wherever any powers and duties are assigned to either the Environmental and Public Utilities Commission or the Traffic Commission by any of the provisions of this Code, the elements of the General Plan, or any resolution or directive of the City Council, such powers or duties shall be performed by the Public Works and Sustainability Commission.
- (d) The Commission shall also be responsible for hearing all appeals previously under the purview of the Handicapped Access Appeals Board to completion, which includes hearing written appeals brought by any person regarding action taken by the Building Division of the Community Development Department or the City in the enforcement of the requirements of Health and Safety Code, Part 5.5, including the exceptions contained in section 19957. The Commission may approve or disapprove interpretation of any provision of Part 5.5 of the Health and Safety Code, and enforcement actions taken by the Building Division of the Community Development Department. All such approvals or disapprovals shall be final and

conclusive as to the Community Development Department of the City, in the absence of fraud or abuse of discretion.

- (e) Any interested person may appeal an order of the Chief Building official within 20 days of the mailing of such order by the Chief Building Official. An appeal shall be in writing and must be received on or before the last day of the appeal period. This time limitation is mandatory and jurisdictional.
- (f) Not less than 10 days prior to the date of hearing, the Commission shall cause to be posted notices of the time, date, and place of the hearing at a conspicuous place at the Redondo Beach City Hall, and to be visibly posted at a conspicuous place on not less than two locations on the project which is the subject of the appeal. The Commission may cause to be posted such notices at other locations likely to give notice to interested persons. In addition, the Commission shall give written notice by mail to any person who requests in writing special notice of any or all hearings to be held under this section. However, failure to so notify any person having made a request for notice shall not invalidate the decision or findings of the Commission.
- (g) The Commission shall hold a hearing not less than 14 days, but not more than 21 days from the time of the filing of a written appeal from an action taken by the Building Division of the Community Development Department, and shall render its decision in writing, including its findings, within 14 days of the conclusion of the hearing.”

SECTION 4. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall be published by one insertion in the official newspaper of said city, and same shall go into effect and be in full force and operation from thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2024.

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. O- was introduced at a regular meeting of the City Council held on the ____ day of June, 2024 and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the ____ day of _____, 2024, and there after signed and approved by the Mayor and attested by the City Clerk, and that said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk