

**CITY OF HERMOSA BEACH
ORDINANCE NO. ORD-25-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING HERMOSA BEACH MUNICIPAL CODE: 1) CHAPTER 14.04 GENERAL DEFINITIONS; 2) CHAPTER 17.28 REGARDING M-1 LIGHT MANUFACTURING ZONE; AND 3) CHAPTER 17.42 REGARDING GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONAL USES, PERTAINING TO TEMPORARY USES AND EVENTS (TA25-01), 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 CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council on November 12, 2024, directed staff to update the temporary minor special events as a targeted zoning text amendment;

SECTION 2. The Planning Commission conducted a study session on temporary uses and temporary event regulations, including temporary minor special events on December 16, 2024, and February 2, 2022;

SECTION 3. The Planning Commission held a duly noticed public hearing on February 18, 2025, and recommended the City Council amend Title 17 of the Hermosa Beach Municipal Code (TA25-01);

SECTION 4. The proposed project is exempt under the California Environmental Quality Act (CEQA) and qualifies for an exemption from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations). The activity is covered by the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is no possibility that the proposed change to the zoning code may have a significant effect on the environment, therefore the activity is not subject to CEQA. No special circumstances exist that the proposed change would create a significant adverse effect on the environment (i.e. no

sensitive species or habitats, no hazardous sites, no scenic highways, no historic resources, etc.);

SECTION 5. On April 8, 2025 and May 27, 2025, the City Council held a duly noticed public hearing and finds the proposed amendments are consistent with the City's General Plan; and

SECTION 6. The following alphabetical list of definitions in Section 17.04.040 (General definitions) of Chapter 17.04 (Definitions) of Title 17 (zoning) is amended to include the following definitions:

Coastal Zone. That land and water area, which includes parts of the City of Hermosa, specified on the maps identified and set forth in Section 17 of Chapter 1330 of the Statutes of 1976, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone Boundaries are depicted in General Plan Figure 2.0 Local Setting.

Incidental use. A use is customarily incidental to, related, and clearly subordinate to a principal use established on the same parcel, which does not fundamentally alter the intensity of the principal use and does not allow a use requiring an entitlement unless approved by the decision-making body or uses regulated by separate license or permit process.

Temporary activity. Shall mean both "temporary uses" and "temporary events."

Temporary event. An activity allowed on private property for a limited duration beyond what is permitted in the zone and does not directly conflict with any existing approved entitlement (Conditional Use Permit, Parking Plan, etc). Public assembly and entertainment of a temporary nature for activities such as concerts, festivals, sports, cultural, philanthropic and/or educational events; and other commercial events deemed similar by the decision maker.

Temporary use. Shall mean the use of a property that is not meant to be permanent.

SECTION 7. The "Event, Limited" row in the matrix Titled, "M-1 Zone, Land Use Regulations" of Section 17.28.020 (Permitted Uses) shall hereby amended as:

Use		See Section
Events, limited	P	17.42.150

SECTION 8. The following list of sections of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses) are hereby deleted: Section 17.42.060 (Temporary real estate office) and Section 17.42.070 (Temporary constructions buildings).

SECTION 9. The following section, 17.42.150 (Temporary Minor Special Events) of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses), of the Hermosa Beach Municipal Code is hereby repealed and replaced as follows:

17.42.150 Temporary Uses and Temporary Events. The City recognizes that short-term activities can promote development, businesses, and provide benefits to the community. As activities permitted on a limited basis, an activity may not comply with all development standards in the Zone but is consistent with the general purpose of the zone. Standards are needed to ensure basic public health, safety, and welfare standards are maintained during its temporary operation. Temporary activities established in this section may be allowed on private property, subject to the issuance of an Administrative Permit by the Community Development Director. Conditions may be imposed to minimize impacts and ensure compliance with the required findings set forth in Chapter 17.55. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property.

A. **Temporary Uses.** The following temporary uses may be allowed upon approval of the Administrative Permit issued in accordance with Chapter 17.55 by the Community Development Director and the following:

1. **Construction Yards, Off-Site.** Contractor construction yards, including storing building materials, located off-site from an approved construction project within the city. The permit shall expire upon completion of the construction project or expiration of the building permit, whichever occurs first.
2. **Residence.** A mobile home as a temporary residence of the property owner in conjunction with a valid building permit for a new single-family or multi-family dwelling. In addition, a mobile home may be used as a temporary residence of the property owner when a valid building permit

has been issued for the remodel of a single-family dwelling and the building official has determined that the extent of such remodel would prevent the safe occupancy of the dwelling. The temporary use permit may be approved for up to two (2) years or upon expiration of the building permit, whichever occurs first. The permit may be renewed upon reapplication and subject to the Community Development Director's determination that the applicant has made a good faith effort to complete construction.

3. **Storage Containers.** Storage containers, in conjunction with an approved construction project within the City of Hermosa Beach. The permit shall expire upon completion of the construction project or the expiration of the building permit authorizing the construction project.
4. **Work Trailers.** A trailer or mobile home as a temporary work site for employees of a business may be allowed when a valid building permit within the city has been issued for up to one year, or upon expiration of the building permit, whichever occurs first.
5. **Similar Temporary Uses.** Similar temporary uses that, in the opinion of the Community Development Director, are compatible with the zoning district and surrounding land uses. The use would be limited to the standards of the temporary activity it was most similar to.

B. **Exempt Temporary Uses.** The following temporary uses shall be exempt from the provisions of an Administrative Permit:

1. **Garage Sales.** Garage sales in a residential zone or on residential properties in a commercial zone, subject to Chapter 5.44;
2. **Construction Yards, On-Site.** A contractor's construction yard, located on a site with an approved construction project.
3. **Public Special Events.** Temporary Uses on private property approved by City Council as part of a Special Event on Public Property in accordance with Chapter 12.30;

4. **Food Truck.** Mobile food truck in conjunction with an approved construction project and only during the time when construction workers are working on-site; or

5. **Temporary Real Estate Office.** A real estate sales office with an approved building permit, may be established within a residential development project area to sell homes on-site.

C. **Temporary Events.** The following events may be allowed on private property upon approval of an Administrative Permit by the Community Development Director or designee and as summarized in Table 17-42.150-1 below:

1. **Limited Events, Cypress District (M-1 Zone).** An indoor event permitting the showcasing of art or the goods produced by a business located in the Cypress District Character Area in the M-1 zone. The Cypress District is comprised of properties located on Cypress Avenue, Valley Drive, and 6th Street as established in the General Plan. Limited Events shall be subject to the following:

- a. **Zone.** Only within the Cypress District, Character Area of the General Plan and M-1 Zone.
- b. **Location.** Indoors.
- c. **Frequency.** Events may occur up to seventy-two (72) days in a year, six (6) per month for a maximum of five (5) hours each, but no more than two (2) in a seven (7) day period.
- d. **Restricted Days.** A temporary event may be restricted from operating on any date when the Chief of Police or designee determines the accumulation of activities in the city may exceed its capacity to protect public safety adequately. Events are prohibited on the following days: St. Patrick's Day, Cinco De Mayo, Memorial Day weekend, Labor Day weekend, Fourth of July, or New Year's Eve.
- e. **Permit Duration.** A limited event permit is effective for two (2) years.
- f. **Hours.** Within the hours of 8:00 a.m. and 10:00 p.m.
- g. **Entertainment.** Amplified entertainment is limited to 8:00 a.m. to 10:00 p.m. for not more than five (5) hours in any day. Noise levels shall not exceed eighty (80) dBA at the property line. At no time may noise levels constitute a nuisance or violate the noise control ordinance in Chapter 8.24.

- h. **Maximum Occupancy.** The number of attendees shall not exceed the maximum occupancy load of the business' interior at any time. The business must post a sign stating the maximum occupancy and monitor the number.
 - i. **Alcohol.** The service and consumption of alcoholic beverages shall obtain and display the appropriate Department of Alcoholic Beverage Control approval.
 - j. **Retail.** Accessory retail is limited to products related to primary business use during limited event periods. Limited events may not be appropriate for distribution businesses or contractor uses, for example.
 - k. **Limitations.** If the subject property is governed by a conditional use permit or parking plan, the administrative permit shall not be approved unless the proposed use is timed and designed so it does not conflict with the purpose and requirements of the conditional use permit or parking plan.
2. **Temporary Minor Special Events.** A temporary minor special event for the use of a premise for an activity that exceeds the scope of the business licensed and approved for such premises. Special events may be indoors or outdoors and include entertainment and assembly events, flea markets, rummage sales, fairs, festivals, and car shows. Special events shall be subject to the following:
- a. **Uses.**
 - i. Uses permitted by right in the zone, and uses requiring an entitlement such as a CUP to operate in the Zone.
 - ii. Uses prohibited include those uses prohibited by a discretionary approval, Title 17, adult uses.
 - iii. Uses determined by the Community Development Director to be incompatible with the surrounding area due to safety, health or welfare concerns that cannot be mitigated.
 - b. **Zone.** Temporary Minor Special Events are allowed within 1) the C-1, C-2, and C-3 zones; 2) the M-1 zone; 3) SPA zones that allow non-residential uses; and 4) in Residential zones on property developed with legal nonconforming-nonresidential uses.

The use is additionally allowed without an administrative permit in OS zones accessory use to Hermosa Beach City School District facilities compliant with the regulations in this section, provided the use is approved by the Hermosa Beach City School District.

- c. **Location.** All elements of the use shall be contained on private property.

Zones	Location
C-1, C-2, C-3, SPA zones that allow non-residential uses, and R zones developed with a non-residential use	Indoor, outdoors, or combination of the two
M-1	Events shall be conducted indoors and outdoors. The indoor portion of the event shall not be less than 50% of the outdoor event area.

- d. **Frequency.** Events may occur up to seventy-two (72) days in any twelve-month period, with a maximum of twenty-four (24). Events shall last no more than three (3) consecutive days, with no more than two events a month and a minimum of five (5) days between events.
- e. **Restricted Days.** A temporary event may be restricted from operating on any date when the Chief of Police or designee determines the accumulation of activities in the city may exceed its capacity to protect public safety adequately. Events are prohibited on the on the following days: St. Patrick’s Day, Cinco De Mayo, Memorial Day weekend, Labor Day weekend, Fourth of July, or New Year’s Eve.
- f. **Permit Duration.** An administrative permit for a temporary minor special event shall not exceed twelve (12) months from the first approved event.

- g. **Hours.**

Zones	Hours
C-2, C-3, SPA zones that allow non-residential uses	8:00 a.m. to 10:00 p.m.*

C-1, M-1, and R zones developed with a non-residential use	8:00 a.m. to 10:00 p.m.*
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h. **Management.**

- i. The event may only be issued to the property owner, business owner, or business licensee holder, and the permit holder shall be present on the property for the duration of the use including set up and breakdown.
- ii. The Permittee shall have control over attendance. Advertising and media to attract people to the event shall be moderated to reduce potential for impacts. Adequate security should be provided.

i. **Entertainment.** Amplified entertainment is limited to 10:00 a.m. to 9:00 p.m. for not more than four (4) hours in any day. Noise levels shall not exceed eighty (80) dBA at the property line. At no time may noise levels constitute a nuisance or violate the noise control ordinance in Chapter 8.24.

j. **Sanitary Facilities.** For events longer than one (1) hour in duration or where food is provided, restroom access for both employees and customers shall be provided. Portable restroom facilities may be permitted in combination with hand washing stations.

k. **Lighting.** Any lighting shall be shielded, downcast and directed onto the subject property. No strobe light or beacons are permitted.

l. **Maximum Occupancy.** The occupancy of any structures or spaces, whether indoor or outdoor, shall be consistent with building and fire codes and safety protocols as determined by the Community Development Director or designee.

m. **Alcohol.** The sale, service, or consumption of alcoholic beverages shall obtain and display the appropriate Department of Alcoholic Beverage Control approval. Outdoor activities involving alcoholic beverages shall be located at least three hundred (300) feet from any public-school property between 7:00 a.m. and 6:00 p.m. on school days unless the Hermosa Beach City School District has been consulted and any concerns are mitigated to the city's satisfaction.

- n. **Food Trucks.** May only operate in conjunction with a temporary minor special event, unless exempt under Section 17.42.150.B.4.
- o. **Signs.** A temporary sign shall be allowed with a temporary special event in accordance with Section 17.50.210.
- p. **Additional Permits.**
 - i. Special events may be subject to additional permits and other city or agency approvals, licenses, and inspections required by applicable laws and regulations.
 - ii. A Temporary Use Permit may not conflict with the governing entitlement (CUP, Parking Plan, etc.).
- q. **Parking.**
 - i. All existing accessible parking must be maintained on-site in Americans with Disabilities Act;
 - ii. In parking lots with fourteen (14) or fewer spaces, no additional parking shall be required, provided that alternative modes of transit (such as biking, walking, ride-share, etc.) are prominently promoted as part of any event advertising.
 - iii. In a parking lot with fifteen (15) or more parking spaces, where more than five spaces would be displaced, the applicant must offset any displaced parking greater than five spaces by implementing a temporary parking demand management plan. This plan is subject to the review and approval of the Community Development Director. The plan may include temporary non-public off-site parking (with the property owner's authorization), valet parking, shared parking, bicycle parking, ride-sharing options, and shuttle services; and
 - iv. IV. Based on the characteristics and type of event, the Community Development Director may require additional parking to address the anticipated demand generated from an event in any size parking lot.
- r. **Removal.** The site shall be restored within two (2) business days of the event.

- s. **Exceptions.** Any deviation from these standards and limitations of this section shall require approval of a Conditional Use Permit in compliance with Chapter 17.40.
- t. **Conditions.**
 - i. The use may be subject to conditions to mitigate impacts on the surrounding area and ensure adequate provision of services, relating to the number of people, traffic, line of sight, type, and volume of amplified music or entertainment, day of week and hours, sanitation, environment, concentration of activity and events during the same time period, availability of city services to protect the health, safety, and welfare of the public and property, compliance with other provisions of law, and other similar considerations.
 - ii. The Temporary Minor Special Event shall comply with the limitations of the conditions of approval for any approved entitlement.
- u. **Modification.**
 - i. If, due to inclement weather or other similar, unforeseen circumstances, it is necessary to change the approved event date(s), the Community Development Director may, after review, approve alternative date(s) subject to the timely filing of the request. The applicant must pay a reasonable administrative fee for an amendment in accordance with the adopted fee schedule.
 - ii. If an applicant elects to add dates to a previously approved permit within the maximum total allowed, the Community Development Director may approve alternative date(s) subject to the timely filing of the request. The applicant must pay a reasonable administrative fee for an amendment in accordance with the adopted fee schedule.
 - iii. If substantial changes to the event location and programming approved as part of the original permit

are requested, the applicant must pay the permit application fee.

v. **Revocation.**

- i. An administrative permit may be revoked or modified with only a twenty-four hour (24) notice to the holder of the administrative permit: provided, however, that an administrative permit may be immediately revoked and the event ordered concluded at any time during the course of the event by the highest ranking police officer on duty at the time upon their determination that the event is violating state law or is violating one (1) or more conditions of approval, or determination that the event has become a threat to public safety.
- ii. If the administrative permit has been revoked or documented problems have occurred or not abated, the Community Development Director may deny a future application for a similar event on the same property for a one (1) year period.

3. **Outdoor Sales Events.** Temporary outdoor sale of merchandise related to an existing licensed business on-site with temporary outdoor sale of merchandise:

- a. **Location.** Located in a non-residential zone on a lot developed with non-residential use.
- b. **Frequency.** A maximum of four (4) times in a twelve-month period for up to four (4) days per event.
- c. **Hours.** 9:00 a.m. to 8:00 p.m.
- d. **Removal.** The site shall be restored within one (1) business day.
- e. **Conditions.** Conditions may be imposed to minimize impacts and ensure compliance with the required findings set forth in Chapter 17.55.

4. **Seasonal Sales Lots.** Seasonal sales activities, for example, pumpkin patches and tree lots, including temporary security trailers, on nonresidential properties, in compliance with the following:

- a. **Location.** In a non-residential zone on a lot developed with nonresidential use.
- b. **Frequency.** A maximum of one (1) annually, for a maximum of 45 days each.

- c. **Hours.** 9:00 a.m. to 8:00 p.m.
 - d. **Parking/Loading Spaces.** Parking shall be provided to the satisfaction of the Community Development Director.
 - e. **Temporary Fencing.** Temporary fencing in accordance Section 17.46.130.
 - f. **Removal.** The site shall be restored within seven (7) days following event.
 - g. **Conditions.** Conditions may be imposed to minimize impacts and ensure compliance with the required findings set forth in Chapter 17.55.
5. **Similar Temporary.** Similar temporary events that, in the opinion of the director, are compatible with the zoning district and surrounding land uses. The use would be limited to the number of occurrences and standards of the temporary activity it was most similar to.
- D. **Exempt Temporary Events.** The following temporary activities shall be exempt from the provisions of an Administrative Permit:
- 1. **Public School.** Temporary Minor Special Events located within the Hermosa Beach City School District facilities are compliant with the regulations in Section 17.42.150, provided the use is approved by the Hermosa Beach City School District; or
 - 2. **Special Events on Public Property.** Temporary Events on private property approved by City Council as part of a Special Event on Public Property in accordance with Chapter 12.30.
 - 3. **Incidental Use.** Incidental uses that are customary to the primary use, such as parlor games, book signings, poetry readings, or other similar uses that are held within the building and operated as part of the licensed business on-site. Incidental uses must comply with all HBMC standards and any condition of an applicable entitlement. Incidental uses do not include uses requiring an entitlement or regulated by a separate licensing or permit process.

SECTION 10. The following list of sections of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses) are hereby repealed: Section 17.160 (Temporary seasonal sales lots.) and Section 17.42.200 (Events, Limited).

Table 17.42-050-1 – Temporary Event Table

Temporary Event Type		Maximum Days Per Event	Maximum Per Year
Limited Events		6 per month for a maximum of 5 hours each, but no more than 2 in a 7-day period	72 days
Temporary Minor Special Event	Indoors, Outdoors, or combination of both	3 days	72 days for a maximum of 24 events, with no more than 2 events per month, with a minimum of 5 days between events
Outdoor sales events		4 days	4 events
Seasonal sales lots		45 days	1 event

SECTION 11. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof is declared invalid or unconstitutional.

SECTION 12. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 13. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original

ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, and ADOPTED on this 27th day of May, 2025.

Mayor Rob Saemann

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Todd Leishman
City Attorney