



Honorable Mayor and Members of the Hermosa Beach City Council

INTRODUCE AN ORDINANCE AMENDING SECTION 2.52.040 OF THE HERMOSA BEACH MUNICIPAL CODE RELATING TO REVIEW OF PLANNING COMMISSION ACTIONS

CEQA: Determine that the project is exempt from the California Environmental Quality Act per Section 15061(b)(3) of the CEQA Guidelines
(Community Development Director Alison Becker)

Recommended Action:

Staff recommends City Council:

1. Conduct a public hearing to consider amending Section 2.52.040 of the Hermosa Beach Municipal Code related to the review of Planning Commission actions; and
2. Introduce by title only and waive first reading of an ordinance titled “An Ordinance of the City Council of the City of Hermosa Beach, California, Amending Section 2.52.040 of the Hermosa Beach Municipal Code related to review of Planning Commission actions; and finding the action to be exempt from CEQA” **(Attachment 1)**.

Executive Summary:

Hermosa Beach Municipal Code, Title 2, includes processes and procedures related to the review of Planning Commission action by City Council. The Zoning Code, Title 17, identifies Conditional Use Permits as entitlements which are not final until received for consideration by the City Council at its succeeding meeting. The private party appeal process does not start until after the Planning Commission’s actions are reported at a City Council meeting and it is determined whether or not Council wants to review the Commission’s decision. This linear process causes significant variability in the vesting timeframe of the entitlement. Staff recommends modernizing the procedures to facilitate concurrent processes.

Background:

The City Council last updated Hermosa Beach Municipal Code § 2.52.040 related to procedures for City Council initiated reviews of Planning Commission actions in 1995. The code amendments were prompted by a court case (*Cohan v. City of Thousand Oaks*) and procedures were updated to prevent due process violations of applicants’ rights.

Past Council Action

Meeting Date	Description
November 28, 1995	City Council adopted Ordinance 95-1145, updating the provisions for the review of Planning Commission Actions

Discussion:

Currently, the City Council's review of Planning Commission actions related to Conditional Use Permits and the start of the public appeal period is a sequential process. The ten-day public appeal period begins only after the Planning Commission's actions are reported to the City Council; in practice, this consists of a report of the Planning Commission meeting minutes agendaized under the consent portion of the agenda. At the City Council meeting, a decision of the Planning Commission with a vote from at least two Council members (**Attachment 2**) can then be referred to the City Council at a future hearing.

Under the existing procedures, applicants typically wait a minimum of three weeks for the review and appeal process to expire. However, the timeframe can be extended up to six to eight weeks, particularly if there are five weeks in a month, holidays, or a combination of both. Applicants find this variability at the start of the appeal process to be frustrating, as it adds to the overall development timeline.

Staff research confirmed that call up provisions are common and are typically structured to run concurrently with the public appeal process. For example, the City of Manhattan Beach and the City of Irvine both maintain provisions in the code for the City Council to call up Planning Commission actions for review, and that they run concurrently with the public appeal process.

Recommended Process

Staff recommends that the City Council's review process of Planning Commission actions related to Conditional Use Permits be amended to run concurrently with the public appeal process, reducing the variability in the timeframe of the conclusion of the appeal process. To facilitate this concurrent process, the report on Planning Commission actions would no longer be presented at a City Council meeting; instead, action minutes of the Planning Commission's meeting would be posted within 24 hours of the meeting and a courtesy notice would be sent to Councilmembers by email from City Staff. The existing process is based on older technology and software, which precluded outcomes from being quickly transmitted. With the implementation of Escribe agenda software, the meeting minutes can now be reported more quickly. Staff research indicates that this Council noticing practice is being used in other jurisdictions, including the City of Manhattan Beach.

As proposed, the call up of a Planning Commission decision would be initiated by filing a request on a form prepared by the City Clerk (**Attachment 3**). Planning Commission actions related to Conditional Use Permits receiving a request from two council members for a single action would then be scheduled for a future hearing.

Currently, appeals of Planning Commission decisions must be filed within ten days of the decision. The Planning Commission presently conducts its regular meeting on the third Tuesday of each month. The tenth day of the appeal falls on a Friday, which is a regular day off. As a result, the appeal period is extended through the end of the next business day, which is usually a Monday (the thirteenth day following the Planning Commission meeting). Staff recommend revising the appeal period from ten to fifteen days to minimize confusion about the last day of the appeal period.

Next Steps

If the proposed amendments to Title 2 are adopted, staff will then prepare a Zone Text Amendment to update the Zoning Ordinance, ensuring consistency throughout the Hermosa Beach Municipal Code. The draft ordinance would (**Attachment 1**) would return to City Council for second reading at their October 28, 2025 meeting.

Environmental Determination:

Pursuant to the California Environmental Quality Act Guidelines Section 15061(b)(3), it can be seen with certainty that there is no possibility that the activity contemplated by this ordinance may have a significant effect on the environment.

Fiscal Impact:

There is no fiscal impact associated with the recommended actions.

Public Notification:

A legal ad noticing the October 14, 2025 hearing was published on September 18, 2025 in the Easy Reader, a newspaper of general circulation and posted on the City's website.

Attachments:

1. Draft Ordinance (Redlined)
2. HBMC Chapter 2.52 Review of Administrative Decision
3. City Council Review Form

Respectfully Submitted by: Alexis Oropeza, Planning Manager

Concur: Alison Becker, AICP, Community Development Director

Concur: Myra Maravilla, City Clerk

Noted for Fiscal Impact: Brandon Walker, Administrative Services Director

Legal Review: Jason Baltimore, Interim City Attorney

Approved: Steve Napolitano, Interim City Manager