



Honorable Mayor and Members of the Hermosa Beach City Council

ADOPT AN ORDINANCE TO AMEND 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 recommend the City Council:

1. Determine that the project is exempt from the California Environmental Quality Act per Section 15061(b)(3) of the CEQA guidelines;
2. Adopt by title only and waive second 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 the review of Planning Commission actions; and determining the ordinance is exempt from CEQA (Attachment 1); and
3. Direct the City Clerk to print and publish the summary ordinances in a newspaper of general circulation within 15 days following adoption and post it on the City’s bulletin for 30 days.

Executive Summary:

At its meeting on October 14, 2025, City Council conducted a public hearing and introduced and waived first reading of an ordinance amending Hermosa Beach Municipal Code, Section 2.52.040, related to the review of Planning Commission actions. This ordinance will modernize the procedures to facilitate concurrent council review and public appeal 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 for a hearing at a future date.

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 recommend 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.

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. Staff will prepare a Zone Text Amendment to update the Zoning Ordinance, ensuring consistency throughout the Hermosa Beach Municipal Code.

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