

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING SECTION 2.52.040 OF THE HERMOSA BEACH MUNICIPAL CODE RELATING TO REVIEW OF PLANNING COMMISSION ACTIONS; AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

RECITALS

WHEREAS, the Hermosa Beach City Council created the Planning Commission, whose duties are defined and governed in Chapter 2.32 of the Hermosa Beach Municipal Code (“HBMC”), to review and take action on certain matters in the City related to zoning and land use under applicable state and local laws; and

WHEREAS, pursuant to HBMC Chapter 2.52, the City Council may review decisions of the Planning Commission. The City Council may call up and review decisions by an affirmative vote of two members taken at its next regularly scheduled meeting following the commission’s action. Review shall be scheduled at a City Council meeting within a reasonable time from the date the City Council elects to initiate review; and

WHEREAS, because the City Council must elect to review a Planning Commission decision at its next regular meeting, appeal periods for Planning Commission actions depend on the City Council’s schedule. This can result in different appeal periods for similar actions and uncertainty for project applicants; and

WHEREAS, in order to streamline the City Council’s review of Planning Commission actions, the City Council desires to amend the Municipal Code to provide clarity and certainty in the procedures for City Council review of Planning Commission actions.

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals above are true and correct, and are hereby incorporated herein by this reference.

SECTION 2. Amendment. Section 2.52.040 of Chapter 2.52, “Review of Administrative Decisions,” of Title 2, “Administration and Personnel,” of the Hermosa Beach Municipal Code is hereby amended to read in its entirety as follows, with deletions shown in ~~striketrough~~ and additions shown in ***bold italics***:

“2.52.040 City council review of decisions of the planning commission.

A. The city council may on its own initiative ***call up for*** review all actions of the planning commission.

- B. *The city council will conduct a hearing on the planning commission action if two councilmembers file a city council review form with the city clerk on or before the 15th day following the decision. For all review requests, it shall be assumed that the reason for the request is that the subject matter of the decision may have City-wide importance warranting review and determination by City's elected officials. Bias shall not be presumed or inferred due to a request for review. In the event the city council initiates such review, the planning commission's decision will be stayed until the city council completes its proceedings in accordance with the provisions of this section.***

~~All planning commission actions, accompanied by the record of the proceedings before the commission shall be placed as a report item on the city council's agenda at its regular meeting next following the commission's action. The council may, at its next regularly scheduled meeting following the commission's action, by an affirmative vote of two members, initiate review of the action. In the event the council initiates such review, the commission's decision will be stayed until the council completes its proceedings in accordance with the provisions of this section.~~

- C. *The city clerk shall develop and provide the written form and method by which councilmember(s) shall submit a request to call up a planning commission action for review.***

~~At the time the council votes to initiate review, the applicant shall be informed of the aspects of the application and/or the commission's decision which the applicant should be prepared to address at the review hearing.~~

- D. *Upon timely receipt of two city council review forms for the same planning commission action, the city clerk shall notify the project applicant of the city council's decision to review the action.*** ~~The city clerk shall schedule the review at a meeting within a reasonable time from the date the City Council elects to initiate review.~~

- E.** ~~The city clerk shall schedule the review at a meeting within a reasonable time from the date the City Council elects to initiate review.~~

- F.** ~~The City Council's review shall be noticed in the same manner as the matter was noticed before the Planning Commission.~~

- G.** ~~The Council shall review the matter de novo and may uphold, reverse or otherwise modify the Commission's action, or remand the matter with direction back to the Commission for further review.~~

- H.** ~~The decision of the council, supported by findings, shall be set forth in full in a resolution. A copy of the decision shall be sent to the *project* applicant. The action of the council shall be final and conclusive."~~

SECTION 3. Severability. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 4. California Environmental Quality Act (“CEQA”). The City Council finds that this Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Chapter 3 to Title 14 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Effective Date. This Ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

SECTION 6. 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 ___th day of October, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

Jason Baltimore
Interim City Attorney