

NOTE TO READER

This is an annotated and redline draft of the Zone Text Amendment pertaining to Temporary Uses and Temporary Regulations considered by the Planning Commission and recommended for City Council approval with amendments on February 18, 2025.

- Text boxes on the right side of the page highlight notable changes from the current regulations or Planning Commission's discussion to aid the reader's review.
- Planning Commission's last recommended text changes are indicated by underlining text, and text to be deleted is shown with strikethrough.

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.

For user convenience, temporary uses and events are consolidated into a single section.

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 of building materials, located off-site from the 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 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) ~~one (1)~~ years or upon expiration of the building permit, whichever

In recognition of the average construction timeline, the permit duration has been extended, with renewals at the Director's discretion

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 activities 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; ~~or~~

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 temporary real estate sales office, with an approved building permit, may be established within a residential development project area to sell homes on-site.

Allows temporary real estate office in a development with an approved building permit and no longer requires a separate application.

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 17-150-1 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.

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- c. **Frequency.** Three (3) per month for a maximum of ~~three (3)~~ 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. ~~This includes but is not limited to 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.
- 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. ~~During normal business hours, but not earlier than 10:00 a.m. or at least not later than 9:00 p.m.~~
- g. **Entertainment.** ~~No music or speaking shall be amplified at any time and event noise cannot be audible at the property line.~~ 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.** ~~No alcohol service or consumption during limited events. If alcohol is proposed, a temporary minor special events permit is required per Section 17.42.050.D.~~ The sale, service, or 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.
~~**Parking.** A parking management plan, including any shared parking details and approvals, must be provided and approved for the permit. Carpooling should be encouraged.~~
- 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.

Due to impacts on public safety resources during certain celebrations and holidays a standing restriction for temporary uses is included in the proposed draft.

Planning Commission found amplified sound within the building and in accordance with the noise ordinance was appropriate in the M-1

Planning Commission found it would be appropriate to allow alcohol sales and consumption when offered with an ABC license.

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. Use.

- 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 as an 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. Event may be indoors, outdoors, or a combination of both settings. All elements of the use shall be contained on private property.

d. Frequency. . Events may occur up to thirty-six (36) ~~eighteen (18)~~ days in any twelve-month period, with a maximum of eighteen events. 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. This includes but is not limited to 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.

Due to impacts on public safety resources during certain celebrations and holidays a standing restriction for temporary events is included in the proposed draft.

f. Permit Duration. An administrative permit for a temporary minor special event shall not exceed 12 months from the first approved event.

Language updated to specify that the permit may be issued on a rolling basis over a 12-month calendar from date of first approved event.

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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 :00 a.m. to 10:00 :00 p.m.*

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 strobes or moving lights 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.

Standards added to allow for temporary restroom facility

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.XX(B).

- o. Signs.** A temporary sign shall be allowed with a temporary special event in accordance with Section 17.50.210.

Temporary signs may be allowed with an administrative permit without needing a separate permit or fee.

- 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 accordance with the Americans with Disabilities Act;
- ii. In parking lots with five (5) 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 six (6) 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. 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 sized parking lot.

Temporary parking relief is provided based on size of parking lot and the likely intensity of the use.

A parking management plan is required to offset displaced parking for events utilizing more than 5 parking spaces on site.

Accessible parking must be provided in accordance with the American with Disabilities Act in all cases.

- 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 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.

Standards added to clarify that date changes may be accommodated for inclement weather or additional dates for similar events.

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

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4. **Seasonal Sales Lots.** Seasonal sales activities, for example, pumpkin patches and tree lots, including temporary security trailers, on non-residential 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 four (4) 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.

B. Exemptions Temporary Events. The following temporary activities shall be exempt from the provisions of a Temporary Event 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.XX, 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 party 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 approved entitlement. Incidental uses do not include uses requiring an entitlement or regulated by a separate licensing or permit process.

Table 17.42-050.1 – Temporary Event Table

Temporary Event Type	Maximum Days Per Event	Maximum Number of Days Per Year
Limited Events	3 per month for a maximum of 53 hours each, but no more than 2 in a 7-day period	36 days

Table 17.42-050.1 – Temporary Event Table

Temporary Event Type		Maximum Days Per Event	Maximum Number of Days Per Year
Temporary Minor Special event	Indoors, Outdoors, or combination of both	3 consecutive days	<u>3618</u> days <u>for a maximum of 18 events</u> , with a maximum of 2 events per month, with a minimum of 5 days between events
Outdoor sales events		4 days	4
Seasonal sales lots		45 days	4

17.04.040 General 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.

“Temporary activity.” shall mean either or both “temporary uses” and “temporary events.”

“Temporary event.” shall mean 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, ~~street fairs~~, 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.

“Incidental Use.” A use ~~is~~ customarily related, and clearly subordinate to a principal use ~~established~~ on the same parcel, ~~which~~ does not fundamentally alter ~~the~~its intensity of the

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principal use. ~~It 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 without prior approval by the decision-maker or permit issuer.