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**Sent:** Friday, April 29, 2022 12:51 PM  
**To:** DG\_PlanningCommission <DG\_PlanningCommission@hermosabeach.gov>  
**Cc:** Planning <Planning@hermosabeach.gov>; Christy Teague <cteague@hermosabeach.gov>; Ron Sharkeez <ron@sharkeez.net>; Greg Sharkeez <gregn@sharkeez.net>  
**Subject:** Zoning Code Letter From Ron Newman

Hello Planning Commissioners & Staff!  
Please see the attached letter regarding the zoning code updates from Ron Newman.  
Thank you.

**Leigh Lupinacci**  
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Dear Planning Commissioners & Staff,

Thank you for working hard on a challenging topic that is integral to ensuring our community continues to thrive.

I reviewed your April 6 meeting in regard to the Comprehensive Zoning Code Update: Land Use Regulations. This is an important topic and an opportunity for the commission to drive sensible change that will benefit the city for years to come.

I wanted to share a few thoughts (some of which I heard echoed by residents as well):

**Live entertainment and the minor use permit.**

Based on past council meetings, this is a topic near and dear to most Hermosans.

A few years ago, code enforcement shut down events like acoustic music, trivia nights and comedy events because small businesses did not have an entertainment license in their CUP. There was outrage from residents who called in and wrote emails questioning the draconian approach. The rules had not been enforced in that manner for decades before that period. In response, the city has made solid efforts to be more flexible and it is appreciated. Unfortunately, the new rule, as drafted, would be a step backwards.

Walk anywhere in town and you will find that even with doors and windows closed, the din of patrons laughing, talking, and eating inside can be heard past the business property line. This is even without live entertainment present. The current draft of the proposal indicates that if you will comply with live entertainment not being heard past the business property line, you can have live entertainment automatically. If you don't comply with that, you must apply for a minor use permit. However, since nearly any sound can be heard past the property line, the first part is meaningless and would create a great deal of confusion for businesses and code enforcement.

I recommend adopting an approach consistent with the current entertainment licenses, allowing all restaurants to have live entertainment that cannot be heard 90 feet past the property line. The community has embraced the loosening of restrictions on live entertainment and this approach would encourage responsible live entertainment in the commercial areas of the community.

### **The 50/50 rule.**

This is a great opportunity to bring our codes into alignment with the modern economy. As someone with a long history in the industry, I remember when a burger was less than \$10 and a beer was \$3. For better or worse, those times have changed!

Today, it is more typical to have a single drink that is near the cost of an entrée. A couple having dinner and enjoying two cocktails each or a bottle of wine, quickly blows out the 50/50 rule. This is further complicated by how, even in high end restaurants, many patrons drop in for a drink at the bar but may have dinner at their next stop or when they get home. Even the ABC has moved away from this antiquated rule. I encourage you to invest the time to craft a rule that works today.

### **Outdoor dining and walkable pathways.**

Again, the city's goal of flexibility is appreciated.

Loreto Plaza was an area that was under utilized and often attracted less savory behaviors because of its "hidden" nature. The pandemic was a trial but, as we all seem to agree, it brought us a wonderful bonus with the expansion of outdoor dining!

Tower 12 was permitted to use Loreto Plaza and early on developed one of the more attractive outdoor dining experiences on Pier Plaza. In doing so, we have always maintained ample pedestrian pathways while bringing vibrancy to a previously under-utilized space. We would hate to lose this for ourselves and for the community. I hope as you develop these regulations you keep in mind our unique situation on Loreto Plaza.

Sincerely,

Ron Newman