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# HERMOSA BEACH

## ZONING AND SUBDIVISION ORDINANCE ASSESSMENT REPORT

CITY OF HERMOSA BEACH  
May 2020



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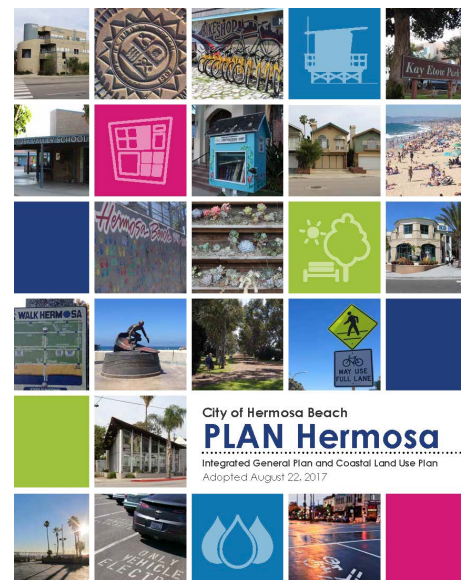
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# 1 INTRODUCTION

On August 22, 2017, the Hermosa Beach City Council unanimously adopted its first general plan update since 1979, PLAN Hermosa. PLAN Hermosa is the culmination of a multi-year community-wide effort to reflect on the community and its future. It incorporates many ideas from residents, City officials and staff, and others involved in the planning process and articulates a shared vision.

*"Hermosa Beach is the small town others aspire to be; a place where our beach culture, strong sense of community, and commitment to sustainability intersect."*

Organized around a framework for sustainability, each section of the Plan addresses different aspects of the community and identifies goals and policies to guide residents, decision-makers, businesses, and City staff toward achieving the vision. The challenge now is to translate the policies related to zoning and subdivision controls into a user-friendly, legally adequate, and effective set of regulations and procedures that steer development to the most suitable places and helps the community achieve their long-term vision as a community that values small beach town character, vibrant economy and healthy environment and lifestyles.



Zoning and subdivision regulations are one of the primary tools a city has for implementation of its general plan. Zoning and subdivision regulations translate the policies of a general plan into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving PLAN Hermosa's vision for neighborhood preservation and enhancement, economic development, coastal resource protection, environmental sustainability, and community health.

## The Project

The Zoning and Subdivision Ordinance Assessment is the first phase of a two-phase effort to comprehensively update the City's zoning and subdivision regulations and repurpose them as a more effective tool to provide the kind of development that Hermosa Beach wants, consistent with the PLAN Hermosa. The objective is to produce a user-friendly set of regulations that provide clear direction about the City's expectations and to facilitate development of quality projects by

making standards clear and effective, streamlining review processes, and incorporating flexibility to adapt to specific circumstances.

The ultimate objective for the Assessment is to set clear direction for a comprehensive Zoning and Subdivision Ordinance update. A thorough and accurate assessment will set the foundation for an updated Zoning and Subdivision Ordinance that not only complies with state law, but also:

- Is consistent with and implements PLAN Hermosa;
- Respects the City fabric and groundwork that has occurred overtime and reflects current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Retains the character and scale of the community's neighborhoods, districts, and corridors;
- Adds to the economic vitality and promotes adaptive reuse and reinvestment of properties;
- Addresses previously created nonconforming conditions and brings them into compliance to the extent appropriate and feasible;
- Complies with State and federal requirements and current case law; and
- Is clear, concise, understandable, and easy to use.

## This Paper

As the first step, City staff and the consultant team have been evaluating the current Zoning and Subdivision Ordinances to identify issues that need to be addressed and changes that should be considered as part of the update.

This paper summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current ordinances could be improved. It is intended to distill key choices and present "big ideas" for the update, which will be further developed and refined as that effort progresses.

The assessment undertaken by the consultant team addressed both the zoning and the subdivision ordinances. However, the dividing and merging of land within the City is largely controlled by the State Subdivision Map Act and the principal assessment finding regarding the City's subdivision regulations is to update the ordinance for clarity and consistency with State law. As such, much of the discussion in this paper relates to recommendations for Zoning Ordinance provisions, for which the City has broader discretion.

The paper is organized by seven topical areas:

- **Usability;**
- **Zones;**
- **Development Standards;**
- **Use Regulation;**
- **Parking Requirements;**
- **Development Review and Approval; and**
- **Compliance with State and Federal Law**

Included as an appendix is a summary of comments received during interviews with ordinance users.

## **Next Steps**

This paper will be the basis for a study session with the Planning Commission. Comments from the study session and further work with City staff will guide preparation of an Annotated Outline representing a recommended approach to the overall organizational structure of the updated Zoning and Subdivision Ordinances and a work plan for conducting the update.

## 2 WHAT IS ZONING?

While the General Plan and, in the Coastal Zone, the Local Coastal Plan, sets forth a wide-ranging and long-term vision for the City, zoning and subdivision regulations specify how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

Zoning regulations deal with two basic concerns:

- How to minimize the adverse effects that buildings or using one property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

### What Zoning Can Do

Zoning is used to implement the community goals expressed in a general plan and other land use plan documents. Zoning can do the following:

- **Use Regulations.** Zoning specifies what uses are permitted or conditionally permitted, what uses are required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.
- **Development and Design Standards.** Zoning reflects the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront and architectural character, location of parking and driveways, “buffering” of uses, and open space needs.
- **Performance Standards.** Zoning often includes standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, dust, vibration, and stormwater runoff.
- **Predictability.** The use regulations and development standards established in zoning provide neighbors with assurance of what land uses are permitted and to what scale they may be developed. Property owners benefit from knowing exactly what can be done. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

## What Zoning Cannot Do

There are things that zoning cannot do, since zoning is limited in some respects by State law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- **Dictate Architectural Design.** Although zoning can improve the overall physical character of the community, it can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are addressed in design guidelines.
- **Regulate Free Market.** Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- **Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. As such, zoning is not the appropriate means for planning analysis or detailed study. Zoning takes direction from the General Plan/Local Coastal Plan and other established land use plans.

## The Basic Dilemma: Flexibility vs. Certainty

As Hermosa Beach considers how best to improve its zoning and subdivision regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement PLAN Hermosa. The dichotomy between these concepts creates tension, not only for City officials and staff who use the regulations on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or operate a business in the City. Everyone wants to know what are the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed.

For others, flexibility is important: the site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements and generic architectural details may be appropriate. Perspectives of code users help inform the discussion about this issue.

## Users' Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than design professionals,

and City staff perspectives are not always the same as those of residents or City officials. At the risk of over-simplification, we offer the following set of expectations for different ordinance users as a starting point for thinking about regulatory options for an update of the zoning and subdivision regulations.

## Applicants

Individuals applying to the City for a zoning approval through a permit or land use review generally want to know:

- What are the rules that the City follows for development review? These include use regulations, design guidelines and standards, development standards, review procedures, and criteria for decision-making.
- What is the timeframe for decision-making, and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, refine an architectural design, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- What relief can they request if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or their building? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances are illegal and the only way to accommodate different uses would be through a zoning code or map amendment) from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g. setbacks or fence height limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the City have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

## Design Professionals

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the ordinance allows for site planning and architectural design. If the City wants to mandate certain design solutions, as opposed to "encouraging" a type of design, the ordinance should say so to avoid misunderstandings during the development review process.

An example of a mandated design solution is a requirement for windows or display spaces and a prohibition of blank walls on retail frontages. In this context, design professionals also want to know whether the mandate is a guideline or a development regulation. If it's a regulation and the proposed building design doesn't benefit from adding windows, it will be necessary to request a specific form of administrative relief, which could be a variance or a design modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a design guideline, it may be possible to propose an alternative design solution that meets the guideline's objective without applying for a variance or use permit to waive design standards if the ordinance provides for alternative ways to comply with a guideline.

The flexibility that a design professional typically seeks includes:

- Relief from overly prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, location of parking, and architectural design standards (e.g. colors, finishes, porch dimensions, roof pitches, etc.);
- Relief from provisions that constrain energy efficiency and water conservation;
- Relief for buildings with historic or architectural character; and
- Relief for uses or activities with unique needs (e.g. artist studios, churches, personal improvement uses).

## City Staff and Officials

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan, Local Coastal Plan, and other City plans and initiatives, and to further public policies;
- To reconcile competing priorities;
- To protect unique and special resources, which may range from coastal resources to historic buildings, affordable housing, and special retail uses; and
- To respond to new or emerging technologies, services, or activities.

## Residents and Business Owners

While planners and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their interests are not served. Many critical issues are decided when a General Plan/Local Coastal Plan is prepared; however, as implementation details are worked out, community thinking about General Plan/Local Coastal Plan direction may evolve, and there may not be consensus on all of the regulatory solutions proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the City has to condition approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt space to new uses or activities. Being able to respond quickly to changing markets is important, and lengthy review times are counterproductive to that objective.

## Tradeoffs

As the City considers the next steps for regulatory reform, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. predictability:** Are the zoning and subdivision regulations intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the code or by practice?
- **Flexibility vs. administrative cost:** What are the costs to the applicant, to opponents, and to the City's tolerance for hearings?
- **Development cost vs. quality:** Standards should be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming conditions, which could also discourage investment.
- **Under regulation vs. over-regulation:** How does the community strike the right balance and find the least number of rules that will do the job?

Striking the right balance will not be easy, and lessons from similar communities that have recently amended their zoning and subdivision regulations can enable the City to avoid mistakes others have made and achieve its goals for economic development and sustainable land use.

# 3 USABILITY

The need to make Hermosa Beach's Zoning and Subdivision Ordinances more user-friendly and concise was an important issue expressed by staff and observed by the consultant team. Ordinance users find that the text of the Ordinance is complex and that interpretations may differ among staff. The document is difficult to navigate and should rely more extensively on pointers and references to direct users to appropriate regulations. A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Ordinance.

## Organization and Style

The City's current Zoning Ordinance, Title 17 of the Hermosa Beach Municipal Code, is organized in a manner that exhibits an underlying structure that generally follows a flow from introductory provisions, to zone standards, citywide standards, and finally administrative procedures.

While the underlying structure can be recognized by those with ample ordinance-using experience, this structure is not intuitive or obvious to the average user.

The Ordinance lacks a user-friendly structure with clear hierarchy and chapter numbering is not consecutive. Some chapters appear to follow a pattern of every second number (ex. 17.02, 17.04, 17.06) while others don't (ex. 17.50, 17.53, 17.54, 17.55). The chapters that follow a pattern of every second number appear to be original, while chapters that don't follow this pattern appear to be later amendments. Over the years, as sections and chapters have been updated or added, there hasn't been a comprehensive reformat of the Ordinance, resulting in a disorganized format as well as inconsistent organization of each individual section.

The organization of Hermosa Beach's Zoning Ordinance can be improved in several ways, with the overall organization and formatting reflecting a systematic, consistent, and sound arrangement to facilitate understanding. First, the City should consider a new level in the organizational hierarchy—Part—to organize the 39 chapters into logical groups intended to make the zoning ordinance easier to navigate. For example, the chapters contained in Title 17 could be grouped into five parts to provide an additional level of organization.

- Part I: Introductory Provisions
- Part II: Zone Regulations
- Part III: Citywide Standards
- Part IV: Administration
- Part V: Terms and Definitions

With this organization, the ordinance progresses from the most often referenced to the least—with basic provisions in the beginning, followed by regulations of specific zones, citywide standards, and then administrative chapters. As a general rule, the most frequently consulted provisions should come before provisions less frequently consulted. A final part or division can group all definitions and standards of measurement together, so that users have access to a comprehensive reference section in an easily located place.

Next, the Ordinance could be enhanced with a comprehensive index and table of contents so that users do not have to scour the text for a section when needed. Finally, the City should supplement these organizational revisions with improvements to the appearance of the text itself, including wider spacing, different fonts for chapters, sections, and the main text, and consistent indentation.

## USER FRIENDLY FORMATTING

*Zoning Code  
District Regulations* page  
header

**17.17.030 District Standards** prominent  
headings

Table 17.17.030, Development Standards-Residential Districts, prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code while individual letters refer to subsections the directly follow the table.

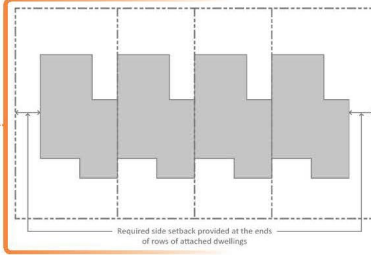
**TABLE 17.17.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS** tables

| Standard              | RS | RL  | RM     | RH     | Additional Regulations                        |
|-----------------------|----|-----|--------|--------|-----------------------------------------------|
| Maximum Height (ft)   | 30 | 35  | 75     | 100    | See Section TBD, Height and Height Exceptions |
| Minimum Setbacks (ft) |    |     |        |        |                                               |
| Front                 | 25 | 20  | 20 (A) | 20 (A) |                                               |
| Side                  | 10 | 100 | 5      | 5      | See Section TBD, Setback Encroachments        |
| Rear                  | 20 | 20  | 10     | 10     |                                               |

cross  
references

A. Attached Single-Unit Dwellings. Required setbacks apply to the ends of rows of attached single-unit dwellings.

**FIGURE 17.17.030(A): SETBACKS FOR ATTACHED SINGLE-UNIT DWELLINGS**



graphics

**17.17.040 Development Regulations** consistent  
numbering

A. Open Space. Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards.

1. **Single-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas.
  - a. **Minimum Dimensions.** Minimum dimension of 15 feet.
  - b. **Location.** Required open space shall not be located in a required front or street side setback.

indented  
paragraph

56 page  
numbers

## Code Complexity

The organization of the current Ordinance leaves standards of development spread out among various sections. Because standards are dispersed, users are left with a nagging fear that a “hidden” regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment. Also some development standards result from or have been derived from ballot measures, which is not always clearly articulated.

Overall, the chapter ordering of the Ordinance is not always intuitive, and sections that should be grouped together are often found far apart or separated by other chapters. Accessory Dwelling Unit standards, which are applicable in multiple zones are located in their own chapter in the midst of chapters of zone standards. Mixed-use development standards and educational institution standards, which are only applicable in the C-1 and C-3 zone, respectively, are located in a chapter with development standards applicable to uses in multiple zones, Chapter 17.40, Conditional Use Permit and Other Permit Standards. Additional standards for specific uses, are located in a third chapter, Chapter 17.42, General Provisions, Conditions, and Exceptional Uses.

Hermosa Beach should ensure that the Zoning Ordinance functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, related content should be organized together and unnecessary sections of the Ordinance should be removed in order to avoid ambiguity and reduce the sheer bulk of the Ordinance.

## Lack of Clear Definitions and Rules of Measurement

Though the current Zoning Ordinance includes three sections of definitions, some terms that should be defined, are not, some definitions are overly specific, and others include development standards. The definition of ‘grade’ includes a statement that the determination of grade is to be made by the Community Development Director. The definition of ‘open space’ identifies acceptable encroachments. Definitions should convey the meaning of a term; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Ordinance and other City codes. Where possible, definitions should also align with those of other applicable rules and regulations such as the Building Code, State Alcoholic Beverage Control regulations, and State housing laws.

The Zoning Ordinance does not include a separate chapter on rules of measurement; rules for the calculation of standards are located throughout the ordinance. In some cases, such as lot coverage, and determining the baseline points for measuring building height, they are incorporated into general definitions. Others are located among regulations for specific development aspects. The calculation of floor area is located within the definition of ‘gross floor area’ in the definitions section of the off-street parking regulations. Clear rules of measurement ensure that all users are able to determine the way that standards should be applied in the same

manner in order to arrive at the same conclusion. Locating a complete set of rules of measurement in one location, either at the beginning or the end of the Ordinance, provide an easy-to-locate reference tool to ensure consistent interpretation and application of standards.

## Underutilized Tables

The existing Ordinance does utilize tables to present certain regulatory requirements, although inconsistently and sparingly. The C-1, C-2, C-3, and M-1 zones and Specific Plan Area No. 11 use tables to present use regulations while all other zones and plan areas list use allowance or cross-reference other zones for use allowances.

Tables can greatly improve the readability of complex regulations and could be used more extensively to organize and more clearly present information throughout the Ordinance. Use regulation tables can specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Ordinance where additional regulations apply. Development standard tables can list dimensional requirements for lots, setbacks, heights, and other standards with cross-references to other applicable sections of the Ordinance. This approach helps avoid unnecessary redundancy, repetition of provisions, and confusion from conflicts.

**TABLE 17.24.020: ALLOWED USES AND REVIEW REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS**

P: Permitted Use (U: Use Permit Required, A: Administrative Permit Required, Use Not Allowed, NA: Limitation Applies, See Specific Use Regulations)

| Land Use                                                                | D    | OMB  | MLR  | See Specific Use Regulations                                    |
|-------------------------------------------------------------------------|------|------|------|-----------------------------------------------------------------|
| <b>Residential Use Classifications</b>                                  |      |      |      |                                                                 |
| Multi-Family Residential                                                | P(A) | P(A) | P    | See 17.24.030 (Multi-Family Residential Projects)               |
| Assisted Living Facility                                                | -    | U(A) | -    | See 17.24.030 (Condominium Conversions)                         |
| Conversant Home                                                         | -    | P(A) | -    | See 17.24.030 (Residential Care and Assisted Living Facilities) |
| Emergency Housing/Chaper                                                | P(A) | P(A) | P    | See 17.24.030 (Condominium Conversions)                         |
| Family Day Care Home, Small                                             | P(A) | P(A) | P(A) | See 17.24.030 (Live Work Units)                                 |
| Live/Work Unit                                                          | -    | P(A) | P(A) | See 17.24.030 (Residential Care and Assisted Living Facilities) |
| Residential Care Facility                                               | -    | A(A) | A    | See 17.24.030 (Residential Care and Assisted Living Facilities) |
| General                                                                 | P(A) | P(A) | U    |                                                                 |
| Limited                                                                 | -    | U(A) | -    | See 17.24.030 (Transitional and Supportive Housing)             |
| Single Room Occupancy                                                   | -    | U(A) | -    | See 17.24.030 (Transitional and Supportive Housing)             |
| Supportive Housing                                                      | -    | U(A) | -    |                                                                 |
| Transitional Housing                                                    | -    | U(A) | -    |                                                                 |
| <b>Recreation, Education, &amp; Public Assembly Use Classifications</b> |      |      |      |                                                                 |
| Recreation Facility                                                     | P(A) | P(A) | P    |                                                                 |
| Community Assembly                                                      | P(A) | P(A) | P    |                                                                 |
| Community Convention Facility                                           | P(A) | P(A) | P    |                                                                 |
| <b>Other Use Classifications</b>                                        |      |      |      |                                                                 |
| Auto and Vehicle Sales and Service                                      | P(A) | P(A) | P    |                                                                 |
| Auto and Vehicle Sales and Service                                      | P(A) | P(A) | P    |                                                                 |
| General Retail                                                          | P(A) | P(A) | P    |                                                                 |

**TABLE 17.24.030-3: COMMERCIAL DISTRICTS - HEIGHT STANDARDS**

| Development Feature                                                                  | Requirement by Zone                                                                           |                                                                                                                      |                                                                                               |  | Additional Regulations                            |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--|---------------------------------------------------|
|                                                                                      | D                                                                                             | OMB                                                                                                                  | MLR                                                                                           |  |                                                   |
| Maximum Overall Building Height                                                      | 55 feet                                                                                       | 45 feet                                                                                                              | 45 feet for lots with slopes of less than 10%, 50 feet for lots with slopes of 10% or greater |  | See 17.24.030 (Height Measurement and Excavation) |
| Minimum Building Face Height Along All Streets and Adjacent to Residential Districts | 20 feet, applicable only to Primary Active Frontages                                          | 25 feet for 20% of the building face, 35 feet for 20% of the building face, 45 feet for 20% of the building face (D) |                                                                                               |  |                                                   |
| Setback                                                                              | Min. 20 feet from the building face below (D)                                                 |                                                                                                                      |                                                                                               |  |                                                   |
| Ground Floor, Nonresidential Uses                                                    | Min. 14 feet clear from floor to ceiling                                                      |                                                                                                                      |                                                                                               |  |                                                   |
| Ground Floor, Residential Uses                                                       | Min. 8 feet clear from floor to ceiling                                                       |                                                                                                                      |                                                                                               |  |                                                   |
| Upper Floors                                                                         | Min. 8 feet clear from floor to ceiling                                                       |                                                                                                                      |                                                                                               |  |                                                   |
| Parking Podium                                                                       | The minimum height of a parking podium visible from the street is 4 feet from finished grade. |                                                                                                                      |                                                                                               |  |                                                   |

D. **Building Face Height.** Along street frontages and adjacent to residential districts, the building face shall have a maximum wall height as identified in Table 17.24.030-3 (Commercial Districts).

Tables with cross references enhance usability.

## Absence of Illustrations

In addition, the current Zoning Ordinance provides few graphic examples or illustrations. Graphics can clearly depict standards for measuring building height or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. Clarifying visual examples of measurement standards, development standards, and other complex provisions, similar to those included on the City's Height Requirements & Calculating Height handout, help with understanding and enforcement. Incorporating illustrations such as these into the Zoning Ordinance can communicate development regulations more clearly and in less space than written standards.

Exhibit 1  
Determining Location of Critical Points (CP)

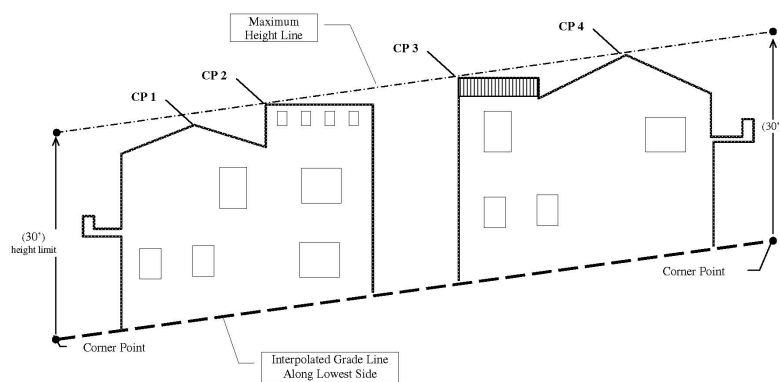
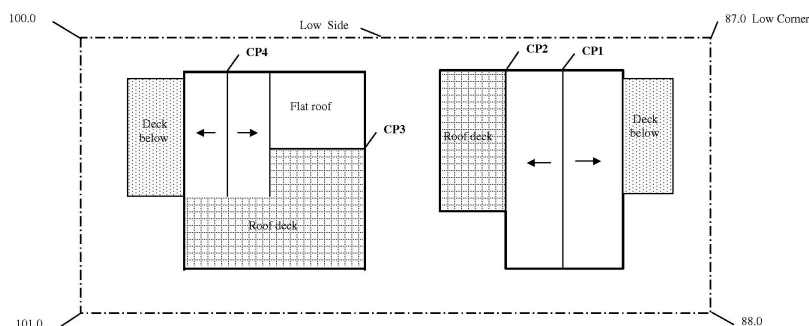


Exhibit 2  
Determining Location of Critical Points (CP)  
Roof Plan View



*Illustrations of standards, such as these in the City's Height Requirements & Calculating Height handout, aid in interpretation.*

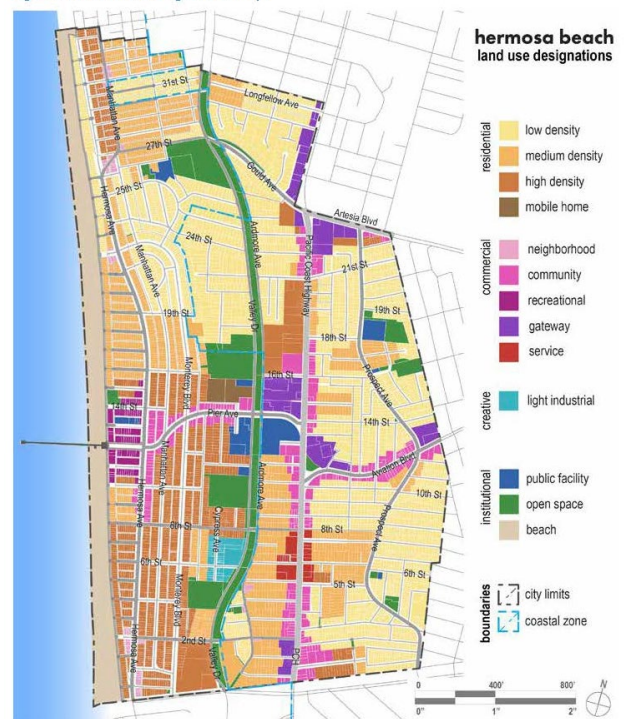
# 4 ZONES

Zoning districts, or zones, create the framework for implementation of General Plan policies and land use designations. The General Plan establishes land use designations and the overall policy basis for land use and development. Zoning then establishes zones which are intended to define distinct locations for different uses, consistent with general plan land use designations. The Zoning Ordinance includes standards for each of these zones with detailed regulations as to what uses are permitted, what uses are allowed, and what physical development standards apply.

## Zones to Implement PLAN Hermosa

PLAN Hermosa builds upon the city's historic development pattern to accommodate anticipated population and employment growth. The Land Use Designations Map in PLAN Hermosa indicates the intended use of each parcel of land in the City. The land use designations were developed to provide both a vision of the organization of uses in the City and a flexible structure to allow for changes in economic conditions and community vision. There are four categories of land use designations: Residential, Commercial, Creative Industrial, and Institutional. The majority of individual designations within these four categories are consistent with or similar to previous designations or existing development types. Others are new, including Public Facilities and Beach land use designations. In these situations, new zones on the Zoning Map and in the Zoning Ordinance are warranted.

Figure 2.3 Land Use Designations Map



## Streamline Existing Zones

There may also be opportunity for streamlining existing zones and eliminating those that are no longer necessary. For example, the only differences between the R-3, Multiple-family Residential, Zone and the R-P, Residential Professional, Zone are variations in lot coverage allowances, height considerations, and that the R-P Zone allows office as a conditionally permitted use. The R-P Zone is within the High Density Residential Land Use Designation in PLAN Hermosa and its existing development consists solely of residential uses. In the interest of creating a concise and user-friendly zoning ordinance, the total number of zones should be minimized and zones that are not necessary, such as the R-P Zone, should be removed or consolidated.

Additionally, the Zoning Ordinance also includes 10 Specific Plan Areas. The regulations for these Specific Plan Areas vary in content and detail, ranging from refinements to the residential housing types allowed and minimum lot area per dwelling for an individual residential development to detailed use regulations and development standards for a large portion of Pier Avenue. Each of the Specific Plan Areas should be reviewed for relevance and their potential to integrate necessary standards into zone regulations. In some cases, relevant Specific Plan Areas standards may be integrated entirely into other base zones. In other cases, a unique zone may be warranted.

## Zone Presentation and Organization

The Zoning Ordinance will benefit from combining similar zones, where appropriate, and by renaming zones to reflect the General Plan land use designation and provide information regarding the purpose and nature of the zone. Zones can then be consolidated into related groups, such as Residential, Commercial and Mixed-Use, Industrial, and Public and Semi-Public districts, similar to how the C-1, C-2, and C-3 zones are consolidated into one chapter in the existing Zoning Ordinance. When zones are consolidated, the differences among individual zones are identified through purpose statements and reflected in the use regulations and development standards, which will vary based on the unique characteristics and purposes of the zone.

# 5 DEVELOPMENT STANDARDS

The importance of quality design in community spaces and residential neighborhoods cannot be overemphasized. A well-designed city directly elevates the quality of life, which in turn, attracts investment and increases communal pride.

As Hermosa Beach redevelops over time, the City will continue to face design challenges. The current Zoning Ordinance does not have sufficient standards to appropriately guide and regulate development especially in building appearance and design compatibility. Development regulations that address the building form and site design of new development can respond to differences in character, promote a desirable physical form, and ensure that more intense uses of land do not become public nuisances.

The Zoning Ordinance does not address the physical form of development in an organized or complete fashion. The current Zoning Ordinance was first written at a time when Ordinances focused on regulating use rather than design. More recently, design-oriented approaches are replacing traditional, use-based zoning as a means of addressing the physical character of development. Hermosa Beach has followed this trend over the years, as development standards and requirements have been added. In some instances, they have been added with little analysis of how all the standards work together and collectively influence resulting development. In other instances, such as Specific Plan Area No. 11, detailed development standards that address many aspects of site development and building design have been adopted.

PLAN Hermosa provides a foundation for implementing zoning techniques designed to improve the physical form of new development. It recognizes that distinct neighborhoods, districts, and corridors contribute positively to the overall structure and character of the City. Fourteen character areas are identified, defined by their future vision, intended distribution of land use, and desired form and character. PLAN Hermosa also includes a number of policies related to design, including, but not limited to:

**1.6: Scale and context.** Consider the compatibility of new development within its urban context to avoid abrupt changes in scale and massing.

**2.7: Context sensitive design.** Wherever feasible, orient residential buildings to address streets, public spaces or shared private spaces, and consider the physical characteristics of its site, surrounding land uses, and available public infrastructure.

**2.8: Neighborhood transitions.** Encourage that new development provide appropriate transitions in scale, building type and density between different land use designations.

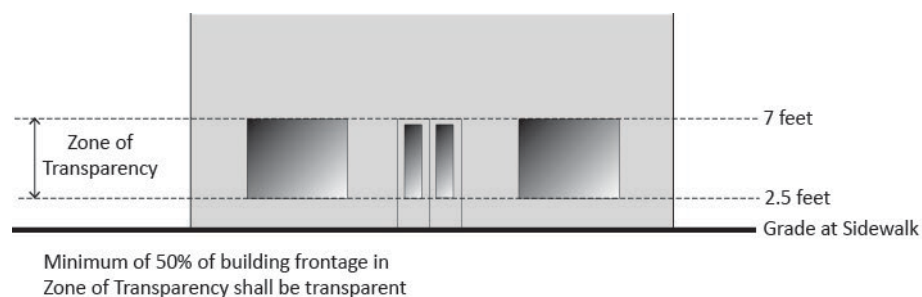
**3.5: Compact office formats.** New employment uses should be designed in a compact format with minimal front setbacks from the street, typical lease spans of 40 feet or less, and where feasible, combined with other commercial uses.

**6.6: Human-scale buildings.** Encourage buildings and design to include human-scale details such as windows on the street, awnings and architectural features that create a visually interesting pedestrian environment.

## Physical Form and Design Related Standards

In order to implement PLAN Hermosa policies, the City will need to adopt new development regulations to address the form and design of new development, such as standards for the following:

- Location of a building on a lot – where a building may or must be built to the street and where setbacks are required;
- Building form and massing;
- Façade design and articulation;
- Orientation of building entries;
- Transparency – pedestrian level windows offering views into buildings and displays;
- Limitations on blank walls;
- Relation to adjoining sites;
- Location and screening of parking; and
- Landscaping.



*Form-related standards can help achieve high quality design.*

Establishing minimum design standards will set the tone for the type of development the City hopes to attract. These standards will allow developers and designers to know exactly what is

expected of them. At the same time, flexibility can still be achieved by allowing a modification of standards so long as certain findings and criteria are met. Flexibility is particularly important given the varied lot sizes and topography that characterize City.

## Tailor Standards to Reflect Character Areas

It would be difficult for the City to prepare a single, comprehensive set of design requirements as neighborhoods, districts, and corridors within Hermosa Beach have distinct characters that required tailored regulations so that new development is appropriate to the context of the area.

Standards should be refined to foster the type of character desired within various areas of the City. In pedestrian-oriented areas, the objective should be to have buildings enclose a street and provide an interesting, engaging front, making walking and shopping pleasurable. In more auto-oriented areas there is more potential for incompatibility between uses, so landscaping and screening may be important.

Development standards should also address compatibility and ensuring that new buildings fit amongst existing buildings. The ordinance should detail how to address contextual issues of building placement, scale, massing, and height and include standards to ensure sensitive transition from more intense development to surrounding neighborhoods.

While each zone or area should have individually tailored requirements, the organization of the requirements should be uniform, so that users can easily ascertain the requirements for a particular zone.

## Objective Design Standards

The State of California has adopted recent legislation to address the State-wide housing shortage and now requires a streamlined and ministerial process for specific residential developments, including multi-unit residential development and mixed-use development with 2/3 of the square footage for residential use. These types of projects must be reviewed against existing objective standards rather than through a discretionary entitlement process.

**Objective Standard** (per State law): One that involves no personal or subjective judgment by a public official and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.



An update to the Zoning Ordinance provides an opportunity to establish objective standards to achieve quality designed housing projects without subjective interpretation or a complex review and approval process, consistent with State law requirements.

## Residential Development

The Zoning Ordinance currently establishes standards for multi-family development primarily in Chapter 17.16 – R-3 Multiple-Family Residential Zone and Chapter 17.24 - RPD Residential Planned Development. Basic standards include height, front yard, side yards, placement of buildings, area, lot coverage, usable open space, and lot area per dwelling. Projects typically require discretionary review by the Planning Commission where more qualitative conditions are applied to ensure compatibility with neighborhood context and to elevate design quality. The Zoning Ordinance update provides the opportunity to refine existing quantitative standards and develop new objective standards that capture the qualitative conditions typically applied to multi-family residential projects through the discretionary process. Objective standards should be developed to ensure that development is compatible with the surrounding neighborhoods, that quality materials are used, and that building form and scale is appropriate to the site. Such standards may address the following:

- Setbacks;
- Building heights;
- Floor area ratio (FAR) or lot coverage;
- Usable open space
- Relation to neighboring buildings (stepbacks and articulation versus “compatibility in scale”);
- Explaining in details the characteristics of a particular architectural style and list the required components;
- Limits on blank wall (breaks in blank walls every X feet);
- Building frontage requirements (number of doors, space between doors and garage, etc.);
- Material requirements;
- Color requirements; and
- Consistency with neighborhood character (if defined in an objective manner).

To support consistent application of objective standards, it is recommended that images and exhibits representing a suggested design topic or standard with text callouts be developed in the new Ordinance, where applicable, to illustrate the design intent.

## Mixed-Use Development

Chapter 17.40.180 – Mixed-use Development (C-1 Zone) of the current Ordinance provides the opportunity to establish mixed-use development subject to approval of a conditional use permit, a discretionary permit process, within the C-1 Limited Business and Residential zone. The residential portion of a mixed-use development is subject to the development standards of the R-3 Multiple Family Residential Zone with a few tailored exceptions relating to condominiums, percentage limitation of first floor residential use, front setbacks, lot coverage and trees. General development guidance is provided for noise, security, and lighting. In addition, parking requirements are provided in Section 17.44.010 Off Street Parking – Mixed Use where required parking is determined using on the sum requirements of all individual uses.

While State law requirements for objective standards and a streamlined review process apply to mixed-use development with 2/3 of the square footage for residential use, mixed-use development may be comprised of a number of different use combinations. By providing a variety of uses within close proximity, mixed-use development can reduce automobile dependence, preserve green space and natural resources, promote revitalization, enhance economic development. Mixed-use developments can also provide for a wide range of housing types and choices for different income levels and may increase affordable housing opportunities. Development standards tailored to the unique attributes of mixed-use development can provide greater assurance of compatibility with neighborhoods and better alignment with market considerations.

While the objective standards and a streamlined review process is required for certain mixed-use developments, the City should consider establishing objective standards and streamlined review for other types of mixed-use developments in order to promote their establishment while ensuring appropriate design and siting. Mixed-use development standards should address compatibility issues while providing flexibility for combining residential and commercial components with active, pedestrian-oriented ground floor uses, where consistent with PLAN Hermosa. In addition to the physical form and design related standards discussed previously in this paper, customized mixed-use regulations should consider the following:

- Location of desired land uses;
- Public and private access;
- Building placement and orientation;
- Residential private open space;
- Common open space;
- Noise, light, and odor control; and
- Location and screening of parking, loading, and service areas.

## Provide Flexibility

In many instances, particularly in areas like Hermosa Beach with small lots with existing development, the need for flexibility in the application of development standards is not a reflection of the quality of the project or design, rather a reflection of site constraints that limit the effectiveness of a 'one size fits all' approach. The existing Zoning Ordinance provides for little flexibility in the application of development standards. The two primary avenues available for modification of development standards in the current Zoning Ordinance are variances and administrative variances. Specific findings related to unique characteristics of a property are required to approve variances and administrative variances are limited in scope and the legality of administrative variances is unclear.

As the City incorporates additional development regulations into the Zoning Ordinance, the City should create additional opportunities for gaining relief from codified locational, developmental, and operational standards in cases where modifications are warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. This could be done in the form of additional provisions for approval of waivers and exceptions, including Staff level approval of a so-called *de minimus* waiver from dimensional standards. Options include a minor modification that allows for specified dimensional modifications (e.g. less than a 10 percent reduction in setbacks and fence heights) that would have a negligible impact and are non-controversial in nature. Some jurisdictions provide one level of adjustment without notice and a slightly higher level of adjustment with notice and the opportunity for neighbors to request a public hearing.

## 6 USE REGULATIONS

Use regulations detail the type of uses that are allowed, the review process, and specific limitations that apply to a particular activity or use. Use regulations have traditionally been used to separate incompatible land uses, minimize nuisances, and limit adverse effects on neighboring properties.

Each zone currently contains a list of permitted uses and some list conditionally permitted uses. Residential zones allow any use permitted in less intense residential zones (ex. The R-3 Zone allows any use permitted in the R-2 Zone). Some zones, including the C-1, C-2, C-3, and M-1 zones and SPA-11, present use regulations in tables with cross references to use specific standards.

There are outdated and overly specific uses, such as 'detective agency', 'messenger service' and 'computer and Internet access center'. Other times, uses with little distinction between them are regulated separately. 'Toy store', 'clothing and wearing apparel sales and service', 'department store', 'drugstore', 'florist or plant shop', and 'hobby and craft sales and services' are all examples of similar retail services, and that may even occur within a single retail establishment, that are separately regulated.

The Ordinance lacks a comprehensive list of defined uses that are regulated by the Ordinance. Commercial land uses are grouped into a single section of the Zoning Ordinance while residential uses are mixed in with definitions of general terms in a separate section. Some uses are not defined.

During the course of stakeholder interviews, attracting and retaining retail and restaurant uses in the Downtown was identified as one of the greatest challenges facing the City today. Over the years, the City has added strict and inflexible standards to the Ordinance and conditions of approval to individual projects that limit operations of commercial uses, particularly establishments that serve alcohol and provide live or late night entertainment. While these standards and limitations were intended to maintain and improve community livability, and reduce nuisance activity, particularly in areas with commercial and residential adjacencies, they have also stifled potential economic investment in the Downtown and along the corridors. The Zoning Ordinance update effort provides the opportunity to update the City's approach to use regulation to reflect modern uses, current development practices, and State and



*Attracting and retaining retail and restaurant uses in the Downtown is a challenge.*

federal law and support community objectives such as economic development, increased walkability, diversity of housing types, and vibrant urban centers. Through well-crafted regulations, the Zoning Ordinance can maximize the City's economic development "pluses" and support economic investment, while ensuring it does not create undue impacts on its neighbors.

## **Adopt a Use Classification System**

The Zoning Ordinance should ensure that every use regulated by the ordinance is defined through a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the Ordinance. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently.

Under this system, all use categories would be defined in a single chapter of the Code. This chapter would organize use categories into groups such as residential; public and semi-public; commercial; industrial; and transportation, communication, and utility uses. This way, similar uses are found near one another for comparison when a classification question arises. The official names of each use group would be utilized throughout the Code in a consistent manner, with the definitions chapter serving as a reference.

## **Reflect Contemporary Land Uses**

To help modernize the Zoning Ordinance, the use classification system described above should eliminate obsolete uses (i.e., those no longer allowed, or outdated terms) such as game arcade and miniature golf course, and also include new contemporary uses such as industrial flex space and shared office spaces.

## **Ensure All Zones Allow Appropriate Land Uses**

The allowable uses within each zone should be evaluated for compatibility with the purpose of the zone, the corresponding land use designation in PLAN Hermosa, and reflective of contemporary use and development trends. In particular, use regulations in nonresidential districts should be evaluated to allow a broader range of uses, reflecting the changing nature of land use and allowing a creative combination of uses, consistent with PLAN Hermosa. In particular, M-1 Zone use allowances should be evaluated, balancing the need to protect the accessibility of the area for production, design, and manufacturing uses and allowing non-manufacturing uses that are conducive to and supportive of the viability of creative and innovative endeavors.

## Standards for Specific Uses

Regulations applicable to specific land uses are currently found throughout the Ordinance. An entire chapter, Chapter 17.21, is dedicated to standards for Accessory Dwelling Units. Chapter 17.40, Conditional Use Permit and Other Permit Standards, and 17.42, General Provisions, Conditions and Exceptional Uses, both contain specific standards for multiple uses. The fact that these regulations pertaining to particular uses are scattered throughout the Ordinance makes it hard for users to find them and determine which special regulations apply to a particular project.

Some use definitions in the existing Ordinance include limitations, requirements, and allowances related to the use. For example, the definition of "Hotel" includes a statement that the decision-making body has the authority to set any limitation on the number and/or type of kitchenette facilities provided in the guest rooms for projects located on parcels of greater than 20,000 square feet. Although these provisions may be appropriate, embedding them within the use definitions complicates administration and makes it difficult for applicants to determine which development standards apply to a particular proposal. These regulations should be addressed in separate sections of the Ordinance where the limitations are visible and adequately discussed. For example, they may be located in a chapter dedicated to standards for specific uses and referenced in the use regulations for each zoning district.

The City should consolidate requirements that are applicable to specific uses and activities into a single chapter. Within this chapter, the uses can be alphabetized, making them easy to locate. The standards for specific uses can be referenced in the land use tables in the zone regulations, which will reduce overall wordiness in the Ordinance.

When revising use regulations, the City should be sure to reevaluate and expand its regulation of uses that create potential incompatibilities with surrounding properties. The City should incorporate explicit performance standards to ensure that the operation of one use does not cause an undue burden upon the use and enjoyment of adjacent property and everyone is clear on what the requirements are.

Finally, the City should evaluate the limitations in the Ordinance and project approvals on establishments that serve alcohol and provide entertainment in seeking a better balance of achieving community goals for a vibrant local economy and the revitalization of the downtown core while minimizing adverse impacts. The Ordinance should be evaluated in terms of creating opportunities for new investment to achieve these goals, in consideration of other mechanisms the City may employ to address public nuisances and poor behavior of individual establishments.

All of these modifications to the existing use classification system and development standards will work to reduce the need for discretionary review of new development. With clarified requirements and a more comprehensive scheme of use classification, approvals will encounter fewer delays, with heightened assurances of appropriate development and compatibility with adjacent properties.

# 7 PARKING REQUIREMENTS

Parking was by far the most frequent issue raised by stakeholders. The topic has been the focus of many community conversations and planning efforts, including, but not limited to PLAN Hermosa and the Downtown Core Revitalization Strategy. The City recently completed a Parking Management Study and Recommended Parking Standards for the Coastal Zone which included a parking inventory, occupancy analysis, demand analysis, and recommendations for parking strategies.

Parking requirements have a large influence on the ability to utilize property. Because of the high costs of building and maintaining off-street parking, minimum parking requirements can raise barriers to reuse underutilized parcels. This is particularly true in already built-out areas, such as Hermosa Beach, where there may not be enough space to provide required parking. Where additional parking spaces cannot be provided due to site constraints, businesses are deterred from expanding or investing within the City.

The quantity, location, and appearance of parking areas also have a substantial impact on the character and functionality of streets, commercial corridors, and residential neighborhoods. Too much parking can limit the utilization of a property and be an impediment to achieving a wide range of community goals. Too little parking can impede accessibility and impact neighborhoods. The amount of parking is optimized when it strikes a right balance between supply and demand.

For roughly 50 years, cities across the country, including Hermosa Beach, have included minimum requirements as a means of mitigating the impact of parking demand on public streets. These minimum parking requirements are based on inaccurate assumptions and do not reflect actual parking demand. For example, in Hermosa Beach, many of the minimum parking requirements were derived from the Institute of Traffic Engineers Trip Generation Manual and do not reflect local conditions.

This approach to parking demand mitigation has created a number of unwanted side effects, including:

- Reducing the viability of reuse of existing buildings;
- Limiting options for development on smaller lots or awkwardly-shaped sites;
- Discouraging alternatives to automobiles (by promoting an overabundance of parking, alternatives like walking, cycling, transit and car-sharing are at a distinct disadvantage);
- Eroding pedestrian environments by increasing the proliferation of land devoted to the automobile, creating large swathes of inhospitable surface parking lots; and

- Adding to the cost of living, since the cost of providing minimum required parking is passed down to the consumer in the price for goods, services, and housing, creating an unfair burden for those who do not drive.

As such, cities are increasingly turning to other mechanisms as ways of addressing parking concerns including increasing alternative transportation options and employing parking management techniques.

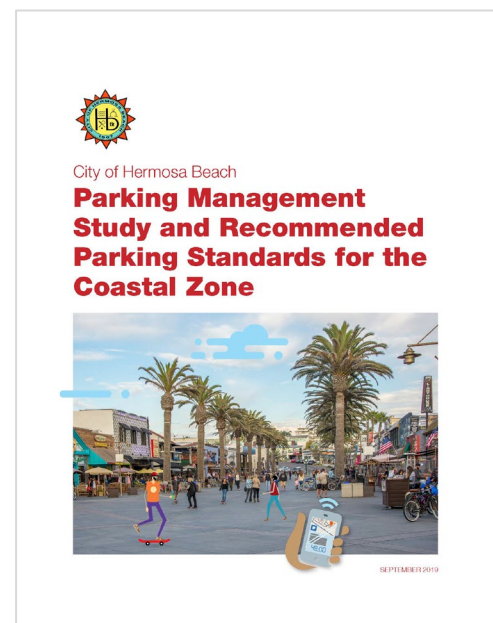
Additionally, our transportation systems are on the cusp of one of the fastest and most transformative shifts in history. The demand for shared mobility services is an early sign of behavior change. Autonomous vehicles are being used on streets today. These changes will have great consequences for parking demand. Although it is unknown exactly what these consequences will be, it is certain that there are more transportation options available than before and people are no longer dependent on individual vehicles for access and mobility. The future transportation system and our mobility choices will continue to have a lot more flexibility. Mobility choices will not be primarily limited to a personal vehicle or existence of a transit line.

## Reduce or Eliminate Minimum Parking Requirements

All of the parking requirements should be evaluated and reduced where appropriate based on actual and anticipated parking demand and in consideration of the collective of City goals, including economic development, pedestrian orientation, housing affordability, and sustainability; of the recommendations from the Coastal Zone parking study and Downtown Core Revitalization Strategy, of the changing nature of our transportation systems; and of a parking management program. For example, the Downtown Core Revitalization Strategy included a number of recommendations to encourage a more pedestrian-oriented district, including:

- Locating parking off-site
- Reduced parking for commercial, restaurant, office, and retail uses
- Reduced parking for mixed-use development
- Vehicle parking reductions for the provision of bicycle parking
- Utilizing net usable square footage as the basis for parking calculations, rather than gross square footage

In revising parking requirements, the City should consider providing uniform parking requirements for grouped land uses with similar space and operational requirements. The City could still provide



separate requirements for land uses with particular space and operational requirements that generate unique parking demands. Standardizing parking requirements so multiple uses have the same requirements can ease administration and provide flexibility with regard to re-use and re-investment. Flexibility could also be offered in the way that parking is designed and located, such as allowances for tandem, valet, and stacked parking (parking lifts), thus providing more opportunity for parking in less space.

The City should consider varying or adjusting parking requirements by district as well, considering the availability of street or public parking supplies in a particular district.

## Exempt Small Commercial Establishments

The City should consider providing an exemption from the off-street parking requirements for small commercial establishments, such as those under 1,500 square feet of gross floor area. This exemption could be across the board or limited based on certain characteristics, such as new uses in existing buildings, uses located in pedestrian oriented commercial districts, or uses within a commercial center with shared parking facilities. For many small retail and business uses, available on-street parking in the City's commercial districts and corridors or shared in a shopping center is adequate for their parking demand. Alleviating small commercial establishments from providing parking may help fill vacant storefronts and incentivize redevelopment.



*Parking exemptions can incentivize small commercial establishments.*

## Exempt or Reduce Parking Requirements for Changes of Use

It is often infeasible to provide additional on-site parking on an already developed site, thus limiting the types of new uses that may locate in an existing building. To support the continued occupancy of existing buildings, the City could consider not requiring additional parking where a new commercial use is established in an existing building even if the new use is subject to a higher parking requirement than the previous use, provided existing parking is retained and there is no change to the building that results in additional gross floor area. Alternatively, when a new business moves into a building where the existing use had a legal nonconforming parking deficiency, the new use could be credited the number of required parking spaces unmet by the previous use. While this parking credit is available in the Downtown District, the City should consider applying this approach on a broader scale.

# 8 DEVELOPMENT REVIEW AND APPROVAL

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective investors value three central qualities in any administrative code: 1) certainty in the requirements and structure of the review process, 2) built-in flexibility to adjust development standards to the needs of individual projects, and 3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Hermosa Beach can incorporate these qualities into its Zoning and Subdivision Ordinances will help improve its ability to compete for desirable development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

## Reliance on Discretionary Review

The flexibility of a zoning ordinance is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the ordinance requires to make various types of decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary approval.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit or other permit type with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria.

## Adjust Review Thresholds

The Zoning and Subdivision Ordinance Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. For example, projects that currently require Planning Commission approval but are consistently approved without public comment, such as small condominium projects, might be shifted to the jurisdiction of the Community Development Department Director. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

The number of uses that require discretionary review can be reduced by including carefully crafted standards and restrictions that are specific to specific uses throughout the City or in particular zones into the Zoning Ordinance. As a result, the community and decision-makers may be confident their vision is being implemented and may reduce the need to weigh in on individual projects, allowing more projects to be approved administratively.

There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with development and design standards that could be added to the Zoning Ordinance based on the General Plan's goals for design quality;
- Compliance with new standards and requirements that reflect "standard conditions" that are typically imposed when such uses have been conditionally approved; and
- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impact.

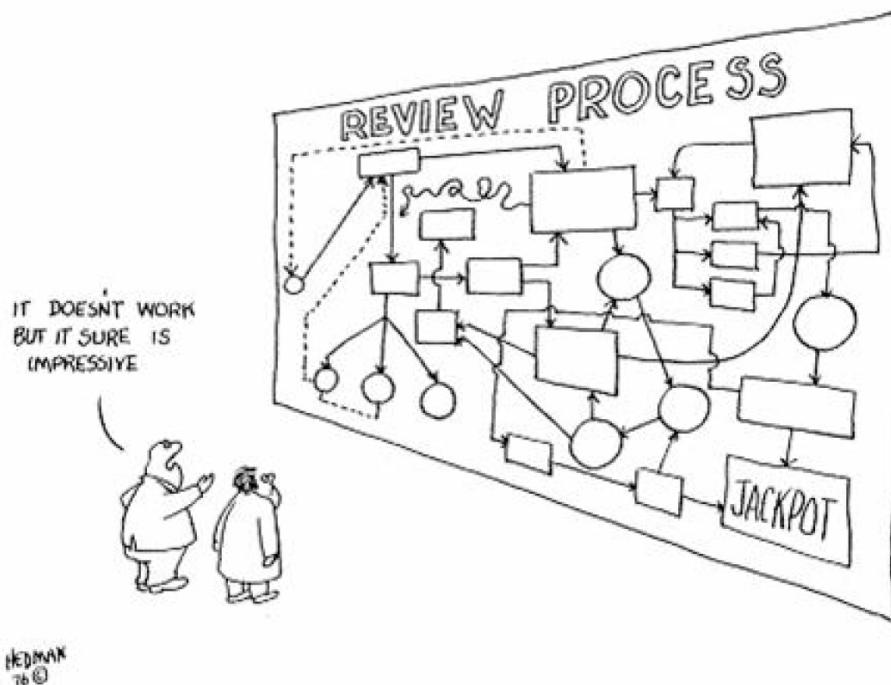
## Consider a Minor Use Permit Process

The City may also consider a new type of use permit – a Minor Use Permit – approved by the Community Development Director. The Minor Use Permit would be required for uses that are "limited in scope and impacts" but which currently require a hearing by the Planning Commission, or could be used for minor amendments to Use Permits. Applications for Minor Use Permits would be subject to public notice and a hearing before the Director would only be held if someone requested one. All decisions would be subject to appeal. The Director would also have the authority to defer action and refer the application to the Planning Commission for final action. Notice of decision or notice of pending decision could be given to Planning Commissioners with an option for the Planning Commission to call for review of a project. Such a procedure creates more certainty in the process for both the community and developers while still providing opportunities for meaningful public input. Conditional Use Permits would be reserved for uses that pose potential or significant land use compatibility issues and warrant Planning Commission review and approval.

## Unclear Review and Approval Procedures

Ordinance-users expressed that it wasn't always clear what the review process or who the review authority was for a given decision. Chapter 17.68, Procedure, Hearings, Notices and Fees, of the current Zoning Ordinance contains some common permit procedures. Other chapters contain permit-specific provisions for reports of decision and findings, effective dates, appeals, reapplication, revocation, and expiration. In many cases it is unclear how these procedures differ from permit to permit, especially when many other aspects of the permit procedures, including review body, are the same. For example, both parking plans and conditional use permits are subject to Planning Commission approval. The Zoning Ordinance is clear in stating that a decision by the Planning Commission of a conditional use permit may be appealed to the City Council. However, for parking plans, the Zoning Ordinance states that processing procedures are to be set by resolution of the City Council and is silent on appeal procedures, leaving many questions. Is a parking plan appealable? If a parking plan is submitted along with a Conditional Use Permit and the Conditional Use Permit is appealed, is the parking plan up for consideration as part of the appeal?

Clearly distinguishing the issuing authority and applicable review process helps clarify the level of review required for a project. Additionally, procedural nuances between different types of approvals, often with the same review authority, is confusing. The creation of a simplified permit structure that establishes a limited number of procedural tracks for approvals would provide greater clarity for all users and simplify administration.



*Ordinance-users expressed that it wasn't always clear what the review process or who the review authority was for a given decision.*

## Clarify Administrative Procedures for All Decisions

The updated Zoning Ordinance should set forth clear administrative procedures to be followed for all types of decisions. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the Ordinance should, at a minimum, establish unambiguous authority for approval and the process for appeal.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. Findings that the decision-making body is required to make in order to approve a project should be clear so that all interested parties know the criteria against which a project is evaluated.

Expanding the set of common permit procedures would improve usability by helping applicants to understand the general review process more easily. Where necessary, unique procedures could be developed for specific permit types, but generally, permits with the same review body should follow the same procedures. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete;
- Clear and consistent procedures for appeals;
- Requirements for public notification; and
- Permit effective dates and time extension procedures.

## 9 COMPLIANCE WITH STATE AND FEDERAL LAW

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some State and Federal laws to consider through the update of the Zoning and Subdivision Ordinances.

### Housing

As California's housing supply and homelessness crisis continues, the State Legislature has passed numerous pieces of housing legislation in each legislative session of the past several years. Most recent legislation is aimed at streamlining approval of housing projects and reducing barriers to the creation of housing. The City has been actively working to comply with the legislation through a number of mechanisms. Highlights of housing related legislation most relevant to the Zoning Ordinance are briefly summarized below.

#### Housing Developments

SB330, the Housing Crisis Act, limits cities' and counties' ability to regulate housing developments, including residential development, mixed use development with 2/3 of the square footage for residential, and transitional and supportive housing. It creates a preliminary application process where existing objective development standards are those in effect when a preliminary application is submitted, establishes timeframes for when a historic determination and project approval must be made, and limits the number of hearings.

A number of provisions address housing density. General Plan and zoning densities may not be reduced below 2018 numbers. This includes changes to development standards that lessen intensity of housing. Zoning may not be changed to remove housing, and there may be no onsite reduction in the number of units.

The Housing Crisis Act also prohibits local jurisdictions from imposing or enforcing new subjective design standards. Establishing objective development standards for housing developments are discussed in more detail in section 5 of this paper.

## **Accessory Dwelling Units (ADUs)**

New laws further restrict what local agencies may regulate regarding ADUs. Local agencies may not adopt ADU ordinances that: impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. New laws allow for an ADU as well as a "junior" ADU where certain access, setback and other criteria are met and explicitly identifies opportunities for ADUs in multifamily buildings. Additionally, until Jan. 1, 2025, cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU. Hermosa Beach adopted its Accessory Dwelling Unit Ordinance consistent with the new legislation in December 2019.

## **Affordable Housing**

The State Density Bonus Law (Cal. Gov't Code §65915) allows for density bonuses and additional incentives for affordable housing. Cal. Gov't Code §65913 expedites state and local residential development, assuring local agencies can sufficiently zone for affordable housing, and encourage and incentivize affordable housing. Recent changes to the State Density Bonus Law increase the density bonus and other concessions for 100 percent affordable housing projects. Housing projects with a minimum of 80 percent low income units and up to 20 percent moderate income units are eligible for a density bonus of up to 80 percent the maximum allowed density or a density bonus with no limit if located within ½ mile of a major transit stop and qualify for at least four concessions, reduced parking requirements, and a height increase of up to three stories or 33 feet when located within ½ mile of a major transit stop.

## **Housing for Persons with Disabilities**

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities.

The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home.

Pursuant to Cal. Health & Safety Code §1566.3, a residential care facility that serves six or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning codes. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

## Manufactured Housing

The Land Use and Development Code is compliant with Cal. Gov't Code §§65852.3-.5 which requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lots zoned for single-family dwellings.

## Adult Oriented Businesses

Local agencies may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards (Cal. Gov't Code §65850.4). Through the Zoning Ordinance update, regulations must ensure there are a reasonable range of alternative sites where adult-oriented businesses may be located.

## Coastal Act

In 1976, the California Coastal Act was passed to protect coastal resources and maximize public access to the shoreline in the coastal zone, which is designated by the State Legislature. As part of the Coastal Act, local governments can prepare and implement Local Coastal Programs (LCPs) that are consistent with and achieve the objectives of the Coastal Act.

The Coastal Act gives priority to:

- Coastal-dependent and coastal-related uses and activities, such as commercial fishing, recreational boating and water-oriented recreational activities;
- Coastal access and recreational needs, such as public coastal access and recreation, along with consideration of traffic, parking, circulation and infrastructure needs; and

- Environmentally sensitive areas, including the protection and restoration of water quality and sensitive habitat areas, along with consideration of shoreline erosion and sea level rise.

Once an LCP is approved by the Coastal Commission, local governments have the responsibility of issuing coastal permits for most new development, subject to the standards set in the certified LCP.

Each LCP consists of a local coastal land use plan, which the City drafted with the PLAN Hermosa effort and is preparing to submit to the Coastal Commission for certification, and an implementation plan consisting of measures to implement the plan (primarily the Zoning Ordinance). Thus, the Zoning Ordinance must conform with and carry out the local coastal land use plan.

## Cottage Food Operations

Pursuant to Cal. Gov't Code §51035, a city or county may not prohibit cottage food operations (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.



## Emergency Shelters; Transitional and Supportive Uses

Cal. Gov't Code §§65582, 65583, and 65589.5 require each local government to: 1) amend its Code to identify district(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same district. Cal. Gov't Code §65582 contains definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

AB2162 requires that supportive housing be a use by right in districts where multifamily and mixed uses are permitted, including nonresidential districts permitting multifamily uses, if the proposed housing development meets specified criteria, and requires a local government to approve, within specified periods, a supportive housing development that complies with these requirements. Local governments are prohibited from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within ½ mile of a public transit stop.

## Family Day Care Homes

Pursuant to Cal. Health & Safety Code §§1597.30 et seq., small family day care homes in a residential unit is a residential use and is not subject to a fee or business license. Large family day care homes may not be prohibited in any district where residential is allowed, but a city or county shall do one of the following: classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use. However, zoning requirements for large family day care home must be reasonable and are limited to spacing and concentration, traffic control, parking, and noise control. Noise control standards must be consistent with the general noise ordinance and must take noise levels generated by children into consideration.

## Processing and Review Procedures

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal. Gov't Code §§65864 et seq.), general plan consistency (Cal. Gov't Code §65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), rezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§65900 et seq.), and zoning amendment procedures Cal. Gov't Code §§65853 et seq.).

## Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. Religious uses must be treated the same as similar non-religious uses. Additionally, regulations cannot impose a substantial burden to religious exercise.

## Signs

In June 2015, the U.S. Supreme Court decision in *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) affirmed that sign regulations must be "content-neutral" to survive a legal challenge. In order to be content-neutral and satisfy First Amendment limitations, sign regulations must be based on "time, place, and manner" restrictions, rather than by content- or message-based restrictions. Content-based regulations are subject to what is called a "strict scrutiny" standard – that is, a compelling governmental interest must be demonstrated and regulations must be narrowly tailored to serve that interest.

## Solar Energy Systems

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those

necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems.

## Telecommunications

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility.

## Water Conservation and Landscaping

Cal. Gov't Code §53087.7 prohibits cities or counties from enacting any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation drought tolerant landscaping, synthetic grass, or artificial turf on residential property. The Water Conservation in Landscaping Act of 2006 (Cal. Gov't Code §65597) requires local agencies to adopt the updated Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (WELO) or a local landscape ordinance that is at least as effective in conserving water.



# APPENDIX A

## ORDINANCE USER INTERVIEW SUMMARY

### Introduction

As part of the initial evaluation of the current Zoning and Subdivision Ordinances, the consultant team conducted a series of interviews with a range of “ordinance users”– people who have utilized the Zoning and Subdivision Ordinances in Hermosa Beach and/or have a specific interest in regulations that will implement the updated General Plan/Local Coastal Plan–to understand the concerns and issues associated with updating the ordinances. The ordinance users interviewed encompassed a variety of people, which included: landowners, developers, architects, real estate professionals, and designers.

The City’s consultants conducted eight hour-long interview sessions on March 4, 2020, in addition to two phone interviews on March 12, 2020. A total of 31 code users in groups of one to five people were interviewed. The confidential interviews were conducted by staff from the consulting team– Martha Miller of Miller Planning Associates and Diane Bathgate of RRM Design Group. No staff members were present during the interviews to encourage candid responses. Participants were asked a series of questions regarding overarching concerns as well as specific topics related to the City’s Zoning and Subdivision Ordinances. People attending were also given the opportunity to discuss issues of significance to them that were not otherwise discussed or addressed from the facilitated questions.

### Themes

A strong consensus among code users emerged about what major issues are. While ordinance users may ultimately differ on precise changes to take, there was clear agreement that the Zoning and Subdivision Ordinances require modifications to be more understandable, to reflect existing conditions, and to achieve major City policy goals. Generally, ordinance users thought the City’s regulations were outdated and in need of improvement in order to achieve the community’s vision for the future. Following is a list of major themes heard during the interviews. A comprehensive list of comments received, organized by topic, is attached.

- 1. Do not regulate based on the worst-case scenario.**

- *This approach causes unintended consequences that often obstruct the ability to achieve other city goals.*

- 2. Make the regulations easier to use, understand, and interpret.**

- *Include practices and interpretations currently used, but not officially documented and apply regulations with a “common sense” mindset.*
- 3. Parking requirements are a major obstacle to investment and reinvestment.**
    - *Reduce parking requirements and incorporate flexibility, particularly for nonresidential uses.*
  - 4. Allow a wider variety of uses to occupy vacant spaces and generate activity, particularly in the Downtown and along corridors.**
  - 5. Align Downtown regulations and processes with market-driven strategies for reinvestment.**
  - 6. Clarify the review process and make it less onerous.**
    - *Adjust review bodies and processes to more appropriately reflect the significance of a project.*

## Comments

### General Comments

- The Zoning Ordinance is very cumbersome to work with. It's hard to find things if you are not familiar with it. It's hard for the first 10 years, the next 20 years of working with it are not so bad.
- There are so many little idiosyncrasies in the Ordinance that you would not know if you didn't work with it on other projects.
- PLAN Hermosa policies and implementing actions should be evaluated to determine what should be addressed in the Zoning Ordinance and what should be addressed in other parts of the Municipal Code or through other means.
- The City's approach seems to be that everyone gets punished when they have issues with a few. The City tends to overreact.
- In general, there is a fear of change.
- City receives generational mixed messages. Now is completely opposite from previous vision. What is the desired image for the City? Boutique? Party? Quiet?
- The Zoning Code lacks incentives to revitalize.
- Redevelopment efforts in downtown are a “nightmare.”
- Focus on the vision in PLAN Hermosa, not incremental change.
- Clearer rules and regulations, all written down to minimize multiple interpretations.
- Keep density to what residents want, do not facilitate overdevelopment.
- Improving review processes to be more predictable and streamlined would entice more investment and improvement, especially important for downtown Hermosa Beach.

- There is a need to build more housing.
- Provide for more gathering and placemaking opportunities.
- Align regulations to support market-driven reinvestment.
- Hermosa Beach deserves a better downtown.
- Address catalyst properties and need City leadership.

## Design and Development Standards

- A lot of policy is interpreted through the code; that makes it hard. For example, the way to determine height was first changed based on a policy for interpretation. Another example is determining whether a portion of a garage is below grade. The language in the Ordinance says to take natural grade but when the City analyzed the project, they used a straight-line method to determine grade. That was different from how Staff applied the exact same standard previously. The Ordinance language didn't change, the interpretation of how to apply it did.
- Trash issue – City wanted to take away shared facilities, ordinance passed, knee jerk response to restaurants not keeping clean. Need to look at larger context and implications, not just specific case.
- Small lots – make one threshold.
- Open space and parking requirements can conflict.
- Lot coverage and open space requirements can be redundant and need to be loosened up ("it's now like a Rubik's Cube).
- Allow more flexibility with renovations, allow full renovations without bringing all up to code.
- Important to allow for condominiums and consider reduction in size.
- Modify exceptions for building height (increase from 5 percent).
- R-1 zone problems with alley garage, parking in the rear, and open space compliance (for example, on Myrtle Street can push whole building back and never reach compliance).
- Open space regulations currently require 10 feet by 10 feet space - provides a disincentive for varied walls and good design.
- R-1 and R-2 have different interpretations of open space requirements – make consistent.
- Recommend being able to allow side yard to be used toward open space requirement.
- Consider allowing half of front yard toward open space for an alley condition.
- For public right-of-way between parkway and lot, need consistency in regulations and a mechanism for future removal of improvements (bond, grant deed, etc.)
- Reconcile General Plan and Code conflicts regarding sidewalk encroachments.

- Alley access is encouraged in PLAN Hermosa, but it is not in the Zoning Code.
- The sign ordinance is confusing, such as fascia board requirements allow for a too big of a range and only one wall sign is allowed per business.
- Design standards are lacking except for SPA-11 area. Need guidance for:
  - Window glazing - do not want highly reflective glazing, needs to be added to Code.
  - Murals – need clarifying direction as now can apply to front wall or glazing but consider allowing stepping back graphic a foot or two.
  - Drive-through uses – now need a use permit, in conflict with carbon neutrality goals, consider standard for new drive-throughs.
  - Lot mergers/subdivisions – now new lots must be 4,000 square feet in size, consider consistencies with adjacent lots, ownership ties, require lot mergers for R-1 lots only.
- Reconsider building heights and floor area ratio (FAR) regulations, are currently disincentives to redevelop.
- Clarify how side yards are measured (for example, existing requirement is 10 percent with 3 feet clear).
- Clarify regulations regarding convex slopes, need to apply more common sense.
- Have many legal nonconforming lots, consider mergers and other strategies.
- Allow buildings of three stories, consistent with character.
- Require more trees (consider shorter species in consideration of view protection).
- Consider changing building height methodology.
- Need standards tailored for each neighborhood/area.
- Enhance requirements for more permeable surfaces where possible.

## Land Use Regulations

- The community is concerned with construction impacts. The City is small, and the lots are small. Nothing can be built without impacting neighbors. Maybe there is a need for a construction ordinance.
- The way traffic impacts are considered will change as the traffic impact analysis shifts to consideration of vehicle miles travelled (VMT). How the City decides to manage VMT should get wrapped into the Zoning Ordinance.
- Sometimes new uses that on their own create additional vehicle trips, actually reduce the overall number and length of vehicle trips when located in already developed areas. A

commercial use that adds diversity in a built area can reduce trips because people are already in an area and can meet that need without going to another location.

- The jobs/housing imbalance in the City is exasperated by the Zoning Ordinance. The basic environmental issues in Hermosa Beach is affordable housing.
- Mixed-use zoning would be appropriate for the PCH corridor
- Reconsider conditional use permits to be more context appropriate (for example, allow full liquor CUP use to stay open past 10 pm on Friday, Saturday and Sunday nights). Make an allowable use or less stringent when not adjacent to residential.
- The current open space rules sometimes push bad design.
- Restaurants and party businesses should be treated differently. Restaurants should not require a CUP.
- Reconsider ground floor uses to allow for creative office or office, especially in areas not as desirable for restaurant or retail (such as outskirts of downtown). This could help address Hermosa Beach's lack of weekday, daytime population to support businesses.
- Revisit assembly CUP thresholds (anything over 15 people needs CUP process which may be appropriate for a church, but not for new fitness use).
- Add regulations for accessory dwelling units (ADUs) into Code and consider providing shelf ready, pre-drawn plans and allowing pre-fabricated options.
- Add in requirements of SB 1818 and SB 330 into Code.
- Reduce loopholes in Local Coastal Program (LCP).
- For historic resources, need to be clear on regulations.
- Frontage requirements along the Strand (3 feet, 9 feet or 17 feet setbacks) are impediments to design (not effective at original intent of discouraging parking behind units).
- Condominium developments do not need to go to Planning Commission.
- Reconcile mixed use direction between General Plan (discouraged) and Zoning Code (allowed).
- In the Cypress Avenue area, loosen up light industrial/manufacturing regulations to allow for other uses (such as brewery, coffee house, galleries, architecture offices, incidental retail, other arts-related uses) and consider performance standards to ensure compatibility with neighboring residences.
- Clarify and make consistent parking/driveway allowances (now inconsistent between single family and multi-family).
- Clarify downhill slope transition requirements to ensure public water is not going onto private, downward driveways (sometimes request concrete swale or trench drain).

- For the Building Code, City uses California Code with a few modifications, and it works pretty well with the Zoning Code. Sometimes a conflict arises, such as with low impact development (LID) using rain barrels in the side yard for onsite water retention.
- Regarding the M-1 zone, there are many different opinions and perspectives on current and future use and it is not designed well for public access. Current Planning Commission direction allows retail only with a temporary event permit.
- Allow for mixed use (with residential or office above commercial) and address parking concerns.
- Reconcile differences between California Coastal Commission, State, and City regarding housing requirements such as with ADUs, JADUs, FAR, etc.
- Office uses should be allowed in commercial zones, even if need to limit amount of square footage or require to be above ground floor.
- Establish adaptive reuse requirements.
- Hermosa Beach generally has a "one size fits all" approach to multi-family zoning regulations but have some very different neighborhoods so requirements need to be more tailored. For example, 400 square feet of open space is required regardless of lot size – consider percentage requirement.
- Remove building separation standard on same site (only really applies to past design patterns).
- Ensure compatibility between uses such as between commercial and residential uses, especially important for small, compact patterns in Hermosa Beach.

## Parking Regulations

- Parking is the issue that holds up projects. The City could address this by being more flexible on parking.
- City needs to catch up with the State and revisit parking along the transit corridor (PCH).
- Parking is the number one issue when requesting approvals.
- City needs to build in-lieu space parking structure and has the funds.
- In-lieu parking program previously approved is now not available and is unfair.
- Commercial uses get push back from neighborhoods and City does not enforce residents to use garages.
- Encourage Uber, Lyft, shuttle, buses and messaging that may need to walk a bit.
- Consider 20 percent parking requirement if provide bicycle racks.
- City may have overissued resident parking passes.
- The parking variance process is too onerous, expensive, lengthy and risky.

- Need to be forward thinking with parking strategies.
- Consider public private partnership (PPP) approach to building a parking structure south of Sharkeez.
- Recommend not requiring parking for small businesses.
- Consider no parking for historic resources.
- Revisit parking recommendations in the Downtown Strategic Plan.
- City's current parking regulations are outdated.
- Have observed inconsistent treatment for waiving parking, need more consistency.
- Move downtown parking inland so folks will need to walk by retail/stores.
- Employees have no dedicated parking area.
- Two-hour parking limit is too restrictive for dining/restaurants.
- Parking is only an issue primarily on weekends.
- Concerned with ADU garage conversions as there is no requirement for additional parking.
- Reduce and eliminate off-street parking requirements.
- Allow use of shared parking between private and public uses.

## **Zoning Administration and Process**

- The City's planning review process is ridiculous. Over the last four years or so, it has become extremely difficult. Staff will not talk to you about a project unless you make an appointment. Even if you simply want to drop off plans, you must have an appointment. This is cumbersome. Also, if you are missing anything, Staff will not accept the project. The problem is, they are just doing a partial plan check at the counter. So even if you correct that, they haven't looked at everything and they will give you corrections again. It goes on and on.
- The level of detail in plans required for planning review is excessive. The City basically requires you to prepare engineering drawings before you even know if a project is viable. Engineered plans are required too early in the entitlement process.
- Of all jurisdictions I've worked in, Hermosa Beach used to be the most straightforward and common sense in their review. Now they are the worst.
- Hermosa Beach doesn't have design review, which is a good thing.
- Lengthy process to entitle hotel at 14<sup>th</sup> Street and Hermosa Avenue.
- Due to the length of the development process and EIR, project is now on hold and requires new financing.

- Time to get things approved is abnormally long due to stringent policies and general complacency at all levels (for example, patio approval along the Strand took a year and half).
- City is good at processing routine items, much longer times if there are different interests involved.
- Regulations are not always easily apparent, and everything goes to Planning Commission (for example, reduction of seats at a brewery went to Planning Commission and cost \$6500).
- Changes in staff result in different direction and can cause confusion.
- Staff is helpful, accessible, and open to discussion, and provides complete information on what needs to be submitted.
- Planning Commission discusses and adds restrictions if no issues or neighbor testimony.
- Consider administrative approval unless comments are received and then take to a public meeting (Director, Zoning Administrator, or Planning Commission).
- Applicants do not receive comments ahead of meetings and can be blindsided (for example, applicant not allowed to review screencheck EIR).
- Would like more certainty in the process.
- Consider better forums and opportunities to work out issues.
- Code interpretations sometimes are unwritten rules that applicant finds out after the fact.
- Make sure there are clear inspection standards.
- Planning and Public Works sometimes do not communicate well which can result in conflicting requirements. Provide clearer areas of responsibility for site planning and for right of way, such as with grading and drainage.
- Remove requirement to submit materials on CD (too antiquated).
- For convex slope determinations, change from Planning Commission level to administrative (Director), but appealable.
- Allow more decisions to be made at the administrative level (such as minor modifications, use permits, others).
- Establish one point in time to bring lots into conformance (remove structure, merge, or fire wall).
- Change of use request process is too long and too expensive (since go to Planning Commission) and is a disincentive for new small businesses. Consider more ministerial/administrative processes to be business friendly.
- Provide a process for including critical points so can be reviewed in the field with plan set.
- Recommend interdepartmental routing of conceptual plans, include summary "up front" of requirements for all departments, and enhance interdepartmental communication.

- Regarding survey standards, require corner monuments and verifications that ties were established/set, filed and inspected in the field.
- Provide a written, digital checklist on website of requirements.
- Single-family related applications do not need to be reviewed by Planning Commission if comply with rules.

## Example References

- Redondo Beach's Code is pretty good.
- Manhattan Beach's Code is cumbersome but tailored. The Planning Department put together tools to help streamline the process. For residential projects, they have a check sheet with every code that is related to project. It's a helpful tool to use when designing a project.
- For parking, City of Los Angeles allows fractions of parking spaces or replacement with bicycle racks.
- For parking, West Hollywood does not require parking for uses less than 10,000 square feet.
- Look into Urban Land Institute (ULI) strategies for shared parking.
- Review City of Long Beach example regarding limitations on drive-through uses.
- Manhattan Beach has good regulations for ADUs and Junior ADUs including a streamlined process.
- Torrance has a "one stop" desk that covers requirements of all departments.
- El Segundo "Sleepy Hollow" is a good example of a creative office district.
- Look at potential parking approaches in Manhattan Beach and El Segundo to help "right size" parking requirements and provide flexibility.
- Coastal Commission has become more accepting of parking changes, see examples in Santa Monica and San Diego.

## List of Interviewees

Adam Eisenberg

Bob Healey

Bob Rollins

Brandon Straus

Chrissie Grasso

Christie Teague

Dean Nota

Ed Almanza

Fran Uralman

George Schmeltzer

George Shweiri

Jason Muller

John Starr

Jon Davide

Jonathan Wicks

Karynne Thim

Larry Peha

Laura Pena

Lisa Ryder

Lori Ford

Maria Islas

Maryl Binney

Michelle Licata

Mike Grannis

Mike Levine

Mike Wally

Nicole Ellis

Peter Nolan

Stacey Straus

Stefan Schmandt

William "Bill" Errett