

## Hb Zoning Draft Regulations: Administrative Procedures Feedback (LP)

May 9, 2024

It is essential we make updates to our Zoning Ordinance regarding our Administrative Provisions and Procedures as straightforward and streamlined as possible. First, I want to convey how challenging this material is to digest for those in the public who are reviewing it for the first time. If we want to elicit public engagement we need to demonstrate how each section fits into the broader picture of our Zoning process. I recommend bringing back the **Info Graphic** that was deleted from the city website.

Currently, the Zone-In web page displays an Overview of the process with links to different reports but the page fails to visually engage the audience and demonstrate how the meetings, documents, and public input opportunities shape the final result. Let's agree on our goals for this process. We want to streamline code, increase certainty, improve clarity, create objective standards, and make our municipal code user friendly.

Second, I have recommendations that are both structural in nature and content related.

### A. Format Recommendations

1. **Introduction:** Provide a short introduction on the significance of the following sections in Chapter 17. The last version of the Administrative Provisions (Oct 2022) contained a brief summary that provided helpful information to guide the reader through this material. It will further assist the user to understand how the different sections relate to each other.
2. **Table of Contents:** In the last version, Martha Miller presented a table of contents that helped the reader navigate the lengthy document to easily find information of interest.
3. **Consistent Subheadings:** There are several sections in the document that use different wordings to describe the same action. I recommend consistent subheadings so the reader can easily navigate each section.
  - a. **17.10.20 Conditional Use Permits:** the Subheading "Authority to Grant" is different from Review Authority
  - b. **17.11.40 Minor Use Permits / Procedures:** Sometimes 'Public Notice' and 'Public Hearings' are combined whereas in Chapter 17.12.30 Parking Plan they are separated.
  - c. **17.17.80 Findings:** the Subheading "Findings" is different from Required Findings.
4. **Insert Links:** Provide links to Ordinances so updates to the Municipal Code are easier to understand. Also, where the code includes language on permits, handouts, applications, and forms provide links to the city website so information can be easily located.
5. **Timelines:** Insert timelines for processes/procedures where appropriate. For example, if there is a stated timeframe on the city website for applications (i.e., Universal Planning Application – 30 days of acceptance to determine if the application is complete).

### B. Content Recommendations

1. **17.5.80 Fees** – "It is stated all fees shall be paid at the time an application is filed..". What is the rationale for making it financially burdensome to open a business or update a permit in our city?

**RECOMMENDATION:** Review which fees cover actual costs versus those that could be charged at various intervals in the project. Let us support best practices that can right size the cost of applying for permits with actual work performed.

2. **17.6.50 Time Extension Request** – Are there standardized time extension periods? If we can streamline with definitive time frames (ex: 1 year, 2 year), can the review authority be placed at the Director level in order to save time, cost, and resources?

**RECOMMENDATION:** Streamline the time extension request process by creating definite time periods for permits. In doing so, standard requests can be reviewed at the Director level.

3. **17.6.50 Review Authorities for Decisions and Appeals:** What is the “Certificate of Appropriateness?” Which projects would be subject to this decision type? What is the basis for the level of review authority?

4. **17.7.20 D3. Refund of fees** – The costs of application fees can be enormous. Why aren’t partial refunds made on projects that aren’t started? For those whose applications are cancelled or redrawn before actual work is performed, what is the time frame for refunds?

**RECOMMENDATION:** Include a rationale for why entire applications fees are not eligible for partial refunds if minimal city costs were incurred. In order to improve communication, include a time line of when refunds will be processed.

5. **17.7.60 E. Conduct of Public Hearings: Continuance of Public Hearing by the Planning Commission.** The description is incomplete and does not make any sense.

6. **17.7.80 Scope of Approval:** As stated, “a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.” What is the rationale for creating this potential barrier to renting spaces in our commercial districts? This provision may have the unintended consequences of increasing vacancies and stagnation. It may take longer to fill spaces.

**RECOMMENDATION:** Include a rationale for this specific provision. Allow market forces to create the demand for businesses in our city.

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7. **17.7.110 Revocation of Permits:** As stated, “if no time period is specified, any permit granted under this title shall automatically expire when no project or use has been exercised...”. How are you measuring whether a permit has been exercised? What if there are funding issues and that is the reason for delay?

**RECOMMENDATION:** If the review authority hasn’t specified any time frame include next steps beyond stating that the permit shall expire two years after the date of approval. Improve the communication process (ex: check-in dates, project status reminders, etc) so there is ample consideration for unforeseen obstacles.

8. **17.4.120 Interpretations and Determinations:** Section A. Is not a clear sentence. As stated, “a request for an interpretation from the may be made for a use not listed in the Zone.”

**B. Findings:** Under section B. it states, the Director may find a use that is not listed in the zone is allowed provided that following findings can affirmatively be made:

1. The characteristics of, and activities associated with, the proposed use are not more intense than those uses listed in the zoning district as allowable, and will involve a greater level of activity, population density, intensity, traffic generation, than uses listed in the zoning district.

**RECOMMENDATION:** We have to ask ourselves do we want to attract more visitors or NOT. A few weeks ago we had a city meeting where we wanted active uses and thus need more foot traffic. We should not be creating code that states the potential opposite.

9. **17.55.070 Revocation:** Section C. The use for which the administrative permit was granted has not been exercised for at least 12 consecutive months, or has ceased to exist, or has been abandoned. What is the purpose of the 12 month clock? How do you know its been abandoned or exercised?

10. **17.55.080 Expiration:** We need more certainty if we want to stimulate investment. What is the rationale for the admin permit expiring?

11. **17.15.60 Periodic Review Requirement (Development Agreements)** – What is the purpose of having the Planning Commission review these agreements every 12 months? Why does the applicant need to initiate the review 60 days prior to the anniversary date of approval?

## Maricela Guillean

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**To:** Alexis Oropeza  
**Subject:** RE: Administrative Procedures feedback - Municipal Code and Zoning Group

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**Subject:** Administrative Procedures feedback - Municipal Code and Zoning Group

Hi,  
Thank you again for the opportunity to meet you on Teams and to discuss the Administrative Procedures elements of the municipal code and zoning updates.

I think the meeting yesterday was helpful for us, especially in regards to how we can best share our thoughts with you. Our overall objectives are to help streamline the application/approval processes as much as possible and to offer ideas on how all things code and zoning related are presented to the community. Stated another way, we want to make it as easy, fast, and economical as possible for businesses or property owners to go through the various application and approval processes.

We are including feedback and suggestions in this email pertaining to the actual Administrative Procedures as well as to the broad category of presenting/communicating code and zoning information to the public. Finally, we are also adding some thoughts on development and design standards as graciously provided by a local architect who has recently joined our group.

I invite any members of the group to add to this as appropriate.

### **Administrative Procedures**

Attached please find specific feedback from Laura Pena.

Here are some thoughts I had by Action category:

#### *Ministerial Action*

##### Zoning Clearance (17.8)

- My initial thought is that there should be an easy way for new business owners and real estate agents to determine what type of use is allowed for a given location. I appreciate that this is really only applicable for business owners wishing to change the current use of a space to something else (a small percentage of tenant changes). For example, Beckers, a retailer, is out and a wellness-type business is being proposed. This represents a change of use. I am not the agent representing the new tenant and so I do not know if the new tenant is aware of what lies ahead for them with

respect to the change in use process. Another example of change in use would be Drive taking over Rose Cleaners.

- Would it be possible to add a section to the city website or perhaps build on the current Guide to Starting a Business section of the site that has easy to follow links to the zoning map and to the use table from the Municipal Code? I am not sure that a lot of new tenants or prospective tenants know what they might be getting into if they want to change the current use of a space. My concern relates to what I will know refer to as a Lease-Use conundrum. Some new tenants may be signing leases before they know for sure that their use would be allowed at a given location. This can be problematic at best.

- Would it be possible to have a list of prohibited uses that is easily accessed?

- Would it be possible to build on the use list or at least have a path forward to do so? I am not thinking to the very extensive list used by the city of LA, but more comprehensive nonetheless.

- Are pre-meetings a requirement for this? If not, they should at least be strongly encouraged so as to prevent confusion, misunderstandings, etc. Perhaps this might prevent some groups from attempting to move forward with their proposed use, possibly saving them time and money.

### *Administrative Action*

No comments at this time.

### *Quasi-Judicial Action*

#### CUP (17.10)

- Same thoughts about presentation and information access as provided above in Zoning Clearance. Likewise, for pre-application meetings.

- Is the Planning Director (17.10.150) the same as the Community Development Director?

- Any chance the Planning Commission would consider allowing the Director to authorize the entitlement of a restaurant use to get a beer and wine license for locations under 2,000 sq ft? Redondo Beach allows for this in certain zones.

- What is the cut-off with respect to operating hours for a restaurant to be considered late night? If it is not 11 pm, is there a way to make it so?

- Is there a way to rethink the food to alcohol ratios that appear in certain CUPs? There are examples of neighboring restaurant spaces being held to different standards on this.

- Is there still discussion around lifting the parking requirements for changes in use under 3,000 sq ft? Having this take effect would be hugely helpful.

#### Minor CUP (17.11)

- Is there a way to better define what constitutes a minor use change? For example, what if a restaurant wants to add an hour of operation in the morning? Or change the hours of the day they can use their patio or how many TV monitors they are allowed, etc.? Or how about the food/alcohol ratios?

### *Legislative Action*

No comments at this time.

## **Presentation and Communication**

Guide to starting a business section of city website:

- Provide more context for the application forms section/link under Planning Division
- Perhaps add a link to the zoning map
- Perhaps add a link to prohibited uses
- Have a link to the uses table and perhaps build on the types of uses
- Business licenses are for non-bricks and mortar businesses as well
- There is a broken link under Building Permit
- Perhaps add the ABC matrix under Alcohol Licensing section with some context

From Laura Pena:

Here are my thoughts on **Communication** (*written, presented material*) - Not all areas are related to the Admin Provisions but since we have a captive audience I thought I would add a few points. There are several areas where communication could be improved in our city.

a. Legal Obligation vs. Comprehension Focused: The municipal code is a collection of laws passed by our local governing body. Most community members (business or resident) aren't familiar with how to read or comprehend how the code relates to their inquiry. If we can provide an introduction and table of contents for each main section that would be helpful. Use infographics that incorporate a how-to-guide with examples on how to answer most frequently asked questions regarding the code. Clearly defining terms in the beginning of each section has been incredibly useful. Create links to the ordinances so the user can understand the context of the code updates.

b. Visual Aids: Incorporate color coding to assist the user navigate our fee charts. Manhattan Beach's Community Development Fee Schedule categorizes material according to the Planning Fees, Traffic Engineering, Building Division, Permits, Mechanical, Electrical, Plumbing, Right of Way, and New Construction examples. The material builds on how you would use the information. The chart has consistent formatting so comprehension is greatly enhanced.

c. Powerpoint presentations: Include powerpoint documents in the staff report so the reader can understand highlighted material and follow along easier.

d. Pre-Application Meetings: Create guides on how to consolidate necessary information (*see Zoning Best Practices attached*). The current Universal Planning Application is comprehensive but maybe unnecessary for simple inquiries.

e. Guide to Starting A Business: Here is an example of a visual user guide to navigate the reader through the process. Create a survey for users to measure effectiveness and what areas need to be improved. We have a Business Liaison in our city. The name and contact information should be on the first page, not just an email address. In addition, the Chamber of Commerce information is on the last page of this document. One of the benefits of joining the Chamber is not just for marketing assistance but we are a tremendous resource to answer questions in the beginning of a business' interest in our city. Perform periodic checks

on the user guide to ensure links are accurate. For example, the Building Permit link creates a "Server Error in '/' Application.

f. Best Feedback Practices: Clarify how your audience can provide constructive feedback. It's not enough to ask users to provide ecomments or public comments at city meetings because we don't receive any feedback on our submissions. In order to enhance better feedback loops - 1) Build relationships with key leaders and organizations (Chamber, Ad hoc Committee, Advisory Body) for important strategic goals that could impact our general plan; 2) Utilize a Town Hall format for important issues so community members can ask questions and receive feedback in a timely manner; 3) Know your target audience. For our Housing Element we only had 26 people fill out the survey. Now, we know more people are interested in housing related issues. Investigate apps like CitizenLab to engage our community and enhance participation; 4) Eliminate barriers and be sensitive to constraints. Our parking permits can no longer be handled at City Hall. Community members must use the online site. Communicate exceptions since not everyone has access to a computer; and 5) Communicate results to our community on a regular basis. In 2022, our city allocated 100k for a citywide internal audit program that would focus on maintaining and implementing best management practices in order for the city to provide a high value of services to its community members in a cost-efficient manner. I'm still waiting on the results of this audit. Communicate the results!!

## **Development and Design Standards**

From an architect in the group:

I did some research into the Development & Design Standards for neighboring communities as well as City of Pasadena. In summary, each community provides similar information to Hermosa Beach, however some communities make the information accessible and easier to digest.

- **Manhattan Beach**: It appears that Manhattan has a variety of [handouts](#) to help the community understand what can and cannot be built. They have diagrams on the handouts, but altogether are a bit disjointed in their presentation.
- **Redondo Beach**: Redondo Beach appears to have a more cohesive [Development Standard document](#) (Design Standards). The document covers all Residential development, including ADUs and Multi-Family.
- **City of Lawndale**: Lawndale has tabulated information for both [Residential](#) and [Commercial](#), as well as a [Residential Development Standards and Design Guidelines](#) document, which is intended to make the development standards palatable.
- **City of Pasadena**: Pasadena has been lauded for their successful planning and development approach and has a well-organized [website](#) to assist with development. I recommend spending a few minutes poking around to see their structure and the information they provide. To convey their Development Standards, they provide a very clean and concise document for [Design Guidelines for Commercial and Multi-Family Districts](#).

In terms of combining both Development Standards and Design Standards, the document from the City of Lawndale may be the most comprehensive by how it covers both aspects of development.

Regards,

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