

**From:** Laura <lpskin415@gmail.com>  
**Sent:** Wednesday, November 2, 2022 11:06 AM  
**To:** Community-Development <CommunityDevelopment@hermosabeach.gov>  
**Subject:** Hb Draft Administrative Provisions/Procedures Feedback

Hello Planning Commissioners and Staff,

I am providing written feedback regarding the **Revised Draft Administrative Provisions/Procedures** for today's Special Meeting. Please note on the cover page it states "Administrative Provisions" but the staff report refers to the document as "Administrative Procedures."

I appreciate all the effort from Martha Miller and Staff as to streamlining our Municipal Code. If I can be of further assistance please let me know.

Best Regards,

Laura Pena

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

November 2, 2022

1) Page 5: **17.04.030 Planning Commission.** Annually reviewing progress towards implementing our General Plan is important but I have concerns on whether updates that are brought to the attention of the commission will be kept on a “list” and not addressed in a more timely manner. For example, it has literally taken months to have FAR’s considered while we are conducting our Comprehensive Zoning Update. Since this provision does not specifically state a **timeframe** when these discussions need to take place other than annually, I recommend more clarification.

**RECOMMENDATION:** As stated in PLAN Hermosa, our General Plan “*may be modified or amended up to four times per year.*” In order to keep timely updates to our General Plan, the Planning Commission should address recommendations from our Community Development Director or by City Council at “*any time*” to keep things moving efficiently during the year and not just during the Annual Review meeting.

2) Page 9-10: **17.05 Common Procedures.** In 17.05.010, under Purpose it would helpful to define what is meant by land use permits since the common person may not know. Item C1 states Conditional Use Permit, Variance, and Precise Development Plan. I would assume that any modification applications would also be considered a land use permit too.

**RECOMMENDATION:** I recommend for clarification purposes adding the different land use permits that are applicable to this section in the beginning paragraph.

3) Page 14: **17.05.080 Scope of Approval.** In item D. “*all approvals may be subject to periodic review to determine compliance with the permit and applicable conditions.*” How does this differ with current code? What entities (i.e., fire & police) are able to perform periodic reviews if it is not stated?

**RECOMMENDATION:** I recommend clarifying what entities (ie., fire, police) and timeframe will be allowed for periodic reviews if it is not clearly stated in the permit. In doing so, it will help with understanding expectations and avoid confusing business owners who may feel targeted.

4) Page 16: **17.05.110 Revocation of Permits.** In item C3, which lists exclusions for where a permit can be suspended or dormant for longer than 12 months, are missing a couple of important circumstances that should be added.

**RECOMMENDATION:** I recommend adding property/business litigation and governmental interference as potential reasons to extend the time frame for the dormant use or activity beyond 12 months.

5) Page 17: In item C5, if a business has been granted a permit for use than there needs to be clear procedures for revocation. Allowing the Planning Commission to revoke a permit after the fact for which it states in the recommendation that “*the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance*” is problematic and exposes the city to potential litigation.

**RECOMMENDATION:** I recommend following the current Municipal Code 8.28.070 regarding abatement procedures if a business is considered detrimental to the public health or safety, or constitutes a nuisance.

6) Page 17: Regarding item C6, please provide examples of what is meant by “*circumstance under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid...*”? The language used is vague and has the potential for misuse and unnecessary conflict.

**RECOMMENDATION:** I recommend additional clarification regarding what “*circumstances*” and defining “*to such a degree*” could provide information when this clause would be applicable.

7) Page 17: In item C8, the “quantitative tool” of requiring restaurants with on-sale alcohol beverages to maintain a minimum of 50 percent food to alcohol ratio may create an unnecessary and unreasonable burden and therefore may have unintended consequences preventing good operators from opening their businesses in our city. In addition, there needs to be more clarification regarding when this provision would be in conflict with a business owners conditional use permit.

**RECOMMENDATION:** Restaurants are the bedrock of our business community. I think we need to rethink the definition of restaurants because this “quantitative tool” is extremely limiting to the success of the establishment. I recommend working with our current restaurant operators to clarify concerns and develop guidelines that will ensure a successful and meaningful partnership.

8) Page 18: **17.05.120 Appeals and Calls for Review.** In item B3, the time limits for “*all appeals shall be filed in writing 10 calendar days of the date which the action was taken*” may create communication issues if all parties involved (i.e., including property owners) are not able to respond in a timely manner due to incorrect addresses being on file or being out of the country.

**RECOMMENDATION:** I recommend allowing all appeals to be filed in writing 30 days of the date which the action was taken in order to provide ample opportunity for all parties to respond.

9) Page 25-26: **17.08 Use Permits.** In the attempt to streamline and clarify the applicability of Minor Use Permits certain Commercial Uses as noted in 17.02.020 Table (*in Draft Land Use Regulations April 2022*) are stated as both “Permitted” and “Minor Use Permitted” depending on their location in our NEW Downtown Zone (DT). For example, offices are “Permitted” except are “Minor Use Permitted” if they are located on the ground floor along Pier Avenue. As of this date, there have been no bans on first floor offices in our downtown so creating a distinction is confusing and unnecessary.

**RECOMMENDATION:** I recommend creating a clear and streamlined Downtown Zone (DT) that does not create confusion regarding which Commercial Uses are “Permitted” or “Minor Use Permitted” within the same corridors unless there is justifiable cause.

10) Page 40: **17.15.040 Inspection and Right of Entry.** As stated, “*whenever the City shall have cause to suspect a violation of any provision of the zoning regulations...*” maybe appropriate for public spaces in regards to concerns for health and safety but is highly unusual for private spaces. I did not see this provision written in our current code.

**RECOMMENDATION:** I recommend clarifying this section to apply specifically to public spaces and delineate a timeframe for notice to property and/or business owners.