

**CITY OF HERMOSA BEACH**  
**PC RESOLUTION NO. 22-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVE ZONE TEXT AMENDMENT 22-02, THEREBY AMENDING SECTION 17.04.040 AND CHAPTER 17.21 OF THE HERMOSA BEACH MUNICIPAL CODE REGARDING AUDS AND JADUS, DETERMINE THE PROJECT IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE, AND RECOMMENDING CITY COUNCIL APPROVE AN URGENCY ORDINANCE AMENDING SECTION 17.040.040 AND CHAPTER 17.21 OF THE HERMOSA BEACH MUNICIPAL CODE REGARDING AUD'S AND JADU'S**

**THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** Use The California Legislature approved, and the Governor signed into law, Assembly Bill 2221 (AB 2221) and Senate Bill 897 (SB 897). The bills amended Government Code section 65852.2 to: (1) Let ADUs go taller and closer to property lines; and (2) Codified a number of interpretations of the law that agencies developed as they've interpreted and applied the ADU law in different situations over the past few years.

**SECTION 2.** The Planning Commission held a duly noticed public hearing on November 15, 2022 to consider a text amendment to Hermosa Beach Municipal Code Section 17.04.040 and Chapter 17.21 as described in the proposed ordinance attached as Exhibit A.

**SECTION 3.** Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

**SECTION 4.** The Planning Commission finds the proposed amendments are consistent with the City's General Plan. The ordinance will also comply with State

requirements. The amendments will not impede the City's ability to meet its General Plan goals, and the amendments are necessary to carry out the purposes of the Zoning Ordinance, including the orderly planned use of land resources.

**SECTION 5.** The Planning Commission recommends that the City Council find that there is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 897 because if the City's ordinance does not comply with the amended laws as of January 1, 2023, and the City's ADU ordinance becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs. Further, to protect the public safety, health, and welfare, the City Council should adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b) as described in the proposed ordinance attached as Exhibit A.

**SECTION 6.** The Planning Commission hereby recommends City Council approval of the proposed ordinance attached hereto as Exhibit A as both an urgency and regular ordinance.

**PASSED, APPROVED and ADOPTED** on this 15th day of November, 2022.

**VOTE:**       AYES:  
  
                  NOES:  
  
                  ABSTAIN:  
  
                  ABSENT:

#### CERTIFICATION

I hereby certify the foregoing PC Resolution 22-18 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of November 15, 2022.

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David Pedersen  
Chair

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Corrie Kates, CBO  
Interim Secretary

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Date