



Staff Report

File #: REPORT 22-0182, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of April 12, 2022**

**APPROVAL OF THE PARKS, RECREATION AND
COMMUNITY RESOURCES ADVISORY COMMISSION'S
RECOMMENDED AMENDMENTS TO MUNICIPAL CODE
CHAPTER 12.20: BEACH AND STRAND REGULATIONS**
(Community Resources Manager Lisa Nichols)

Recommended Action:

Staff recommends City Council:

1. Approve the Parks, Recreation and Community Resources Advisory Commission's recommended amendments to Hermosa Beach Municipal Code Chapter 12.20: Beach and Strand Regulations; and
2. Introduce and waive first reading of an ordinance titled, "An Ordinance of the City of Hermosa Beach, California, Amending Hermosa Beach Municipal Code Chapter 12.20 (Beach and Strand Regulations), and Finding the Same Exempt from the California Environmental Quality Act."

Executive Summary:

In September 2019, staff was notified that temporary volleyball courts were installed within the residential zone on the beach, south of 10th Street and north of 15th Street, less than 50 feet from the Strand wall. Due to inconsistencies found between City policy and the Hermosa Beach Municipal Code (HBMC), staff recommended, to the Parks, Recreation and Community Resources Advisory Commission (Commission), language updates to Chapter 12.20 Beach and Strand Regulations meant to modernize the City's regulations and resolve any confusion between City policy and the HBMC.

Staff's recommendation included the requirement of a 50-foot distance from the Strand wall for any recreational activity and prohibition of recreational activities from blocking beach access points or emergency lanes required by the Los Angeles County Lifeguards. The Commission approved the recommended language changes at its July 7, 2020 meeting, followed by additional review of the language addressing tents on the beach at its August 4, 2020, and final approval at its September 1, 2020 meeting. Scheduling consideration of the recommended amendments for Council review and approval proved challenging as staff worked on reimagining parks and recreation programming, classes, and events during the COVID-19 lockdowns restrictions and restoring them as they were

lifted. Staffing shortages compounded the delay.

Background:

In September 2019, staff was notified that temporary volleyball courts were installed within the residential zone on the beach, south of 10th Street and north of 15th Street, less than 50 feet from the Strand wall. Upon further investigation, staff found inconsistencies between City policy and the HBMC, resulting in enforcement difficulty. Currently, the HBMC does not outline requirements for placement of temporary volleyball courts on the beach. However, City policy requires a 50-foot distance from the Strand wall for the temporary placement of this recreational equipment. Additionally, the 50 feet from the Strand wall distance is a standard used for the installation of permanent volleyball courts. This is in place for safety reasons including the provision of enough distance between game play and the Strand to eliminate loose balls from going onto the Strand. Additionally, it provides a reasonable distance from beachfront homes so noise emanating from the volleyball courts would not create a nuisance.

To prioritize the review of the topic and provide a resolution, staff provided recommendations to the Commission at its February 4, 2020 regular meeting including updates to HBMC sections 12.20.060 and 12.20.080 including:

- Language requiring a 50-foot distance from the Strand wall for temporary beach volleyball courts;
- Language requiring that any recreational activity be played at least 50 feet from the Strand wall; and
- Language specifying that recreational activities shall not block beach access or hinder emergency access onto and from the beach by the Los Angeles County Lifeguards.

Additionally, staff requested the Commission review the HBMC sections 12.20.060 and 12.20.080 for general code updates beyond these topics to ensure both sections are aligned with the City's beach culture and relevant to current times. Commission requested staff to return with drafted language updates. Staff returned to the Commission at its July 7, 2020 regular meeting with comprehensive language updates to Chapter 12 and Commission recommended approval of the recommended amendments with a 4-1 vote.

At its July 7, 2020 regular meeting, Commission also requested staff return with a deeper analysis of HBMC section 12.20.330 addressing tents due to concerns over safety factors related to the use of tents on the beach, specifically the 10 feet by 10 feet pop-up style shade structures. Following outreach with the City's enforcement teams including the Los Angeles County Lifeguards, the City Attorney's office reviewed the City's current language in HBMC section 12.20.0330 with the Los Angeles County ordinance and found both to be consistent, leading staff to recommend maintaining the current language to the Commission at its August 4, 2020 regular meeting, with the addition of a 10-foot distance requirement from the Strand wall to follow past practice by the City.

The Commission maintained its safety concerns over tents at the beach and requested a subsequent discussion be held at a future meeting with a representative from the City's code enforcement team and a representative from Los Angeles County to further discuss its concerns. A representative from the City's code enforcement team and a representative from Los Angeles County Fire Department were present at the Commission's September 1, 2020 meeting to address the Commission's concerns. Following the discussion, the Commission recommended approval of the proposed language changes to the Hermosa Beach Municipal Code section 12.20.220 addressing tents to include a 10-foot distance requirement from the Strand wall. Included as **Attachment 1** is a redline version of Chapter 12 in its entirety that includes the Commission's recommended changes.

Past Commission Actions

Meeting Date	Description
February 4, 2020	Review of HBMC Chapter 12 sections 12.20.060 and 12.20.080
July 7, 2020	Recommended approval of proposed language changes to HBMC Chapter 12 sections 12.20.060 and 12.20.280
August 4, 2020	Review of HBMC Chapter 12 section 12.20.330
September 1, 2020	Recommended approval of proposed language changes to HBMC Chapter 12 section 12.20.330

Also included in **Attachment 1** is an additional modification by staff to address outdated language in the City's Beach and Strand Regulations that was not considered by the Commission as the subject matter did not fall under the purview of the Commission. This proposed modification proposes removal of the existing regulation regarding the changing of clothing as appears no longer applicable to current norms.

Discussion:

Amendments noted in **Attachment 1** include:

- Language changes to section 12.20.330 to include a 10-foot distance requirement from the Strand wall for all tents;
- Language changes to section 12.20.060 consistent with the Commission's input provided at its January 7, 2020 meeting regarding temporary recreational activities and emergency lanes. These changes removed outdated and overbroad language such as "[n]o sport or throwing of missile of any kind. . ." and language only permitting sports or games on the beach in areas provided for such sports or games, with a more holistic approach to activities, sports and

conduct on the beach and Strand. Specifically, that use of the beach and Strand must be done in such a way that it does not constitute a nuisance or hazard to anyone, that games or athletic activity must be more than 50 feet from the Strand Wall, and that, unless otherwise approved by the City, all equipment and personal property must be removed from the beach and cannot remain overnight; and

- Removal of sections 12.20.080 and 12.20.100.
 - Section 12.20.080 prohibits the writing upon, marking, staining or otherwise defacing, damaging, moving, removing, or vandalizing of any umbrellas, backrest, blankets, pillows, robes rugs or other beach equipment while it is upon the beach or on private property of any person whatsoever. The proposed changes to section 12.20.060 require the removal of all beach equipment and other existing Penal Code statutes prohibit the damaging or defacing of the property of another.
 - Section 12.20.100 prohibits the changing of clothes in any washroom or toilet on any part of the beach and prohibits the use of any vehicle or part of the vehicle for changing clothes before or after bathing in the ocean. If left, this section would prohibit the changing of clothes in the public bathrooms on the beach and similarly prohibit the act of “towel changing” by one’s vehicle anywhere in the City. Existing laws on public nudity/indecent exposure protect against nefarious or reckless behavior and this section 12.20.100 appears to be outdated and no longer applicable to the current norms in the City.

General Plan Consistency:

This report and associated recommendation have been evaluated for its consistency with the City’s General Plan. Relevant Policies are listed below:

Parks and Open Space Element

Goal 7. The beach offers high quality recreational opportunities and amenities desired by the community.

Policies:

- **7.3 Recreational asset.** Consider and treat the beach as a recreational asset and never as a commercial enterprise.
- **7.5 Designated Recreational Uses.** Continually evaluate and explore devoting certain portions of the beach to different preferred recreational uses while providing access for all users and meeting the recreation needs of visitors and residents.

Fiscal Impact:

There are no fiscal impacts associated with the recommended action.

Attachments:

1. Ordinance Amending HBMC Chapter 12.20 Beach and Strand Regulations (redline)

2. Link to February 4, 2020 Commission Staff Report
3. Link to July 7, 2020 Commission Staff Report
4. Link to August 4, 2020 Commission Staff Report
5. Link to September 1, 2020 Commission Staff Report

Respectfully Submitted by: Lisa Nichols, Community Resources Manager

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager