



## Staff Report

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### Honorable Chairman and Members of the Hermosa Beach Planning Commission

#### Regular Meeting of July 18, 2017

#### C-36 -- CONDITIONAL USE PERMIT REVIEW PROCESS

##### **Recommended Action:**

1. Confirm Planning Commission proposed revisions to the policy "Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits"; and
2. Recommend City Council adopt the policy as revised.

##### **Background:**

On June 20, 2017 the Planning Commission considered recommendations from subcommittee members Rice and Pederson and recommendations from the Police Department regarding the Conditional Use Permit (CUP) Review process and voted to recommend certain of the proposed changes to the City Council.

[https://docs.google.com/gview?url=http%3A%2F%2Fhermosabeach.legistar1.com%2Fhermosabeach%2Fmeetings%2F2017%2F6%2F1086\\_A\\_Planning\\_Commission\\_17-06-20\\_Regular\\_Meeting\\_Agenda.pdf&embedded=true](https://docs.google.com/gview?url=http%3A%2F%2Fhermosabeach.legistar1.com%2Fhermosabeach%2Fmeetings%2F2017%2F6%2F1086_A_Planning_Commission_17-06-20_Regular_Meeting_Agenda.pdf&embedded=true)

At that time staff indicated that, for purposes of accuracy, we would report back to the Commission with the proposed revisions before sending the recommendation on to the City Council.

##### **Analysis:**

Based on the June 20, 2017 Planning Commission discussion, staff understands that the Commission wishes to recommend the following changes (with notation showing the subcommittee's recommendation):

1. Police Department will supplement the information being provided to Planning Commission regarding:
  - a. Alleged violations reported by the City to ABC (Proposed recommendation #6)
  - b. Information regarding trends of over serving alcohol and who may be responsible tabulated from responses to the question "coming from?, going to?, where now?" for incidents where public intoxication was involved (i.e. DUI arrests and other reported incidents) (Proposed recommendation #2 and #3)
  - c. Information gathered regarding consistency with Police Department identified "ABC Model House Policies" that are being monitored. (Other Requests)
2. Fire Department will supplement the information provided to the Planning Commission

regarding:

- a. Provide a report all Fire Department paramedic response/support calls for intoxication/injuries in Downtown only, including suspects' answers to the question "coming from? Going to? Where now?" (Proposed recommendation #5)
  - b. Details on the frequency and outcomes of occupant load checks (Fire Department coordinated with Code Enforcement). (Proposed recommendation #4)
3. Change to the policy entitled "Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits" as follows:
- a. Increase the number of CUP reviews of businesses from twice per year to three times per year (Item No. 5 in existing policy). (Proposed Recommendation #1)\
  - b. Information from Police and Fire Department related to trends of establishments over-serving alcohol (as indicated by investigations of intoxicated persons after incidents) and consistency with ABC "Model House Policies" may be generally considered by the Planning Commission as factors in whether the business is being operated responsibly and engaging in the responsible service of alcohol. This information may be considered by the planning commission as additional justification for holding a CUP review hearing after referral based on the criteria above has been determined and as evidence in any CUP modification/revocation hearing.
  - c. Modify Item No. 1 which indicates that the set of evaluation criteria will be reviewed semi-annually. Staff understands the Commission's intent is to periodically review the *businesses for compliance* with the CUP, rather than periodically review the *actual criteria* (also called CUP Review Standards) under which the businesses are evaluated.
4. Lastly, the Planning Commission made the following additional recommendations based on the subcommittee's proposal, which are outside the scope of the CUP review process; but worthy of City Council consideration following the subcommittee's research on this matter:
- a. Ensure that ABC violations are being reported bi-weekly (both ways) and applicable 50/50 rules are being applied if they are in the CUP.
  - b. Request BHS to provide Planning Commission and Chief the RBS Training test results; include a summary of total number of employees by establishment who participated, with the update of how many have passed the final test.
  - c. Chief Papa to recommend frequency of refresher BHS/Responsible Beverage Training for current employees.

#### Attachments:

1. Planning Commission's recommended revised policy for "Process and Standards for Review of On-Sale Alcohol Beverage Conditional Use Permits" with deletions shown in ~~strike through~~ and additions shown in **bold**
2. Planning Commission Subcommittee Report dated May 16, 2017

Respectfully Submitted by: Ken Robertson, Community Development Director