



C I T Y O F H E R M O S A B E A C H

M E M O R A N D U M

Date: October 9, 2017

To: Honorable Mayor and Members of the City Council

From: Ken Robertson, Community Development Director

Subject: Supplemental Information, Item 6(e)

Attachment No. 9 was initially provided related to the Planning Commission's final recommendation regarding modifications to the CUP review process; however, the attachment did not properly reflect the Commission's final action. A revised Attachment 9 is now included that reflects the Commission's final action. Also attached are the action minutes from the Planning Commission's July 18th meeting.

Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits

- 1) The CUP review process will consist of an “ongoing” or “rolling” administrative review process in which ~~and established set of criteria would be evaluated semi-annually~~ **the on-sale establishments’ activities would be reviewed against an established set of criteria three times per year.**
- 2) On-sale establishments with a CUP would ~~only~~ be referred to the Planning Commission for a CUP review, and subsequently for a modification/revocation hearing if the Commission so decided upon its review, when they exceed established standards for each criteria to trigger such a review.
- 3) The standards that would trigger a referral to the Planning Commission for a CUP review and potential modification/revocation hearing will be based on the frequency or number of incidents/violations within a stipulated timeframe. This type of system avoids the inherent problems of “point systems” where the standards for assigning values is potentially subjective.
- 4) The standards that would trigger a referral to the Planning Commission for a CUP review and potentially for a subsequent modification/revocation hearing are as indicated in Table 1 below.
- 5) The administrative review of CUPs should be conducted **three times per year**. ~~on a semi-annually (twice a year) basis.~~ While a “rolling process” with a sliding timeframe would be more effective in making the review process truly timely (i.e., a rolling process would reduce the potential time between apparent CUP violations and the Planning Commission’s review), it would impose an unreasonable demand on City staff for the ongoing monitoring of the relevant data.
- 6) The standards or criteria of the CUP review system will be made readily available to all on-sale establishments with CUPs and the public via the City website and/or other appropriate media (including direct mailings) to minimize any confusion over what standards will initiate a Planning Commission review and potential modification/revocation hearing.
- 7) **Information from Police and Fire Department related to patterns of patronage of on-sale establishments (as indicated by investigations of intoxicated persons after incidents) and consistency with “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.

Table 1. CUP Review Standards

Criterion	Standard Initiating P.C. Review (Number of incidents in any 6 months)
Violation of Operating Hours	2
ABC Violations (underage serving, violation of hours, etc.)	2
Overcrowding Citation	1 ¹
Criminal Citation of Staff while Working/on Premises	2 (a)
Serious Crime on Premises indicative of Lack of Adequate Security	2 (a)

(Combination of any 3 or more)

Violation of any CUP Condition ^(b)
 ABC Violations (underage service, violation of hours, etc.)
 Overcrowding Citation
 Criminal Citation of Staff while Working/on Premises
 Serious Crime on Premises indicative of Lack of Adequate Security
 Noise Citation
 Health Department Violation
 Outdoor Encroachment Permit Violation
 Building Code Violation (incl. remodeling without permit)
 Sign Ordinance Violation
 NPDES Violation

(Administrative Determination)

“Excessive Number” of Calls for Police Service
 “Excessive Number” of Public Complaints to City

“Excessive Number” of Criminal Events on/adjacent to Premises

NOTE: (a) – Recommended threshold number; Chief of Police retains authority to recommend CUP review to Commission at his/her discretion—regardless of number of incidents in any period of time—as stipulated in many current CUPs and the Municipal Code. (b) Non-submittal of food to alcohol sales ratio reports in a timely manner when required by a CUP is considered a violation of the CUP condition. Reporting of the food to alcohol sales ratio required by a CUP, ABC license, or the Municipal Code may be required and considered during any modification/revocation action.

ACTION MINUTES

PLANNING COMMISSION

**City Hall Council Chambers
1315 Valley Drive
Hermosa Beach, CA 90254**

**July 18, 2017
7:00 P.M.**

Michael Flaherty, Chairperson
Rob Saemann, Vice Chair
Marie Rice
David Pedersen
Peter Hoffman

1. Call to Order at 7:02 P.M.
2. Pledge of Allegiance
3. Roll Call

Present: Commissioners Hoffman, Pedersen (arrived at 7:16 P.M.), Rice, Saemann,
Chairperson Flaherty

Absent: None

Also Present: Ken Robertson, Community Development Director
Lauren Langer, Assistant City Attorney
Kim Chafin, Senior Planner
Nicole Ellis, Assistant Planner
Kathy Khang, Assistant Planner

4. Oral / Written Communications

Anyone wishing to address the Commission regarding a matter not related to a public hearing on the agenda may do so at this time.

Section I

CONSENT CALENDAR

5. Approval of the June 20, 2017 Planning Commission Action Minutes.
Recommendation: To approve the Planning Commission action minutes of the June 20, 2017 regular meeting.

ACTION: To approve the June 20, 2017 action minutes as presented.

MOTION by Commissioner Hoffman and seconded by Commissioner Saemann. The motion carried, noting the absence of Commissioner Pedersen who arrived at 7:16 P.M.

6. RESOLUTION(S) FOR CONSIDERATION - None

Section II

PUBLIC HEARING

7. CON 17-4, PDP 17-4, VTPM #74969 - Conditional Use Permit, Precise Development Plan and Vesting Tentative Parcel Map No. 74969 for a two-unit attached condominium project at 1703 Manhattan Avenue, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).
Recommendation: Adopt the attached resolution approving the Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74969 for a two-unit attached condominium project at 1703 Manhattan Avenue, subject to conditions, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).

Coming forward to speak: Louie Tomaro and Brian Whitaker.

ACTION: To adopt the resolution, as presented, approving subject Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74969 for a two-unit condominium project, and determination that the project is categorically exempt from the California Environmental Quality Act

MOTION by Commissioner Hoffman and seconded by Commissioner Saemann. The motion carried by the following vote:

AYES: Comms. Hoffman, Rice, Saemann, Chmn. Flaherty

NOES: None

ABSTAIN: None

ABSENT: Comm. Pedersen

8. CON 17-7, PDP 17-7, VTPM #74670 - Conditional Use Permit, Precise Development Plan and Vesting Tentative Parcel Map No. 74670 for a two-unit attached condominium project at 1706 Manhattan Avenue, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).
Recommendation: Adopt the attached resolution approving the Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74670 for a two-unit attached condominium project at 1706 Manhattan Avenue, subject to conditions, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).

Coming forward to speak: Doug Leach, Jack Levy, Jim Curnutt, Kira Burt and Henry Ruggeri.

ACTION: To adopt the resolution, as presented, approving subject Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74670 for a two-unit condominium project, and determination that the project is categorically exempt from the California Environmental Quality Act.

MOTION by Commissioner Hoffman and seconded by Commissioner Pedersen.
The motion carried by the following vote:

AYES: Comms. Hoffman, Pedersen, Rice, Saemann, Chmn. Flaherty
NOES: None
ABSTAIN: None
ABSENT: None

9. CON 17-6, PDP 17-6, VTPM #74590 - Conditional Use Permit, Precise Development Plan and Vesting Tentative Parcel Map No. 74590 for a three-unit condominium project at 545 8th Street, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).
Recommendation: Adopt the attached resolution approving the Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74590 for a three-unit condominium project at 545 8th Street, subject to conditions, and determine the project is categorically exempt from the California Environmental Quality Act (CEQA).

Commissioner Hoffman recused himself due to living in close proximity to the project site.

Coming forward to speak: Gerardo Somers and Patricia Flack.

ACTION: To adopt the resolution, as presented, approving subject Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map No. 74590 for a three-unit condominium project, and determination that the project is categorically exempt from the California Environmental Quality Act

MOTION by Commissioner Saemann and seconded by Commissioner Pedersen.
The motion carried by the following vote:

AYES: Comms. Pedersen, Rice, Saemann, Chmn. Flaherty
NOES: None
ABSTAIN: None
ABSENT: Comm. Hoffman

10. Informational Session on the Draft Environmental Impact Report for the proposed Skechers Design Center and Executive Offices project along the Sepulveda-Pacific Coast Highway corridor in Hermosa Beach and Manhattan Beach, including opportunity for public comment (the public review and comment period for written comments is from June 15, 2017 to August 15, 2017).
(ITEM ADDED TO THE AGENDA ON JULY 15, 2017)

Coming forward to speak: Harris Bass, Paul Sorrell, Chris Fenton, Jason Yasment, Cassandra Sorrell, John Shustak and David Grethen.

No action was taken. Informational session was provided by Rincon, the City's consultants who prepared the Draft Environmental Impact Report (DEIR).

At this time, the order of the agenda moved to item 12.

Section III HEARING

12. C-36 -- Conditional Use Permit Review Process.

Recommendation: 1. Confirm Planning Commission proposed revisions to the changes 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.

Coming forward to speak: Ron Newman.

ACTION: 1) To confirm Planning Commission proposed revisions to the changes to the policy "Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits" with amendment to attachment 1, item 7, 1st sentence revised to state: information from Police and Fire Department related to patterns of patronage of on-sale establishments (as indicated by investigations of intoxicated persons after incidents) and consistency with "model house policies" may be generally considered by Planning Commission as factors in whether the business is being operated responsibly and engaging in the responsible service of alcohol; and 2) To recommend City Council adopt the policy as revised.

MOTION by Commissioner Rice and seconded by Commissioner Pedersen. The motion carried by the following vote:

AYES: Comms. Pedersen, Rice, Saemann, Chmn. Flaherty

NOES: Comm. Hoffman

ABSTAIN: None

ABSENT: None

At this time, the order of the agenda moved back to item 11 (under Public Hearing).

11. TEXT #17-3 -- Text Amendment to the Municipal Code, Title 17 (Zoning) Section 17.46.010 Height of Roof Structures, to state that for commercial and industrial zones citywide, all roof elements listed under Section 17.46.010.A are governed by the California Building Code and may exceed the height limit only by the minimum amount necessary to comply with the California Building Code standards and determine the project is not subject to the California Environmental Quality Act (CEQA).
Recommendation: Adopt the attached resolution recommending the City Council adopt a text amendment to state that for commercial and industrial zones citywide, all roof elements listed under Hermosa Beach Municipal Code (HBMC) Section 17.46.010.A are governed by the California Building Code and may

exceed the height limit only by the minimum amount necessary to comply with the California Building Code standards and determine the project is not subject to the California Environmental Quality Act (CEQA).

Coming forward to speak: None.

ACTION: To adopt resolution, as presented in supplemental information, recommending the City Council adopt a text amendment to state that for commercial and industrial zones citywide, all roof elements listed under Hermosa Beach Municipal Code (HBMC) Section 17.46.010.A are governed by the California Building Code and may exceed the height limit only by the minimum amount necessary to comply with the California Building Code standards and determine the project is not subject to the California Environmental Quality Act (CEQA).

MOTION by Commissioner Pedersen and seconded by Commissioner Rice. The motion carried by the following vote:

AYES: Comms. Hoffman, Pedersen, Rice, Saemann Chmn. Flaherty
NOES: None
ABSTAIN: None
ABSENT: None

Section IV

13. Staff Items

- a. Report on City Council Actions
- b. Status Report on Major Planning Projects
- c. August 15, 2017 Planning Commission Tentative Future Agenda Items
- d. Community Development Department Activity Report of May, 2017

14. Adjournment to July 20, 2017 at 7:00 P.M., Joint Meeting with City Council and all City Boards/Commissions at the Clark Building, 861 Valley Drive.

The meeting was adjourned at 10:35 P.M.

CERTIFICATION

I hereby certify the foregoing Minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of July 18, 2017.

Michael Flaherty, Chairperson

Ken Robertson, Secretary

Date