

## **RESOLUTION P.C. 18-XX**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH RECOMMENDING CITY COUNCIL APPROVAL OF TEXT AMENDMENTS TO MUNICIPAL CODE TITLE 17 REGARDING DEFINITIONS AND STANDARDS FOR LIMITED LIVE ENTERTAINMENT, AND DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Planning Commission of the City of Hermosa Beach does hereby resolve as follows:

**SECTION 1.** The Planning Commission held a duly noticed public hearing on September 18, 2018 to consider text amendments regarding definitions and standards for Limited Live Entertainment. The current Municipal Code does not contain a definition or standards for Limited Live Entertainment but does provide development standards for Live Entertainment. These text amendments clarify the provisions applicable to entertainment uses.

**SECTION 2.** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(1), because CEQA does not apply to ministerial projects proposed to be carried out or approved by public agencies. The project is statutorily exempt from CEQA in that it allows for approval of limited live entertainment within approved businesses only. Additionally, the zone text changes are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. No possibility exists that the proposed zone text amendments will have a significant effect on the environment because the zone text amendments will create standards for limited live entertainment permits.

**SECTION 3.** The Planning Commission finds that the proposed amendments to the Municipal Code to allow Limited Live Entertainment are consistent with the City's General Plan vision to support the vibrant local economy and Land Use Policy 1.4 for Diverse Commercial Areas. The ordinance also furthers the general purpose of the zoning ordinance to address and review standards and criteria to assure compatibility as accessory uses within existing businesses. 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 4.** The Planning Commission hereby recommends City Council approval of the proposed ordinance attached hereto as Exhibit A.

VOTE:                      AYES:  
                                 NOES:  
                                 ABSTAIN:  
                                 ABSENT:

**CERTIFICATION**

I hereby certify that the foregoing Resolution P.C. 18-xx 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 September 18, 2018.

\_\_\_\_\_  
Marie Rice, Chairperson

\_\_\_\_\_  
Ken Robertson, Secretary

\_\_\_\_\_  
Date

Exhibit A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REGARDING DEFINITIONS AND STANDARDS  
FOR LIMITED LIVE ENTERTAINMENT AND AMENDING THE  
HERMOSA BEACH MUNICIPAL CODE

The City Council of the City of Hermosa Beach does ordain as follows:

Section 1. Section 17.04.050 of Chapter 17.04 of Title 17 of the Hermosa Beach Municipal Code is amended by adding the following definition:

Entertainment, Limited Live. **“Limited live entertainment”** means the provision of live entertainment as defined herein, but only as accessory to an established onsite use during normal business hours for limited periods of time outside of late night hours, provided by a maximum of two performers using amplification at any time, that does not typically generate offsite impacts or contribute to impacts within the commercial district or adjacent residential districts in accordance with operational standards in the commercial zoning districts.

Section 2. Section 17.04.050 of Chapter 17.04 of Title 17 of the Hermosa Beach Municipal Code is amended by revising the existing definition as follows:

Entertainment, Live. **“Live entertainment”** means the provision of live performances including without limitation all forms of music, theatrical or comedic performance, song, dance, or ~~vocal entertainment by use of a disc jockey to select, play and/or announce music or announcer~~, participated in by one or more employees, guests, customers, or any other person or persons. Acoustic, unamplified, non-percussive background music provided accessory to an established onsite use during normal business hours by a maximum of two persons without advertisement and without charge is excluded.

Section 3. Chapter 17.42 General Provisions, Conditions and Exceptional Uses of Title 17 of the Hermosa Beach Municipal Code is amended by adding the following Section 17.42.190.

17.42.190 Entertainment, Limited Live

A. Definition

1. Entertainment, Limited Live as defined in Chapter 17.04. .

B. Administrative Permit required.

1. Limited Live Entertainment allowed pursuant to this section may be permitted with an administrative permit pursuant to Chapter 17.55 in the C-1, C-2 and C-3 zones.

2. The appeal procedures found in Section 17.55.050 and the revocation procedures found in Section 17.55.70 shall apply to any administrative permit issued for Limited Live Entertainment.

**C. Standards and Limitations.**

1. Hours: During normal business hours but no earlier than 8:00 A.M or later than 9:00 P.M. daily.
2. Noise: Cannot be audible on the exterior of the business premises and not permitted on outside patios, entries or sidewalks. All exterior doors and windows shall be closed during entertainment.
3. Uses: Limited Live Entertainment may include one or two performers/hosts using amplification, playing games, open mic, musical performances, poetry readings or other similar use that is not more objectionable than the listed uses. The Community Development Director is authorized to compare a proposed use and measure it against those listed for determining similarity.
4. Operations/Seating: The activity must be confined to completely enclosed premises and does not result in the need for additional seating or change in an approved floor plan to accommodate the limited live entertainment and/or accommodate a stage for the entertainment, dancing or hosting of an activity or event.
5. Limited live entertainment is an accessory use to the main business.
6. There shall be a maximum of two (2) performers or hosts using amplification.
7. Prizes: Any prizes awarded during an activity permitted by a Limited Live Entertainment administrative permit shall be limited to the prize limits stated in Section 5.12.100.
8. Must comply with all other applicable laws and agencies, including but not limited to California Department of Alcoholic Beverage Control and California Bureau of Gambling Control.
9. No organized alcohol drinking games are permitted.
10. Established maximum occupant load of the premises shall apply.
11. Upon permit issuance, advertising of approved entertainment is permitted.

Section 4. Chapter 17.26.030 of Title 17 of the Hermosa Beach Municipal Code is amended by adding Entertainment, Limited Live to the matrix of C-1, C-2 and C-3 land use regulations.

USE	C1	C2	C3	See Section
Entertainment, limited live	P	P	P	17.42.190

Section 5. The proposed amendments to Title 17 of the Hermosa Beach Municipal Code are to allow Limited Live Entertainment. 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.