



Legislation Details (With Text)

File #: REPORT 20-0731 **Version:** 1 **Name:**
Type: Action Item **Status:** Reported to Council
File created: 11/12/2020 **In control:** Planning Commission
On agenda: 11/17/2020 **Final action:**
Title: TA 20-3 - Consideration of to Section 17.42.190 of the Hermosa Beach Municipal Code regarding the City's Limited Live Entertainment Permit pilot program, and determination that the project is categorically exempt from the California Environmental Quality Act.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Resolution and Ordinance, 2. 2. Link to October 20, 2020 Planning Commission Meeting, 3. 3. Link to September 18, 2018 Planning Commission Meeting, 4. 4. Planning Commission Resolution 18-25 September 18, 2018, 5. 5. Link to October 23, 2018 City Council Meeting, 6. 6. Ordinance 18-1388 Approved October 23, 2018

Date	Ver.	Action By	Action	Result
11/17/2020	1	Planning Commission	recommended for approval	Pass

Honorable Chair and Members of the Hermosa Beach Planning Commission

Regular Meeting of November 17, 2020

TA 20-3 - Consideration of to Section 17.42.190 of the Hermosa Beach Municipal Code regarding the City's Limited Live Entertainment Permit pilot program, and determination that the project is categorically exempt from the California Environmental Quality Act.

Applicant: City of Hermosa Beach

Recommended Action:

Conduct public hearing and adopt the attached resolution recommending the City Council approve Text Amendment 20-3 to the Hermosa Beach Municipal Code, Chapter 17.42, Section 17.42.190, to continue the City's Limited Live Entertainment Pilot Program for two additional years, and determination that the project is categorically exempt from the California Environmental Quality Act.

Summary:

The proposed text amendments will continue the Limited Live Entertainment Pilot Program for two additional years, for a total of four years from the ordinance effective date on December 13, 2018 and will slightly modify the Standards and Limitations to allow for minor temporary floor plan changes with approval of the Community Development Director.

Background:

The initial request for a Short-Term Entertainment Permit (STEP) was proposed by local advocacy group, THRIVE Hermosa. The stated goal was for a simple, inexpensive permit to allow low impact, family-friendly entertainment in order to increase business during off-peak hours in all commercial zones.

At the June 25, 2018 Planning Commission meeting, staff presented a report that summarized a proposal prepared by THRIVE Hermosa that would allow local commercial businesses to offer low impact entertainment options such as games, acoustic music and open mic during “off-peak hours” without requiring the business operators to have to go through a time-consuming and more expensive approval process such as the existing Temporary Minor Special Event Permit and/or the Conditional Use Permit (CUP) process. Representatives of THRIVE Hermosa addressed the Commission and answered several questions by the Planning Commission. At the conclusion of the meeting, the Planning Commission directed staff to present a conceptual overview to allow a short term, low impact entertainment option for businesses through an easy, cost effective permit process.

At the August 21, 2018 Planning Commission meeting, staff presented possible amendments to the Zoning Code that would allow Limited Live Entertainment Permits for local businesses seeking to add low impact entertainment. The Planning Commission conceptually agreed with a proposed new definition of “Entertainment, Limited Live” as an accessory use to be a simple, low cost permit with standards and conditions limiting number of performers, defined hours and noise minimizing criteria.

At the conclusion of the meeting, the Planning Commission directed staff to set a Public Hearing to consider a Zone Text Amendment for a new Limited Live Entertainment Permit for recommendation to the City Council.

At the September 18, 2018 meeting, the Planning Commission held a Public Hearing and considered TA 18-2 Text Amendment to add a short term and low impact entertainment option as an accessory use to businesses located in the City’s commercial zones through a simple and cost effective permitting process, including proposed definitions and standards for proposed Limited Live Entertainment Permit, and determination that the project is categorically exempt from the California Environmental Quality Act. The Planning Commission recommended approval of a Limited Live Entertainment Permit through adoption of Resolution 18-25, and requested Planning Commission review of Limited Live Entertainment Permit after 18 months.

At its October 23, 2018 meeting, the City Council adopted Ordinance 18-1388 For TA 18-2 Text Amendments to the Hermosa Beach Municipal Code Title 17 Regarding Definitions and Standards for Live Entertainment and Limited Live Entertainment for the purpose of adding a low impact entertainment option as an accessory use to business in commercial zones, as recommended by the Planning Commission.

On November 13, 2018, the City Council conducted a second reading of the ordinance and adopted a resolution establishing the fee at \$250. The fee was adjusted with the City’s Fee Schedule effective December 1, 2019 for Limited Live Entertainment Permit and is currently \$257.

On October 20, 2020, the Planning Commission reviewed the Limited Live Entertainment Permit Pilot program and provided direction to extend the program for two more years.

Since implementation of the Limited Live Entertainment Pilot Program, only one Limited Live Entertainment Permit was issued to The Deck located at 1272 The Strand on June 12, 2019.

Analysis:

Text Amendment 20-3

HBMC 17.42.190.B.1 Extension of Pilot Program

Though the text amendments approved through TA 18-2 were established by ordinance and approved by City Council, at the Planning Commission's request, the City Council approved Limited Live Entertainment Permits as a two-year pilot program as indicated in the Zoning Code in italics below.

17.42.190

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 <https://www.codepublishing.com/CA/HermosaBeach/> in the C-1, C-2 and C-3 zones. *No permit term shall extend past two (2) years from the effective date of the ordinance codified in this section.*

The proposed text amendment extends the Limited Live Entertainment Pilot Program as a four-year pilot program as indicated in the Zoning Code in italics below.

17.42.190

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 <https://www.codepublishing.com/CA/HermosaBeach/> in the C-1, C-2 and C-3 zones. *No permit term shall extend past December 13, 2022.*

HBMC 17.42.190.C.4 Revision of Standards and Limitations for Minor Temporary Floor Plan Change

As discussed in the Staff Report and at the Planning Commission meeting held October 20, 2020, only one Limited Live Entertainment Permit has been issued. There were other permit inquiries, but requests to alter existing, approved, floorplans were seen as a deterrent to potential permit issuance. The following text amendment is recommended to encourage more business applications for a Limited Live Entertainment Permit.

The existing Zoning Code section, part of the Ordinance approved to establish Limited Live Entertainment on September 18, 2018, is shown below.

17.42.190

C. Standards and Limitations.

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.

The proposed text amendment allows for minor temporary floor plan changes upon approval of the Community Development Director. The proposed text to be added is indicated in the Zoning Code in italics below.

17.42.190

C. Standards and Limitations.

4. Operations/Seating. The activity must be confined to completely enclosed premises and does not result in the need for additional seating or *permanent* 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. *A minor temporary floor plan change may be allowed upon approval of the Community Development Director for the duration of the Limited Live Entertainment, but must be returned to the approved floor plan after the Limited Live Entertainment activity is completed.*

Staff has prepared a resolution for Planning Commission consideration to provide recommendations to the City Council regarding the Limited Live Entertainment Permit text amendments.

General Plan Consistency:

PLAN Hermosa (the City's combined General Plan and Local Coastal Program) was adopted in August 2017. The Text Amendment is consistent with the PLAN Hermosa vision to support our vibrant local economy and the Land Use policies:

- LU 1.4 Diverse Commercial Areas. Promote the development of diversified and unique commercial districts with locally owned businesses and job- or revenue-generating uses.
- LU 1.7 Compatibility of Uses. Ensure the placement of new uses does not create or exacerbate nuisances between different types of land uses.
- LU 2.9 Neighborhood-serving retail. Support the retention of existing neighborhood-serving retail and services in key locations throughout the city.
- LU 3.3 Diverse retail and office centers. Provide incentives to transform existing single-use commercial properties that are accessible into retail destinations by adding a diversity of uses, providing new pedestrian connections to adjacent residential areas, reducing the visual prominence of parking lots, making the centers more pedestrian-friendly and enhancing the definition and character of street frontage and associated streetscapes.

Environmental Analysis:

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 events 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 a standard for limited event permits.

Respectfully Submitted by: Christy Teague, Senior Planner
Approved: Ken Robertson, Community Development Director
Concur: Nicole Ellis, Associate Planner
Legal Review: Patrick Donegan, Assistant City Attorney

Attachments:

1. Proposed Resolution and Ordinance
2. Link to October 20, 2020 Planning Commission Meeting
3. Link to September 18, 2018 Planning Commission Meeting
4. Planning Commission Resolution 18-25 Recommending City Council Approval September 18, 2018
5. Link to October 23, 2018 City Council Meeting
6. Ordinance 18-1388 Approved October 23, 2018