



## Staff Report

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File #: REPORT 19-0186, Version: 1

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of March 26, 2019**

**CLARIFICATIONS TO PROCESS AND STANDARDS  
FOR REVIEW OF ON-SALE ALCOHOLIC BEVERAGE  
CONDITIONAL USE PERMITS**  
(Community Development Director Ken Robertson)

**Recommended Action:**

Staff recommends that the City Council affirm the attached clarifications to the Conditional Use Permit (CUP) review process.

**Executive Summary:**

The Planning Commission has recently clarified the process and standards for review of on-sale alcoholic beverage Conditional Use Permits (CUPs), and seeks affirmation of these updates from the City Council. The updates make clear that the tri-annual review is based on a review of incidents for the prior six months, and that the Chief of Police has the discretion to recommend the Planning Commission conduct a more thorough review of a specific CUP at any time.

**Background:**

The Planning Commission at its meeting of August 21, 2018 adopted the attached clarifications to the "Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits". The Downtown Enhancement Subcommittee has also reviewed and supports these clarifications.

The Planning Commission directed staff to provide clarification for the newly established tri-annual CUP review process with respect to the evaluation and reporting period used for each review. This clarification is expressed in the amended item number 5 in the attached document, which makes clear the review is for the prior six (6) months, consistent with the period for the criteria thresholds.

In addition, the language is clarified to confirm that the Chief of Police retains discretion to bring an establishment before the Planning Commission for review anytime, where for example, there are continuing police problems or nuisances. The issue of Police Chief discretion has also been a concern of the Downtown Enhancement Subcommittee, relating to a perception that the Chief's discretion was limited to only incidents related to serious crimes, and not crimes and other incidents (i.e. ABC violations) that may be indicators of establishment's poor management practices that should warrant a thorough review.

The tri-annual CUP review process continues to provide an objective and consistent approach to reviewing CUPs for alcohol sales, but was not intended to otherwise limit the Chief's ability to recommend a more thorough Planning Commission review of a specific CUP in his/her ordinary course of duty. Therefore, the language is clarified in the policy that notwithstanding the CUP review, the Chief may recommend a CUP review at any time to determine if CUP revocation or modification is warranted.

**Attachments:**

Proposed amendment with Planning Commission additions

**Respectfully Submitted by:** Ken Robertson, Community Development Director

**Approved:** Suja Lowenthal, City Manager