



Staff Report

File #: REPORT 20-0674, Version: 1

Honorable Chair and Members of the Hermosa Beach Planning Commission

Regular Meeting of October 20, 2020

Planning Commission consideration, review, and recommendation to City Council regarding the City's Limited Live Entertainment Pilot Program set to expire December 2020.

Applicant: City of Hermosa Beach

Recommended Action:

1. Review the Limited Live Entertainment Permit Pilot program and provide direction for one of the following recommendations to the City Council:
 - a) Modify Limited Live Entertainment Permits and set a public hearing to consider necessary Text Amendments; OR
 - b) Extend Limited Live Entertainment Permits for two more years; OR
 - c) Continue Limited Live Entertainment Permits permanently; OR
 - d) Terminate the Limited Live Entertainment Permits program.
2. Set a public hearing to consider Text Amendments for Planning Commission to recommend to the City Council regarding Limited Live Entertainment Permits.

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.

Several ideas and issues were raised by the Planning Commission during the discussion, including that “Entertainment, Limited Live” be clearly defined; address noise and other possible negative impacts on surrounding properties; the application process to include descriptions of the proposed types of activity, days and hours and other information; the permit should be inexpensive and processed at staff level; permit should include conditions to address potential impacts of proposed activities; and businesses should be able to advertise permitted entertainment activities.

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, through a one-year permit approval and annual renewal process.

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 considered TA 18-2 Text Amendment that would 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, including possible extension of any 2-year permits issued during this time and modifying, continuing, or terminating the program.

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.

A comparison of related permit processes is provided as an attachment to this report.

Analysis:

Since the ordinance became effective on December 13, 2018, only one Limited Live Entertainment permit has been issued on June 12, 2019 for The Deck, located at 1272 The Strand. There were other permit inquiries, but requests to alter existing, approved, floorplans were seen as a deterrent to potential permit issuance. The owner of The Deck stated that the Limited Live Entertainment Permit allowed the business to provide live music once or twice a month before the pandemic, usually during slow nights or after a local volleyball tournament, for example, but has been limited to any entertainment since the pandemic began in March 2020. The pandemic has affected the possibility of further application requests since that time. The business owner suggested that a later hour of 10:00 p.m. would be preferable than the end of entertainment condition of 9:00 p.m. since patrons are commonly eating dinner at that time. Due to the low impact premise of the Limited Live Entertainment Permit, no change in standards or limitations are recommended should the Planning Commission choose to continue the subject Limited Live Entertainment Permits.

The Police Department and Code Enforcement have reviewed records for the permitted address and have found no violations or complaints related to limited live entertainment.

TA 18-2 established Limited Live Entertainment Permits in the C-1, C-2 and C-3 commercial zones and specific plan areas which allow C-1, C-2 and C-3 uses ; it does not apply to non-commercial zones, including the M-1 Light Manufacturing zone.

Subsequently, the Planning Commission and City Council approved a similar low-impact Limited Events permit in the Cypress District M-1 Light Manufacturing Zone with appropriate standards and limitations. This new Limited Events permit in the Cypress District was effective August 13, 2020, though no permits can be considered at this time due to the pandemic health orders.

One potential revision to the Limited Live Entertainment Permit, as discussed by the Planning Commission on September 18, 2018, would be consideration of extending the current two-year permit. Administrative Permits, such as the Limited Live Entertainment Permit, may be revoked by the Community Development Director if standards and limitations are not met under Chapter 17.55.070.

The text amendments to the Zoning Code allowed for the creation of the Limited Live Entertainment Permit with standards and limitations, addition of the new definition for *Limited Live Entertainment*, and minor amendments of the existing definition for *Live Entertainment* for clarification of both definitions. Details of the code changes approved through TA 18-2 Text Amendment are fully included in the attached Ordinance 18-1388 approved by City Council October 23, 2018.

Need for New Text Amendment:

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.*

In addition to the removal of the “two-years from the effective date of the ordinance” reference, the Planning Commission should determine whether the two-year Limited Live Entertainment Permit term is appropriate or if the permit term should be extended to the life of the business, as discussed at the September 18, 2018 Planning Commission meeting.

Based on the direction of the Planning Commission, Staff will prepare a resolution for consideration at a Planning Commission public hearing meeting. The resolution will 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 live entertainment within approved businesses only. Additionally, the zone text changes are Categorically 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 live entertainment permits.

Attachments:

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

Respectfully Submitted by: Christy Teague, Senior Planner

Concur: Nicole Ellis, Associate Planner

Approved: Ken Robertson, Community Development Director