

November 8, 2002

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
November 19, 2002**

SUBJECT:                   CONDITIONAL USE PERMIT AMENDMENT 02-8

LOCATION:                   1100 THE STRAND

APPLICANT:               PETER MANGURIAN

REQUEST:                 TO ALLOW ON-SALE GENERAL ALCOHOL; NON AMPLIFIED LIVE ENTERTAINMENT, A TAKE-OUT FOOD SERVICE WINDOW, AND EXTENDED OPERATION HOURS IN CONJUNCTION WITH AN EXISTING RESTAURANT; AND, TO MODIFY THE FLOOR PLAN TO INCLUDE BAR SEATING AND A DANCE FLOOR

**Recommendation**

To deny the requested amendment by adopting the attached resolution of denial.

ALTERNATIVE

To approve the amendment subject to conditions by adopting the attached resolution of approval.

**Background**

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
FLOOR AREA:	5,500 Square Feet (Approximately)
PARKING:	23 Spaces (4 In Tandem)
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration

At their meeting of October 10, 2002, the Staff Environmental Review Committed recommended a mitigated negative declaration based on the findings in the Initial Study. The mitigation measure pertains to potentially significant noise impacts, and requires live entertainment to be limited to acoustic music only pursuant to the applicant's request.

The subject request is similar to the CUP amendment request made in February, 2002. The Commission denied the request at the April 16, 2002 meeting by a vote of 5:0 based on concerns regarding noise, and the increased intensity of use due to full alcohol and live entertainment which may increase the potential for noise and operational complaints. The Commission also denied the proposed take out window which was determined to create an unsafe condition adjacent to the Strand. The applicant appealed the Commission's denial with a slightly modified request (including limiting live entertainment to non amplified and extending

operation hours to 1:00 A.M. rather than 24-hours). The City Council sustained the decision of the Commission to deny the project, as modified, at their meeting of August 13, 2002.

### **History**

In 1985, the City Council granted, on appeal, a Conditional Use Permit (CUP) for beer and wine in conjunction with a restaurant at the subject location. In 1988, the Planning Commission granted an amendment to the CUP to expand the floor area of the restaurant by adding 2,000 square feet of open-air seating. In 1989, the Planning Commission approved an amendment to enclose the outside dining area. In 1993, the City Council, on appeal, approved an amendment to allow On-sale General Alcohol, live entertainment, and 24-hour operation of the facility. This approved amendment was never executed and has now expired. In 1999 the Planning Commission considered an amendment similar to the current request without the request for 24-hour operation and a walk-up takeout window and denied the request. The applicant filed an appeal and then subsequently withdrew it.

### **Analysis**

The applicant is proposing to amend an existing CUP that is limited to beer and wine sales, to add full general on-sale alcohol. The requested amendment includes the addition of live entertainment and modifying the approved floor plan to add bar seating and a dance floor and a walk-up take-out window. The application also requests to modify the hours of operation to allow operation between 6:00 and 2:00 A.M. Currently the operating hours are limited to between 7:00 A.M. and 10:00 P.M. based on the 1989 CUP. These requests involve change of operation and minor alterations to the interior floor plans, and no expansion to the building. Section 17.04 of the Zoning Ordinance defines restaurant as an establishment primarily selling prepared foods and containing kitchen facilities used for food preparation and sets out percentages for gross sales computed monthly for prepared foods and alcohol sales.<sup>1</sup>

The applicant is proposing to alter the interior of the existing restaurant with respect to the seating arrangement (no increase in occupancy) and to add a bar area and a piano for live entertainment. The subject building is located within the downtown district and suitable for the proposed use. It is similar to other restaurants in the area which have live entertainment. However, the use is located approximately ½ block to the south of the westerly end of Pier Plaza, and there is the potential that the added noise from live entertainment may present a problem for surrounding residents. At the previous hearings on this matter before Planning Commission, several residents complained that noise and disturbances from restaurants at closing time have created a nuisance in the area, though the complaints were not necessarily connected to the operation of Scotty's restaurant. They also expressed concern about the number of alcohol/entertainment type establishments in the downtown area. If the application is approved, the problem of noise generated by proposed live entertainment should be addressed with appropriate mitigation measures to address these concerns.

A "piano bar" is shown on the plans and the applicant has indicated that the request is for "non amplified live entertainment". Any excessive noise from the entertainment cannot be easily mitigated given its proposed location within a glass patio enclosure which contains sliding glass windows and since there is no

air conditioning, the sliding windows will likely be left open during the summer months. Therefore, the applicant has modified his request to limit the entertainment to non-amplified music. Typical Conditions of Approval for other similar establishments require double-glazed windows, air conditioning and that doors and windows remain shut when live entertainment occurs may not be necessary with this limitation. Therefore, if approved, staff is recommending that entertainment be specifically limited to acoustic music. Hours for live entertainment are also specified consistent with other similar downtown establishments, as are requirements for conformance with the existing approved Parking Plan.

The plans do not clearly show the location for the proposed take-out window, but the applicant indicates that it would be at the northwest corner of the dining area, with access directly out toward the Strand. Any lines forming at the take out window would encroach in to the Strand right-of-way. Since customers can order take-out inside from the hostess station next to the waiting area, it does not seem appropriate to create this potential conflict with bicycle and pedestrian traffic on the Strand.

The proposed permit amendment is essentially a re-submittal of the application denied in April, 2002, and contains no material changes (with the exception of non-amplified live entertainment) to alleviate previously expressed Commission concerns regarding operation and general on-sale alcohol.

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Ken Robertson  
Associate Planner

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Sol Blumenfeld, Director  
Community Development Department

Notes:

1. "Where beer and wine are sold, a minimum of sixty-five (65) percent of the total gross sales, computed monthly, shall result from the sale of prepared food; where other alcoholic beverages, not exclusively beer and wine, are sold, a minimum of fifty (50) percent of the total gross sales, computed monthly, shall result from the sale of prepared food."

Attachments

2. Proposed Resolution
3. April 16, 2002, Planning Commission Minutes and Resolution.
4. Photo
5. Location Map
6. Correspondence

Cup1100thestransd