

January 14, 2004

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

**Regular Meeting of
January 20, 2004**

**SUBJECT: PERIODIC REVIEW OF CONDITIONAL USE PERMITS FOR CERTAIN
RESTAURANTS.**

Recommendation

That the Planning Commission receive and file this report.

Background

At the meeting in July, 2003 staff provided a list of Conditional Use Permits that require periodic reviews in the interest of creating a schedule for conducting these reviews, since the period for reviews varies depending on the C.U.P. (3 month, 4 month, or 6 month, or annual). At a subsequent meeting of August, 2003, the Planning Commission concurred with staff's recommendation to conduct reviews of all such C.U.P.'s concurrently at the January meeting.

Analysis

As previously reported to the Commission only a small portion of restaurant C.U.P.'s contain a required review as a condition of approval (see attached list) and contain varying review periods. Many these are not bars or nightclubs, and most of the C.U.P.'s for restaurant/nightclubs on Lower Pier Avenue do not include a required review. For these businesses a review is required only when initiated by the Commission due to complaints, or through a request from the Police Department. Because of the limited number of establishments subject to the periodic reviews, these reviews may not be an effective tool for evaluating or resolving problems related to restaurant operations.

Therefore, for most of the restaurants on the attached list, the review is a formality, as the business are long time restaurants, with a focus on dining, that clearly do not create any issues or concerns that warrant a review. For many of these staff confirmed with the Police Chief it was not necessary to conduct a police address inquiry. For the following businesses, however, staff has obtained a police incidence report, to see if any chronic operational problems might need to be addressed.

H.B.Y.C. - 66 Hermosa Ave
Union Cattle Co. - 1301 Manhattan Ave
The Pitcher House – 142 Pacific Coast Highway
The Underground – 1334 Hermosa Avenue
Cantina Real – 19 Pier Avenue

The results of these incidence reports from the Police Department are attached, as well as other bars and restaurants for comparison¹. It shows that the subject businesses under review are consistent with or have fewer incidents than other restaurant/bars in these time periods. The data is from 6/29/03 to the present, and older data under a different computer system from December 1, 2002 to June 30, 2003. The data does not seem to indicate any chronic problems with these five establishments subject

to periodic review, but indicate a lot of activity with some of the other restaurants and bars in the downtown district and elsewhere. Further, the Police Chief has indicated that these establishments are not currently a source of chronic or serious operational problems. The Planning Commission already conducted a review for the Underground in June, 2003, and at that time did not find any reason to initiate any further review the establishment. Based on some general resident complaints in and around the vicinity of the Underground and the Union Cattle Company, the Police Department has been watching the area closely to prevent disturbances to neighbors, and have found that these two establishments are being managed properly, with the appropriate use of doormen and monitoring of the occupant loads.

Whether or not any of the subject businesses are fully complying with the operational conditions of their Conditional Use Permits would require further investigation on a Friday or Saturday night at their peak times, and when live music is playing. If the Commission directs, staff will conduct inspections regarding noise and other operational issues.

Ken Robertson, Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. List of Conditional Use Permits with periodic reviews.
2. Police incident reports December 2002 (to be presented at the meeting)

ⁱ The more serious incidents have been marked – either a 415, Disturbance, or 647, Drunk – the most common disposition is either an ADAST (Advised and assisted), BKG (which means a booking or arrest), GOAUTL (gone on arrival unable to locate). It should be noted that when an incident is reported at an address it did not necessarily occur inside the business, but may have occurred in front of or near the address.