

September 9, 2004

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

**Regular Meeting of  
September 21, 2004**

CONTINUED FROM THE JULY 20, AND AUGUST 17, 2004 MEETINGS

SUBJECT:                   CONDITIONAL USE PERMIT AMENDMENT 04-3  
                                MAMA'S ORIGINAL PIZZA AND PASTA (to be known as "OCEAN")  
                                2205 PACIFIC COAST HIGHWAY

REQUEST:                 CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FLOOR PLAN  
                                ALTERATIONS; EXTENDED HOURS OF OPERATION; AND OUTDOOR  
                                DINING IN CONJUNCTION WITH AN EXISTING RESTAURANT WITH ON-  
                                SALE BEER AND WINE AND TO ALLOW ON-SALE GENERAL ALCOHOL

**Recommendations**

That the Planning Commission:

1. Approve the floor plan alterations, extended hours, and outdoor dining.
2. Direct staff as deemed appropriate in regards to the request for on-sale general alcohol.

**Background**

At the July meeting the Commission held the public hearing, and considered testimony from the applicant and some residential neighbors, but since it could not reach a consensus the matter was continued to allow consideration by the full Commission. At the August meeting, the applicant requested continuance of the hearing, as he could not attend, and the Commission heard additional testimony from residential neighbors.

**Analysis**

Please refer to the July 20 staff report for the analysis of this project. Since the original hearing staff has discussed the parking issue with the City Attorney in greater detail, and the Commission has received additional correspondence and public testimony from residential neighbors.

**PARKING**

The existing C.U.P. condition of approval from 1985 requires that an agreement be maintained with neighboring property owners to provide 15 *additional* parking spaces off-site. This condition was imposed at the time based on concerns that the 1:300 ratio was not sufficient for a restaurant with beer and wine, but was not based on any parking requirements in effect at that time. No additional parking is currently required since the parking requirement is related to gross floor area only, and the grandfathered and underlying use for a restaurant is not being intensified.

The City initially accepted a letter from the owner of neighboring office building making available 15 parking spaces after 6:30 P.M. as a method to meet this Condition of Approval. No enforcement of this condition has occurred since that time. The City Attorney indicates that the Commission cannot ignore this condition, but should consider its current applicability, recognizing that added parking may still be needed. If the Commission desires to keep this condition in force, it may also be appropriate to clarify that the additional parking be provided only in the evening and strengthen the language so that this "additional" parking condition can be effectively enforced. Alternatively, the Commission could

determine that since the off-site parking agreement for additional parking is not necessary to meet parking codes and has limited effect it may eliminate it from the C.U.P. as part of this amendment.

Adjacent residential property owners and residents, who appeared at the prior hearings and submitted correspondence have expressed additional concerns and suggestions regarding the outdoor dining, the on-sale alcohol and floor plan not previously expressed. Some of the suggestions noted are as follows:

- To eliminate the noise and privacy issues caused by outside dining, it was suggested that outdoor dining not be permitted, and instead that a floor to ceiling glass enclosure be provided at the westerly side of the restaurant.
- Require a closing time appropriate for the residential area (no later than midnight).
- Maintain the required agreement for 15 additional parking spaces off site, with language that the additional parking be required only in the evenings, and be permanently available through a legally recorded instrument with the involved properties.
- Minimize bar stool seating and provide a code complying seating plan prepared by a licensed design professional indicating more table seating.
- Do not allow on-sale general alcohol, as it will substantially change the character of the business.
- Provide an acoustical study to mitigate noise for adjacent residential areas.

Staff believes that it is possible to provide more standard table seating to address some of the above concerns about the operation of the business as a restaurant, by relocating the bathrooms to the east adjacent the proposed storage and service areas. This will provide a larger area for table seating with ocean views.

Staff has drafted an approval resolution should the Commission decide to approve the applicant's requests. The resolution includes standard conditions for restaurants with on-sale alcohol, including compliance with the noise ordinance and a 6-month review but does not contain any specific conditions regarding off-site parking, acoustical studies or reconfiguration of the restaurant. The Commission may want to add these conditions and must be determined whether to continue to impose condition regarding off-site parking from the original C.U.P.

CONCUR:

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Ken Robertson,  
Senior Planner

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Sol Blumenfeld, Director  
Community Development Department

#### Attachments

1. Correspondence