

January 6, 2005

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

**Regular Meeting of
January 18, 2005**

SUBJECT: INTERPRETATION OF PERMITTED FLOOR AREA AND MEZZANINE FOR ELEMENT
RESTAURANT – 1320 HERMOSA AVENUE

Recommendation

To direct staff as deemed appropriate by minute order.

Background

On May 20, 2003 the Planning Commission approved a Conditional Use Permit Amendment for Element Restaurant. The approved project plans show the ground floor only and omit a mezzanine that the owner indicates has been used for several years.

Condition No. 1 of Resolution No. 03-23 approving the subject restaurant provides the following:

The continued use of the restaurant shall be substantially consistent with submitted plans. Minor modifications to any of the plans shall be reviewed and may be approved by the Community Development Director.

Based on the information on the plans and Condition No.1, the mezzanine is not part of the project. Further there is no building permit record indicating the mezzanine was improved as part of the restaurant. However, there is discretionary permit history for the property that clearly shows a mezzanine, though the area is smaller than what the owner maintains has existed.

The only use approved with a mezzanine with a plan was apparently Eco Café. This mezzanine is smaller than the one shown on the current plan prepared by the owner's architect. Further, the only square footage reference found in the file is for a project with 3,200 sq. ft. (Tucci's which followed Eco Café) and which does not have a plan. The uses that followed Tucci's also did not have a plan. (Please see attached Table Summary). For obvious reasons, this issue requires resolution before the owner can commence with tenant improvement plans which partly involve the mezzanine space and stairs.

Staff is seeking direction from the Commission on interpreting the permitted footage for the restaurant and mezzanine given the prior approvals and latest Commission action related to the property in 2003. The mezzanine is not proposed for customers and will provide an employee area and storage. If the owner is compelled to abandon the mezzanine, he will forfeit significant storage area necessary for the operation of the business.

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Current & Prior Plan on File
2. Summary Table of Permits
3. Correspondence.

Restaurant Use Analysis for 1320 Hermosa Avenue

Business	Resolution #	Square Footage	Resolution Date
Eco Café	93-14	4850*	04/06/1993
Tucci's	97-47	3194	06/17/1997
Dano's	00-24	3194**	04/18/2000
Element	03-23	2439	05/20/2003

* Later reduced to 3194 square feet.

** No floor plans were submitted by Dano's for their CUP Amendment to change from a restaurant serving beer and wine to a restaurant serving full alcohol. The square footage number on the staff report for Resolution No. 00-24 is based on previous discretionary approvals and is not shown on Dano's plans.