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P.C. RESOLUTION NO. 05-56

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, DENYING A CONDITIONAL USE PERMIT AMENDEMENT TO EXTEND
OPERATING HOURS FOR A RESTAURANT WITH ON-SALE GENERAL ALCOHOL, AND
LIVE ENTERTAINMENT AT 73 PIER AVENUE, AND LEGALLY DESCRIBED AS LOT 27,
BLOCK 13 HERMOSA BEACH TRACT**

Section 1. An application was filed by “Mediterraneo” restaurant, seeking an amendment to change the closing time from 12:00 midnight to 2:00 A.M. as set forth in the conditions of approval of the existing Conditional Use Permit for on-sale general alcohol and live entertainment.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application to amend the Conditional Use Permit on September 20, 2005, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The current Conditional Use Permit (CUP) was approved by the City Council in 2003 to allow general alcohol sales, and to convert the space to a full-service sit down restaurant including the removal of the brewing tanks and the manufacturing of beer on the premises, and included a specific condition of approval limiting operating hours to no later than 12:00 midnight. .
2. The site is located in the downtown district, which has several similar restaurants with on-sale general alcohol and live entertainment.
3. The site is zoned C-2 allowing the existing on-sale alcohol use with a Conditional Use Permit.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application to amend the Conditional Use Permit:

1. While the current business owner has been operating the restaurant in compliance with the conditions of the C.U.P., and without any complaints or violations, the ownership could change. Since the terms of the CUP run with the property, the City could be left with a potential problem business operator that would focus on bar activity in the later hours, that would potentially exacerbate downtown problems.
2. The original approval was for a sit-down restaurant, which does not need the late night business for the type of restaurant clientele that patronize the establishment.
3. The downtown is saturated with late night businesses and does not need another restaurant with late night operating hours.
4. The reason that no problems have been reported for this location is because of the midnight closing time.

Section 5. Based on the foregoing, the Planning Commission hereby denies the requested amendments to the Conditional Use Permit, and therefore the restaurant will continue to be subject to the terms of City Council Resolution 03-6317.

