

November 3, 2005

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

**Regular Meeting of
November 15, 2005**

SUBJECT: CONDITIONAL USE PERMIT AMENDMENT 05-12
LOCATION: 1150 HERMOSA AVENUE
APPLICANT: ITALY’S LITTLE KITCHEN
REQUEST: CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE
GENERAL ALCOHOL IN CONJUNCTION WITH AN EXISTING
RESTAURANT WITH ON-SALE BEER AND WINE

Recommendation

To approve the request subject to the conditions by adopting the attached resolution.

Background

PROJECT INFORMATION:

ZONING:	C-2 Restricted Commercial
GENERAL PLAN:	General Commercial
BUILDING SITE:	4,512 square feet
AREA OF ESTABLISHMENT:	Approx 1550 square feet
PARKING:	No on site parking
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The restaurant is located on the southeast corner of Pier Avenue and Hermosa Avenue on a property that includes adjacent retail uses located along Pier Avenue to the east. The Planning Commission granted a Conditional Use Permit in 1995 for on-sale beer and wine in conjunction with a southwestern style restaurant. The C.U.P. does not include live entertainment and the current allowed hours of operation are from 8:00 A.M. to 2:00 A.M..

Analysis

The applicant is proposing slight alterations to the interior floor plan in connection with the proposed amendment to replace a standard dining table with a small counter top bar area near the entry. No other changes are proposed, as the intent is to continue to operate the restaurant in the same manner. The restaurant contains a relatively small seating area, which does not lend itself to live entertainment or dancing. No specific changes in the conditions of approval or the hours of operation are requested.

From August through December of 2004 staff conducted inspection of downtown businesses relative to C.U.P. conformance and no violations were noted for Italy’s Little Kitchen.

The City Council recently imposed more restrictive closing time of 12:00 midnight for a similar request for Mediterraneo restaurant, when it requested on-sale general alcohol, and the Commission

recently denied a requested amendment to change the closing time to 2:00 A.M.. The applicant has appealed, and the Council is scheduled to hear the matter in February 2006. However, Mediterraneo also includes live entertainment in its C.U.P. and is located west of Hermosa Avenue. In February, 2005, when Hibachi restaurant (at 117 Pier Avenue across Pier Avenue) was granted a C.U.P. for on-sale general alcohol the Commission incorporated the applicant's proposed 11:00 P.M. closing time as a condition of approval. The C.U.P. for Club Sushi, the restaurant located directly across Pier Avenue at the northeast corner of Pier Avenue and Hermosa Avenue, was granted a C.U.P. in 1999 for full alcohol and live entertainment and has a closing time of 2:00 A.M.

In 2000, staff prepared a survey of downtown on-sale alcohol establishments and found that there are 42 businesses offering on-sale alcohol in the downtown area. The business is listed in this survey as an on-sale beer and wine establishment and the proposed change to full alcohol increases the number of on-sale general alcohol businesses in comparison to the number of on-sale beer and wine businesses (from 23 full alcohol and 19 beer and wine to 24 full alcohol and 18 beer and wine).

Given that the proposed alterations are minor, and the relatively small size of the restaurant, staff is recommending approval of the request subject to conditions standard for restaurants with on-sale alcohol with no change in the hours of operation. The Commission may wish to consider an earlier closing time of 12:00 midnight based on their recent decision regarding Mediterraneo.

Ken Robertson,
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. 1995 C.U.P.

P.C. RESOLUTION 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, FOR ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT AT 1150 HERMOSA AVENUE LEGALLY DESCRIBED AS LOT 12, BLOCK 35, FIRST ADDITION TO HERMOSA BEACH

Section 1. An application was filed by Zane Harris Koss, Italy's Little Kitchen, seeking approval for on-sale general alcohol in conjunction with a restaurant.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on November 15, 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. A Conditional Use Permit for on-sale beer and wine in conjunction with a restaurant was previously approved by the Planning Commission (P.C. Resolution 95-6).

2. The site is zoned C-2, Restricted Commercial allowing restaurant uses, and on-sale general alcohol with approval of 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. The site is zoned C-2, and is suitable for the proposed use with the proposed amendment;

2. The proposed use is compatible with surrounding commercial and residential uses;

3. The imposition of conditions as required by this resolution will mitigate any negative impacts on nearby residential or commercial properties;

4. This project is Categorically Exempt pursuant to Section 15303c of the California Environmental Quality Act.

Section 5. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit subject to the following **Conditions of Approval**, which supersede the conditions contained in P.C. Resolution 95-6:

1. Interior and building alterations and the continued use and operation of the restaurant shall be substantially consistent with the plans submitted and reviewed by the Planning Commission on November 15, 2005.

a) The size of the bar area shall be limited as shown on the submitted floor plan.

2. The hours of operation shall be limited to between 8:00 A.M. and 2:00 A.M.

3. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.

4. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business.

5. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.

6. The Police Chief may determine that a continuing police problem exists, and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem, and then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Planning Commission.

7. **The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
8. **The applicant shall submit a detailed seating and occupancy plan prepared by a licensed design professional, which shall be approved by the Community Development Department prior to implementing the change in use. An approved occupant load sign must be posted in the business.**
9. **Any significant changes to the interior layout which would alter the primary function of the business as a restaurant, or increase the designated floor area of restaurant seating shall be subject to review and approval by the Planning Commission.**
10. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
11. **The Planning Commission shall conduct a review of the restaurant operations for compliance with the terms of the Conditional Use Permit in 6 months, and in response to any complaints thereafter.**

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

VOTE: AYES:
 NOES:
 ABSENT:
 ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of November 15, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

November 15, 2005

P.C. RESOLUTION 05-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO RECOMMEND DENIAL OF A ZONE CHANGE FROM C-3 (GENERAL COMMERCIAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL) AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION FOR THE PROPERTY LOCATED AT 1255 PROSPECT AVENUE LEGALLY DESCRIBED AS LOT 31, HERMOSA HEIGHTS TRACT, BEING LOT 14, BLOCK 84 AND PART OF LOT 7, BLOCK 88 OF SECOND ADDITION TO HERMOSA BEACH

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Brian Carlucci owner of real property at 1255 Prospect Avenue seeking to amend the Zoning Map.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Zone Change on October 18, 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 requested change to R-1 will make the zoning for the subject property consistent with the General Plan designation of Low Density Residential.
2. Surrounding properties to the north and west are designated Low Density Residential on the General Plan and Zoned R-1, with the exception of adjacent properties immediately to the south which are not included in this request, which would remain C-3 zoned.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the Zone Change

1. The Zone Change will bring the subject property into consistency with the General Plan for the City pursuant to the specific recommendation for this property in the Land Use Element of the General Plan.
2. The subject property to be redesignated is appropriate for residential use as it is abutted by residential uses and located in an area that is predominantly residential in character. A residential use of the subject properties will be more compatible to surrounding residential uses than a potentially more intensive commercial use. The residential use of the property will provide property tax benefits and will not unduly strain city services.
3. The Planning Commission concurs with the Staff Environmental Review Committee's recommendation, based on their Environmental Assessment/Initial Study, that this project will result in a no significant impact on the environment, and therefore qualifies for a Negative Declaration.

Section 4. Based on the foregoing, the Planning Commission hereby recommends that the City Council amend the City's Official Zoning Map as follows:

1. Amend the Zoning Map by changing the property, as described below and shown on the attached map, from C-3 (General Commercial) to R-1 (Single-Family Residential):

1255 Prospect Avenue, legally described as lot 31, Hermosa Heights Tract, being lot 14, block 84, and part of lot 7, block 88 of Second Addition to Hermosa Beach.

VOTE:	AYES:	Allen, Hoffman, Kersenboom, Perrotti
	NOES:	None
	ABSENT:	Pizer
	ABSTAIN:	None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05-60 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of October 18, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

October 18, 2005

Date



1150 Hermosa Ave.