

March 13, 2006

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

**Regular Meeting of  
March 21, 2006**

SUBJECT:                   CONDITIONAL USE PERMIT 06-2

LOCATION:                 424 PIER AVENUE

APPLICANT:             CRÈME DE LA CREPE

REQUEST:               CONDITIONAL USE PERMIT TO ALLOW ON-SALE BEER AND WINE IN  
CONJUNCTION WITH AN EXISTING RESTAURANT

**Recommendation**

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

**Background**

PROJECT INFORMATION:

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	15,010 Square Feet
BUILDING AREA:	7,965 Square Feet
AREA OF ESTABLISHMENT:	715 Square Feet
PARKING:	15 Spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject restaurant is part of a multi-tenant building with 135 feet of frontage along the south side of Pier Avenue, which includes the Bike Shop, The Ragin Cajun restaurant, an insurance office, and a chiropractor's office. The current restaurant, which serves French cuisine in a bistro-like atmosphere, has been in business since October 2001.

**Analysis**

The applicant is proposing to add on-sale beer and wine to the existing restaurant use. No interior 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.

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. If the CUP request is approved, the business will increase this number to 43 on-sale alcohol establishments (24 full alcohol and 19 beer and wine).

The existing restaurant has one unisex restroom accessed by patrons through the kitchen/storage area. The Health Department requires that every restaurant that sells alcohol must have two

restrooms, one for each gender, and that the men's restroom must have a urinal in addition to a toilet. The restrooms must also be located within the food establishment and accessible without going through a food preparation or storage area. These requirements are strictly enforced by the Health Department without exception. Without upgrading the restaurant to the Health Department's standards, the Health Department will not allow the serving of beer and wine at the subject location.

The applicant does not wish to reconfigure the floor area of the restaurant to add a second restroom because the addition will reduce the already small seating area. Staff also believes that there is no room for the addition of a second code compliant restroom within the existing restaurant because of the small size and existing floor plan of the restaurant. The minimum size for a new building and health code compliant men's restroom is approximately 64 square feet (8 by 8 feet). The restaurant's existing floor area is only 715 square feet with a width of 14.75 feet.

Given that the applicant does not want to upgrade the existing restaurant to meet the Los Angeles County Health Department's restroom requirements, the lack of floor area to add a second restroom to comply with health code requirements, and the Health Department's subsequent and inevitable denial of the applicant's request to serve beer and wine at the subject location, staff is recommending denial of the requested Conditional Use Permit.

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Scott Lunceford  
Associate Planner

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs

**P.C. RESOLUTION 06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 424 PIER AVENUE LEGALLY DESCRIBED AS LOT 3, BLOCK 1, HISS ADDITION TO HERMOSA BEACH TRACT AND LOT 14, TRACT 780**

Section 1. An application was filed by Bruno Baio, Crème de la Crepe, 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 March 21, 2006, 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 site is zoned C-2, Restricted Commercial allowing restaurant uses, and on-sale general alcohol with approval of a Conditional Use Permit.

2. The restaurant has one unisex restroom, which does not comply with the Los Angeles County Health Department requirements that restaurants serving alcohol have two restrooms (one for each sex) with the men's restroom having a minimum of one urinal and one toilet. The applicant does not wish to reconfigure the floor area of the restaurant to add a second restroom because the addition will reduce the already small seating area.

3. The minimum size for a new building and health code compliant men's restroom is approximately 64 square feet (8 by 8 feet). The restaurant's existing floor area is 715 square feet with a width of 14.75 feet.

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. There is no room for the addition of a second code compliant restroom within the existing restaurant because of the small size and existing floor plan of the restaurant;

2. Without upgrading the restaurant to the Los Angeles County Health Department's restroom standards, the Health Department will not allow the subject restaurant to serve any alcoholic beverages, including beer and wine.

Section 5. Based on the foregoing, the Planning Commission hereby denies the Conditional Use Permit for on-sale beer and wine in conjunction with a restaurant.

VOTE:       AYES:  
              NOES:  
              ABSENT:  
              ABSTAIN:

## CERTIFICATION

I hereby certify the foregoing Resolution P.C. 06- 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 March 21, 2006.

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Ron Pizer, Chairman

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Sol Blumenfeld, Secretary

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March 21, 2006



424 Pier Avenue