

June 13, 2006

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

**Regular Meeting of
June 20, 2006**

SUBJECT: CONDITIONAL USE PERMIT 06-4 FOR “ON-SALE” ALCOHOL IN
 CONJUNCTION WITH A RESTAURANT, AND;

PARKING PLAN AMENDMENT 06-2 TO MODIFY THE ALLOCATION OF THE
USES WITHIN THE HERMOSA PAVILION

LOCATION: 1601 PACIFIC COAST HIGHWAY #170

APPLICANT: TRAVIS W. JONES/GENE SHOOK

Recommendation:

To approve the request subject to the conditions of approval contained in the attached staff report and resolution.

Background:

PROJECT INFORMATION:

ZONING:	SPA 8-Specific Plan Area
GENERAL PLAN:	Commercial Corridor
EXISTING RESTAURANT AREA:	912 Sq. Ft. (Stillwater Bistro)
PROPOSED NEW RESTAURANT AREA:	7,038 Sq. Ft.
PARKING PROVIDED IN HERMOSA PAVILION	540 spaces, 454 standard, 42 tandem, and up to 44 parallel parking spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

Project History/Chronology:

- **February 19, 2002:** The Planning Commission approved a Precise Development Plan, Parking Plan for shared parking and Variance for expansion and remodel to the Hermosa Pavilion to accommodate a health and fitness center and expanded retail floor area and to allow enclosure of the upper deck to exceed the height (**Total square feet 105,378-office 48,990, health club 44,300 and retail 12,088**)
- On Reconsideration and after three continued public hearings April 9, May 28 and June 11, 2002 the City Council approved the requested Precise Development Plan, Parking Plan and Variance for a modified development program (**Total square feet 108,430-office 25,380, health club 68,000 and retail 15,050**).
- **August 19, 2003:** The Planning Commission approved an amendment to the Precise Development Plan and Parking Plan (PDP 03-11 and PP 03-4) to modify the allocation of proposed uses within the Pavilion (**Total square feet 105,000-office 26,000, health club 46,500, retail 28,500 and restaurant 4,000**).
- **February 15, 2005,** C.U.P. granted for Kids Kabaret – Music and Performing Arts Academy and updated shared parking analysis to allow minor modification to allocation of uses to include 3,000 square foot auditorium use
- **May, 25, 2005** Updated shared parking analysis and modification to striping plan for V.I.P. lockers for the health club

- **February, 2006** Updated shared parking analysis submitted per Conditions of Approval of 03-45, based on existing and anticipated allocation of uses. Neighborhood parking analysis and evaluation of spillover parking included in report.
- **April 18, 2006:** The Planning Commission approved Resolution No. 06-16 modifying the Parking Plan at the Hermosa Pavilion to include a condition of the owner providing two hours of free parking for customers with validation and to re-evaluate the effectiveness of the validation program in six months. The applicant requested an appeal on this decision and the appeal has been set for a public hearing before the City Council on July 11, 2006.

Analysis:

The applicant, Still Water Contemporary American Bistro, is requesting the approval of a Conditional Use Permit for “on-sale” alcohol in conjunction with a restaurant as permitted through the City’s Municipal Code Section 17.40.080. A Parking Plan Amendment is also being requested to modify the allocation of uses from the 4,000 square foot restaurant to 8,000 square feet of restaurant use. The proposed restaurant is approximately 7,038 square feet, and the existing café is 912 square feet.

The proposed restaurant and retail wine and cheese areas are located on ground floor of the Hermosa Pavilion and will feature: “private dining” areas; lounge; bar; foyer/hostess area; public dining areas; patio with seating areas; wine/cheese retail displays; pantry; cook-line; prep area; service area; scullery/storage area and kitchen/storage/coolers for restaurant facility. The seating plan identified 35 tables with 178 seats.

The applicant has identified that the hours of operation will be 9 a.m. to 10 p.m. for the retail wine and cheese sales and the lunch and dinner hours for the restaurant (11 a.m-2:00 p.m. & 5:00 p.m. –10:00 p.m.) with service in the lounge area until the 2:00 a.m. Staff recommends that the C.U.P. establish one set of operating hours from 7:00 A.M. to 12:00 midnight since it is impractical to establish separate operating hours for the restaurant and other appurtenant uses.

The applicant has also represented that wine tasting services will be provided in the wine retail areas but will not provide any fixed seating in this area. Regarding entertainment, no amplified entertainment will be provided according to the applicant. The floor plan identifies no stage, however any future events or modifications to the floor plan identifying a stage area for playing music requiring amplification will require an acoustical study and a Conditional Use Permit Amendment application.

The proposed restaurant is part of a multi-tenant building with secured parking and access from the central building lobby on Pacific Coast Highway and the parking garage. The restaurant is proposed to be an upscale, full service dining establishment with ancillary retail wine and cheese tasting. Un-amplified live entertainment may be provided as an amenity to the restaurant use. These uses and the proposed business operations are consistent with the goals of the General Plan which call for “affirming the commercial character of the highway” and the general definition of the C-3 zone which is intended to provide “ opportunities for the full range of office, retail and service businesses for the city and appropriate for the Pacific Coast Highway”. (Page 105, Land Use Element, General Plan). The full service restaurant use will complement the other uses within the commercial building and provide a positive affect upon the area. The business cannot be considered a bar as less than 430 square feet of floor area is allocated to bar

use and it should not negatively impact building security or provide a nuisance to abutting commercial and residential uses. Therefore the proposed restaurant is appropriate to the zone, a fitting use for the area and consistent with the goals and objectives of the General Plan.

Parking Plan:

The proposed Parking Plan amendment is required to update and modify the allocation of uses within the Hermosa Pavilion including the proposed restaurant. The potential parking impacts associated with the requested restaurant changes from 4,000 square feet of restaurant space to 8,000 square feet of restaurant was addressed in the latest Parking Study Report/Shared Parking Analysis for the Hermosa Beach Pavilion, prepared by Linscott, Law & Greenspan, Engineers on February 13, 2006. Therefore, in addition to updating the allocation of uses to reflect actual tenancy, including all the latest modifications, and evaluating the day spa uses, the report identified and assessed future restaurant space of 8,000 square feet (the proposed restaurant and the existing cafe), and found that weekday peak shared parking demand of 426 spaces can be accommodated by the 454 standard spaces and 42 tandem spaces as provided with the latest revised striping layout plan. Thus the study indicates that proposed uses do not significantly impact the supply of parking (Pgs. 4, 27 & 28, LL & G Study).

Resolution No. 06-16 (which pertains to the entire Hermosa Pavilion) addressed detrimental effects of spillover parking is under appeal to the City Council. Given that this proposed restaurant intensifies the demand for parking in the building, staff has included conditions of approval to require free 2-hour validated parking for customers of the restaurant as a measure to mitigate any impact the restaurant expansion may have in exacerbating the spillover-parking problem.

Conditions of Approval:

Based on the above analysis staff recommends the following specific conditions of approval in addition to standard conditions imposed for on-sale alcohol establishments:

1. The hours of operation of the restaurant shall be limited to between 7:00 A.M. and 12:00 midnight daily.
2. The applicant shall submit a detailed seating and occupant load plan prior to issuance of building permits and an approved occupant load sign must be posted in the business.
3. Two hour free validated parking shall be provided for patrons of the business and offices within the Hermosa Pavilion.
4. Parking signs shall be prominently displayed at the entry and within the restaurant to promote the two-hour free validated parking program.
5. The allocation of uses shall be as follows based on the latest shared parking analysis:

	<u>Allocation (in square feet)</u>
Health Club/Fitness Facility (i.e., basketball court/pool)	46,000
Office	20,400
Day Spa	13,000
Retail	9,600
Restaurant (including Food related retail sales)	8,000
Auditorium	3,000
Storage	10,600
Total	110,600

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Attachments:

1. Proposed Resolution
2. Parking Study excerpts
3. Restaurant Floor Plan

P.C. RESOLUTION NO. 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW ON-SALE ALCOHOL IN CONJUNCTION WITH A RESTAURANT AND APPROVING A PARKING PLAN AMENDMENT MODIFYING THE ALLOCATION OF USES WITHIN THE “HERMOSA PAVILION” INCLUDING AN 8,000 SQUARE FOOT RESTAURANT AT 1601 PACIFIC COAST HIGHWAY # 170 AKA 1605 PACIFIC COAST HIGHWAY.

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

Section 1. An application was filed by Travis Jones, Stillwater Contemporary American Bistro, seeking approval for on-sale general alcohol in conjunction with a new restaurant proposed in the Hermosa Pavilion, and amendment to the Parking Plan (P.C. Resolution 03-45) to modify and update the allocation of uses approved as part of the shared parking analysis.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit and Parking Plan Amendment on June 20, 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. On August 19, 2003, the Planning Commission adopted P.C. Resolution 03-45 to approve Precise Development Plan and Parking Plan to remodel and expand an existing commercial building and to allow shared parking to accommodate a new allocation of uses within the building including a health and fitness facility, office, retail and restaurant uses. The approval included an allocation of 4,000 square feet for restaurant use.

2. The proposed restaurant will increase the allocation for restaurant use to 8,000 square feet, and proposed changes also include updates in the allocation of uses to reflect other minor modifications that have occurred since 2003 in the allocation of uses within the building.

3. The site is zoned SPA-7, Commercial, allowing restaurant uses, and on-sale general alcohol with approval of a Conditional Use Permit.

4. The Planning Commission conducted a duly noticed public hearing to consider the revocation or modification of the Precise Development Plan and Parking Plan on April 18, 2006, pursuant to Section 17.70.010 of the Zoning Ordinance (sub-sections E and F), and adopted Planning Commission. Resolution No. 06-16 (which pertains to the entire Hermosa Pavilion) to address detrimental effects of spillover parking and which supersedes P.C. Resolution 03-45.

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 S.P.A. 7 which permits on-sale alcohol in conjunction with restaurant uses, and the site is suitable for the proposed use;
2. The proposed use will be compatible with commercial uses with the Hermosa Pavilion, surrounding commercial uses, and nearby residential uses;
3. The imposition of conditions, including a limitation on the hours of operation, and the requirement for free validated parking, 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 factual findings, the findings for the Conditional Use Permit, and the updated shared parking analysis prepared by Linscott Law and Greenspan; Parking Study Report, dated February 13, 2006, the Planning Commission makes the following findings pertaining the application to amend the Parking Plan to modify the allocation of uses within the Hermosa Pavilion:

1. The Parking Study Report identified and assessed all updated allocations including future restaurant space of 8,000 square feet (therefore including the entire square footage of the proposed restaurant), and found that weekday peak shared parking demand of 426 spaces can be accommodated by the 454 standard spaces and 42 tandem spaces as now provided with the latest revised striping layout.
2. Thus the study indicated that the shared parking impacts were immaterial to the supply of parking (pg. 27).

3. The detrimental effects of the spillover parking, as documented in the Parking Study Report will be potentially exacerbated with this new restaurant, and therefore, the conditions requiring free validated parking that apply to the entire Pavilion have been imposed as conditions of the approval into this project to alleviate any similar problems.

Section 6. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant and approves the amendment to the Parking Plan to modify the allocation of uses, subject to the following

Conditions of Approval.

- 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 June 20, 2006.**
- 2. The hours of operation shall be limited to between 7:00 A.M. and 12:00 Midnight.**
- 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 occupant load plan prepared by a licensed design professional, which shall be approved by the Community Development Department prior to implementing the restaurant 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
12. Two hour free validated parking shall be provided for patrons of the restaurant within the Hermosa Pavilion parking facility and signs shall be prominently displayed at the entry and within the restaurant to promote the two-hour free validated parking program;
13. The Parking Plan approval, as set forth in P.C. Resolution 03-45, as amended by P.C. Resolution 06-16, is amended with respect to the allocation of uses, which shall be substantially consistent or less than the following allocation:

**Health and Fitness Facility
(including a basketball court and**

46,500

pool)	
Office	20,400
Day Spa	13,000
Retail	9,600
Restaurant (Including food related retail sales)	8,000
Auditorium	3,000
Storage	10,600
Total	110,600

Any material change to this allocation requires amendment to the Parking Plan, and approval of the Planning Commission.

Section 7. 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 and Parking Plan Amendment 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 Parking Plan Amendment 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.

Section 8. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 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 June 20, 2006.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

Date