

July 11, 2006

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

**Regular Meeting of  
July 18, 2006**

SUBJECT:       CONDITIONAL USE PERMIT AMENDMENT 06-7  
                  PARKING PLAN 06-3

LOCATION:       1320 HERMOSA AVENUE

APPLICANT:    THE SHORE  
                  1320 HERMOSA AVENUE  
                  HERMOSA BEACH, CA 90254

REQUEST:       CONDITIONAL USE PERMIT TO ADD 180 SQUARE FEET AT THE MEZZANINE  
                  LEVEL AND INTERIOR ALTERATIONS FOR AN EXISTING RESTAURANT WITH  
                  ON-SALE GENERAL ALCOHOL AND LIVE ENTERTAINMENT IN CONJUNCTION  
                  WITH AN EXISTING RESTAURANT WITH LIVE ENTERTAINMENT.

**Recommendation**

Direct staff as deemed appropriate.

**Background**

PROJECT INFORMATION:

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	5,000 Square Feet
AREA OF ESTABLISHMENT (Including Patio):	2,866 Square Feet
PROPOSED ADDITION:	<u>180 Square Feet</u>
TOTAL AREA:	3,066 Square Feet
ADDITIONAL PARKING REQUIRED:	2 Spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The Shore is currently operating under the terms of P.C. Resolution 03-23. The current owners of the restaurant took over the lease from Dano's in 2003, when the restaurant was being considered for revocation or modification because of problems occurring at that time. The Planning Commission approved the floor plans submitted at that time (under the proposed name "Element") and adopted P.C. Resolution 03-23 which modified the previous resolution approved for Dano's restaurant in 2000. The 2000 resolution (P.C. 00-24) granted by the Planning Commission for Dano's to change from on sale beer and wine to general alcohol. The location was first approved for restaurant and live entertainment purposes in 1993, when a C.U.P. was granted for on sale beer and wine and a Parking Plan for reduced parking.

**Analysis**

The applicant is requesting alterations to the interior at the mezzanine level, in order to add 180 square feet to the mezzanine and also to convert a large portion of the existing approved mezzanine area to a dining and lounge area for customers (resulting in a total of 400 square feet for dining and "lounge" area). The mezzanine previously was approved only for an employee lounge, changing

room, and storage area as recognized by the Planning Commission by minute order as the subject of an interpretation item at the January 18, 2005 meeting. The mezzanine is accessed through an interior stair from the ground level, but also has a direct exit onto the alley, which is situated at a higher grade than Hermosa Avenue.

The Shore has been in operation since early 2006, and an occupant load and seating plan was approved in March, 2006. The seating/occupancy plan also shows the upstairs mezzanine as storage and an employee lounge. The Shore was recently cited for overcrowding by the Fire Department exceeding their occupant load of 174 with a crowd of over 300 patrons. Also, during this same incident it was noted the fixed bench seating that was the basis of the occupant load plan was temporarily removed.

The Planning Commission must consider if its appropriate to allow a more intensive use of the restaurant and lounge, essentially to allow a separate and more private banquet and lounge area in the mezzanine, when the restaurant has not demonstrated compliance with the terms of the C.U.P. as set forth in Resolution 03-23, both with respect to overcrowding, and altering the interior uses.

Also, in addition to converting the mezzanine for customer use, the proposal involves an expansion to the gross floor area of the restaurant (180 square feet). While the conversion of interior floor area may contribute to increased occupancy and parking demand, the code only requires additional parking for the increase in gross floor area. This requires the use of parking in-lieu fees since there is no room on the property to provide any additional parking on site. Although Section 17.44.040 allows the use of parking in-lieu fees for any commercial use allowed in the downtown district, it may not be appropriate to use the fees for an expansion to an existing restaurant since the City is trying to achieve a better balance in the downtown between restaurant and office or retail uses. The fees that would be due based on City Council Resolution 99-6001 are \$12,500 per required space. The parking in lieu fee is currently being studied by the City and is subject to change.

Based on the Commission's direction, staff will return with a resolution for adoption at the next meeting.

CONCUR:

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Ken Robertson  
Senior Planner

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Location Map
  2. P.C. Resolution 03-23
  3. Memorandum from the Fire Chief regarding overcrowding
- Project Plans (separate attachment)