

July 3, 2006

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

**Regular Meeting of
July 18, 2006**

SUBJECT: CONTINUED FROM JUNE 20, 2006 MEETING

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
1601 PACIFIC COAST HIGHWAY #170

APPLICANT: TRAVIS W. JONES/GENE SHOOK

Recommendation Alternatives:

Direct staff as deemed appropriate from the following alternatives:

1. Approve the request subject to the conditions of approval contained in the attached resolution; or
2. Consider the building parking problems that have occurred over the last six months and advise the applicant to resubmit the project permit application once it has been demonstrated that building spillover parking has been resolved.

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 to the City Council
- **July 11, 2006:** The City Council sustained the decision of the Planning Commission to require 2-hour free validated parking, and 6-month re-evaluation of the program.
- **July 12, 2006:** The building owner indicated to staff that he will implement the 2-hour validated free parking. The implementation includes prominently displayed signs advertising the 2 hour validated free parking in all public areas and at entry locations.

Analysis:

The applicant, Still Water Contemporary American Bistro, is requesting the approval of a Conditional Use Permit for “on-sale” general alcohol and off-sale (retail wine sales) 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: a public dining area; “private dining rooms”; bar and lounge; foyer/hostess area; 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 indicates 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. The off-sale wine sales is a permitted use by right until 11:00 p.m., and the applicant indicates that it will not be open later than 10:00 p.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 is proposed 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 will complement the other uses within the commercial building and is consistent with the character of the commercial corridor.

Though bars and restaurants serving alcohol have been a permitted use for many years along the commercial corridor, the area is not heavily impacted with these uses. Staff surveyed the commercial corridor and found that of the 306 business along the corridor there are sixteen (16) restaurants. Of the sixteen restaurants (16) located on Pacific Coast Highway, only nine (9) have CUP's for "on-sale" beer/wine, and two have CUP's for full alcohol. (See attached survey).

Further, the proposed business cannot be considered a bar or lounge use as less than 643 square feet of the restaurant is allocated to the bar area, representing less than 10% of the floor area. The restaurant is entirely enclosed within a secured and insulated building and should not negatively impact abutting commercial and residential uses. Therefore the proposed restaurant is appropriate to the zone, a fitting use for the area, compatible with other uses in the multi-tenant building and consistent with the goals and objectives of the General Plan.

However, a citizen complaint filed on July 11, 2006, identified the existence of a possible illegal use within the parking garage, the operation of an auto detail business ("Auto Spa"). Staff confirmed that auto detailing is occurring in the garage, and in order to comply with the Zoning Ordinance this use must cease or a Conditional Use Permit obtained to allow the operation of an auto detail business. Also pursuant to the Municipal Code (Chapter 2.84) this use must be abandoned or made legal before the City can issue a building permit for the tenant improvement for the restaurant or any other permit in the Pavilion.

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. 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 and was sustained by the City Council. Given that the proposed restaurant intensifies the demand for parking in the building and that the required parking is based upon a shared parking analysis, staff has included conditions of approval to require free 2-hour validated parking for customers of the restaurant consistent with the decision of the City Council and review of the CUP if there is a problem identified with the building parking adequacy or efficiency.

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 and off-sale alcohol establishments:

1. The CUP for the restaurant is based upon conformance to the Hermosa Pavilion Parking Plan as modified by City Council on July 12, 2006. Violations of the Parking Plan shall be submitted in a report to the Planning Commission which will automatically initiate a review of the CUP.
2. The hours of operation of the restaurant and appurtenant retail wine sales hall be limited to between 7:00 A.M. and 12:00 midnight daily. Any change in operating hours shall require amendment to the CUP.

3. 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.
4. The allocation of uses shall be as follows based on the latest shared parking analysis:

Use	Allocation (in square feet)
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	<u>10,600</u>
Total	110,600

5. The kitchen shall remain open during operating hours to ensure that the use is maintained as a restaurant.
6. Repeated violations of the noise ordinance, creation of security or nuisance conditions and excessive occupancy of the business shall be grounds for Police Chief and Fire Chief report to the Planning Commission with automatic CUP review by the Commission.
7. Two hour free validated parking shall be provided for patrons of the business.
8. Parking signs shall be prominently displayed at the entry and within the restaurant to promote the two-hour free validated parking program.
9. The CUP shall be subject to Planning Commission review 6 months after commencement of the business and annually thereafter.
10. The applicant must abandon/vacate existing "illegal condition/use" of an auto detail business within the parking garage or file for a "Conditional Use Permit" by August 21, 2006, to allow the continued operation of the illegal auto detail business the "Auto Spa".

If the Commission does not approve the application staff will return with a resolution to deny the project at the next meeting.

Ken Robertson,
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development

Attachments:

1. Proposed Resolution to Approve
2. Parking Study excerpts
3. Restaurant Floor Plan
4. PCH Restaurant/Bar Survey

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