

November 28, 2006,

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

**Regular Meeting of
December 6, 2006**

CONTINUED FROM THE NOVEMBER 21, 2006 MEETING

SUBJECT: REVOCATION/MODIFICATION HEARING FOR CONDITIONAL USE PERMIT 01-1
FOR ON-SALE ALCOHOL, LIVE ENTERTAINMENT AND OUTSIDE DINING FOR
SAFFIRE /POINTE 705, 705 PIER AVENUE , HERMOSA BEACH

Recommendation:

Direct staff as deemed appropriate.

Project History:

- April 9, 1985, City Council Resolution 85-4820 approves Marie Callendars for general alcohol sales and outdoor dining in conjunction with a restaurant and allows operating hours until 2:00 a.m.
- April 5, 1994, Planning Commission Resolution 94-10, amends original CUP for Descanso Gardens allowing live entertainment with a maximum of 3 musicians using non-amplified music in lounge/waiting area secondary.
- June 7, 1994, Planning Commission Resolution approves an amendment to above project to allow outdoor waiting area and live entertainment with acoustical study only and not as a main attraction or show.
- March 18, 1997, Planning Commission Resolution 97-26 approves a modification to floor plan to include an additional bar for a total of three, two stages and a dance floor. Changes in floor plan, no material changes to conditions.
- May 5, 2001, Planning Commission resolution 01-18 allows outside dining in area previously approved only for outdoor waiting area. Conditions only address outdoor uses (no outdoor music, maintain existing planted areas, add decorative railings). No changes to operating conditions from Resolution No. 97-26.

ZONING:	SPA 8 - Specific Plan Area
GENERAL PLAN:	Commercial Corridor
EXISTING FLOOR AREA:	8,900 Square Feet
PARKING PROVIDED:	432 Total, 164 Lower Level
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

Background:

Saffire/ 705 is located within the Plaza Hermosa Shopping Center. The business has had several changes in ownership from a Marie Callendars restaurant to the current tenant, Saffire/705. Saffire/705 is currently in escrow and upon sale will be owned by Maximoore Inc. and will be called Club 705. Staff received notification from ABC that the business intended to change their ABC license from a restaurant to a bar/lounge, however the owner disputes that a change in application was submitted. Earlier this year and for several months, the police and fire departments responded to complaints involving fights, public intoxication, underage serving and over crowding in violation of the building, fire, and penal codes. The business owner has received written notice of the subject hearing, met with staff. The current owner, Robert Miller, provided correspondence on 11/30/06 describing the proposed operation of the facility as evidence that there are no current problems and previous problems will not continue. The owner also disputes portions of the police department response record. The owner indicates that he plans to operate a private club on the premises and is

negotiating a licensing agreement with an entertainer, Steven Seagal who will perform from time to time at the club. The owner argues that the business was operated previously as a nightclub with an upscale dining room and sushi bar and that it should be allowed to continue to operate in this manner.

Analysis:

Section 17.70.010 of the Zone Code provides that the Planning Commission may modify or revoke a CUP under any the following grounds:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval is granted is not being exercised;
- C. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

The Conditional Use Permit, (Resolution 01-18 and Resolution No. 97-26), contains conditions that allow the Police Chief to determine if a continuing police problem exists and to authorize presence of a police approved doorman and or security personnel to eliminate security problems and to submit a report to the Community Development Department thereby automatically initiating review of the Conditional Use Permit by the Planning Commission.

The Police Chief has not suggested the presence of additional doorman or security personnel, but has recommended that the Commission consider modifying the current CUP due to the large number of Police Department calls to the property. The call history includes excessive over-crowding, loitering around the building frontage and parking area, battery, fights and assaults and public intoxication. The call history over the last six months is summarized as follows:

Summary of Violations

Call Out	Action	CUP 01-18 and 97-26 Violation	Other Code Violations	No. Calls	2006 Call Outs
1. Over Crowding	FD Response	Cond. Nos. 12, 13 (Res. 01-1)	Fire Code	1	6/10
2. Noise Violation	PD Response	Cond. No. 3, (Res. 97-26)	HBMC	8	2/2, 2/6, 2/19, 3/16, 5/11, 6/10, 6/18, 7/7
3. Loitering	PD Response	Cond. No. 1 (Res. 97-26)	Penal Code	3	3/25, 6/18, 7/7,
4. Assaults	PD Response	Cond. No. 1 (Res. 97-26)	ABC Penal Code	7	3/19, 3/25, 4/8, 5/14, 6/11, 7/1, 7/9
5. Serving Underage	PD Response	Cond. No. 1 (Res. 97-26)	Penal Code ABC, HBMC	2	3/03, 7/15
6. Public Intoxication	PD Response	Cond. No. 1 (Res. 97-26)	HBMC, ABC	3	7/1, 5/14, 2/19

P.C. Resolution 01-18 (Condition No 12) requires that the applicant submit a detailed seating and occupant load plan prepared by a licensed design professional for approval by the Community

Development Department and any changes to the interior layout of the business that alters the primary function of the business as a restaurant shall be subject to review and approval by the Planning Commission.

P.C. Resolution 97-26 (Condition No. 2) provides that "the primary emphasis of the business shall be maintained as a restaurant. Live entertainment shall be secondary and shall not be a separate or main attraction or show or promoted as such.

The business has been advertised as a lounge, disco and venue for special events, which is inconsistent with this condition of the CUP and the police department reports that the business has regularly removed tables and chairs to accommodate the special events and dancing in violation of the above condition. (Attachment No. 2)

P.C. Resolution 97-26 (Condition No. 13) provides that the operation of the business shall comply with all applicable requirements of the Municipal Code.

P.C. Resolution 97-26 (Condition No. 8) provides that "the business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness and boisterous activities of patrons outside the business and parking area.

Police Department response calls indicate that the business is not providing adequate supervision since patrons were reported by the Police Department to be unruly and boisterous and allowed to loiter around the building frontage and parking area. Thus the business has not utilized management and supervisory techniques to prevent unruly behavior.

P.C. Resolution 97-26 provides that live entertainment shall be limited to three musicians/performers using non-amplified instruments such as a piano, guitar, violin, etc.. If entertainment is to include amplified live entertainment and or more musicians, an acoustical study shall be prepared by an acoustical expert, including proposed sound dampening features to baffle and direct sound away from the entrance/exit and window areas to ensure compliance with the noise ordinance.

- a. The Acoustical study shall be based on a worst-case scenario or on a sound level that will not be exceeded at any given time.
- b. Management shall be responsible for the music/entertainment volume levels.
- c. During the performance of any amplified live entertainment, the exterior doors and windows shall remain closed.

The business has provided amplified live entertainment but has never supplied an acoustical study to comply with the CUP and consequently has not installed sound dampening features in compliance with the study or the City's noise ordinance.

P.C. Resolution 94-17, Section II, Condition No. 1 provides that the establishment shall not adversely affect the welfare of the residents and/or commercial establishments nearby.

The Police Department records indicate that surrounding neighbors at the mobile home park (531 Pier Avenue) have complained about be awakened due to excessive noise and unruly and boisterous behavior.

Discussion of Proposed Business Operations:


The owner's attached business plan describes the proposed operation of the business as follows:

1. Additional staff management - The owner plans to have two on site managers on the premises daily. This should help ensure the business does not violate the CUP and ensure that it does not create a nuisance providing they are familiar with the conditions of the CUP and enforce it.
2. Reconfiguration of the floor plan- The owner plans to make slight modifications to the restaurant layout that includes relocating a sushi bar and providing a dance floor area for the night club. The proposed changes must be incorporated on a plan prepared by a licensed design professional so that it can be check for occupant load and be used as a permanent record related to the CUP.
3. Change to a Japanese sushi restaurant with sports lounge. The business previously operated as a restaurant that offered sushi and the proposed change does not materially change the use or operation, however, the addition of a sports bar is a clear change of use from what is permitted in the current CUP.
4. Change to a private club – The business will be open to the general public but also include a private club. It is unclear how the two would operate on the premises but a club is permitted without a condition use permit in the C-2 and C-3 zones in Chapter 17.26 of the Zone Code.
5. Nightclub entertainment - The business was approved as a restaurant and transitioned to a restaurant with ballroom dancing. The proposed change includes ballroom dancing, salsa dancing with DJ's and occasional bands that varies from the originally permitted use.
6. Marketing- The business had previously operated with several outside promoters which contributed to some of the problems identified by the Police and Fire Department. The business plan does not indicate whether outside promoters will be involved in the business but does indicate that print media, email flyers and radio ads will be used in advertising.
7. Hosting of community events - The business indicates that special events will be hosted for Mira Costa High, PS, I Love You Foundation and Children's Hospital. The hosting of special events occurs at many local businesses in the City and is typically not addressed in a CUP.

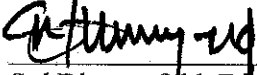
Conclusions:

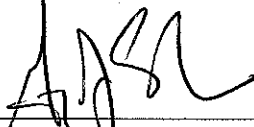
The Commission must determine whether there are such egregious violations of the CUP that it justifies revocation or modification of the Conditional Use Permit. From the emergency response record it can be concluded that the business had previously not been operating in accordance with the conditions of Resolution Nos. 01-18 and No. 97-26. The owner states that there are extenuating circumstances that caused a lapse in management that led to the on-going CUP and Municipal Code violations requiring response from the Police and Fire department, and that the proposed change in business operations and new ownership will eliminate these problems so that they do not continue.

The Commission has authority to revoke or modify the operating conditions under the CUP. Earlier this year, the business had demonstrated a clear pattern of non-compliance with many of the CUP operating conditions. Chapter 17.70 allows the Commission to revoke or modify a conditional use permit to prevent a nuisance to the community. The new business owner has proposed to focus on use of the facility as a restaurant and nightclub with a sports lounge, which is inconsistent with operation of the business as a restaurant and is not what was intended when the amended CUP was granted. Thus the Commission may consider modifying the current CUP to ensure the use does not create a nuisance and transition further from a restaurant to a lounge. If the Commission determines that the CUP should be modified it can adopt the attached resolution providing new restrictions on business operations.


Ken Robertson,
Senior Planner

Concur:


Sol Blumenfeld, Director
Community Development


Greg Savalli
Chief of Police

Attachments

1. Correspondence
2. Business advertising and promotions
3. Planning Commission Resolutions 01-18 and 97-26
4. Police Report History
5. Fire Department Report
6. Proposed Resolution

11/29/2006

Club 705
705 Pier Ave, Hermosa Beach
90254

RECEIVED

NOV 30 2006

COMMUNITY DEV. DEPT.

Business Summary for 705 Pier Avenue

OWNERSHIP

Robert Miller technically still owns club 705 as a sole proprietorship. Robert is currently in escrow with Maximoore Inc. and the escrow is being delayed by the city's administrative action.

Maximoore Inc. is owned by Arkadi Minassian and Tim Moore with Arkadi as the main partner. Arkadi has recently taken lead as General Manager pending a possible new deal, partnership, or entity. Maximoore Inc. has a letter of interest from Steven Seagal to enter into a licensing agreement for his Name and other licensing of his trademark merchandise, possible live shows and other to be named activities.

STATUS OF TRANSFER

The status of the pending sale with Robert Miller and Maximoore Inc. is subject to a few issues and it is a little complicated. The primary hurdles are the CUP hearing with the city of Hermosa Beach and ABC license transfer.

Robert Miller has recently become financially insolvent because the financial condition of the business under his ownership was less than what he had expected. He also lost his job at American Honda Motor Co. last year and has been unable (neurological disorder) to work. All of his assets were used to purchase this business and he needs to sell it in order to survive financially.

Maximoore Inc. had to pay some expenses for Robert Miller before the close of escrow in order to save the business. If the escrow can't close, Robert is in no position to repay Maximoore for the money that was needed to save the business. If the city and ABC make it impossible to close escrow, they put both the buyer and the seller in a precarious situation. The buyer can't have what he has already paid for and the seller is stuck owning a business that he does not want and can't afford. The matter is further complicated by the fact that Robert Millers home is still being held as collateral by the SBA bank holding the note on the business loan. If the SBA loan payments are not made, Robert will lose his home.

The pending sale obviously affects both parties in an unusually complex financial way and it is financially detrimental to both parties (possibly rendering one with no home) if escrow does not close. If the escrow is allowed to close, then Robert Miller can keep his house, try to get well, and leave the future of the business to Maximoore Inc. Maximoore Inc. will then be able to pursue the proposed deal from Steven Seagal to turn this business into THE SEAGAL CLUB.

MANAGEMENT

Maximoore Inc. would like to operate a business at 705 Pier Avenue. The basic plan incorporates the existing conditions of the licenses and conditional use permit for the location. Maximoore Inc. has not expressed any intent to modify any terms or conditions of either the ABC license or the CUP. This misunderstanding was caused because the previous owner let the business become more of a bar than a restaurant. He did not have the financial solvency to create a much-needed classy place for people to dine. This lack of an upscale restaurant customer base also affected the quality of the general patrons. Enclosed is a copy of the terms for the pending transfer of the liquor license showing the transfer of a type 47 on sale general type eating-place.

Arkadi Minassian will initially (pending a new deal) oversee the operations as President and operating partner of the company. Mr. Minassian owns several businesses including various successful restaurants, jewelry stores and manufacturers. Managers Xavier Flamenco and John Conachy will be on duty overseeing floor operations daily. Mr. Flamenco has worked in the industry for twenty-four years including eighteen in management. He has been a part of the staff at 705 Pier Ave. for eight years in various positions and is currently employed as the General Manager. His history with the business aids in the return to the original business practices of Pointe 705. Mr. Conachy has worked in the industry for thirteen years in five different countries. His background covers all aspects of the industry from one of the largest clubs in Europe to fine dining.

This location has operated as a restaurant, lounge and nightclub for over 8 years. The original plan done in 1998 for Pointe 705 established an upscale dining room, sushi lounge and nightclub. This original plan enjoyed long term success because of the different aspects of the business that complimented one another. The management team back in 1998 (Scott and Shane McColgan) believed that the business could only succeed with the three parts, food, beverage and entertainment, working in conjunction with each other. The current management team believes that the original business model of Scott and Shane holds true for today as well. The goal of current management is to bring the business back to its original business plan. The long-term success at this location will only be achieved by returning to the original model and having a classy restaurant anchor the business with entertainment as a supplemental form of income.

The basic business plan will call for an upscale dining room as the main foundation for the business. The plan will also establish a sports lounge and nightclub. The plan also reflects the intent to return to basic business practices of the original Pointe 705 plan including special events and fundraisers.

The dining room will operate from 11 am until midnight daily. The menu will consist of Sushi and upscale cuisine. The dining room will establish the customer base for a base income for the business as well as cross over clientele for the sports lounge and nightclub. The basic floor plan will remain the same. The main change is to build a large sushi bar, which will decrease the size of the existing liquor bar, adding permanent dining seating.

The sports lounge will be a more casual theme featuring a scaled down version of the dining room menu as well as traditional bar appetizers. This room will more suited for a relaxed atmosphere and will present sporting events on 15 TVs including 7 wide screen plasmas. The Sports Lounge will also act as a waiting area for the Dining room and a main entrance to the entire venue. The sports lounge will operate from 5 pm until 2 am Monday thru Friday and 11 am until 2 am Saturday and Sunday.

The nightclub will be the main source for entertainment. This room will feature Ballroom type dancing such as Salsa on weeknights and DJs or the occasional band on weekends. Also, the nightclub will host fundraising events for local school organizations and charities as well as special events. Already in the works are events to host Mira Costa's Jazz Band, the PS, I Love You Foundation and Children's Hospital. This practice is to establish the venue as a part of the community and not just as a business in the city. An acoustic study has been ordered by Maximoore to comply with city noise ordinances and to eliminate any audible noise near residences. Results of the report will be reviewed with city officials to make any repairs or changes deemed necessary.

MARKETING

Marketing will be done through newspaper and magazine advertisements, emails, and flyers (in-house and with local agreeable businesses) as well as TV and radio advertising. All shall be in accordance to local ordinance specifications.

ADDITIONAL MANAGEMENT

Currently a deal is in the works to license the name of Mr. Steven Seagal and operate a high end Japanese and Sushi restaurant. Mr. Seagal would also use the nightclub as a venue to perform with his band. The deal would include prominent Japanese businessmen and the main target market would be Japanese businessmen and captains of industry as Mr. Seagal has maintained a very strong fan base in Asia. The restaurant and club will be available to the general public and will include visits from celebrity friends of Mr. Seagal. This deal is contingent on the granting of permits and licensing of the business. The basic business practices would remain the same as would the hours of operation and management. Steven potentially has big plans for this business if the cloud over it is lifted. Steven Seagal is actually law enforcement both on the state (Louisiana) and Federal (Interpol) levels. He would make sure that the business was run according to his own tough standards.

Management staff will grow if a proposed deal with Steven Seagal is made. As Mr. Seagal's staff would incorporate with current management. The basic plan will remain the same but a management company, Lorain Entertainment, according to Steven Seagal's creative, artistic and quality control of the business would supervise all of the entertainment in the club.

The restaurant operations will be overseen by a restaurateur that is a legend in the art of fresh sushi and authentic Japanese cuisine. The theme of the restaurant will change to the decor like that of a Japanese teahouse (dark and light woods, fresh plants and flowers, and bamboo) with exceptional product, company, and service being the focal points. For entertainment while dining, traditional Japanese singing and dancing will accompany the fine cuisine.

The business will be a show house for Stevens's music, CDs and possible live performances. He will also use the business to showcase and promote his new products such as his new energy drink (Lightning Bolt). He is also interested in charity fundraiser concerts and awareness benefits. He expressed interest in doing a charity event in January if all goes well. He has many influential friends both in the theatrical and music business.

Japan Trade USA Inc, and Japan Trade Inc, official licensee of Paramount Picture movie theme park is also interested in using the club to help promote its new multi-billion dollar movie theme park being built in Japan as the South Bay is home to a large population of Japanese nationals.

A deal is in the works to sell junkets to Japanese tourists who will come here from Japan (Steven is huge American star in Japan) to see THE SEAGAL CLUB. It will be a Mecca of sorts for his growing fan base. Musicians, Celebes, CEO's and fans from all over the world will fly into LA to visit THE SEAGAL CLUB.

MANAGEMENT POLICIES


Maximoore Inc. has been operating under a temporary license since June 28, 2006. Since taking over, Maximoore has implemented many new policies to maintain a comfortable atmosphere and restore good faith with the community. These changes involved management, security and parking. The change in management began with Arkadi Minassian taking a more active role as head of operations. The termination of previous management, including one member of Maximoore's original management team, was deemed necessary to renew the role in the community and establish the business as a good neighbor. Because of the lack of sufficient and properly trained security (mainly because the previous owner was insolvent), a new security company was hired soon after taking over operations to alleviate crowd control problems. The policies set were: to increase the number on staff to 12-15 per shift; expand the number of nights with security staff on duty from Wednesday - Saturday and use of trained staff members. The main goals were to manage crowd control, keep the streets and sidewalks clear and to eliminate any nuisance including noise emanating from the parking lot especially at closing. Also, Maximoore has Valet and/or a parking attendant stationed from Wednesday thru

Saturday to further control noise from the parking lot. The past owner did not have the resources to hire such a staff.

CONCLUSION

In conclusion, Maximoore wishes to operate a business in the City of Hermosa Beach not only in compliance with ordinances but also as an active part of the community. We took over operations on June 28, 2006 and have already implemented policies to better comply with city standards and to be a better neighbor. We have renewed contacts with local schools and charities. We have maintained a respectful atmosphere during our short time here and have welcomed advice from local Police and City officials. The result is far less intervention of Police and/ or Fire departments. Maximoore respects the need for a business to comply with ordinances and we feel that we have already taken steps to become a respectful part of this community.

Acknowledged by: _____



Arkadi Minassian, President



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 11/28/2006*

License Information

License Number: 441937 **Status:** PENDING

Primary Owner: MAXIMOORE INC

ABC Office of Application: INGLEWOOD

Business Name

Doing Business As: CLUB 705

Business Address

Address: 705 PIER AVE **Census Tract:** 6210.01

City: HERMOSA BEACH **County:** LOS ANGELES

State: CA **Zip Code:** 90254

Licensee Information

Licensee: MAXIMOORE INC

Company Officer Information

Officer: FLAMENCO XAVIER A, CHIEF FINANCIAL OFFICER

Officer: MINASSIAN ARKADI, PRESIDENT

Officer: MOORE TIMOTHY LEE, SECRETARY/ASST SEC

License Types

1) **License Type:** 47 - ON-SALE GENERAL EATING PLACE

License Type Status: PENDING

Status Date: 28-JUN-2006 **Term:** Month(s)

Original Issue Date: **Expiration Date:**

Master: **Duplicate:** 0 **Fee Code:** NA

License Type was Transferred On: **From:** 413089

2) **License Type:** 30 - TEMPORARY PERMIT

License Type Status: ISSUE

Status Date: 28-JUN-2006 **Term:** Month(s)

Original Issue Date: **Expiration Date:**

Master: Y **Duplicate:** 1 **Fee Code:** NA

Current Disciplinary Action

... No Active Disciplinary Action found ...

Disciplinary History

... No Disciplinary History found ...

Steven Seagal
2282 Mandeville Canyon Road
Los Angeles, California 90049
(310) 476-8700

November 18, 2006

Arkadi Minassian, President
Maximoore, Inc.
4470 West Sunset Boulevard, Suite 107
Los Angeles, California 90027

Re: **Non-Binding Letter of Intent**

Dear Mr. Minassian,

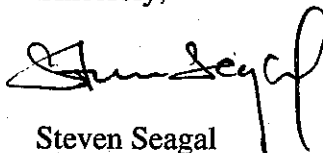
This letter acknowledges that I am considering allowing the licensing of my name only, to Maximoore, Inc., for the purposes of its use in relation to an upscale Japanese private club you are opening in Hermosa Beach, California. By signing below, I am agreeing only to consider the licensing of my name, and this letter is not binding on me in anyway should an agreement not be reached.

If I choose to agree to the licensing of my name, any and all usage will be subject to my personal satisfaction as to how the name is being used. All activities involving the club and the usage of my name will be contingent upon my direct approval, as will be the locale chosen for the club.

Any agreement we may enter into must include a complete indemnification by Maximoore, Inc. should any liability arise with respect to the use of my name or any other matter involving the club. You must maintain insurance coverage in an amount to be determined by me to insure that I will face no liability whatsoever. Further I will receive a percentage of the gross receipts from the club, which will be determined prior to any agreement reached. The foregoing constitutes only the minimum conditions precedent required, and all further conditions will be decided upon should I agree to the licensing of my name.

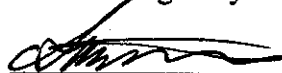
This letter remains non-binding despite any consideration paid to me by you in return for my signing this letter. Any and all consideration paid is non-refundable.

Sincerely,



Steven Seagal

Acknowledged by:



Arkadi Minassian, President

July 17, 2006

Alcoholic Beverage Control
3927 Lennane Drive
Suite 100
Sacramento, CA 95834

RECEIVED

OCT 12 2006

**RE: 705 PIER AVENUE, HERMOSA BEACH
LICENSE TRANSFER REQUEST TO: MAXIMOOR INC.**

COMMUNITY DEV. DEPT.

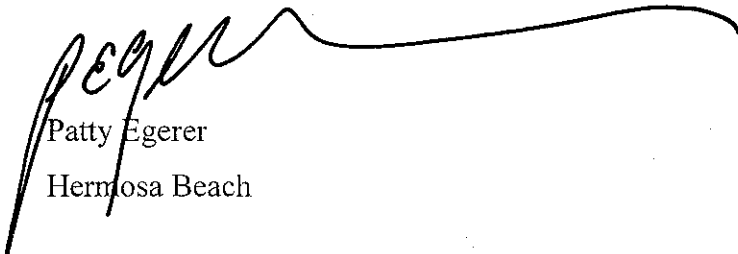
The transfer of the "on sale" alcohol license from Club 705 to Maximoore Inc., notice date June 28, 2006 is protested, as outlined below.

1. The new existing club conducts operations under the name of Club Saffire Nightclub Lounge located at 705 Pier Avenue, Hermosa Beach. This "adult" entertainment-nightclub-lounge conflicts with the original Conditional Use Permit granted by the City of Hermosa Beach. It is essential, for the City of Hermosa Beach to have necessary time and opportunity to evaluate this C.U.P. transfer request.
2. Club Saffire is a tenant within a shopping plaza, located on a central thoroughfare, near neighborhood, community facilities, and supermarket. The adult entertainment venue has staged women "pussycat dancers" scantily clothed in the storefront's window to lure and solicit business. The club keeps "lights out" (dark environment) during hours of operation. The environment cultivated at this location is dangerous and threatens residents' sense of security.
3. The club is located directly across the street from a historically significant educational facility "**Pier Avenue School.**" The school has been a distinctive landmark and source of community pride for Hermosans since construction, 1920s. The school site serves as a multi-purpose community center-park, which includes children programs and a skateboard park. Measures may be implemented in the future, to resume operation of this cornerstone school. **A priority for our community is to safeguard the desirability of our educational and community center.** An alcohol outlet at this location negatively changes the character.

As outlined, this letter represents a protest of the license transfer and continuation of alcohol licensing at 705 Pier Avenue. The proliferation of alcohol outlets has become the destruction and degradation of neighborhood and community.

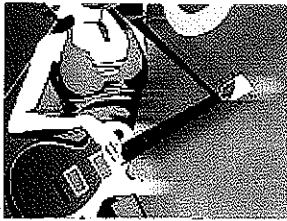
Notice of all future hearings concerning this matter, is requested. My mailing address is:
P.O. Box 1616, Manhattan Beach, CA 90267

Respectfully,



Patty Egerer
Hermosa Beach

cc: ABC, Inglewood, CA.

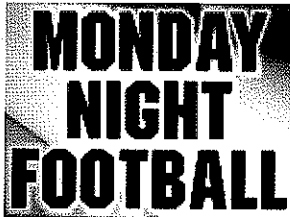


Connect with us at www.myspace.com/club705



[Click Here and Add us!](#)

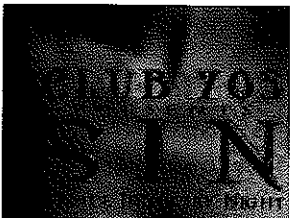
HOT NEW EVENTS COMING SOON!



MONDAY NIGHT FOOTBALL!

ARE YOU READY FOR SOME FOOTBALL?

Enjoy every game with \$9.95 complete steak dinner and a beer with \$1 refills! price appetizers, 2 for 1 drinks with all specials good from 4pm until the end of game! Karaoke every monday night after the games!
Happy Hour parties available! Contact us at (info@club705.com) or call our off at (310) 372-9705. Visit us online at www.club705.com



S.I.N. NIGHT!

Service Industry Night on Mondays for FAB (Food And Beverage) Industry at Club Saffire!

\$3 drinks all night long (except top shelf) for all in the industry! Karaoke from 9pm-close and Guest Bartending! Contact xavier@club705.com to sign up!
VIP Bottle Service available! Contact us at (info@club705.com) or call our offices at (310) 372-9705. Visit us online at www.club705.com

HOT WEEKLY EVENTS:



**Liquid Lounge Happy Hour
Every Day from 4-8pm**

2-for-1 Drinks and \$2 Drafts with sports on all 32 Plasma TVs!
Happy Hour parties available! Contact us at (info@club705.com) or call our off at (310) 372-9705. Visit us online at www.club705.com



**JAMAICA WEST!
Every Wednesday at Club Saffire**

Free all night from 9pm-2am with Roots, Reggae, Dancehall and Hip Hop. For guest list, call Rasta at 323-980-3444
VIP Bottle Service available! Contact us at (info@club705.com) or call our offices at (310) 372-9705. Visit us online at www.club705.com



**THURSDAY SALSA NIGHT!
Every Thursday at Club Saffire**

Free all night from 9pm-2am with Roots, Reggae, Dancehall and Hip Hop. For guest list, call Rasta at 323-980-3444
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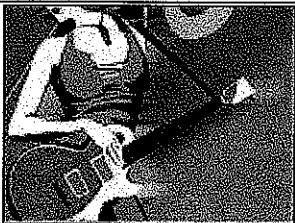


**Saturday, September 23rd
END OF SUMMER PAJAMA PARTY!**

Featuring Eric Jag! \$5 cover with PJ's, \$10 without. Doors open at 9pm. \$5 Call-Its! Sweet Dreams Specials for only \$3 include Jaeger shots, 180 bombs, Sambucca Sweet Dream, Sleepless in Hermosa, Midnight Snack plus the **Midnight Pillow Fight!** Sexiest pillow fighter wins a cash prize!

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**MONDAY NIGHT FOOTBALL!
ARE YOU READY FOR SOME FOOTBALL?**

Enjoy every game with \$9.95 complete steak dinner and a beer with \$1 refills! 1/2 price appetizers, 2 for 1 drinks with all specials good from 4pm until the end

Girlfriends Clothing Presents:



Ed Hardy
By Christian Audigier

HOLLYWOOD FASHION EXPERIENCE COMES TO THE BEACH! 2 EVENTS! 1 VENUE!

GIRLFRIENDS CLOTHING MODELS AND SHEENA LEE AND FRIENDS WILL BE SHOWCASING THE NEWEST STYLES OF THE ED HARDY CLOTHING LINE!

ED HARDY CLOTHING GIVEAWAYS!

HOLLYWOOD'S OWN
DJ STEVE CASTRO
DJ MISTER E
DJ WIL

8-2am @ SAFFIRE (Club 705)
705 Pier Ave. Hermosa Beach, CA

21 and over
Pre-sale tickets @ www.wantickets.com

FRIDAY AUGUST 25TH





FRIDAY, AUGUST 25TH, 2006



2 EVENTS 1 VENUE
FINALLY A MAGAZINE THAT HAS IT ALL! THE SEXIEST MEN'S & WOMAN'S ENTERTAINMENT AND FASHION MAGAZINE IN THE WORLD!
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JOIN CYBER GIRL
SHEENA LEE

AND COMPANY AS THEY SEEK OUT UPCOMING MODELS FOR BADD MAGAZINE II WITH SPECIAL GUESTS

HOLLYWOOD'S OWN
DJ STEVE CASTRO
DJ MISTER E
DJ WIL

also hosted by the infamous c-dub and crew

8-2am @ SAFFIRE (Club 705)
705 Pier Ave. Hermosa Beach, CA

21 and over
Pre-sale tickets @ www.wantickets.com



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P.C. RESOLUTION 01-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, TO ALLOW OUTDOOR DINING IN CONJUNCTION WITH AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL AT 705 PIER AVENUE LEGALLY DESCRIBED AS A PORTION OF LOT 1, TRACT NO. 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, 2ND ADDITION TO HERMOSA BEACH TRACT

Section 1. An application was filed by Shane McColgan, seeking approval for on-sale beer and wine in conjunction with a restaurant;

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for the Conditional Use Permit Amendment on May 15, 2001, 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 subject restaurant site is already authorized for on-sale alcohol by a Conditional Use Permit granted on March 15, 1994 (P.C. Resolution 94-10);
2. The change from outdoor seating to outdoor dining will not significantly intensify the use of the site;
3. The potential noise impacts that might result from the outside dining are less than significant because the restaurant is located within a commercial area with no residential uses nearby;

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 SPA 8, and is suitable for the proposed use;
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 resulting from the issuance of this Conditional Use Permit Amendment;
4. This project is Categorical 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**;

1. **The project shall be substantially consistent with submitted plans as reviewed by the Planning Commission on May 15, 2001. Modifications to the plan shall be reviewed and**

1 may be approved by the Community Development Director. The applicant shall also
2 submit a seating plan for review and approval to the Community Development Director.

- 3 2. The outdoor dining shall be limited to hours of operation between 8:00 A.M. and Midnight
4 Sunday through Thursday, and between 8:00 A.M. and 2:00 A.M. on Fridays and
5 Saturdays.
- 6 3. A decorative railing shall be provided to clearly delineate the outdoor dining area from the
7 public sidewalk.
- 8 4. At no time shall the public sidewalk be used by food service personnel.
- 9 5. No recorded music or amplified music is allowed in the outdoor dining area.
- 10 6. The existing Sycamore tree located within the proposed outdoor dining area shall be left
11 undisturbed.
- 12 7. The establishment shall not adversely effect the welfare of the residents, and/or commercial
13 establishments nearby.
- 14 8. The business shall provide adequate staffing, management and supervisory techniques to
15 prevent loitering, unruliness, and boisterous activities of the patrons outside the business
16 and in the parking areas.
- 17 9. Noise emanating from the property shall be within the limitations prescribed by the City's
18 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,
19 and/or commercial establishments.
- 20 10. The Police Chief may determine that a continuing police problem exists, and may authorize
21 the presence of a police approved doorman and/or security personnel to eliminate the
22 problem, and then shall submit a report to the Planning Commission, which will
23 automatically initiate a review of this Conditional Use Permit by the Planning Commission.
- 24 11. The exterior of all the premises shall be maintained in a neat and clean manner, and
25 maintained free of graffiti at all times.
- 26 12. The applicant shall submit a detailed seating and occupancy plan prepared by a licensed
27 design professional, which shall be approved by the Community Development Department
28 prior to issuance of building permits. Any significant changes to this interior layout which
29 would alter the primary function of the business as a restaurant shall be subject to review
and approval by the Planning Commission.
13. The project and operation of the business shall comply with all applicable requirements of
the Municipal Code.
14. All Conditions of Approval from Planning Commission Resolution 97-26, which do not
specifically address the outdoor dining use, shall remain in effect.

Section 6. This grant shall not be effective for any purposes until the permittee and the owners
of the property involved have filed a the office of the Planning Division of the Community Development

1 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

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

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

6 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from
7 any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,
8 void or annul this permit approval, which action is brought within the applicable time period of the State
9 Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and
10 the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any
11 claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
12 thereafter be responsible to defend, indemnify, or hold harmless the City.

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


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

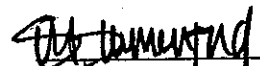
22 The Planning Commission may review this Conditional Use Permit and may amend the subject
23 conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the
24 neighborhood resulting from the subject use.

25
26 VOTE: AYES: Tucker, Kersenboom, Chairman Perrotti
27 NOES: None
28 ABSENT: Hoffman, Pizer
29 ABSTAIN: None

CERTIFICATION

30 I hereby certify the foregoing Resolution P.C. 01-18 is a true and complete record of the action taken by
31 the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of May 15,
32 2001.

33 
34 _____
35 Sam Perrotti, Chairman

36 
37 _____
38 Sol Blumenfeld, Secretary

39 Date 6-19-01

40 Cupr01-1

P.C. RESOLUTION 97-26

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND PARKING**
4 **PLAN, AS AMENDED, TO ALLOW TWO STAGES AN ADDITIONAL BAR AND**
5 **ADDED SEATING IN CONJUNCTION WITH A RESTAURANT WITH ON-SALE**
6 **ALCOHOL AT 705 PIER AVENUE AND LEGALLY DESCRIBED AS A PORTION OF**
7 **LOT 1, TRACT 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, SECOND ADDITION**
8 **TO HERMOSA BEACH TRACT**

9 WHEREAS, the Planning Commission held a public hearing on March 18, 1997, to receive
10 oral and written testimony regarding an application for a Conditional Use Permit Amendment and
11 made the following findings:

- 12 A. The subject restaurant site is already authorized for on-sale alcohol by a Conditional Use
13 Permit granted on March 15, 1994, (P.C. Resolution 94-10).
- 14 B. The additional seating, bar, and stages will not significantly intensify the use of the site as
15 long as the use remains primarily a restaurant;
- 16 D. The use of the site for a restaurant is appropriate for the subject location and will be
17 compatible with surrounding commercial activities along Pier Avenue;
- 18 E. Strict compliance with the conditions of approval will mitigate any negative impact resulting
19 from the issuance of the Conditional Use Permit;
- 20 F. The project is Categorical Exempt from the requirements of the California Environmental
21 Quality Act, pursuant to Section 15301 New Construction and Conversion of Small
22 Structures of the CEQA guidelines, as it involves the minor alteration of an existing facility.

23 **NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City
24 **of Hermosa Beach, California does hereby approve a Conditional Use Permit and**
25 **Parking Plan Amendment to allow stages and an additional bar to the existing**
26 **restaurant with on-sale alcohol, subject to the following conditions, which supersede**
27 **the conditions of Planning Commission Resolution 94-17:**

28 **SECTION I Specific Conditions of Approval**

- 29 1. The project shall be substantially consistent with submitted plans. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.

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97 1610501

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- a. Plans shall indicate that the outside waiting area shall have no service. In the event that future service occurs, at no time shall the use of the public right-of-way be used by the servers.
- 2. The primary emphasis of the business shall be maintained as a restaurant. Live entertainment and dancing shall be secondary, and shall not be a separate or main attraction or show, or promoted as such.
- 3. The hours of operation shall be limited to between 8:00 A.M. and 2:00 A.M. daily.
- 4. Live entertainment shall be limited to using non amplified instruments such as a piano, guitar, violin, etc. If entertainment is to include amplified (i.e. use of electrical amplifier) live entertainment, an acoustical study shall be prepared by an acoustical expert, including proposed sound dampening features to baffle and direct sound away from the entrance/exit and window areas to ensure compliance with the noise ordinance. Said study and sound dampening features shall be reviewed and approved by the Community Development Director and shall be implemented in the building.
 - a. The acoustical study shall be based on the worst-case noise scenario, or on a sound level that will not be exceeded at any given time.
 - b. Management shall be responsible for the music/entertainment volume levels.
 - c. During the performance of any amplified live entertainment, the exterior doors and windows shall remain closed.

SECTION II General operating and standard conditions:

- 1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
- 2. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business and in the parking areas.
- 3. 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.
- 4. 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 Commission.
- 5. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
- 6. Any significant changes to the interior layout which would alter the primary function of the restaurant shall be subject to review and approval by the Planning Commission.
- 7. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.

SECTION III

97 1610501

1 This grant shall not be effective for any purposes until the permittee and the owners of the property
2 involved have filed a the office of the Department of Planning their affidavits stating that they are
3 aware of, and agree to accept, all of the conditions of this grant.

4 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
5 Planning Department.

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

8 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees
9 from any claim, action, or proceeding against the City or its agents, officers, or employee to attack,
10 set aside, void or annul this permit approval, which action is brought within the applicable time
11 period of Government Code Section 65907. The City shall promptly notify the permittee of any
12 claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to
13 promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate
14 fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold
15 harmless the City.

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

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

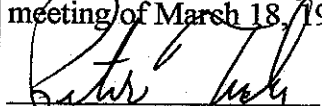
25 SECTION IV


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

29 VOTE: AYES: Comms. Perrotti, Pizer, Chmn. Tucker
 NOES: none
 ABSENT: Comms. Merl, Schwartz
 ABSTAIN: none

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 97- 26 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 18, 1997.


Peter Tucker, Chairman


Sol Blumenfeld, Secretary

4-15-97
Date

HERMOSA BEACH POLICE DEPARTMENT

This document outlines ongoing concerns at the business on 705 Pier Avenue in Hermosa Beach, California. The Alcohol Beverage Control License for this establishment is 413089.

On 07092006 two men reported that they were assaulted by at least two employees of the business. The case is currently under investigation. The HBPD case number is 06-2494.

On 07072006 officers were dispatched to a report of loud noise at the location. The police dispersed a group of people loitering on the premises.

On 07012006 officers were dispatched to a report of a kidnapping at the business. The involved party was reported to be an employee who was involved in an altercation with a female companion. Both were reported to be possibly under the influence of alcohol. A report was not filed. At this time there is no investigation. Officers contacted a subject in front of the business and subsequently arrested him for public intoxication. The HBPD case number is 06-2278.

On 06182006 officers were dispatched to a reported disturbance involving loud subjects outside the business. The officer observed that patrons gathered outside the business after closing waiting for transportation were the cause of the disturbance.

On 06112006 an officer reported observing a fight at the location. No crime report was made.

On 06102006 a customer reported that a man was bleeding from the head inside the business. HBFD responded and observed severe overcrowding. The HBFD issued citations for both overcrowding and maintaining a hazardous condition. The case number is 06-1967. Because of the large crowd that had to be removed from the business, police officers from two adjacent cities, Redondo Beach and Manhattan Beach, were called to the scene to assist the Hermosa Beach police officers. The incident lasted approximately one and one half-hours.

HERMOSA BEACH POLICE DEPARTMENT

On 06102006 a resident reported a loud music disturbance from the business that was causing a kitchen appliance to vibrate.

On 06022006 officers were dispatched to a report of a noise disturbance at the business. Officers observed a large group of patrons outside at closing that were the cause of the disturbance.

On 05142006 officers were dispatched to a fight at the business. One of the subjects involved in the fight was subsequently arrested. The HBPD case number is 06-1579.

On 05112006 officers were dispatched to a noise disturbance at the business. Officers observed the cause of the disturbance to be patrons leaving at closing time.

On 04082006 officers were dispatched to a battery investigation involving a customer who was allegedly struck by an employee. Officers determined that the employee and customer had engaged in mutual combat and no report was taken.

On 03252006 officers were dispatched to a fight at the business. Officers observed disturbances related to patrons leaving the business and remained on scene an additional ten minutes for the crowd to disburse.

On 03192006 officers observed a disturbance at the location and responded to keep the peace.

On 03182006 officers were dispatched to the location for a report of a drunk driver. The suspected driver was an intoxicated male who was refused entry to the business. Officers did not find the vehicle.

On 03162006 officers were dispatched to a disturbance involving loud music from vehicles parked in the lot behind the business.

HERMOSA BEACH POLICE DEPARTMENT

On 03122006 officers were dispatched to a fight at the location involving two females. Upon arrival officers observed that the fight had already ended. No report was taken.

On 03032006 officers conducted two separate business checks at the location. During the first check they observed under aged individuals attempting to gain entry to the business. During the second check they observed consumption of alcohol by under aged patrons. The HBPD case number is 06-734.

On 02192006 officers were dispatched to a disturbance involving loud subjects and vehicles at the business.

On 02062006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

On 02022006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

The twenty dates listed above represent incidents reported at the business in the past 6 months. They involve multiple violations of law, including the California Penal Code, the Hermosa Beach Municipal Code, the Fire Code, as well as the Conditional Use Permit issued by the city to the business.

Because of these issues the HBPD opposes the license transfer, until or unless additional restrictions are placed with the license. The HBPD also requests the current license be investigated for compliance with the Department of ABC.

Sgt. Lance Heard #140

File in CUP files
for
The Dragon / Blue 32
The Shore / Sapphire

Hermosa Beach Fire Department Memorandum

Date: 6/12/2006

To: Chief Tingley

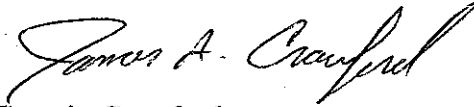
From: Captain Crawford

Re: Operations at Hermosa Nightclubs

Recently, a resident phoned the H.B.F.D. to voice her concern regarding the use of "Go-Go" dancers in Hermosa Beach Night Clubs. She felt it was offensive, and didn't believe they should be allowed in our city. Although she did not want to leave her name, she asked that we look into the practice of having women, with very little clothing, dancing on stages. I have personally witnessed this practice at "The Dragon," "Blue 32," "The Shore," as well as this past Saturday night at "Sapphire."

I am not sure which department handles these type of "Use" issues, so I am forwarding this concern to you. Please let me know how we should proceed.

Respectfully,


Captain Crawford

**Hermosa Beach Fire Department
Report of Overcrowding**

Date: 06/10/2006

To: Watch Commander

From: Captain Crawford

Re: Occupancy Violation

CC: Chief Tingley, Assistant Chief Gomez

DR# 1967

FR# 900

On 06/10/2006 at approx. 2300 hrs. Hermosa Fire Units were dispatched to a rescue call at 705 Pier ave. Club "Sapphire." Upon arrival, rescue units were not able to gain entrance to the building due to excessive numbers of patrons outside the business blocking the entrance, as well as what appeared to be overcrowding inside the club. At that time, E11 was dispatched to assist with the overcrowding issue.

Summary

Upon arrival at Club Sapphire, we found a very large crowd outside the business completely blocking the sidewalk, and forcing pedestrians to walk around the parked cars on Pier Ave. and into the first lane of traffic to get up or down the street. We met the doorman at the western most entrance and asked him if he knew how many people were inside the business. He stated that he was not sure, but he was sure it was less than the 800 that they were allowed. I advised him that he was mistaken about how many people were allowed into Club Sapphire, and that they should be kept just over 400. At this point I had Engineer Marks, and FF/PM Lopez do independent counts with manual "Clickers" and report back to me with numbers for each of the three designated occupant areas. I also advised the Doorman that no one else was allowed into the business until the count was complete. Upon completion, the count totals were:

Engineer Marks 147, 140, 238 = 525

FF/PM Lopez 140, 130, 252 = 522

The approved total occupancy is 447

The business was in violation of Section 2501.16.3 of the Uniform Fire Code. Overcrowding and admittance of people beyond the approved capacity of a place of assembly is prohibited. 103.4.4 UFC/15.20.010 Hermosa Beach Municipal Code, Maintaining a Hazardous condition.

Interior Inspection

The interior of the business was extremely crowded. Free movement was impeded, with aisles and means of egress obstructed or nonexistent.

Issuance of Citation

Manager Xavier A. Flamenco III was cited . Mr. Flamenco acknowledged the overcrowding situation, apologized, and stated they had accidentally booked 2 parties for the same night and allowed too many people in.

Violations Observed

Permitting Overcrowding
Uniform Fire Code
Section 2501.16.3
Maintaining a Hazardous Condition
103.4.4 UFC/15.20.010 HBMC

Attachments

Fire Incident Report
Copy of Citation
Occupancy Load Sign

James A. Crawford
Captain
Hermosa Beach Fire Department

CC:
Fire Chief Tingley
Asst. Fire Chief Gomez

P.C. RESOLUTION 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MODIFYING A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL, IN CONJUNCTION WITH AN EXISTING RESTAURANT AND REVOKING THE APPROVALS FOR LIVE ENTERTAINMENT AND OUTDOOR DINING, AT 705 PIER AVENUE, KNOWN AS "CLUB 705" AND "SAFFIRE"

Section 1. The Planning Commission conducted a duly noticed public hearing to consider the revocation or modification of Conditional Use Permit, approved March 18, 1997 (P.C. Resolution 97-26), and amended May 5, 2001 to allow outside dining (P.C. Resolution 01-18), pursuant to Section 17.70.010 of the Zoning Ordinance on December 6, 2006, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 2. Based on evidence received at the public hearing, the Planning Commission makes the following findings:

1. The Hermosa Beach Chief of Police reported major disturbances due to unruly behavior of the patrons and inadequate management of the existing restaurant, including overcrowding, repeated noise violations, loitering, assaults, serving alcohol to underage customers, and public intoxications.

2. This repeated pattern of disturbances and other violations was determined to be the result of poor management, staffing, and supervisory techniques as required by the Conditional Use Permit, and as required of any responsible operation of an establishment serving general alcohol under the license granted by the State Department of Alcohol Beverage Control. This behavior adversely affected the public welfare and the welfare of surrounding commercial establishments and caused excessive noise creating a nuisance, which also inconsistent with the requirements of the Conditional Use Permit.

3. The area approved for outdoor dining use, approved in May 2001, has not been used for that purpose in several years.

4. Based on the above evidence provided by the Police Department the permit has been exercised contrary to the terms and conditions of the permit, in violation of the Municipal Code, and the portion for outside dining has ceased to exist.

Section 3. Based on the foregoing, and pursuant to Section 17.70.010 of the Zoning Ordinance, the Planning Commission hereby revokes the Conditional Use Permit for live entertainment and outdoor dining and modifies the **Conditions of Approval**, which supersedes the conditions contained in P.C. Resolutions 9 7-26, and 01-18:

- 1. **The continued use of the restaurant shall be substantially consistent with plans submitted and approved by the Planning Commission on May 15, 2001, with the exclusion of the outdoor dining area. Minor modifications to any of the plans shall be reviewed and may be approved by the Community Development Director.**

- 1 **2. The Conditional Use Permit applies exclusively to on-sale alcohol in conjunction with a**
2 **restaurant and no live entertainment. Any intensification of use involving live entertainment,**
3 **such as providing a disc jockey or other forms of amplified music for customer dancing, any**
4 **type of live entertainment (i.e. live music whether acoustic or amplified, comedy acts, or any**
5 **other type of performances) or extended hours of operation beyond what is specified requires**
6 **amending this Conditional Use Permit. In the event the City establishes an entertainment**
7 **permit program, the owner must apply and receive the permit in order to offer any kind of live**
8 **entertainment.**
- 9 **3. If the Conditional Use Permit is amended to provide dancing, live music, or other live**
10 **entertainment an acoustical analysis shall be conducted to verify compliance with the noise**
11 **ordinance, demonstrating that noise will not be audible from any adjacent residential use or**
12 **from the adjacent street. Mitigation measures to attenuate noise may include sound baffles,**
13 **double-glazing and other methods specified in the acoustical study. The Community**
14 **Development Director shall approve the scope of the acoustical study. Any sound attenuation**
15 **recommendations provided in the acoustical study must be completed and approved by the**
16 **Community Development Department prior to offering live entertainment and failure to**
17 **implement any of said recommendations will automatically initiate a review of this Conditional**
18 **Use Permit by the Planning Commission.**
- 19 **4. The hours of operation for all operations of the restaurant, including the lounge/bar areas, shall**
20 **be limited to between 7:00 A.M. and 12:00 Midnight.**
- 21 **5. The parking area and exterior access at the North West side of the restaurant shall be used for**
22 **egress to the restaurant only with appropriate signage restricting use to access only and**
23 **appropriate lighting and security. No outdoor use in the north parking area other than access**
24 **to the facility is permitted.**
- 25 **6. The business shall not operate in a manner as to have and adverse effect on or interfere with the**
26 **comfortable enjoyment of neighboring residential and commercial property.**
- 27 **7. The business is prohibited from using "outside promoters" to advertise the use to obtain**
28 **customers. Promoters as used herein are described as "an individual or organization who uses**
29 **the facilities of another owner to organize, oversee, or otherwise promote entertainment that is**
30 **not part of the primary business use.**
- 8. Noise emanating from the property shall be within the limitations prescribed by the City's noise**
 ordinance and shall not be plainly audible from any residence, and shall not create a nuisance
 to surrounding residential neighborhoods, and/or commercial establishments.
- 9. The restaurant shall not require any cover charge or fee for general entry into the restaurant or**
 appurtenant areas.
- 10. The restaurant shall be subject to annual review by the Planning Commission to verify**
 conformance with the Conditions of Approval.
- 11. The restaurant shall discontinue operations until a detailed seating and occupant load plan,**
 prepared by a licensed design professional, has been submitted and approved by the

1 **Community Development and Fire Departments. An approved occupant load sign must be**
2 **posted in the business as directed by the Fire Department prior to operating the business.**

3 **12. The Fire Department shall maintain a record of the posted allowable occupant load for the**
4 **business and regularly check the business for occupant load compliance. The Fire Chief may**
5 **determine that there is a repeat pattern of occupant load violations and then shall submit a**
6 **report to the Planning Commission which will automatically initiate a review of this**
7 **Conditional Use Permit by the Planning Commission.**

8 **13. Any significant changes to the interior layout, which alter the primary function of the business**
9 **as a restaurant, (i.e. increasing floor area for bar seating, adding a dance floor or removing**
10 **furniture for dancing shall be subject to review and approval by the Planning Commission and**
11 **require amendment to this Conditional Use Permit.**

12 **General Operating and Standard Conditions:**

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

15 **15. The business shall provide adequate staffing and management and supervisory techniques to**
16 **prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in**
17 **the immediate area.**

18 **16. The Police Chief shall determine if a continuing police problem exists, and may require the**
19 **presence of a doorman and/or security personnel to eliminate the problem, and/or shall submit**
20 **a report to the Planning Commission, which will automatically initiate a review of this**
21 **conditional use permit by the Commission**

22 **17. The exterior of the premises shall be maintained in a neat and clean manner, and maintained**
23 **free of graffiti at all times.**

24 **18. Any changes to the interior or exterior layout which alter the primary function of the**
25 **restaurant shall be subject to review and approval by the Planning Commission.**

26 **19. The operation of the business shall comply with all applicable requirements of the Municipal**
27 **Code.**

28 **20. Noise emanating from the property shall be within the limitations prescribed by the city's noise**
29 **ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or**
30 **commercial establishments. Noise emanating from the property shall be monitored to verify**
31 **compliance with the noise ordinance in response to any complaints.**

32 **Section 5.** This grant shall not be effective for any purposes until the permittee and the owners of the
33 property involved have filed at the office of the Planning Division of the Community Development
34 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this
35 grant.

36 The Conditional Use Permit Amendment, as modified, shall be recorded, and proof of recordation shall be
37 submitted to the Community Development Department.

Subj: **Modification or Revocation of CUP, 705 Pier Ave.**
Date: 11/30/2006 2:05:55 P.M. Pacific Standard Time
From: PEgerer
To: cityclerk@hermosabch.org

November 30, 2006

RECEIVED
NOV 30 2006
COMMUNITY DEV. DEPT.

Sol Blumenfeld
Director of Community Development
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

RE: MODIFICATION OR REVOCATION OF CUP HEARING, DEC 6. 2006

Dear Mr. Blumenfeld:

I am preparing this email to provide insight for the upcoming hearing concerning the modification or revocation of the conditional use permit for Club 705.

Outlined are a few issues together with a sampling of posters and handbills used to promote events held at various restaurant-bar-clubs in town. They include, The Lighthouse Cafe, Pointe 705, Club Saffire, Patrick Molloy's, The Pitcher House, and Suzy's. The primary promoter responsible for these punk rock events is AMI PRODUCTIONS.

Licensees operate similar to a private club and restrict their "gigs" to ages 21 and older. Yet, these businesses are not zoned to operate as "adult only" and doing so may conflict with the "use permit" and sections of the ABC code.

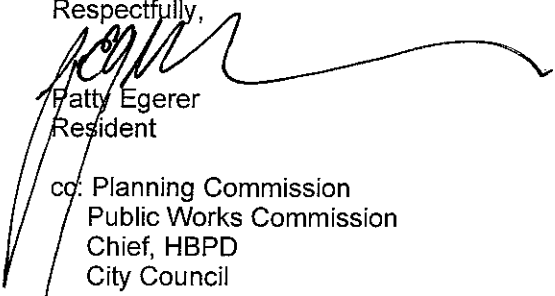
Besides the nuisance conditions created by these events; promoters aggressively litter our community with handbills, splattering them on the sidewalk, cars and walls. Announcements (some with sexually suggestive images) are left on the ground to be discovered by children. Restrictive policy needs to be written into the CUPs to impose not just fines but also consequences such as revocation of permitted privileges due to breach.

When did Club 705 secure authority from the ABC or the City of Hermosa Beach to close down its kitchen and operate as a bar? The business continues operation in violation of the permit/license. What controls are in place to prevent any alcohol licensee from diminishing their "food trade" component to cultivate a bar crowd?

The city's permissive granting of conditional use permits, and unwillingness to constructively manage the operators is the crux of the problem.

I am not alone in my disappointment of how the proliferation of alcohol outlets has damaged our community. Residents have been denied resolution and a quality community environment.

Respectfully,


Patty Egerer
Resident

cc: Planning Commission
Public Works Commission
Chief, HBPD
City Council

encl: Punk Event Posters & Handbills

Jackie Drasco

From: PEgerer@aol.com
Sent: Thursday, November 30, 2006 12:24 PM
To: City Clerk
Subject: Modification or Revocation of CUP, 705 Pier Avenue (Attachment)

November 30,, 2006

To: Sol Blumenfeld

Sample information for the CUP hearing re: Modification or Revocation of CUP at 705 Pier Avenue.
www.southbaypunk.com

AMI PRODUCTIONS
LUNACY
WESTERN WASTE
TOO RUDE F-LOADER
SATURDAY
FEBRUARY 16
ALL AGES!!
\$5 SUZY'S
Doors Open At 5:30
1141 Aviation Boulevard Hermosa Beach
(Corner of Aviation & Prospect)

A.M.I. PRODUCTIONS PRESENTS

DECLINE

NO COVER
ALL NIGHT!

THURSDAY'S

HOSTED BY:

JANI LANGE - JARED KENNEDY

RAY RAY - GILLIES - JASON

BLAKE - BOE - ENDO - JOSH

RADICAN - TOBY - MOY

\$3 DRAFT BEERS
 \$3 WELL DRINKS
 3 BARS
 3 SMOKING PATIOS
 LARGEST DANCEFLOOR
 IN HERMOSA BEACH!
 VIP AREA
 WITH BOTTLE SERVICE



Saffire

705 PIER AVENUE HERMOSA BEACH
310-372-9705



RESIDENT DJ

BOBBY B. OF

KOTTONMOUTH KINGS

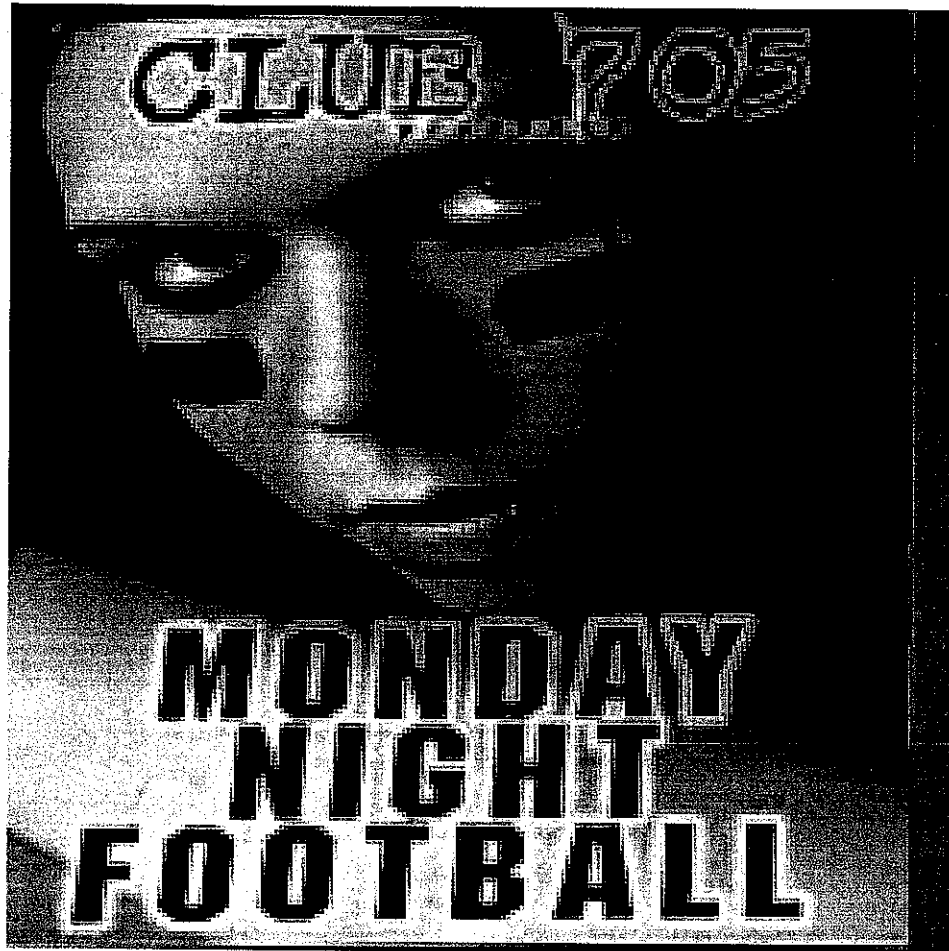


902 DADDYS
TATTOO

VANITY
DESIGN STUDIOS

adms

1902
CARTEL



FRIDAY, AUGUST 25TH, 2006

W E E E E E

SHEENA LEE

DJ STEVE CASTRO

DJ MISTER E

DJ WIL

at **RAFFINE (Club TDS)**
 115 Pier Ave. Hermosa Beach, CA

at **RAFFINE**
 P.O. Box 826011 10 www.venniclub.com



AMI PRODUCTIONS PRESENTS GHOULS NIGHT OUT 5

TOMORROWS BAD SEEDS

ALSO PLAYING:

MISFITS
COVER BAND
TEENAGERS
FROM MARS

SPONSORED BY:

ELECTRIC **SECRET** **TFA**

FRI. 27TH
DOORS @ 9 PM

CLUB 705 - 705 PIER AVE.
VERMOSA BEACH, CA

www.SOUTHBAYPUNK.com www.ACEKUSTOMS.com

ART: MURDER BY THE SEASIDE MUSIC CO. 2006. ALL RIGHTS RESERVED. PHOTO: WWW.BELLYTANK.COM



FRIDAY, APRIL 28TH

ORANGE COUNTY

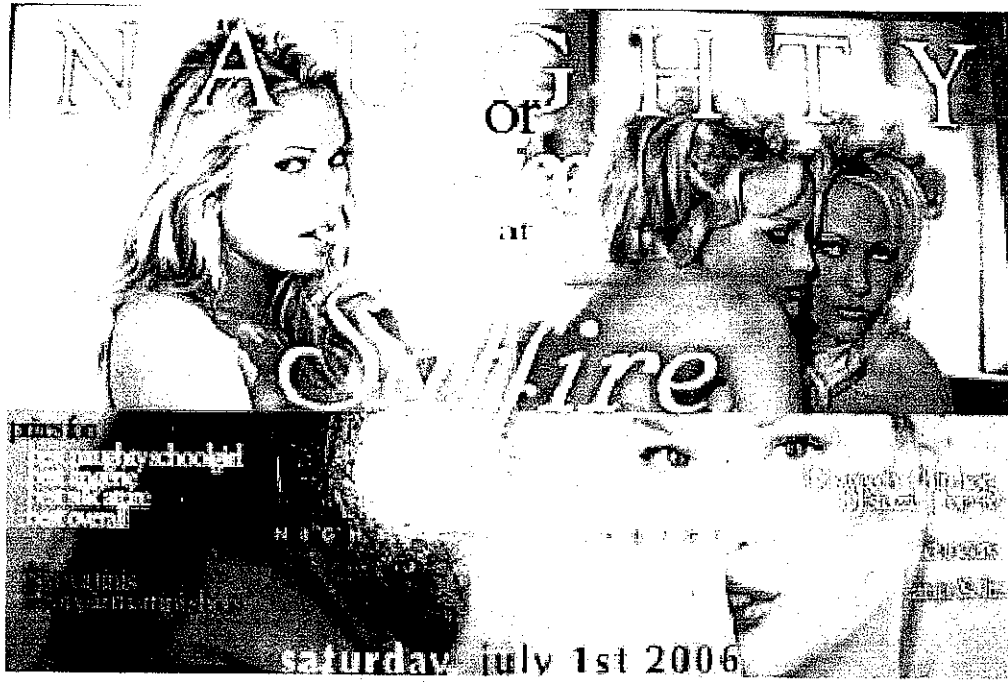
SMOKEHOUSE

21&UP

AT THE SAKURA CLUB

705 PIER AVE, HERMOSA BEACH

A.M.I. PRODUCTIONS



A.M.I. PRODUCTIONS
SOUTH BAY
BLACK MARKET
ART - PHOTO - FASHION SHOW

ARTISTS:

Jeff Page - *Big Daddys Tattoo*
Sam Hambrick - *Big Daddys Tattoo*
Nick Rodin - *Classic Tattoo*
Greg "Crayola" Simkins - *Imscared.com*
Sparky - *Yer Cheatin Heart Tattoo*
Jonny 2/3 - *Yer Cheatin Heart Tattoo*
Chris "2Shea" May - *MTV's Pimp My Ride*
John Gill
Sophia Polish
Danny McCaw
Josh Wapool
Jerry Hixson
Owen Takabayashi
Steve Martin
Chris Bowman
and more...

MUSICIANS:

Charlie Marshall - *Deviates*
Jason Mageau - *Shotblue*
Alac Sawas - *Western Waste*
Bobby Dobby - *Lunacy*
Josh Smith - *STD's*
Jeremy Perryman - *STD's*

PHOTOGRAPHERS:

Kristeena Smith
Matt Parker
Lance Dalgard

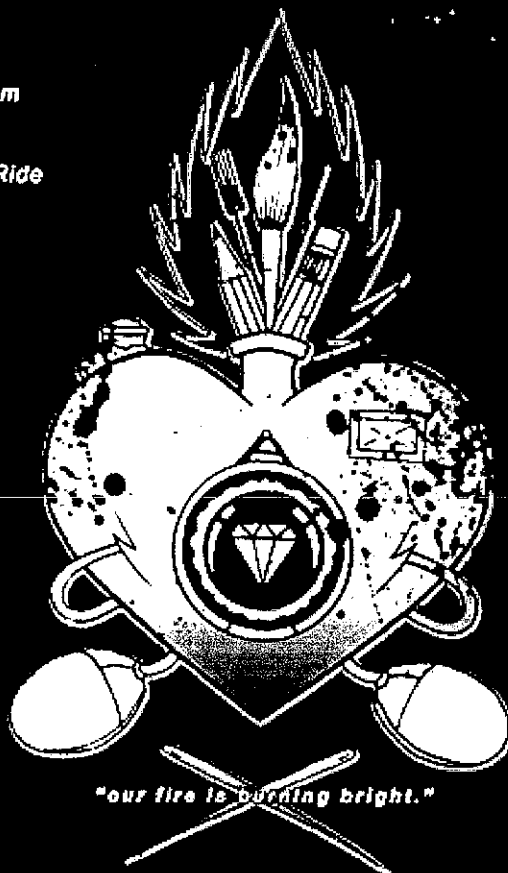
ATHLETES:

Greg Browning
Dave Hatton

FASHION SHOW:
AUCTIV CADEA FORENZIX

DGAF SINISTER

CASSI DCMLD



POINTE 705-705 PIER AVE HERMOSA BEACH CA 90254
(310)-372-9705
Sat. December 18th, 2004
8-11 \$2 Drinks and Appetizers
www.southbaypunk.com
8pm-2am



A.M.I PRODUCTIONS

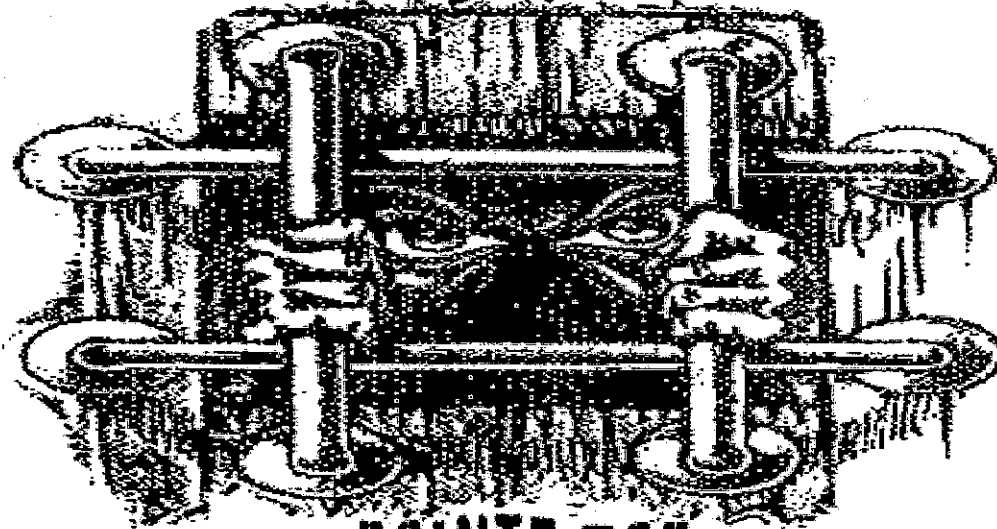
SMUT PEDDLERS

F. LODER

STD.S

INSTIGATOR

One Against One



POINTE 705

705 PIER AVE. HERMOSA BCH. 310.372.9705

SUNDAY, JAN 16TH


ALL AGES. TIX 5 BUCKS. DOORS 6PM

SOUTHBAYPUNK.COM



A.M.I PRODUCTIONS
SMUT PEDDLERS
F. LODER
STD.S
INSTIGATOR
One Against One

POINTE 705
705 PIER AVE. HERMOSA BCH. 310.372.9705
SUNDAY, JAN 16TH
ALL AGES DOORS 5 PM
TIX 5BUCKS
SOUTHBAYPUNK.COM



AMI PRODUCTIONS PRESENTS

T.S.O.L

1208 Too Rude

Low Class

Librium



6pm

\$8

Sunday,
October 24th

Pointe 705
705 Pier Ave.
Hermosa Beach, CA

ALL AGES

www.SouthBayPunk.com

A.M.I PRODUCTION.

LIGHTHOUSE LIVE

LIVE CD RECORDING

SMUT PEDLLERS

1208

INSTIGATOR


MISFORTUNE COOKIE

TUESDAY

JUNE 29TH

9PM

FREE SHOW



SOUTHBAYPUNK.COM

AMI productions

THURSDAY, SEPT. 7th. 6:00pm

DEVIATES

TOO RUDE

featuring **DOG BOY** of
KOTTONMOUTH KINGS

the Dine

SIX DEGREES of RIGHT

THE BITE

409 N. PCH. 310.318.2582

● **SPONSORS** ●



\$8 pre-sale tickets at SPYDER \$8

LIGHTHOUSE CAFE
30 PIER AVE. HERMOSA BEACH
\$ 5 COVER, 21 AND OVER

2006

THURSDAY 8PM
AUGUST 31ST

FEATURING
PROFLISSION
2 CENTS
THE DARLINGS
BY ALL MEANS
SBNC

WWW.PROFUSIONMUSIC.COM

Wednesday's
 live music 9:30^{pm}
 Patrick Molloy's



TOO RUDE
 FEATURING may 17
 DOG BOY OF
 KOTTONMOUTH KINGS

PATRICK MOLLOY'S
 310/798.9762
 50 PIER AVENUE
 HERMOSA BEACH

VOX and ami

A.M.I. Productions and Volcom Entertainment Present

ALL AGES SHOW

GUTTERMOUTH

A night of dancing in celebration of the new full-length EAT YOUR FACE

out now on Volcom Ent/Entaph

plus

F-LODER

12 bucks advance tickets

15 bucks at the door

Doors @ 5pm

**ANOTHER
DAMN
DISAPPOINTMENT**

FREE
STUFF!

S.T.D.'S

S.B.N.C.

Sunday, Sept. 19th

@ **POINTE 705**

705 Pier Avenue Hermosa Beach, CA. 90254

www.volcoment.com



Entaph

A.M.I PRODUCTIONS

FLODER

STD.S

INSTIGATOR

LIGHTHOUSE


30. PIER AVE HERMOSA BEACH

TUESDAY

FEB. 1ST

FREE SHOW

9PM



SOUTHBAYPUNK.COM

Epitaph
Recording Artists

•AMI Productions•

1208



Record Release Party

Supporting their new record

"Feedback is Payback"

Saturday March 2nd at

Suzy's

6:00 ALL AGES

With Special Guests

\$5

DEVIATES

TOO RUDE

and

WESTERN WASTE

310-379-0082

1141 **AVIATION BLVD. HERMOSA BEACH**

* Advanced tickets at Spyder Surf