

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**P.C. RESOLUTION 06-34**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO DENY A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW TELEVISIONS IN THE OUTDOOR PATIO AREA, FOR AN EXISTING RESTAURANT WITH ON-SALE GENERAL ALCOHOL AND LIVE ENTERTAINMENT, AT 22 PIER AVENUE LEGALLY DESCRIBED AS LOT 6 BLOCK 12 HERMOSA BEACH TRACT**

Section 1. An application was filed by Dragon restaurant seeking to amend their Conditional Use Permit for on-sale general alcohol and live entertainment in conjunction with a restaurant, to amend the condition prohibiting televisions in the outdoor patio area to allow said televisions with no sound.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application to amend the Conditional Use Permit on December 6, 2006, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following findings:

1. The current Conditional Use Permit (CUP) granted in 2003 was approved as an amendment to allow upgrades and alterations to an existing business with live entertainment in conjunction with a restaurant with on-sale general alcohol. Reasonable conditions were placed on the business at that time to ensure that the primary use of the property would be for restaurant purposes, and to mitigate noise concerns regarding the use of the patio for watching sporting events or other events.

2. The applicant has not demonstrated any compelling reason to remove the prohibitions on televisions in the outdoor patio areas, and to remove this prohibition would encourage use of the patio for purposes not consistent with the approved primary use of the premises for restaurant purposes, and would potentially contribute to noise problems associated with use of the outdoor patio area.

Section 4. Based on the foregoing findings, the Planning Commission hereby denies the requested amendment to the Conditional Use Permit and, therefore, the conditions of approval as contained in P.C. Resolution 03-24 are still in full force and effect.

Section 5. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE:	AYES:	Allen, Perrotti, Pizer
	NOES:	Hoffman, Kersenboom
	ABSENT:	None
	ABSTAIN:	None

**CERTIFICATION**

I hereby certify the foregoing Resolution P.C. 06-34 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 December 6, 2006.

\_\_\_\_\_  
Kent Allen, Chairman

\_\_\_\_\_  
Sol Blumenfeld, Secretary

Date January 16, 2007

F:\B95\CD\PC\2006\12-06-06\cupr22pier.doc