

March 13, 2007

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
March 20, 2007

SUBJECT: CONDITIONAL USE PERMIT 07-04

LOCATION: 1601 PACIFIC COAST HIGHWAY, SUITE NO. 280
A.K.A. GLEN IVY DAY SPA

APPLICANT: ANNE FEES, SPECIAL PROJECTS MANAGER
25000 GLEN IVY ROAD
CORONA, CA 92883

REQUEST: CONDITIONAL USE PERMIT TO ALLOW ON-SALE BEER AND WINE IN
CONJUNCTION WITH A DAY SPA.

Recommendation:

To deny the Conditional Use Permit request and adopt the attached Resolution.

Project Information:

ZONING:

SPA-8 (Specific Plan Area)

GENERAL PLAN:

Commercial Corridor

PROPOSED LOUNGE/SERVICE AREA:

1,480 square feet

PARKING PROVIDED IN HERMOSA PAVILION:

540 spaces, 454 standard, 42
tandem, and up to 44 parallel
parking spaces

ENVIRONMENTAL DETERMINATION:

Categorically Exempt

2006 Hermosa Pavilion History/Chronology¹:

- **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.
- **August 15, 2006:** The Planning Commission approved Resolution No. 06-22 approving a Conditional Use Permit to allow On-Sale General Alcohol in conjunction with a restaurant and approving a Parking Plan Amendment modifying the allocation of uses within the Hermosa Pavilion including 8,000 square feet of restaurant.
- **October 17, 2006:** The Planning Commission approved Resolution No. 06-32 approving a Conditional Use Permit for a car wash 'auto spa' within the parking structure of the Hermosa Pavilion.
- **February 13, 2007:** Glen Ivy Day Spa submitted a request for a Conditional Use Permit for On-Sale Beer and Wine in conjunction with a day spa.

Analysis:

The applicant is requesting a Conditional Use Permit for On-Sale Beer and Wine to supplement the primary day spa/massage use. Five areas (Please refer to Floor Plan), approximately 1,480 square feet, are designated for On-Sale Beer and Wine including:

1. Women's Day Room (300 square feet)
2. Men's Day Room (140 square feet)
3. Inglenook Day Room (320 square feet)
4. Grotto Reception Area (120 square feet)
5. Retail Area (600 square feet)

During standard business hours, alcoholic beverages will not be served in the retail area, however the applicant is requesting approval to serve wine in this location for special/promotional events. Los Angeles County Alcohol Beverage Control (ABC) strictly prohibits the service of alcohol in massage service rooms.

The applicant has indicated that wine will be ready-to-serve in plastic cups and will be stored in a wine refrigerator in the employee only area. Wine storage will be locked in storage area only accessible by management. Beverages will be priced between \$6-\$11 dollars per 8-ounce glass depending on the wine. The applicant is not proposing to serve beer at this time. Beverage purchases will be added to the final bill and/or inclusive with the treatment package. It is unclear whether wine will only be served to customers at the day spa for treatment, or if anyone can use the lounge areas for wine consumption.

The applicant is proposing to serve wine during the current business hours of:

- Monday through Saturday between 9:30 AM and 9:00 PM;
- Sunday between 10:30 AM and 7:00 PM; and,
- Holiday hours are Monday through Saturday between 8:30 AM and 9 PM and Sunday between 9:30 AM and 7:00 PM.

Municipal Code Section 17.56.020(A)(Purpose, Conditional Use Permits) states that "compatibility shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located." Arguably, alcohol sales and service may not be compatible with a day spa; however the applicant contends that wine sales is an innocuous use and will only be offered to enhance the relaxed atmosphere of the day spa. The Brea, Corona (Hot Springs), and Valencia Glen Ivy Day Spas currently serve wine and wine sales are not very significant (Attachment 4).

According to the Glen Ivy Policies and Information webpage, potential clientele are forewarned to, "...avoid the consumption of alcohol on the day of a treatment" (Attachment 5). The inconsistency between the applicant's request for wine sales and Glen Ivy Day Spa corporate policy against alcohol consumption prior to massage treatment suggests that there may not be compatibility with respect to the proposed Conditional Use Permit request and the existing use.

The Pavilion has been the subject of a Parking Plan and Conditional Use Permit hearings for much of last year. The neighborhood has expressed concerns about spillover parking, noise and use issues. The Planning Commission approved a Conditional Use Permit to allow on-sale general alcohol in conjunction with Stillwater Bistro after lengthy hearings. It is anticipated that Stillwater Bistro will not be open for service for approximately 6-8 months at the earliest. This is the only Conditional Use Permit approved for alcohol at Hermosa Pavilion. Considering the neighborhood concern regarding the Stillwater Bistro

Stillwater Bistro alcohol Conditional Use Permit approval and the lack of a clear track record for alcohol sales at the Hermosa Pavilion, it is appropriate to defer consideration of this request after Stillwater Bistro's 6-month annual review.

Summary:

Staff believes that it is premature to review any new Conditional Use Permit applications in the Hermosa Pavilion until the Stillwater Bistro has been in operation and its affects on the surrounding neighborhood can be assessed.



Richard Denniston,
Associate Planner

CONCUR:



Sol Blumenfeld, Director
Community Development

Attachments:

1. Resolution
2. Location Map
3. Poster Posting Verification
4. Detailed Description as Provided by Applicant
5. Policies and Information for Glen Ivy Day Spa, South Bay (Website)

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¹ The following is the complete Hermosa Pavilion site chronology 2002 - 2006.

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, Conditional Use Permit 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.

RESOLUTION NO. 07-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO DENY THE PROPOSED CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE AT THE PROPERTY LOCATED AT 1601 PACIFIC COAST HIGHWAY, SUITE NO. 280, LEGALLY DESCRIBED AS A PORTION OF LOTS 13 AND 14, BLOCK 81, SECOND ADDITION TO HERMOSA BEACH.

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Anne Fees, Special Project Manager of the property located at 1601 Pacific Coast Highway, Suite 280, seeking a Conditional Use Permit to allow on-sale beer and wine in conjunction with a day spa

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on March 20, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

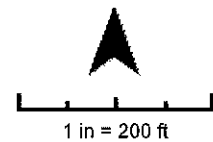
Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant is requesting a Conditional Use Permit for On-Sale Beer and Wine to supplement the primary day spa/massage use.
2. Five areas, approximately 1,480 square feet, are designated for On-Sale Beer and Wine including:
 - Women's Day Room (300 square feet)
 - Men's Day Room (140 square feet)
 - Inglenook Day Room (320 square feet)
 - Grotto Reception Area (120 square feet)
 - Retail Area (600 square feet)
3. The applicant has indicated that wine will be ready-to-serve in plastic cups and will be stored in a wine refrigerator in the employee only area. Wine storage will be locked in storage area only assessable by management. Beverages will be priced between \$6-\$11 dollars per 8-ounce glass depending on the wine of choice. Beverages purchased will be amended to the final bill and/or inclusive with the treatment package.
4. The applicant is proposing to serve wine during the current business hours of:
 - Monday through Saturday between 9:30 AM and 9:00 PM;
 - Sunday between 10:30 AM and 7:00 PM; and,
 - Holiday hours are Monday through Saturday between 8:30 AM and 9 PM and Sunday between 9:30 AM and 7:00 PM.

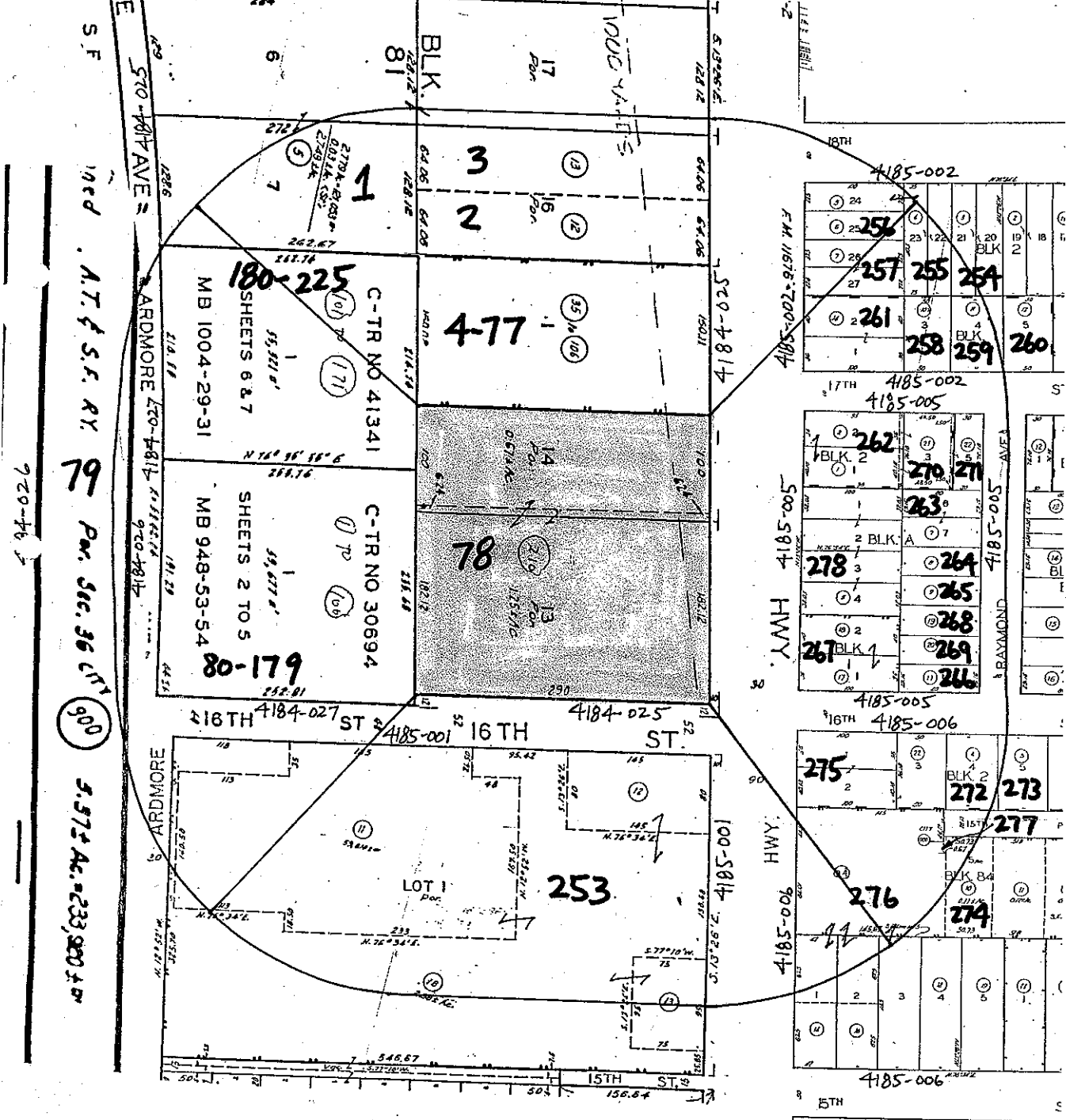


Glen Ivy Day Spa

1601 Pacific Coast Hwy



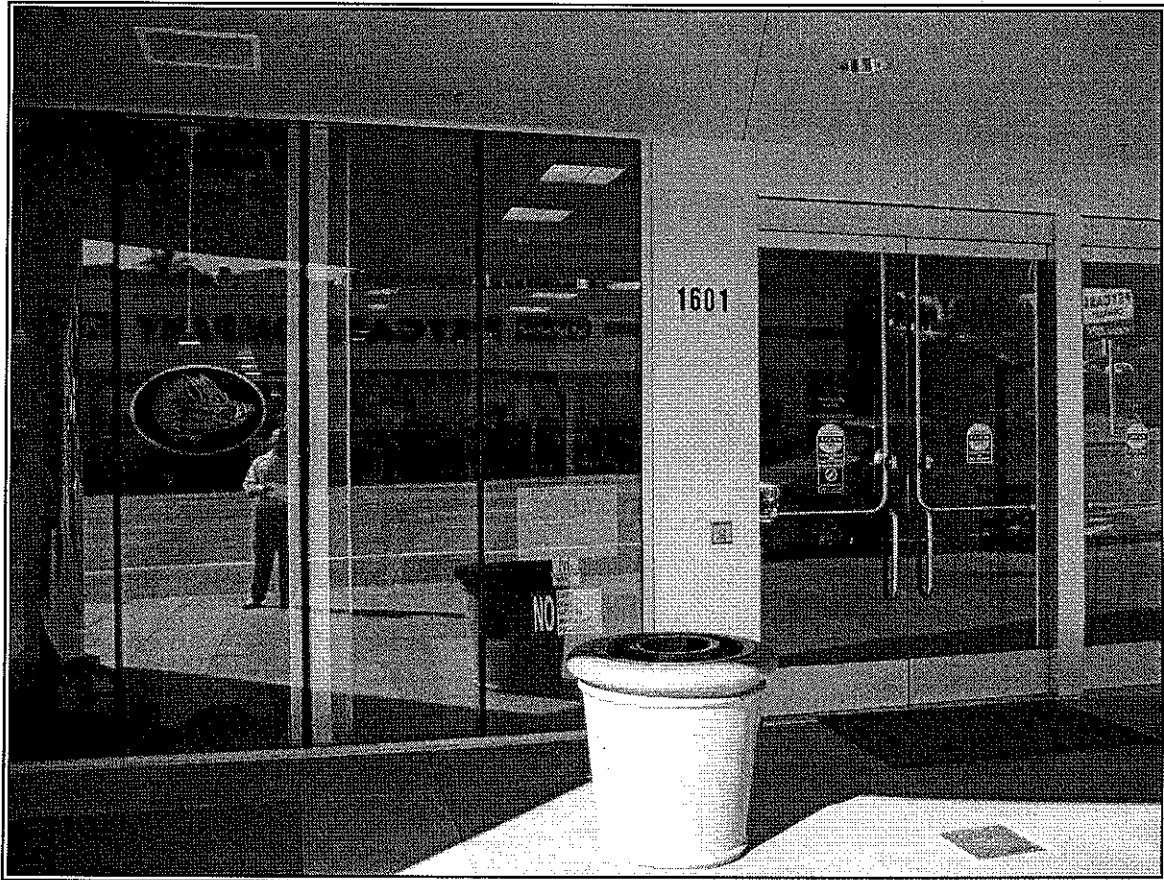
Date Printed: 3/13/2007



ADDRESS: 1601 PACIFIC COAST HWY #280

SCALE 1" = 100'

**1601 PACIFIC COAST HIGHWAY
GLEN IVY DAY SPA**





GLEN IVY

Corporate Office
25000 Glen Ivy Road
Corona, CA 92883
tel. 951-277-3529
fax 951-277-4808

www.glenivy.com

Glen Ivy Hot Springs Spa
25000 Glen Ivy Road
Corona, CA 92883

Glen Ivy Day Spa, Brea
1001 Brea Mall
Brea, CA 92821

Glen Ivy Day Spa, Valencia
24320 Town Center Drive, #100
Valencia, CA 91355

Glen Ivy Day Spa,
Hermosa Beach
1601 Pacific Coast Hwy, Ste 280
Hermosa Beach, CA 90254

Central Reservations
and Sales
1225 Graphite Drive
Corona, CA 92881

Richard Dennison
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

March 9, 2007

Richard:

The following is in reply to your request for additional information on Glen Ivy Day Spa Hermosa's request for a CUP for an Alcohol Beverage License. In addition to information I have attached specific drawings and pictures of the areas concerned.

Glen Ivy Hot Springs intent for requesting a CUP for an Alcohol Beverage License is to respond to requests from customers for a social drink. Our business is providing Spa services not selling alcohol. A glass of wine in our business context is "social." The following is the definition of social drinking

"Social drinking refers to casual collateral drinking, usually *without* the intent to get drunk. Social drinking plays an important (but not traditional) role in such social functions. Bad news is often delivered over a drink, good news is often celebrated by having a few drinks - we drink to "wet the baby's head" to celebrate a birth. Buying someone a drink is a gesture of goodwill, and can be used as an expression of gratitude or mark the resolution of a dispute--to bury the hatchet, so to say. The physical act of going to a comfortable setting with friends is a large part of sharing a drink in the above situations, but the fact remains that people have found as many reasons to meet for a drink as they have to meet for tea, coffee, or to eat."

Hours of Operation:

- Monday - Saturday: 9:30 a.m. - 9 p.m.
- holiday hours are: Monday - Saturday: 8:30 a.m. - 9 p.m.
- Sundays: 10:30 a.m. - 7 p.m.
- holiday hours are: Sundays: 9:30 a.m. - 7 p.m.

What will be served and at what price:

- Glen Ivy's intent is to sell only wine and (beer at some later date if requested).
- Wine will be priced from \$6-\$11 per 8 oz glass depending on the wine choice.
- Payment will be made in the same manner that services are paid.

Areas where alcohol will be served: (see attached drawings/pictures)

- Area #1 - Women's Day Room - approximately 300 sq ft.
 Area #2 - Men's Day Room - approximately 140 sq ft.
 Area #3 - Inglenook - a Day Room for both men & women - approximately 320 sq ft.
 Area #4 - Grotto Reception Area - approximately 120 sq. ft.
 Area #5 - Retail area - approximately 600 sq ft. (The retail area is filled with clothing racks and retail displays. It is not a bar. The only purpose of obtaining licensing for this area is for events such as a Chamber Meeting or a promotional event.)

Wine is not served or allowed in the massage service rooms.

Method of Service and Storage

- Wine will be served by employees that meet the requirements of the company's policy and have been through the training provided by Glen Ivy's insurance provider. Todd Sieders at Petra Pacific, 800-466-8591 is available to answer any questions about the GHS risk management program.
- Wine ready for serving is kept in a wine refrigerator in an employee only area.
- Wine that is not ready for serving is locked in storage accessible only to management.
- Wine is served in disposable plastic cups.

Other

- Customers cannot bring their own wine to the spa.
- Employees are not allowed to drink when on duty.

The following is a summary of receipts from wine sells at our Brea Day Spa location for a 12 month period:

Month	1	2	3	4	5	6	7	8	9	10	11	12	Total
	12.00	24.00	28.00	12.00	12.00	16.00	28.00	87.10	0	68.00	137.65	68.55	493.30

As you can see this is not the primary business activity for Glen Ivy Day Spas.

Thank you for your assistance with Glen Ivy Day Spa's request for a CUP. Spas are a place where people come with their friends for relaxation and socialization and in our society that often includes a sip of wine, a cup of tea or coffee.

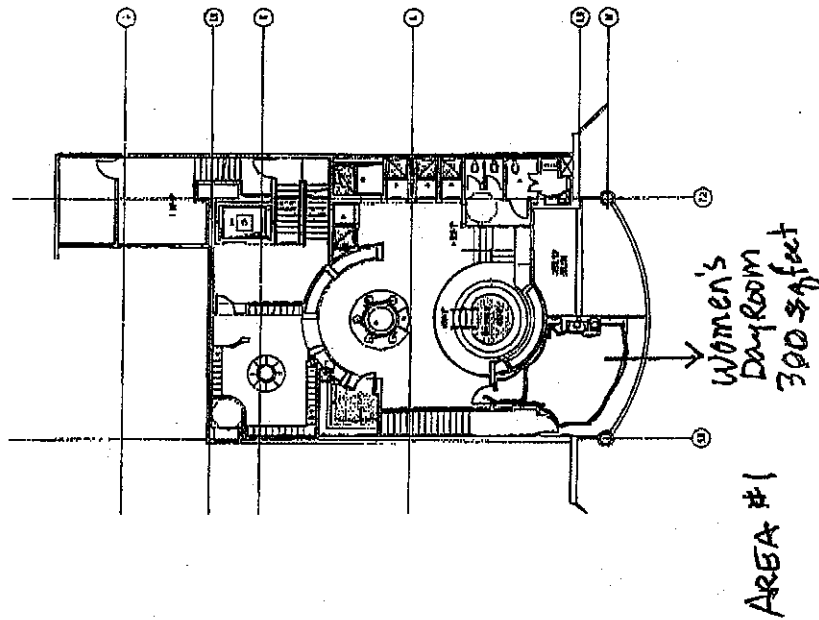
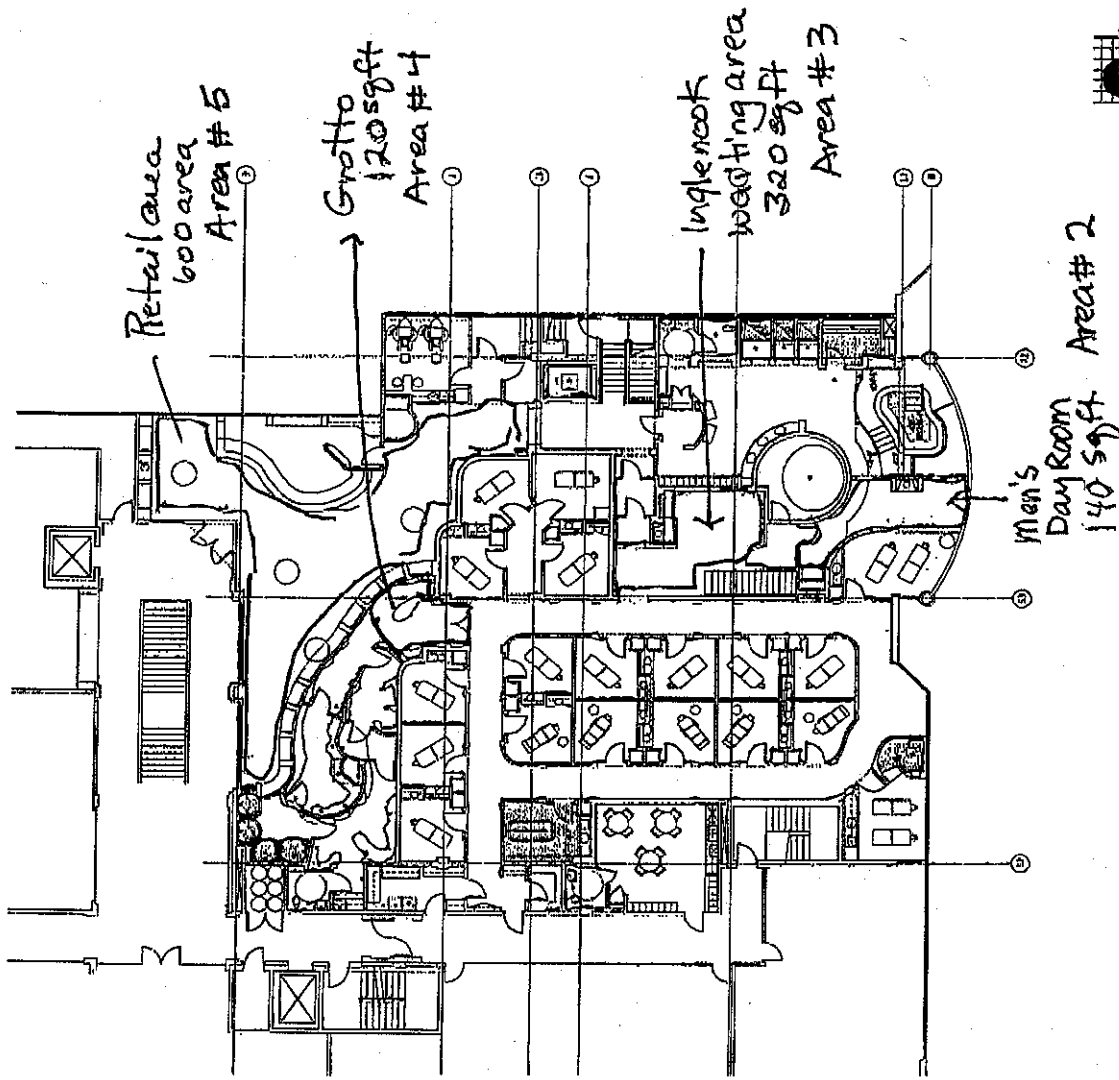
If you have any further need for information please don't hesitate to call me or Jennifer Breakey, Director of Day Spas.

Sincerely,

Glen Ivy Hot Springs, Inc.



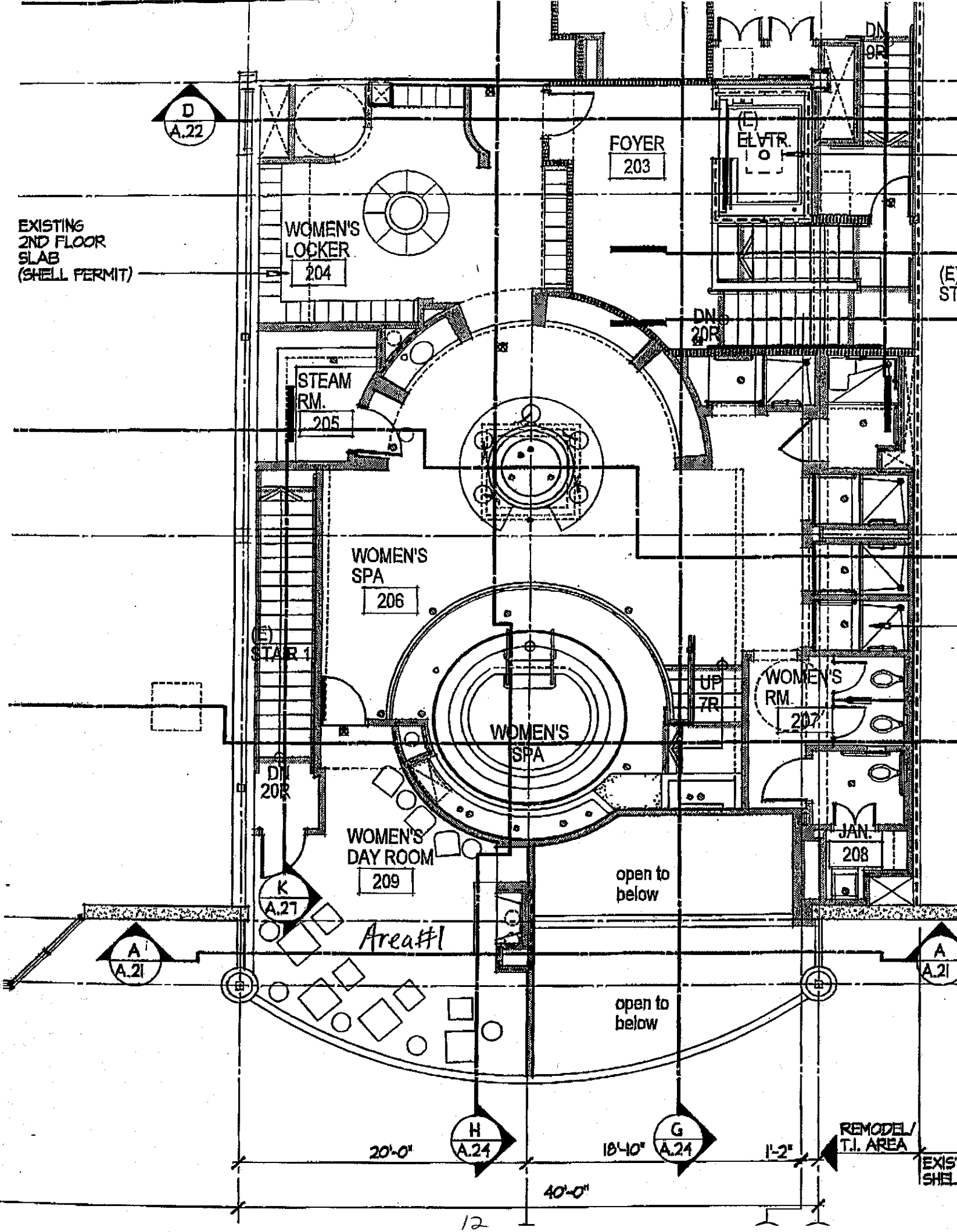
Anne Fees
Corporate Secretary

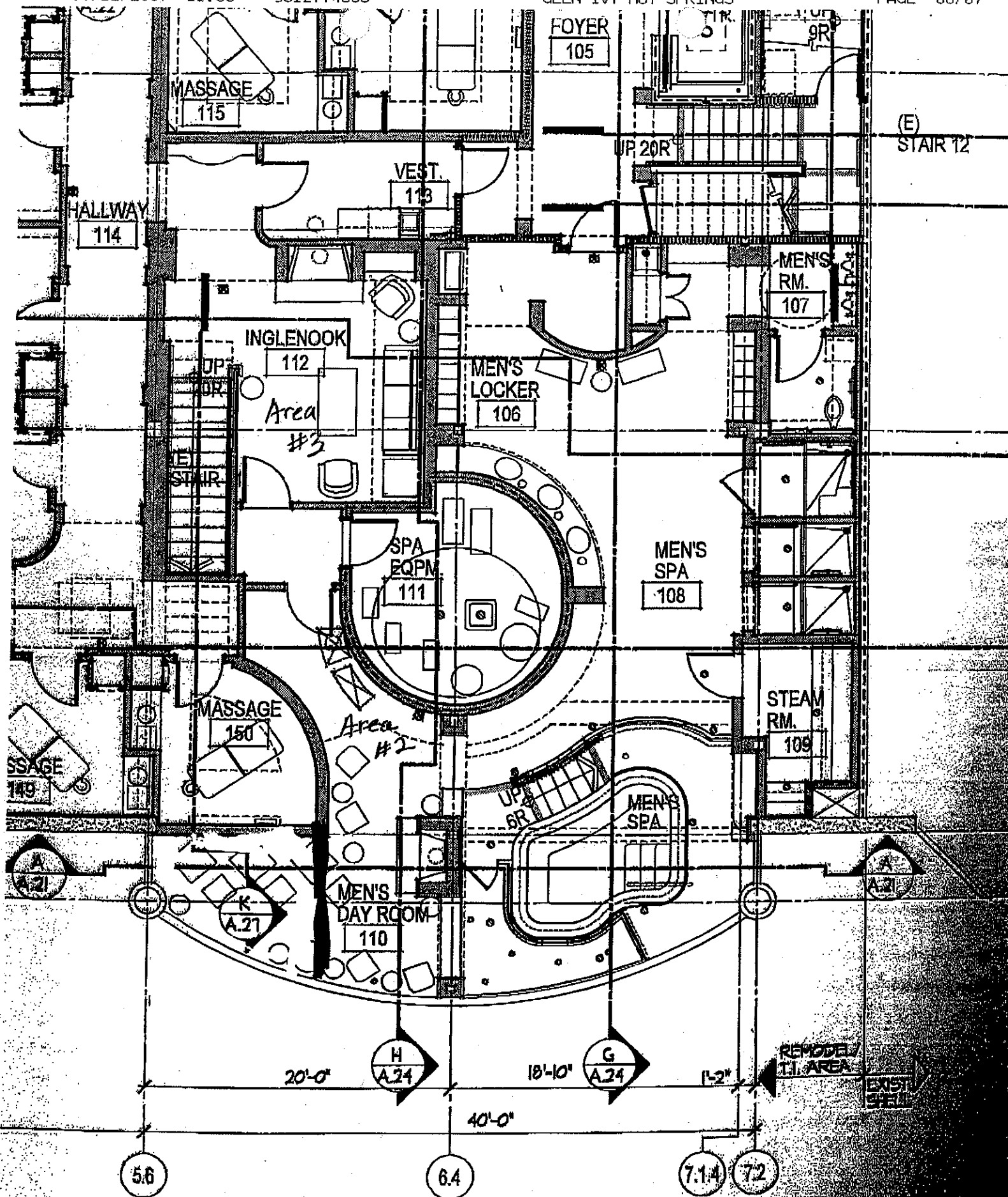


HERMOSA BEACH PAVILION

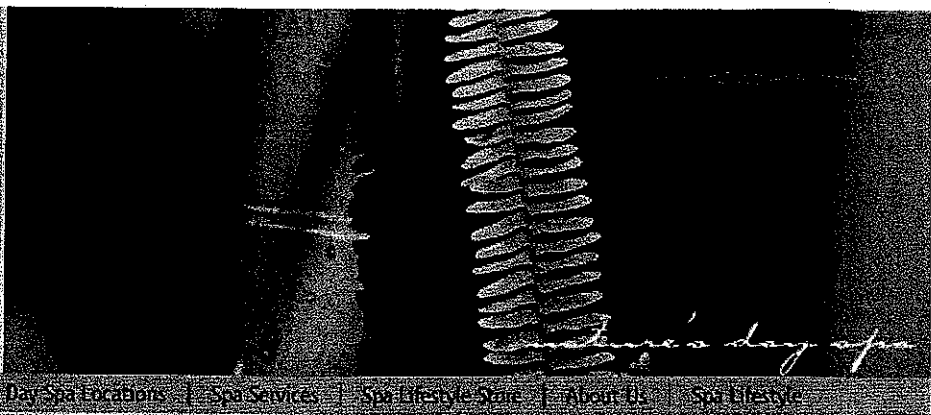
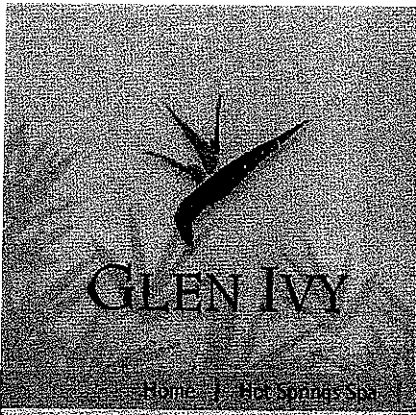
GLEN IVY DAY SPA

SCALE 1/8" = 1'-0"





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Glen Ivy Day Spa, South Bay

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ADMISSION AND SERVICES

Glen Ivy Day Spas limit admission to guests 13 years and older, and Massage and Body Treatments to guests 18 years and over.

RESERVATIONS

We recommend reservations for treatment appointments be made three to four weeks in advance. Our phone reservation line is open every day 7 a.m. – 7 p.m. Your major credit card reserves your appointment. 1-888-CLUBMUD.

CANCELLATIONS

We accept cancellations up to 5:00 p.m. the day before your scheduled appointment. Those calling later than 5:00 p.m. or "no-shows" may be charged \$30 per reservation.

CHECK-IN

Please check in 30 minutes before your scheduled appointment. You may lose your appointment if you do not check in at least 15 minutes prior to your scheduled service. As a courtesy to the next scheduled guest, your treatment will end on time regardless of when your service begins.

PLEASE BE COURTEOUS

To preserve the Spa's tranquil environment, we respectfully request that you leave your pagers and cell phones turned off.

WHAT SHOULD I WEAR?

You may dress in whatever you feel comfortable. When receiving spa treatments, most people wear nothing since you are discreetly covered. Bathing suits are optional in locker areas, but required for guests partaking in The Grotto (Valencia and Hermosa Beach only). Upon arrival you will be provided a comfy robe and spa footwear for use during your visit, and shown to the locker area where you may change.

CAN WE TALK?

It's up to you. It's okay to talk. Most guests find that their silence enhances their tranquility. But whether you feel quiet or chatty, your therapist needs a little feedback from you about the pressure level or areas of special attention.

EATING AND DRINKING

Try not to eat for at least an hour before a treatment, and avoid the consumption of alcohol on the day of a treatment. Also remember to drink plenty of water before and afterward. Spa meals and snacks are available with prior arrangements.

HEALTH CONCERNS OR PREGNANCY.

Some spa services may not be suitable if you have health issues or are pregnant. Please consult