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**RESOLUTION P.C. 07-19**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
HERMOSA BEACH, CALIFORNIA, TO APPROVE A CONDITIONAL USE  
PERMIT AMENDMENT FOR AN EXPANSION AND INTERIOR ALTERATIONS  
AT AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL AND LIVE  
ENTERTAINMENT AND OUTDOOR DINING, AND A PARKING PLAN TO PAY  
IN-LIEU FEES RATHER THAN PROVIDING THE REQUIRED ADDITIONAL  
PARKING AT 1320 HERMOSA AVENUE, THE SHORE, LEGALLY DESCRIBED  
AS LOTS 8 AND 9 BLOCK 34, FIRST ADDITION TO HERMOSA BEACH TRACT**

Section 1. An application was filed by Restaurant Endeavors, L.L.C., owners of "The Shore" restaurant seeking an amendment to a Conditional Use Permit to allow interior expansion and alterations within an existing restaurant with on-sale alcohol, live entertainment, and outdoor dining, and for a Parking Plan to pay in-lieu fees rather than providing required parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application to amend the Conditional Use Permit and for the Parking Plan on May 15, 2007, 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 Shore is currently operating under the terms of P.C. Resolution 03-23 which modified the previous resolution approved for Dano's restaurant in 2000. The 2000 resolution (P.C. 00-24) granted by the Planning Commission for Dano's allowed the change from on sale beer and wine to general alcohol. The location was first approved for restaurant, live entertainment and outdoor dining in 1993, when a C.U.P. was granted for on sale beer and wine and a Parking Plan for reduced parking.

2. The applicant is requesting alterations to the interior at the mezzanine level, in order to add 170 square feet of customer area and an additional 18 square feet of storage to the mezzanine, and also to convert a large portion of the existing approved mezzanine area to a dining and lounge area for customers (resulting in a total of approximately 400 square feet for dining and "lounge" area).

3. The mezzanine previously was approved only for an employee lounge, changing room, and storage area as recognized by the Planning Commission by minute order as the subject of an interpretation item at the January 18, 2005 meeting. The mezzanine is accessed through an interior stair from the ground level, but also has a direct emergency exit onto the alley, which is situated at a higher grade than Hermosa Avenue. The applicant indicates that this separate upstairs dining and lounge area only be used for special events or banquets, and that a security person will be stationed at the back door emergency exit.

4. The area proposed for the expansion, involves the conversion of inaccessible unfinished space at the mezzanine level currently separated by a wall from the employee/storage area. It was built as part of the ceiling above the kitchen in 2005, and was built to meet structural requirements for possible use as a mezzanine. It will require opening the existing wall, painting, and installation of floor covering and the construction of a new railing where it will be partially open to the floor below.

1           5.       The expansion of gross floor area requires the use of parking in-lieu fees since there is no room on  
2 the property to provide the two required additional parking spaces on site.

3           Section 4. Based on the foregoing factual findings, the Planning Commission makes the following  
4 findings pertaining to the application to amend the Conditional Use Permit and the Parking Plan for the  
5 payment of parking in-lieu fees rather than providing the parking on site:

6           1.       The project is consistent with applicable general and specific plans and is in compliance with the use  
7 and development requirements of the Zoning Ordinance;

8           2.       The site is zoned C-2 and is physically suitable for the type and density of proposed interior  
9 alterations and expansion and the proposed use complies with the development standards contained therein;

10          3.       The project, as conditioned, will conform to all zoning laws and criteria and will be compatible  
11 with neighboring residential and commercial properties;

12          4.       The applicant will compensate for the parking deficiency of 20 spaces, by paying a parking in-lieu  
13 fee, pursuant to Section 17.44.040

14          5.       The requirements of Hermosa Beach Municipal Code Section 17.44.040 for granting a Parking  
15 Plan for the payment of in-lieu fees for a portion of the required parking, and the policies contained in the  
16 Local Coastal Plan, have been considered and are satisfied by the proposal. In making this finding, the  
17 Planning Commission has determined that:

18           a.       Sufficient public parking exists to accommodate the parking demand of the project without  
19 causing a significant adverse impact on parking that is available to the beach going public,  
20 since the peak demand for parking does not coincide with the peak demands for beach parking.

21          6.       The City Council, at its meeting of August 8, 2006, set the parking in-lieu fee at \$28,900 per  
22 required parking space, payable in lump sum prior to issuance of Certificate of Occupancy.

23          7.       This project is Categorically Exempt pursuant to 15301, Class 1 of the California Environmental  
24 Quality Act Guidelines, minor alterations to existing private structures.

25           Section 5. Based on the foregoing, the Planning Commission hereby approves the requested  
26 amendments to the Conditional Use Permit, subject to the following **Conditions of Approval**, which  
27 supersede the conditions contained in P.C. Resolution 03-23:

28 **I. Permitted use.**

29           **1.1. The business shall be operated as a bona fide restaurant: The kitchen shall be equipped  
to prepare food from its component ingredients; whenever the restaurant is open it shall offer a full-  
service lunch and/or dinner menu; food service from the menu shall be available all hours that the  
establishment is open for business.**

**1.2. Live entertainment incidental to food service is permitted. Live entertainment shall be  
"incidental" in the sense that it serves to entertain customers who are in the premises for the purpose of  
dining.**

1           **1.3. Alcohol may be served for on-premises consumption in a manner consistent with the**  
2 **license issued by the Alcohol Beverage Commission.**

3           **1.4. Entry into the business shall not be limited to persons 21 years of age or older.**

4 **II. Floor plan and parking plan.**

5           **2.1. The furniture and interior improvements within the business premises shall conform to the**  
6 **submitted floor plan as reviewed by the Planning Commission on May 15, 2007. Other than trivial or**  
7 **insignificant deviations in the placement or arrangement of furniture, no change whatsoever shall be**  
8 **made to the interior of the premises that is inconsistent with the approved floor plan absent approval by**  
9 **the Planning Commission by way of a modification to this Conditional Use Permit.**

10           **2.2. Under no circumstances shall furniture or other interior/exterior improvements be**  
11 **rearranged to accommodate more occupancy absent approval of the Planning Commission as**  
12 **prescribed in paragraph 2.1.**

13           **2.3. Occupancy shall not exceed the permitted occupancy load as prescribed by the Building**  
14 **Code, based on the approved floor plan and review and approval of a code complying seating plan. An**  
15 **approved occupant load sign shall be posted in the business as directed by the Fire Department. Any**  
16 **single occupancy violation in excess of ten percent (10%) or repeated lesser violations of occupant load**  
17 **shall result in the immediate scheduling of a hearing before the Planning Commission to consider**  
18 **modification or revocation of this Conditional Use Permit.**

19           **2.4. Floor plans for building permit issuance shall demonstrate compliance with handicap**  
20 **accessibility requirements for expanded mezzanine level.**

21           **2.5. In order to compensate for required parking that is not provided on site, the applicant**  
22 **shall contribute fees to the City's parking improvement fund in lieu of the required two parking spaces,**  
23 **as set forth in Section 17.44.040(E) of the Zoning Ordinance, at the amount of \$28,900 per required**  
24 **space as set forth by resolution of the City Council, for a total payment of \$57,800. The payment of fees**  
25 **in-lieu of parking shall be made prior to issuance of a Certificate of Occupancy for the building.**

26 **III. Operating hours.**

27           **3.1. The hours of operation for first floor operations of the restaurant, including the lounge/bar**  
28 **areas, shall be limited to between 7:00 A.M. and 2:00 A.M. daily. All customers shall vacate the**  
29 **premises by not later than the required closing times and the doors shall be locked**

**3.2. The hours of operation and of the 2<sup>nd</sup> floor mezzanine area shall be limited to between 7:00**  
**A.M. 12:00 midnight daily. All customers shall vacate the mezzanine no later this required closing time.**

1           **3.3. The hours for live entertainment shall be limited to the hours between 9:00 P.M. and 1:15**  
2 **A.M. Monday through Friday, and between 2:00 P.M. and and 1:15 A.M. Saturdays, Sundays, and**  
3 **Federal and State Holidays, Cinco De Mayo, and St. Patrick's Day.**

4           **3.4. The outdoor patio shall be equipped with standard dining tables and chairs and provided**  
5 **food and beverage service during hours the restaurant is open for business. There shall be no amplified**  
6 **music, televisions or speakers within these outdoor patios.**

7 **IV. Noise attenuation.**

8           **4.1. The permittee shall maintain the interior acoustical treatments described in the acoustical**  
9 **study dated November 28, 2006, prepared by Behrens and Associates, Inc. on file in the City of Hermosa**  
10 **Beach Community Development Department.**

11           **4.2. During the performance of live entertainment all doors and windows must remain closed.**

12           **4.3. The rear access door shall be equipped with panic hardware and posted as an emergency**  
13 **exit only, and remain closed during operating hours, except as necessary for handicapped accessibility**  
14 **access to the mezzanine level.**

15           **4.4. In no event shall continuous, sustained or repeated noise from the business be audible at**  
16 **the property line of any residential premises or audible eighty (80) feet from the property line of the**  
17 **establishment at any time.**

18           **4.5. The business shall comply in all other respects with Municipal Code Chapter 8.24 (Noise**  
19 **Control), and noise from the premises shall not constitute a public nuisance.**

20 **V. Trash storage and collection.**

21           **5.1. The refuse containers/bins utilized by the business shall be located as shown on the site**  
22 **plan, screened from public view, and secured and locked daily in such that they are not susceptible to**  
23 **illegal scavenging.**

24           **5.2. Every night at closing, the permittee shall collect trash from the sidewalk and alley areas**  
25 **adjoining the premises .**

26           **5.3. The exterior of the premises shall be maintained in a neat and clean manner and free of**  
27 **graffiti at all times.**

28           **5.4. The permittee shall at all times be in compliance with applicable requirements of the**  
29 **National Pollution Discharge Elimination System (NPDES) and permits issued thereunder.**

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**VI. Nuisance avoidance and patron behavior**

6.1. The business shall not operate in a manner that adversely effects or interferes with the comfortable enjoyment of neighboring residential and commercial property.

6.2. The business shall employ adequate staffing and management/supervision on both the main floor and the mezzanine, and the presence of doorman at both the main entry and rear exit door on the alley, to prevent serving underage persons, over-serving alcohol, and loitering, unruliness and boisterous behavior by patrons both inside and outside in the immediate area of the premises, and to prevent the use of the emergency exit door at the rear for entry and/or exit from the premises.

6.3. If the Police Chief determines that there are a disproportionate number of police calls to the business due to the disorderly or disruptive behavior of patrons and the inability or refusal of the business to manage its patrons, the Chief shall so notify the Director of Community Development, who shall forthwith schedule a public hearing before the Planning Commission to consider modification or revocation of this Conditional Use Permit.

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**VII. Miscellaneous conditions**

7.1. The permittee shall comply with all ordinances, regulations and laws applicable to a business of this kind in effect as of the date hereof or hereafter adopted.

7.2. In addition to any other remedy available at law, in equity or as provided in the Municipal Code, any: (i) significant or material violation, or (ii) any repeated, continuous or sustained violation of any condition of approval of this Conditional Use Permit shall constitute cause for revocation of this Permit. The permittee shall be required to reimburse the City fully for its costs and expenses, including but not limited to attorney's fees, in undertaking any such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violation has been fully remedied.

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Section 6. The Conditional Use Permit, as modified, and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

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

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



## **The Shore Restaurant**

1320 Hermosa Ave. Hermosa Beach, California 90254 U.S.A.  
Phone 310.376.0414

11 JUNE 2007

Planning Commission  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach CA 90254

**RECEIVED**

JUN 11 2007

COMMUNITY DEV. DEPT.

Re: The Shore Restaurant  
1320 Hermosa Ave. Hermosa Beach

At the Planning Commission Meeting of May 15, 2007 our application for use of our upstairs room as a customer dining area was approved. The approval included the condition that the area was to be closed by 12AM which is earlier than allowed for the main portion of our premises. The management of The Shore has discussed this matter at great length and has come to the conclusion that closing this room at such an early time on Fridays and Saturdays is not a workable business practice for us.

The upstairs is intended for groups, usually by reservation, and not for individual patrons. The 12AM closing will be a big detraction as we try to capture the business of adult groups for celebrations such as birthdays and anniversaries. Such groups generally do not plan to be finished and out by 12AM. Business or common interest groups such as wine tastings also typically continue until 1:30 or 2AM. Our past experience with such groups confirms this to be true. The practical effect of our closing this room at nearly our busiest time is to push those patrons out on the street where they will just endeavor to locate another place to finish the evening.

As an alternative, we request that the condition be modified to allow the upstairs room to close at 1:30AM on Fridays and Saturdays. We can accept the 12AM closing on Sunday through Thursday. As a compromise, we propose to close the entire business by 12AM on Mondays and 1:30AM on Tuesdays, except those falling on holidays.

At this time we would also like to address some misstated information presented at the previous Commission Meeting. The citations for overcrowding were in reference to a one-time mistake by an inexperienced manager in our first month of operations. The incident took place over a year ago and despite the frequent visits by HBPD and HBFD, no such problems have occurred since. In addition, all of these charges have been dismissed by the City Attorney or the Courts.

The current exit door has code complying panic bar exit hardware that automatically closes and locks behind the person passing through. We also plan to post a security person at that door if the upstairs is in use. The upstairs will be accessible to any disabled customer. Any modifications required for this will be included in building permit plans and work completed before occupancy. This alley exit is currently not at all similar to the alley entries at The Underground and the proposed usage of our upstairs room will not cause this to change.

With regards to the complaints of excess noise, upon investigation, all without exception, were found to be without merit and were all filed by the same party. That person, the owner of an adjacent business, has his own agenda for lodging the complaints. Due to his behavior we have found it necessary to request and receive a court ordered restraining order to be served upon him. Unfortunately this is part of an ongoing legal dispute with him. The approval and use of the upstairs area will have no affect on the adjacent business, a furniture store, as hours of operation do not coincide.

Thank you,

The Owners of The Shore



RECEIVED

JUN 13 2007

COMMUNITY DEV. DEPT.

**To: Planning Commission & City of Hermosa Beach  
From: Dartmouth Club of Los Angeles, Craig Douglass,  
President, 310 544 2628.**

**Re: June 19 Planning Commission Meeting-The Shore**

We have been fortunate enough to have been offered the facilities of The Shore for some of our upscale wine tasting seminars in the past. Since we are an educational organization and are interested in classy venues, we requested, and The Shore responded by actually closing their establishment to outsiders so that we could have a quiet place for our event. The economics of this type of situation as you can imagine are quite hard to swallow for The Shore now that it has become a popular establishment. We are pleased to hear that there is a possibility of having a private upstairs area at The Shore, where we can conduct our event while the establishment could remain open to the public. Therefore, we would be able to continue holding our events in Hermosa Beach which we believe benefits more than simply our organization and The Shore itself. Our events are held on either a Friday or Saturday once per month and we book venues from 10 pm to 1:30am.

Our group believes that there are not many similar locations in our immediate vicinity that are as ideally suited for our upscale 35-50 year old audience as what is being presented to you tonight. Also, this type of more mature audience (which consists of locals and others from the entire LA basin including Beverly Hills, Pacific Palisades, and Pasadena) brings a different type of demographic into Hermosa Beach that would not normally be seen. We have seen that members of our "older" demographic group are also more interested in sit down meals and shopping in stores which we believe would help Hermosa Beach as well.

Without the use of the upstairs area for public use, or a decision by the planning commission to close this area at 12 midnight, would jeopardize the continuation of using The Shore for our functions. I would encourage you to permit The Shore to advance its own status in the community with this proposed development and allow the use of the upstairs private area for a closing time of at least 1:30am on Friday and Saturdays and not 12 midnight. To have The Shore close their valuable upstairs area to private parties at 12 midnight especially on a Friday or Saturday would seem pointless for us to book The Shore for our functions and probably for most birthday parties, or special events of other individuals or groups.

If you have any questions, feel free to contact me on behalf of the Dartmouth College Alumni Association of Southern California.  
Respectfully,

Craig B. Douglass, President

310-544-2628

