

July 10, 2007

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

**Regular Meeting of
July 17, 2007**

SUBJECT: CONDITIONAL USE PERMIT AMENDMENT 07-9

LOCATION: 142 PACIFIC COAST HIGHWAY

APPLICANT: ALLEN SANFORD PHILIA GROUP
1214 STEINHART
REDONDO BEACH, CA 90278

REQUESTS: CONDITIONAL USE PERMIT AMENDMENT FOR ALTERATIONS TO
THE INTERIOR FLOOR PLAN OF AN EXISTING BUSINESS WITH ON-
SALE ALCOHOL AND LIVE ENTERTAINMENT AT 142 PACIFIC COAST
HIGHWAY CURRENTLY KNOWN AS "THE PITCHER HOUSE"

Recommendation:

To approve the request and adopt the attached Resolution.

Background:

PROJECT INFORMATION:

ZONING:	Specific Plan Area No. 7
GENERAL PLAN:	Commercial Corridor
PARKING PROVIDED:	8 Spaces (Shared)
LOT SIZE (including adjacent building and parking lot):	Approximately 12,060 Square Feet
FLOOR AREA:	Approximately 4,205 Square Feet
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The business was originally established prior to the requirements for a Conditional Use Permit and operated as a legal nonconforming use until 1989. In July of 1989, the Planning Commission approved a Conditional Use Permit for beer and wine as a tavern. Furthermore, in November of 1997, the Planning Commission approved a Conditional Use Permit Amendment for live entertainment.

On April 16, 2002, the Planning Commission approved a Conditional Use Permit Amendment request to allow on-sale general alcohol and with live entertainment in conjunction with an existing "tavern". On July, 9, 2002, the City Council sustained the Planning Commissions approval of the Conditional Use Permit request (Attachment 5). The business operates continuously under a type 48 license from the State Alcohol Beverage Control (ABC) which is "on-sale general for public premises."

The applicant has recently purchased the business, and intends to operate it under the terms of the existing Conditional Use Permit. However, the applicant is proposing several interior modifications to the "tavern" including expansion of the kitchen area by 183 square feet, expanding the interior area of the men's and women restroom to meet American Disability Act (ADA) requirements, and

converting the gaming area to customer seating. Given that the scope of these proposed alterations cannot be considered minor, the changes require amending the Conditional Use Permit.

Analysis:

The applicant has stated that he wants to maintain the current use as a bar or tavern with live entertainment, yet remodel the interior to upgrade the business. The basic floor plan will remain similar with respect to the location of the bar, kitchen, stage and bathrooms. However, the applicant is proposing upgrades throughout the building. The following is a brief review of the proposed modifications:

Lobby

The applicant intends to move the primary entrance to the historical entrance along the northwest corner along 2nd Street and Pacific Coast Highway. The new entryway will have a fixed bench and standing wait area of 30 square feet for customer queuing. A designated interior lobby should reduce the number of customers queuing outside along Pacific Coast Highway.

Kitchen

The additional 183 square feet of kitchen area will allow for additional food preparation space. The kitchen area will be equipped with a salad preparation table, deep fryer, charbroiler, and other food preparation equipment. Two double doors for entering and exiting the kitchen will be installed on the north side of the hall across from the walk-in cooler.

Restrooms

Currently, the restrooms do not comply with the minimum ADA requirements. The existing men's room is 75 square feet and the women's room 85 square feet. The applicant intends to increase the square footage to 123 square feet in the men's room and 155 square feet in the women's room. Therefore there will be ample space to access each and meet the minimum A.D.A. requirements.

Seating Area

A portion of the existing stage (approximately 17.5 square feet) and the designated "dance area" will be removed to accommodate 343 square feet of table seating for bar customers. The applicant also intends to remove the existing pool tables, arcade games, and other game tables and replace with approximately 965 square feet of dining booths and casual dining seating (Please refer to proposed floor plan). Furthermore, a 203-square foot raised dining area with bench seating is proposed adjacent to the restrooms.

Bar Area

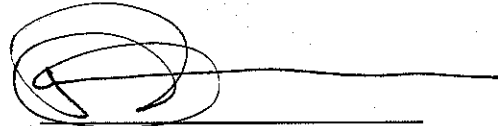
A small portion of the bar tabletop, approximately 15 square feet, will be removed to accommodate access into and out of the kitchen area and for additional access behind the bar. No other changes to the bar area is proposed at this time.

Patio Area

The existing primary entrance, currently used as a small patio and waiting area, will be modified into a small 80-square foot patio area that will serve as a designated smoking area and for customer exiting. No fixed seats or outdoor dining is proposed in this area.

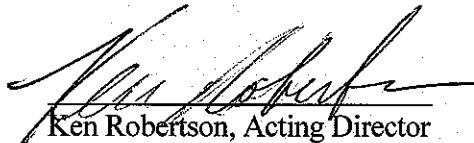
Summary:

The applicant is not requesting any changes in the current use, the hours of operation, or the designated live entertainment area. A preliminary maximum occupant load review suggests that the new occupant load count will be comparable to current count. Since the proposed interior modifications are generally consistent with that of the previous Planning Commission and City Council approval, staff recommends approval of the Conditional Use Permit request subject to Standard Conditions of Approval which incorporates all the previous Conditions of Approval from 2002.



Richard Denniston
Associate Planner

CONCUR:



Ken Robertson, Acting Director
Community Development Department

Attachments:

1. Resolution
2. Location Map
3. Radius Map
4. Poster Verification
5. City Council Resolution No. 02-6213

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR ALTERATIONS TO THE FLOOR PLAN OF AN EXISTING BUSINESS WITH ON-SALE ALCOHOL AND LIVE ENTERTAINMENT AT 142 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS LOT 44 AND NORTHERLY 50.69 FEET OF LOTS 45 AND 46, HOME BUILDERS PLACE

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Allen Sanford of Redondo Beach, for a Conditional Use Permit Amendment to allow for alterations to the floor plan of an existing business with on-sale alcohol and live entertainment at 142 Pacific Coast Highway currently known as "The Pitcher House."

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit Amendment on July 17, 2007.

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

1. The business was originally established prior to the requirements for a Conditional Use Permit and operated as a legal nonconforming use until 1989. In July of 1989, the Planning Commission approved a Conditional Use Permit for beer and wine. Furthermore, in November of 1997, the Planning Commission approved a Conditional Use Permit Amendment for live entertainment.
2. On April 16, 2002, the Planning Commission approved a Conditional Use Permit Amendment request to allow on-sale general alcohol and with live entertainment in conjunction with an existing "tavern". On July, 9, 2002, the City Council sustained the Planning Commissions approval of the Conditional Use Permit request.
3. The applicant has recently purchased the business, and intends to operate it under the terms of the existing Conditional Use Permit, however the applicant is proposing several interior modifications to the "tavern" including expansion of the kitchen area by 183 square feet, expanding the interior area of the men's and women restroom to meet American Disability Act (ADA) requirements, and elimination of the existing arcade games, pool tables, and other numerous game tables in order to provide additional fixed customer seating.

1 Section 4. Based on the factual findings and the testimony and evidence presented at the
2 public hearing, the Planning Commission makes the following findings pertaining to the
3 application for the Conditional Use Permit:

- 4 1. The new entryway will have a fixed bench and standing wait area of 30 square feet
5 for customer queuing. A designated interior lobby should reduce the number of
6 customers queuing outside along Pacific Coast Highway.
- 7 2. The additional 183 square feet of kitchen area will allow for additional food
8 preparation space.
- 9 3. Currently, the restrooms do not comply with the minimum ADA requirements. The
10 existing men's room is 75 square feet and the women's room 85 square feet. The
11 applicant intends to increase the square footage to 123 square feet in the men's room
12 and 155 square feet in the women's room. Therefore there will be ample space to
13 access each and meet the minimum A.D.A. requirements.
- 14 4. The applicant is not requesting any changes in the current use; the hours of operation
15 or expansion, or in the designated live entertainment area. A preliminary maximum
16 occupant load review suggests that the new occupant load count will be comparable
17 to current count.
- 18 5. The proposed interior modifications are generally consistent with that of the previous
19 Planning Commission and City Council approvals.

20 Section 5. Based on the foregoing, the Planning Commission hereby approves the
21 Conditional Use Permit Amendment to allow for alterations to the floor plan of an existing
22 business with on-sale alcohol and live entertainment subject to the following **Conditions of**
23 **Approval** which supersedes Resolution No. 02-6213:

- 24 **1. The development and continued use of the property shall be in conformance with**
25 **submitted plans received and reviewed by the Planning Commission at their**
26 **meeting of July 17, 2007. Any minor modification shall be reviewed and may be**
27 **approved by the Community Development Director. This permit as amended shall**
28 **not be in effect until all of the Conditions have been fully implemented and**
29 **approved by the Community Development Director.**
- 2. The hours of operation for all operations of the business shall be limited to between**
7:00 A.M. and 2:00 A.M. daily.
- 3. The hours for live entertainment shall be limited to the hours between 4:00 P.M. to**
1:15 A.M. Monday through Friday, and from 9:00 A.M. to 1:15 A.M. on Saturday,
Sundays, and Federal and State Holidays, Cinco De Mayo, and St. Patrick's Day.
- 4. Live entertainment shall be limited to the "entertainment stage" as shown on the**
submitted plan.

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5. **An acoustical study shall be prepared by an acoustal engineer, 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 scenario, or on a sound level that will nor be exceeded at any given time pursuant to the Hermosa Beach Municipal Code.**
 - B. **Management shall be responsible for the music/entertainment volume levels.**
 - C. **During the performance of any live entertainment, the exterior doors and windows shall remain closed.**
 - D. **The acoustical study shall be prepared biannually and submitted to the Community Development Department for biannual review by the Planning Commission.**
6. **No seating, drinking or food consumption shall be permitted on the outside patio.**
7. **The interior lobby shall be used for customer queuing. Waiting outside in the public right-of-way shall be prohibited.**
8. **An air conditioning system shall be maintained and operated as needed to air condition the entire building during live entertainment.**
9. **The business shall not operate in a manner as to have an adverse effect on or interfere with the comfortable enjoyment of neighboring residential and commercial property.**
10. **The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area and shall provide a security guard to monitor activity and traffic along 2nd Street.**
11. **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 residential use, and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.**
12. **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 may require on an interim basis (not to exceed 60 days) that the business employ private security personnel. The Chief shall notify the Director of Community Development of this action, who shall forthwith, schedule a public hearing before the Planning**

1 **Commission to consider modification or revocation of this Conditional Use Permit**
2 **by the Planning Commission.**

3 **13. The exterior of all the premises shall be maintained in a neat and clean manner,**
4 **and maintained free of graffiti at all times.**

5 **14. The project and operation of the business shall comply with all applicable**
6 **requirements of the Municipal Code.**

7 Section 6. This grant shall not be effective for any purposes until the permittee and the
8 owners of the property involved have filed at the office of the Planning Division of the
9 Community Development Department their affidavits stating that they are aware of, and agree
10 to accept, all of the conditions of this grant.

11 The Conditional Use Permit Amendment shall be recorded, and proof of recordation shall be
12 submitted to the Community Development Department prior to the issuance of a building
13 permit.

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

17 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees
18 from any claim, action, or proceeding against the City or its agents, officers, or employee to
19 attack, set aside, void or annul this permit approval, which action is brought within the
20 applicable time period of the State Government Code. The City shall promptly notify the
21 permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If
22 the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City
23 fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,
24 indemnify, or hold harmless the City.

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

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

1 VOTE:

AYES:

2 NOES:

3 ABSTAIN:

4 ABSENT:

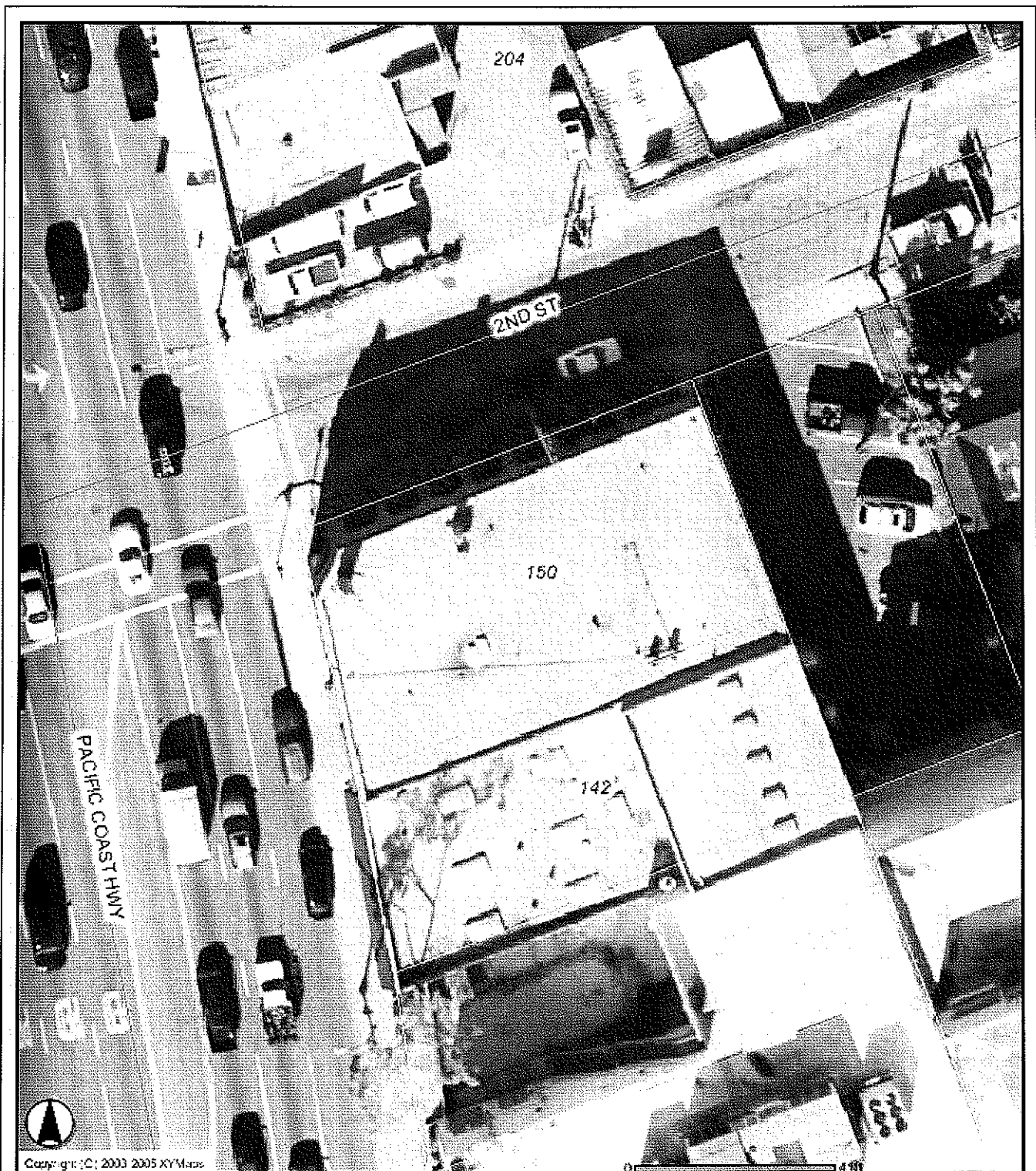
5 CERTIFICATION

6 I hereby certify the foregoing Resolution P.C. 07- is a true and complete record of the action
7 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
8 meeting of July 17, 2007.

9 _____
10 Langelly Kersenboom, Chairman

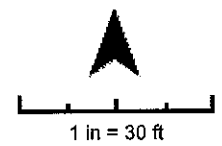
Ken Robertson, Secretary

11 _____
12 Date



142 Pacific Coast Highway

City of Hermosa Beach




Date Printed: 7/10/2007



ADDRESS: 142 PACIFIC COAST HWY

SCALE 1" = 100'


CONTINENTAL MAPPING SERVICE
 6325 Van Nuys Boulevard, Van Nuys, CA 91401
 (818) 787-1663

142 PACIFIC COAST HIGHWAY
POSTER VERIFICATION



D

RESOLUTION NO. 02-6213

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
4 BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION'S
5 APPROVAL OF A CONDITIONAL USE PERMIT, AS AMENDED, TO
6 ALLOW ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH
7 LIVE ENTERTAINMENT AT 142 PACIFIC COAST HIGHWAY LEGALLY
8 DESCRIBED AS LOT 44, AND NORTHERLY 50.69 FT. OF LOTS 45 & 46
9 HOME BUILDERS PLACE TRACT.

10 The City Council does hereby resolve and order as follows:

11 SECTION 1. An application was filed by Gary Cullen, business owner of the Pitcher
12 House located at 142 Pacific Coast Highway, seeking amendment of a Conditional Use Permit to
13 allow on-sale general alcohol.

14 SECTION 2. The Planning Commission conducted a duly noticed de novo public hearing
15 to consider the subject application on April 16, 2002, at which time testimony and evidence, both
16 written and oral, was presented to and considered by the Planning Commission.

17 SECTION 3. The City Council conducted a duly noticed de novo public hearing to
18 reconsider the Planning Commission's approval of the CUP Amendment on May 28, and July 9,
19 2002, at which testimony and evidence, both written and oral, was presented to and considered by the
20 City Council.

21 SECTION 4. Based on evidence received at the public hearings, the Planning
22 Commission makes the following factual findings:

23 1. The Pitcher House has been in operation at this location for over thirty years. The
24 business was originally established prior to the requirement for a Conditional Use Permit for on-
25 sale alcohol. In July 1989 the Planning Commission approved a Conditional Use Permit for on-
26 sale beer and wine for the existing beer and wine bar as required pursuant to Section 17.52.060,
27 which required existing establishments to comply with the requirement to obtain a Conditional
28 Use Permit. In July 1997 the Planning Commission approved a Conditional Use Permit

1 Amendment to allow live entertainment in conjunction with the existing use, with a live
2 entertainment stage and dance floor in the back of the establishment.

3 2. The applicant is proposing to change from an on-sale beer and wine establishment
4 with live entertainment, to an on-sale general alcohol establishment with live entertainment.
5 Interior changes made since the 1997 amendment for live entertainment involve relocation of the
6 dance floor and entertainment stage to a more central location within the building.

7 3. The site is zoned Commercial S.P.A. 7, which allows uses as permitted in the C-3
8 zone, allowing the continuation of the existing "tavern" or bar use, and live entertainment with
9 proposed on-sale alcohol use with a Conditional Use Permit, and allows dancing as a permitted
10 use.

11 **SECTION 5.** Based on the foregoing factual findings, the City Council makes the
12 following findings pertaining to the application to amend the Conditional Use Permit:

13 1. The proposed amendment does not alter the primary use of the establishment as a
14 "tavern" or bar which has been ongoing for over 30 years consistent with licenses obtained from
15 the State Alcoholic Beverage Control, and City approval, and does not substantially intensify or
16 change the use or its impacts;

17 2. The relocation of the entertainment stage and dance area does not change the
18 intensity of the prior approved location, and helps mitigate the impacts of noise on neighboring
19 residents to the east.

20 3. The site is zoned S.P.A. 7, and is suitable for the proposed use with the proposed
21 amendment for on-sale alcohol;

22 4. The proposed use is compatible with surrounding commercial uses along Pacific
23 Coast Highway;

24 5. The implementation of conditions previously imposed on this business to address
25 noise impacts from live entertainment, including the installation of an adequately sized air-
26 conditioner and an acoustical study, and imposition of conditions as required by this resolution
27 will mitigate any negative impacts on nearby residential or commercial properties;

1 6. The project is Categorical Exempt from the requirement for an environmental
2 assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303c,
3 Class 1 project with the finding that the project involves negligible or no expansion of use beyond
4 that which is previously existing on the premises.

5 **SECTION 6.** Based on the foregoing, the City Council hereby sustains the decision of the
6 Planning Commission and approves the Conditional Use Permit subject to the amended **Conditions**
7 **of Approval** which supersedes P.C. Resolution 97-65 as follows:

- 8 1. **The development and continued use of the property shall be in conformance with**
9 **submitted plans received and reviewed by the Planning Commission at their meeting**
10 **of April 16, 2002, and received and reviewed by the City Council at their meetings of**
11 **May 28, and July 8, 2002. Any minor modification shall be reviewed and may be**
12 **approved by the Community Development Director. This permit as amended shall**
13 **not be in effect until all of the Conditions have been fully implemented and approved**
14 **by the Community Development Director.**
- 15 2. **The hours of operation shall be limited to between 7:00 A.M. and 2:00 A.M. daily.**
- 16 3. **Live entertainment shall be limited to the "entertainment stage" as shown on**
17 **submitted plans on file.**
- 18 4. **An acoustical study shall be prepared by an acoustical engineer, including proposed**
19 **sound dampening features to baffle and direct sound away from the entrance/exit**
20 **and window areas to ensure compliance with the noise ordinance. Said study and**
21 **sound dampening features shall be reviewed and approved by the Community**
22 **Development Director and shall be implemented in the building.**
 - 23 A. **The acoustical study shall be based on the worst-case scenario, or on a sound**
24 **level that will not be exceeded at any given time pursuant to the Hermosa**
25 **Beach Municipal Code.**
 - 26 B. **Management shall be responsible for the music/entertainment volume levels.**

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- C. During the performance of any live entertainment, the exterior doors and windows shall remain closed.
- D. The acoustical study shall be prepared biannually and submitted to the Community Development Department for biannual review by the Planning Commission.
- 5. An air conditioning system shall be installed of an adequate size to air condition the entire building, prior to any entertainment activity being conducted on the premises.
- 6. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.
- 7. The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area and shall provide a security guard to monitor activity and traffic along Second street.
- 8. The Police Chief may determine that a continuing police problem exists and may, subject to the review of the Planning Commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem. If the problem persists the Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Commission.
- 9. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
- 10. The project and the continued operation of the business shall comply with all applicable requirements of the Municipal Code.
- 11. The hours for live entertainment shall be limited to the hours between 4:00 P.M. to 1:15 A.M. Monday through Friday, and from 9:00 A.M. to 1:15 A.M. on Saturday, Sundays, and Federal and State Holidays, Cinco De Mayo, and St. Patrick's day.
- 12. Management shall be responsible for the music/entertainment volume levels.

1 13. Noise emanating from the property shall be within the limitations prescribed by the
2 city's noise ordinance and, as such, continuous, repeated or sustained noise between
3 the hours of 10:00 P.M. and 8:00 A.M., that is plainly audible from an adjacent or
4 nearby residential dwelling unit, is specifically prohibited.

5 SECTION 7. The Planning Commission shall annually review compliance with this
6 Conditional Use Permit and may amend the subject conditions or impose any new
7 conditions if deemed necessary to mitigate detrimental effects on the neighborhood
8 resulting from the subject use.

9 SECTION 8.

- 10 1. This grant shall not be effective for any purposes until the permittee and the owners
11 of the property involved have filed at the office of the Planning Division of the
12 Community Development Department their affidavits stating that they are aware of,
13 and agree to accept, all of the conditions of this grant.
- 14 2. The Conditional Use Permit shall be recorded, and proof of recordation shall be
15 submitted to the Community Development Department.
- 16 3. Each of the above conditions is separately enforced, and if one of the conditions of
17 approval is found to be invalid by a court of law, all the other conditions shall remain
18 valid and enforceable.
- 19 4. Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and
20 employees from any claim, action, or proceeding against the City or its agents,
21 officers, or employee to attack, set aside, void or annul this permit approval, which
22 action is brought within the applicable time period of Government Code Section
23 65907. The City shall promptly notify the permittee of any claim, action, or
24 proceeding and the City shall cooperate fully in the defense. If the City fails to
25 promptly notify the permittee of any claim, action or proceeding, or if the City fails to
26 cooperate fully in the defense, the permittee shall not thereafter be responsible to
27 defend, indemnify, or hold harmless the City.

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

7 6. The subject property shall be developed, maintained and operated in full compliance
8 with the conditions of this grant and any law, statute, ordinance or other regulation
9 applicable to any development or activity on the subject property. Failure of the
10 permittee to cease any development or activity not in full compliance shall be a
11 violation of these conditions.

12 SECTION 9. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge
13 to the decision of the Planning Commission, after a formal appeal to the City Council, must be
14 made within 90 days after the final decision by the City Council.

15
16 **PASSED, APPROVED and ADOPTED** this 9th day of July, 2002.

17
18 Kathy Dubabin
19 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

20
21 ATTEST:

22
23 Elaine Doerflinger
24 City Clerk

APPROVED AS TO FORM:

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26 [Signature]
27 City Attorney
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