

**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**Date:** April 2, 2003

**To:** Honorable Mayor and Members  
of the City Council

**From:** Sol Blumenfeld, Director  
Community Development Department

**Subject:** Adoption of the Resolution Denying a Conditional Use Permit  
Amendment – 1100 The Strand, Scotty's

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**Recommendation**

Adopt the attached resolution.

The attached resolution reflects the decision of the City Council, at their meeting of February 23, 2003, to deny a Conditional Use Permit amendment for on-sale alcohol; live entertainment; a take-out food service window; and alterations to the floor plan in conjunction with an existing restaurant; and approving limited extended hours of operation.

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**RESOLUTION 02-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION'S DECISION, ON APPEAL, TO DENY A CONDITIONAL USE PERMIT AND PARKING PLAN AMENDMENT FOR AN EXISTING RESTAURANT AT 1100 THE STRAND, "SCOTTY'S", FOR ON-SALE GENERAL ALCOHOL, TO ADD BAR SEATING AND A DANCE FLOOR IN THE PATIO AREA, TO ADD AMPLIFIED LIVE ENTERTAINMENT; A TAKE-OUT FOOD SERVICE WINDOW; AND APPROVING LIMITED EXTENDED HOURS TO 11:00 P.M. AT 1100 THE STRAND**

Section 1. An application was filed by Pete Mangurian, owner of Scotty's Restaurant, seeking amendment to an existing conditional use permit to allow on-sale alcohol; live entertainment; a take-out food service window; extended hours of operation and alterations to the floor plan in conjunction with an existing restaurant.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on December 4, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the evidence the Commission denied the requested Conditional Use Permit and Parking Plan amendments and approved a limited extension to the hours of operation to 12:00 midnight based on the finding as set forth in P.C. Resolution 02- .

Section 3. The applicant filed an appeal of the Commission's decision.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal on January 14, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the City Council.

Section 5. Based on evidence received at the public hearing, and the record of the decision of the Planning Commission the City Council agrees with and makes the following factual findings:

1. The business is currently operating under the terms of a Conditional Use Permit, as amended, approved in 1989, for on-sale beer and wine in conjunction with a restaurant.

2. The property is zoned C-2, with commercially zoned property to the north and immediately to the south, and public parking lot located to the east. The predominant uses to the south within 200 feet of the site are residential.

3. In 1993, the City Council approved, on appeal, a Conditional Use Permit for live entertainment, On-sale General Alcohol, and a dance floor. This permit was not executed and has now expired.

Section 6. Based on the foregoing factual findings, and the record of the decision of the Planning Commission the City Council makes the following findings pertaining to the application to amend the Conditional Use Permit:

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1. The site is zoned C-2, and is located south of the downtown core area within close proximity to residential uses to the south. Several of these residences are located in the walk-street neighborhoods on 9<sup>th</sup> and 10<sup>th</sup> Street with some of the residences located less than 200 feet from the site.

2. Because of this proximity to a residential neighborhood, the site is not suitable for the proposed use with the proposed amendment for live entertainment, on-sale general alcohol and a dance floor, and extended hours to 2:00 A.M. These changes will increase noise levels, which cannot be satisfactorily mitigated given that entertainment and increased activity would be located within a glass patio enclosure.

3. The restaurant already has a large occupant load, and the proposed change to full service general alcohol with a separate bar seating area would therefore substantially change the character and atmosphere of the restaurant and café and make it operate more like a nightclub or bar. This would result in an increase of activity inside the business that would result in noise and nuisance complaints from nearby residents. Further, patrons would be leaving the business at late hours, and emerging on public ways such as the Strand, further contributing to noise and potential nuisance impacts.

4. Live entertainment and dancing would increase the overall noise and general activity of the business adversely contributing to noise and nuisance concerns noted above.

5. Extending the hours of the business to 2:00 A.M. or any time past 11:00 P.M. presents a greater concern to surrounding residents as noise carries more readily late at night, during hours when residents are also more sensitive to the impacts of noise.

6. The proposed take-out window is not suitable because of the potential conflict with pedestrian and bicycle traffic along the Strand, and is not necessary as take-out orders can easily be accommodated inside the restaurant.

7. The immediate area is already saturated with restaurants with full-service on-sale general alcohol licenses with similar separate bar seating areas. Adding another such establishment would unduly contribute to the proliferation of these types of establishments with full service alcohol licenses, with attendant increases in alcohol related nuisances.

Section 7. Based on the foregoing, the City Council sustains and modifies the decision of the Planning Commission and hereby denies the requests to amend the Conditional Use Permit and Parking Plan to allow on-sale alcohol, live entertainment, alterations to the floor plan, and a take-out window; and, approves only a limited extension of hours of operation under the terms of the current C.U.P. for on-sale beer and wine from 10:00 P.M. to 11:00 P.M.

**PASSED, APPROVED and ADOPTED** this by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

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PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

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ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_ CITY CLERK \_\_\_\_\_ CITY ATTORNEY