

May 21, 2002

**Honorable Mayor and Members of the  
Hermosa Beach City Council**

**Regular Meeting of  
May 28, 2002**

SUBJECT: CONDITIONAL USE PERMIT MINOR AMENDMENT 02-4

LOCATION: 205 PIER AVENUE

APPLICANT: WON SAM & KATSUKO Y. AHN  
ALTA-DENA DAIRY  
205 PIER AVENUE  
HERMOSA BEACH, CA 90254

SUBJECT: RECONSIDERATION OF THE PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST TO CHANGE HOURS OF OPERATION OF AN EXISTING MARKET WITH OFF-SALE BEER AND WINE FROM 7:00 A.M. TO 10:00 P.M. TO 8:00 A.M. TO 12 MIDNIGHT SUNDAY THROUGH THURSDAY, AND TO 2:00 A.M. FRIDAY AND SATURDAY.

**Planning Commission Recommendation**

To sustain the Commission's decision to approve the request to change hours of operation.

**Background**

At their meeting of April 16, 2002, the Planning Commission voted 4:1 to approve the subject request, citing that no record or registered complaints existed in connection with the business operation. Staff's recommendation was to approve the C.U.P. minor amendment subject to standard conditions of approval, and review of the project by the Planning Commission in six months to determine if any violation of the conditions of approval and/or violation of the Hermosa Beach Municipal Code has occurred.

**PROJECT INFORMATION:**

ZONING: C-2, Restricted Commercial

GENERAL PLAN: General Commercial

ENVIRONMENTAL DETERMINATION: Categorically Exempt  
Class 1 Finding

On July 12, 1983, the City Council granted a Conditional Use Permit for the sale of beer and wine in conjunction with a market at this location. On October 16, 1990, the Planning Commission approved a CUP Amendment request to extend the hours of operation to 7:00 a.m. to 10:00 p.m. and add 250 square feet. The property is located on the northeast corner of Manhattan and Pier Avenues with commercially zoned property to the north and east. The drive-thru dairy use has been in operation at the subject location since 1981.

## Analysis

The existing use is appropriate to the commercial zoning and the General Plan. The applicant is requesting to extend the hours of operation for the subject drive-thru dairy use from 7:00 a.m. to 10:00 p.m. daily to 8:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 2:00 a.m. Friday and Saturday. Section 17.26.030 of the Hermosa Beach Zone Code requires Conditional Use Permit approval for off-sale alcohol establishments in all commercial zones if such establishments stay open between 11:01 p.m. and 2:00 a.m. The drive-thru dairy stays open until 10:00 p.m. daily as a condition of their existing C.U.P. even though current land use regulations allow off-sale alcohol establishments by right in all commercial zones to close at 11:00 p.m.

There are two similar uses nearby, Abe's Liquor and Food Bar (formerly Simpson's Market), which have Conditional Use Permits allowing them to stay open past 11:00 p.m. every night of the week. The use is conforming to current parking requirements, providing 8 parking spaces (2 regular and 6 drive-thru spaces) when only 4 spaces are required. Also, there are no police reports of business complaints. Therefore, the majority of the Planning Commission felt that extending the hours of operation for the use, as mitigated with conditions in the attached resolution, will not be detrimental to the surrounding residential neighborhood and is compatible with surrounding commercial uses. These conditions of approval include adequate staffing to prevent loitering and littering, noise control, and review of the project by the Planning Commission in six months to determine if any violation of the conditions of approval and/or violation of the Hermosa Beach Municipal Code has occurred.

CONCUR:

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Scott Lunceford  
Planning Assistant

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Sol Blumefeld, Director  
Community Development Department

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Stephen R Burrell,  
City Manager

## Attachments

1. Draft Resolution to sustain the Commission's approval
2. P.C. Minutes / Resolution
3. Location Map
4. Correspondence