

May 15, 2002

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

**Regular Meeting of
May 28, 2002**

SUBJECT: RECONSIDERATION OF PLANNING COMMISSION'S APPROVAL OF
CONDITIONAL USE PERMIT AMENDMENT (CUP) 02-3 – PITCHER HOUSE
142 PACIFIC COAST HIGHWAY

REQUEST: TO ALLOW ON-SALE GENERAL ALCOHOL AT AN EXISTING ON-SALE BEER
AND WINE ESTABLISHMENT WITH LIVE ENTERTAINMENT.

Recommendation

Adopt the attached Resolution sustaining Planning Commission's approval.

Background

PROJECT INFORMATION:

ZONING:	Commercial SPA 7
GENERAL PLAN:	Commercial Corridor
FLOOR AREA:	2,793 Square Feet
PARKING:	8 Spaces
MAXIMUM OCCUPANCY	233 Patrons
ENVIRONMENTAL DETERMINATION:	Categorically Exempt Class 1 Finding

On April 16, 2002, the Planning Commission unanimously approved a Conditional Use Permit (CUP) amendment to allow on-sale general alcohol for the business which has operated for well over thirty years. According to business license records dating back to 1971, during the period of 1971 to 1978 and 1981 to 1985 licenses had been issued for on-sale general alcohol. (Please see attached chronology). 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 1989, the Planning Commission approved a CUP requested by the applicant for beer and wine as required pursuant to Section 17.52.060. According to this Code provision, all existing establishments with alcohol sales, which did not have a CUP were required to obtain one within two years. Notices were sent to all business with on-sale and off-sale alcohol in the City that were established prior to the CUP requirement.

In November 1997, the Planning Commission approved a Conditional Use Permit Amendment for live entertainment. The premises are currently used for billiards, video games, shuffleboard, foosball, table tennis, live entertainment, and dancing in conjunction with on-sale beer and wine sales and some food service. The use is nonconforming to parking, providing 8 spaces located behind the business, whereas 50 spaces are required under current parking requirements. Most parking is provided on Pacific Coast Highway or on 2nd Street.

Analysis

The applicant is requesting an amendment to the current CUP for full service alcohol. The proposed use is appropriate to the commercial zone and consistent with the General Plan. The business is considered a restaurant with a full kitchen pursuant to Resolution 97-65 which also permits live entertainment. The proposed interior changes relocate the dance floor and stage to a more central location and maintain the kitchen facilities. The occupant load for the business is unchanged. The interior layout of the business includes a bar with stools, tables, billiard and game area, dance floor, stage, dining room, kitchen, restrooms, and office. Conditions of Approval require that an acoustical study be prepared and that an air handling system be provided so that the doors and windows can remain shut during live entertainment. The applicant has submitted a report on the acoustical conditions during live musical entertainment; however, it was not prepared by an acoustical engineer. The latest Planning Commission CUP approval includes the requirement that a new acoustical study be prepared by an acoustical engineer. According to police records from July 1997 to April 2002, only two loud music complaints have been received in 1998 and one complaint was received regarding loud persons in November 2001. The police department has advised that there appear to be few operating nuisance problems reported for the business. No one spoke in opposition to the requested CUP amendment at the Planning Commission hearing, although two letters in opposition were received for the appeal hearing. (Please see attached). The attached resolution includes standard conditions for on-sale general alcohol and live entertainment including noise attenuation requirements for the business.

Given that the use has operated for many years with on-sale beer and wine and general alcohol sales and that there have been few reported problems associated with the current business owner, staff and the Planning Commission recommended approval of the CUP as amended with special requirements for assessing and mitigating noise impacts related to live entertainment.

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell,
City Manager

Attachments

1. Proposed Resolution
2. Planning Commission Resolution
3. Photographs
4. Location map
5. Business license chronology
6. Correspondence

