

**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: June 11, 2002

To: Honorable Mayor and Members of the City Council

From: Sol Blumenfeld, Director
Community Development Department

Subject: Resolution Denying Amendment To Conditional Use
Permit At 142 Pacific Coast Highway, Pitcher House.

Attached is a Resolution denying an amendment to the existing Conditional Use Permit for beer and wine, and entertainment to allow on-sale general alcohol.

C.C. RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT, TO ALLOW ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH LIVE ENTERTAINMENT AT 142 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS LOT 44, AND NORTHERLY 50.69 FT. OF LOTS 45 & 46 HOME BUILDERS PLACE TRACT.

The City Council does hereby resolve and order as follows:

Section 1. An application was filed by Gary Cullen, business owner of the Pitcher House located at 142 Pacific Coast Highway, seeking approval of an amended Conditional Use Permit to allow on-sale general alcohol.

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

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

Section 4. Based on the evidence received at the public hearing, the City Council makes the following factual findings:

1. The applicant is proposing to change from beer and wine to an on-sale general alcohol establishment.
2. General alcohol and entertainment with a Conditional Use Permit and the dance floor are permitted uses in the zone the property is located, commercial Specific Plan Area number 7.
3. There has been non-compliance with P.C. Resolution 97-65 approving live entertainment, including not providing an adequate acoustical study with measures to attenuate noise satisfactorily, and not providing an air conditioning system of adequate size to air condition the entire building.
4. Based on the testimony supplied by the residents at the public hearing, the business is creating noise and nuisance conditions.
5. No justification can be found to approve an amendment to the existing Conditional Use Permit while the business is operating in a manner that is disturbing the neighborhood.

6. Amending the Conditional Use Permit that results in intensification of use will only acerbate the nuisance conditions, that may result in revocation of the existing Conditional Use Permit.

Section 5. Based on the foregoing, the City Council upon reconsideration of the Planning Commission's approval hereby denies the Conditional Use Permit.

PASSED AND APPROVED, and ADOPTED this day of 2002

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

ATTEST:

APPROVED AS TO FORM:

_____ CITY CLERK

_____ CITY ATTORNEY