

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

**Regular Meeting of  
March 22, 2005**

SUBJECTS: PLANNING COMMISSION MEMORANDUM ON CUP AND CODE ENFORCEMENT  
FOR PIER PLAZA DOWNTOWN BUSINESSES.

**Staff Recommendation:**

To direct as deemed appropriate

**Background:**

On January 18, 2005, the Planning Commission conducted its conditional use permit annual review. The Commission considered testimony and reports from staff regarding over-crowding, improper use of outdoor dining areas, noise and other public nuisance behavior. The Commission directed staff to present the attached memorandum expressing its concerns and suggestions for correcting area problems.

**Analysis:**

From August through December 2004, the Police, Fire and Community Development Departments conducted inspections, separately and together, and found several businesses that were in violation of their CUP, encroachment permit, and approved patio seating plans. Each current CUP contains a requirement that a business comply with all municipal laws and ordinances so any Municipal Code violation is also generally a CUP violation. The violations typically related to noise and use of patio areas including:

- Requirement to Close Doors and windows during live entertainment.
- Over occupied patio areas, removal of furniture, failure to comply with approved seating plans.
- Loud music and TV's installed in encroachment patio areas.

Investigations were conducted from August through December 2004 and are attached to the Planning Commission staff report dated January 18, 2005. Staff met with six restaurant owners on November 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> to discuss their violations and the steps needed to bring their businesses into compliance. A list of the restaurants and the issues discussed in these meetings is also attached. Follow up investigations were conducted, November 20<sup>th</sup>, November 29<sup>th</sup>, December 1<sup>st</sup>, 3<sup>rd</sup>, 12<sup>th</sup> and 20<sup>th</sup> 2004. Based upon staff testimony and reports, the Commission recommends use of ticketing to provide an immediate remedy to control noise and enforcement of encroachment regulations to control improper use of the outdoor dining areas.

Additionally, staff is recommending that the outdoor dining standards for encroachment permits be clarified to indicate that outdoor dining areas are to be used exclusively for dining (dining at table seating) rather than as an outdoor lounge for standing and to clearly specify that televisions are prohibited.

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Sol Blumenfeld, Director  
Community Development

Concur:

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Stephen R. Burrell,  
City Manager

Attachments:

1. Planning Commission Memorandum
2. Planning Commission Report – January 18, 2005

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