

October 2, 2006

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

**Regular Meeting of
October 10, 2006**

SUBJECT: RECONSIDERATION OF PLANNING COMMISSION APPROVAL OF A
CONDITIONAL USE PERMIT 06-4 FOR "ON-SALE" ALCOHOL IN CONJUNCTION
WITH A RESTAURANT, "STILLWATER CONTEMPORARY AMERICAN
BISTRO," AND PARKING PLAN AMENDMENT 06-2 TO MODIFY THE ALLOCATION
OF THE USES WITHIN THE HERMOSA PAVILION AT 1601 PACIFIC COAST
HIGHWAY #170

APPLICANT: TRAVIS W. JONES/GENE SHOOK

Planning Commission Recommendation

To sustain the Planning Commission decision to approve the request subject to conditions of approval as contained in the attached resolution.

Background:

PROJECT INFORMATION:

ZONING:

SPA 8-Specific Plan Area

GENERAL PLAN:

Commercial Corridor

EXISTING RESTAURANT AREA:

912 Sq. Ft. (Stillwater Bistro)

PROPOSED NEW RESTAURANT AREA:

7,038 Sq. Ft.¹

PARKING PROVIDED IN HERMOSA PAVILION

540 spaces, 454 standard, 42 tandem,
and up to 44 parallel parking spaces

ENVIRONMENTAL DETERMINATION:

Categorically Exempt

At their meeting of August 15, 2006, the Planning Commission approved the request for on-sale alcohol at Stillwater Bistro, and approved the modified allocation of uses within the Pavilion to allow a larger proportion of restaurant use within the building, subject to standard conditions for restaurants with on-sale alcohol, and including some additional site specific conditions to ensure the continued use of the premises as a restaurant with ancillary retail uses, as follows:

- Midnight closing time
- No live entertainment or dancing
- No televisions
- No outdoor seating or waiting
- No cover charge
- Off-sale wine limited to 11:00 P.M. in appurtenant retail shop

Pavilion Project History/Chronology:

- **February 19, 2002:** The Planning Commission approved a Precise Development Plan, Parking Plan for shared parking and Variance for expansion and remodel to the Hermosa Pavilion to accommodate a health and fitness center and expanded retail floor area and to allow enclosure of the upper deck to exceed the height (**Total square feet 105,378-office 48,990, health club 44,300 and retail 12,088**)
- On Reconsideration and after three continued public hearings April 9, May 28 and June 11, 2002 the City Council approved the requested Precise Development Plan, Parking Plan and

Variance for a modified development program (**Total square feet 108,430-office 25,380, health club 68,000 and retail 15,050**).

- **August 19, 2003:** The Planning Commission approved an amendment to the Precise Development Plan and Parking Plan (PDP 03-11 and PP 03-4) to modify the allocation of proposed uses within the Pavilion (**Total square feet 105,000-office 26,000, health club 46,500, retail 28,500 and restaurant 4,000**).
- **February 15, 2005,** C.U.P. granted for Kids Kabaret – Music and Performing Arts Academy and updated shared parking analysis to allow minor modification to allocation of uses to include 3,000 square foot auditorium use.
- **May, 25, 2005** Updated shared parking analysis and modification to striping plan for V.I.P. lockers for the health club.
- **February, 2006** Updated shared parking analysis submitted per Conditions of Approval of 03-45, based on existing and anticipated allocation of uses. Neighborhood parking analysis and evaluation of spillover parking included in report.
- **April 18, 2006:** The Planning Commission approved Resolution No. 06-16 modifying the Parking Plan at the Hermosa Pavilion to require the owner to provide two hours of free parking for customers with validation and to re-evaluate the effectiveness of the validation program in six months. The applicant requested an appeal on this decision to the City Council.
- **July 11, 2006:** The City Council sustained the decision of the Planning Commission to require 2-hour free validated parking, and 6-month re-evaluation of the program.
- **July, 2006:** The building owner implements the 2-hour validated free parking. The implementation includes prominently displayed signs advertising the 2 hour validated free parking in all public areas and at entry locations.

Analysis:

The applicant, Still Water Contemporary American Bistro, is requesting a Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant pursuant to Section 17.40.080 of the Zone Code. A Parking Plan Amendment is also being requested to modify the allocation of uses to increase the proportion allocated for restaurant from 4,000 square feet to 8,000 square feet. A retail wine and cheese shop will occupy approximately 1,500 square feet of the restaurant square footage.

The proposed restaurant and retail wine and cheese areas are located on ground floor of the Hermosa Pavilion and will feature: a public dining area; "private dining rooms"; bar and lounge; foyer/hostess area; patio with seating areas; wine/cheese retail displays; pantry; cook-line; prep area; service area; scullery/storage area and kitchen/storage/coolers for restaurant facility. The seating plan identified 35 tables with 178 seats.

The applicant indicates that the hours of operation will be 9 a.m. to 10 p.m. for the retail wine and cheese sales and the lunch and dinner hours for the restaurant (11 a.m.-2:00 p.m. & 5:00 p.m. –10:00 p.m.). The original request included lounge hours until the 2:00 a.m. Off-sale wine sales is a permitted use by-right until 11:00 p.m., and the applicant indicates that it will not be open later than 10:00 p.m. Staff recommended that the C.U.P. establish one set of operating hours from 7:00 A.M. to 12:00 midnight which was incorporated into the Planning Commission approval, with the retail wine shop limited to 11:00 P.M.

The applicant has also represented that wine tasting services will be provided in the wine retail areas but will not provide any fixed seating in this area. Regarding entertainment, no entertainment will be provided according to the applicant. The floor plan identifies no stage, and any future events or modifications to the floor plan identifying a stage area for playing music requiring amplification will require an acoustical study and a Conditional Use Permit Amendment application.

The proposed restaurant is part of a multi-tenant building with secured parking and access from the central building lobby on Pacific Coast Highway and the parking garage. The restaurant is proposed to be an upscale, full service-dining establishment with ancillary retail wine and cheese tasting. These uses and the proposed business operations are consistent with the goals of the General Plan which call for "affirming the commercial character of the highway" and the general definition of the C-3 zone which is intended to provide "opportunities for the full range of office, retail and service businesses for the city and appropriate for the Pacific Coast Highway". (Page 105, Land Use Element, General Plan). The full service restaurant will complement the other uses within the commercial building and is consistent with the character of the commercial corridor.

Though bars and restaurants serving alcohol have been a permitted use for many years along the commercial corridor, the area is not heavily impacted with these uses. Staff surveyed the commercial corridor and found that of the 306 business along the corridor there are sixteen restaurants. Of the sixteen restaurants located on Pacific Coast Highway, only nine have CUP's for "on-sale" beer/wine, and two have CUP's for full alcohol. (See attached survey).

Further, the proposed business is not considered a bar or lounge use as less than 643 square feet of the restaurant is allocated to the bar area, representing less than 10% of the floor area. The restaurant is entirely enclosed within a secured and insulated building and should not negatively impact abutting commercial and residential uses. Therefore the proposed restaurant is appropriate to the zone, a fitting use for the area, compatible with other uses in the multi-tenant building and consistent with the goals and objectives of the General Plan.


Parking Plan:

The proposed Parking Plan amendment is required to update and modify the allocation of uses within the Hermosa Pavilion including the proposed restaurant. The potential parking impacts associated with the requested restaurant changes from 4,000 square feet of restaurant space to 8,000 square feet of restaurant was addressed in the latest Parking Study Report/Shared Parking Analysis for the Hermosa Beach Pavilion, prepared by Linscott, Law & Greenspan, Engineers on February 13, 2006. In addition to updating the allocation of uses to reflect actual tenancy, including all the latest modifications, and evaluating the day spa uses, the report identified and assessed future restaurant space of 8,000 square feet (the proposed restaurant and the existing cafe), and found that weekday peak shared parking demand of 426 spaces can be accommodated by the 454 standard spaces and 42 tandem spaces as provided with the latest revised striping layout plan. Thus the study indicates that proposed uses do not significantly impact the supply of parking (Pgs. 4, 27 & 28, LL & G Study).


Resolution No. 06-16 (which pertains to the entire Hermosa Pavilion) addressed detrimental effects of spillover parking and was sustained by the City Council. Given that the proposed restaurant intensifies the demand for parking in the building and that the required parking is based upon a shared parking analysis, staff has included conditions of approval to require free 2-hour validated

parking for customers of the restaurant consistent with the decision of the City Council and review of the CUP if there is a problem identified with the building parking adequacy or efficiency.

In order to monitor the applicant's performance relative to the modified Parking Plan, staff conducted an informal survey of the parking garage and surrounding streets on August 2, 2006 at 6:00 P.M.. Staff observed significant use of the parking garage and did not observe large volumes of cars parking on 16th Street east of Pacific Coast Highway or within the surrounding residential streets and did not observe people leaving their cars and walking to the Pavilion Health Club facility. Staff did observe several cars parking on the west side of Pacific Coast Highway with drivers leaving their cars and walking to the health club, however, many club users were also observed entering the parking garage from Pacific Coast Highway via the 16th Street entrance.


Ken Robertson,
Senior Planner

CONCUR:


Sol Blumenfeld, Director
Community Development

Stephen R. Burrell
City Manager

Attachments:

1. Proposed Resolution sustaining the Planning Commission
2. Parking Study excerpts
3. PCH Restaurant/Bar Survey
4. Correspondence

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¹ The latest plan submitted by the applicant shows a total floor area for the restaurant as 7,372 square feet rather than the 7,038 as originally submitted, when added to the approximate 900 square foot bistro, the total slightly exceeds 8,000 square feet which is not a material change to the allocation as documented in the parking study.

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT AND APPROVING A PARKING PLAN AMENDMENT MODIFYING THE ALLOCATION OF USES WITHIN THE "HERMOSA PAVILION" INCLUDING 8,000 SQUARE FEET OF RESTAURANT (INCLUDING APPURTENANT FOOD RELATED RETAIL USES) AT 1601 PACIFIC COAST HIGHWAY # 170 AKA 1605 PACIFIC COAST HIGHWAY.

The City Council of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Stillwater, LLC, on behalf of Stillwater Contemporary American Bistro, seeking approval for on-sale general alcohol in conjunction with a new restaurant proposed in the Hermosa Pavilion, and amendment to the Parking Plan (P.C. Resolution 03-45) to modify and update the allocation of uses approved as part of the shared parking analysis.

Section 2. The Planning Commission conducted a duly noticed public hearings to consider the application for the Conditional Use Permit and Parking Plan Amendment on July 18, 2006, and August 15, 2006, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission, and based on said evidence the Commission approved the Conditional Use Permit subject to conditions as set forth in P.C. Resolution 06-22

Section 3. On September 12, 2006, the City Council, pursuant to Section 2.52.040, initiated review and reconsideration of the decision of the Planning Commission.

Section 4. The City Council conducted a duly notice public hearing to review and reconsider the decision of the Planning Commission on October 10, 2006, at which the record of the decision of the Planning Commission and 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, the City Council makes the following factual findings:

1. On August 19, 2003, the Planning Commission adopted P.C. Resolution 03-45 to approve Precise Development Plan and Parking Plan to remodel and expand an existing commercial building and to allow shared parking to accommodate a new allocation of uses within the building including a health and fitness facility, office, retail and restaurant uses. The approval included an allocation of 4,000 square feet for restaurant use.

1 2. The proposed restaurant will increase the allocation for restaurant use to 8,000 square feet,
2 and proposed changes also include updates in the allocation of uses to reflect other minor
3 modifications that have occurred since 2003 in the allocation of uses within the building.

4 3. The site is zoned SPA-8, Commercial, allowing restaurant uses, and on-sale general alcohol
5 with approval of a Conditional Use Permit.

6 4. The Planning Commission conducted a duly noticed public hearing to consider the revocation
7 or modification of the Precise Development Plan and Parking Plan on April 18, 2006, pursuant to
8 Section 17.70.010 of the Zoning Ordinance (sub-sections E and F), and adopted Planning
9 Commission Resolution No. 06-16 (which pertains to the entire Hermosa Pavilion) to address
10 detrimental effects of spillover parking and which supersedes P.C. Resolution 03-45.

11 Section 6. Based on the foregoing factual findings, the City Council makes the following
12 findings pertaining to the application to amend the Conditional Use Permit:

13 1. The site is zoned S.P.A. 8 which permits on-sale alcohol in conjunction with restaurant uses,
14 and the site is suitable for the proposed use;

15 2. The restaurant is located entirely within a secured, sound insulated building with entry only
16 from a common lobby accessible only from Pacific Coast Highway and no outdoor use is permitted
17 for the business;

18 3. The restaurant is separated from adjacent residential uses by the Hermosa Pavilion's fully
19 enclosed parking garage to the west, the width of Pacific Coast Highway to the east and more than
20 100 feet of building frontage to the north, thereby mitigating potential noise impacts from the
21 business;

22 4. The proposed use is compatible with the commercial uses within the Hermosa Pavilion,
23 consistent with the commercial character of the highway corridor and sufficiently secured within a
24 multi-tenant building to be compatible with adjacent residential uses;

25 5. The imposition of conditions, including a limitation on the hours of operation, no outdoor
26 dining and the requirement for free validated parking, as required by this resolution will mitigate
27 any negative impacts on nearby residential or commercial properties;

28 6. This project is Categorical Exempt pursuant to Section 15303c of the California
29 Environmental Quality Act.

30 Section 7. Based on the foregoing factual findings, the findings for the Conditional Use
31 Permit, and the updated shared parking analysis prepared by Linscott Law and Greenspan; Parking
32 Study Report, dated February 13, 2006, the Planning Commission makes the following findings
33 pertaining the application to amend the Parking Plan to modify the allocation of uses within the
34 Hermosa Pavilion:

1. The Parking Study Report identified and assessed all updated allocations including future restaurant space of 8,000 square feet (therefore including the entire approximate square footage of the proposed restaurant facility), and found that weekday peak shared parking demand of 426 spaces can be accommodated by the 454 standard spaces and 42 tandem spaces as now provided with the latest revised striping layout.

2. Thus the study indicated that the shared parking impacts were immaterial to the supply of parking (Linscott Law and Greenspan; Parking Study Report, pg. 27).

3. The detrimental effects of the spillover parking which has occurred at the Hermosa Pavilion, documented in the Parking Study Report, and potentially exacerbated with a new restaurant, will be mitigated with the condition requiring free validated parking applicable to the restaurant and to the entire building.

Section 8. Based on the foregoing, the City Council sustains the decision of the Planning Commission and hereby approves the Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant and approves the amendment to the Parking Plan to modify the allocation of uses, subject to the following

Conditions of Approval.

- 1. Interior and building alterations and the continued use and operation of the restaurant with appurtenant wine and cheese shop shall be substantially consistent with the plans submitted and reviewed by the Planning Commission on August 15, 2006 and the City Council on October 10, 2006.**
 - a. The Conditional Use Permit is for on-sale alcohol in conjunction with a restaurant and ancillary uses designated on the floor plan for (wine and cheese shop closing before 11:00 p.m.). Any intensification of use involving live entertainment, such as providing a disc jockey or other forms of amplified music for customer dancing, any type of live entertainment (i.e. live music whether acoustic or amplified, comedy acts, or any other type of performances) or extended hours of operation beyond what is specified requires amending this Conditional Use Permit.**
 - b. If the Conditional Use Permit is amended to provide dancing, live music, or other live entertainment as noted above, an acoustical analysis shall be conducted to verify compliance with the noise ordinance, demonstrating that the noise will not be audible from any adjacent residential use. Mitigation measures to attenuate noise may include sound baffles, double glazing and other methods specified in the acoustical study. The scope of the acoustical study shall be approved by the Community Development Director**
- 2. The hours of operation for all operations of the restaurant, including the lounge area, shall be limited to between 7:00 A.M. and 12:00 Midnight.**

- 1 3. The wine and cheese shop retail uses are appurtenant to the restaurant and shall only
2 operate in conjunction with the restaurant, but shall close at 11:00 P.M. The kitchen
3 shall remain open during operating hours to ensure that the use is maintained primarily
4 as a restaurant.
- 5 5. No televisions are permitted in any part of the restaurant.
- 6 6. The exterior access at the south east corner of the restaurant shall be use for emergency
7 exiting only with appropriate signage and panic hardware.
- 8 7. The business shall not operate in a manner as to have and adverse effect on or interfere
9 with the comfortable enjoyment of neighboring residential and commercial property.
- 10 8. The business shall provide adequate staffing, management and supervisory techniques
11 to prevent ongoing and disruptive loitering, unruliness, and unduly boisterous activities
12 of the patrons outside the business.
- 13 9. Noise emanating from the property shall be within the limitations prescribed by the
14 City's noise ordinance and shall not be plainly audible from any residential use, and
15 shall not create a nuisance to surrounding residential neighborhoods, and/or
16 commercial establishments.
- 17 a) Outside dining and/or waiting areas are prohibited
- 18 10. The restaurant shall not require any cover charge or fee for general entry into the
19 restaurant or appurtenant areas.
- 20 11. The Police Chief may determine that a continuing police problem exists, and may
21 authorize the presence of a police approved doorman and/or security personnel to
22 eliminate the problem, and then shall submit a report to the Planning Commission,
23 which will automatically initiate a review of this Conditional Use Permit by the Planning
24 Commission.
- 25 12. The applicant shall submit a detailed seating and occupant load plan prepared by a
26 licensed design professional, which shall be approved by the Community Development
27 and Fire Departments prior to implementing the restaurant use. An approved occupant
28 load sign must be posted in the business.
- 29 13. The Fire Department shall maintain a record of the posted allowable occupant load for
the business and regularly check the business for occupant load compliance. The Fire
Chief may determine that there is a repeat pattern of occupant load violations and then
shall submit a report to the Planning Commission which will automatically initiate a
review of this Conditional Use Permit by the Planning Commission.
14. The exterior of all the premises shall be maintained in a neat and clean manner, and
maintained free of graffiti at all times.

- 1 15. Any significant changes to the interior layout, which alter the primary function of the
2 business as a restaurant, (i.e. increasing floor area for bar seating, or adding a dance
3 floor) or increasing the designated floor area of restaurant seating shall be subject to
4 review and approval by the Planning Commission and require amendment to this
5 Conditional Use Permit.
- 6 16. The project and operation of the business shall comply with all applicable requirements
7 of the Municipal Code.
- 8 17. The Planning Commission shall conduct a review of the restaurant operations for
9 compliance with the terms of the Conditional Use Permit in 6 months, and in response to
10 any complaints thereafter.
- 11 18. Two hour free validated parking shall be provided for patrons of the restaurant within
12 the Hermosa Pavilion parking facility and signs shall be prominently displayed at the
13 entry and within the restaurant to promote the two-hour free validated parking
14 program;
- 15 19. The Parking Plan approval, as set forth in P.C. Resolution 03-45, as amended by P.C.
16 Resolution 06-16, and sustained by the City Council on July 11, 2006, is amended with
17 respect to the allocation of uses, which shall be substantially consistent with or less than
18 the following allocation:

	<u>Allocation (in square feet)</u>
Health and Fitness Facility (including a basketball court and pool)	46,000
Office	20,400
Day Spa	13,000
Retail	9,600
Restaurant (Including food related retail sales)	8,000
Auditorium	3,000
Storage	<u>10,600</u>
Total	110,600

23 Any material change to this allocation requires amendment to the Parking Plan, and
24 approval of the Planning Commission.

- 25 20. The Conditional Use Permit shall be subject to Planning Commission review 6 months
26 after commencement of business operations and annually thereafter.

27 Section 8. This grant shall not be effective for any purposes until the permittee and the
28 owners of the property involved have filed a the office of the Planning Division of the Community
29

Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit and Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

PASSED, APPROVED, and ADOPTED this day of , 2006,

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

ATTEST:

APPROVED AS TO FORM:

CITY CLERK _____ CITY ATTORNEY _____

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**MINUTES OF THE PLANNING COMMISSION MEETING
OF THE CITY OF HERMOSA BEACH HELD ON
AUGUST 15, 2006, 7:00 P.M.,
AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:02 P.M. by Vice-Chairman Allen.

Alan Strusser led the Salute to the Flag.

ROLL CALL

Present: Kersenboom, Perrotti, Pizer, Vice-Chairman Allen
Absent: Hoffman
Also Present: Sol Blumenfeld, Community Development Director
Kent Robertson, Senior Planner
Denise Bothe, Recording Secretary

ORAL/WRITTEN COMMUNICATIONS

Alan Strusser, resident, thanked the Commission for its involvement in some minor improvements being enjoyed with the Pavilion activities, stating that a flashing light invites pedestrians to go a block south to the 16th Street crosswalk; and mentioned that the free parking program has had some positive effect on the neighborhood.

CONSENT CALENDAR

For the benefit of the audience members, Vice-Chair Allen advised that Item Nos. 9 and 10 will be continued.

4. Approval of July 18, 2006 Minutes

Commissioner Kersenboom corrected Page Nos. 8 and 9 to reflect "Commissioner Kersenboom" rather than "Vice-Chairman Kersenboom."

MOTION by Commissioner Pizer, seconded by Commissioner Kersenboom, to **APPROVE** the July 18, 2006, Minutes as amended. The motion carried as follows:

AYES: Allen, Kersenboom, Pizer
NOES: None
ABSTAIN: Perrotti
ABSENT: Hoffman

5. Resolution(s) for Consideration

None.

PUBLIC HEARING(S)

6. CUP 06-4 -- Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant, Still Water Contemporary American Bistro, and Parking Plan amendment

to modify the allocation of uses within the Hermosa Pavilion at 1601 Pacific Coast Highway #170, AKA 1605 Pacific Coast Highway (continued from June 20 and July 18, 2006 meetings).

Staff Recommended Action: To direct staff as deemed appropriate from the following alternatives: 1) Approve the request subject to the conditions of approval contained in the attached resolution; or 2) Consider the building parking problems that have occurred over the last six months and advise the applicant to resubmit the project permit application once it has been demonstrated that building spillover parking has been resolved.

Director Blumenfeld noted that a lengthy staff report was presented at the previous meeting on the nature of the business and application; he briefly reiterated that this is a proposed parking plan amendment and a conditional use permit for on-sale alcohol in conjunction with a restaurant; advised that the proposed restaurant will occupy approximately 7,038 square feet; that there is an existing café on the first floor of the Pavilion, where this project will be located; and that there is also a retail and wine shop that will occupy 1,535 square feet, as part of the business. He clarified for Vice-Chairman Allen that the actual footprint of the restaurant is 7,038 square feet; and of that, there are other related retail uses that are located within the restaurant -- a wine and cheese shop that occupies 1,535 square feet. He advised that the applicant is requesting a midnight closing for the entire facility; noted the restaurant will be a full-service restaurant; that it provides seating in a bar area, provides a retail area for wine and cheese -- noting that this area contains no fixed seating; that the owner is not proposing amplified live entertainment; and that in the future if they were to propose that use, it would require a CUP amendment.

Director Blumenfeld pointed out this restaurant is proposed within an enclosed building that fronts on a commercial corridor; that it's complimentary to the other uses within the building; advised that staff surveyed the highway and found there are approximately 306 businesses -- about 16 restaurants, 2 of which serve full alcohol, and approximately 3 percent of the businesses within the commercial corridor serve alcohol, or beer and wine. He noted the commercial corridor is not heavily impacted with alcohol related use; pointed out there is approximately 10 percent of floor area in the business for the bar area, stating this is primarily a restaurant; and concluded that the use is appropriate to the zone, to the area, consistent with the goals and objectives of the General Plan, compatible with the zoning and the businesses within the multi-tenant building.

Director Blumenfeld advised that with respect to parking, staff has been monitoring affects of parking in the garage since modification of the building parking plan and found improvement along adjacent streets and along the highway and increased parking in the garage. He reviewed the recommendations for the Commission to consider; stated if the Commission chooses to approve the on-sale alcohol permit, that the CUP for the restaurant be based on conformance with the Pavilion Parking Plan; noted that violations of the Parking Plan are cause for submittal of a report to the Planning Commission, which would automatically initiate a CUP review; and the restaurant use is tied to the operation of the parking facilities within the building. He indicated the operating hours should be noted as 7:00 A.M. to 12:00 midnight daily; recommended that the allocation of uses shown in the shared parking analysis attached to staff report should be part of the draft resolution, as indicated in staff report; that the kitchen shall remain open during operating hours; if there are repeat violations of noise or security or nuisance conditions or excessive occupancy of the establishment, he advised that would be grounds for either the police chief or fire chief to report to the Planning Commission, initiating an automatic review by the Planning Commission. He stated that the 2 hour free parking validation

program shall be instituted for this business as it has been for the rest of the building; that parking signs indicating these parking arrangements shall be displayed within the restaurant; and that the CUP be subject to Planning Commission review after 6 months based on the date of the business opening.

Each Planning Commissioner present this evening advised they were contacted by Gene Shook and that they met with him and his consultants to discuss this project; and Commissioners Allen and Perrotti advised they had also talked with various residents about this project.

Commissioner Perrotti questioned when the building housed the AMC Theatres, was there a record of any violations from that former business.

Director Blumenfeld advised that staff checked the records and found no violations on record.

Vice-Chairman Allen opened the public hearing.

Gene Shook, applicant, provided a slide presentation of what is proposed for this business, highlighting the ceiling designs, elaborate/high-end materials, exposed kitchen, chandeliers, specialized lighting, wine bottle walls, etc.; stated that with the free 2-hour parking program, he will be losing anywhere from \$300,000 to \$1 million in lost revenue; stated that he has seen a decrease in on-street parking on the neighboring streets; and that there has been an increase in the number of people parking inside the structure. He advised that he is trying to gain the support of 24 Hour Fitness to get the parking issue out to their clients. He mentioned that he is seeking a midnight closing time for the business, but added that for very special occasions, he would like to stay open later if the need arises, such as a Christmas party. Mr. Shook pointed out that his CUP is one of the most restrictive in the City and that he does not want this business to turn into a bar or nightclub, that he is only interested in providing an upscale restaurant that serves full alcohol. He advised that approximately 8,300 invitations were sent to the City's residents, inviting them to an open house for this restaurant; stated that a couple hundred people attended the open house; and that an overwhelming majority had positive responses to the proposed restaurant. Mr. Shook urged the Commission to correct the square footage for the allocation of uses.

Director Blumenfeld explained for Vice-Chairman Allen that the allocation of uses which are shown in staff report are also the allocation of uses that were quantified in the parking study by LLG; that if there are to be some other uses considered, they would need to be quantified; advised that he and Mr. Shook had a lengthy discussion regarding this issue earlier today; that he told Mr. Shook he would share Mr. Shook's concerns with the City Attorney; that they will review what the Commission and City Council had previously reviewed and approved with respect to the business and then make a recommendation; advised that if there is a need to make some change, staff will need to bring that forward to the Planning Commission.

Mr. Shook stated that these items were addressed in the LLG parking report, but that there wasn't square footage established to go with them, that it was only verbiage; and that he is seeking only to clarify those numbers so that someone does not confront him with any problem regarding those exact numbers in the future. He mentioned that the VIP lockers have already been approved and the health and fitness club have been built exactly to the plans and that he is not seeking additional square footage.

Director Blumenfeld recommended that the Planning Commission not act on the applicant's request to change the allocation square footage at this time until staff has discussed this issue

with the City Attorney; stated that the Planning Commission has a resolution which shows 105,000 square feet of approved area related to the original Parking Plan approval; noted that staff has quantified through a parking analysis the uses that are shown in staff report; that the matter Mr. Shook wants to address needs to be taken up by the City Attorney; and that if a change needs to be made, then it can be handled as a separate matter. He added that these other allocations are not the subject of this application; that the only issue under consideration is the restaurant CUP and the restaurant parking demand.

Mr. Shook reiterated he is not going to build the building wider, change the square footage or footprint of the building, but he does not want the Commission to approve something then have a resident come in and say it was built larger than plans allowed.

Director Blumenfeld explained that the allocations shown in the resolution are the operating conditions for the applicant; stated Mr. Shook processed an application and originally received an approval for 105,000 square feet; that increased over the course of Mr. Shook's approval process, he's added close to 30,000 square feet of floor area within this building. He added that the Commission's concern primarily with this business is not so much how it's modified on the interior, but with how the modifications affect parking and whether the uses within the building are allowed within the zone. He stated it's important to keep track of the use allocations, and quantify every proposed change. He reiterated that if there is a significant change that will affect parking, then the Commission should review the CUP or Parking Plan because the Commission would want to make sure there is an adequate balance between the supply of parking and parking demand. He reiterated that other allocations are not the application before the Commission this evening.

Mr. Shook urged the Commission to simply change something from 20,300 to 20,400 square feet, to change 9,600 to 10,000 square feet; pointed out that the walls are already up and that there is no increase to be done.

Larry Hospensen, resident, requested this matter be continued until after the Public Works Commission consider how the signal and the parking conditions are working on 16th Street and PCH; and he expressed his belief the input from that meeting may materially adjust how the Planning Commission will make its decision.

Leslie Neff, resident, stated she attended the open house and said everything looked grand; advised that around 6:00 P.M. there was limited parking on all levels; and stated there still remains a big problem with on-street parking.

Ron Newman, resident, expressed his support for the applicant's proposal; and stated that the restaurant patrons are likely to use the valet parking services.

Lee Grant, resident, expressed belief that the traffic study is incomplete and full of errors; that the proposed restaurant will create too much of a traffic and parking burden; and stated that this City has exceeded the allowable number of alcohol businesses.

Alan Strusser, resident, noted his opposition to this application; stated this application should be put on hold until the City can come up with plans to solve the nuisance problems to the neighbors. He stated he would then welcome this restaurant; and he asked for a parking district.

Eric Riley, resident, stated he would support a nice restaurant, but that he would prefer it be

open no later than 11:00 P.M.; and expressed his belief 2 hours of free parking is not enough. He stated that people are starting to use the parking structure more, but stated that more time is necessary to see a large impact.

Elsie Kushner, resident, noted her opposition to more alcohol businesses in this City; stated that the alcohol sales in this community has had a negative impact upon the residents' serenity and quality of life; and she expressed her belief this restaurant is out of scale with the affordability of this City's residents.

Ron Miller, resident, stated he lives in the unit closest to the parking garage; advised that he submitted a letter which discusses the issues of cars and traffic affecting the peace and tranquility of the neighbors; advised that he is aware of two times when the lot has placed signs out front indicating the lot was full and that the motorists are continuing to park in the neighborhoods; and he noted his support to continue this matter until the Public Works Commission has dealt with the parking and traffic issues related to this building. He stated the horns honking, loud car music, speeding vehicles, loud voices are negatively impacting the neighbors.

Greg Sampson, resident, asked that this matter be tabled for one month until a full Commission is present to vote on this issue and until the Public Works Commission addresses the traffic and parking issues related to this site.

Mike Borgen, resident, stated he is looking forward to seeing this high-end restaurant built in Hermosa Beach.

Gary Brusshard, project architect, stated that patrons of this restaurant will come from all over Southern California and he offered to answer any questions with regard to the space of this restaurant.

Mindy Brown, resident, stated that she likes the idea of this scale restaurant, but noted that this area is heavily impacted by speeding traffic, loud pedestrians, parking problems, and noted her opposition to this restaurant being placed at this location.

Rosalind Bender, resident, stated that a restaurant of this size should not be permitted this close to a residential area; expressed her concern that taxi businesses will be patrolling the neighborhoods for restaurant customers; and explained that it is currently burdensome to obtain a parking ticket for this facility. She urged the City to take into consideration the residents' objections.

Alan Tillman, resident, asked that this matter be continued until a full Commission is present to vote on this matter; advised that a traffic and parking problem still exists; and urged the City's support and help.

Morty Benjamin, resident, stated that too many residents are opposed to this restaurant and additional alcohol sales in this City; and asked that this matter be deferred until after the Public Works Commission meeting.

Carl Newman, resident, noted his opposition to the application for alcohol sales, believing there are too many alcohol permits in this City; and noted his opposition to a restaurant staying open until midnight. He stated that the gym patrons are continuing to park in the neighborhoods and jaywalk on PCH.

Carla Merryman, representing the Hermosa Beach Chamber of Commerce, noted the Chamber's support of this application; and stated that the size of this restaurant is not out of scale with others in the City. She stated that many residents were impressed with the open house and stated that the neighborhood parking has improved.

Bill Hedrick, resident, stated he does not believe this restaurant will compare with The Bottle Inn.

Patty Egerer, resident, stated the City has exceeded its share of alcohol licenses; and noted that Hermosa Beach has a tremendous problem with the proliferation of alcohol outlets and the patrons that disturb and degrade the tranquility and quality of life for the residents. She pointed out that the summer months are not the peak business period for the gym; and asked if mutual aid will be required.

Gary Davis, resident, urged the City to consider the residents' concerns before business interests; he noted his concern with traffic and pedestrian safety and limited parking; and noted his opposition to another liquor license in this area.

Mr. Shook stated there are 540 parking spaces; explained that the parking facility has a flow in and out of the building; stated to his knowledge the parking facility has not been full; and he urged the Planning Commission not to delay this matter, noting that work needs to get under way.

There being no further input, Vice-Chairman Allen closed the public hearing.

Commissioner Perrotti expressed his belief there will be no noise coming from inside the building, this restaurant; stated he would like to see only have one entrance to the restaurant interior; recommended there be no outdoor use of any type, no outside dining, waiting or loitering; and that that the door on the southeast side of the building be an emergency exit only with panic hardware. He stated there are legitimate concerns with the potential for restaurants morphing into bars/clubs, but expressed his belief staff has done a thorough job in drafting a comprehensive resolution; reminded the audience that the CUP is subject to Planning Commission review 6 months after initial operation and every year thereafter; pointed out that some of the traffic problems are motorist behavior issues that Mr. Shook should be not be held accountable for; and he expressed his belief there have been some improvement with parking in the neighborhoods as a result of the free validated parking plan. He expressed his belief patrons of this restaurant will use the parking structure and valet service; stated there is an adequate number of garage parking spaces; urged the City and the applicant to improve getting the word out about the parking garage availability; and he mentioned that residents often complain to him they are tired of leaving the City to go to an upscale restaurant. He mentioned this is a commercial corridor; and stated he will be voting in favor of the resolution with the recommendation that the Commission add a condition concerning no outdoor use and for the southeast door to be an emergency exit only.

Commissioner Pizer stated it is the Commission's job to be fair to the residents' desires and the property owners' rights; expressed his belief the patrons of this restaurant will not be creating a nuisance to the neighbors; and stated this restaurant will have a positive effect in the City.

Commissioner Kersenboom stated this building is beautiful and that it will be an asset to the community; and pointed out that the issue with rude behavior of the building patrons is not the

responsibility of Mr. Shook's.

Vice-Chairman Allen stated that he spent a lot of time speaking with the residents, including those who live next to this facility; and advised that everyone had varying opinions on this restaurant and its approval. He stated he is impressed with the operation of this facility and that it will be an asset to the community; suggested adding the following language: that under no circumstance should there be any cover charge; that no televisions be permitted; and expressed his belief the parking issues will be solved with a parking district.

MOTION by Commissioner Perrotti to **APPROVE** CUP 06-4 -- Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant, Still Water Contemporary American Bistro, and Parking Plan amendment to modify the allocation of uses within the Hermosa Pavilion at 1601 Pacific Coast Highway #170, AKA 1605 Pacific Coast Highway; approve the resolution with the following modifications: no dining, waiting, or loitering be permitted outside; that the southeast door only be used as an emergency exit and have panic hardware installed; that there be no cover charge; and that no televisions be permitted.

Commissioner Pizer offered a friendly amendment on page 7, Condition of Approval No. 2, to read "the hours for all operations of the restaurant shall be limited between 7:00 A.M. and 12:00 midnight."

Commissioner Perrotti accepted that friendly amendment to his motion.

Commissioner Pizer seconded the motion. The motion carried as follows:

AYES: Allen, Kersenboom, Perrotti, Pizer
NOES: None
ABSTAIN: None
ABSENT: Hoffman

RECESS AND RECONVENE

The meeting was recessed at 8:53 P.M. and reconvened at 9:02 P.M.

- 7. PDP 06-4/PARK 06-1 -- Precise Development Plan and Parking Plan for a new 14,688-square-foot commercial building containing office and retail uses using a combination of on-site parking and parking in-lieu fees to meet parking requirements, and adoption of an Environmental Negative Declaration at 338 and 400 Pier Avenue (continued from June 20 and July 18, 2006 meetings).**

Staff Recommended Action: To approve said request.

Senior Planner Robertson advised that the Planning Commission had directed the applicant to either increase on-site parking or to modify the proposed uses in order to minimize the parking deficiency, and to minimize the need for parking in lieu fees; stated that over the last several weeks in response to the Commission's direction, the applicant has been working on revisions to the project to provide the required parking on site; and that several alternatives were considered. He noted that the applicant has chosen to modify the uses and to slightly modify the buildings, has also modified the parking structure to increase the total capacity of the parking from 34 to 37 parking spaces; noted that the proposed combination of uses has changed and no longer includes a restaurant use; that the revised project includes 5,692 square

~~MOTION~~ by Chairman Hoffman, seconded by Commissioner Kersenboom, to ~~APPROVE~~
~~Resolution P.C. 06-18~~, amending the development standards of the R-1 zone, pertaining to the
exceptions for small lots. The motion carried as follows:

AYES: Allen, Hoffman, Kersenboom,
NOES: None
ABSTAIN: Pizer
ABSENT: Perrotti

PUBLIC HEARING(S)

6. **CUP 06-4 -- Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant, StillWater Contemporary American Bistro, and Parking Plan amendment to modify the allocation of uses within the Hermosa Pavilion at 1601 Pacific Coast Highway #170, AKA 1605 Pacific Coast Highway (continued from June 20, 2006 meeting).**

Staff Recommended Action: Direct staff as deemed appropriate from the following alternatives:
1) Approve the request subject to the conditions of approval contained in the attached resolution; or 2) Consider the building parking problems that have occurred over the last six months and advise the applicant to resubmit the project permit application once it has been demonstrated that building spillover parking has been resolved.

Director Blumenfeld stated that the applicant is requesting a CUP for on-sale alcohol in conjunction with a full-service restaurant, which is located in the Hermosa Pavilion; and that the applicant is also requesting an amendment to the Parking Plan that controls the operation of the building. He noted that the restaurant contains 7,038 square feet; in addition, with approximately 1,500 square feet of appurtenant wine and cheese retail shop – noting that the overall net restaurant area is 5,503 square feet; and advised that the plan shows 35 tables with seating for 178 people. He stated that the owner is requesting restaurant operating hours from 11:00 A.M. to 10:00 P.M., with the lounge area closing at 2:00 A.M.; and stated that consistent with the recent Planning Commission and City Council action, staff is recommending if this item is approved, that the Commission restrict the business hours to 12:00 midnight. He advised that there is no proposed live entertainment and mentioned that any request for live entertainment would require an amendment to the CUP; advised that the wine shop is permitted by right in this zone so long as it closes by 11:00 P.M., which is what the owner is proposing to do.

Director Blumenfeld stated that the restaurant is part of a multi-tenant building - the Hermosa Pavilion - which was approved for renovation and reuse under a shared parking analysis; advised that last week, the City Council amended the Hermosa Pavilion Parking Plan to require 2 hours of free validated parking for building customers in order to resolve inefficiencies in parking operation that were creating spill-over parking in the neighborhoods; and noted that the effects of this recent amendment will be evaluated in 6 months to determine whether any other measures are required to deal with this spill-over parking issue. Director Blumenfeld advised that the owner has also started to implement some of these requirements under the amendment by posting permanent signs at the main building entries and within the building garage, indicating the availability of this free validated parking. He mentioned that the 24-hour Fitness management has indicated they will promote the free validation parking program for their clients; and he mentioned that staff visited the parking garage and was able to confirm that the parking validation program is in effect and operating; and he expressed his belief the owner is

making a clear attempt to implement the requirements of the parking amendment.

Director Blumenfeld stated that the proposed restaurant use is located in a secured building, which has access from the garage and from a central lobby that fronts on Pacific Coast Highway (PCH); explained that the proposed business is an upscale, full-service restaurant with no live entertainment; and that the use and the proposed business operations are consistent with the goals of the General Plan in the C-3 Zone, which affirms the need for a full range of office, retail, and services, businesses which are appropriate for the highway. He stated that this full-service restaurant compliments the other uses in the building, both from a parking demand and a use standpoint; and advised that the shared parking analysis indicates that during peak periods, there are between 235 and 397 surplus parking spaces available in the garage. He mentioned that in terms of the commercial area compatibility, there are 306 businesses that are located along the commercial corridor – 9 restaurants that offer beer/wine and 2 that offer full alcohol, representing 3 percent of the highway businesses, and that from a land use standpoint, the proposed use is consistent with the General Plan, with the zone, that it is compatible with other uses in the building and in the commercial area.

Chairman Hoffman questioned if the automobile spa issue has been resolved.

Director Blumenfeld stated that staff has been in discussions with the operator of that use to advise a CUP is required; that the business has indicated intent to apply for a CUP; and that the business will stop operations until the proper permits are issued.

Chairman Hoffman opened the public hearing.

Eddie Benton, restaurant project designer, highlighted a number of high quality restaurant projects his firm has designed in the South Bay area; stated that the owners are committed to spending approximately \$3 to 4 million in making this a world-class operation; and with the aid of a power point presentation, he addressed the proposed floor plan and restaurant design. He advised that the entry into the restaurant will be through the existing Pavilion; stated there will be a private wine room and dining room; and that the bar area will be approximately 10 to 15 percent of the overall restaurant area.

Raymond McBermer, executive architect with SAA, stated that Mr. Shook will be developing the front space into a men's and women's retail store and a high-end salon; stated that the design will compliment the City's environment and that the design will be vibrant and unique, but elegant.

Chef Chauchereau, partner with Mr. Shook, distributed to the Commission menus from one of his restaurants; stated that this restaurant will serve high quality, organic food and merchandise; commented on his experience in the 4-star restaurant business; and reiterated that he will be bringing to this community a fine dining experience. He mentioned that he regularly participates in community events.

Gene Shook, property owner, highlighted his attempts to put in place quality tenants that work well in this environment; commented on the large expensive to build this type of space, noting that approximately \$4 million will be invested in this project; and mentioned that this restaurant will house over 100,000 bottles of wine in a temperature controlled storage area. He stated that because of this large expense, he would like to have better language in the proposed CUP so that the City cannot shut down these operations due to events beyond his control; and noted his concern with the 6-month review process, pointing out that it will take at least 7 months to

construct this project. He addressed his concern with Condition No. 17 in that it is too restrictive of the square footage – noting that it is easy in a building of this size to miscalculate the square footage and that it is easy to be up or down a bit in square footage. He stated that this building was approved for 100,005 square feet plus 11,000 square feet in storage area, but that this approval is showing 100,000 plus 10,600 on the storage; reiterated his concern that sometime down the road another Commission or City Council will say he's over by a very minute amount and shut the operation down; and he urged the City to provide him with a workable CUP. He stated that everything is in place and that he is ready to start construction and that he is opposed to waiting 6 months to determine if parking is still a problem.

Mr. Shook explained that the auto spa business uses steam to clean the cars and that this information was placed in the February report; and stated that he gains one parking space with this use because of its ability to stack the cars in a triangle and its service to mostly people already patronizing the building.

Ron Miller, resident, noted that he lives adjacent to the parking structure; he passed out photographs taken from his balcony of the parking lot activities; and stated that he does not yet see any change in the problems concerning spill-over parking and speeding and noisy traffic and pedestrians. He addressed his concern and opposition to serving alcohol until 2:00 A.M.; and stated that the noise has become a huge nuisance for the residents.

Lee Grant, resident, stated that the people who patronize this building have flooded his neighborhood with parking, increased traffic, speeding and noise; and that it has ruined the tranquility of his neighborhood. He noted his opposition to this establishment serving alcohol and opposition to the large square footage of this restaurant; stated this area is above the license limit for alcohol service in this City, according to ABC's guidelines; and he asked the City to discontinue issuance of liquor licenses.

Jim Lissner, resident, recommended that the hours for alcohol sales be restricted during the weekdays.

Larry Hopkins, resident, stated that Friday and Saturday nights are the most problematic and require more policing and he questioned if this area will assigned additional public safety service if this project is approved. He stated that the noise has become a big nuisance for the residents; and expressed his belief the 2 hours of free validated parking is ineffective; and he stated that the restaurant activities should be restricted to no later than 10:00 P.M.

Leslie Neff, resident, suggested placing speed bumps on 16th Street to slow the traffic; she thanked Mr. Shook for the big improvement to what was previously a blighted building; noted her support for a high-end restaurant, but that she is not supportive of a lounge because of the nuisance to the neighbors when the patrons leave the establishment.

Carla Merryman, representing the Chamber of Commerce, expressed the Executive Committee's support for the upscale StillWater Café in the Hermosa Pavilion; noted that other restaurants with food in this price range and upscale quality in the City close at midnight and have perfect police records – noting that those other restaurants do not provide free parking; and stated that all 3 of these upscale restaurants are geared for young professionals, older residents and family dining and that she believes the type of customers who will patronize this business will be of the caliber this City needs. She stated it is important to recognize that the sales and property tax generated by the local businesses accounts for a major portion of the City's General Fund, which is spent by the City on street lights, street repairs, sanitation and

signage for the residents; and stated that the more upscale businesses are approved, the more attractive this City will become to other neighborhood friendly companies looking to relocate and that this will bring positive changes to this community.

Carl Niven, resident, stated he is opposed to any alcohol sales because of the on-going noise problem from the current patrons of this facility – noting he has made numerous calls to the police regarding the noise nuisance; stated that the City is well over the limit for ABC licenses in this area; and that these sales are negatively impacting many neighborhoods in this City. He commented on the problems with parking, noise, hazardous traffic, garage exhaust; expressed his belief the free parking is not working; and noted his belief this business will turn into a late night club.

Howard Longacre, resident, reiterated his concern that policing activities of restaurant/bar businesses is draining the City's funds, noting these businesses are very small tax revenue generators for the City; and stated that many times, restaurants eventually fail and morph into night clubs and bars. He stated that the City needs to develop an SPA for this area; and noted his opposition to granting another alcohol license in this community.

Alan Thomen, resident, highlighted the large percentage of restaurants that have failed in this community; and stated that the patrons who use this building create huge impacts to the quality of life to the residents, such as speeding traffic, lack of parking and noise. He expressed his belief that if alcohol is served at this location, it will create the need for taxi service; that the taxis will be cruising the neighborhood for drunken patrons; stated there is currently inadequate policing in this area; and noted his opposition to more alcohol sales in this community.

Patty Egerer, resident, stated that research indicates the high concentration of alcohol outlets in a location can hamper the economic development; that while such businesses can be heavily patronized, they add very little intrinsic value to the community as a whole and they make the area less attractive to other types of retail business; and she stated there are too many bars and night clubs in this community. She stated that more police service is needed in this community and stated that according to ABC standards, this community is over-saturated with alcohol outlets. She stated that the entry to the restaurant appears to be located off PCH, noting this will create a traffic hazard; and advised that she provided staff with some correspondence, asking that the issues outlined in this correspondence be addressed.

Linda Miller, resident, stated that policing in this area is already too limited and noted her opposition to approving another alcohol license. She stated that the Pavilion traffic has had a huge impact on the residents.

Nathan Koher, administrative assistant to Mr. Shook, highlighted some of the neighboring communities which compare to the Hermosa Pavilion and the close proximity to residential areas, pointing out that these successful locations don't provide free parking.

Ms. Lesiow, resident, addressed her concerns with the noise and speeding traffic coming from this facility; and noted her opposition to approving alcohol sales.

Karen Carr, project director for the South Bay Coalition, a substance prevention collaborative, commented on the abundance of alcohol establishments in Hermosa Beach, believing this can send the wrong message to kids that alcohol is essential and necessary to having a good time; and advised that research shows if youth start drinking before the age of 14, they are 4 times more likely to become alcoholics later in life; and noted her opposition to more alcohol

sales/business in Hermosa Beach.

Gregg Sampson, resident, noted his frustration with having to continually attend meetings and piecemealing together some resolve for the residents who are negatively impacted by the Pavilion business; and stated he would support for alcohol sales up to 10:00 P.M., no later.

Eric Riley, resident, stated that alcohol is not necessary at this facility, but that if it is approved, they should not be permitted to sell alcohol past 10:00 P.M.; expressed his belief the two-hour parking has not curbed the parking problem on 16th Street; and stated that this project should be put on hold until the parking and traffic issues are solved in this area.

Rosalind Bender-Thomen, resident, stated that the residents' safety and satisfaction should take priority in this community; addressed the growing problems with traffic safety, parking and noise in this area; and noted her opposition to more bars in this community.

Mark Hopkins, resident, stated that he and his neighbors have had their vehicles and property struck by drunk drivers; and noted his concern with bringing in more bars to this community.

Mr. Shook asked that this business be permitted to operate the same hours as other restaurants in the area, noting that midnight is an acceptable hour; clarified that the substantial amount of wine inventory is for patrons wishing to purchase bottles that will not be consumed in the restaurant, noting that by right, these sales are permitted without a CUP; and stated that the restaurant occupies less than 5,500 square feet. With regard to the noise level, he advised that Schaffer Acoustics conducted testing and provided a noise report, after which he replaced all of the parking lot exhaust fans and spent a substantial amount on acoustic noise dampeners. He stated that the doors to the restaurant off PCH is a front fire exit and is legally required by the Fire Department. He added that this restaurant will be offering vehicles to transport its patrons.

There being no further input, Chairman Hoffman closed the public hearing.

Chairman Hoffman requested staff to provide clarification on the square foot allocation as in the ordinance versus the various approvals.

Director Blumenfeld explained that the condition in this resolution is the same condition originally approved in 2003 and which Mr. Shook agreed to abide by. The wording in it is identical to the wording in the original Precise Development Parking Plan. He stated that Mr. Shook committed to that condition by affidavit; that the condition has not changed except for the allocation numbers. He noted that because staff recognizes it's difficult to track the various uses as they come and go, the condition has some latitude. It says "the allocation of uses shall be substantially consistent or less than the following allocations," which gives room for interpretation; also at the end of Condition No. 17, it says, "any material changes to this allocation will require an amendment," which means a substantial change. He reiterated that this wording has always been in place; and stated that if there is an issue relative to allocation, Mr. Shook can always petition the Commission for a change, as he has previously done.

Vice-Chairman Allen questioned if ABC would consider this area over-concentrated in terms of alcohol licenses.

In response to Vice-Chairman Allen's inquiry, Director Blumenfeld stated he is not sure how ABC would characterize the area; explained that staff simply looked at the number of uses on the highway, the area most affected; that based on the over 300 businesses along the highway,

approximately 3 percent of the businesses, are restaurants serving alcohol, noting there is not evidence to indicate these businesses along the highway create any nuisance.

Vice-Chairman Allen questioned if the police are consulted on all projects.

Director Blumenfeld stated that staff does not consult with the police department on all new projects; that staff will consult with the police and fire department when dealing with specific security and safety issues; and mentioned that staff is involved on an intradepartmental basis in looking at all the Downtown businesses and all the bars and restaurants, that the City is working on a multi-agency review of these uses in the City. With regard to the net effect to the City and the cost benefit, he explained that as a practical matter, food service has helped make up for some of the loss in City revenue with the relocation along the highway of major auto dealerships; stated that auto dealerships were the larger sales tax producers; and noted that hotels have come to replace these businesses, which have provided substantial increases in transient occupancy taxes (TOT) over the last 10 years, starting with the opening of The Beach House. He stated the City does not do a cost benefit analysis on every project, that one has not been done that for this business; noted that staff believes there will be an economic benefit; and pointed out that the City has already enjoyed the benefit of eliminating a blighted building that existed along this highway for almost 15 years. He pointed out that staff has been working with the owner to get solid uses in this building.

Commissioner Pizer asked for clarification on the spa car wash business.

Director Blumenfeld explained that the similar use provision says that if the use is no more intensive than a use that's already identified on the permitted use list, then that use can be approved through a consent review by the City Council; in the case of the car wash, he noted that this use clearly, as defined by the City, is a car wash, but using different technology. He stated the owner would need to process a CUP. He pointed out that the auto spa is a collateral issue, but that the resolution, if approved, reflects the fact the use must be addressed.

Vice-Chairman Allen stated the design of the restaurant is nice; questioned whether its use will further complicate the parking problems in this area; and expressed his belief the City is going in the right direction to solve the parking problems and that it's unreasonable to expect it would be solved over night by putting up placards in the last two days, that's it's going to take some time to get the word out. He stated that if the restaurant were to be approved, there would be a lot of conditions these residents would want to see, believing the 2-hour validated parking for a lounge is not enough; and noted his concern that if this restaurant were to fail, it may become another nightclub, suggesting that a condition be added that no cover charge be permitted. He noted his preference to solve the parking problem before adding in this business; and stated he is generally opposed to another alcohol license in this City; however, people should be permitted to enjoy wine with an expensive meal.

Commissioner Pizer highlighted the blighted condition of this site for many years, noting that Mr. Shook has invested a lot of time and energy into making this an asset to the community; pointed out that Mr. Shook is bringing in quality businesses to this location; but noted his concern with granting an alcohol license and the possible future use of the restaurant as a bar/nightclub; and he suggested that the conditions limit the operating hour to 12:00 midnight, no amplified music, live entertainment, or dance floors. He expressed his belief the customers of this restaurant will use the parking structure, that the type of clientele will not be looking to save a couple dollars on parking; he recognized the impact on the residents' daily lives is a major concern, but stated he does not think the impacts from this project will be serious. He suggested amending Condition

5, limiting the hours of operation and no outdoor dining, adding that "...no outdoor dining or drinking allowed."

Commissioner Kersenboom stated that Mr. Shook is doing all he can to make this venture a success; pointed out that the problems are from those using the gym; and expressed his belief this upscale restaurant will only impact the City by improving the quality of food service in this community. He stated that Public Works and City Council need to become more involved in dealing with proactive and effective policing of the city streets, with the issue of people improperly parking on the streets and racing up and down the streets; stated he would expect a fine dining establishment to offer wine; suggested putting more teeth into the conditions to keep control of this if it changes ownership in the future; and expressed his belief this restaurant will be a good asset for the City and that he does not believe this business will compound those problems.

Commissioner Pizer reiterated his suggestion for a 12:00 midnight closing time in the conditions, believing this time limit assures future night club control.

Commissioner Kersenboom mentioned that Mr. Shook's letter indicates he does not want the CUP reviewed annually.

Director Blumenfeld stated that the Commission always has the authority to review and modify a CUP; however, it is correct that a CUP runs with the land, not with the business. He added that Condition No. 1 says, "the interior and building alterations in the continued use and operation of the restaurant with appurtenant uses shall be substantially consistent with the plans submitted and reviewed by the Planning Commission"; noted that if a use presented is substantially changed or the layout of the business is substantially changed, it is subject to Commission review; and similarly, if the function changes, then the parking may change, which also causes a review of the parking. He added that the Commission always has the ability to review relative to conformance with a project approval; and stated that the Commission must be satisfied that the approval gives the Commission enough latitude to adequately regulate the business.

Chairman Hoffman stated that the seating plan calls out approximately 175 seats, questioning what the occupancy load would be; and asked for further clarification on the waiting area requirement.

Director Blumenfeld stated that the owner is required to submit an occupant load and seating plan; stated that code allows 3 square feet per person for waiting; otherwise, the area is occupied based on the number of seats; noted that the Building Code indicates the waiting area must be used for that purpose; that if it's a retail area, it's a general occupancy load of 1 person per 15 square feet of floor area and it's seating or the use classification that dictates the occupant load number.

Chairman Hoffman pointed out that Mr. Shook has created a project that is too successful, having created too much traffic, noise and parking impacts; stated he is not yet convinced the validated parking will solve the problem; and stated the Commission cannot consider this application in isolation of the rest of the businesses in this building. He noted that a lot of fine dining establishments have failed in this town which have morphed into bars; expressed his belief the City has created a business environment in parts of this community where fine dining restaurants cannot succeed because the clientele is not willing to come to that location, and stated there are valid concerns for the potential of a future bar. He noted his support for restricting the hours and not allowing entertainment; expressed his belief that the square

footage of this restaurant should be decreased; and stated that even an upscale restaurant will create some impacts to this neighborhood, questioning how many cabs/cars will be circulating that building to serve the clientele. He stated he will be voting against this project because the scale of the proposed establishment is too large.

MOTION by Vice-Chairman Allen to **DENY** the proposal and moved to monitor the parking problems.

Chairman Hoffman seconded the motion, with a clarification that the parking problems will be monitored for the next 6 months regardless of this motion.

The motion failed as follows:

AYES:	Allen, Hoffman
NOES:	Kersenboom, Pizer
ABSTAIN:	None
ABSENT:	Perrotti

MOTION by Commissioner Pizer to **APPROVE** CUP 06-4 -- Conditional Use Permit for on-sale general alcohol in conjunction with a restaurant, Still Water Contemporary American Bistro, and Parking Plan amendment to modify the allocation of uses within the Hermosa Pavilion at 1601 Pacific Coast Highway #170, AKA 1605 Pacific Coast Highway. This motion failed due to the lack of a second.

MOTION by Commissioner Kersenboom to **CONTINUE** this case for six months following a parking report to determine if the 2-hour free validated parking has had a positive impact. This motion failed due to the lack of a second.

MOTION by Chairman Hoffman, seconded by Vice-Chairman Allen, to **DENY** the proposal as submitted and that it be revised prior to re-submittal, and that the applicant work with staff to address the issues presented to the Commission this evening. This motion was ultimately rescinded.

Chairman Hoffman stated that he will not be present at the next Commission meeting and that a full quorum will not be possible for August.

Commissioner Pizer pointed out that the 8,000 square feet includes space for retail and stated it's not out of scale.

Director Blumenfeld stated that while there still is some disagreement in the calculation of the square footage, staff believes the restaurant is approximately 5,000 square feet.

Vice-Chairman Kersenboom noted that the free validated parking should be given a chance to see if it solves the parking issues before this project is approved; and suggested consideration of a continuance.

Director Blumenfeld stated that a case can be continued for 3 consecutive meetings before a new notice is required.

MOTION by Commissioner Kersenboom, seconded by Chairman Hoffman, to **CONTINUE** this matter to the next Planning Commission meeting. This motion carried as follows:

AYES: Allen, Hoffman, Kersenboom, Pizer
NOES: None
ABSTAIN: None
ABSENT: Perrotti

Director Blumenfeld noted that the City website will be updated and the onsite posting will be updated to reflect the continuance.

7. **PDP 06-4/PARK 06-1 -- Precise Development Plan and Parking Plan for a new 14,688- square-foot commercial building containing office and retail uses using a combination of on-site parking and parking in-lieu fees to meet parking requirements, and adoption of an Environmental Negative Declaration at 338 and 400 Pier Avenue (continued from June 20, 2006 meeting).**

Staff Recommended Action: To continue to the August 15, 2006 meeting.

Director Blumenfeld advised that the applicant has requested this matter be continued; and that responding to prior deliberations of the Commission, they've decided to revise their parking program.

Chairman Hoffman opened the public hearing. There being no input, Chairman Hoffman closed the public hearing.

MOTION by Commissioner Kersenboom, seconded by Commissioner Pizer, to **CONTINUE** to the August meeting PDP 06-4/PARK 06-1 -- Precise Development Plan and Parking Plan for a new 14,688- square-foot commercial building containing office and retail uses using a combination of on-site parking and parking in-lieu fees to meet parking requirements, and adoption of an Environmental Negative Declaration at 338 and 400 Pier Avenue. This motion carried as follows:

AYES: Allen, Hoffman, Kersenboom, Pizer
NOES: None
ABSTAIN: None
ABSENT: Perrotti

8. **LLA 06-1 -- Lot line adjustment to reconfigure the properties at 726 Prospect Avenue and 1120 8th Street into three parcels fronting on 8th Street.**

Staff Recommended Action: To approve said request.

Commissioner Kersenboom recused himself from consideration of this matter due to the close proximity of this project to his residence.

Director Blumenfeld stated that the purpose of the request is to adjust the lot lines for 3 existing lots that front on Prospect Avenue and thereby create 3 lots fronting on 8th Street; and advised that both properties are occupied by single-family dwellings, although the property at 726 also contains a garage apartment unit. He noted that the two existing lots on Prospect Avenue were the subject of a lot merger hearing in January wherein the Commission decided not to merge these lots based on neighborhood compatibility issues; and advised that a neighbor is currently appealing the Commission decision but has indicated agreement with this proposed

PARKING STUDY REPORT
HERMOSA BEACH PAVILION
City of Hermosa Beach, California
February 13, 2006

Prepared for:
Shook Development Corporation
1601 Pacific Coast Highway, Suite 300
Hermosa Beach, California 90254

LLG Ref. 1-06-3625



Under the Supervision of:
Clare M. Look-Jaeger
Clare M. Look-Jaeger, P.E.
Principal

PARKING STUDY REPORT
HERMOSA BEACH PAVILION
City of Hermosa Beach, California
February 13, 2006

1.0 INTRODUCTION

This parking analysis of the Hermosa Beach Pavilion (HBP) project has been prepared to provide an update to the previously approved project shared parking demand analyses, document existing parking demand at the site, and identify any project-related parking in the neighborhood. The Hermosa Beach Pavilion is located at 1601 Pacific Coast Highway in the City of Hermosa Beach, California. The project site is bounded by existing development to the north and west, 16th Street to the south, and Pacific Coast Highway to the east. The HBP project site and general vicinity are shown in *Figure 1-1*.

The preparation of this parking analysis complies with the project's Condition of Approval, whereby a parking study update (i.e., an update to the study prepared as part of the entitlement process for the project), including a determination of parking demand, must be provided within six months of the occupancy and subsequent operation of the 24-Hour Fitness facility (a tenant of HBP). Shared parking demand analyses have been prepared to reflect existing occupancy at HBP in terms of square footage and land use types, as well as for the planned future occupancy at build-out of the facility. Parking accumulation surveys of on-site parking demand have been conducted to document existing parking demand based on existing occupancy. In addition, HBP patron intercept surveys have been conducted along with visual observations of on-street and off-street parking near the site to identify existing project-related parking in the neighborhood.

This study i) updates the shared demand analyses based on existing and future occupancy at HBP, ii) documents existing parking demand at the site, iii) provides a summary of the HBP patron intercept travel surveys, iv) identifies project-related parking within the neighborhood, and v) provides recommendations to address existing parking conditions, where necessary.

- Kids Kabaret: As this auditorium type use is designed to provide a facility for children's events, booked events typically do not conflict with school times. Based on the experience of the operator, the facility typically closes at 7:00 PM on Mondays and a greater number of events are booked towards the latter part of the week or on weekends (e.g., during Friday or Saturday evenings). A letter from the tenant representative is included in *Appendix A* and provides further clarification regarding existing operations. The letter shows a substantially lower parking demand than what is included in the shared parking analysis.

2.1.2 Future Building Occupancy

As indicated in the lease data provided in *Appendix A*, the HBP project at full occupancy consists of a total of 99,980 net square feet of building floor area. This square footage total excludes the planned kiosks (i.e., 360 square feet of space) and areas G401, G402, and G403 which are designated storage areas and total approximately 10,583 square feet of space. At future project build-out, the following land use and square footages are anticipated based on the leasing information:

- 24-Hour Fitness: 46,049 square feet
- Spa: 13,038 square feet
- General Retail: 9,554 square feet
- Restaurant: 7,950 square feet
- General Office: 20,353 square feet
- Auditorium: 3,036 square feet

A large component of the restaurant square footage is attributable to the future occupancy of the StillWater Bistro restaurant. The 7,950 square feet of restaurant space includes 912 square feet associated with the existing StillWater Café (i.e., formerly Kelly's Coffee) and over 1,000 square feet of planned retail square footage within the StillWater Bistro restaurant. Therefore, the analysis contained herein can be considered conservative in that restaurant parking ratios are higher than retail parking ratios. The weekday shared parking analyses contained in this report reflect typical restaurant weekly patronage fluctuations. A letter from a StillWater, LLC., representative has been prepared which summarizes typical weekly patronage levels and is also included in *Appendix A*. As noted in the letter, the Monday patronage levels are roughly 50 percent of that experienced during peak times (i.e., during Friday and Saturday evening conditions).

2.1.3 Existing and Future Project Parking Supply

As indicated in LLG Engineers' May 16, 2005, update to the project shared parking analysis, a total parking supply of 540 spaces is provided within the HBP parking garage. Of this total, 454 standard spaces, 42 tandem parking spaces and up to 44 parallel parking spaces are provided. It is important to note that the shared parking analyses reflect a supply of 496 spaces as it is assumed that the proposed project will utilize the 454 first access parking spaces and the 42 tandem employee only

As indicated in *Table 4-2A*, a shared parking demand of 368 spaces is forecast for the future Monday weekday condition. As indicated in *Table 4-2B*, a shared parking demand of 369 spaces is forecast for the future Friday condition. As indicated in *Table 4-2C*, a worst-case theoretical shared parking demand of 426 spaces is forecast for the future conditions assuming concurrent peak utilization of all HBP land uses. All three analyses indicate that the project's parking supply of 496 spaces (excluding the 44 parallel parking spaces), is more than sufficient to satisfy parking demand based on the future tenant occupancy.

5.0 CONCLUSIONS AND RECOMMENDATIONS

This parking analysis of the Hermosa Beach Pavilion (HBP) project has been prepared to provide an update to the previously approved project shared parking demand analyses, document existing and future anticipated parking demand at the site, and identify any project-related parking in the neighborhood.

A total parking supply of 540 spaces is provided within the HBP parking garage. Of this total, 454 standard spaces, 42 tandem parking spaces and up to 44 parallel parking spaces are provided. It is important to note that the shared parking analyses reflect a supply of 496 spaces as it is assumed that the proposed project will utilize the 454 first access parking spaces and the 42 tandem employee only parking spaces. As a contingency, should additional parking spaces be needed in the future, 44 parallel (i.e., aisle parking spaces) can be made available for use with attendant assistance.

The project's parking supply has been determined to be more than adequate to meet current and future parking demands. Based on the patron intercept surveys and the visual observations of weekday and weekend conditions, neighborhood on-street parking has been documented. It is recommended that HBP representatives initiate an informational program to encourage HBP patrons to park on-site within the parking garage, emphasizing the safety and convenience of doing so. In addition, any validation program is determined by each individual tenant (e.g., the 24-Hour Fitness facility currently provides a parking validation which results in a \$1.00 fee for the first two hours), however, monthly parking passes to 24-Hour Fitness members are currently offered and will continue to be promoted. It is important to note that other 24-Hour Fitness facilities throughout Southern California charge for parking. It is also recommended that the City of Hermosa Beach, along with HBP representatives, consider implementation of a residential street permit parking program (e.g., for local residential streets situated east of Pacific Coast Highway) in the immediate vicinity of the HBP site. These types of programs are common in beach communities, downtown areas, and near educational/institutional facilities, and would preclude non-permitted vehicles from parking on-street. The City may also consider parking removals or limited parking through the installation of parking meters or further restrictions (e.g., one-hour parking restrictions) along various street segments.

**PCH RESTAURANTS & BARS
HERMOSA BEACH CITY LIMITS**

[illegible]

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OCT 2 2006
COMMUNITY DEV. DEPT.

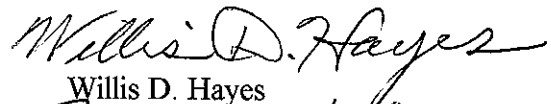
1600 Pacific Coast Hwy.
Hermosa Beach, CA 90254
September 29, 2006

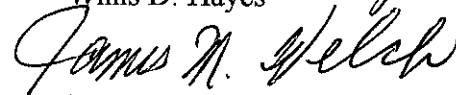
Community Development Department
Planning Division
c/o City Hall, 1315 Valley Drive,
Hermosa Beach, CA 90254

Council Members,

In response to a Notice regarding a Public Hearing to be held on Tuesday, October 10, 2006 about a Conditional Use Permit for Still Water Contemporary America Bistro to be located in The Hermosa Pavilion at 1601 Pacific Coast Highway, Hermosa Beach, CA 90254, please be advised that we, as owners of property located at 1600 Pacific Coast Highway, Hermosa Beach, **are in favor of the Planning Commission decision on August 15, 2006 which would allow Still Water to proceed with their project.**

Thank you,


Willis D. Hayes


James M. Welch

October 3, 2006

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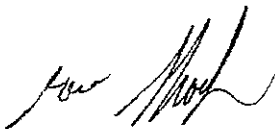
Sol Blumenfeld
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, California 90254

Re: Conditional Use Permit for on-sale alcohol in conjunction with a
restaurant at the Hermosa Beach Pavilion at 1601 Pacific Coast Highway

Sol Blumenfeld:

Enclosed are 10 sets of plans for restaurant for the City Council October 10th meeting. We do need the midnight close 7 nights per week. The CUP has no use of TV's in restaurant. Many high end restaurants have the use of TV's in discrete areas (for example Fleming's has flat screen TV at the bar area). We would also like to have the ability to use a TV in our retail area's to show information on the products we will sell and in our private dining rooms. We would ask that this provision is removed or reduced to no TV's in main dining area.

Sincerely,



Gene Shook
President
Shook Development Corporation
1601 Pacific Coast Highway Suite 300
Hermosa Beach, CA 90254
Phone 310 698-0700
Fax 310 698-0701
Email gshook@shookdevelopment.com

Tuesday, October 03, 2006

City of Hermosa Beach
1316 Valley Drive
Hermosa Beach, CA 90254

RECEIVED

OCT 4 2006

COMMUNITY DEV. DEPT.

RE: The Pavilion Public Hearing, October 10, 2006

Dear Mr. Mayor and Members of the City Council,

We wish to go on record as opposed to the issuing of a Conditional Use Permit for the general on-sale of alcohol in conjunction with the building of a restaurant in the Pavilion for the reasons/issues raised in the remainder of this letter. A simple solution is to deny the CUP and correct the current problems.

The plans call for a mega bar/restaurant - - 8000 sq. ft. of it. The local area surrounding the Pavilion contains high density housing for residents. This bar will impact the lives of all the residents living within a 5 block area. The addition of a bar which can contain some additional 400+ patrons at any given time from 6 pm to 12 pm will create major issues for the area. The parking garage already has the 'garage full' sign out around 6 pm sometimes in the evening. Where are these additional 200-300 plus cars for the restaurant going to park. Evidently the Pavilion was soliciting \$10 for 'event parking' during the Labor Day weekend. Does this violate their CUP, Parking Plan and Municipal Code (reducing available parking)?

The new bar/restaurant will be within 600 feet of the Hermosa Valley Elementary School. School children flow up and down 16th street going to and returning from school. Passing a liquor establishment with your kids is not high on parents/residents priority lists. Fast driving and increased traffic on 16th and Ardmore place children at risk.

Suggestion:

1. Find way to reduce traffic on 16th street and Ardmore.
2. The city should make sure that the bar/restaurant is within State law for distance from a school. If not deny license.

The new bar/restaurant will become another drinking hole if the restaurant does not work out. If we have to live with a bad decision granting the license then limit the project so that:

1. Liquor may not be sold unless consumed on-site. No bottle sales.
2. Outside tables/chairs for dining/liquor consumption will never be allowed
3. Restaurant may not have any form of live or video entertainment
4. No noise will be heard outside the building
5. Liquor license only valid until 9 pm. That way the patrons may leave earlier so that major noise and issues from patrons drinking too much will not violate HB Municipal Code regarding noise after 10 p.m..

What is the density of liquor serving establishments in Hermosa Beach? Some number mentioned is 90+. Putting another liquor license in a residential area is a flag to the home owners that Hermosa Beach is supporting business not residents and in the long run will encourage residents to leave for a quieter environment.

Rumors has it that the license for Club Saffire is being revisited by the City. This club is a disgrace for Hermosa Beach. Residents and families have observed semi-nude dancing in the front windows in order to draw people in. People drinking and hanging out in the Ardmore parking garage at 1 am. or so and disturbances in that garage have increased Police responses. Because there probably is not enough business to support a high end restaurant, we believe that at some point in the next year or so this new restaurant will go the same way as Club Saffire.

1. Only issue a new liquor license when one expires or is abandoned and only after extensive public hearings.
2. Reduce the number of licenses to a number more realistic for Hermosa Beach.

We would like to think that the residents count, but as one attends the various City Commissions and Committees it is easy to lose faith. The Pavilion has consumed hundreds if not thousands of hours of time for city employees as well as residents. The Pavilion project is oversized and one wonders how the owner was able to increase the usable inside space by more than 40% from 1998. We really would like some quality of life type of businesses in the building. The will never happen because the building owner has a financial interest in the new businesses including the new bar/restaurant.

During Planning Commission meetings a large number of residents clearly detailed the many problems that the Pavilion has brought to the area. I actually presented pictures of the traffic and parking problems and later was rebuffed by a Planning Commission member for staging the pictures. They were not staged and were snapped at random from my patio. The Pavilion owner, Shook, had an opportunity to meet with each of the Planning Commission members outside of the public hearing (as stated by them in the Planning Commission public meeting) and subsequently they approved the license request. The residents were not offered such an opportunity. We thank the City Council for allowing us to provide input for the October 10th meeting. Also:

1. We invite each of the City Council members to come to 16th street and spend a couple of hours (try 5-7 pm) viewing and listening to the noise from the Pavilion Parking Structure and the traffic on the street.

The installation of the traffic light at PCH/16th street has routed thousands of cars down 16th street (west of PCH) so they can avoid the congestion created by the traffic light at 16th and PCH and the traffic light at Pier Ave and PCH. Traffic counts taken by the city Public Works and the consultant's report did not consider 16th street west of PCH, only east of it. The counts from the Public Works consultant indicated that some 4000+ cars a day use the one block long 16th street west of PCH. Traffic counters were removed last week so new counts should be available now.

Speed levels have increased on 16th street. At times during the day, namely 5 pm – 8 pm., the traffic is so heavy that cars turning into the Pavilion parking garage are blocking 16th street. Tonight at one time I counted 32 cars trying to move on the street. The traffic light at PCH and 16th street creates long lines on 16th street. The north most lane (turning lane) on 16th street along side of the Pavilion Parking structure is not usable by cars turning into the Pavilion parking garage because of the tight turns necessary to enter the narrow openings of the garage. Some suggestions:

1. Remove street light next to entrance of Pavilion garage entrance.
2. Widen the entrances to the garage.
3. Make the north turn lane the only lane to enter the garage from.
4. No left turn into the Pavilion parking garage for cars going east on 16th street

Note photo of pickup and auto turning into the Pavilion parking garage from center lane:



Opening up the parking garage with 2 hour free parking was supposed to reduce parking problems locally but can not work when the 'parking full' sign is posted outside of the entrance. Traffic is so bad that parking elsewhere and walking is easier than waiting to enter the parking garage.

The Pavilion Parking Garage has increased the noise levels from the street dramatically, and at all hours. The new restaurant will only add to that noise. A simple solution is to deny the CUP and let us correct the current problems/issues. We personally are getting pricing for installation of sound reduction door/windows for our condo. Maybe the Pavilion would opt to pay for them. Suggestions:

1. Make valet parking available (free) when general parking is full
2. City should not allow Pavilion 'event parking' which reduces available parking.

3. Review the CUP and the Parking Plan to find out why the Pavilion garage open parking is full and only valet parking is available. Maybe an allocation problem?

If a parking problem exists now how can an additional 200-400+ cars (over several hours) be figured in the building planning without impacting the local parking or increasing the traffic on 16th street. Solutions do exist.

1. Deny the CUP request for a liquor license
2. Create a parking district requiring stickers for resident cars.
3. Place speed strips on 16th street.
4. Consider making 16th street one-way

Thank you for your consideration,

Ron and Linda Miller
1600 Ardmore #213
Hermosa Beach, CA 90254
310-937-9052
ron_wamba@verizon.net

September 12, 2006

City of Hermosa Beach
Mayor and Council Members
1315 Valley Drive
Hermosa Beach, CA 90254

RECEIVED

SEP 14 2006

**RE: REQUEST FOR APPEAL OF CUP 06-04
"PAVILION" 1601 PCH.**

Dear Mr. Mayor and Members of Council:

I respectfully disagree with the assessment made by the Planning Commission on August 15, 2006. An appeal is requested.

There are a combination of variables that require consideration;

1. The general plan fails to protect residential neighborhoods or acknowledge the concentration of alcohol outlets within our community. The "plan" is an inadequate planning tool, because its outdated. This proposed usage is not "compatible" with our neighborhood. (Tavern style restaurants, entertainment venues, late night clubs with disc jockeys, amplified music and dancing all of which are allowed along PCH poses conflict with residential.)
2. Public safety is reduced by the proliferation of alcohol outlets. Our police services are burden with alcohol related disturbance calls. This creates a dependence on "mutual aid" support, when a disturbance call is received.
3. Misrepresentations are contained in the CUP. Statements that purport existing and future impacts to the surrounding neighborhood have been mitigated, lack basis and must be stricken.
4. The "conditions of approval" contained in the CUP are inadequate in scope.
5. The restaurant's scale is excessive. If alcohol is permitted at this location nuisance conditions will develop. These negative impacts will create turmoil, and progressively threaten the quality of life for surrounding residents.
6. The parking structure still operates in violation of municipal code 17.44.050. A reconfiguration of the Parking Plan is necessary. The lack of standard parking stalls needs study.

Question: How does a "non-conforming" building that was originally overbuilt in 1986 expand its leaseable sq.ft. by 51%?

Thank you for allowing these issues surrounding PC Resolution 06-04 to be heard on appeal.

Respectfully


Patty Egerer

FACSIMILE COVER SHEET AND MESSAGE

Total number of pages including this cover sheet 10

Date WED 9-6-06 Time

To Hermosa Beach City Council
Fax number 372-6186

From James Lissner, Hermosa Beach, CA 90254
Fax number: (310) 376-2287
Voice number: (310) 376-4626

Venue: Council Meeting of 9-12-06, Consent Calendar, Planning
Commission Action Minutes

Subject: 1601 PCH, CUP for Restaurant with Alcohol

Honorable Councilmembers:

At their August 15 meeting the Planning Commission recommended 12 midnight, 7-days-a-week closing hours for Stillwater. That decision will become final unless the City Council holds an appeal hearing.

Some argue that a midnight closing is early enough to guarantee no impact on the city or the neighborhood. I believe that there is a good argument that at least the weekday closing times could be earlier.

At an earlier meeting, the applicant partners distributed copies of a Mother's Day Brunch menu from one partner's restaurant in San Juan Capistrano. They also brought with them their French chef, in full chef's regalia.

Recently, I obtained a copy of the regular dinner menu from their San Juan Capistrano branch. I have attached a copy of it as well as of the Mother's Day menu they previously distributed.

When I reviewed those menus, they reminded me of the sophisticated menus submitted by some other CUP applicants in Hermosa Beach. I keep a file folder with old menus and have attached, for your review, copies of old menus from Patrick Molloy's and Pointe 705. The similarities (other than the prices) are striking.

1b

My point, in case it is not already clear, is that a sophisticated menu provides us no assurance as to how the place will be operated later on.

But if we accept, for sake of argument, the developers claim that 1601 PCH will remain a fine-dining restaurant, then based upon his statement it would be fair to compare the proposed hours to the actual operating hours of other fine dining restaurants in the South Bay.

Fleming's Steak House: open 'til 11 weekends, 10 weekdays.
Chez Melange: open 'til 10, seven days.

We can also look at the closing times Manhattan Beach has set for its four most-recent new full liquor approvals.

Shade Hotel: open 'til 12 weekends, 11 weekdays.
Juniors DeliBoys: open 'til 12 weekends, 11 weekdays.
Petros Greek Cuisine: open 'til 12 weekends, 11 weekdays.
Corkscrew Café: open 'til 11, seven days.

The Planning Commission has recommended midnight hours, seven days a week. I would like to suggest that those hours be only on weekends, with earlier closing during the week, like Manhattan Beach is doing.

Specifically, I would suggest a three-tier arrangement, like Manhattan used with Fonzs, with these hours:

Sun - Wed close at 10 pm
Thu - close at 11 pm
Fri - Sat close at 12 mid

Thank you for your consideration.

Sincerely,



Important: The pages comprising this facsimile transmission contain confidential information from James Lissner. This information is intended solely for use by the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we may arrange to retrieve this transmission at no cost to you.

StillWater Bistro 2006

Mother's Day Brunch

Starters

(your choice of one)

Yves' Homemade Granola

Vanilla infused yogurt, fresh berries.

StillWater House Salad

Field greens, Maytag blue cheese, candied pecans, dried Bing cherries, balsamic vinaigrette.

Baby Spinach Salad

Dried apricots, pistachios, feta cheese, caramelized onion, raspberry vinaigrette.

Entrees

(your choice of one)

*All entrees come with breakfast potatoes

Chamomile and Hickory Smoked Rainbow Trout

Sweet potato hash, poached eggs, chipotle coulis.

Eggs Benedict - StillWater Style

Applewood smoked bacon, poached egg, English muffin, blue crab salad, hollandaise.

New Orleans Scramble

Scrambled eggs, Andouille sausage, crawfish, red bell peppers, red onion, smoked Gouda.

Pain Perdue

Caramelized apples, vanilla bean infused cream.

Belgium Waffles

Fresh strawberries and bananas, vanilla bean infused cream.

Hickory Smoked Pork Tenderloin

Bing cherry reduction, roasted garlic potato, asparagus.

Harris Ranch Ribeye and Frites

Maytag blue cheese crumbles, lemon zest aioli.

Dessert

An Assortment of Fine Pastries

*All mother's get bottomless Mimosas

Price:

Adults: \$55 per person plus tax

Children (12 and under): \$15 per person plus tax (Entrée and Dessert)

Stillwater, SJC 2006

Palate Teasers

Beer Battered Green Beans

Lemon Zest-Caper Aioli, Spicy Tomato Fondue.

\$7.

Beef Satay Skewers

Sweet Soy Reduction.

\$9.

Maryland Style Crab Cakes

Blue Crab, Crawfish Tails, Celeriac Slaw, Cajun Aioli.

\$11.

Shanghai Shrimp in Lettuce Cup

Pan Seared Shrimp, Crimini Mushrooms, Pine Nuts, Cilantro, Soy Lime Sauce.

\$11.

Tomato Basil Bisque

Goat Cheese Toast Points.

\$9.

Soup and Salad

French Onion Soup

Traditional Favorite.

\$7.

StillWater House Salad

Organic Mixed Greens, Bing Cherries, Maytag Blue Cheese,
Candied Southern Pecans, Balsamic Vinaigrette.

\$8.

Caramelized Bosch Pear and Montrachet Goat Cheese Salad

Organic Field Greens, Red Onions, Carrots, Fried Parsnips, Lavender Infused Ranch.

\$9.00

Traditional Caesar Salad

Romaine Hearts, Parmesan Regianno, Focaccia Croutons, Kris' Caesar Dressing.

\$8.

Stillwater, S.J.C., 2006

Entrees

Pan Seared New Zealand Sea Bass

Grilled Corn and Black Bean Relish, Chipotle Beurre Blanc, Seasonal Vegetables.
\$26.

Grilled Organic Australian Lamb Strip Loin

Horseradish Mashed Potatoes, Green Bean-Tomato Fondue, Tarragon Demi Glace.
\$28.

Wasabi Root Crusted Alaskan Halibut

Pineapple Beurre Blanc, Lemongrass Couscous, Sautéed Spinach.
\$26.

Organic Chicken Pasta Primavera

McGrath Organic Vegetables, Light White Wine Cream Sauce, Spinach Fettuccini.
\$20.

Barbeque Braised Prime Beef Short Ribs

Garlic Mashed Potatoes, Tropical Slaw.
\$25.

Natural Omaha New York Steak

Melted Blue Cheese, Potatoes O'Brien, Grilled Zucchini
\$30.

Chamomile Smoked Duck Breast and Confit

Sautéed Baby Spinach, Mandarin Coulis, Imported Brie Infused Orzo.
\$28.

Grilled Hawaiian Mahi Mahi

Indonesian Fried Rice, Roasted Pineapples, Grilled Asparagus, Curry Coconut Sauce.
\$26.

Organic Grass Fed Filet Mignon

Mango Steak Sauce, Asparagus Risotto, Seasonal Vegetables.
\$33.

½ Roasted Shelton Chicken

Natural Herb Jus, Black Wax Cheddar Macaroni and Cheese, Sautéed Rocket.
\$20.

Pistachio Crusted Wild Salmon

Brie and Sun dried Tomato.Orzo, Sugar Snaps, Strawberry Balsamic Reduction.
\$26.

Still water SJC, 2006

StillWater Bistro Specials

Wildlife Lake Elk

Gouda and Andouille Sausage Gratin, Glazed Carrots, Grilled Onion Demi Glas.

\$30.

Sour Fruit Braised Ono

Steamed Rice and Sautéed Spinach

\$26.

Veal T-Bone

Baked Potatoe, Garlic Green Beans, Exotic Apricot Mushroom Demi.

\$35.

Hearty Seafood Saffron

Mussels, Shrimp, Bay Scallops, Calamari, Fish Stock, Rustic Toast Points.

\$26.

*Point 705, 2001***Small Plates**

<i>Coconut Shrimp Skewers with Grilled Pineapple and a Chipotle Vinaigrette</i>	<i>\$9.95</i>
<i>Barbecue Spiced Scallops, Garlic Mashed Potatoes and a Roasted Corn Sauce</i>	<i>\$8.95</i>
<i>Miso Soup, Soy Broth served with Tofu, Scallions and Seaweed</i>	<i>\$2.95</i>
<i>Shrimp Tempura with Sticky Rice and Soy Chili Sauce</i>	<i>\$7.95</i>
<i>Calamari Roll, Papaya Salsa & Wasabi Crème Fraiche</i>	<i>\$7.95</i>
<i>Rock Shrimp Potstickers, Vegetable Slaw, Oriental-Butter Sauce</i>	<i>\$9.95</i>
<i>Soft Shell Crab Tempura Style with Mirin Glaze served with Wasabi Mashed Potatoes</i>	<i>\$8.95</i>
<i>Fresh Mixed Vegetable Tempura served with Sticky Rice</i>	<i>\$4.95</i>
<i>Seared Ahi, Sesame-Chili Noodles, Mirin Glaze</i>	<i>\$8.95</i>
<i>Crab Cakes with Roasted Red Bell Pepper Cream</i>	<i>\$12.95</i>
<i>Rainbow Plate- Salmon, Ahi, Shrimp, Yellowtail, Sticky Rice with Chili Dipping Sauce</i>	<i>\$10.95</i>

Greens

<i>Charred Ahi, Baby Greens, Roasted Red Bell Pepper Vinaigrette, Olives, Onions, and Tomatoes</i>	<i>\$10.95</i>
<i>Baby Greens, Tomato Concasse, Hot House Cucumbers, Red Onions, Balsamic Herb Dressing</i>	<i>\$5.95</i>
<i>Arugula & Baby Greens- Goat Cheese, Roasted Pecans, Tomatoes & An Herb Dressing</i>	<i>\$7.95</i>
<i>Romaine and Radicchio, Garlic Bruschetta, Parmesan & Romano with Caesar Dressing</i>	<i>\$6.95</i>
<i>705- Baby Greens, Artichokes, Tomatoes, Feta Cheese Herb Vinaigrette, Olive Flat Bread</i>	<i>\$7.95</i>
<i>Chinois Chicken, Chopped Greens, Vegetables, Wontons, Spicy Thai Dressing</i>	<i>\$8.95</i>

Pizza

<i>Italian Sausage, Caramelized Onions, Tomatoes, Marinara Sauce</i>	<i>\$8.95</i>
<i>Margherita Pizza- Basil, Tomatoes, Mozzarella & Tomato Sauce</i>	<i>\$6.95</i>
<i>BBQ Pizza- Red Onion, Grilled Breast of Chicken, Mozzarella, Tomatoes, & Cilantro Leaves</i>	<i>\$8.95</i>
<i>Proscutto Pizza- Mozzarella, Tomatoes, Fresh Black Pepper & Basil Oil</i>	<i>\$8.95</i>
<i>Thai Chicken Pizza- Scallions, Carrots & Mozzarella Cheese</i>	<i>\$8.95</i>
<i>Pepperoni and Mozzarella</i>	<i>\$6.95</i>

Pointe 705, 2001

Pastas & Noodles

Mixed Vegetables, Crushed Tomatoes, Herbs, Chili Flakes,
Fussili Pasta Lunghi 15

Szechwan Beef Vegetables & Orzo Pasta \$14.95

Charred Ahi with Pasta Puttanesca, Olives, Capers, Tomatoes, and Onions \$16.95

Chicken Penne, Roma Tomatoes & Romano
in a Garlic Cream Sauce \$12.95

Spicy Cashew Shrimp, Stir Fry Vegetables, & Noodles
in a Cilantro Thai Sauce \$14.95

Lobster Ravioli- Pesto Cream, Roasted Red Bell Pepper Coulis \$15.95

Large Plates

Filet Mignon, Tempura Onions, Spinach and
Bordelaise Sauce, Roasted Garlic Mashed Potatoes \$19.95

Sautéed Barbecue Spiced Salmon, Sautéed Mixed Mushrooms,
Roasted Corn Salsa, Mashed Potatoes with Barbecue Butter \$17.95

Seared Ahi, Mirin-Butter Sauce, Roasted Shiitake Mushrooms,
Cucumber Relish, Sushi Rice \$17.95

Pan Roasted Scallops over Wild Mushrooms and Cannellini
Stew, with Creamy Parmesan Asparagus \$16.95

Teriyaki Breast of Chicken, Steamed Rice, Cashew Broccoli \$15.95

Five Pepper Roasted Chilean Seabass, Cucumber Tomato
Relish, Crab Green Onion Mashed Potatoes \$18.95

Sautéed Shrimp, Garlic Mashed Potatoes, Roasted Sweet
Tomatoes, Spinach, Creole Butter Sauce \$16.95

Mongolian Beef Tenderloin Stirfry, Sizzle Sauce,
Assorted Vegetables, Steamed Rice \$14.95

Honey BBQ Glazed Chicken Breast, Sautéed Spinach,
Roasted Garlic Mashed Potatoes and Mesquite Potato Chips \$15.95

Blackened Ahi, Sake Sauce, Sesame Vegetable Stirfry
and Wasabi Mashed Potatoes \$17.95

Chef Special:

Cucumber Salad, Miso Soup, (2) Coconut Shrimp, Stir-Fried Mixed
Vegetables, Steamed Rice and Flavored Mochi \$24.95/person
Sliced Petite Filet seasoned Mongolian Style \$22.95/person
Teriyaki Chicken Breast

Corkage fee: \$10

We gladly accept American Express, MasterCard and Visa

1/2 Price Mondays; Half Price Sushi 5-10 PM Two for One U Call It Bar

Tuesdays: Prime Rib dinner for two \$24

Tues.-Sat. 5:00-7:00pm 1/2 price Sushi

Sundays: All U Can Eat Sushi \$19.95 per person

Shane and Scott McColligan, Proprietors

Rick Reyes, Executive Chef

PATRICK MOLLOY'S Circa 1998

APPETIZERS

- SEASONAL SOUP OF THE DAY 4.25
SHRIMP FILLED WONTONS over a cucumber salsa 6.00
FRESH BAKED CHICKEN POT PIE with grilled corn bread 5.25
GRILLED CHICKEN KABOB with a Thai peanut sauce 5.95
BREADED MARYLAND CRAB CAKES with grilled pear and a whole
grain mustard sauce 8.25
SEARED AHI TUNA and two bean salad with fall greens 8.75

SALADS

- SPINACH SALAD with white mushrooms and a warm bacon
vinaigrette 6.00
PIER AVE. CHOPPED SALAD iceberg and romaine lettuce with cucumber,
tomato, mushrooms, garbongo beans, Asiago cheese & a red wine vinaigrette 6.00
WARM GOAT CHEESE SALAD over baby greens with walnuts and
a champagne vinaigrette 6.50

PASTA/RISOTTO

- CAPELLINI with wild mushrooms and sun-dried tomatoes 7.25
SPINACH AND RICOTTA RAVIOLI with brown butter and pine nuts 7.95
LINGUINI with Manilla clams and a white wine-garlic sauce 8.50
ROAST DUCK RISOTTO with a blend of fresh herbs 10.95

ENTREES

- GRILLED/STEAMED SEASONAL VEGETABLES with herb basmati rice
and a light vegetable puree 10.25
FREE-RANGE CHICKEN served with potatoes and Chef's choice vegetables 13.50
FRESH GRILLED SALMON with basmati rice, black beans, green onions
and an avocado-cilantro salsa 13.00
SEABASS marinated in mirin over stir-fried vegetables and curried rice 14.25
CALIFORNIA HALIBUT crusted with hazelnuts and sage over a tomato
coulis with steamed spinach 14.95
RIB-EYE STEAK with rustic roast potatoes and blue-lake green beans 16.50
RACK OF AUSTRALIAN LAMB with a roasted garlic crust, mashed
potatoes and steamed asparagus 17.95
FILET MIGNON with mashed potatoes and a wild mushroom sauce 18.25
GRILLED PORTERHOUSE STEAK with a twice baked potato and
corn-on-the-cob with herb butter 19.95

Exec. Chef: Chris Bocchino



MOLLOY'S

WINE LIST

circa 1998

WINE BY THE GLASS

Domaine Ste. Michelle Brut Champagne	4.75
Belvedere Chardonnay	4.00
DeLoach 'Sonoma Cuvee' Chardonnay	4.75
Silverado Sauvignon Blanc	4.75
Grove Street White Zinfandel	4.00
Sonoma Creek Pinot Noir	4.75
Fetzer 'Eagle Peak' Merlot	4.75
Seghesio Zinfandel	4.25

WINE BY THE BOTTLEChampagne/Sparkling Wine

Domaine St. Michelle Brut	19.00
Roederer Estate	29.00
Veuve Cluquot 'Yellow Label' Brut	46.00
	1/2 bottle 24.00
Veuve Cluquot 'Gold Label Vintners Reserve', 88	65.00

White Wine

Robert Mondavi Fume Blanc	22.00
Ferrari-Carano Fume Blanc	25.00
Sanford Sauvignon Blanc	24.00
Caymus Sauvignon Blanc	28.00
Kettmeir Pinot Grigio	16.00
Ronco del Gnevez 'Friuli' Pinot Grigio	31.00
Beaulieu Vineyards 'Carneros' Chardonnay	18.00
Raymond Chardonnay	22.00
Sanford Chardonnay	26.00
Kendall Jackson 'Camelot' Chardonnay	35.00

Red Wine

Raymond Pinot Noir	18.00
Kendall Jackson 'Vintners Reserve' Pinot Noir	26.00
Michel Lynch Bordeaux	16.00
Cain Cuvee 'merlot-cabernet blend'	28.00
Les Jamelles Merlot	17.00
Shafer Merlot	34.00
Stag's Leap Petite Syrah	33.00
Beaulieu Vineyards 'Rutherford' Cabernet	24.00
Kendall Jackson 'Vintner's Reserve' Cabernet	32.00
Charles Krug 'Vintage Selection' Cabernet, 88	42.00
Far Niente Cabernet	58.00
Nuit St. George Burgundy	27.00
	1/2 bottle 14.00

***Please have this communication agenized for the next council meeting on September 12, 2006.

September 3, 2006

City of Hermosa Beach
Mayor and Council Members
1315 Valley Drive
Hermosa Beach, CA 90254

**RE: CODE VIOLATION & RECISSION OF CUP
HERMOSA PAVILION, 1601 PCH.**

Dear Mr. Mayor and Members of Council:

During the Labor Day weekend, the owner of the Hermosa Pavilion solicited "event parking" for \$10. This violates the PDP, Parking Plan, and Municipal Code. A chamber event is not an excuse to operate this garage as an auxiliary parking lot. Compliance issues have been at issue since August of 2005, and continue.

Code prohibits the "reducing diminishing or elimination of existing required off-street parking." **Municipal Zoning Code 17.44.050 (Unlawful to reduce available parking)**

A commission's decision in April of 2006 was upheld in July of 2006. The city required owner to provide 2-hour free parking to all patrons. SHOOK, owner of the "Pavilion" refused to implement this policy voluntarily. Forcing residents to cope with conditions over an **(11) month** period.

Once again, the owner of the Pavilion is in direct violation of municipal zoning code by diminishing parking availability. Shook's parking garage has created a marked increase in vehicular traffic along 16th Street. A review of the PDP and Parking Plan is essential. Nuisance conditions have become a chronic pattern, action needs expediting.

Rescind CUP 06-04 (Conditional Use Permit for on-sale general alcohol in conjunction with restaurant, together with amendment to Parking the Plan) of which modifies the allocation of uses within the Hermosa Pavilion. This document approved by commissioners contains misinformation. For multiple reasons this proposal for an 8,000 sq ft mega restaurant-bar will burden residents, and is an incompatible use for the area.

Rescind CUP 06-04 Parking Plan amendment: The parking plan is flawed by design, and deters and reduces one's ability to self-park their vehicle. The "double parking" or "valet parking" of vehicles is a counter productive strategy. By design it **diminishes** parking availability on city streets, causing spillover. The general public prefers to retain control over the keys to their vehicle, not valet park, or waste time waiting upon an attendant to retrieve their vehicle, prior to exiting the building. The policy will displace customers who will resort to parking on surface streets within residential neighborhoods. The "approved" parking plan is flawed by design. **MODIFY THE PARKING PLAN TO ALLOW ALL CUSTOMERS AND EMPLOYEES TO SELF PARK THEIR VEHICLES.**

A restaurant usage with alcohol consumption compounds impacts. Hours of operation that extend beyond 9:00pm are undesirable for neighborhood. Tenants should NOT have authority to operate later than 9:00pm, on any night of the week with the exception of the gym tenant due to the building's proximity to residential neighborhoods.

1a

A neighborhood street (16th Street) is being converted into a main traffic artery to service the commercial corridor. Chronic impacts such as traffic noise, traffic volume, traffic flow, and parking impacts are progressive, and disruptive. On August 16, 2006, a public works hearing was conducted. A large number of residents from the "Hermosa Hills" attended this meeting. The consultant's report and recommendation defied creditability. The consultant from AAE and the Director of Public Works concluded the installation of the traffic signal had not changed traffic volumes entering 16 Street east of PCH. In addition, *"Since NO significant volume change has occurred further analysis is not warranted."*

Once again, residents were denied consideration, and resolution.

Consistently, the city has acted to accommodate, enhance, and safeguard the economic interests of Mr. Shook, owner of the Pavilion, without consideration to the quality of life or property rights of residents in the surrounding area. The imbalance is very disturbing, and results in negative impact for residents residing in the surrounding area. For over a year, we have invested our time, and have encountered a charade of committee meetings, delays and counterfeit reports.

This communication is evidence of a formal written complaint, which requires attention of council at the next meeting on September 12, 2006.

Respectfully,

Patty Egerer
Resident

Lisa Brannan & Daniel Brannan
1610 Raymond Ave.
(Northeast corner of 16th & Raymond)
Hermosa Beach, CA 90254

September 11, 2006

Mayor & City Council: Peter Tucker, Michael Keegan, J.R. Revicsky, Sam Edgerton, Kit Bobko and Steve Burrell, City Manager
1315 Valley Drive
Hermosa Beach, CA 90254

Re: Appeal the Planning Commission Decision

Gentlemen,
Please consider appealing the Planning Commissions decision to grant the C.U.P. for the Hermosa Pavilion.

I am writing to share my thoughts regarding the lack of concern for the residential areas adjacent to the Hermosa Pavilion building. It was clear at the Planning Commission meeting that there was a strong sense among the residents in the adjacent neighborhoods, that we are extremely concerned about the impacted by this building's potential restaurant facility. Our concerns are about the city granting yet one more potential problem in our community a liquor license, lengthy hours of operation, and massive square footage with a lack of required parking. It seems that our concerns are not being heard.

I am asking again, DO YOU NOT HEAR US? PLEASE LISTEN TO OUR CONCERNS AND ACT UPON THEM WITH THE SAME REGARDS THAT YOU ARE WITH THE OWNER OF THE HERMOSA PAVILION.

The problems already exist down at the Pier Plaza and at the nightclub 705 underneath the Vons Parking. Why knowingly would you want another neighborhood to endure the same problems you are currently aware of?

I have, in a previous letter, mentioned an incident that occurred at the Kid's Kabaret. My understanding is that multiple bands were invited to perform at the Kid's Kabaret for the younger teenage crowd as this facility appropriately has no liquor license. The word got out about this particular performance on "My Space" on the internet and it brought an older crowd. My understanding is that the owner and the security they hired were unable to handle the swelling crowd. The Fire Department and Police Department were called in. The event was shut down and the owner was fined and arrested for having too many occupants. If this can occur at the Kid's Karbaret without the influence of alcohol, just imagine the chaos that could occur when alcohol is introduced.

I urge you to please work with us in keeping Hermosa neighborhoods a great place to live, raise families and feel safe.

With Great Frustration,

Lisa Brannan and Daniel Brannan

**SUPPLEMENTAL
INFORMATION** **2k**

944 15TH PLACE
HERMOSA BEACH, CA 90254
SEPTEMBER 12, 2006

HERMOSA BEACH CITY COUNCIL
1315 VALLEY DRIVE
HERMOSA BEACH, CA 90254

RE: CLOSING HOURS FOR STILLWATER

DEAR H.B. CITY COUNCIL MEMBERS:

THE HERMOSA BEACH PLANNING COMMISSION HAS APPROVED 12 MIDNIGHT, 7-DAYS-WEEK CLOSING HOURS FOR STILLWATER. IN MY OPINION, THE CLOSING HOURS NEED TO BE EARLIER SO AS TO GUARANTEE LOW IMPACT ON THE CITY OR NEIGHBORHOOD.

THEREFORE, I WOULD LIKE TO RESPECTFULLY REQUEST THAT YOU APPEAL THE PLANNING COMMISSION'S DECISION. SEVERAL OTHER FINE DINING RESTAURANTS IN THE SOUTH BAY CLOSE AT 12 MIDNIGHT ON WEEKENDS AND AT 11 P.M. ON WEEKDAYS. I WOULD LIKE TO SEE STILLWATER DO THE SAME.

SINCERELY,

BARBARA ROSS

SUPPLEMENTAL
INFORMATION

2k

9.7.06

Councilmembers:

We feel there is no
reason for Stillwater to remain
open till midnight 7 days per week.
All other "fine dining establishments
in the area close by 10-11 week-
days. Most 11:00 PM weekends.

SAVE OUR NEIGHBORHOODS!

Sybil & Maurie Wolfe

930 17 St. H.B.

(310) 937. 3902

SUPPLEMENTAL
INFORMATION

2k



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3885

September 13, 2006

RECEIVED

SEP 13 2006

Gene Shook, President
Shook Development Corporation
1601 Pacific Coast Highway, Suite 300
Hermosa Beach, CA 90254

RE: REVIEW AND RECONSIDERATION OF PLANNING COMMISSION DECISION ON AUGUST 15, 2006, TO APPROVE, WITH MODIFICATIONS, A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT, STILL WATER CONTEMPORARY AMERICAN BISTRO, AND PARKING PLAN AMENDMENT TO MODIFY THE ALLOCATION OF USES WITHIN THE HERMOSA PAVILION AT 1601 PACIFIC COAST HIGHWAY.

Dear Mr. Shook:

This letter is to inform you that a request for a review and reconsideration before the City Council has been filed by Councilmember Tucker and Mayor Edgerton of the decision described above by the Planning Commission at its meeting on August 15, 2006.

The request, filed September 12, 2006, has been set for a Public Hearing before the Hermosa Beach City Council on Tuesday, October 10, 2006, at 7:30 P.M., or as soon thereafter as the matter may be heard. This hearing will be held in the Council Chambers of City Hall at 1315 Valley Drive.

If you wish to submit any written evidence to be considered by the City Council at this meeting, we request that these items be received by the Planning Division of the Community Development Department by noon on Wednesday, October 4, for inclusion in the City Council agenda packets.

Legal notification and posting of the property will be handled by staff on or before September 28, 2006.

A staff report may be obtained on or about Thursday, October 5, 2006, at the end of the business day, from the Planning Division of the Community Development Department. On or about Friday, October 6, it will be on the City's website at www.hermosabch.org. Please address any questions to the Community Development Department at 310-318-0242.

Sincerely,

A handwritten signature in cursive script that reads 'Jackie Drasco'.

Jackie Drasco
Deputy City Clerk
310-318-0204

cc: City Council
Community Development Director
City Manager

**Charles and Carole Doherty
1600 Ardmore Avenue Unit 234
Hermosa Beach, CA 90254
310 318 7979
charles.f.doherty@att.net**

**RECEIVED
AUG 15 2006
COM. DEV. DEPT.**

August 14, 2006

**Planning Commission
Hermosa Beach, CA**

Re: Making 16th Street one-way west

In evaluating the pros and cons of making 16th Street one-way West between Prospect and PCH you should consider the impact on 16th Street between PCH and Ardmore.

- 1. There has been a significant increase in traffic in both directions since the 24 Hour Fitness Center opened.**
- 2. Southbound drivers on PCH are using 16th Street and Ardmore as a bypass around the light at Pier Avenue.**
- 3. There is a student crossing for Hermosa Valley School at 16th and Ardmore. Any additional traffic increases the possibility of any accident.**

With all that is going on in this area I think it would be poor planning to reduce the traffic flow options by making 16th Street one-way.

**Charles Doherty
Hermosa Beach**

**Charles Doherty
Hermosa Beach, CA**

**SUPPLEMENTAL
INFORMATION**

6

Jackie Drasco

From: ronwamba@aol.com
Sent: Wednesday, July 26, 2006 7:02 PM
To: Jackie Drasco
Subject: Problems on 16th Street

I am requesting that the following email and attached pictures be forwarded to the City Manager and if appropriate the City Council. I also request that an agenda item be added to a forthcoming meeting that will deal with the issues contained in this email. The issues below have been brought to the Planning Commission and they indicated that many of these types of issues need to be forwarded to either the City Manager or the City Council. If for some reason the pictures do not appear or there is a problem I can deliver a hard copy to the City Clerk. Therefore, based upon statements at the Planning Commission meeting I am requesting that the following issues be addressed and resolved.

I am a resident residing at 1600 Ardmore #213 at the Commodore Condo's. My home is the closest to the parking structure of the new building housing the Pavillion's parking structure. Sixteenth street (16th st) has become a virtual drag strip, raceway, and new parking lot. I have attached a number of pictures taken from my balcony which clearly illustrate the increase in the volume of traffic and the disregard for parking regulations. We also see few police patrols on the street. Last night at 6 pm I turned at the new PCH traffic light west onto 16th street and headed down the hill. I traveled about three car lengths and the traffic was stopped in both directions as people tried to get into the Pavillion parking garage. When I finally had a clear road in front of me, I continued down the hill when a pickup truck heading east and trying to turn into the Pavilion parking garage pulled across the road and blocked the entire road while he waited to get into the parking structure. He tried to block the entire street. I was able to go around the front of his truck and he started swearing at me and was trying to come after me, but traffic stopped him. Cars turning into the Pavillion refuse to let cars going straight down 16th street go through. There is a parking turn lane on the north side of 16th street but it is not used because cars can not make the tight turn into the garage. They think there is a 3 way stop in the front of the Pavillion parking garage. I am 66 and who needs this. Meanwhile, the street remained blocked in both directions and other cars were waiting/parking in the VON's loading area. We are aware that both the Planning Commission and the City Council approved the changes to the parking in the Pavillion that require 2 hours free parking. That was a positive move but it is just not working. It is too hard to enter the Pavillion parking garage. Come out for a few days and see for yourself.

The worst time of the day is 5 pm to 7 pm but the problems continue up to 2am in the morning. Customers of the Pavillion's parking garage peel their tires in and out of the parking garage and tear up and down sixteenth street. Car horns are continuously blaring in the early evening and that continues until 2 am in the morning. Truck drivers of 18 wheelers have started blowing their horns (very loud) in order to get cars parking in the Von's loading area moved. This is right outside our windows. Car owners are allowed to run their radios wide open, like boom boxes, while in the Pavillion garage and upon leaving. Night before last someone was working on their car at 2 am which was parked across the street. This woke me up and I watched a person go between the Pavillion garage and the car which was under the street light. The guy working on the car at 2 am in the morning was wearing a shirt that had 'SECURITY' across the back. The Planning Commission was assured both verbally and

in writing that the garage has staff who oversee it. What are these 'parking professionals' doing? Fitness Center patrons are also walking and standing outside the parking garage on the streets up to and past 2 pm. These people are really noisy and they yell right outside our windows. Can't get much sleep anymore. Last Monday, the HB Police had someone on the curb right outside our window at 11 pm. Guess they were dealing with a drinking issue as we have many that go up and down our streets between 11pm and 3am in the morning. Another late night for us.

The above issues go on every day of the week.

The Pavillion Parking Garage has cars on the right side trying to exit to the left and cars from both east and west trying to get into the garage. What a mess. The design of the garage entry is surely lacking and the existing turn lane is not usable. Maybe our city engineer should evaluate the access at 6 pm in the evening and propose a better solution.

Cars and semi's trucks park in the red zone on 16th street in front of the Commodore Condo's. Appears there has been little or no effort on the part of the Pavillion ownership to encourage their patrons to use the parking garage. Because of the problems and wait lines getting into the garage, patrons are parking elsewhere. They park all over the streets in front of residences. If the Pavillion has so much parking available why don't the patrons use it? When I place calls to the police they may or may not show up and it might be an hour later. Does not help much when a semi is outside your window with its engine running or cars are in the Von's loading area late at night with their lights on shining in our windows. Parking control has been doing a fair job but many times they also take an hour to show up. If there is an emergency in the city it must come first, but I have seen city police cars go around illegally parked cars and trucks after I have called in an issue and they just continue down the street. Guess that is not their job? I was assured by the Police Chief and Lt. Lance Jaakota that our problems would be addressed in a timely manner when we requested assistance. Service was good for a while but lately response has been very slow or non existant. Unless our area has increased police patrols problems will only increase.

We need relief on 16th street right now. Some citizen suggestions:

1. Position an unmarked police car on the street to ticket the speeders, the noise makers, and the drunks. Fines could be used to hire an officer.
2. Lower the speed limit on 16th street to some reasonable value such as 15 or 20 mph and enforce it.
3. Make 16th street a one way street. Not ideal but a solution that has worked in other areas in Hermosa Beach.
4. Require Parking Control to make some passes up/down the street at prime times and ticket people parking in illegal parking areas such in the Von's truck unloading area.
5. Consider placing speed strips/bumps on 16th street so that both the trucks and cars have to slow down.
6. Make parking on 16th street resident sticker parking only and on Pacific Coast Hwy in front of residences/condo's resident sticker parking only.
7. Make 16th street a quiet zone so the patrons of the Pavillion and cars or trucks using horns can be ticketed at any hour and enforce it.
8. Make responding to a problem reported by the community regarding parking, speeding or the Pavillion a priority. No one appears to be doing anything right now.

We know that this is not a perfect world and change does take time. We only ask that some cares enough to address issues that are real and continuing and that has been expressed by so many local residents in the last few planning and council meetings. The last Planning Commission meeting brought out at least 40+ people to speak to the parking, speeding, and other issues related to the Pavillion and the area surrounding it, including the request to open a lounge and restaurant in the Pavillion. Right now selling liquor at that location should be the last choice for the City Council. The residents of the area do not support this and seek relief from current problems before addressing any new issues. We want our former quality of life back.

Attached are a few pictures taken from my balcony of the numerous illegally parked cars and trucks and the confusion on the street that they cause. Sorry for the quality, but if requested I can provide many more and of a higher quality. I provided approximately 70 pictures to the Planning Commission. I would be happy to provide any additional information that is needed and would also be available for more details.

Thank you for listening,

Ron Miller
1600 Ardmore #213
Hermosa Beach, CA 90254
310-937-9052
ron_wamba@verizon.net
ronwamba@aol.com



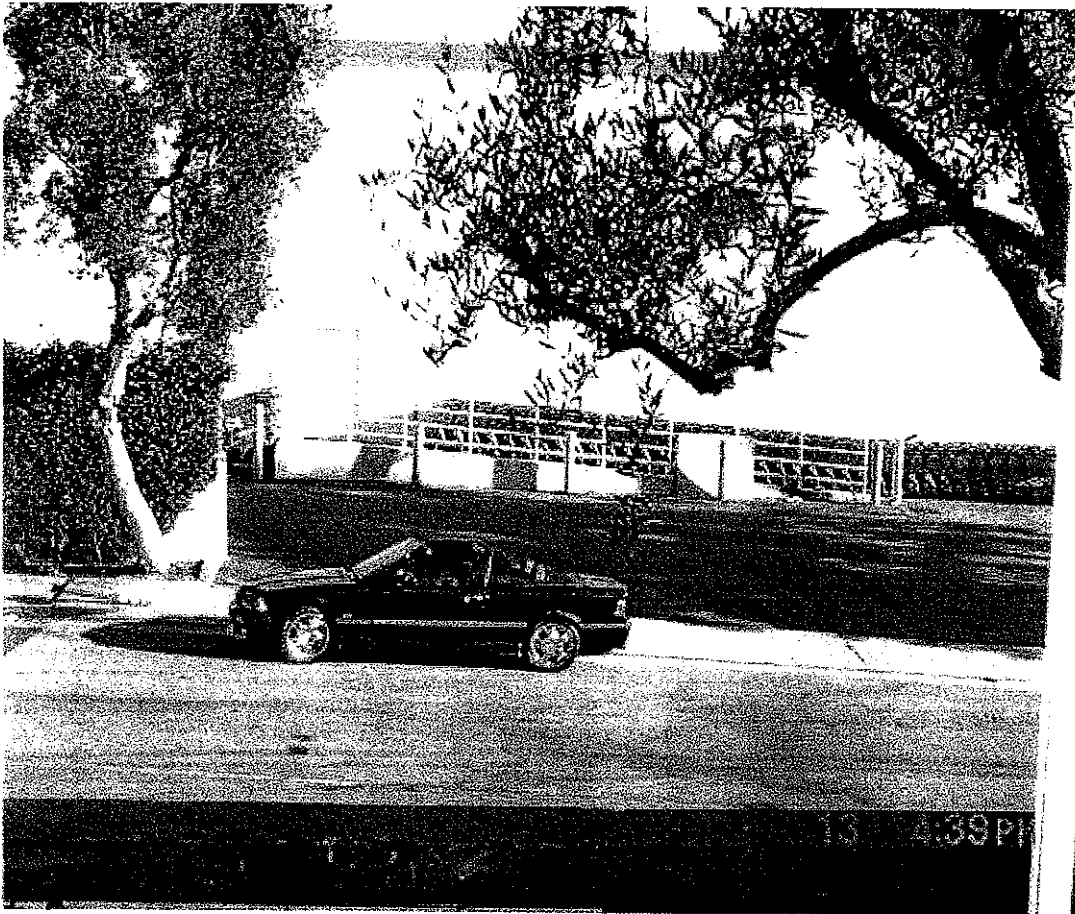
7/27/2006

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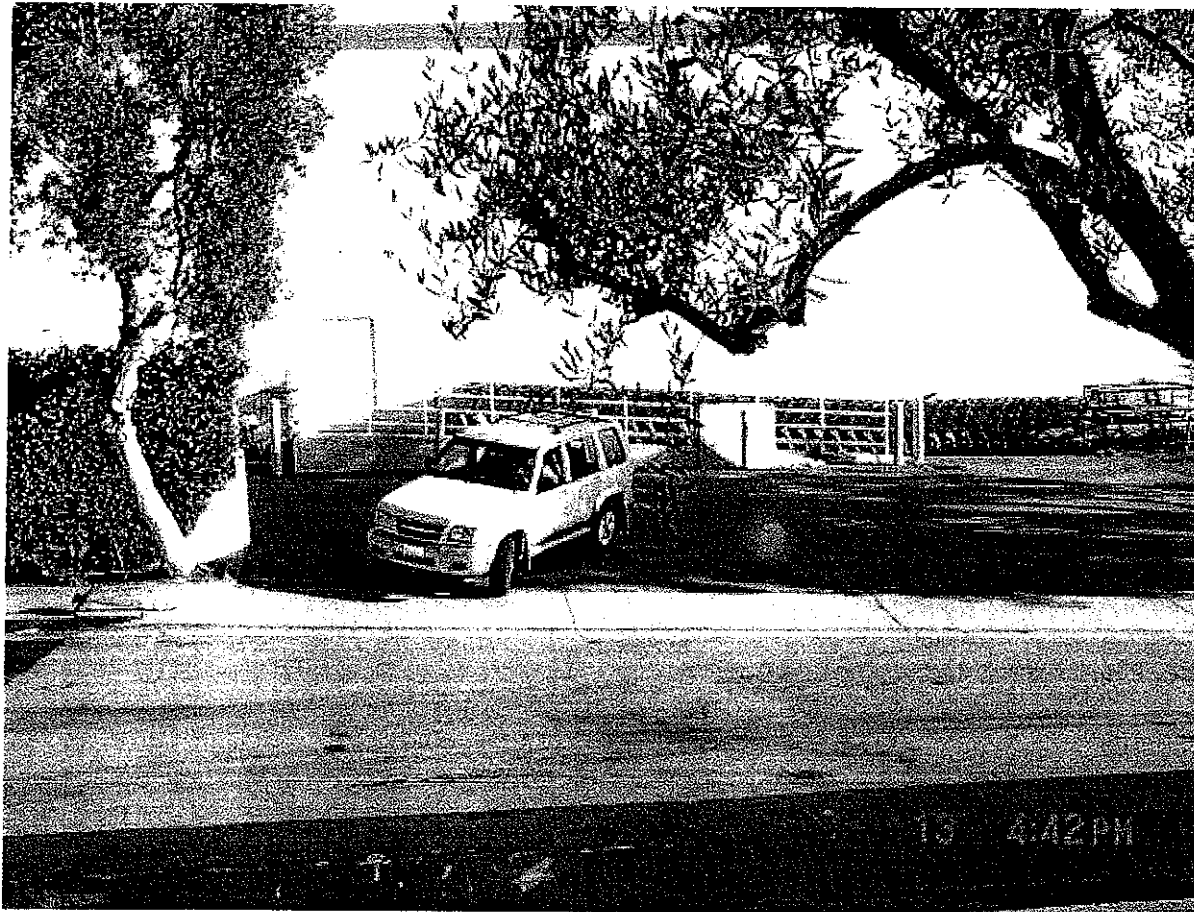
Traffic at 6 pm or so. Note SUV illegally parked.



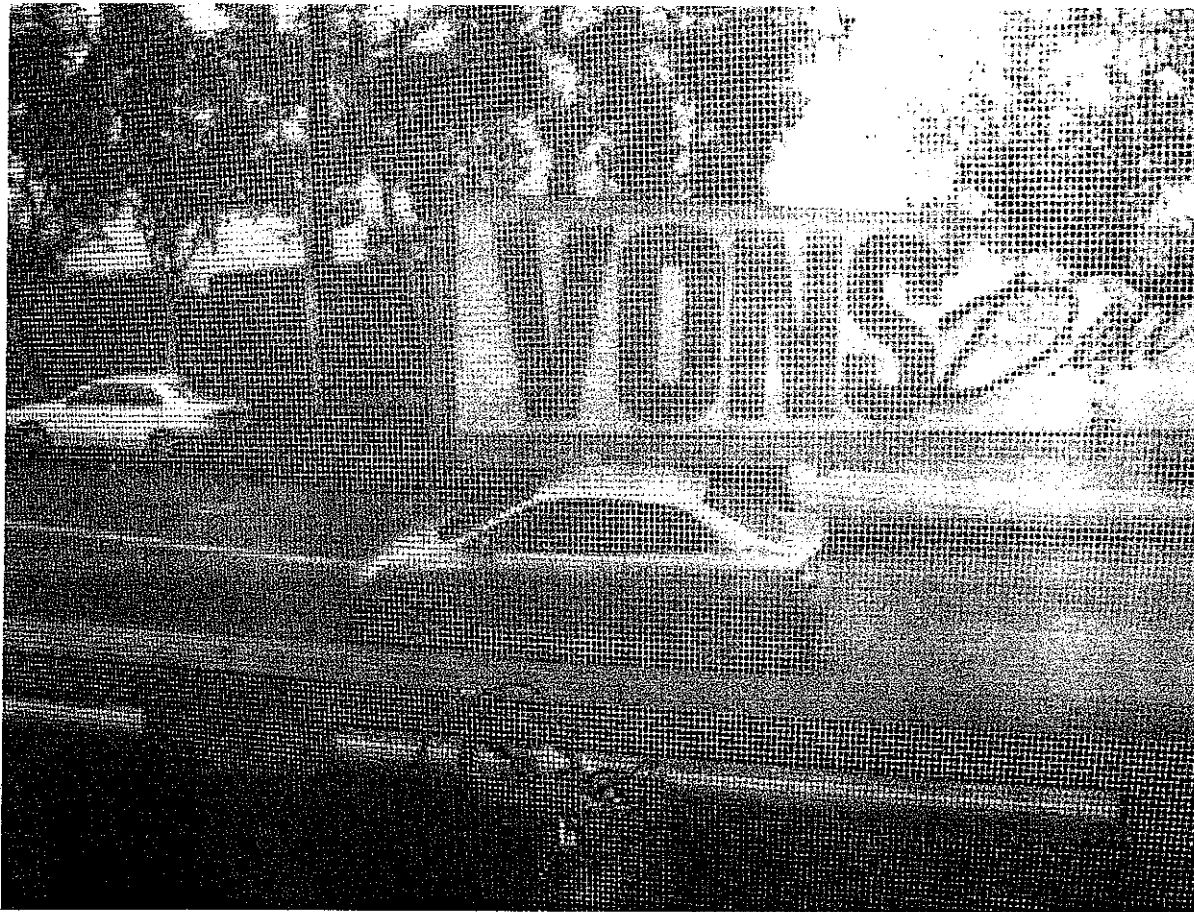
One of the many traffic jams on 16th St.



Car parking illegally in Von's loading area



Car parking illegally in Von's loading area



Truck blocking the street in the Morning.



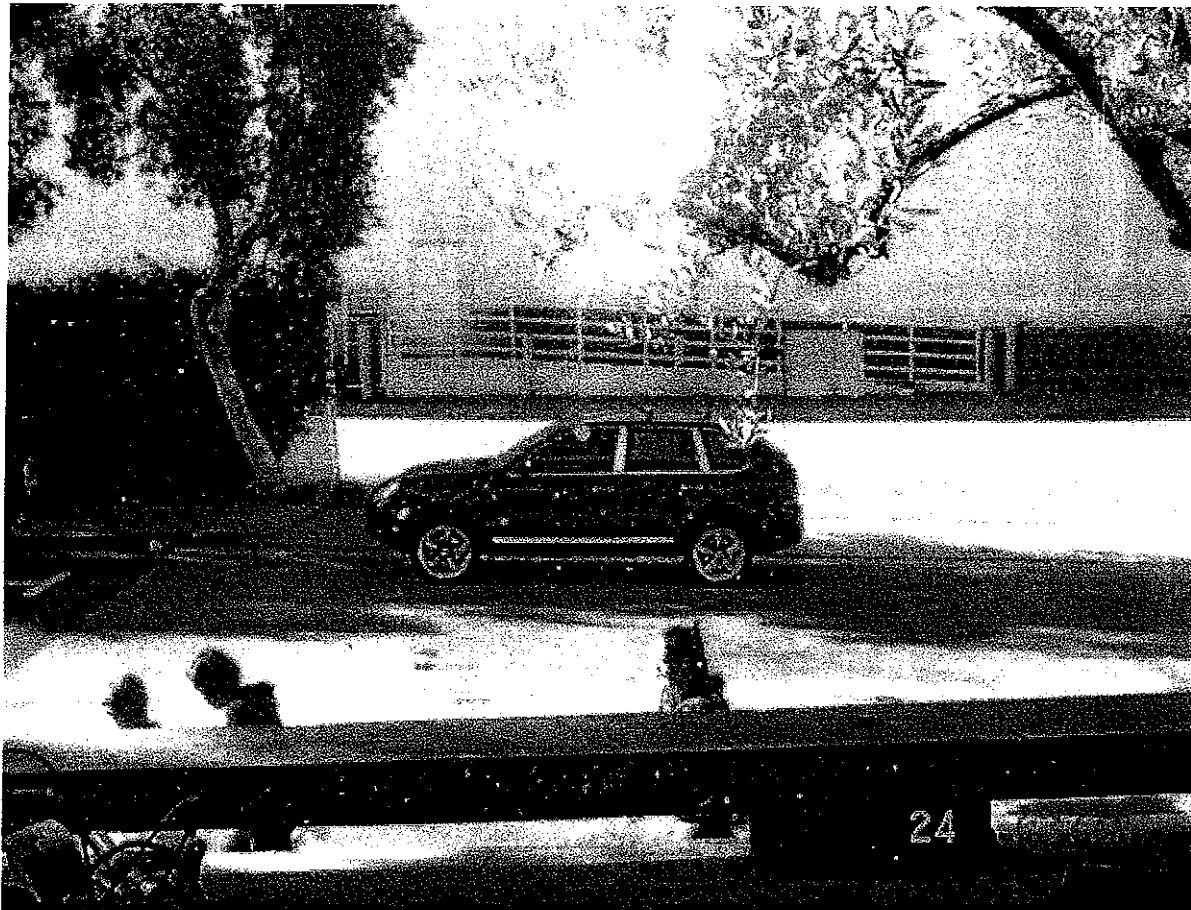
More pictures of the traffic on 16th



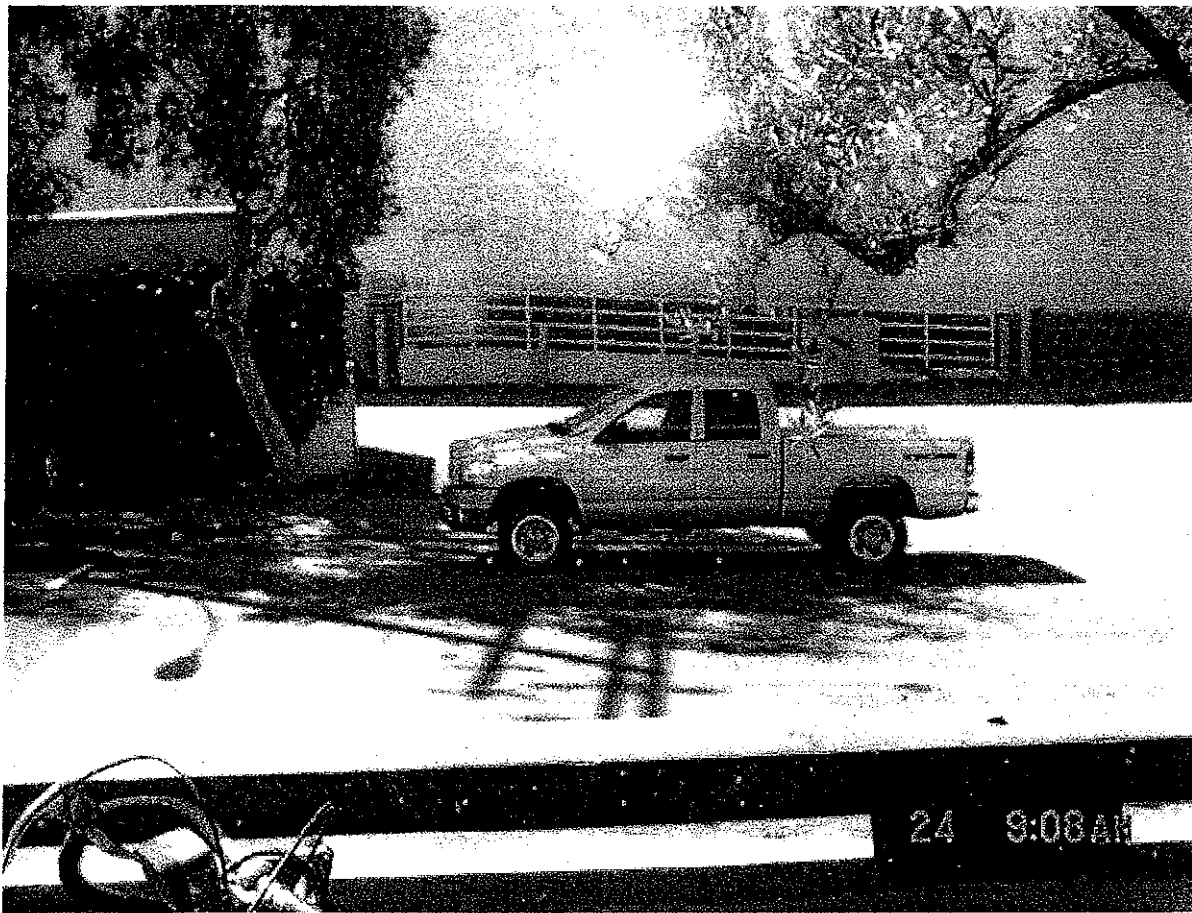
This is part of the 5:30 pm crowd



Car parking illegally in Von's loading area



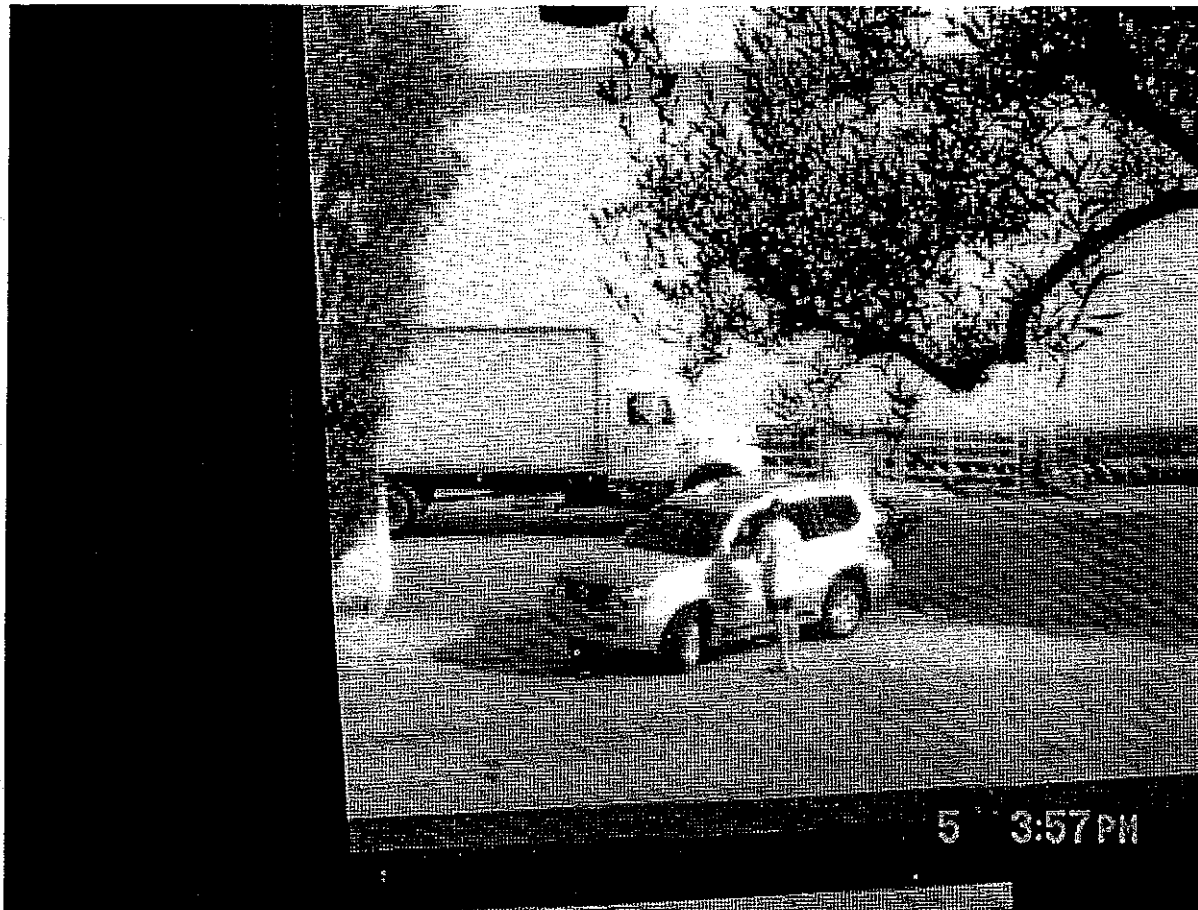
Car parking illegally in Von's loading area in morning.



Car parking illegally in Von's loading area



Car parking illegally in Von's loading area



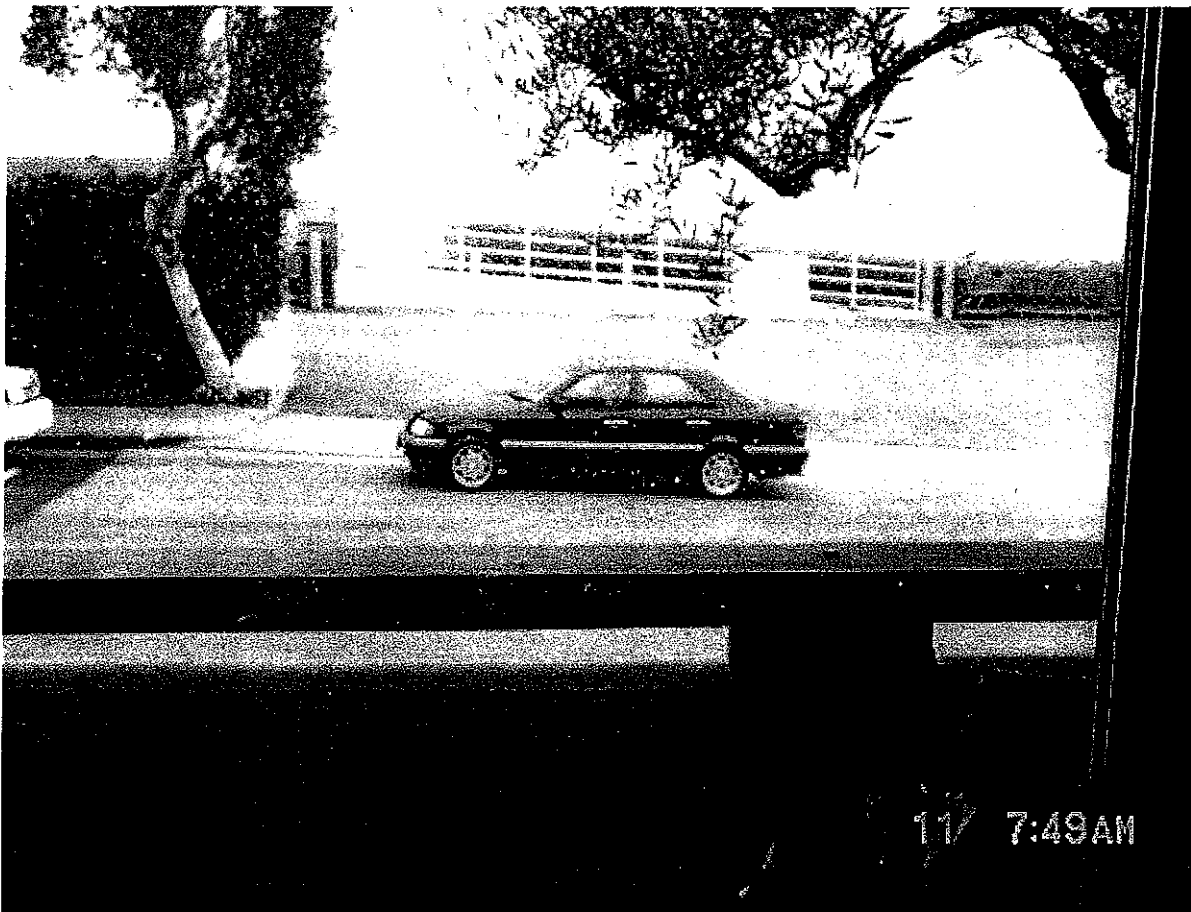
Car parking illegally in Von's loading area



Truck parking illegally in Red Curb zone - police no show



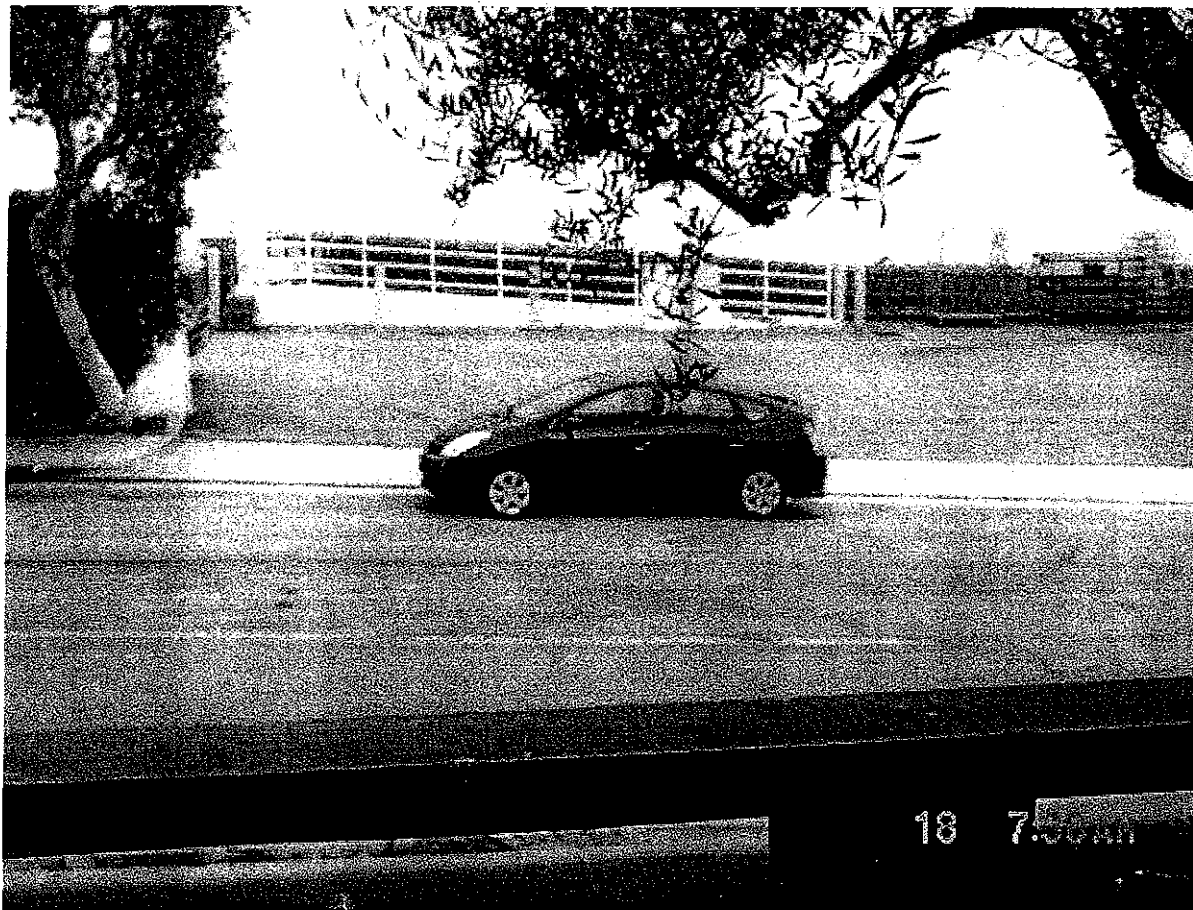
Car unloading illegally in Red Curb zone - police no show



Car parking illegally in Von's loading area



Car parking illegally in Von's loading area



Car parking illegally in Von's loading area



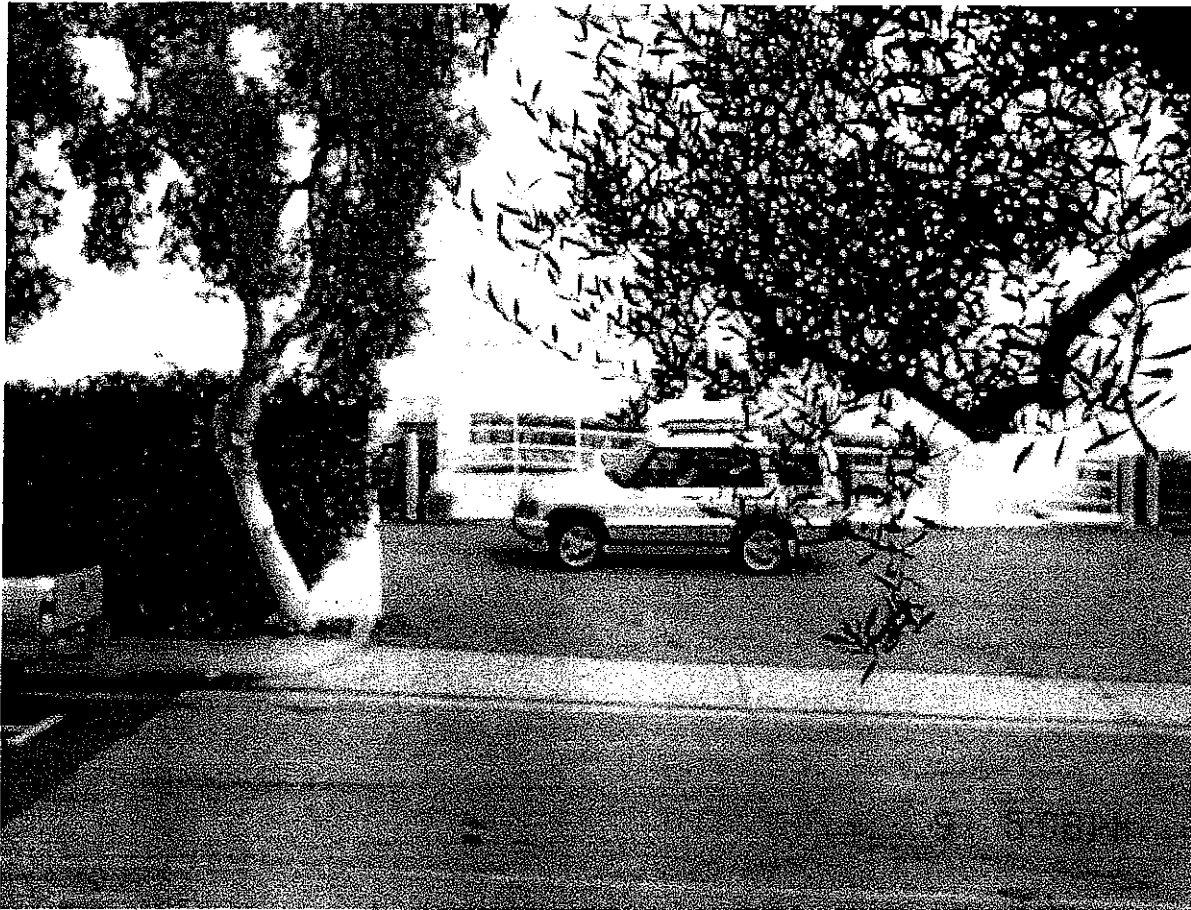
Cars parking illegally in Von's loading area



Car parking illegally in Von's loading area



Cars parking illegally in Von's loading area



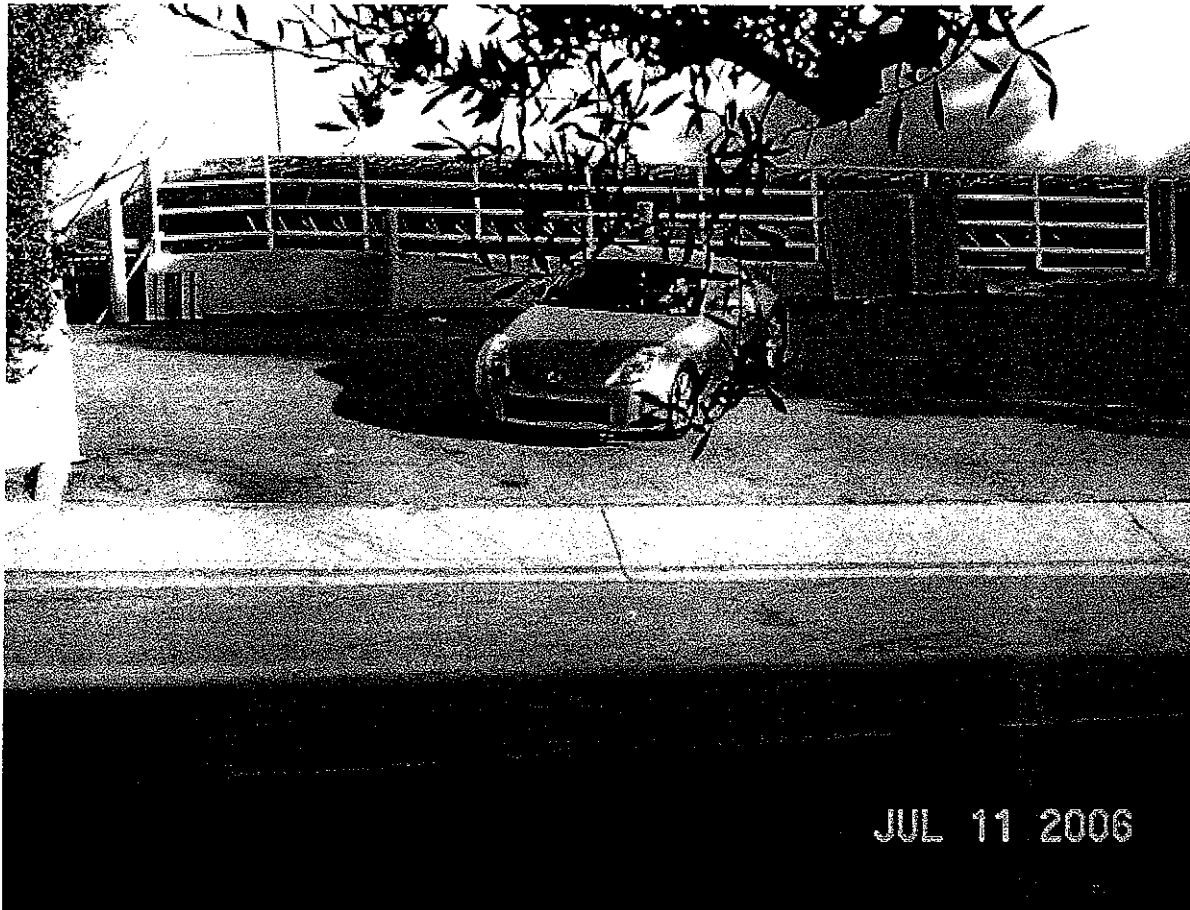
Car parking illegally in Von's loading area



Car parking illegally in Von's loading area



Car parking illegally in Red Curb zone - police no show



Car parking illegally in Von's loading area



Cars parking illegally in Von's loading area and Red Curb zone



Car parking illegally in Von's loaing area

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

Sol Blumenfeld

From: Jackie Drasco on behalf of City Clerk
Sent: Tuesday, June 20, 2006 7:39 AM
To: Doug Vikser
Cc: Sol Blumenfeld
Subject: RE: Attention Planning commission

Mr. Vikser - I will forward your email to our Planning Director so that he can provide your email to the Planning Commission for the hearing tonight.

Jackie Drasco
Deputy City Clerk
City of Hermosa Beach

-----Original Message-----

From: Doug Vikser [mailto:vik.fam@verizon.net]
Sent: Monday, June 19, 2006 5:50 PM
To: City Clerk
Subject: Attention Planning commission

My name is Doug Vikser and I reside at 963 15th Place.

I just found out that the Planning Commission is considering granting a CUP to a new restaurant at the Hermosa Pavilion that will have bar service until 2:00 am. As if people from the gym parking on 16th Street and speeding up and down the street isn't bad enough? Now you're going to allow "drunks" to walk our street and scream and yell at all hours of the night (in addition to speeding and driving drunk and endangering our children). What's is it going to take for you people to consider our problems? Does a child need to get killed on 16th Street (the way the 15 year boy was killed crossing PCH at 16th Street) to get your attention! After all the problems the neighborhood has had with the parking on 16th Street you are going to exacerbate it by allowing drunks on the street!

You people need to start represent us and not just Gene Shook!!

RECEIVED

JUN 20 2006

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SUPPLEMENTAL
INFORMATION

8

Stephen Burrell, City Manager
All Hermosa Council Members (*Planning Commission*)
1315 Valley Drive
Hermosa Beach, CA 90254

June 16, 2006

RECEIVED

JUN 19 2006

COM. DEV. DEPT.

My name is **Rosalind Bender-Thomen** and I am a resident at **909 - 16th St.** since 1969. My parents owned the International House of Pancakes for 14 years, so I've seen many changes locally. However, Hermosa was always a quiet, safe, and family-oriented city. Residents' safety and satisfaction were always foremost. Thus said, I would like you to please consider my comments, as they are the same feelings as many of my neighbors.

The whole issue of the traffic light placed at **16th St.** and P.C.H. came about quite unexpectedly and without prior notice given to the residents, or there would have been an outpouring of protests right from the beginning. When the residents of (and near) **16th Street** did appear at 2 City Council meetings, we were heard, but **no actions to resolve the on-going problems have been taken yet.**

And we now understand that the next Council meeting on June 20th is going to discuss the newly proposed "Alcohol Outlet Bar/Restaurant"??? If you grant license to an Alcohol Outlet Bar-Restaurant, you will be creating even more problems for the residents of **16th St.** and surrounding areas !! **We already can hear live music coming from Pier Ave. bars, the nearby Hotel, and the beach festivals.** If you grant a new alcohol license on P.C.H., we will be dealing with even more noise, loud music, traffic & safety issues, parking problems, and possibly drunk drivers!

Currently there are four major issues that we see now facing the residents of 16th Street: TRAFFIC, SAFETY, PARKING, & NOISE.

TRAFFIC: Prior to the light, we already had more drive-through traffic going to & from Pacific Coast Hwy. and Prospect Ave. than our narrow, and not safely visible little street could handle! We still have constant traffic from neighboring *Coast Pet Clinic*, 2 schools' traffic, hotel traffic, and daily work traffic cutting to & from Pacific Coast Hwy. **Now that the signal has been installed, we additionally have traffic to & from the Vons Shopping Center and the 24-Hr. Fitness members, using our street as a thoroughfare.**

SAFETY: Additional traffic has brought additional safety issues to our street. We are living at the crest of **16th St.**, which is a "blind spot" for drivers. **We already had problems getting out of our driveway, but now, thanks to the traffic light, and the 24-Hr. Fitness members, people are speeding up & down our street, sometimes reaching 40-50 m.p.h.!** We see people turning U-turns in the middle of the street, or in our driveways to get an available parking space. In the past, we lost 2 pets to the drive-thru traffic that unsafely speeds up and down our street at all hours. **I can't begin to imagine the constant worry and fear that the parents of our street endure daily concerning their childrens' safety.** And drivers ignore the *Children Safety* signs that have been placed.

Additionally, we are a *Neighborhood Watch* community, but with so many strangers parking on our street now, safety has become an even bigger issue. It is now difficult to know who does not "belong" in our neighborhood, and who should be reported as being "suspicious". One young man was even observed, in the afternoon, completely changing his clothes behind his car!

PARKING: We already have an on-going parking problem, as there is parking on only one side of the

SUPPLEMENTAL
INFORMATION

street. Many of us have very small, narrow driveways that were not built for new & larger vehicles, so we depend upon street parking. Gardeners, service people, contractors, and *Coast Pet Clinic* employees, already take up most of the available resident parking during the day. **Now the 24-Hr. Fitness Gym members are using our street for parking, and walking across the street at the light!!** (see attached listing on last page)

NOISE LEVELS: Additional traffic has also brought additional noise issues to our street. Even with dual-glazed windows throughout our home, we still hear traffic noises, car radios, and people standing outside their cars talking at all hours. The peacefulness of our little neighborhood has been invaded by constant noise and traffic. And adding a Bar-Restaurant on P.C.H. will only intensify the noise and traffic problems we are experiencing.

The residents of 16th Street already have enough traffic problems, without more being created for us!! By installing the traffic light at the bottom of *16th Street*, it is now easier for more people to use our street for parking or drive-through purposes! By doing so, **safety, parking, and noise issues have doubled or tripled.** We invite any or all of you to physically stand on 16th St. (not use a "box"), and witness for yourselves how much daily traffic and parking problems we are having that impact our lives. The hours of 3:00 - 8:00 p.m. are primetime hours for any of you to come and observe those issues about which we speak.

Recently we spoke with Jeff Duclos, a candidate for City Council, who was in our neighborhood. During the 15 minutes that we spoke, he could not believe the amount of traffic and safety issues that we all observed. And twice we were almost run over by speeding drivers, middle-of-the-road drivers, or U-turn offenders racing for a parking space!

As a School Counselor, long-time resident, and tax-payer, I believe, vote and support City government. **And I strongly believe that the Hermosa Beach City Council can quickly resolve these issues facing 16th St. residents should they choose to do so.** The Council has reached speedy resolutions in the past with other Hermosa streets. So please help us now !

Thank you for your time, consideration, and prompt action in this extremely important matter. We hope to see you all at the June 20th meeting.

Sincerely,



Rosalind and Alan Thomen
909 16th Street.

The following list has been compiled from observations by Rosalind and Alan Thomen, only after observing people park their car on 16th St. or Mira St., walk down the street, cross P.C.H. and walk to the **24 hr. Fitness Center**. All people witnessed had one or more of the following items with them: a towel, a gym bag, a water

bottle. All sightings were taken between 2:00 - 8:00 p.m. on weekdays and weekends:

1/23/06	Silver Toyota Scion	5KTF816	CA
1/30	Grey Chevy 510 Pickup	7J31163	CA
2/03	Maroon Chevy Impala	II KINGS	CA
3/02	Silver Isuzu Trooper	4HLU212	CA
	Yellow Ford Focus	45HP880	CA
	Silver Toyota Scion	5KTF816	CA
3/07	Silver Honda	4NKW381	CA
4/11	Brn Metallic 1971 Plymouth Duster	1BVR813	CA
4/20	Brn Metallic 1971 Plymouth Duster	1BVR813	CA (again)
4/26	Silver Honda	45ND796	CA
4/27	Silver Honda	4TTS686	CA
5/02	Blue/Gray Ford Explorer	42TM420	CA
	Dk Gray/Green Toyota T100	6X69138	CA (loitered 1.5 hrs. - HBPD)
5/03	White Ford Mustang	4YOU161	CA (2 hrs.)
	Red Toyota Celica GTS	4PZL526	CA
5/09	Dk Gray/Green Toyota T100	6X69138	CA
	White Ford Mustang	4YOU161	CA (again)
5/10	Blk Nissan Armada SE	5M22206	CA
5/11	1973 Plymouth Duster	1BYR813	CA
5/15	White Toyota Corolla	55OXO45	CA
	Dk Gray Saab	5MXP047	CA
5/16	Maroon Chevy Impala	5HJW727	CA (2 hrs.)
	Dk Gray Acura TL	5JFL232	CA
	White Mustang	MAK103	CA
5/17	Blk Hummer	DKY1264	NY (comes almost every day)
	White Saturn	4YFY441	CA
5/18	White Dodge Explorer	GJH373	CA
	Maroon Chevy Impala	5HJW727	CA (again)
	Blk Hummer	DKY1264	NY (again)
	1973 Plymouth Duster	1BYR813	CA (again)
5/19	Blue Mercury Lynx	FBM191	CA
5/22	Blue Mercury Lynx	FBM191	CA (again)
	Dk Gray/Green Toyota T100	6X69138	CA (again)
5/24	Blk Hummer	DKY1264	NY (again)
5/25	Blk Hummer	DKY1264	NY (again)
	Blk Saab convertible	5DMM037	CA
5/26	Blk Hummer	DKY1264	NY (again)
5/27	Blk Hummer	DKY1264	NY (again)
5/31	Silver Mustang convertible	YUB214	CA
6/02	Blk Hummer	DKY1264	NY (again)
6/05	Dk Gray/Green Toyota T100	6X69138	CA (hit Stop sign -HBPD called)
	BLK Toyota Paseo	2XHL114	CA
6/09	Blk Hummer	DKY1264	NY (again)

We have repeatedly contacted the 24 Hr. Fitness Center about this on-going problem, and asked that a sign be displayed prominently, for their members, about the parking situation. Many more sightings have been made that were not written down, with many repeat offenders. Keeping a daily list is impossible, but we're hoping this list will assist you to arrive at a quick and positive resolution.

James Lissner
2715 El Oeste
Hermosa Beach, CA 90254

8-15-06

Hermosa Beach Planning Commission

Venue: Planning Commission Meeting of 8-15-06

Subject: 1601 PCH, CUP for Restaurant with Alcohol

Commissioners:

This is my second letter regarding this matter. I also wrote you on the 10th, and a copy of that letter has been included in your packet materials for today's meeting.

At an earlier meeting, the applicant partners distributed copies of a Mother's Day Brunch menu from one partner's restaurant in San Juan Capistrano.

Recently, I obtained a copy of the regular dinner menu from that restaurant. I have attached a copy of it as well as of the Mother's Day menu they previously distributed.

When I reviewed those menus, they reminded me of the sophisticated menus submitted by some other CUP applicants in Hermosa Beach. I keep a file folder with old menus and have attached, for your review, copies of old menus from Patrick Molloy's and Pointe 705. The similarities (other than the prices) are striking.

My point, in case it is not already clear, is that a sophisticated menu provides us no assurance as to how the place will be operated later on.

Sincerely,



SUPPLEMENTAL
INFORMATION

StillWater Bistro

2006

Mother's Day Brunch

Starters

(your choice of one)

Yves' Homemade Granola

Vanilla infused yogurt, fresh berries.

StillWater House Salad

Field greens, Maytag blue cheese, candied pecans, dried Bing cherries, balsamic vinaigrette.

Baby Spinach Salad

Dried apricots, pistachios, feta cheese, caramelized onion, raspberry vinaigrette.

Entrees

(your choice of one)

*All entrees come with breakfast potatoes

Chamomile and Hickory Smoked Rainbow Trout

Sweet potato hash, poached eggs, chipotle coulis.

Eggs Benedict - StillWater Style

Applewood smoked bacon, poached egg, English muffin, blue crab salad, hollandaise.

New Orleans Scramble

Scrambled eggs, Andouille sausage, crawfish, red bell peppers, red onion, smoked Gouda.

Pain Perdue

Caramelized apples, vanilla bean infused cream.

Belgium Waffles

Fresh strawberries and bananas, vanilla bean infused cream.

Hickory Smoked Pork Tenderloin

Bing cherry reduction, roasted garlic potato, asparagus.

Harris Ranch Ribeye and Frites

Maytag blue cheese crumbles, lemon zest aioli.

Dessert

An Assortment of Fine Pastries

*All mother's get bottomless Mimosas

Price:

Adults: \$55 per person plus tax

Children (12 and under): \$15 per person plus tax (Entrée and Dessert).

Stillwater, SJC 2006

Palate Teasers

Beer Battered Green Beans

Lemon Zest-Caper Aioli, Spicy Tomato Fondue.
\$7.

Beef Satay Skewers

Sweet Soy Reduction.
\$9.

Maryland Style Crab Cakes

Blue Crab, Crawfish Tails, Celeriac Slaw, Cajun Aioli.
\$11.

Shanghai Shrimp in Lettuce Cup

Pan Seared Shrimp, Crimini Mushrooms, Pine Nuts, Cilantro, Soy Lime Sauce.
\$11.

Tomato Basil Bisque

Goat Cheese Toast Points.
\$9.

Soup and Salad

French Onion Soup

Traditional Favorite.
\$7.

Stillwater House Salad

Organic Mixed Greens, Bing Cherries, Maytag Blue Cheese,
Candied Southern Pecans, Balsamic Vinaigrette.
\$8.

Caramelized Bosch Pear and Montrachet Goat Cheese Salad

Organic Field Greens, Red Onions, Carrots, Fried Parsnips, Lavender Infused Ranch.
\$9.00

Traditional Caesar Salad

Romaine Hearts, Parmesan Regianno, Focaccia Croutons, Kris' Caesar Dressing.
\$8.

Stillwater, S.J.C., 2006

Entrees

Pan Seared New Zealand Sea Bass

Grilled Corn and Black Bean Relish, Chipotle Beurre Blanc, Seasonal Vegetables.
\$26.

Grilled Organic Australian Lamb Strip Loin

Horseradish Mashed Potatoes, Green Bean-Tomato Fondue, Tarragon Demi Glace.
\$28.

Wasabi Root Crusted Alaskan Halibut

Pineapple Beurre Blanc, Lemongrass Couscous, Sautéed Spinach.
\$26.

Organic Chicken Pasta Primavera

McGrath Organic Vegetables, Light White Wine Cream Sauce, Spinach Fettuccini.
\$20.

Barbeque Braised Prime Beef Short Ribs

Garlic Mashed Potatoes, Tropical Slaw.
\$25.

Natural Omaha New York Steak

Melted Blue Cheese, Potatoes O'Brien, Grilled Zucchini
\$30.

Chamomile Smoked Duck Breast and Confit

Sautéed Baby Spinach, Mandarin Coulis, Imported Brie Infused Orzo.
\$28.

Grilled Hawaiian Mahi Mahi

Indonesian Fried Rice, Roasted Pineapples, Grilled Asparagus, Curry Coconut Sauce.
\$26.

Organic Grass Fed Filet Mignon

Mango Steak Sauce, Asparagus Risotto, Seasonal Vegetables.
\$33.

½ Roasted Shelton Chicken

Natural Herb Jus, Black Wax Cheddar Macaroni and Cheese, Sautéed Rocket.
\$20.

Pistachio Crusted Wild Salmon

Brie and Sun dried Tomato.Orzo, Sugar Snaps, Strawberry Balsamic Reduction.
\$26.

Still water SJC, 2006

Still Water Bistro Specials

Wildlife Lake Elk

Gouda and Andouelle Sausage Gratin, Glazed Carrots, Grilled Onion Demi Glas.
\$30.

Sour Fruit Braised Ono

Steamed Rice and Sautéed Spinach
\$26.

Veal T-Bone

Baked Potatoe, Garlic Green Beans, Exotic Apricot Mushroom Demi.
\$35.

Hearty Seafood Saffron

Mussels, Shrimp, Bay Scallops, Calamari, Fish Stock, Rustic Toast Points.
\$26.

Small Plates

Coconut Shrimp Skewers with Grilled Pineapple and a Chipotle Vinaigrette	\$9.95
Barbecue Spiced Scallops, Garlic Mashed Potatoes and a Roasted Corn Sauce	\$8.95
Miso Soup, Soy Broth served with Tofu, Scallions and Seaweed	\$2.95
Shrimp Tempura with Sticky Rice and Soy Chili Sauce	\$7.95
Calamari Roll, Papaya Salsa & Wasabi Crème Fraiche	\$7.95
Rock Shrimp Potstickers, Vegetable Slaw, Oriental-Butter Sauce	\$9.95
Soft Shell Crab Tempura Style with Mirin Glaze served with Wasabi Mashed Potatoes	\$8.95
Fresh Mixed Vegetable Tempura served with Sticky Rice	\$4.95
Seared Ahi, Sesame-Chili Noodles, Mirin Glaze	\$8.95
Crab Cakes with Roasted Red Bell Pepper Cream	\$12.95
Rainbow Plate- Salmon, Ahi, Shrimp, Yellowtail, Sticky Rice with Chili Dipping Sauce	\$10.95

Greens

Charred Ahi, Baby Greens, Roasted Red Bell Pepper Vinaigrette, Olives, Onions, and Tomatoes	\$10.95
Baby Greens, Tomato Concasse, Hot House Cucumbers, Red Onions, Balsamic Herb Dressing	\$5.95
Arugula & Baby Greens- Goat Cheese, Roasted Pecans, Tomatoes & An Herb Dressing	\$7.95
Romaine and Radicchio, Garlic Bruschetta, Parmesan & Romano with Caesar Dressing	\$6.95
705- Baby Greens, Artichokes, Tomatoes, Feta Cheese Herb Vinaigrette, Olive Flat Bread	\$7.95
Chinois Chicken, Chopped Greens, Vegetables, Wontons, Spicy Thai Dressing	\$8.95

Pizza

Italian Sausage, Caramelized Onions, Tomatoes, Marinara Sauce	\$8.95
Margherita Pizza- Basil, Tomatoes, Mozzarella & Tomato Sauce	\$6.95
BBQ Pizza- Red Onion, Grilled Breast of Chicken, Mozzarella, Tomatoes, & Cilantro Leaves	\$8.95
Prosciutto Pizza- Mozzarella, Tomatoes, Fresh Black Pepper & Basil Oil	\$8.95
Thai Chicken Pizza- Scallions, Carrots & Mozzarella Cheese	\$8.95
Pepperoni and Mozzarella	\$6.95

Pastas & Noodles

Mixed Vegetables, Crushed Tomatoes, Herbs, Chili Flakes, Fussili Pasta Lunghi	15
Szechwan Beef Vegetables & Orzo Pasta	\$14.95
Charred Ahi with Pasta Puttanesca, Olives, Capers, Tomatoes, and Onions	\$16.95
Chicken Penne, Roma Tomatoes & Romano in a Garlic Cream Sauce	\$12.95
Spicy Cashew Shrimp, Stir Fry Vegetables, & Noodles in a Cilantro Thai Sauce	\$14.95
Lobster Ravioli- Pesto Cream, Roasted Red Bell Pepper Coulis	\$15.95

Large Plates

Filet Mignon, Tempura Onions, Spinach and Bordelaise Sauce, Roasted Garlic Mashed Potatoes	\$19.95
Sautéed Barbecue Spiced Salmon, Sautéed Mixed Mushrooms, Roasted Corn Salsa, Mashed Potatoes with Barbecue Butter	\$17.95
Seared Ahi, Mirin-Butter Sauce, Roasted Shiitake Mushrooms, Cucumber Relish, Sushi Rice	\$17.95
Pan Roasted Scallops over Wild Mushrooms and Cannellini Stew, with Creamy Parmesan Asparagus	\$16.95
Teriyaki Breast of Chicken, Steamed Rice, Cashew Broccoli	\$15.95
Five Pepper Roasted Chilean Seabass, Cucumber Tomato Relish, Crab Green Onion Mashed Potatoes	\$18.95
Sautéed Shrimp, Garlic Mashed Potatoes, Roasted Sweet Tomatoes, Spinach, Creole Butter Sauce	\$16.95
Mongolian Beef Tenderloin Stirfry, Sizzle Sauce, Assorted Vegetables, Steamed Rice	\$14.95
Honey BBQ Glazed Chicken Breast, Sautéed Spinach, Roasted Garlic Mashed Potatoes and Mesquite Potato Chips	\$15.95
Blackened Ahi, Sake Sauce, Sesame Vegetable Stirfry and Wasabi Mashed Potatoes	\$17.95

Chef Special:

Cucumber Salad, Miso Soup, (2) Coconut Shrimp, Stir-Fried Mixed Vegetables, Steamed Rice and Flavored Mochi	
Sliced Petite Filet seasoned Mongolian Style	\$24.95/person
Teriyaki Chicken Breast	\$22.95/person

Corkage fee: \$10

We gladly accept American Express, MasterCard and Visa

1/2 Price Mondays: Half Price Sushi 5-10 & Two for One U Call It Bar

Tuesdays: Prime Rib dinner for two \$20

Tues.-Sat. 5:00-7:00pm 1/2 price Sushi

Sundays: All U Can Eat Sushi \$19.95 per person

Shane and Scott McColgan, Proprietors

Rick Reyes, Executive Chef

PATRICK MOLLOY'S Circa 1998

APPETIZERS

- SEASONAL SOUP OF THE DAY 4.25
SHRIMP FILLED WONTONS over a cucumber salsa 6.00
FRESH BAKED CHICKEN POT PIE with grilled corn bread 5.25
GRILLED CHICKEN KABOB with a Thai peanut sauce 5.95
BREADED MARYLAND CRAB CAKES with grilled pear and a whole grain mustard sauce 8.25
SEARED AHI TUNA and two bean salad with fall greens 8.75

SALADS

- SPINACH SALAD with white mushrooms and a warm bacon vinaigrette 6.00
PIER AVE. CHOPPED SALAD iceberg and romaine lettuce with cucumber, tomato, mushrooms, garbonzo beans, Asiago cheese & a red wine vinaigrette 6.00
WARM GOAT CHEESE SALAD over baby greens with walnuts and a champagne vinaigrette 6.50

PASTA/RISOTTO

- CAPELLINI with wild mushrooms and sun-dried tomatoes 7.25
SPINACH AND RICOTTA RAVIOLI with brown butter and pine nuts 7.95
LINGUINI with Manilla clams and a white wine-garlic sauce 8.50
ROAST DUCK RISOTTO with a blend of fresh herbs 10.95

ENTREES

- GRILLED/STEAMED SEASONAL VEGETABLES with herb basmati rice and a light vegetable puree 10.25
FREE-RANGE CHICKEN served with potatoes and Chef's choice vegetables 13.50
FRESH GRILLED SALMON with basmati rice, black beans, green onions and an avocado-cilantro salsa 13.00
SEABASS marinated in mirin over stir-fried vegetables and curried rice 14.25
CALIFORNIA HALIBUT crusted with hazelnuts and sage over a tomato coulis with steamed spinach 14.95
RIB-EYE STEAK with rustic roast potatoes and blue-lake green beans 16.50
RACK OF AUSTRALIAN LAMB with a roasted garlic crust, mashed potatoes and steamed asparagus 17.95
FILET MIGNON with mashed potatoes and a wild mushroom sauce 18.25
GRILLED PORTERHOUSE STEAK with a twice baked potato and corn-on-the-cob with herb butter 19.95

Exec. Chef: Chris Bocchino



MOLLOY'S

circa 1998

WINE LIST

WINE BY THE GLASS

Domaine Ste. Michelle Brut Champagne	4.75
Belvedere Chardonnay	4.00
DeLoach 'Sonoma Cuvee' Chardonnay	4.75
Silverado Sauvignon Blanc	4.75
Grove Street White Zinfandel	4.00
Sonoma Creek Pinot Noir	4.75
Fetzer 'Eagle Peak' Merlot	4.75
Seghesio Zinfandel	4.25

WINE BY THE BOTTLE

Champagne/Sparkling Wine

Domaine St. Michelle Brut	19.00
Roederer Estate	29.00
Veuve Cluquot 'Yellow Label' Brut	46.00
Veuve Cluquot 'Gold Label Vintners Reserve', 88	65.00
1/2 bottle	24.00

White Wine

Robert Mondavi Fume Blanc	22.00
Ferrari-Carano Fume Blanc	25.00
Sanford Sauvignon Blanc	24.00
Caymus Sauvignon Blanc	28.00
Kettmeir Pinot Grigio	16.00
Ronco del Gnemiz 'Friuli' Pinot Grigio	31.00
Beaulieu Vineyards 'Carneros' Chardonnay	18.00
Raymond Chardonnay	22.00
Sanford Chardonnay	26.00
Kendall Jackson 'Camelot' Chardonnay	35.00

Red Wine

Raymond Pinot Noir	18.00
Kendall Jackson 'Vintners Reserve' Pinot Noir	26.00
Michel Lynch Bordeaux	16.00
Cain Cuvee 'merlot-cabernet blend'	28.00
Les Jamelles Merlot	17.00
Shafer Merlot	34.00
Stag's Leap Petite Syrah	33.00
Beaulieu Vineyards 'Rutherford' Cabernet	24.00
Kendall Jackson 'Vintner's Reserve' Cabernet	32.00
Charles Krug 'Vintage Selection' Cabernet, 88	42.00
Far Niente Cabernet	58.00
Nuit St. George Burgundy	27.00
1/2 bottle	14.00

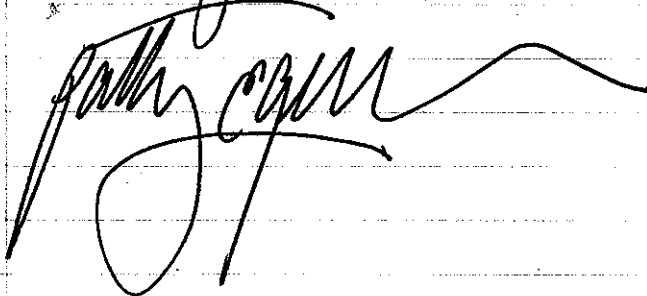
Col. Blumfeld

8-15-06

Re: Conditional Use Permit 06-04 "on sale" alcohol
1601 P.C.H. "Hemlock Procedure"

The attached letters were published in the
Beach Reporter, Aug. 10, 2006. These
letters are to be included in the
commissioner's packet for the
public hearing scheduled Aug. 15, 2006

Thank-you



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6

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We Get Letters

Eroding welfare

Directly and indirectly, the welfare of every Hermosan is eroded by the proliferation of alcohol outlets.

The Hermosa Pavilion applicant plans a new 8,000-square-foot drinking destination that will radiate impact throughout our cherished neighborhoods, degrading

our safety and living environment.

During a public hearing in July, the applicant's pitch was full of fluffy talk about cuisine, décor and culinary expertise, to distract from the inescapable issues.

An approval if granted would require evaluation in isolation. Aggregate impacts and high concentration of alcohol businesses within our community to be dismissed. Risk variables, complaints, public testimony and police service calls (alcohol-related) all to be dismissed as immaterial, to achieve the goal of increasing alcohol density. What is the benefit of increased alcohol density? The inordinate amount of city staff time to rehabilitate the pink elephant (1601, 1605, 1617 PCH) is a dismal failure if this alcohol land-use permit is granted by the city.

In the interest of neighborhood and community, the pending application submitted by the owner of the Hermosa Pavilion requires rejection-denial. This 8,000-square-foot commercial space then becomes an opportunity for the owner to focus on an ideal leasing option such as a

professional (low-impact) office tenant to offset the popular high-impact gym tenant that operates 24/7.

The next public hearing regarding this matter is scheduled Tuesday, Aug. 15, at 7 p.m., in City Council chambers. Protect neighborhood and your safety.

Patty Egerer
Hermosa Beach

Not enough income

Hermosa Beach has a severe imbalance of late-night liquor-consuming visitors when residents are home. Cash from those visitors is going to restaurant operators, cabs and other associated entities, with a tiny trickle reaching the city to pay for the safe environment provided them.

City spending for policing and public safety is now \$43,000 per day. Citywide, policing is stretched thin as an increasingly large share has to be focused in Hermosa's bar district to prevent riot, serious injury, death and property damage from the interaction of large crowds of intoxicated visitors there.

Council members of the last decade continue to be singularly obsessed in having more restaurant space selling liquor. They refuse to recognize the resident impact and simple arithmetic of how the policing and lawsuit costs related to this type of business continues to escalate while city infrastructure and staffing is in decline. The city is receiving just \$780 per day total from the city's portion of sales tax from all of the full liquor-selling restaurants citywide, yet still the city accepts and encourages applications for new and existing restaurant/bar businesses that want more square footage and with increasingly late liquor-selling hours.

Thus removal at election or by recall of those on council with continuing restaurant and liquor expansion voting records may be the only way Hermosa residents take back their city as this council and administration is not representing the long-term viability of Hermosa Beach as a residential and daytime beach city.

Howard Longacre
Hermosa Beach



"working together to prevent
substance abuse"

August 13, 2006

RECEIVED

AUG 15 2006

COM DEV. DEPT.

Planning Commission
City of Hermosa Beach
Hermosa Beach, CA 90254

Dear Sirs:

The purpose of this letter is to express our concern over the possible issuance of a Conditional Use Permit at the Pavilion location on Pacific Coast Highway.

Our Coalition is a collaborative of many agencies and individuals in the South Bay who are working to prevent substance abuse among youth in our communities. Our members include: the Beach Cities Health District, Thelma McMillen Center for Chemical Dependency Treatment at Torrance Memorial Medical Center, National Council on Alcohol and Drug Dependence, ROAD (Reach Out Against Drugs) El Segundo, school districts, parents, and youth.

As you consider the C.U.P. application at the Pavilion, we ask you to think about the message being sent to children and youth in the community with so much alcohol availability and the pro-alcohol attitude conveyed as a result. Leading children to believe that alcohol is essential in order to have fun is dangerous and irresponsible. Research shows that youth who start drinking early in life are 4 times more likely to become alcoholics and underage drinking costs the U.S. more than \$50 billion annually.

The consequences of alcohol use affect everyone -- even those who drink rarely or not at all. Alcohol use is responsible for increased violence and crime, decreased worker productivity, higher health insurance premiums, and deaths and injuries from drinking-driving crashes. Drinkers alone do not pay these costs -- everyone splits the bill.

Finally, based on the number of residents who have spoken passionately against the C.U.P., it would seem that denying this application would be a prudent and responsible action. We are hopeful that you will take all of this information into serious consideration and vote against the C.U.P. application. Thank you.

Sincerely,


Karen Carr, Project Director
South Bay Coalition

Cc: City Clerk, Hermosa Beach, CA
City Manager, Hermosa Beach, CA

320 Knob Hill
Redondo Beach, CA 90277
(310) 714-2967 (310) 792-8187

SUPPLEMENTAL
INFORMATION

6

**Charles and Carole Doherty
1600 Ardmore Avenue Unit 234
Hermosa Beach, CA 90254
310 318 7979
charles.f.doherty@att.net**

**RECEIVED
AUG 15 2006
COM. DEV. DEPT.**

August 14, 2006

**Planning Commission
Hermosa Beach, CA**

**Re: Restaurant Liquor License at Hermosa Plaza, 1601 Pacific Coast Highway and
Club 705**

**At your last meeting one of the commissioners commented that upscale restaurants
tend to morph into bars in Hermosa Beach and gave the example of Marie
Callendar's Restaurant on Pier Ave morphing into Club 705.**

**By the looks, Club 705 is morphing into an adult entertainment venture. Now we
have lingerie parties and next we will have Janet Jackson wanna-be's playing peek-a-
booby.**

Maybe it's time to review the CUP to see if this type of entertainment is allowed.

**Charles Doherty
Hermosa Beach, CA**

**SUPPLEMENTAL
INFORMATION**

6

REVISED

JUL 18 2006

COM. DEV. DEPT.

To: Sol Blumenfeld
 From: Nathan Koher
 Date: 7-18-06

Regarding: Restaurant & Parking Plan Amendment to modify the Allocation of uses with the Hermosa Pavilion

Dear Mr. Blumenfeld,

I am writing you this letter stating that I have conducted this research. I have taken pictures as well as walked the neighboring communities of Manhattan, Redondo, and Hermosa Beach. I have found stunning similarities. The similarities are as follows:

Hermosa Beach:

- It takes exactly 2 min 50 sec to legally walk from the front entrance of the Hermosa Pavilion to get to the parking spaces in front of Pet Care.
- It takes exactly 4 minutes (200 paces) to legally walk from the front entrance of the Hermosa Pavilion to get to the free parking space on 829 17th street.

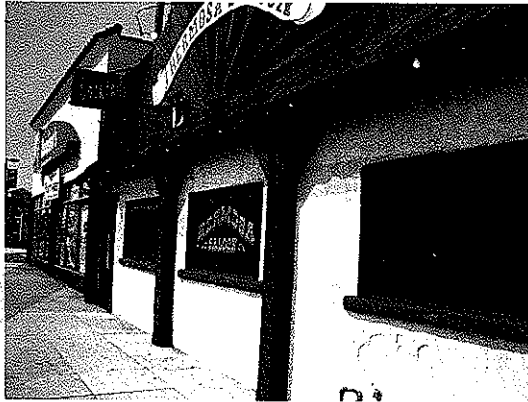


- It takes exactly 118 paces to legally walk from the free parking space by 832 16th street.
- 15th and 16th street have free parking in a residential neighborhood



- The Hermosa Pavilion has neighboring residential areas that offers free parking

- The Commodore, which is located directly behind the Hermosa Pavilion, offers no parking for visitors of their building.
- The Hermosa Pavilion is located adjacent to a Vons shopping center
- There are no restaurants/bars in Hermosa Beach that offer any kind of validated parking.



Metlock Center:

- The Metlock Center is approximately 1.5 miles from the Hermosa Pavilion. I'll also add that the Hermosa Pavilion and the Metlock Center are neighboring businesses to Ardmore Street.
- It takes exactly 80 paces to legally walk from 1200 12th street to get to the traffic signal located on Manhattan Beach Blvd and Ardmore Avenue. It takes 130 paces (2 min 30 sec) to legally walk to the Metlock Center property from 1200 12th street.



- The Metlock Center Parking Garage has exactly 463 non valet parking spaces. The Parking Garage also has 31 (lower level) valet spaces giving a total of 494 potential parking spaces.
- The Metlock Center Parking Garage has metered parking priced at 25 cents for every 15min at a maximum of 8 hours for long term meters and a maximum of 2 hours for short term meters. The meters are enforced from 9am to 8pm.



- The Parking Garage for the Metlock Center serves a number of the same businesses as the Hermosa Pavilion.



TENANT DIRECTORY
451C&D TERRACE LEVEL SUITS

COLDWELL BANKER	1000
CURVES	1000
SPACE STUDIO - SPIN, DANCE, YOGA	1000
JANELLE HOLDEN, D.D.S.	1000
BEACH TEETH	1000
ANNE NORRIS OZER, D.D.S.	1000
STEVEN W. OZER, D.D.S.	1000
JILL MICHELLE / S.E.A. DESIGNS	1000
WATERLEAF INTERIORS	1000



- I will also note that the Metlock Center has multiple restaurants located in their center.
- There is an adjacent condo across the street from the Metlock Center that offers visitor parking.



- Ardmore Avenue has parking that is not restricted
- The Green Build has metered parking.
- The Metlock Center is also located adjacent to a Vons shopping center.

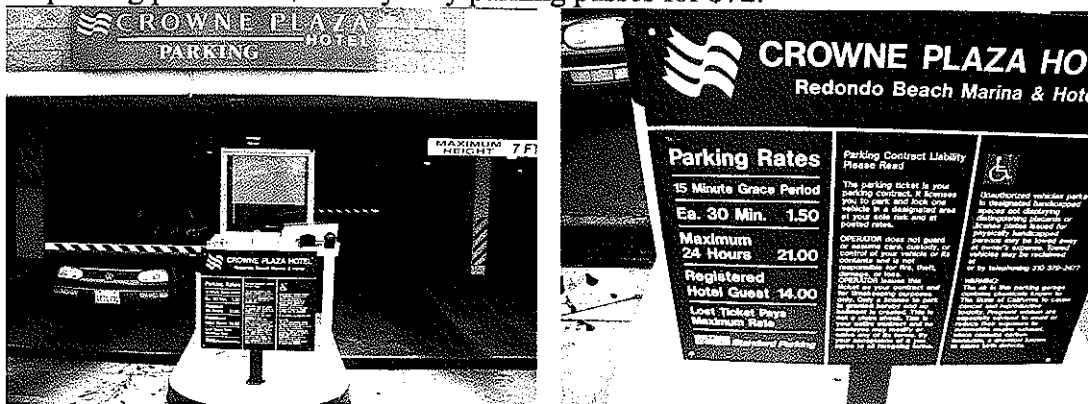


- The Metlock Center also has a hotel business that offers parties and functions that can function till 2am.
- There is not residential permit parking in the residential areas by the Metlock Center.



Redondo Beach:

- The Gold's Gym offers discounted parking for their gym members. The price is 50 cents for the first 4hrs of parking. Gym members can also buy monthly parking passes for \$6 and yearly parking passes for \$72.



- Gold's Gym has a car wash center (that uses water, not steam) located in their parking structure. Gold's Gym members also receive a discounted rate on the service.



In conclusion, the Metlock Center and the Hermosa Pavilion are similar properties and Metlock is not required to validate for restaurants.

FACSIMILE COVER SHEET AND MESSAGE

Total number of pages including this cover sheet 3

Date TH 8-10-06 Time

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AUG 10 2006

COM. DEV. DEPT.

To Hermosa Beach Planning Commission
Fax number 937-6235
Voice phone number 318-0235

From James Lissner, 2715 El Oeste, Hermosa Beach, CA 90254
Fax number: (310) 376-2287
Voice number: (310) 376-4626

Venue: Planning Commission Meeting of 8-15-06

Subject: 1601 PCH, CUP for Restaurant with Alcohol

Commissioners:

Staff is recommending midnight hours, seven days a week. I would like to suggest that those hours be only on weekends, with earlier closing during the week, like Manhattan Beach is doing on its new projects (see survey, attached).

I would suggest a three-tier arrangement, like Manhattan used with Fonzs, with these hours:

Sun - Wed close at 10 pm
Thu - close at 11 pm
Fri - Sat close at 12 mid

Thank you for your consideration.

Sincerely,



Important: The pages comprising this facsimile transmission contain confidential information from James Lissner. This information is intended solely for use by the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we may arrange to retrieve this transmission at no cost to you.

SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS			
Establishment	Address	Hours of Operation	Alcohol License
900 Manhattan Club	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor
<i>Formerly Banyan</i> Cdoco Noche	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor
Café Pierre	317 Manhattan Beach Blvd.	Su-Sa 9am-1am	Full Liquor
Pasta Pomodoro	401 Manhattan Beach Blvd.	Su-Sa 7am-11pm	Beer and Wine
Ebizio	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine
Ercoles	1101 Manhattan Ave.	Su-Sa 11am-2am	Full Liquor
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor
Francesca	1209 Highland Ave.	M-Th 11am-10pm F-Su 7:30am-11pm	Beer and Wine
Good Stuff (closed 9/05)	1300 Highland Ave.	Su-Sa 24 Hours	Beer and Wine
Hennesseys	313 Manhattan Beach Blvd.	Su-Sa 11am-2am	Full Liquor
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor
Kettle	1138 Highland Ave.	Su-Sa 24 Hours	Beer and Wine
Mama D's	1125 A Manhattan Ave.	Su-Sa 7am-2am	Beer and Wine
Mangiarno	128 Manhattan Beach Blvd.	Su-Sa 8am-12am	Full Liquor
Manhattan Brewing Company	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor
Sharks Cove <i>Coolers</i>	309 Manhattan Beach Blvd.	Su-Sa 7am-2am	Full Liquor
Manhattan Pizzeria	133 Manhattan Beach Blvd.	No Reso	Beer and Wine
Michi	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor
Octopus	1133 Highland Ave.	M-F 11:30am-2:30pm to 5:30pm-11pm F-Sa 5:30pm-12am	Beer and Wine
Old Venice	1001 Manhattan Ave.	Su-Sa 10am-12am	Beer and Wine
Penny Lane	820 Manhattan Ave.	Su-Th 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor
Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor
Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor

Towne	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor
Chakra	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine
Avenue	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor
Shade Hotel	1221 Valley Drive	Lobby Bar- daily 5pm-11pm Courtyard Su-Th 6am-11pm F- Sat 6am-12am Roofdeck daily 6am-10pm	Full Liquor
Petro's	451 Manhattan Beach Blvd Suite B-110	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor
Jr.'s Deliboy	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor

R M

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CORKSCREW 2201 HIGHLAND
CAFE

→ 11pm FULL LIQ R

G:/Planning/Ledger/Downtown Alcohol & Hrs List
07/11/06

Received 7-25-06 by kill the goose.com

R = Recent approvals

M = metlox development



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(including 1-page cover sheet)

4

If all pages are not received, please call
Maggie Manns at 714-424-2861**TO:****Facsimile No.****Telephone No.**

Planning Commission
c/o Sol Blumenfeld, Director
Community Development Department

310-937-6235

From: Michael D. Stewart, Esq.Re: Hermosa Beach Pavilion**MESSAGE:** Letter concurrently being emailed.

NOTE: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



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July 18, 2006

mstewart@sheppardmullin.com

Our File Number: 0GLC-064504

VIA FACSIMILE
(310) 937-6235

VIA EMAIL
sblumenfeld@hermosabch.org

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JUL 18 2006

COM. DEV. DEPT.

Planning Commission
c/o Sol Blumenfeld, Director Community Development Department
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, California 90254

Re: CUP 06-4 re Sale of Alcohol, Increasing Restaurant Square Footage, and
Parking Plan Amendment at the Hermosa Beach Pavilion at 1605 Pacific
Coast Highway

Dear Honorable Members of the Planning Commission:

This firm represents Shook Development Corporation ("Shook") and Stillwater, LLC ("Stillwater"). Shook is the owner of the Hermosa Beach Pavilion located at 1605 Pacific Coast Highway in the City of Hermosa Beach (the "Center"). Stillwater owns and operates the existing Green Bar at the Property, and is owned by, among others, Travis Jones and Gene Shook, the applicants for the above-referenced CUP.

Shook has reviewed the Staff Report and the proposed Resolution regarding the CUP, and submits the following comments to be considered at this evening's meeting before the Commission.

Unilateral Conditions of Approval Make Shook's Investment Unlikely

Shook is faced with lending or investing several million dollars in Stillwater to design and build out the space, purchase a first-class wine inventory, hire employees, and open a high-end restaurant. Shook estimates that its investment will likely be \$3 million, which it will only make if the City does not impose the currently onerous and vague conditions proposed in the Resolution.

SUPPLEMENTAL
INFORMATION

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SHEPPARD MULLIN RICHTER & HAMPTON LLP

July 18, 2006

Page 2

As detailed below, several of the Conditions of Approval are onerous, while others are so vague that they allow the City to essentially cease Stillwater's business operations with little showing of any violation. Shook would like to work with the City in crafting a mutually agreeable and beneficial CUP. Absent that, Shook will not go forward with the proposed investment in Stillwater.

Condition 5 vaguely states that Stillwater "shall not adversely affect the welfare of the residents, and/or commercial establishments nearby." The Condition does not state that the effect has to be material or significant, nor does it define the term "welfare," and the usage of "nearby" is obviously open to many interpretations. Condition 8 essentially allows the Police Chief to trigger a review upon undefined grounds, with no materiality requirement. The hours and other requirements regarding the wine shop are not consistent with Stillwater's business plan. Condition 19 appears to require Stillwater to require the auto detail business (West Coast Wash & Wax) to cease business or obtain a CUP before Stillwater will be approved. Stillwater does not control West Coast Wash & Wax, and it is unfair to require Stillwater to satisfy such condition.

The conditions set forth in this letter (above and below) are merely examples of the unilateral "take it or leave it" approach that the City appears to be making. Shook requests that the parties negotiate a mutually agreeable CUP.

Conditions of Approval 15, 16 and 18 Make Shook's Investment Unlikely

Conditions of Approval 15, 16 and 18 essentially allow the City to revoke the CUP for a myriad of reasons, some of which are and will be out of Stillwater's control.

The City has already made Shook provide two-hours free parking for all patrons of the Center even though the City has admitted that the only patrons at issue are those of 24 Hour Fitness. Now the City wants to condition Stillwater's existence on matters that Stillwater does not control. Stillwater is a tenant. Its CUP should not be conditioned on the entire Center complying with the Parking Plan (as set forth in P.C. Resolution 03-45, as amended by P.C. Resolution 06-16, and sustained by the City Council on July 11, 2006). Stillwater should be treated like any other tenant. It should be subject to the normal restaurant operations restrictions that it can control.

Shook recently invested over \$10 million in remodeling the Center and parking garage, with a business plan to recoup some of that investment via charged parking – which was disclosed to the City many times over the last several years. The City required Shook to provide ample parking (actually more spaces than necessary), but then changed the rules arguing that charged parking was "not efficient" because 24 Hour Fitness – which repeatedly told its patrons to park off-site – did not want to pay a dollar charge.

SHEPPARD MULLIN RICHTER & HAMPTON LLP

July 18, 2006

Page 3

Now, because the City has repeatedly refused to take any action against 24 Hour Fitness or its patrons, Shook has been ordered to provide two-hours free parking. Shook cannot risk another seven-figure investment in the Center without some type of assurance from the City that Shook will not be blind-sided by the actions of 24 Hour Fitness or its patrons, or the City's reactions thereto.

Conditions of Approval 15, 16 and 18 Unfairly Intertwine Stillwater and Shook

The proposed Resolution conditions Stillwater's ongoing business upon Shook's compliance with the Parking Plan. Stillwater, the tenant, is owned 55% by Travis Jones, Christine Jones and Yves Chachereau, and 45% by Gene Shook. Shook, the landlord, is owned 100% by Gene Shook.

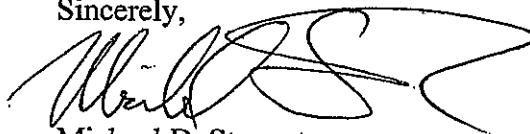
The City already has ruled on the Parking Plan. The City has all the rights, ordinances, and enforcement mechanisms it needs to require Shook (or any subsequent owner) to comply with the Parking Plan. Shook is not aware of the City conditioning any other tenant's CUP on a landlord's compliance with a City resolution. Here, the City is unfairly intertwining Stillwater and Shook, even though they are separate legal entities. While that may appear fair as long as both entities are under common or overlapping ownership, it restricts the value and ability to sell either the restaurant or the Center.

Perhaps the City has not considered the fact that Shook may choose one day to sell the Center and keep its investment in Stillwater. Given that the proposed expansion of the restaurant will require Shook to invest several million dollars, Shook's sale of the Property would leave Shook's restaurant investment at risk if the new owner failed to comply with the Parking Plan, or allowed other tenants to violate such plan. Alternatively, perhaps the City has not considered the fact that Stillwater may one day sell the restaurant. If so, the restaurant purchaser would discount its price because its entire investment would be subject on a continual basis to the Center owner's compliance with the Parking Plan.

Again, the City already has all its rights under the Parking Plan. There is no need to now condition a tenant's existence (which, given the language of conditions 15, 16 and 18, is not overstating matters) on the landlord's compliance with that Parking Plan.

Thank you for your consideration.

Sincerely,



Michael D. Stewart

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

July 18, 2006

City of Hermosa Beach
Sol Blumenfeld, Director
Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254

RECEIVED
JUL 18 2006
COM. DEV. DEPT.

**RE: HERMOSA PAVILION, 1601 PACIFIC COAST HIGHWAY
LIQUOR LICENSE CUP HEARING**

Dear Mr. Blumenfeld:

A hearing before the Planning Commission is scheduled July 18, 2006. Include this communication as a supplement in the commissioner's packet.

1. Fact Sheet: Effects of Alcohol Outlet Density on Economic Development, www.publicstrategies.org. "High concentration of alcohol outlets in a location can hamper economic development. While such businesses may be heavily patronized, they add little intrinsic value to the community as a whole, and they make the area less attractive to other types of retail business."
2. HB bar plan a threat to public safety, Daily Breeze dated July 16, 2006, letter to editor. "...Weekend policing/patrols and 911 response times are already seriously compromised by the Pier Plaza bar scene, even when things are going smoothly...."
3. Written communication from Patricia Egerer, dated June 13, 2006, RE: HERMOSA PAVILION, 1601 PACIFIC COAST HIGHWAY ALCOHOL CUP, RESTAURANT/BAR. "The economic success of the 8,000-sq.ft. restaurant/bar will hinge upon attracting a bar crowd of non-residents."

Residents are robbed of a tremendous value of living at the beach due to the rabid proliferation of bars. The chief promoter of this **PARTY-DOWN, GET WASTED, MENTALITY IS THE CITY**. Euphemistically this 8,000-sq.ft. project is referred to as an "upscale restaurant" this deviates from the actual character of the operation. This is merely another swinging bar with bottle to go services.

Proactive action is needed to rezone the entire business district including upper Pier Avenue to prevent the future growth of more alcohol outlets. Mitigate damage by keeping the bars centralized to the downtown, in an effort to save neighborhood and community.

Respectfully,


Patty Egerer
Resident

**SUPPLEMENTAL
INFORMATION**

6

Effects of Alcohol Outlet Density on Economic Development

East County Community Change Project • February, 2003

Research shows that a high concentration of alcohol outlets in a location can hamper economic development. While such businesses may be heavily patronized, they add little intrinsic value to the community as a whole, and they make the area less attractive to other types of retail business.

In order to ensure the future economic growth of the small business communities of the East County region, as well as preserve the quality of life in the region, limits should be placed on the density of retail alcohol outlets. This requires a collaborative effort among retail business operators, property owners, local residents, community service agencies and local governments.

ECONOMIC DECLINE

The over-concentration of alcohol outlets is often part of a neighborhood's broad economic and social disintegration. An outlet-heavy area's economic base loses its diversity and becomes less attractive to both residents and potential retail customers. The proliferation of alcohol outlets is thus both a symptom of economic decline and a factor that worsens the decline.¹

NEGATIVE NEIGHBORHOOD CLIMATE

High bar density changes the character and environment of the neighborhood and the routine activities of those living or visiting that block. Complaints about alcohol outlets that are most often reported to city planners have to do with noise, traffic or loitering.^{2, 3}

VIOLENCE AND CRIME

"Wetter" neighborhoods have higher levels of accidents and violence.⁴ This includes higher crime rates for murder, rape, assault, robbery, burglary, grand theft and auto theft.⁵ A study done in 1995 in Los Angeles showed that each additional

alcohol outlet was associated with 3.4 additional assaults per year. Adding one bar to a block would result in 3.38 additional crimes committed on that block in a year.³

AUTO CRASHES

According to a study done in Los Angeles, there is a greater number of alcohol-related injury crashes in cities with higher outlet densities. A 1% increase in outlet density means a .54% increase in alcohol-related crashes. Thus a city of 50,000 residents with 100 alcohol outlets would experience an additional 2.7 crashes for each new outlet opened.⁶

This fact sheet was produced by the Institute for Public Strategies, a nonprofit organization advancing public health through changes in policy and community norms. For more information, call (619) 660-6233, email info@publicstrategies.org or visit www.publicstrategies.org.

¹ Maxwell, A. & Immergluck, D. "Liquorlining: liquor store concentration and community development in lower-income Cook County (IL) neighborhoods." Chicago IL: Woodstock Institute, 1997.

² Preventing Problems Related to Alcohol Availability: Environmental Approaches. U.S. DHHS Pub No. (SMA) 99-3298.

³ Runcel, D. & Maier, P. "Bars, blocks and crimes revisited: linking the theory of routine activities to the empiricism of 'hot spots.'" *Criminology* (29) 4: 725-753. 1991.

⁴ Scribner, Richard: *Alcoholism: Clinical & Experimental Research*, February 2000. LaBouvie, E. & Ontkush, M.: "Violent crime and alcohol availability: relationships in an urban community." *Journal of Public Health Policy* 19(3):303-318. 1998.

⁵ "Alcohol availability and homicide in New Orleans: conceptual considerations for small area analysis of the effect of alcohol outlet density." *Journal of Studies on Alcohol*, May 1999.

⁶ Scribner, R., Mackinnon, D. & Dwyer, J.: "The risk of assaultive violence and alcohol availability in Los Angeles County." *American Journal of Public Health* (85) 3: 335-340. 1995.

OPINION

Daily Breeze

SUNDAY

July 16, 2006

Your views

HB bar plan a threat to public safety

This letter represents a plea that the Hermosa Beach Planning Commission and City Council exercise whatever influence they have to deny a permit for a 15,000-square-foot restaurant/bar at the Hermosa Pavilion. I currently own a business in Hermosa — after 33 years in law enforcement for Los Angeles County. There was a time when I didn't think any city could have too many bars. What has happened to our little community shows me I was wrong.

The proposed monster bar at the Pavilion is not planned to meet the needs of the Hermosa drinkers. If every resident drank, we'd still have plenty of bars. It's an effort to draw drinkers and their wallets from out of the area. Make no mistake, that effort will be successful. As a former gang investigator, I found that every unsavory element imaginable between here and Riverside would find his way to the 91 freeway and drive toward the sun. That would drop them right here, about six blocks north of the proposed mega-bar.

This proposal represents a huge public safety issue ripe for a citizen's backlash. Weekend policing/patrols and 911 response times are already seriously compromised by the Pier Plaza bar scene, even when things are going smoothly. Between 1 a.m. and 2:30 a.m., I have to assume the majority of drivers here in Hermosa are drunk and trying to find their way out of town.

This bar is being planned and bankrolled by a truly interesting character, and local officials know it. He has relied on brinkmanship and foot dragging on other issues with the Pavilion, and the notion of a real, viable, restaurant is laughable. If the restaurant doesn't make him money — which it won't — he'll have a bigger bar. If he has entertainment, he can charge a cover, which is cash and under the radar as to reportable revenue.

In terms of planning, let's make some plans for our kids and their kids. This is not Moreno Valley. The folks who can afford to live here are bright, successful and obviously did something right with their lives, or have a trust fund. Please don't allow our elected officials to turn their backs on these people and pander to the developer and an army of horny

twenty-somethings who will descend on our community. They will not be driving down here for dinner.

— RICHARD HALLIBURTON
Hermosa Beach

Torrance in good hands with Scotto

On Tuesday, it was a privilege to see Frank Scotto sworn in as the new mayor of Torrance. It was standing room only, and the City Council chamber was packed.

The residents of Torrance have shown they will have zero tolerance for dirty politics.

As I walked a precinct for Scotto, I heard time after time again that people were so disillusioned with the political process they did not intend to vote. I feel strongly that we get the politicians and government we deserve.

Mayor Scotto has shown us that if you maintain the highest standard of integrity, you can still win. The city of Torrance is in good hands.

— DR. PATTY BOGE
Lomita

Neighbors reduced illegal fireworks

I am responding to two letters appearing back to back from fellow San Pedrans on Wednesday. Regarding the excessive level of illegal fireworks once again experienced by residents on the Fourth of July in San Pedro, I extend a personal invitation to John Fer to attend our next Northwest San Pedro Neighborhood Council meeting on Aug. 14 at Peck Park and to join our Fireworks Reduction Task Force.

Our first-year goal was to significantly reduce the amount of illegal fireworks going off in the weeks both before and after the Fourth, and we believe we achieved that goal. By residents getting the word out to their neighbors and these neighbors both appreciating and responding to these concerns, the Los Angeles Police Department was then able to focus on those few residents who did not care about their neighbors' concerns.

We are starting to make preparations for a public forum at the end of the summer to address how to maintain the improvement and assist the LAPD in addressing the Fourth of July weekend itself. But this has to come from

Reachus

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Guided
Opinion

June 14, 2006

City of Hermosa Beach
Sol Blumenfeld, Director
Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254

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JUN 14 2006

COMM. DEV. DEPT.

**RE: HERMOSA PAVILION, 1601 PACIFIC COAST HIGHWAY
PETITION TO LIQUOR LICENSING AUTHORITY**

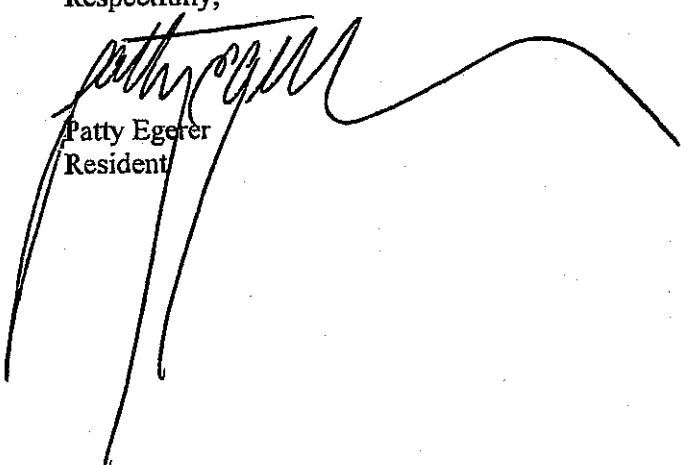
Dear Mr. Blumenfeld:

A hearing before the Planning Commission is scheduled on June 20, 2006, on the above reference property. The applicant's request for an "on-sale" and/or "off-sale" alcohol permit is opposed and contested by residents in the surrounding neighborhood. Residents believe it is essential to preserve neighborhood and safeguard our living environment. Due to the close proximity to residential this business operation would be unsuitable and undesirable.

The petition includes 10 signatures of residents in the surrounding neighborhood, east of Pacific Coast Highway.

Please include this communication in the commissioners' packet for the upcoming hearing in June.

Respectfully,


Patty Egerer
Resident

SUPPLEMENTAL
INFORMATION

6

PETITION TO THE LIQUOR LICENSING AUTHORITY, CITY OF HERMOSA BEACH

RE: 1601 PACIFIC COAST HWY, HERMOSA BEACH "THE HERMOSA PAVILION"

Residents oppose the issuance of a Conditional Use Permit(s) at commercial property located at 1601 Pacific Coast Hwy., Hermosa Beach, "The Pavilion" as follows:

1. We oppose: The selling, pouring, and serving of; wine, beer, hard liquor, or drinks mixed with alcohol.
2. We oppose: The retail sale of bottled wine, beer, or hard liquor.

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It is essential to preserve neighborhood, and safeguard our living environment. Due to the close proximity to residential neighborhoods and schools this type of operation would be unsuitable and undesirable.


Line A: Signature, Line B: Printed Name, Line C: Street Address		
1.	A. <i>[Signature]</i>	
	B. <i>WILLIAM A. EBERHART</i>	
	C. <i>9815 16th PLACE - HERMOSA BEACH, CA 90254</i>	
2.	A. <i>[Signature]</i>	
	B. <i>LESLIE PEARLMAN</i>	
	C. <i>1610 Baywood Ave Hermosa Beach CA 90254</i>	
3.	A. <i>[Signature]</i>	
	B. <i>JAN ELEMORS</i>	
	C. <i>901 16th ST H.B. CA 90254</i>	
4.	A. <i>[Signature]</i>	
	B. <i>THOMAS HAROLD MILLER</i>	
	C. <i>1005 15TH A. HB. 90254</i>	
5.	A. <i>[Signature]</i>	
	B. <i>ALAN THOMEND</i>	
	C. <i>909 16th St Hermosa Beach, CA 90254</i>	
6.	A. <i>[Signature]</i>	
	B. <i>Jim SIMMONS</i>	
	C. <i>1623 BAYWOOD AVE</i>	
		<i>HERMOSA BEACH, CA 90254</i>
7.	A. <i>[Signature]</i>	
	B. <i>Michael Tetravella</i>	
	C. <i>1628 Baywood Ave Hermosa Beach CA 90254</i>	
8.	A. <i>[Signature]</i>	
	B. <i>DAVID CAROLYN J. THOMPSON</i>	
	C. <i>1512 Bonney Road</i>	
9.	A. <i>[Signature]</i>	
	B. <i>Hermina Beach Co 90254</i>	
	C. <i>1512 Bonney Road Hermosa Beach, CA 90254</i>	

**PETITION TO THE LIQUOR LICENSING AUTHORITY, CITY OF HERMOSA BEACH
RE: 1601 PACIFIC COAST HWY, HERMOSA BEACH "THE HERMOSA PAVILION"**

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2. We oppose: The retail sale of bottled wine, beer, or hard liquor.

It is essential to preserve neighborhood, and safeguard our living environment. Due to the close proximity to residential neighborhoods and schools this type of operation would be insuitable and undesirable.

	Line A: Signature	Line B: Printed Name	Line C: Street Address
1.		DANIEL STRUSSER	8241 17TH ST HERMOSA BEACH, CA 90254
2.	A.		
	B.		
	C.		
3.	A.		
	B.		
	C.		
4.	A.		
	B.		
	C.		
5.	A.		
	B.		
	C.		
6.	A.		
	B.		
	C.		
7.	A.		
	B.		
	C.		
8.	A.		
	B.		
	C.		
9.	A.		
	B.		
	C.		

June 13, 2006

City of Hermosa Beach
Sol Blumenfeld, Director
Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254

**RE: HERMOSA PAVILION, 1601 PACIFIC COAST HIGHWAY
ALCOHOL CUP, RESTAURANT/BAR**

Dear Mr. Blumenfeld:

This letter constitutes objection to the project request for a Conditional Use Permit for the above referenced property, submitted by Travis W. Jones and Gene Shook, dated April 26, 2006. Granting approval of "on-sale" and/or "off-sale" alcohol permit at this location would substantially depreciate property values in the vicinity and interfere with the use and enjoyment of property and neighborhood. Material concerns are outlined below.

1. Proposed Project: Applicant's plan would allow for the consumption of alcohol anywhere within the 8,000 sq.ft area, and provide for a liquor store convenience for "wine and cheese." The owners plans re-define restaurant space 2-fold.
2. Space Requested: Space requested is inconsistent with the Precise Development Plan and Parking Plan. Also, the application fails to account for 900 sq.ft of existing restaurant-café. Allocated usage of restaurant if approved would total 8,900 sq.ft.
3. Sensitive Location: The placement of an outlet in close proximity to sensitive areas is undesirable.
 - a. Valley View Middle School (public school) is within 600', to the west.
 - b. Immediately adjacent, on the north and west side of the building are residential condominiums.
 - c. A large well established residential neighborhood is located east of the building.
4. Intensification: **The economic success of the 8,000-sq. ft. restaurant/bar will hinge upon attracting a bar crowd of non-residents.** This creates a high level of (influx) of commercial traffic for extended time frames, into early morning hours. Noise (loud voices, engine noise, & car doors banging) would spill into residential.
5. Saturation of Alcohol Outlets: Retail alcohol outlets within Census Code 6210.01 and throughout Hermosa Beach exceed saturation levels as defined by the Department of Alcoholic Beverage Control. "High bar density changes the character and environment of the neighborhood and the routine activities of those living or visiting that block."¹
6. Commercial Intrusion: Presently, Pavilion patrons canvas our neighborhood (east of PCH) searching for parking. This burdens our streets, displaces residents, and compromises our residential environment. Several incidents have occurred where male Pavilion patrons, have boldly, disrobed (to change into gym clothing) while standing in the street in front of homes where children live and play. The activity is occurring in neighborhoods over 600' away from the Pavilion. This matter is a police issue, requiring patrol.
7. Violence, Crime & Disturbance: Approval of alcohol outlet at this location will make neighborhoods vulnerable to negative impact. Those with criminal intent may be prone to hide in the residential neighborhoods, and disappear quickly because of easy access to Pacific Coast Hwy. This degrades the residential environment, placing residents at risk.
8. Police Resources: Police resources are monopolized by the bar district (lower Pier Avenue area.) The heavy concentration of bars, people, public intoxication, criminal activity, and disturbance conditions, are out of control. The city is unable manage control of merchants who actively encourage problems. Consequently, police services are unavailable to patrol and provide police coverage throughout the community. This disintegration of police services heightens residents' vulnerability to criminal activity. An alcohol outlet at this location will add to the decline.

9. Pathway to School: Children everyday walk along 16th Street, because it is a direct route to school. An alcohol outlet at this location (1601 PCH) would influence and discourage a portion of residents from feeling safe to travel this pathway.
10. Wine & Cheese Retail Use: The Department of Alcoholic Beverage Control pursuant to B&P Code, Section 23817.5 placed a moratorium on the City of Hermosa Beach, for off-sale beer and wine licenses, Type 20.
11. Impact: The neighborhood sustains constant disruption, due to issues unresolved. If granted, this CUP will compound problems.
12. PCH Frontage: The architectural rendering of 1601 Pacific Coast Hwy depicts an outdoor seating area. This concept is non-functional due to the high level of exhaust emissions. Prohibit the serving of food or consumption of alcoholic beverages along this frontage.
13. Parking Plan: Planning Commission (PC 6-16) pertains to mitigation measures that require adoption. Public meetings have been ongoing since December of 2005, to reduce spillover parking.

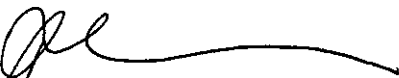
The Precise Development Plan requires revision. Modifications will incorporate safeguards to avoid negative impact to the surrounding neighborhood, as follows:

- a. No "on-sale" or "off-sale" alcohol licensee to be granted at 1601 Pacific Coast Hwy, "Pavilion."
- b. Restaurant/Retail space (high intensity) to be redefined as 8,000 sq.ft of office space. The existing café which is located on the ground floor, would remain.
- c. Pavilion tenants to be required to close business operations by 8:00 p.m, 7 days a week. This condition would exclude 24-Hour Fitness.
- d. No amplified music, live entertainment, or dance floors.
- e. No amplified music on exterior of building or in premises.
- f. All parking to be free, 7 days a week, 24 hours a day, for both employees and patrons.
- g. Tandem parking to be eliminated, this undesirable parking solution discourages parking within structure.
- h. No loitering in and around premises, including parking structure.

Conclusion: This upcoming hearing presents an opportunity to modify the Precise Development Plan. A heavy burden is borne by residents because the city is unable to control liquor licensees. The spreading of more bars throughout the community defies logic. Aggressive policy change, is the only alternative to save our community from the proliferation of adverse impact. The cumulative effect of alcohol outlets has created conditions damaging to the safety, comfort, character of our environment, and walkability of our streets. The city is entrusted to act on behalf of the community not an individual proprietor. To grant approval of this alcohol outlet at 1601 Pacific Coast Hwy, would promote the disintegration of public safety and turmoil for neighborhood.

Please place this communication on the agenda for the upcoming Planning Commission hearing, scheduled, June 20, 2006.

Respectfully,



Patty Egerer
Resident

¹ Preventing Problems Related to Alcohol Availability: Environmental Approaches U.S. DHHS Pub No. (SMA) 99-3298.

cc: City Clerk

QUERENCIA WOODWINDS



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MOBILE: (310) 755-5078

QUERENCIAFLUTES@AOL.COM

WWW.QUERENCIAWOODWINDS.COM

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JUL 12 2006

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To the attention of the Commissioners

Subject: Proposed Pavilion restaurant/bar

My name is Richard Halliburton. I live at 1567 Golden Ave. and have been a homeowner here for 31 years, a Hermosa resident for 35 years, and in my youth, vacationed here yearly with my parents, as guests of Paul and Dave Schumacher, (Co-workers of my father) since 1951. ...I've spent some time here.

This letter represents a plea that you exercise whatever influence you have to **DENY** a permit for a restaurant bar at the Pavilion. I currently own a business in Hermosa, after 33 years in law enforcement for Los Angeles County. There was a time when I didn't think any city could have too many bars. What has happened to our little community shows me I was wrong.

The proposed monster bar at the Pavilion is not planned to meet the needs of the Hermosa drinkers. If every resident drank, we'd still have plenty of bars. It's an effort to draw drinkers and their wallets from out of the area. Make no mistake, that effort will be successful. As a former Gang Investigator, we found that every unsavory element imaginable between here and Riverside, would find their way to the 91 freeway, and drive toward the sun.dropping them right here.

This proposal represents a HUGE public safety issue ripe for a citizen's backlash. Weekend policing/patrols and 911 response times are already seriously compromised by the Plaza bar scene, even when things are going smoothly. At between 1:00AM, and 2:30 AM, I have to assume the majority of drivers here in Hermosa..... ARE DRUNK. and trying to find their way out of town.

This bar is being planned and bankrolled by a truly unsavory character, and you folks know it. This guy is a real piece of work. He has relied on brinksmanship and foot dragging on other issues with that pavilion, and the notion of a real, viable, restaurant is laughable. If the restaurant doesn't make him money....which it won't, ...**he'll have a bigger bar**. If he has entertainment, he can charge a cover, which is CASH, and under the radar as to reporting issues.

In terms of PLANNING. Lets make some plans for OUR KIDS, and THEIR kids. This is not Moreno Valley. The folks that can afford to live here are bright, successful, and obviously did something right with their lives, or have a trust fund. Please don't allow the Council to turn their backs on these people and pander to the developer, and an army of horny twenty-somethings that will descend on our community. They will not be driving down here for dinner.

Thanks for taking the time to read this.

JULY 9, 2006

TO : HERMOSA BEACH PLANNING COMMISSION

FROM : ALAN STRUSSER / KAMMI HOWLETT
824 SEVENTEENTH STREET
HERMOSA BEACH, CA. 90254
PH # (310) 372 - 3099

RECEIVED
JUL 10 2006
COM. DEV. DEPT.

RE: CONSIDERATION OF A RESTAURANT/LIQUOR ESTABLISHMENT IN THE
HERMOSA PAVILLION

The approval of this establishment is a continued "green light" for business to infringe on the local community and neighborhood. The assault since the opening of the Pavillion has only increased while nothing has been done to alleviate the existing problems. We, and all of our neighbors feel that long list of negatives should be dealt with prior to any other consideration or approval that will definitely add to that list. Not only is our police force presently over extended, and emergency call times increasingly delayed, this approval is only inviting trouble for our community welfare.

We feel that until these issues are addressed and solved, it would be very detrimental to the future of our wonderful community. Please consider the residents and the family environment we are working so hard the nurture and protect. This is our future and unless we get control of it and start making decisions that benefit our community and it residents, it won't be long before we forget the magic Hermosa Beach has had and it is lost to Big Business. We already feel our neighborhoods are becoming increasing overrun with transient elements, but now adding liquor to the mix will make our quality of life extremely vulnerable and full of unnecessary stress and continued assault on our once peaceful neighborhoods.

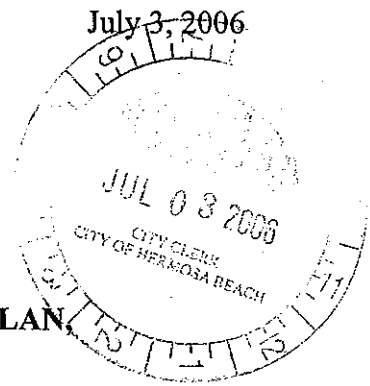
24 Hour Fitness has already overstepped their boundaries making us on alert 24 hour a day, now with the potential of yet another after hours BAR/CLUB in our community, we are feeling like we are always in protective and defensive mode.

As members and parents of our community, who have taken on the responsibility of directing the future design of our city, you above all should relate to the concerns of your fellow citizens and make Hermosa Beach a place we are all proud to raise our families. It seems the priorities are catering to the party scene, which includes mostly non residents, instead of the true heart and soul of the community, the residents!

Please make us proud of being members of this community once again. We love our schools, our home and our lives in Hermosa Beach but lately it seems like the qualities we once enjoyed and paid for have slipped away to benefit the business and entertainment elements. Please give us back our pride and sense of community.

Sincerely,
Alan, Kammi, Sage and Stella

City of Hermosa Beach
City Council Members
1315 Valley Drive
Hermosa Beach, CA 90254



**RE: P.C. RESOLUTION 06-16, AMENDMENT TO PARKING PLAN,
PAVILION, 1601 Pacific Coast Hwy, H.B.**

Dear Mr. Mayor and Members of Council:

The operational parking plan for business located at 1601 Pacific Coast Hwy, represents a progressive problem for residents in the surrounding area. P.C. Resolution 06-16 provides an opportunity to create an instrument to reduce impact. The resolution requires supplemental changes as identified below.

Supplemental Terms to: P.C. Resolution 06-16

- a) All employees (full & part time) to receive free parking.
- b) Patron parking to be free 7 days a week, 24 hours a day.
- c) The entire parking supply to be "self-park" no tandem parking or parallel parking spaces allowed. When the building is full, a sign would be posted "Garage Full."
- d) Parking structure NOT to be utilized as "special event" parking.
- e) Security: "Active" security personnel to monitor the parking structure, stairwells, and building perimeter 7 days a week, 24 hours a day. Security personnel to be easily identifiable by the public, i.e., security would be uniformed. The security company to be responsible for furnishing HBPD with disturbance reports on regular intervals.
- f) Red Zones: NO vehicle shall stop, stand, or park for any purpose along the dedicated red zones directly in front of the Pavilion, or along 16th Street, this includes vehicles "for hire." The dedicated right-turn lane along PCH, must be maintained clear, to avoid traffic congestion, and hazardous conditions.
- g) TAXIS: Service vehicles are NOT to lurk or park in neighborhoods or take up public parking spaces. Service vehicles are to be contained within the commercial building.
- h) Entry to the proposed "restaurant-bar" to be accessible exclusively via the interior lobby of the main building, not at a side entry located on PCH. This avoids problems with persons congregating outside and causing distraction for motorists.
- i) Tandem parking is not feasible or desirable for employees. Employees would be required to deposit keys with a parking attendant. This creates undesirable conditions by design.
- j) Land Use: NO "adult entertainment" allowed.

The Pavilion's "high impact tenant" opened in August of 2005 creating an influx of commercial traffic and patron parking in residential neighborhood. The gym-tenant occupies about 46,049 square feet (50%) of the building. The surrounding neighborhood and businesses were immediately impacted. Residents are deprived valuable parking, and safety concerns have manifested. Impact is NOT limited to 16th Street. Other interior streets, connecting with 16th Street, i.e., (15th Place, Mira Ave., Raymond Ave., and Bonnie Brae Ave.) all suffer from the same commercial intrusion. The developer has NOT implemented a single mitigation measure during this 10-month period. The city's intervention is required, to deter disruption for residents.

Municipal Zoning Code 17.44.050, Unlawful to reduce available parking. Code specifically prohibits the *"reducing, diminishing or eliminating existing required off-street parking."* Shook's operational-management policy/plan of the garage structure creates a deterrent preventing the effective usage of the structure.

Contrary to representations and assertions made by Gene Shook, the Pavilion's policy is inconsistent and NOT the norm for businesses in the surrounding area. NO other commercial-business location within Hermosa Beach or Manhattan Beach charge customers a "fee" to park. Claims that mitigation measures recommended by the commission *"...unfairly deprives me of my investment expectations..."* (Shook's letter, April 25, 2006) assumes the development project is entitled to adversely impact the surrounding neighborhoods.

The analysis prepared Linscott, Law & Greenspan's engineers is insufficient. Parking demands require recalculation. Parking for this 100,000-sq.ft building to be identified as 100% self-park. This is the standard, preference, and expectation of our community. The freedom and convenience to self-park can not be undermined. Imposing attendant assist parking on both patrons and employees manipulates the quantity of vehicles that can park within the building. The feasibility for "attendant assistance parking" is dubious, at best.

Tandem parking imposed upon employees is unrealistic, one can anticipate vehicles to avoid this method of parking. It is my understanding, this indirectly violates the owner's responsibility to contain parking in accordance with code.

Linscott, Law & Greenspan's engineers previously submitted plans on behalf of their client that strategically aim to convert a residential artery to service commercial traffic. Once again, their analysis prepared in February 2006 (LLG Parking Report, Reference 1-06-3625) aggressively advocates Mr. Shook's interests. Conclusions made by the firm undermine residents, and offer no understanding or concept of solutions, acceptable to the residential community. Additionally, the report fails to represent all of the building's business uses (conforming and nonconforming.) The city needs to investigate, review, and assess all noncompliance issues prior to rendering a decision.

The proprietor has missed every opportunity to voluntarily implement mitigation measures. Everyday strangers from the Pavilion case and intrude upon our residential living environment. This destructive intrusion presents dramatic change to the character of our neighborhood. In effort to preserve and protect neighborhood, the supplemental terms defined herein require adoption into P.C. Resolution 06-16.

Thank you for your attention to this detail.

Respectfully,


Patty Eger
Hermosa Beach, Resident

