

April 19, 2007

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

**Regular Meeting of
April 24, 2007**

CONTINUED FROM THE APRIL 10, 2007 MEETING

SUBJECT: APPEAL OF A PLANNING COMMISSION MODIFICATION OF CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL IN CONJUNCTION WITH A RESTAURANT, AND REVOCATION OF THE CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT AND OUTSIDE DINING FOR CLUB 705, 705 PIER AVENUE, HERMOSA BEACH

APPELLANT: CLUB 705

Planning Commission Recommendation:

To sustain the Commission's decision to modify the conditions of the Conditional Use Permit for the restaurant, and to revoke the approvals for live entertainment and outside dining, as set forth in the attached resolution.

Background & Analysis:

At its regular meeting of April 10, 2007, the City Council heard public testimony and engaged in extensive deliberation of the recommendation of the Planning Commission to modify Club 705's Conditional Use Permit by, among other things, prohibiting live entertainment and requiring a 12:00 Midnight closure daily. The April 10 staff report and accompanying attachments are incorporated herein by reference as though set forth in full. At the conclusion of its discussion, the Council decided to continue its deliberations until its meeting of April 24, 2007 and directed staff to return with a draft resolution that reflected its discussion.

Much of the Council's discussion centered on the fairness of imposing restrictive conditions on the new owners, whose track record since January 2007 has shown improvement over the previous operation of the Club. The evidence in the record discloses, and many persons who testified agreed, that the Club has a previous history of operational and management problems that would justify a modification or revocation of the CUP. The focus of the Council's deliberations was how to avoid a recurrence of these problems while not unduly penalizing the new ownership. Consideration was given to allowing the restaurant to continue operating under the existing Conditional Use Permits or, alternatively, to considering a more tailored approach than that adopted by the Planning Commission.

In this regard, the major issues of concern are as follows:

1. How to assure that the business operates as a restaurant, with incidental entertainment, rather than as a nightclub.
2. What hours should the business be allowed to operate, considering that while some existing restaurants and bars in the City operate until 2:00 a.m., the more recent trend in Hermosa Beach and surrounding cities is to limit restaurants to 12:00 Midnight, due to the public safety and noise impacts associated with operating until the later hour.
3. What mitigation measures should be imposed to protect the neighborhood from various noise impacts – patron noise, music from within the business and vehicular noise leaving the parking garage.

The current floor plan and operation of the business is more characteristic of a nightclub use than a bona fide restaurant in that approximately two-thirds of the customer floor area is either bar, lounge seating, stages or dance floor. Therefore, in order to accomplish the objective of confining the operation to a bona fide restaurant with incidental entertainment, staff recommends that at least 50% of the customer floor area be clearly designated for dining and contain standard dining tables and no televisions.

With respect to hours of operation, rather than requiring closure at 12:00 midnight daily as recommended by the Commission, during the April 10 meeting it was suggested either that the business be allowed to retain its existing hours, or as a middle ground, that the business be open until 2:00 A.M. only on Fridays and Saturdays.

With regard to outdoor dining, the business premises contains enclosed "patios" which are only partially open to the outdoors, and another outdoor area that is completely open, adjacent to the sidewalk, which to our knowledge has not been used for dining pursuant to the CUP granted in 2001. To address noise concerns, staff recommends that the outdoor dining or use of the open area be prohibited, and that dining and use of the partially enclosed patios be closed nightly at 11:00 P.M.

With regard to the noise issue, following the April 10 meeting, the owner submitted a revised acoustical report which contains recommendations for use of a preamplifier to establish a "preset" amplification level at not greater than 95 decibels which would only be adjustable by management. The revised report does not contain recommendations to attenuate sound in the parking garage as the acoustical engineer did believe that it was contributing to a noise problem in the area.

Staff, with the assistance of the City Attorney, has prepared a revised resolution incorporating elements from both the existing CUPs governing the business and the Planning Commission recommendation, as well as additional elements reflecting the key concerns raised during the Council's April 10 deliberations; the new draft resolution and is attached for Council's review and consideration, and the newly drafted conditions are set forth below in this report. The draft resolution contains findings, supported by evidence in the record, that the business has operated contrary both to various provisions of the Municipal Code and to the conditions of approval in the governing CUPs, thereby justifying modification. The new conditions endeavor to balance the competing considerations that were articulated during the public hearing and to provide assurance that the problems caused by the business, especially its virtual conversion into a nightclub in the past, will not recur.

The proposed revised conditions are as follows:

I. Permitted use.

1.1. The business shall be operated as a bona fide restaurant: The kitchen shall be equipped to prepare food from its component ingredients; the restaurant shall offer a full-service lunch and dinner menu; food service from the menu shall be available all hours that the establishment is open for business.

1.2. Live entertainment incidental to food service is permitted. This may include dancing to amplified music (with or without a disk jockey); live musical performance; and live performances of other kinds. Only one dance floor and one stage for live performance is permitted, consistent with the approved floor plan. Live entertainment and dancing shall be "incidental" in the sense that it serves to entertain customers who are in the premises for the purpose of dining and does not involve more than 50% of the customer floor area of the business. The dining area shall not contain televisions.

1.3. Alcohol may be served for on-premises consumption in a manner consistent with the license issued by the Alcohol Beverage Commission.

1.4. Admission shall not be charged for entrance into the business at any time.

1.5. Entry into the business shall not be limited to persons 21 years of age or older.

1.6. All persons admitted into the business premises shall be seated at a table or at the bar.

No person in the premises shall view entertainment unless seated at a table or at a bar; there shall be no "standing room only." Unless waiting for a table at a waiting area identified on the approved floor plan, no patron shall be permitted to remain in the premises unless provided with a seat and consuming food and/or beverages.

II. Floor plan.

2.1. The furniture and interior improvements within the business premises shall conform to the floor plan attached as Exhibit A and modified to show table seating for not less than 50% of the business gross floor area, and these tables and chairs shall be conventional dining height and size (i.e. not bar height or cocktail table size). The area devoted to entertainment staging and dancing shall not occupy more than 50% of the gross floor area of the business. Other than trivial or insignificant deviations in the placement or arrangement of furniture, no change whatsoever shall be made to the interior of the premises that is inconsistent with the approved floor plan absent approval by the Planning Commission by way of a modification to this Conditional Use Permit. A floor plan consistent with the requirements of this condition shall be submitted subject to the approval of the Director of Community Development by not later than May 24, 2007. To the extent that the current configuration of the restaurant does not conform to the requirements of this condition, the restaurant shall be re-configured to conform to these requirements by not later than June 24, 2007. Should the permittee fail to meet either of the above deadlines, a public hearing shall immediately be scheduled before the City Council to consider revocation of the Conditional Use Permit.

2.2. Under no circumstances shall furniture or other interior/exterior improvements be rearranged to accommodate more dancing, more entertainment or greater occupancy absent approval of the Planning Commission as prescribed in paragraph 2.1.

2.3. The parking area and exterior access at the northwest side of the restaurant shall be used for egress to the restaurant only with appropriate signage restricting use to egress only. A security and lighting plan for the parking area and the exterior north access shall be submitted for review and approval of the Police Chief and shall be implemented on site. The north parking area shall be used exclusively for vehicular parking and no other purpose.

2.4. Occupancy shall not exceed the permitted occupancy load as prescribed by the Building Code, based on the floor plan shown in Exhibit A and review and approval of a code complying seating plan. An approved occupant load sign shall be posted in the business as directed by the Fire Department. Any single occupancy violation in excess of ten percent (10%) or repeated lesser violations of occupant load shall result in the immediate scheduling of a hearing before the Planning Commission to consider modification or revocation of this Conditional Use Permit.

2.5 The outdoor paved area between the restaurant and public sidewalk on Pier Avenue shall not be included as part of the plan for the restaurant, and shall not be used for outdoor dining. No food or beverage service or other customer use is permitted in this area.

III. Operating hours.

3.1. The hours of operation for all operations of the restaurant, including the lounge/bar areas, shall be limited to between 7:00 A.M. and 12:00 Midnight Sunday through Thursday and 7:00 A.M. and 2:00 A.M. Friday and Saturday. All customers shall vacate the premises by not later than the required closing times and the doors shall be locked.

3.2. The enclosed outdoor patios shall be closed to patrons at 11:00 p.m. every night of the week. There shall be no amplified music, televisions or speakers within these outdoor patios.

IV. Noise attenuation.

4.1. The permittee shall comply with all of the conditions set forth in the acoustical study dated April 17, 2007 and attached hereto as Exhibit B. Mitigation measures not in place as of the date hereof shall be fully installed to the satisfaction of the City pursuant to the schedule attached hereto as Exhibit C.

4.2. In no event shall continuous, sustained or repeated noise from the business be audible at the property line of any residential premises at any time.

4.3. The business shall comply in all other respects with Municipal Code Chapter 8.24 (Noise Control), and noise from the premises shall not constitute a public nuisance.

4.4. The business shall install an audio control system using an outboard pre-amplifier that is locked in an enclosure accessible only to business management. The volume of amplified entertainment in the restaurant shall not exceed 95dBA.

4.5. The business shall install a sign on the exit door leading into the garage with lettering not smaller than two (2) inches in height asking patrons to exit the premises and the garage quietly out of respect for the residential neighbors. The sign shall read substantially as follows: "SHHHH! WE HAVE NEIGHBORS WHO MAY BE SLEEPING. PLEASE LEAVE THE RESTAURANT AND OUR GARAGE QUIETLY. THANK YOU."

V. Trash storage and collection.

5.1. The refuse containers/bins utilized by the business shall be secured and locked daily such that they are not susceptible to illegal scavenging.

5.2. Every night at closing, the permittee shall collect trash from the sidewalk and landscape areas adjoining the front of the premises (from Valley Drive to and including the stairway leading up to the Plaza Hermosa parking lot), along Valley Drive (from Pier Avenue northerly to the entrance to the parking garage) and within the parking garage.

5.3. The exterior of the premises shall be maintained in a neat and clean manner and free of graffiti at all times.

VI. Nuisance avoidance and patron behavior

6.1. The business shall not operate in a manner that adversely effects or interferes with the comfortable enjoyment of neighboring residential and commercial property.

6.2. The business shall employ adequate staffing and management/supervision to prevent serving underage persons, over-serving alcohol, and loitering, unruliness and boisterous behavior by patrons both inside and outside in the immediate area of the premises.

6.3. If the Police Chief determines that there are a disproportionate number of police calls to the business due to the disorderly or disruptive behavior of patrons and the inability or refusal of the business to manage its patrons, the Chief may require on an interim basis that the business employ private security personnel or modify its existing security plan or operation. The Chief shall notify the Director of Community Development of this action, who shall forthwith schedule a public hearing

before the Planning Commission to consider modification or revocation of this Conditional Use Permit.

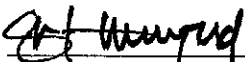
VII. Miscellaneous conditions

7.1. The operations of the business shall be subject to a six month review by the City Council to verify conformance with the conditions of approval and requirements of this Conditional Use Permit.

7.2. The permittee shall comply with all ordinances, regulations and laws applicable to a business of this kind in effect as of the date hereof or hereafter adopted.

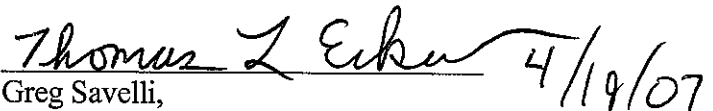
7.3. In addition to any other remedy available at law, in equity or as provided in the Municipal Code, any: (i) significant or material violation, or (ii) any repeated, continuous or sustained violation of any condition of approval of this Conditional Use Permit shall constitute cause for revocation of this Permit. The permittee shall be required to reimburse the City fully for its costs and expenses, including but not limited to attorney's fees, in undertaking any such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violation has been fully remedied.

7.4. The provisions of this Conditional Use Permit shall take effect immediately upon adoption by the City Council. This Conditional Use Permit shall supersede and replace all previous Conditional Use Permits previously approved for the property – P.C. Resolutions Nos. 97-26 and 01-18 are hereby rescinded and of no further force and effect.



Sol Blumenfeld, Director
Community Development

Stephen R. Burrell
City Manager



Greg Savelli,
Chief of Police

Attachments

1. Proposed Resolution
2. Planning Commission Resolution
3. Planning Commission Resolutions 01-18 and 97-26
4. April 10, 2007 Staff Report Including Police Report History

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RESOLUTION 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING, WITH MODIFICATIONS, THE PLANNING COMMISSION DECISION TO MODIFY A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL, LIVE ENTERTAINMENT AND OUTDOOR DINING, IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 705 PIER AVENUE, KNOWN AS "CLUB 705" AND "SAFFIRE"

Section 1. At the initiation of the Police Department and the Community Development Department, the Planning Commission on December 6, 2006 and January 16, 2007 conducted a duly noticed public hearing to consider the revocation or modification of the Conditional Use Permit governing the business at 705 Pier Avenue, approved March 18, 1997 (P.C. Resolution 97-26), and amended May 5, 2001 to allow outside dining (P.C. Resolution 01-18), pursuant to Section 17.70.010 of the Zoning Ordinance at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 2. Following the public hearing, on January 16, 2007 the Planning Commission modified the Conditional Use Permit for on-sale general alcohol by imposing additional operating conditions and prohibiting live entertainment and outdoor dining in the restaurant as set forth in Planning Commission Resolution 07-1.

Section 3. The current owner of Club 705, pursuant to Section 17.56.070 of the Municipal Code, filed an appeal of the decision of the Planning Commission.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal of the decision of the Planning Commission on March 27, April 10, and April 24, 2007, at which the record of the decision of the Planning Commission and additional 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, City Council makes the following findings to modify the Conditional Use Permit, pursuant to Section 17.70.010 of the Municipal Code:

1. The Hermosa Beach Chief of Police reported a history of major disturbances at this location under prior club ownership due to unruly behavior of the patrons and inadequate management of the restaurant, including overcrowding, repeated noise violations, loitering, assaults, serving alcohol to underage customers, and public intoxications.

2. Planning Commission Resolution 97-26 (Condition No. 1) requires that the project shall be consistent with submitted plans and (Condition No. 2) provides that the "primary emphasis of the business shall be maintained as a restaurant. Live entertainment shall be secondary and shall not be a separate or main attraction or promoted as such." The business has regularly been advertised as a lounge, disco, and venue for special promoted events, which is inconsistent with these conditions of the CUP. Also, the Police Department reports that the business has regularly removed tables and chairs inconsistent with the approved floor plan, which specifically identifies these areas for restaurant seating, in order to accommodate the special promoted events and dancing in violation of these conditions. The current

1 owner continues to promote the business as a nightclub as evidenced by advertisements on its website,
2 however, the owner's track record since January 2007 has improved with respect to the number of police
3 call outs.

4 3. The Police Department response calls indicate that the business has not been providing
5 adequate supervision since patrons were reported by the Police Department to be unruly and boisterous,
6 and allowed to loiter around the building and parking area. Therefore the business has not used
7 management and supervisory techniques to prevent this behavior as required by the CUP (P.C. Resolution
8 97-26, Section II, Condition No. 2).

9 4. The business has for a considerable period of time offered its patrons amplified live
10 entertainment without ever receiving approval of the acoustical study required by the CUP. (P.C.
11 Resolution 97-26, Section I, Condition No. 4).

12 5. This repeated pattern of disturbances and other violations was determined to be the result of
13 poor management, staffing, and supervisory techniques contrary to the terms of the Conditional Use
14 Permit, and contrary to what is required of any responsible operation of an establishment serving general
15 alcohol under the license granted by the State Department of Alcohol Beverage Control. This behavior
16 adversely affected the public welfare and the welfare of surrounding residential and commercial uses and
17 caused excessive noise and creating a nuisance, which is also inconsistent with the requirements of the
18 Conditional Use Permit.

19 6. The area approved for outdoor dining use, approved in May 2001, has not been used for that
20 purpose (i.e. for seating or dining), and when used in conjunction with the business as a smoking or
21 standing area has contributed to the noise and nuisance problems associated with the business.

22 7. Based on the evidence provided by the Police Department, the business has been operated
23 contrary to the terms and conditions of the permit and in violation of the Municipal Code, Penal Code and
24 Fire Code.

25 Section 6. The City Council finds that the decision of the Planning Commission was justified by
26 the evidence in the record. The Council also acknowledges that in the past four months while this matter
27 has been pending, the number of police call-outs has diminished and the new owners have maintained
28 better control of the premises and its patrons than previously. The Council finds that modifications to the
29 existing conditional use permits are necessary to protect the City against a recurrence of the problems that
have plagued the business, but that the modifications should not, at this juncture, be as severe as adopted
by the Planning Commission. The new conditions, set forth below, are calculated to prevent the
recurrence of the problems identified in Section 5 above, while still allowing the permittee to provide live
entertainment and later operating hours on the weekend. Based on the foregoing, and pursuant to Section
17.70.010 of the Zoning Ordinance, the City Council on appeal hereby sustains in part and reverses in
part the decision of the Planning Commission, modifies the **Conditions of Approval** of the Conditional
Use Permit for on-sale alcohol and live entertainment in conjunction with a restaurant, all subject to the
following conditions, which supersede the conditions contained in P.C. Resolutions 97-26, and 01-18 :

I. Permitted use.

1.1. The business shall be operated as a bona fide restaurant: The kitchen shall be

1 equipped to prepare food from its component ingredients; the restaurant shall offer a full-service
2 lunch and dinner menu; food service from the menu shall be available all hours that the
3 establishment is open for business.

4 **1.2. Live entertainment incidental to food service is permitted. This may include dancing to**
5 **amplified music (with or without a disk jockey); live musical performance; and live performances of**
6 **other kinds. Only one dance floor and one stage for live performance is permitted, consistent with**
7 **the approved floor plan. Live entertainment and dancing shall be "incidental" in the sense that it**
8 **serves to entertain customers who are in the premises for the purpose of dining and does not involve**
9 **more than 50% of the customer floor area of the business. The dining area shall not contain**
10 **televisions.**

11 **1.3. Alcohol may be served for on-premises consumption in a manner consistent with the**
12 **license issued by the Alcohol Beverage Commission.**

13 **1.4. Admission shall not be charged for entrance into the business at any time.**

14 **1.5. Entry into the business shall not be limited to persons 21 years of age or older.**

15 **1.6. All persons admitted into the business premises shall be seated at a table or at the bar.**
16 **No person in the premises shall view entertainment unless seated at a table or at a bar; there shall be**
17 **no "standing room only." Unless waiting for a table at a waiting area identified on the approved**
18 **floor plan, no patron shall be permitted to remain in the premises unless provided with a seat and**
19 **consuming food and/or beverages.**

20 **II. Floor plan.**

21 **2.1. The furniture and interior improvements within the business premises shall conform to**
22 **the floor plan attached as Exhibit A and modified to show table seating for not less than 50% of the**
23 **business gross floor area, and these tables and chairs shall be conventional dining height and size (i.e.**
24 **not bar height or cocktail table size). The area devoted to entertainment staging and dancing shall**
25 **not occupy more than 50% of the gross floor area of the business. Other than trivial or insignificant**
26 **deviations in the placement or arrangement of furniture, no change whatsoever shall be made to the**
27 **interior of the premises that is inconsistent with the approved floor plan absent approval by the**
28 **Planning Commission by way of a modification to this Conditional Use Permit. A floor plan**
29 **consistent with the requirements of this condition shall be submitted subject to the approval of the**
Director of Community Development by not later than May 24, 2007. To the extent that the current
configuration of the restaurant does not conform to the requirements of this condition, the restaurant

1 shall be re-configured to conform to these requirements by not later than June 24, 2007. Should the
2 permittee fail to meet either of the above deadlines, a public hearing shall immediately be scheduled
3 before the City Council to consider revocation of the Conditional Use Permit.

4 2.2. Under no circumstances shall furniture or other interior/exterior improvements be
5 rearranged to accommodate more dancing, more entertainment or greater occupancy absent
6 approval of the Planning Commission as prescribed in paragraph 2.1.

7 2.3. The parking area and exterior access at the northwest side of the restaurant shall be
8 used for egress to the restaurant only with appropriate signage restricting use to egress only. A
9 security and lighting plan for the parking area and the exterior north access shall be submitted for
10 review and approval of the Police Chief and shall be implemented on site. The north parking area
11 shall be used exclusively for vehicular parking and no other purpose.

12 2.4. Occupancy shall not exceed the permitted occupancy load as prescribed by the
13 Building Code, based on the floor plan shown in Exhibit A and review and approval of a code
14 complying seating plan. An approved occupant load sign shall be posted in the business as directed
15 by the Fire Department. Any single occupancy violation in excess of ten percent (10%) or repeated
16 lesser violations of occupant load shall result in the immediate scheduling of a hearing before the
17 Planning Commission to consider modification or revocation of this Conditional Use Permit.

18 2.5 The outdoor paved area between the restaurant and public sidewalk on Pier Avenue
19 shall not be included as part of the plan for the restaurant, and shall not be used for outdoor dining.
20 No food or beverage service or other customer use is permitted in this area.

21 III. Operating hours.

22 3.1. The hours of operation for all operations of the restaurant, including the lounge/bar
23 areas, shall be limited to between 7:00 A.M. and 12:00 Midnight Sunday through Thursday and 7:00
24 A.M. and 2:00 A.M. Friday and Saturday. All customers shall vacate the premises by not later than
25 the required closing times and the doors shall be locked.

26 3.2. The enclosed outdoor patios shall be closed to patrons at 11:00 p.m. every night of the
27 week. There shall be no amplified music, televisions or speakers on the outdoor patios.

28 IV. Noise attenuation.

29 4.1. The permittee shall comply with all of the conditions set forth in the acoustical study
dated April 17, 2007 and attached hereto as Exhibit B. Mitigation measures not in place as of the

1 date hereof shall be fully installed to the satisfaction of the City pursuant to the schedule attached
2 hereto as Exhibit C.

3 4.2. In no event shall continuous, sustained or repeated noise from the business be audible
4 at the property line of any residential premises at any time.

5 4.3. The business shall comply in all other respects with Municipal Code Chapter 8.24
6 (Noise Control), and noise from the premises shall not constitute a public nuisance.

7 4.4. The business shall install an audio control system using an outboard pre-amplifier that
8 is locked in an enclosure accessible only to business management. The volume of amplified
9 entertainment in the restaurant shall not exceed 95dBA.

10 4.5. The business shall install a sign on the exit door leading into the garage with lettering
11 not smaller than two (2) inches in height asking patrons to exit the premises and the garage quietly
12 out of respect for the residential neighbors. The sign shall read substantially as follows: "SHHHH!
13 WE HAVE NEIGHBORS WHO MAY BE SLEEPING. PLEASE LEAVE THE RESTAURANT
14 AND OUR GARAGE QUIETLY. THANK YOU."

15 V. Trash storage and collection.

16 5.1. The refuse containers/bins utilized by the business shall be secured and locked daily a
17 such that they are not susceptible to illegal scavenging.

18 5.2. Every night at closing, the permittee shall collect trash from the sidewalk and
19 landscape areas adjoining the front of the premises (from Valley Drive to and including the stairway
20 leading up to the Plaza Hermosa parking lot), along Valley Drive (from Pier Avenue northerly to the
21 entrance to the parking garage) and within the parking garage.

22 5.3. The exterior of the premises shall be maintained in a neat and clean manner and free
23 of graffiti at all times.

24 VI. Nuisance avoidance and patron behavior

25 6.1. The business shall not operate in a manner that adversely effects or interferes with the
26 comfortable enjoyment of neighboring residential and commercial property.

27 6.2. The business shall employ adequate staffing and management/supervision to prevent
28 serving underage persons, over-serving alcohol, and loitering, unruliness and boisterous behavior by
29 patrons both inside and outside in the immediate area of the premises.

6.3. If the Police Chief determines that there are a disproportionate number of police calls

1 to the business due to the disorderly or disruptive behavior of patrons and the inability or refusal of
2 the business to manage its patrons, the Chief may require on an interim basis that the business
3 employ private security personnel or modify its existing security plan or operation. The Chief shall
4 notify the Director of Community Development of this action, who shall forthwith schedule a public
5 hearing before the Planning Commission to consider modification or revocation of this Conditional
6 Use Permit.

7 **VII. Miscellaneous conditions**

8 **7.1. The operations of the business shall be subject to a six month review by the City**
9 **Council to verify conformance with the conditions of approval and requirements of this Conditional**
10 **Use Permit.**

11 **7.2. The permittee shall comply with all ordinances, regulations and laws applicable to a**
12 **business of this kind in effect as of the date hereof or hereafter adopted.**

13 **7.3. In addition to any other remedy available at law, in equity or as provided in the**
14 **Municipal Code, any: (i) significant or material violation, or (ii) any repeated, continuous or**
15 **sustained violation of any condition of approval of this Conditional Use Permit shall constitute cause**
16 **for revocation of this Permit. The permittee shall be required to reimburse the City fully for its costs**
17 **and expenses, including but not limited to attorney's fees, in undertaking any such corrective action.**
18 **Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means**
19 **permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing**
20 **further permits, licenses or other approvals until such violation has been fully remedied.**

21 **7.4. The provisions of this Conditional Use Permit shall take effect immediately upon**
22 **adoption by the City Council. This Conditional Use Permit shall supersede and replace all previous**
23 **Conditional Use Permits previously approved for the property – P.C. Resolutions Nos. 97-26 and 01-18**
24 **are hereby rescinded and of no further force and effect.**

25 Section 7. The Conditional Use Permit, as modified, shall be recorded, and proof of recordation
26 shall be submitted to the Community Development Department.

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

29 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 hereafter adopted that is applicable to any

1 development or activity on the subject property. Failure of the permittee to cease any development or
2 activity not in full compliance shall be a violation of these conditions.

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

6 PASSED, APPROVED, and ADOPTED this day of , 2007,

7
8 _____
9 PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

10
11
12 ATTEST:

APPROVED AS TO FORM:

13
14 _____ CITY CLERK

_____ CITY ATTORNEY

Davy & Associates, Inc.
Consultants in Acoustics

RECEIVED

APR 17 2007

COMMUNITY DEV. DEPT.

2627 Manhattan Beach Blvd., Suits 212 • Redondo Beach, CA 90278-1604 • Tel: 310-643-5161 • Fax: 310-643-5364 Email: DavyAssoc@aol.com

FAX: (310) 643-5364

FACSIMILE TRANSMITTAL

If there are any problems with this transmission, please call (310) 643-5161 immediately.

DATE: April 17, 2007

TO: Sol Blumenfeld

COMPANY Hermosa Beach

FAX NO.: (310) 937-6235

PROJECT: Club 705

PROPOSAL NO. : _____

JOB/REPORT NO. _____

NO. OF PAGES INCLUDING THIS PAGE 7

FROM: Bruce Davy

COMMENTS: cc: Xavier Flamenco (310) 372-7555

Davy

& Associates, Inc.
Consultants in Acoustics

2627 Manhattan Beach Blvd., Suite 212 • Redondo Beach, CA 90278-1604 • Tel: 310-643-5161 • Fax: 310-643-5364 • Email: DavyAssoc@aol.com

JN2007- 25

April 17, 2007

RECEIVED

APR 17 2007

COMMUNITY DEV. DEPT.

Mr. Xavler Flamenco
Club 705
705 Pier Avenue
Hermosa Beach, CA 90008

SUBJECT: ACOUSTICAL ANALYSIS
Club 705, Hermosa Beach, California

Dear Xavier:

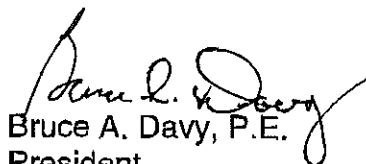
Enclosed are copies of our completed Acoustical Analysis for the Club 705 at 705 Pier Avenue in Hermosa Beach, California.

The results of the analysis indicate that the Club will comply with the requirements of the City of Hermosa Beach Noise Ordinance with no special mitigation. Even though no mitigation is required to meet the conditions of the Hermosa Beach Noise Ordinance, we have included a recommendation to ensure that noise level in Community continue to remain inaudible.

If you have any questions concerning the enclosed report, please call me. It has been a pleasure working with you on this project.

Sincerely,

DAVY & ASSOCIATES, INC.


Bruce A. Davy, P.E.
President

BD/kbd

Davy

& Associates, Inc.
Consultants in Acoustics

2627 Manhattan Beach Blvd., Suite 212 • Redondo Beach, CA 90278-1604 • Tel: 310-643-5161 • Fax: 310-643-5364 • Email: DavyAssoc@aol.com

JN2007-25

RECEIVED

APR 17 2007

COMMUNITY DEV. DEPT.

ACOUSTICAL ANALYSIS

Club 705
Hermosa Beach, California

FOR

Club 705
Hermosa Beach, California

April, 2007

1.0 Introduction

At the direction of Club 705 , Davy & Associates, Inc. has completed acoustical measurements to determine potential noise impacts from amplified music in the Club at the residences to the north and to the west.

Noise levels were measured outside the Club while amplified music was being played. These measured exterior noise levels were compared with the requirements of the City of Hermosa Beach Noise Ordinance.

2.0 Noise Measurements

Noise levels were measured outside the Club on Friday, March 23, 2007 between the hours of 9:30 p.m. and 11:30p.m.. Noise levels were measured at The Commodore residences at 1600 Ardmore Avenue to the north of the Club, in the 1500 block of Valley Drive in front of the mobile home park to the west of the and in the 700 block of Pier Avenue opposite the entrance to the Club.

All measurements were made with a Larson Davis Model 820 precision integrating sound level meter. The meter was calibrated with a B&K Model 4230 acoustical calibrator prior to the measurements and following the measurements. The 820 meter displays the equivalent noise level (LEQ) which is the average noise level over the measurement period.

At all three locations, traffic noise from vehicles on Pier Avenue, Valley Drive and Ardmore Avenue were the dominant noise sources. Noise levels from the Club were not audible at any of the measurement locations between 9:30 p.m. and 11:30 p.m.

The results of the measurements are summarized in Table 1.

Table 1

Measured A-weighted Noise Levels in dB

<u>Location</u>	<u>Traffic Noise</u>	<u>Club Music</u>
1600 Ardmore	62.0 dBA	Not Audible
1500 block of Valley	63.0	Not Audible
700 block of Pier	67.5	Not Audible

Interior noise measurements were also made inside the Club in the 11:00 p.m. time range when the Club appeared to be at nearly full capacity and live music was being played. These measurements indicated an average noise level of 90 to 95 dBA in the disco area.

An attempt was also made to measure noise levels in the parking structure outside the restaurant entrance to the Club. Noise levels from the Club were not audible inside the parking structure between the hours of 9:30 p.m. and 11:30 p.m. It should be noted that the disco area is separated from the restaurant area by glass doors that were closed during the time we were there. Additionally, the restaurant is separated from the parking structure by a vestibule with glass doors at each end. Based on this arrangement of the rooms within the Club, the noise attenuation between the disco area and the parking structure would be at least 60 dB. This means that with a sound level of 95 dBA in the disco area, noise levels in the parking structure would not exceed 35 dBA. Because the parking structure is open to Ardmore Avenue, noise levels from traffic on Ardmore, Valley and Pier Avenue are in the 60 dBA range. Therefore, it is very unlikely that noise levels from the disco area would be audible in the parking structure at any time.

3.0 Hermosa Beach Noise Ordinance Requirements

Chapter 8.24 - Noise Control of the Hermosa Beach City Code states that for commercial establishments adjacent to residential property, noise from the premises of any commercial establishment including any outdoor dining area part of the establishment between the hours of 10:00 p.m. and 8:00 a.m. that is plainly audible at the residential dwelling units' property line is prohibited

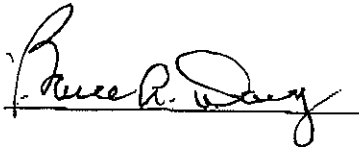
5.0 Noise Control Recommendations

Even though the Club complies with the requirements of the Hermosa Beach Noise Ordinance with no special mitigation while operating with amplified music in the 90-95 dBA range, the following recommendation is made to maximize the noise attenuation of the building that houses the Club.

- Install an audio level control system to ensure that untrained persons or musicians can not turn the volume inside the Club up above 95 dBA.. This would involve using an outboard pre-amplifier that can be locked in an enclosure. The volume of the main amplifier should be set at maximum and the output of the pre-amplifier adjusted to provide a sound level in the Club of no more than 95 dBA which is considered to be a typical and reasonable level for a disco of this size. The pre-amplifier would then be locked in the enclosure and the key would be accessible only to the Club owner. Musicians and other personnel could then turn the volume down from the 95 dBA preset level with the volume control on the main amplifier but could not turn the volume up above this preset level.

4.0 Summary of Results

Based on this analysis, noise levels from the Club are in compliance with the Hermosa Beach Noise Ordinance. These noise levels will also be much less than existing ambient noise levels in the surrounding neighborhoods when amplified music is operating at an interior level of 95 dBA or less.

A handwritten signature in black ink, appearing to read "Bruce A. Davy", written over a horizontal line.

Bruce A. Davy, P.E.
Davy & Associates, Inc.
I.N.C.E. Board Certified

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P.C. RESOLUTION 01-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, TO ALLOW OUTDOOR DINING IN CONJUNCTION WITH AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL AT 705 PIER AVENUE LEGALLY DESCRIBED AS A PORTION OF LOT 1, TRACT NO. 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, 2ND ADDITION TO HERMOSA BEACH TRACT

Section 1. An application was filed by Shane McColgan, seeking approval for on-sale beer and wine in conjunction with a restaurant;

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for the Conditional Use Permit Amendment on May 15, 2001, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission;

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject restaurant site is already authorized for on-sale alcohol by a Conditional Use Permit granted on March 15, 1994 (P.C. Resolution 94-10);
2. The change from outdoor seating to outdoor dining will not significantly intensify the use of the site;
3. The potential noise impacts that might result from the outside dining are less than significant because the restaurant is located within a commercial area with no residential uses nearby;

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application to amend the Conditional Use Permit:

1. The site is zoned SPA 8, and is suitable for the proposed use;
2. The proposed use is compatible with surrounding commercial and residential uses;
3. The imposition of conditions as required by this resolution will mitigate any negative impacts resulting from the issuance of this Conditional Use Permit Amendment;
4. This project is Categorically Exempt pursuant to Section 15303c of the California Environmental Quality Act.

Section 5. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit subject to the following **Conditions of Approval**;

1. **The project shall be substantially consistent with submitted plans as reviewed by the Planning Commission on May 15, 2001. Modifications to the plan shall be reviewed and**

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may be approved by the Community Development Director. The applicant shall also submit a seating plan for review and approval to the Community Development Director.

2. The outdoor dining shall be limited to hours of operation between 8:00 A.M. and Midnight Sunday through Thursday, and between 8:00 A.M. and 2:00 A.M. on Fridays and Saturdays.
3. A decorative railing shall be provided to clearly delineate the outdoor dining area from the public sidewalk.
4. At no time shall the public sidewalk be used by food service personnel.
5. No recorded music or amplified music is allowed in the outdoor dining area.
6. The existing Sycamore tree located within the proposed outdoor dining area shall be left undisturbed.
7. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
8. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business and in the parking areas.
9. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
10. The Police Chief may determine that a continuing police problem exists, and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem, 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.
11. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
12. The applicant shall submit a detailed seating and occupancy plan prepared by a licensed design professional, which shall be approved by the Community Development Department prior to issuance of building permits. Any significant changes to this interior layout which would alter the primary function of the business as a restaurant shall be subject to review and approval by the Planning Commission.
13. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
14. All Conditions of Approval from Planning Commission Resolution 97-26, which do not specifically address the outdoor dining use, shall remain in effect.

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed a the office of the Planning Division of the Community Development

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

2 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
3 Community Development Department.

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

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

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

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

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

25
26 VOTE: AYES: Tucker, Kersenboom, Chairman Perrotti
27 NOES: None
28 ABSENT: Hoffman, Pizer
29 ABSTAIN: None

CERTIFICATION

30 I hereby certify the foregoing Resolution P.C. 01-18 is a true and complete record of the action taken by
31 the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of May 15,
32 2001

33 
34 _____
35 Sam Perrotti, Chairman

36 
37 _____
38 Sol Blumenfeld, Secretary

39 Date 6-19-01

40 Cupr01-1

P.C. RESOLUTION 97-26

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND PARKING**
4 **PLAN, AS AMENDED, TO ALLOW TWO STAGES AN ADDITIONAL BAR AND**
5 **ADDED SEATING IN CONJUNCTION WITH A RESTAURANT WITH ON-SALE**
6 **ALCOHOL AT 705 PIER AVENUE AND LEGALLY DESCRIBED AS A PORTION OF**
7 **LOT 1, TRACT 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, SECOND ADDITION**
8 **TO HERMOSA BEACH TRACT**

9 WHEREAS, the Planning Commission held a public hearing on March 18, 1997, to receive
10 oral and written testimony regarding an application for a Conditional Use Permit Amendment and
11 made the following findings:

- 12 A. The subject restaurant site is already authorized for on-sale alcohol by a Conditional Use
13 Permit granted on March 15, 1994, (P.C. Resolution 94-10).
- 14 B. The additional seating, bar, and stages will not significantly intensify the use of the site as
15 long as the use remains primarily a restaurant;
- 16 D. The use of the site for a restaurant is appropriate for the subject location and will be
17 compatible with surrounding commercial activities along Pier Avenue;
- 18 E. Strict compliance with the conditions of approval will mitigate any negative impact resulting
19 from the issuance of the Conditional Use Permit;
- 20 F. The project is Categorically Exempt from the requirements of the California Environmental
21 Quality Act, pursuant to Section 15301 New Construction and Conversion of Small
22 Structures of the CEQA guidelines, as it involves the minor alteration of an existing facility.

23 **NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City
24 **of Hermosa Beach, California does hereby approve a Conditional Use Permit and**
25 **Parking Plan Amendment to allow stages and an additional bar to the existing**
26 **restaurant with on-sale alcohol, subject to the following conditions, which supersede**
27 **the conditions of Planning Commission Resolution 94-17:**

28 SECTION I Specific Conditions of Approval

- 29 1. The project shall be substantially consistent with submitted plans. Modifications to the plan
shall be reviewed and may be approved by the Community Development Director.

97 1610501

- 1 a. Plans shall indicate that the outside waiting area shall have no service. In the event
2 that future service occurs, at no time shall the use of the public right-of-way be
3 used by the servers.
4
5 2. The primary emphasis of the business shall be maintained as a restaurant. Live
6 entertainment and dancing shall be secondary, and shall not be a separate or main attraction
7 or show, or promoted as such.
8
9 3. The hours of operation shall be limited to between 8:00 A.M. and 2:00 A.M. daily.
10
11 4. Live entertainment shall be limited to using non amplified instruments such as a piano,
12 guitar, violin, etc. If entertainment is to include amplified (i.e. use of electrical amplifier)
13 live entertainment, an acoustical study shall be prepared by an acoustical expert, including
14 proposed sound dampening features to baffle and direct sound away from the entrance/exit
15 and window areas to ensure compliance with the noise ordinance. Said study and sound
16 dampening features shall be reviewed and approved by the Community Development
17 Director and shall be implemented in the building.
18
19 a. The acoustical study shall be based on the worst-case noise scenario, or on a sound
20 level that will not be exceeded at any given time.
21
22 b. Management shall be responsible for the music/entertainment volume levels.
23
24 c. During the performance of any amplified live entertainment, the exterior doors and
25 windows shall remain closed.

26 **SECTION II** General operating and standard conditions:

- 27 1. The establishment shall not adversely effect the welfare of the residents, and/or commercial
28 establishments nearby.
29
30 2. The business shall provide adequate staffing, management and supervisory techniques to
31 prevent loitering, unruliness, and boisterous activities of the patrons outside the business
32 and in the parking areas.
33
34 3. Noise emanating from the property shall be within the limitations prescribed by the city's
35 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,
36 and/or commercial establishments.
37
38 4. The police chief may determine that a continuing police problem exists, and may authorize
39 the presence of a police approved doorman and/or security personnel to eliminate the
40 problem, and then shall submit a report to the Planning Commission, which will
41 automatically initiate a review of this conditional use permit by the Commission.
42
43 5. The exterior of the premises shall be maintained in a neat and clean manner, and maintained
44 free of graffiti at all times.
45
46 6. Any significant changes to the interior layout which would alter the primary function of the
47 restaurant shall be subject to review and approval by the Planning Commission.
48
49 7. The project and operation of the business shall comply with all applicable requirements of
50 the Municipal Code.

51 **SECTION III**

52 **97 1610501**

1 This grant shall not be effective for any purposes until the permittee and the owners of the property
2 involved have filed a the office of the Department of Planning their affidavits stating that they are
3 aware of, and agree to accept, all of the conditions of this grant.

4 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
5 Planning Department.

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

8 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees
9 from any claim, action, or proceeding against the City or its agents, officers, or employee to attack,
10 set aside, void or annul this permit approval, which action is brought within the applicable time
11 period of Government Code Section 65907. The City shall promptly notify the permittee of any
12 claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to
13 promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate
14 fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold
15 harmless the City.

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

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

25 SECTION IV

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

29 VOTE: AYES: Comms. Perrotti, Pizer, Chmn. Tucker
 NOES: none
 ABSENT: Comms. Merl, Schwartz
 ABSTAIN: none

30 CERTIFICATION

31 I hereby certify the foregoing Resolution P.C. 97- 26 is a true and complete record of the action
32 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
33 meeting of Marsh 18, 1997.

34 
35 Peter Tucker, Chairman

36 
37 Sol Blumenfeld, Secretary

38 4-15-97
39 Date

cur97-3

97 1610501

HERMOSA BEACH POLICE DEPARTMENT

This document outlines ongoing concerns at the business on 705 Pier Avenue in Hermosa Beach, California. The Alcohol Beverage Control License for this establishment is 413089.

On 07092006 two men reported that they were assaulted by at least two employees of the business. The case is currently under investigation. The HBPD case number is 06-2494.

On 07072006 officers were dispatched to a report of loud noise at the location. The police dispersed a group of people loitering on the premises.

On 07012006 officers were dispatched to a report of a kidnapping at the business. The involved party was reported to be an employee who was involved in an altercation with a female companion. Both were reported to be possibly under the influence of alcohol. A report was not filed. At this time there is no investigation. Officers contacted a subject in front of the business and subsequently arrested him for public intoxication. The HBPD case number is 06-2278.

On 06182006 officers were dispatched to a reported disturbance involving loud subjects outside the business. The officer observed that patrons gathered outside the business after closing waiting for transportation were the cause of the disturbance.

On 06112006 an officer reported observing a fight at the location. No crime report was made.

On 06102006 a customer reported that a man was bleeding from the head inside the business. HBFD responded and observed severe overcrowding. The HBFD issued citations for both overcrowding and maintaining a hazardous condition. The case number is 06-1967. Because of the large crowd that had to be removed from the business, police officers from two adjacent cities, Redondo Beach and Manhattan Beach, were called to the scene to assist the Hermosa Beach police officers. The incident lasted approximately one and one half-hours.

HERMOSA BEACH POLICE DEPARTMENT

On 06102006 a resident reported a loud music disturbance from the business that was causing a kitchen appliance to vibrate.

On 06022006 officers were dispatched to a report of a noise disturbance at the business. Officers observed a large group of patrons outside at closing that were the cause of the disturbance.

On 05142006 officers were dispatched to a fight at the business. One of the subjects involved in the fight was subsequently arrested. The HBPD case number is 06-1579.

On 05112006 officers were dispatched to a noise disturbance at the business. Officers observed the cause of the disturbance to be patrons leaving at closing time.

On 04082006 officers were dispatched to a battery investigation involving a customer who was allegedly struck by an employee. Officers determined that the employee and customer had engaged in mutual combat and no report was taken.

On 03252006 officers were dispatched to a fight at the business. Officers observed disturbances related to patrons leaving the business and remained on scene an additional ten minutes for the crowd to disburse.

On 03192006 officers observed a disturbance at the location and responded to keep the peace.

On 03182006 officers were dispatched to the location for a report of a drunk driver. The suspected driver was an intoxicated male who was refused entry to the business. Officers did not find the vehicle.

On 03162006 officers were dispatched to a disturbance involving loud music from vehicles parked in the lot behind the business.

HERMOSA BEACH POLICE DEPARTMENT

On 03122006 officers were dispatched to a fight at the location involving two females. Upon arrival officers observed that the fight had already ended. No report was taken.

On 03032006 officers conducted two separate business checks at the location. During the first check they observed under aged individuals attempting to gain entry to the business. During the second check they observed consumption of alcohol by under aged patrons. The HBPD case number is 06-734.

On 02192006 officers were dispatched to a disturbance involving loud subjects and vehicles at the business.

On 02062006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

On 02022006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

The twenty dates listed above represent incidents reported at the business in the past 6 months. They involve multiple violations of law, including the California Penal Code, the Hermosa Beach Municipal Code, the Fire Code, as well as the Conditional Use Permit issued by the city to the business.

Because of these issues the HBPD opposes the license transfer, until or unless additional restrictions are placed with the license. The HBPD also requests the current license be investigated for compliance with the Department of ABC.

Sgt. Lance Heard #140

**Hermosa Beach Fire Department
Report of Overcrowding**

Date: 06/10/2006

To: Watch Commander

From: Captain Crawford

Re: Occupancy Violation

CC: Chief Tingley, Assistant Chief Gomez

DR# 1967

FR# 900

On 06/10/2006 at approx. 2300 hrs. Hermosa Fire Units were dispatched to a rescue call at 705 Pier ave. Club "Saphire." Upon arrival, rescue units were not able to gain entrance to the building due to excessive numbers of patrons outside the business blocking the entrance, as well as what appeared to be overcrowding inside the club. At that time, E11 was dispatched to assist with the overcrowding issue.

Summary

Upon arrival at Club Saphire, we found a very large crowd outside the business completely blocking the sidewalk, and forcing pedestrians to walk around the parked cars on Pier Ave. and into the first lane of traffic to get up or down the street. We met the doorman at the western most entrance and asked him if he knew how many people were inside the business. He stated that he was not sure, but he was sure it was less than the 800 that they were allowed. I advised him that he was mistaken about how many people were allowed into Club Saphire, and that they should be kept just over 400. At this point I had Engineer Marks, and FF/PM Lopez do independent counts with manual "Clickers" and report back to me with numbers for each of the three designated occupant areas. I also advised the Doorman that no one else was allowed into the business until the count was complete. Upon completion, the count totals were:

Engineer Marks 147, 140, 238 = 525

FF/PM Lopez 140, 130, 252 = 522

The approved total occupancy is 447

The business was in violation of Section 2501.16.3 of the Uniform Fire Code. Overcrowding and admittance of people beyond the approved capacity of a place of assembly is prohibited. 103.4.4 UFC/15.20.010 Hermosa Beach Municipal Code, Maintaining a Hazardous condition.

Interior Inspection

The interior of the business was extremely crowded. Free movement was impeded, with aisles and means of egress obstructed or nonexistent.

Issuance of Citation

Manager Xavier A. Flamenco III was cited . Mr. Flamenco acknowledged the overcrowding situation, apologized, and stated they had accidentally booked 2 parties for the same night and allowed too many people in.

Violations Observed

Permitting Overcrowding
Uniform Fire Code
Section 2501.16.3
Maintaining a Hazardous Condition
103.4.4 UFC/15.20.010 HBMC

Attachments

Fire Incident Report
Copy of Citation
Occupancy Load Sign

James A. Crawford
Captain
Hermosa Beach Fire Department

CC:
Fire Chief Tingley
Asst. Fire Chief Gomez

File in COP files
for
The Dragon / Blue 3:
The shore / Sapphire

Hermosa Beach Fire Department
Memorandum

Date: 6/12/2006

To: Chief Tingley

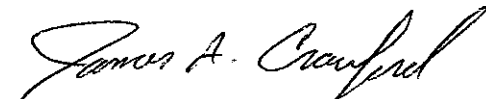
From: Captain Crawford

Re: Operations at Hermosa Nightclubs

Recently, a resident phoned the H.B.F.D. to voice her concern regarding the use of "Go-Go" dancers in Hermosa Beach Night Clubs. She felt it was offensive, and didn't believe they should be allowed in our city. Although she did not want to leave her name, she asked that we look into the practice of having women, with very little clothing, dancing on stages. I have personally witnessed this practice at "The Dragon," "Blue 32," "The Shore," as well as this past Saturday night at "Sapphire."

I am not sure which department handles these type of "Use" issues, so I am forwarding this concern to you. Please let me know how we should proceed.

Respectfully,


Captain Crawford

Summary of Special Events at 705 Pier Ave.

Most of the following events featured DJs. Approximate attendance reflects the number of people attending throughout the entire evening.

<u>Date</u>	<u>Name of Event</u>	<u>Approx Attendance</u>
7/3	In the Scene Magazine Party	350-400
7/10	Project Origin	200
8/5	AVP Party	350-400
8/12	Dove Entertainment (3 DJ's)	350-400
8/13	Chord Brown (3 Bands)	300
8/19	Underground Live	300
8/25	Ed Hardy/ BADD Magazine Debut Party	350-400
8/26	Art Showcase	300-350
8/9	Pink Party	300-350
9/10	Project Origin	200
9/23	Sweet Dreams	250-300
10/1	Project Origin	200
10/7	13 Clothing Reception	350-400
10/8	AIDS Awareness Benefit	200-250
10/21	Realist	350-400
10/27	Ghouls Night Out (4 bands)	350-400
10/28	Halloween Party	300
10/29	TAT Halloween Party	200-250
11/3	Eric Jag (Percussionist)	300-350
11/22	Pre Thanksgiving (4 Bands)	350-400
12/3	Project Origin	200
12/8	Lushness Christmas Party	300-350
12-9	P.S. I Love You Foundation Benefit	250-300
12/16	UPS Christmas Party	250-300
12/31	New Years Eve	350-400
1/7	Project Origin	200
1/10	Steven Seagal Concert	200-250
1/13	jason rose party	150-200

Weekly Promotions:

Mondays	Karaoke	100
Wednesdays	Jamaica West Reggae	150-200
Thursdays	Salsa	100-150

RECEIVED

JAN 16 2007

COMMUNITY DEV. DEPT.

**SUPPLEMENTAL
INFORMATION**

7

April 3, 2007

Honorable Mayor and Members of the
Hermosa Beach City Council

Regular Meeting of
April 10, 2007

CONTINUED FROM THE MARCH 27, 2007 MEETING

SUBJECT: APPEAL OF A PLANNING COMMISSION MODIFICATION OF
CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL IN CONJUNCTION
WITH A RESTAURANT, AND REVOCATION OF THE CONDITIONAL USE
PERMIT FOR LIVE ENTERTAINMENT AND OUTSIDE DINING FOR CLUB
705, 705 PIER AVENUE, HERMOSA BEACH

APPELLANT: CLUB 705

Planning Commission Recommendation:

To sustain the Commission's decision to modify the conditions of the Conditional Use Permit for the restaurant, and to revoke the approvals for live entertainment and outside dining, as set forth in the attached resolution.

Background

The City Council, at their meeting of March 27, 2007, continued the hearing on this matter as requested verbally by the applicant's attorney.

The Planning Commission at their meeting of January 16, 2007, voted 5:0 to modify the Conditional Use Permit, since the business has been operating contrary to the terms of the conditions of the existing Conditional Use Permit for a restaurant. The C.U.P. conditions were modified to ensure that the use is consistent with the approved restaurant use, by limiting operating hours to no later than midnight, prohibiting live entertainment, dancing, and/or disc jockeys, and prohibiting outside promoters.

The review of the Club 705 CUP was originally referred to Community Development from the Police Department in connection with an ABC license transfer. ABC had requested comment on the operation of the business and the Police Department responded by collecting incidence reports and reviewing them with Community Development and the business owners. Based upon the high volume and the nature of call outs to the business, the Police Department recommended the matter be reviewed by the Planning Commission and did not recommend approval of the license transfer at ABC. The matter was originally considered by Commission in November 2006 and twice continued to January 16, 2007. The owner appealed the Commission decision and requested a March 27, 2007 hearing date.

Club 705 is located within the Plaza Hermosa Shopping Center. The business has had several changes in ownership from a Marie Callenders restaurant to the current tenant Club 705. Saffire/ 705 had recently been sold and is now called Club 705. Over the last several months the Police and Fire Departments have responded to complaints involving fights, public intoxication, underage serving and over crowding in violation of the building, fire, and penal codes. The business owner has received written notice of these hearings and provided correspondence describing the proposed operation of the facility as evidence that prior problems will not

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continue. The owner also disputes the Police Department response record. According to the owner, the business has recently completed cosmetic improvements to the interior and made new menu changes reflecting the new business orientation.

PROJECT HISTORY

- April 9, 1985, City Council Resolution 85-4820 approves Marie Callendars for general alcohol sales and outdoor dining in conjunction with a restaurant and allows operating hours until 2:00 a.m.
- April 5, 1994, Planning Commission Resolution 94-10, amends original CUP for Descanso Gardens allowing live entertainment with a maximum of 3 musicians using non-amplified music in lounge/waiting area secondary.
- June 7, 1994, Planning Commission Resolution approves an amendment to above project to allow outdoor waiting area and live entertainment with an approved acoustical study supplied by owner and not as a main attraction.
- March 18, 1997, Planning Commission Resolution 97-26 approves a modification to floor plan to include an additional bar for a total of three, two stages and a dance floor. Changes in floor plan, no material changes to conditions.
- May 5, 2001, Planning Commission resolution 01-18 allows outside dining in area previously approved only for outdoor waiting area. Conditions only address outdoor uses (no outdoor music, maintain existing planted areas, add decorative railings). No changes to operating conditions from Resolution No. 97-26.

PROJECT INFORMATION

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|------------------------------|----------------------------|
| ▪ ZONING: | SPA 8 - Specific Plan Area |
| ▪ GENERAL PLAN: | Commercial Corridor |
| ▪ EXISTING FLOOR AREA: | 8,900 Square Feet |
| ▪ PARKING PROVIDED: | 432 Total; 164 Lower Level |
| ENVIRONMENTAL DETERMINATION: | Categorically Exempt |

Analysis:

Section 17.70.010 of the Zone Code allows the Planning Commission to modify or revoke a CUP under any the following grounds:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval is granted is not being exercised;
- C. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

The Conditional Use Permit, (Resolution 01-18 and Resolution No. 97-26), contains conditions that allow the Police Chief to determine if a continuing police problem exists and to authorize presence of a police approved doorman and or security personnel to eliminate security problems

and to submit a report to the Community Development Department thereby automatically initiating review of the Conditional Use Permit by the Planning Commission.

Rather than suggesting the presence of additional doorman or security personnel, the Police Chief but has recommended that the Commission consider modifying the current CUP due to the large number of Police and Fire Department calls to the property. The call history includes excessive over-crowding, loitering around the building frontage and parking area, battery, fights and assaults and public intoxication. The call history during the first seven months of 2006 is summarized as follows:

Summary of Violations

Call Out	Action	CUP 01-18 and 97-26 Violation	Other Code Violations	No. Calls	2006 Call Outs
1. Over Crowding	FD Response	Cond. Nos. 12, 13 (Res. 01-1)	Fire Code	1	6/10
2. Noise Violation	PD Response	Cond. No. 3, (Res. 97-26)	HBMC	8	2/2, 2/6, 2/19, 3/16, 5/11, 6/10, 6/18, 7/7
3. Loitering	PD Response	Cond. No. 1 (Res. 97-26)	Penal Code	3	3/25, 6/18, 7/7,
4. Assaults	PD Response	Cond. No. 1 (Res. 97-26)	ABC	7	3/19, 3/25, 4/8, 5/14,
5. Serving Underage	PD Response	Cond. No.1 (Res. 97-26)	Penal Code	2	6/11, 7/1, 7/9
6. Public Intoxication	PD Response	Cond. No. 1 (Res. 97-26)	ABC, HBMC	3	3/03, 7/15
			HBMC, ABC		7/1, 5/14, 2/19

Since July 2006, there have been 10 incident calls to the property involving fights, loud music and disturbances.

P.C. Resolution 01-18 (Condition No 12) requires that the applicant submit a detailed seating and occupant load plan prepared by a licensed design professional for approval by the Community Development Department and any changes to the interior layout of the business that alters the primary function of the business as a restaurant shall be subject to review and approval by the Planning Commission. According to the Police Department, the business has regularly removed seating to accommodate dancing and other uses in violation of this condition.

P.C. Resolution 97-26 (Condition No. 2) provides that "the primary emphasis of the business shall be maintained as a restaurant. Live entertainment shall be secondary and shall not be a separate or main attraction or show or promoted as such. The business regularly been advertised as a lounge, disco and venue for special promoted events, which is inconsistent with this condition of the CUP and the Police Department reports that the business has regularly removed tables and chairs to accommodate the special promoted events and dancing in violation of this condition. The current owner continues to promote the business as a nightclub as evidenced by advertisements on their website. (Attachment No. 2).

P.C. Resolution 97-26 (Condition No. 13) provides that the operation of the business shall comply with all applicable requirements of the Municipal Code.

P.C. Resolution 97-26 (Condition No. 8) provides that "the business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness and boisterous activities of patrons outside the business and parking area.

Police Department response calls indicate that the business is not providing adequate supervision since patrons were reported by the Police Department to be unruly and boisterous and allowed to loiter around the building frontage and parking area. Thus the business has not utilized management and supervisory techniques to prevent unruly behavior.

P.C. Resolution 97-26 provides that live entertainment shall be limited to three musicians/performers using non-amplified instruments such as a piano, guitar, violin, etc.. If entertainment is to include amplified live entertainment or more musicians, an acoustical study shall be prepared by a qualified acoustical engineer that addresses sound dampening features to baffle and direct sound away from the entrance/exit and window areas to ensure compliance with the noise ordinance. The scope of the study must be approved by the Community Development Department and consider a worst-case analysis and/or on a maximum sound level that will not be exceeded at any given time. The Resolution further provides that:

1. Management shall be responsible for the music/entertainment volume levels.
2. During the performance of any amplified live entertainment, the exterior doors and windows shall remain closed.

The business has provided amplified live entertainment but has only recently supplied an acoustical study (received on January 16, 2007 at the Planning Commission hearing, and another study received March 27, 2007, the day of the City Council appeal hearing) to comply with the CUP. It is the owner's obligation to comply with this condition by meeting with staff and submitting a CUP complying study. This first study was not prepared by an acoustical engineer and has not been approved by the City, and the most recently submitted study while prepared by an acoustical consultant (Davy and Associates), does not meet the terms of the condition since the study does not demonstrate that it addresses a "worst-case" or a maximum sound level, and does not recommend any sound dampening measures. Staff has commented on the deficiencies to the consultant, but at this time has not received a revised study.

P.C. Resolution 94-17, Section II, Condition No. 1 provides that the establishment shall not adversely affect the welfare of the residents and/or commercial establishments nearby. The Police Department records indicate that surrounding neighbors at the mobile home park (531 Pier Avenue) have complained about excessive noise and unruly and boisterous behavior.

Conclusion:

From the above the Planning Commission found that that the business was not operating in accordance with Resolution Nos. 01-18 and 97-26 and thus acting under its authority in Chapter 17.70, the Commission modified the business CUP. Specifically, the Commission found that:

That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; and


That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

The Commission believed that the business has demonstrated a clear pattern of non-compliance with many of the operating conditions, that it was not operating in a manner consistent with its original approval and that it has created a nuisance by focusing on bar/lounge activity. Therefore, the Commission recommended the following modifications to the conditions of approval:

1. **The continued use of the restaurant shall be substantially consistent with plans submitted and approved by the Planning Commission on May 15, 2001, with the exclusion of the outdoor dining area. Minor modifications to any of the plans shall be reviewed and may be approved by the Community Development Director.**
2. **The Conditional Use Permit applies exclusively to on-sale alcohol in conjunction with a restaurant. Live entertainment (including amplified music, disk jockeys, live music whether acoustic or amplified, live performances of all kinds) and customer dancing are prohibited.**
3. **If at some future time the owner applies to amend this Conditional Use Permit to provide dancing, live music, or other live entertainment, the application shall be accompanied by an acoustical analysis prepared by a qualified acoustical engineer demonstrating that noise will not be audible from any adjacent residential use or from the adjacent street. Mitigation measures to attenuate noise may include sound baffles, double-glazing and other methods specified in the acoustical study. Any sound attenuation recommendations provided in the acoustical study will be imposed as conditions of approval of an amendment allowing live entertainment.**
4. **The hours of operation for all operations of the restaurant, including the lounge/bar areas, shall be limited to between 7:00 A.M. and 12:00 Midnight. All customers shall vacate the premises by not later than 12:00 Midnight and the doors shall be locked.**
5. **The parking area and exterior access at the northwest side of the restaurant shall be used for egress to the restaurant only with appropriate signage restricting use to egress only. A security and lighting plan for the parking area and the exterior north access shall be submitted for review and approval of the Police Chief and shall be implemented on site. The north parking area shall be used exclusively for vehicular parking and no other purpose.**
6. **The business shall not operate in a manner that adversely effects or interferes with the comfortable enjoyment of neighboring residential and commercial property.**
7. **The business is prohibited from using "outside promoters" to advertise the venue and to organize and produce events at the venue. Promoters as used herein are described as "an individual or organization who uses the facilities of another owner to organize, oversee, or otherwise promote entertainment that is not part of the primary business use. The business shall be under the exclusive control of the owners at all times.**
8. **Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not be plainly audible from any residence, and shall**


not create a nuisance to surrounding residential neighborhoods and/or commercial establishments.

9. The restaurant shall be subject to annual review by the Planning Commission to verify conformance with the Conditions of Approval.
10. The restaurant shall discontinue operations until a new detailed seating and occupant load plan, prepared by a licensed design professional, is submitted and approved by the Community Development and Fire Departments. An approved occupant load sign must be posted in the business as directed by the Fire Department prior to operating the business.
11. 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. If the Fire Chief determines that there is a repeated pattern of occupant load violations, he shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit.
12. Any significant changes to the interior layout, which alter the primary function of the business as a restaurant, (i.e. increasing floor area for bar seating, adding a dance floor or removing furniture for dancing shall be subject to review and approval by the Planning Commission and require amendment to this Conditional Use Permit.



Ken Robertson,
Senior Planner

Concur:



Sol Blumenfeld, Director
Community Development

Stephen R. Burrell
City Manager



Greg Savelli,
Chief of Police

Attachments

1. Proposed Resolution to sustain the Commission's decision
2. Planning Commission Resolution
3. Correspondence
4. Business advertising and promotions
5. Planning Commission Resolutions 01-18 and 97-26
6. Police Report History
7. Fire Department Report

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RESOLUTION 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DECISION TO MODIFY A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL, LIVE ENTERTAINMENT AND OUTDOOR DINING, IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 705 PIER AVENUE, KNOWN AS "CLUB 705" AND "SAFFIRE"

Section 1. At the initiation of the Police Department and the Community Development Department, the Planning Commission conducted a duly noticed public hearing to consider the revocation or modification of the Conditional Use Permit governing the business at 705 Pier Avenue, approved March 18, 1997 (P.C. Resolution 97-26), and amended May 5, 2001 to allow outside dining (P.C. Resolution 01-18), pursuant to Section 17.70.010 of the Zoning Ordinance on December 6, 2006 and January 16, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 2. Following the public hearing, on January 16, 2007 the Planning Commission modified the Conditional Use Permit for on-sale general alcohol by imposing additional operating conditions and prohibiting live entertainment and outdoor dining in the restaurant as set forth in Planning Commission Resolution 07-1.

Section 3. The owner of Club 705, pursuant to Section 17.56.070 of the Municipal Code, filed an appeal of the decision of the Planning Commission.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal of the decision of the Planning Commission on March 27, and April 10, 2007, at which the record of the decision of the Planning Commission and additional 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, City Council makes the following findings to modify the Conditional Use Permit, pursuant to Section 17.70.010 of the Municipal Code:

1. The Hermosa Beach Chief of Police reported major disturbances due to unruly behavior of the patrons and inadequate management of the existing restaurant, including overcrowding, repeated noise violations, loitering, assaults, serving alcohol to underage customers, and public intoxications.

2. Planning Commission Resolution 97-26 (Condition No. 1) requires that the project shall be consistent with submitted plans and (Condition No. 2) provides that the "primary emphasis of the business shall be maintained as a restaurant. Live entertainment shall be secondary and shall not be a separate or main attraction or promoted as such". The business has regularly been advertised as a lounge, disco, and venue for special promoted events, which is inconsistent with these conditions of the CUP. Also, the Police Department reports that the business has regularly removed tables and chairs inconsistent with the approved floor plan, which specifically identifies these areas for

1 restaurant seating, in order to accommodate the special promoted events and dancing in violation of
2 these conditions. The current owner continue to promote the business as a nightclub as evidenced by
3 advertisements on its website.

3 3. The Police Department response calls indicate that the business is not providing adequate
4 supervision since patrons were reported by the Police Department to be unruly and boisterous, and
5 allowed to loiter around the building and parking area. Therefore the business has not used
6 management and supervisory techniques to prevent this behavior as required by the CUP (P.C.
7 Resolution 97-26, Section II, Condition No. 2).

7 4. The business has for a considerable period of time offered its patrons amplified live
8 entertainment without ever receiving approval of the acoustical study required by the CUP. (P.C.
9 Resolution 97-26, Section I, Condition No. 4).

9 5. This repeated pattern of disturbances and other violations was determined to be the result
10 of poor management, staffing, and supervisory techniques contrary to the terms of the Conditional
11 Use Permit, and contrary to what is required of any responsible operation of an establishment serving
12 general alcohol under the license granted by the State Department of Alcohol Beverage Control.
13 This behavior adversely affected the public welfare and the welfare of surrounding residential and
14 commercial uses and caused excessive noise and creating a nuisance, which is also inconsistent with
15 the requirements of the Conditional Use Permit.

14 6. The area approved for outdoor dining use, approved in May 2001, has not been used for
15 that purpose (i.e. for seating or dining), and when used in conjunction with the business as a smoking
16 or standing area has contributed to the noise and nuisance problems associated with the business.

17 7. Based on the evidence provided by the Police Department, the business has been
18 operated contrary to the terms and conditions of the permit and in violation of the Municipal Code,
19 Penal Code and Fire Code.

19 Section 6. Based on the foregoing, and pursuant to Section 17.70.010 of the Zoning
20 Ordinance, the City Council sustains the decision of the Planning Commission on appeal and hereby
21 modifies the **Conditions of Approval** of the Conditional Use Permit for on-sale alcohol in
22 conjunction with a restaurant, which supersedes the conditions contained in P.C. Resolutions 97-26,
23 and 01-18 and revokes the approvals for live entertainment and outdoor dining:

- 23 **1. The continued use of the restaurant shall be substantially consistent with plans submitted**
24 **and approved by the Planning Commission on May 15, 2001, with the exclusion of the**
25 **outdoor dining area, the existing stage, and dance floors, which shall be removed. Minor**
26 **modifications to any of the plans shall be reviewed and may be approved by the**
27 **Community Development Director.**
- 27 **2. The Conditional Use Permit applies exclusively to on-sale alcohol in conjunction with a**
28 **restaurant. Live entertainment (including amplified music, disk jockeys, live music**
29 **whether acoustic or amplified, live performances of all kinds) and customer dancing are**
prohibited.

- 1 3. If at some future time the owner applies to amend this Conditional Use Permit to provide
2 dancing, live music, or other live entertainment, the application shall be accompanied by
3 an acoustical analysis prepared by a qualified acoustical engineer demonstrating that
4 noise will not be audible from any adjacent residential use or from the adjacent street.
5 Mitigation measures to attenuate noise may include sound baffles, double-glazing and
6 other methods specified in the acoustical study. Any sound attenuation
7 recommendations provided in the acoustical study will be imposed as conditions of
8 approval of an amendment allowing live entertainment.
- 9 4. The hours of operation for all operations of the restaurant, including the lounge/bar areas,
10 shall be limited to between 7:00 A.M. and 12:00 Midnight. All customers shall vacate the
11 premises by not later than 12:00 Midnight and the doors shall be locked.
- 12 5. The parking area and exterior access at the northwest side of the restaurant shall be used
13 for egress to the restaurant only with appropriate signage restricting use to egress only.
14 A security and lighting plan for the parking area and the exterior north access shall be
15 submitted for review and approval of the Police Chief and shall be implemented on site.
16 The north parking area shall be used exclusively for vehicular parking and no other
17 purpose.
- 18 6. The business shall not operate in a manner that adversely effects or interferes with the
19 comfortable enjoyment of neighboring residential and commercial property.
- 20 7. The business is prohibited from using "outside promoters" to advertise the venue and to
21 organize and produce events at the venue. Promoters as used herein are described as "an
22 individual or organization who uses the facilities of another owner to organize, oversee, or
23 otherwise promote entertainment that is not part of the primary business use. The
24 business shall be under the exclusive control of the owners at all times.
- 25 8. Noise emanating from the property shall be within the limitations prescribed by the City's
26 noise ordinance and shall not be plainly audible from any residence, and shall not create a
27 nuisance to surrounding residential neighborhoods and/or commercial establishments.
- 28 9. The restaurant shall be subject to annual review by the Planning Commission to verify
29 conformance with the Conditions of Approval.
10. The restaurant shall discontinue operations until a new detailed floor plan, and seating
and occupant load plan, prepared by a licensed design professional, is submitted and
approved by the Community Development and Fire Departments, including elimination of
the stage and dance floor areas. An approved occupant load sign must be posted in the
business as directed by the Fire Department prior to operating the business.
11. 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. If the Fire
Chief determines that there is a repeated pattern of occupant load violations, he shall
submit a report to the Planning Commission, which will automatically initiate a review of
this Conditional Use Permit.

1 12. 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, adding a dance floor or
3 removing furniture for dancing shall be subject to review and approval by the Planning
4 Commission and require amendment to this Conditional Use Permit.

4 **General Operating and Standard Conditions:**

5 13. The establishment shall not adversely affect the welfare of the residents, and/or
6 commercial establishments nearby.

7 14. The business shall provide adequate staffing and management and supervisory
8 techniques to prevent loitering, unruliness, and boisterous activities of the patrons
9 outside the business, or in the immediate area.

10 15. If the Police Chief determines that there are a disproportionate number of police calls to
11 the business due to the disorderly or disruptive behavior of patrons and the inability or
12 refusal of the business to manage its patrons, the Chief may require on an interim basis
13 that the business employ private security personnel. The Chief shall notify the Director
14 of Community Development of this action, who shall forthwith schedule a public hearing
15 before the Planning Commission to consider modification or revocation of this
16 Conditional Use Permit by the Planning Commission.

17 16. The exterior of the premises shall be maintained in a neat and clean manner, and
18 maintained free of graffiti at all times.

19 17. Any changes to the interior or exterior layout which alter the primary function of the
20 restaurant shall be subject to review and approval by the Planning Commission.

21 18. The operation of the business shall comply with all applicable requirements of the
22 Municipal Code.

23 19. Noise emanating from the property shall be within the limitations prescribed by the city's
24 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,
25 and/or commercial establishments. Noise emanating from the property shall be
26 monitored to verify compliance with the noise ordinance in response to any complaints.

27 The Conditional Use Permit, as modified, shall be recorded, and proof of recordation shall be
28 submitted to the Community Development Department.

29 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.

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 hereafter adopted that is
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.

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

4 PASSED, APPROVED, and ADOPTED this day of , 2007,
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7 _____
8 PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California
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10 ATTEST:

APPROVED AS TO FORM:

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12 _____ CITY CLERK

_____ CITY ATTORNEY
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P.C. RESOLUTION 07-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MODIFYING A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL, IN CONJUNCTION WITH AN EXISTING RESTAURANT AND REVOKING THE APPROVALS FOR LIVE ENTERTAINMENT AND OUTDOOR DINING, AT 705 PIER AVENUE, KNOWN AS "CLUB 705" AND "SAFFIRE"

Section 1. The Planning Commission conducted a duly noticed public hearing to consider the revocation or modification of Conditional Use Permit, approved March 18, 1997 (P.C. Resolution 97-26), and amended May 5, 2001 to allow outside dining (P.C. Resolution 01-18), pursuant to Section 17.70.010 of the Zoning Ordinance on December 6, 2006 and January 11, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 2. Based on evidence received at the public hearing, the Planning Commission makes the following findings:

1. The Hermosa Beach Chief of Police reported major disturbances due to unruly behavior of the patrons and inadequate management of the existing restaurant, including overcrowding, repeated noise violations, loitering, assaults, serving alcohol to underage customers, and public intoxications.

2. This repeated pattern of disturbances and other violations was determined to be the result of poor management, staffing, and supervisory techniques as required by the Conditional Use Permit, and as required of any responsible operation of an establishment serving general alcohol under the license granted by the State Department of Alcohol Beverage Control. This behavior adversely affected the public welfare and the welfare of surrounding commercial establishments and caused excessive noise creating a nuisance, which also inconsistent with the requirements of the Conditional Use Permit.

3. The area approved for outdoor dining use, approved in May 2001, has not been used for that purpose in several years.

4. Based on the above evidence provided by the Police Department the permit has been exercised contrary to the terms and conditions of the permit, in violation of the Municipal Code, and the portion for outside dining has ceased to exist.

Section 3. Based on the foregoing, and pursuant to Section 17.70.010 of the Zoning Ordinance, the Planning Commission hereby revokes the Conditional Use Permit for live entertainment and outdoor dining and modifies the **Conditions of Approval**, which supersedes the conditions contained in P.C. Resolutions 97-26, and 01-18:

- 1. The continued use of the restaurant shall be substantially consistent with plans submitted and approved by the Planning Commission on May 15, 2001, with the exclusion of the outdoor dining area. Minor modifications to any of the plans shall be reviewed and may be approved by the Community Development Director.**

2. The Conditional Use Permit applies exclusively to on-sale alcohol in conjunction with a restaurant and no live entertainment. 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. In the event the City establishes an entertainment permit program, the owner must apply and receive the permit in order to offer any kind of live entertainment.
3. If the Conditional Use Permit is amended to provide dancing, live music, or other live entertainment an acoustical analysis shall be conducted to verify compliance with the noise ordinance, demonstrating that noise will not be audible from any adjacent residential use or from the adjacent street. Mitigation measures to attenuate noise may include sound baffles, double-glazing and other methods specified in the acoustical study. The Community Development Director shall approve the scope of the acoustical study. Any sound attenuation recommendations provided in the acoustical study must be completed and approved by the Community Development Department prior to offering live entertainment and failure to implement any of said recommendations will automatically initiate a review of this Conditional Use Permit by the Planning Commission.
4. The hours of operation for all operations of the restaurant, including the lounge/bar areas, shall be limited to between 7:00 A.M. and 12:00 Midnight.
5. The parking area and exterior access at the North West side of the restaurant shall be used for egress to the restaurant only with appropriate signage restricting use to access only and appropriate lighting and security. A security plan for the parking area and the exterior north access shall be submitted for review and approval of the Police Chief and shall be implemented on site. No outdoor use in the north parking area other than access to the facility is permitted.
6. The business shall not operate in a manner as to have and adverse effect on or interfere with the comfortable enjoyment of neighboring residential and commercial property.
7. The business is prohibited from using "outside promoters" to advertise the use to obtain customers. Promoters as used herein are described as "an individual or organization who uses the facilities of another owner to organize, oversee, or otherwise promote entertainment that is not part of the primary business use.
8. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not be plainly audible from any residence, and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
9. The restaurant shall be subject to annual review by the Planning Commission to verify conformance with the Conditions of Approval.
10. The restaurant shall discontinue operations until a detailed seating and occupant load plan, prepared by a licensed design professional, has been submitted and approved by the Community Development and Fire Departments. An approved occupant load sign must be posted in the business as directed by the Fire Department prior to operating the business.

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11. 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.

12. Any significant changes to the interior layout, which alter the primary function of the business as a restaurant, (i.e. increasing floor area for bar seating, adding a dance floor or removing furniture for dancing shall be subject to review and approval by the Planning Commission and require amendment to this Conditional Use Permit.

General Operating and Standard Conditions:

13. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.

14. The business shall provide adequate staffing and management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area.

15. The Police Chief shall determine if a continuing police problem exists, and may require the presence of a doorman and/or security personnel to eliminate the problem, and/or shall submit a report to the Planning Commission, which will automatically initiate a review of this conditional use permit by the Commission

16. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.

17. Any changes to the interior or exterior layout which alter the primary function of the restaurant shall be subject to review and approval by the Planning Commission.

18. The operation of the business shall comply with all applicable requirements of the Municipal Code.

19. Noise emanating from the property shall be within the limitations prescribed by the city's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.

Section 5. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community 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 Amendment, as modified, shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

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.

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

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

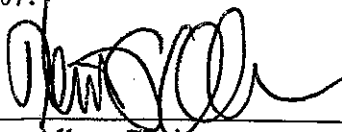
13 The subject property shall be developed, maintained and operated in full compliance with the conditions of
14 this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the
15 subject property. Failure of the permittee to cease any development or activity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

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


20 VOTE: AYES: Allen, Hoffman, Kersenboom, Perrotti, Pizer
21 NOES: None
22 ABSENT: None
23 ABSTAIN: None

24 CERTIFICATION

25 I hereby certify the foregoing Resolution P.C. 07-1 is a true and complete record of the action taken by the
26 Planning Commission of the City of Hermosa Beach, California, at their regular meeting of January 16,
27 2007.

28 

Kent Allen, Chairman



Sol Blumerfeld, Secretary

Date: January 16, 2007

properties. He noted Mr. Coleman's properties may be removed from the list after the City Attorney reviews the files.

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

Commissioner Perrotti noted his support for staff recommendation to clarify and rework the Lot Merger Ordinance; and asked that the City go with the standard noticing procedure.

Vice-Chairman Kersenboom noted his support for staff recommendation and suggested saving some money by mailing only to those affected property owners.

Chairman Allen noted his concurrence with Vice-Chairman Kersenboom's suggestion to save some funds by directly contacting only those property owners who are affected; and that consideration be given to alternative noticing.

Commissioner Hoffman highlighted the controversy in the past with what the public believed was inadequate noticing and noted his preference to continue with the full notice efforts that includes noticing property owners within the 300-foot radius.

Commissioner Pizer noted his support for the fully noticed process.

MOTION by Chairman Allen, seconded by Commissioner Perrotti, to **APPROVE TEXT 06-3 -- Text Amendment regarding Lot Mergers; that the standard noticing policy remain in effect; and to continue this matter to the February 2007 Planning Commission meeting. This motion carried as follows.**

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

-
7. **CUP 01-1 -- Modification or Revocation of the Conditional Use Permit (CUP) for on-sale alcohol, live entertainment with two stages and additional bar and added seating, outside dining and outside waiting area in conjunction with a restaurant at 705 Pier Avenue, Club 705/Saffire (continued from November 21 and December 6, 2006 meetings).**

Staff Recommended Action: To direct staff as deemed appropriate.

Director Blumenfeld advised this is a hearing to consider revocation for Modification to the CUP for Club 705/Saffire; stated the business is under new ownership; noted that at the prior meeting, the owner submitted a request to continue this hearing from January to better prepare for this hearing; that the Commission granted that request but took testimony at that meeting. He noted the club is located in Plaza Hermosa Shopping Center; stated that during 2006, the Police and Fire Departments responded to complaints involving fights, public intoxication, under-aged serving, and over-crowding, all summarized in staff report; and noted there were a total of 24 callouts, which include violations of the Building, Penal, and Fire Codes, occurring from February through June. He advised that the current owner contests part of the police record, believing that many of the operating problems were a function of the transition of the business; stated the owner has submitted a letter indicating there will be a new business plan, proposing an upscale Japanese sushi restaurant; and advised that they have a non-binding

letter of interest from a major entertainer. He noted that staff has asked the Police Department to update the callout report; and that in summary since July, there have been 9 new callouts for disturbances, loud music and fighting, occurring during the old and new owners' tenures.

Director Blumenfeld advised that the business was originally approved as a restaurant; that there have been several changes in ownership and four amendments to the CUP since 1985; that over the years, the CUP has been amended to allow live entertainment, one additional bar, and the addition of an outside waiting area; advised that the business has not been operated previously in conformance with these various CUP's with respect to operating the business in violation of the requirements of the Municipal Code, failing to provide management/supervisory techniques to prevent loitering, unruliness, and boisterous behavior in the restaurant, supervision of the building frontage and the parking area, operating the business as a lounge or disco and venue for special events, removing tables and chairs for those activities rather than operating as a restaurant; and mentioned their business is currently being promoted on the website for these venues/uses. He noted this promotional activity occurred prior to the new ownership and is occurring with the new ownership; that they are offering live entertainment without submitting the required acoustical study as one of the standard conditions and are required to provide any noise attenuation features that might be required. He noted that in addition, there is a violation of Resolution 94-17 with respect to operating the business so as to adversely affect the residents in commercial establishments in the area.

Director Blumenfeld stated the Commission is empowered to modify or revoke a CUP when there is good cause to do so, and when the violations are so egregious that the CUP should be revoked or modified; he added that based upon the emergency response record, the business has been operating in violation of the CUP, and there have been violations as well with the new ownership. He stated the owner indicates that was a lapse in management that led to these ongoing violations and that the proposed change in ownership will cure these problems under a new business plan.

Commissioner Perrotti noted the operator's attorney indicates an acoustic study had been done.

Director Blumenfeld stated there is no acoustical study in the files.

Commissioner Perrotti pointed out that one of the proposed revisions concerns not requiring a cover charge, questioning if this is for the entire business.

Director Blumenfeld noted it is not standard procedure for a restaurant to charge a cover fee to purchase a meal and that if there is some other venue going on in the business, that may be considered and reflected in the CUP.

Commissioner Perrotti noted he has some reservations with the City getting involved in cover charge issues.

Commissioner Hoffman asked what time of day the 11 callouts usually occur.

Police Chief Greg Savelli stated that most of the calls occurred in the evening hours after 10:00 P.M. and as late as 4:00 A.M.; and stated that after reviewing this list today, two of the callouts were appropriately removed from the list, noting it should indicate 9 callouts related to the business.

Vice-Chairman Kersenboom questioned when the new owners took over this establishment.

Director Blumenfeld stated the original application was made in the summer.

Police Chief Savelli advised that June 26th was the date for application of the ABC transfer, noting that is what triggered the Police Department's interest in the property; advised they were approached by ABC to ask for comments on possible conditions to the ABC license transfer, which is what triggered the Department's investigation on the number of callouts for service; and that when it was determined there was a significant number of calls for service, it was then referred to the Planning Commission for consideration. He noted that since August 2006, there have been approximately 8 callouts identified for this business.

Commissioner Perrotti stated that security should be increased to minimize the garage noise.

Police Chief Savelli stated that may be one of the Department's recommendations to increase doormen or security personnel; noted that out of the 6 concerns listed, 4 were management related, such as under-aged serving, excessive crowding, and loud music; and explained that security would help with the disturbance of patrons coming and going from the facility. He stated the new owners have claimed they want to improve the management; pointed out the record indicates that in the first 6 months of new ownership, there was a significant number of calls; and that the second 6 months, the number has decreased.

Chairman Allen opened the public hearing.

Albro Lundy, representing the new owner Maximoore, explained that when the new owner took over the business, they were obligated to honor the prior contractual commitments of the producers and the venue of entertainment; and stated that since they have been running it their own programs, there have not been any calls for service. He provided a summary of special events that have taken place with the new management and noted there have not been any callouts since then.

Tim Moore, resident and owner, commented on his prior experience with this type business; and advised that the new business plan has been put in place and that with the new general manager and new management system, they are moving in the right direction.

Jim Lissner, resident, expressed his concern with the proliferation of bars all over Hermosa Beach; he pointed out there is a higher callout rate in the Downtown area and with smaller businesses than with this business, questioning if this business is being treated equitably; stated this business has reduced its callout rate from 24 in the first half down to 9 in the second half; and he suggested that sound absorbing materials be placed in the parking area if deemed to be a problem.

Lee Grant, resident, expressed his belief this is not the proper location for a nightclub; commented on the prior problems this established has experienced; stated there may not always be an interest to provide an upscale business at this location; and suggested the City look again at what kind of businesses it wants to have in this community.

Morty Benjamin, resident, stated he lives up the street from Club 705; expressed his belief this area has deteriorated; asked the new owner what other commitments he has for entertainment other than the ones that caused the other complaints; and stated he'd like to see much needed improvements in this part of town. He expressed his belief this business does not improve the area and he questioned what is required to shut down a problematic business.

Director Blumenfeld explained that this hearing is required to close a business under Chapter 17.70; stated the CUP represents a property right; that the City has to provide a property owner with due process; that the owner is required to present their evidence; that the Commission takes testimony and based on the testimony evidence the City takes actions. He advised if there is a repeated pattern of violation, the Commission can consider revocation/modification of a CUP.

Mr. Benjamin noted his support to revoke the CUP, stating he would like to see a nice restaurant at this site, such as a Marie Callendars; and questioned what additional obligations this new owner has from the previous owner.

Tim Norquist, resident, stated he has been a regular patron at Club 705 since the new management has taken over, taking salsa dancing lessons every Thursday; and he commended the new management for their operations and for creating a pleasant environment.

Ann Sullivan, resident, stated this type of business at this location is not an upgrade to the area; noted her concern with restaurants eventually becoming late evening bars/nightclubs; and stated the quality of life in this City has deteriorated.

Shirley Castle, resident, stated this CUP should be revoked or modified; and urged the City to stop allowing these troublesome businesses.

Eric Nadler, El Segundo resident, stated that in February 2005, he became a lender to Saffire; that as a condition of his loan, he was granted unrestricted access to the club and privy to many of the issues and decisions affecting the club during 2005 and early 2006; and expressed his belief it was poorly run in that era and not capable of properly managing this facility, noting the blame rests entirely on the shoulders of prior management. He urged the Commission not to project those issues on the current management, stating he has full confidence in the ability of the new management team/system. He stated they have already shown a clear pattern of improvement, dropping the callouts from 24 to 9 and asked that the CUP be maintained as is.

Anthony Chavez, Los Angeles resident, stated he is a regular patron of this club, noting he also attends the salsa dancing classes on Thursdays; noted he not only comes to the dance classes, but that he also shops in this community as do other club patrons; and stated he has not seen the problems that have been discussed this evening at this facility. He suggested that something be done with the garage if that's where the problem is and he noted that approximately 25 people are present this evening who are patrons of this business. He noted for Chairman Allen that he usually leaves this establishment by 11:00 P.M.

Jim Lundy, Bel Aire resident, stated that he is a patron of Club Saffire; that he has spent many years enjoying this community; that he also enjoys the salsa dance lessons at this facility, commending the dance instructors at the facility; and stated that most of the problems would be coming from the parking structure. He stated he has done some sound testing on his own; and that his findings indicate the noise is within normal limits.

Patty Egerer, resident, noted a lack of confidence this business will not morph into another nightclub; stated that making money on alcohol sales is the driving force behind these businesses; expressed her belief the property owner and leasing agents knew they were violating the CUP and conditions; and she urged the Commission to protect this City against troublesome businesses. She noted her support to revoke the CUP; stated that should that not

be the Commission's vision, this establishment should not be permitted to serve alcohol beyond 9:00 P.M.; and that they don't have the right to be in business at this time because they are not in compliance with state law. She stated that base-heavy music should be prohibited; and she urged the Commission to consider what impact the alcohol serving businesses are having on this community.

John Bowler, resident, expressed his belief the transition taking place here is favorable; stated the prior management was responsible for the problems; and that the new owners should not be punished for attempting to improve this business and working with the City to reduce the problems in their first months in business.

Xavier Flamenco, general manager, stated he worked for the previous owner, but noted that the new management team and system is proving this business can become an important part of this community; and stated that since June 28th, the new management has put in place new rules, implementing more security, more hours and days of security, and put in place parking attendants. He stated that since meeting with City officials, they immediately responded to the issues brought up, stepping up their policies and procedures. He noted that their security people have been instructed to bring people out as quietly as possible, to make sure they advise patrons they're not permitted to linger on the sidewalks, to follow patrons into the parking lot; and that they're not to leave the parking lot until everyone has left, keeping them as quiet as possible. He stated they have done a number of fund-raisers for this community and have hosted events at the Civic Center, noting their desire to be a positive business in this community. He stated that one dimensional dining is not possible at this location, pointing out that Marie Calendars could not survive at this location even with the strength of that large chain; and noted they look at the dining of this business as the foundation of the entire business, that it's how they establish their customer base; and he stated they are not interested in becoming a nightclub. He stated they continue to be interested in an entertainment venue, but to keep it upscale and not target the younger crowds. He urged the City to allow them the opportunity to correct any problems, taking the steps necessary to resolve the issues.

Mr. Flamenco noted for Vice-Chairman Kersenboom that they are not interested in advertising this business as the prior management had and that the advertisements would be tasteful.

Commissioner Pizer questioned if the new owner is planning on modifying the website for this business, stating it is has some tasteless images.

Mr. Longacre, resident, address his concern with the proliferation of bars in this community and the loss of beach culture; expressed his concern that the City only gets \$780 a day from all liquor serving businesses in this town, but that the daily expense for public safety costs \$43,000; and stated the City Council and Planning Commission have a responsibility to get control of these issues. He asked if escrow has closed at this time. He asked that the lights not be turned off in the parking area until all vehicles have left; and suggested that the parking be free/validated.

Mr. Lundy stated the new owners want to make a good difference in this community, that the new management is interested in providing an upscale establishment; he urged the City to allow the business owners who want to go upscale the financial opportunity to do so, to be able to make a living here as well as make this a better place to live; pointed out that this business has not had any callouts in the past few months because of their new business plan; and stated it has the backing and money to make this a well-managed destination location.

Commissioner Pizer asked the owner if he agrees with the January 9, 2006 letter submitted to the Planning Commission.

Mr. Moore indicated yes.

Police Chief Savelli noted that the Police Department has worked with the transition of the ownership to try and express those concerns, at the same time passing those concerns along to the Planning Commission; stated the Police Department is relatively neutral in this as long as the operation of any business at this location meets the conditions imposed. He reiterated that the number of calls have decreased with the new ownership.

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

With regard to the January 9, 2006, letter that was provided to the Commission, Commissioner Pizer noted his discomfort with the following sentences contained in that letter: "Saffire was *only* over its allowed occupancy by 78 persons"; "They're proposing to bring an elegant upscale restaurant and lounge business to Hermosa that is sorely needed"; "The new Segal establishment is exactly the type of restaurant that the citizens of Hermosa Beach are hoping for, a restaurant which will eliminate unruly drunkenness that currently prevails in this City on Friday and Saturday nights," noting he doesn't see how this business is going to eliminate that. "The Segal establishment must create a place where people want to come and spend their money," stating this gives him a feeling the new owner will manage the place much better, but pointed out it's still going to be the same type of operation. He stated this business should close at midnight and that free parking should be provided.

Commissioner Hoffman explained that this is not a policy or management issue for the Commission to consider, that Commission is charged with enforcing and implementing the City's General Plan, and in this particular case, to consider the proper land use and its affect upon the surrounding properties and community; and noted the intent to protect and maintain the small town beach community atmosphere of Hermosa Beach. He stated this is not a site that is consistent with the small town beach community atmosphere when it houses a club, restaurant, lounge, or sports bar; noted that given that charge and taking the direction of Council and its most recent decision at a similar location in the same part of town, he would be inclined to recommend a midnight closing hour; and to support staff's recommendations.

Chairman Allen noted his intent to support the Police Department and staff's recommendations; and expressed his belief midnight closing would be appropriate.

Vice-Chairman Kersenboom noted his support of staff recommendation and a midnight closing.

Commissioner Perrotti stated he will support staff's recommendations; noted his concern with eliminating cover charges; stated that eliminating cover charges will result in a loss of revenue that pays for entertainment; that eliminating the cover charges will create an incentive to sell more liquor to make up for that lost revenue; and added that cover charges also help to regulate an establishment's clientele, thereby curbing some of the less desirable patrons. He stated it is a business decision and should not be micromanaged by the City. He stated there should be security in the parking lot; and noted his support to limit the hours of operation to midnight.

Commissioner Pizer added this is the same type of late night use that has caused problems in the past.

Director Blumenfeld stated the Commission could require the owners to submit a security plan for review by the Chief of Police and to have the City determine what is adequate with the submittal.

Taking into consideration Commissioner Perrotti's comments concerning cover charges, Police Chief Savalli indicated he would support eliminating the recommendation for cover charge.

MOTION by Commissioner Perrotti, seconded by Vice-Chairman Kersenboom, to **APPROVE** CUP 01-1 -- Modification of the Conditional Use Permit for on-sale alcohol, live entertainment with two stages and additional bar and added seating, outside dining and outside waiting area in conjunction with a restaurant at 705 Pier Avenue, Club 705/Saffire; to delete Paragraph 9 concerning the cover charge; and to add a sentence in Paragraph 5 that a Parking Security Plan should be submitted for review by the Chief of Police. This motion carried as follows:

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

RECESS AND RECONVENE

Chairman Allen recessed the meeting at 9:23 P.M. and reconvened the meeting at 9:30 P.M.

8. **VAR 07-1 -- Variance to side yard and parking setback requirements for an expansion to an existing substandard garage to accommodate a complying two-car garage as necessary for a second story addition at 1144 2nd Street.**

Staff Recommended Action: To direct staff as deemed appropriate.

Senior Planner Robertson stated this is a request to allow the expansion of an existing garage with a 2.7-foot side yard setback rather than the required 3 feet and a 4.7-foot garage setback rather than the required 17 feet; stated that the subject lot is an R-1 lot, a through lot fronting on 2nd Street, with garage access from 1st Place; noted that the lot is currently developed with a single story dwelling which has several existing nonconforming conditions, having a substandard garage width of 15.9 feet instead of the required 17 feet to qualify for two spaces, no guest parking, the 4.7 garage setback, the 2.7-foot side yard setback along the west property line, and no qualifying open space. He noted the applicant is proposing to add 26 square feet to the existing attached single car garage to create a complying 2-car garage for an additional off-street parking space; that the applicant is also proposing to include an additional 1,390 square feet of floor area, including a second story, conversion of a deck into a master bedroom, and a bedroom with an adjacent bathroom in the basement; and that the applicant is proposing a 169-square-foot roof deck and four additional balconies. He stated the applicant's main objective is to widen the existing garage into a qualifying 2-car garage; explained that with this, it would allow 100 percent addition to the floor area as permitted in the nonconforming ordinance; and, therefore, the applicant is requesting variances to allow the expansion with a 2.7-foot side yard setback and a substandard garage setback. He noted the garage cannot otherwise be widened in its current location without these variances.

Senior Planner Robertson explained that in order to grant these requested variances, there are four required findings that must be made:



FAX
TRANSMITTAL

Telephone: 310-548-0185
Fax: 310-548-0183

DELIVER TO: Steve Burrell	FROM: Daniel Miller
COMPANY: City of Hermosa Beach	DATE: 4/3/2007
FAX NUMBER: 310-372-6186	TOTAL PAGES: 3
TELEPHONE NUMBER: 310-318-0216	SUBJECT: CUP restriction hearing for 705 Pier Ave
MESSAGE: Dear Steve, Thanks for meeting with me yesterday. I appreciate the opportunity to provide the City Councilmen with additional reading material. I thought I would send a copy of a letter to the Planning Commission about Pointe 705 from Chris Young. Chris was an original investor and doorman in the business when it first opened with Scott and Shane. He went on to become very active in local city politics. Please forward this to the City Councilmen if you can. Thanks. Daniel Miller 310-291-6185 PS - Any additional info you may be able to obtain from the call center regarding the call log for the police actions we discussed you can fax to 310-548-0183. Thanks.	

This document is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged or confidential. If the person receiving this document is not the intended recipient, you are notified that any dissemination, distribution, or copying of this document in any manner is strictly prohibited. If you have received this document in error, please notify Bankers Realty immediately.

Hermosa Beach Planning Commission,

I am writing you as a fellow Commissioner for almost ten years in your neighboring city, Redondo Beach. This letter is in regards to my good friend Dan Miller, that runs Club Saffire in your fair city. I know that you will be deciding about Dans fathers C.U.P. and I want to say a few words on his behalf, since you haven't had the chance to get to know this young man. I am out of state and will have to rely on this letter to get my point across.

First a little bit about myself for credibility purposes. I was a residence of Redondo Beach for almost twenty years and became a Commissioner for Public Works way back when Brad Parton was Mayor. I was moved to the Public Safety Commission for eight years, all through my friend Mayor Greg Hills two terms and as my second term came to a close as the Vice Chair, I went to the Youth Commission. Unfortunately, I found out that I had cancer and had to move to the Palm Springs area for treatment, of which I am doing fine now thank God! I actually came back to my home Redondo Beach to get married in August and was honored to have my friend Mayor Mike Gin speak at my wedding.

In my time in the South bay, I helped start a non profit organization keeping kids out of gangs and drugs with a fellow Commissioner and school board member for Hawthorne, Hugo Rojas. "The California Youth Karate Club" has done some incredible work with kids and we have awards from:

Congress Woman Maxine Waters
Senator Gloria Romero
Sheriff Baca

I was teaching kids at Boxing Works in Hermosa Beach many years ago, when City Council man for Hermosa Beach J.R. Reviczky had his picture taken with me for the Beach Reporter with a child I was teaching . He was Mayor of Hermosa Beach at the time and was happy to see children being helped in your city in a volunteer capacity by our organization. In fact a couple years ago, Mayor Yoon of Hermosa Beach gave our organization, "The California Youth Karate Club" an award at the South Bay Music Awards held in Hermosa Beach. I also became friends with many Police Chiefs and Captains of Redondo Beach as well as Captain Eckert of your Police Dept.

When Pointe 705 opened for business years ago, I was an investor and ran the front door for the first year. I was good friends with the owners Scott and Shane and we all loved the place. When they chose to sell it, I still went in the club from time to time and didn't really see any change what so ever in the noise factor from then till now. Dan has informed me that Club Saffire has had less than twenty complaint calls in the last year, when other clubs in the city have had over 50! This would strike me as odd, why you would want to consider altering Club Saffires C.U.P., when other clubs give the city more problems and you allow them to stay open until two.

Dan is a wonderful human being, that regularly takes time out of his busy life to help others in a volunteer capacity. I know most of you do not know Dan, so from one Commissioner to another, I just want to let you know that he is a good person. They really want to just sell Club Saffire and move forward with their lives, but without a C.U.P. that would make it very difficult for them to do that. I am sure they will comply with any requests you have for them and I would like to just add my reference to Dan as a stand up person in the community. I know you will all make the right decision.

Thanks for the great job you all do my fellow Commissioners and keep up the good work!

Chris Young
Former Commissioner of Redondo Beach
Present Commissioner for Indio

Davy

& Associates, Inc.
Consultants in Acoustics

2627 Manhattan Beach Blvd., Suite 212 • Redondo Beach, CA 90278-1604 • Tel: 310-643-5161 • Fax: 310-643-5364 • Email: DavyAssoc@aol.com

JN2007- 25

March 26, 2007

RECEIVED

MAR 27 2007

COMMUNITY DEV. DEPT.

Mr. Xavier Flamenco
Club 705
3019 West Vernon Avenue
Hermosa Beach, CA 90008

SUBJECT: ACOUSTICAL ANALYSIS
Club 705, Hermosa Beach, California

Dear Xavier:

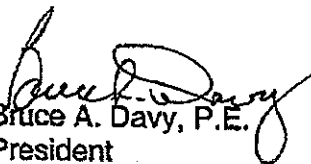
Enclosed are copies of our completed Acoustical Analysis for the Club 705 in Hermosa Beach, California.

The results of the measurements indicate that the Club will comply with the requirements of the City of Hermosa Beach Noise Ordinance with no additional mitigation.

If you have any questions concerning the enclosed report, please call me. It has been a pleasure working with you on this project.

Sincerely,

DAVY & ASSOCIATES, INC.


Bruce A. Davy, P.E.
President

BD/kbd

**SUPPLEMENTAL
INFORMATION**

5a

Davy

& Associates, Inc.
Consultants in Acoustics

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JN2007-25

ACOUSTICAL ANALYSIS

Club 705
Hermosa Beach, California

FOR

Club 705
Hermosa Beach, California

March, 2007

1.0 Introduction

At the direction of Club 705 , Davy & Associates, Inc. has completed acoustical measurements to determine potential noise impacts from amplified music in the Club at the residences to the north and to the west.

Noise levels were measured outside the Club while amplified music was being played. These measured exterior noise levels were compared with the requirements of the City of Hermosa Beach Noise Ordinance.

2.0 Noise Measurements

Noise levels were first measured outside the Club on Friday, March 23, 2007 between the hours of 9:30 p.m. and 11:30p.m.. Noise levels were measured at The Commodore residences at 1600 Ardmore Avenue to the north of the Club, in the 1500 block of Valley Drive in front of the mobile home park to the west of the Club and in the 700 block of Pier Avenue opposite the entrance to the Club.

All measurements were made with a Larson Davis Model 820 precision integrating sound level meter. The meter was calibrated with a B&K Model 4230 acoustical calibrator prior to the measurements and following the measurements. The 820 meter displays the equivalent noise level (LEQ) which is the average noise level over the measurement period.

At all three locations, traffic noise from vehicles on Pier Avenue, Valley Drive and Ardmore Avenue was the dominant noise source. Noise levels from the Club were not audible.

The results of the measurements are summarized in Table 1.

Table 1

Measured A-weighted Noise Levels in dB

<u>Location</u>	<u>Traffic Noise</u>	<u>Club Music</u>
1600 Ardmore	62.1 dBA	Not Audible
1500 block of Valley	64.7	Not Audible
700 block of Pier	67.5	Not Audible

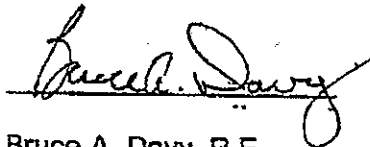
3.0 Hermosa Beach Noise Ordinance Requirements

Condition 3. states that if the Conditional Use Permit is amended to provide dancing, live music or other live entertainment, an acoustical analysis shall be conducted to verify compliance with the City Noise Ordinance.

Chapter 8.24 - Noise Control of the Hermosa Beach City Code states that for commercial establishments adjacent to residential property, noise from the premises of any commercial establishment including any outdoor dining area part of the establishment between the hours of 10:00 p.m. and 8:00 a.m. that is plainly audible at the residential dwelling units' property line is prohibited

4.0 Summary of Results

Based on this analysis, noise levels from the Club to the north, to the west and to the south are not audible while live music is being played inside. Therefore, Club 705 is in compliance with the Hermosa Beach Noise Ordinance.



Bruce A. Davy, P.E.
Davy & Associates, Inc.
I.N.C.E. Board Certified

Fundraisers hosted at 705 Pier Ave.

10/8 AIDS Awareness Benefit

12/5 Mira Costa Band Boosters Family Night/ Performance

12/9 P.S., I Love You Foundation Christmas Benefit

1/27 Rover Rescue Foundation

3/16 Mira Costa "Save a Child" Concert

These fundraisers are a part of our commitment to become an active member of this community. We have already committed to other fundraisers including an AIDS Awareness Dinner at the Ardmore Restaurant. As well as, Family Disco Night every Tuesday with a percentage of the proceeds going to various family oriented organizations.

RECEIVED

APR - 4 2007

Per.....

RECEIVED

APR 04 2007

COMMUNITY DEV. DEPT.

To: Hermosa Beach City Council
From:
Address:

I am a resident of Hermosa Beach and would like to go on record as saying that I do not have any problems with Club 705 and oppose the changes the changes proposed by the planning commission. I would ask that the council vote to allow the business at 705 Pier Ave. to continue operating with live entertainment, dancing as well as operating until 2:00 am.

Thank you,

William A. Sargeant

William Sargeant
415 Herondo st.
Hermosa Beach, CA
90254

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APR 04 2007

COMMUNITY DEV. DEPT.

Name: MICHAEL GORSEN
Address: 531- PIER #51
H.B. CA. 90254

I reside at Marine Land Mobil Home Park located directly across the street from 705/ Ardmore Restaurant. I wish to inform the city council of a noticeable difference in the maintenance of noise compliance from their business establishment. Since that of August 2006, there has been a significant amount of noise reduction coming from that area.

Thank you for your time and acknowledgement.

I HAVE NEVER BEEN BOTHERED BY
CLUB 705 WHAT SO EVER.

Michael Gorse

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APR 04 2007

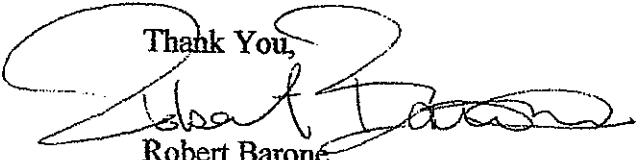
COMMUNITY DEV. DEPT.

April 2, 2007

To: Hermosa Beach City Council
From: Robert Barone
1821 Pacific Coast Highway

I would like to comment on the issues regarding Club 705. I live at the Peppertree Apartments just one block away. I have seen the increased parking lot security and I do not have any complaints with noise emanating from the parking lot. I therefore do not feel that there is any reason to change their Conditional Use Permit.

Thank You,


Robert Barone

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APR 04 2007

COMMUNITY DEV. DEPT.

CLUB 705

RECEIVED

APR 04 2007

COMMUNITY DEV. DEP

705 Pier Avenue, Hermosa Beach - 310-372-9705



All Children Must Be Accompanied By An Adult.

City Council
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA.

RECEIVED

MAR 27 2007

COMMUNITY DEV. DEPT.

Dear Honorable Mayor and Council Members,

We would like to address the allegation that 705 and The Ardmore Restaurant have caused undo problems for the surrounding community.

Please refer to the attached report from the Hermosa Beach Police Department.

The first two calls listed (S070530552 – S070410007) are both **traffic related stops** that simply reference the address as the point of contact.

The ones noted SECCHK are normal security checks.

The call (S070010110 on 01/01/07) involved two juveniles fighting in the skate park that was **reported** from our address.

The next incident (S063620010 on 12/28/06) was another **traffic related stop** merely referencing our address.

While the next incident (S063480057 on 12/14/06) is indeed a noise complaint, **please note** that the call originated at 2:41AM. Our establishment closes at 2:00 AM and our security has cleared all customers from the premises by 2:20 AM. It should be noted that this area (particularly the Greenbelt) is subject to the same problem that plagues the rest of Hermosa Beach with noisy patrons returning from downtown. Given the time, it is highly likely that this is the origin of the noise, **not 705**.

We acknowledge that there were a small number of incidents that occurred during the difficult transition from the previous ownership to our new management team. They included the 3 other noise complaints last October that may or may not have originated with our establishment (see above). Still this means that **there has not been a single complaint regarding our establishment in FIVE MONTHS!!**

This raises the question, **is this evidence of an establishment that is causing problems in the community?**

How many other popular establishments in Hermosa that continue to operate unencumbered can match this record?

It has been our intent from the beginning to correct those problems created by the previous owners and to operate as a responsible, community oriented establishment. We feel the record reflects our success in that quest.

- We have gained control over the security issues of the previous owner.
- We have opened our completely redesigned, upscale restaurant facility "The Ardmore" serving classic *California Fusion Cuisine*.
- We have retooled our entertainment schedule to cater to our local community.
- We have hosted several fundraisers benefiting the Mira Costa band and local animal rescue groups.

Given the chance, we will continue to be an active participant in community events and be a sensitive and generous member of our neighborhood.

INCIDENT HISTORY SUMMARY

FOR PRIOR INCIDENTS AT LOCATION

CALL	DATE	ENTRY	CLOSE	P	TYPE	UNIT	DISPO	LOCATION
S070530552	02/22/07	22:36	22:41	2	23152	1L6M	GOAUTL	705 PIER AV , HER
S070410007	02/10/07	00:09	00:14	1	T	1L1M	ADAST	705 PIER AV , HER
S070100490	01/10/07	21:14	22:48	2	SECCHK	1AP1	SECURE	705 PIER AV , HER
S070010110	01/01/07	01:35	01:36	1	242VIC		DUP	705 PIER AV , HER
S063620010	12/28/06	00:12	00:32	3	926	1L2M	REPT	705 PIER AV , HER
S063480057	12/14/06	02:41	02:58	2	415	1L2M	ADAST	705 PIER AV , HER
S063270022	11/23/06	00:56	01:29	2	SECCHK	1L5M	SECURE	705 PIER AV , HER
S063080018	11/04/06	01:30	01:35	2	SECCHK	1AP2	SECURE	705 PIER AV , HER
S063010607	10/28/06	22:55	23:20	2	SECCHK	1L3M	ADAST	705 PIER AV , HER
S063010050	10/28/06	02:01	02:05	2	415	1L2M	ADAST	705 PIER AV , HER
S062850025	10/12/06	01:35	01:39	2	415	1L5M	ADAST	705 PIER AV , HER
S062740082	10/01/06	03:04	04:08	2	415	1AP1	ADAST	705 PIER AV , HER
S062660697	09/23/06	23:43	23:48	2	SECCHK	1AP1	SECURE	705 PIER AV , HER
S062660017	09/23/06	00:21	00:23	2	SECCHK	1LP2	SECURE	705 PIER AV , HER
S062660010	09/23/06	00:13	00:15	2	SECCHK	1LP2	SECURE	705 PIER AV , HER
S062640655	09/21/06	22:56	23:08	2	SECCHK	1AP1	ADAST	705 PIER AV , HER

NUMBER OF RECORDS DISPLAYED: 16

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MAR 27 2007

COMMUNITY DEV. DEPT.

Club 705

March 25, 2007

RECEIVED

MAR 27 2007

COMMUNITY DEV. DEPT.

To: Hermosa Beach City Council
From: Shane McColgan
1220 Hermosa Ave.

Dear Councilmen,

I would like to address the issue of the changes to the conditional use permit for 705 Pier Ave. and the devastating impact these changes would have for that business and the prospect of any future businesses at that location. I will not be able to attend this meeting but felt the need to voice my opinion.

As you may know, my brother and I operated 705 for a number of years. Therefore, I have personally experienced the challenges facing that business, especially the extremely high cost of operating a venue as large as 705. My brother and I went into that venue with the goal of establishing a sophisticated entertainment venue where people could enjoy upscale dining and entertainment. We felt that no business had survived at that location before because the previous businesses had all limited themselves to only dining. I met with one previous owner from Descanso who warned me that the electric bill alone could be devastating because of how much power was needed for air conditioning and heating. We knew that a one sided business would not be able to endure with such high overhead costs. We recognized that such a large venue would need entertainment to supplement the income of a restaurant.

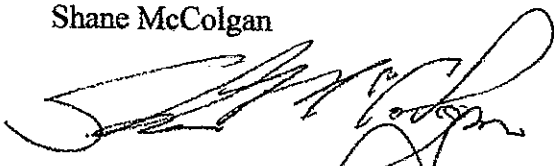
705 is a destination spot, the business is located away from the Pier Plaza and most of the other bars and restaurants. The business needs both food and entertainment to attract customers up the street. Limiting the hours would have an equally harmful impact as this would not allow the business to be competitive in the entertainment market. Let's face it; the late night dancing crowd would not frequent a business which would shut down just as they, the customers, were starting to have fun.

The city is about to begin a project to renovate upper Pier Avenue and I do not think it a good image for one of the first businesses seen by the public to be vacant. It is my opinion that the proposed changes would lead to the inevitable closing of the business and make that location unattractive to any other potential future businesses

In conclusion, I feel that the proposed changes would not leave the business enough resources to generate sufficient income for such a large venue and that these changes would lead to the eventual closing of 705. I also feel that these restrictions would take away from the value of the business and location in regards to any future businesses at 705 Pier Avenue.

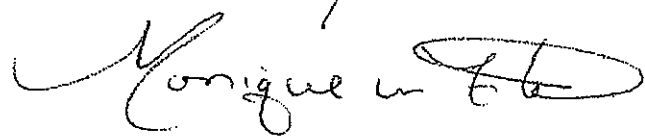
Thank You,

Shane McColgan



To whom it may concern:

I live at 531 Pier Ave in #7
the Mobile Home Park. During the
last year I have not heard any
excessive noise from Point 708
and have no noise complaints
regarding this business.

Thank You
Monique in 

3/27/07

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MAR 27 2007

COMMUNITY DEV. DEPT.

SAM OWENBY
Manager

Pier Avenue
Mesa Beach, CA 90254

Ph: 310-374-8161
Fax: 310-374-0925

arineLand M.H.P.
531 Pier Ave.
Mesa Beach, California, 90254
inelandmhp@verizon.net
74-6161 (310) 374-0925 (fax)

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MAR 27 2007

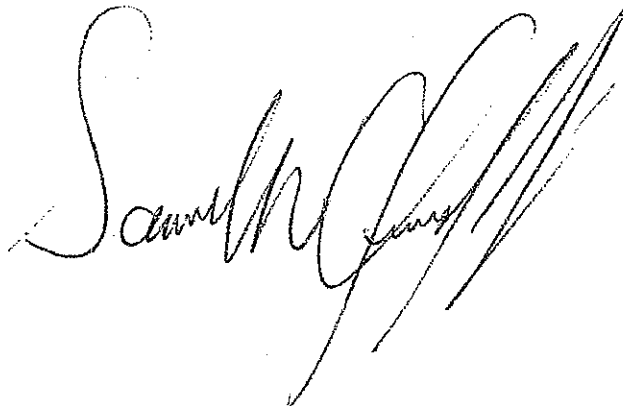
COMMUNITY DEV. DEPT.

To: To Whom It May Concern
From: Sam Owenby
Date: 03/27/07
Re: Noise from Point 705

As manager of MarineLand M.H.P. I have received no complaints from my residents concerning the noise etc... from Point 705.

I also live 3 homes in from Valley Blvd. and hear no excessive noise coming from the establishment. I have on occasion heard noise from the underground parking structure but since it is used by almost everyone including patrons of Club 705 there is no way to blame it on that establishment or their specific patrons.

If you need further clarification please do not hesitate to call upon me at the numbers listed above or 310-365-0729.



I live in SPC. 49 and I
have lived in the park since
November and have never hear any
excessive noise from 708 and
I live 3 houses in from Valley Blvd.

David R. [Signature]

March 27, 2007

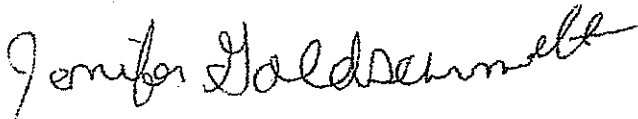
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MAR 27 2007
COMMUNITY DEV. DEPT.

To Hermosa Beach City Council
From: Jenifer Goldschmidt

March 23, 2006

Dear Councilmen,

My name is Jenifer Goldschmidt, I Own my house at 531 Pier Ave# 28, across the street from 705's parking structure. Since the new owners have taken over there has been noticeable changes in the way the business operates. My self and the other residents were invited to the preview mixer for the new restaurant and the food was amazing .I have had no problems with noise or any disturbances from 705, When I walk by or drive by they have people working the parking lot to keep the noise to a minimum. The staff from 705 invited my self and the other residents to come meet and discuss any issues that the residents may have with there business. They have kept there promise about maintaining the parking lot with security staff. I see no reason to change there CUP since they have done everything to change the way the business was run by the previous owner and they have kept there word.



Jenifer Goldschmidt
531 Pier Ave # 28
Hermosa Beach CA 90254

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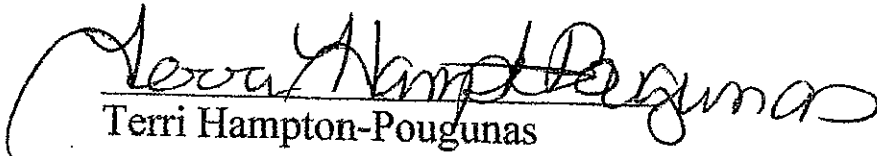
MAR 27 2007

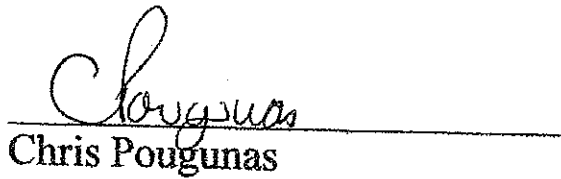
COMMUNITY DEV. DEPT.

To: Whom it may concern

Date: March 27th, 2007

My husband and I live at 531 Pier Ave. #6, during the last 12 months we have not heard any excessive noise from Point 705. We have no complaints concerning noise regarding this establishment.


Terri Hampton-Pougunas


Chris Pougunas

RECEIVED

MAR 27 2007

COMMUNITY DEV. DEPT.

From: Sean DeFeo
To: Hermosa Beach City Council

March 27, 2007

Dear City Council,

I am a local resident and I frequent 705 on a regular basis, I'm also employed by The Ardmore @ 705. Being a local in Hermosa and working in this fine city, it would be devastating to almost all locals to take live entertainment away and closing at midnight. Not only would it mean my employment would suffer. I would not be able to make ends meet I would have to get a second job to survive. Please reconsider your decision.

Sean DeFeo



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MAR 27 2007
COMMUNITY DEV. DEPT.

Joe Olaya

531 Pier Ave # 5

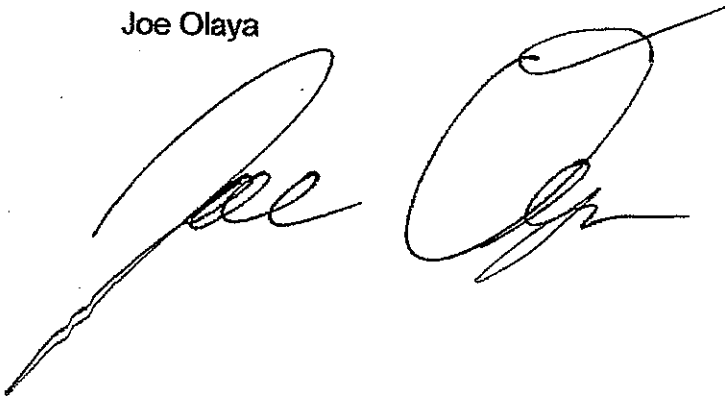
Hermosa Beach CA, 90254

March 27, 2007

To Whom It May Concern:

I have been a resident of Marineland Mobile Home Park located at 531 Pier Ave just west across two streets from Club 705 (formerly known as Saffire). In the two years that I have lived in Marineland, I have never had a problem regarding any noise coming from Club 705 and neither has my roommate. In my experience living near the Restaurant / Club, they seem to take consideration and courtesy for their surrounding residence and businesses.

Sincerely,
Joe Olaya

A handwritten signature in black ink, appearing to be 'Joe Olaya', written in a cursive style.

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MAR 27 2007
COMMUNITY DEV. DEPT.

To Hermosa Beach City Council
From: Anna Kondo

March 23, 2006

Dear Councilmen,

My name is Anna Kondo, I'm a resident at 531 Pier Ave# 28, across the street from 705's parking structure. Since the new owners have taken over there has been noticeable changes in the way the business operates. My self and the other residents were invited to the preview mixer for the new restaurant and the food was amazing .I have had no problems with noise or any disturbances from 705, When I walk by or drive by they have people working the parking lot to keep the noise to a minimum. The staff from 705 invited my self and the other residents to come meet and discuss any issues that the residents may have with there business. They have kept there promise about maintaining the parking lot with security staff. I see no reason to change there CUP since they have done everything to change the way the business was run by the previous owner and they have kept there word.



Anna Kondo
531 Pier Ave #.28
Hermosa Beach CA 90254

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MAR 27 2007

COMMUNITY DEV. DEPT.

To: Hermosa Beach City Council
From: Marcia Harrigan
1600 Ardmore Ave. unit 130

March 27, 2007

In the past months, I have noticed an improvement regarding the business at 705 Pier Ave. The noise from the parking structure has been greatly reduced and I have had no complaints in months. I have also seen that the new management has become much more proactive in the community. I will not be able to attend the meeting but I wanted to take a moment to voice my opinion.

Sincerely,



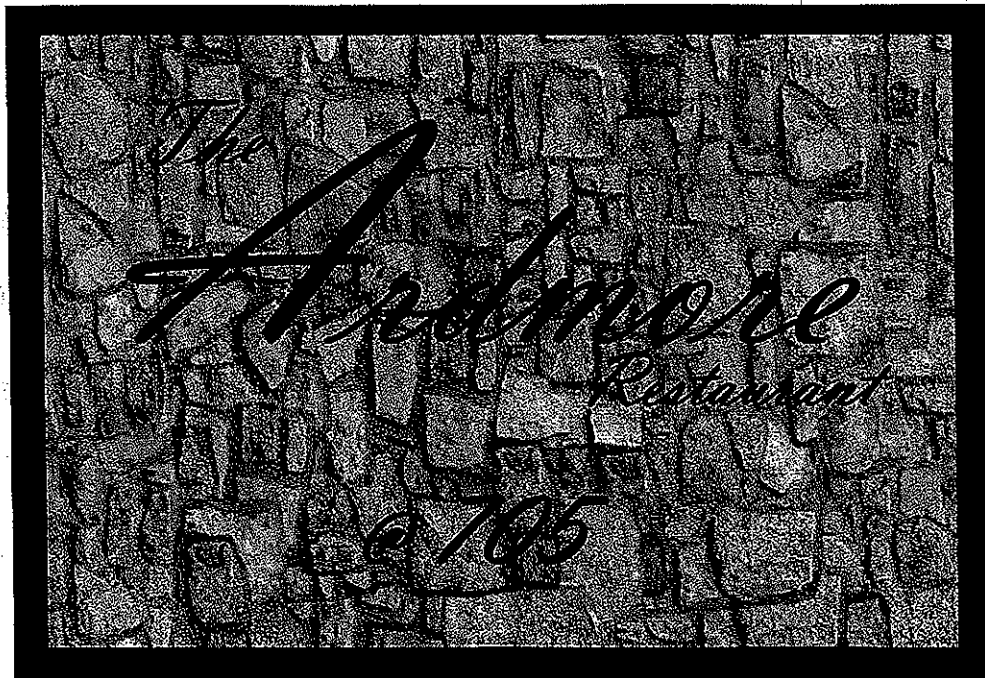
Marcia Harrigan

RECEIVED
MAR 27 2007
COMMUNITY DEV. DEPT.

RECEIVED

MAR 27 2007

COMMUNITY DEV. DEPT.



The Ardmore
Restaurant
@ 705

Appetizers

Caprese salad- Roma tomatoes with fresh buffalo mozzarella, basil and a balsamic reduction

\$7.00

Calamari- served with a chili garlic aioli dipping sauce

\$8.00

Dungeness crab cakes- served with a lemon aioli sauce

\$10.00

Brie cheese chicken quesadilla- served with avocado salsa

\$10.00

Potato and leek soup

\$5.00

Seared ahi tuna- served with fried shitake mushrooms and avocado

\$10.00

Tuna tartar

\$11.00

Salad

Mixed greens served with balsamic vinaigrette

\$7.00

Classic Chicken Caesar salad with crisp romaine lettuce, croutons and
Parmesan cheese

\$8.00

Pasta

Chicken Marsala- served with bow tie pasta and seasonal vegetables

\$12.00

Ardmore Pasta- Penne pasta tossed with sautéed Roma tomatoes and garlic.
Topped with chiffonade basil

\$10.00

Chicken ravioli- served with sautéed spinach, lemon butter sauce and
peanuts

\$12.00

Linguini Shrimp Alfredo

\$14.00

Main

Seared medallions of Filet Mignon
with garlic mashed potato,
caramelized onions served with
demiglaze reduction and
gorgonzola cheese sauce

\$22.00

Salmon with sweet corn risotto and
roasted red pepper butter sauce

\$18.00

Filet Mignon topped with red wine
sauce served with bacon mashed
potatoes and grilled asparagus.

\$22.00

Pan Seared Ahi Tuna served with
Jasmine rice and tempura
vegetables and lemon herb
vinaigrette

\$18.00

KENT BURTON
BRAD N. BAKER
ALBRO L. LUNDY III



January 9, 2007

ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
515 PIER AVENUE
HERMOSA BEACH CA 90254-3889
TELEPHONE: 310 • 376-9893
FACSIMILE: 310 • 376-7483

RECEIVED

JAN 09 2007

COMMUNITY DEV. DEPT.

Via Hand Delivery

Hermosa Beach Planning Commission
1315 Valley Drive
Hermosa Beach, CA 90254

Re: Saffire/Pointe 705 Club
705 Pier Avenue

Gentlemen:

This letter is being sent in regard to the upcoming Planning Commission hearing, scheduled for January 16, 2007, which concerns potential modifications to Maximoore, Inc.'s conditions of approval regarding the conditional use permit, in order to address any lingering concerns the Planning Commission may have.

As you know, my client, Maximoore, Inc. intends to partner with Mr. Steven Seagal in establishing a premier sushi bar and restaurant. Maximoore will strive to create a sushi bar and restaurant of which the City of Hermosa Beach can be proud. Maximoore's plans are to develop a destination location that will serve to attract the type of excellent clientele which the City of Hermosa Beach desires. My client is also seeking to change the negative image that exists in the minds of Hermosa Beach residents regarding Pointe 705 which is affected by the negative attitude toward the Pier Plaza.

According to the figures supplied by the Hermosa Beach Police Department in the report attached to the the Planning Commission Report, the majority of Saffire/Pointe 705's violations (8 total) were noise related with the last recorded noise violations noted on July 7, 2006. The Summary of Violations reflect the call outs (a police department term used to indicate calls made and responded to) from February 2006 to July 2006.

In specific regard to these noise violations, according to The City of Hermosa Municipal Code-Health and Safety, Chapter 8.24, Section 8.24.030. Prohibited Noises-General Standard, it is provided in pertinent part that:

"No person shall make, or cause to suffer to be made upon any public property, public right-of-way or private property, any unnecessary and unreasonable noises, sounds or

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 2

vibrations which are physically annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause or contribute to the unnecessary and unreasonable discomfort of any persons within the neighborhood from which said noises emanate or which interfere with the peace and comfort of residents or their guest, or the operators or customers in places of business in the vicinity, or which my detrimentally or adversely affect such residents or places of business.”

8.24.040, Specific Prohibited Noises, Section I. Commercial establishments adjacent to residential property, provides in pertinent part:

“Notwithstanding any provision to this code to the contrary, continuous, repeated or sustained noise from the premises of any commercial establishment which is adjacent to one or more residential dwelling units, including any outdoor area part of or under the control of the establishment, between the hours of 10:00 p.m. and 8:00 a.m. that is plainly audible from the residential units property line.”

It is to be pointed out that a violation of the provisions of this chapter constitute a mere infraction.

According to Xavier Flamenco, the manager of Saffire, the majority of the noise complaints came from the trailer park which is across the street and caddy-corner to the establishment. According to information and belief, the majority of these complaints were generated by Karen Bruns, who resides in the trailer park and is a person with whom City Hall and the Planning Commission should have more than a passing familiarity.

It should also be pointed out that when the recent acoustic study, commissioned by the new owner, was conducted, the engineer who conducted same used a decibel meter to detect if any noises coming from the club could be heard by the trailer park residents. The signals from the decibel meter proved to be so small as to render them essentially undetectable from anywhere outside the club. In fact, one of the noise complaints was made on a day when Saffire was not even open. Accordingly, it appears that the majority of the past noise complaints were about noise emanating from the parking lot and surrounding environs. Otherwise, it does not appear that Saffire was in violation of any ordinance concerning the noise levels inside the premises.

It should be taken into consideration that the new owner, Maximoore, Inc., is making an unprecedented and costly effort to ensure that no further noise violations will occur that might disturb any residential unit in the area as follows:

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 3

According to the Business Summary for Saffire/Pointe 705 Pier Avenue, submitted by the new owner, the business has been operating under a temporary license since June 28, 2006, when the operations were taken over by Maximoore, Inc.

In specific regard to the noise incident of 7/7/06; according to Mr. Flamenco, the manager, (and the police history), this was due to a crowd that had gathered on the side walk in front of the business. Mr. Flamenco stated that his security personnel has been instructed that no one should be allowed to loiter in front of the parking area or on the sidewalk in front of the business but, since this incident took place only 9 days after Maximoore had taken over, there had not been adequate time to hire and train additional security personnel in order to ensure that this situation could have been avoided.

Further, while there was the one police call out because of excessive noise on 7/7/06, since Maximoore took over, there have been no more call outs for noise violations since that time. One of the reasons for this is that in July of 2006, when Maximoore took over the operation of the business, it increased the number of security guards from about five guards when Mr. Miller owned the business to now having 12-15 guards per shift on a regular night (also, as noted in the aforementioned Business Summary) More guards are to be hired if there is going to be a special event. Further, since Chief of Police Savelli had expressed to the new owner and Mr. Flamenco that one of the major issues the police department had with Saffire was the noise emanating from the parking lot, as part of their training, the security guards are given specific instructions and orders that they are to clear the sidewalks in front of the business and adjacent parking areas of anyone who might be loitering there or otherwise creating a disturbance. The guards are also required to remain on duty after the business has been closed for a reasonable length of time to ensure that the patrons are gotten outside as quickly and quietly as possible and to check to see if the parking area and sidewalks are clear. They are also instructed to tell people that they are to be quiet because the parking lot echoes and there are residents nearby. In addition to its increased security personnel, Maximoore has also engaged a parking lot attendant to ensure that there will be no unseemly noise emanating from that area, either before the business is closed or afterwards. Therefore, it is posited that, in light of the precautions (and expense) the new owner has gone to in order to ensure that Saffire will not be in violation of any noise ordinance, the Planning Commission should take note of the fact that any noise violations, including the sidewalk in front and the parking area are now a thing of the past.

It appears that of some concern to the Planning Commission are the violations which concern overcrowding (one violation on 6/10) and assaults (seven violations, but with only two incidents occurring on 7/9 and 7/15, after Maximoore had taken over the business). According to the police document submitted by Sargent Heard, which purports to outline the police department's ongoing concerns about Saffire, on July 9, two men reported that they were assaulted by two employees of the business. Sargent Heard then states only that the case is

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 4

currently under investigation. The Planning Commission should be advised the statements made by Sargent Heard are not entirely accurate concerning this event.

In fact, according to manager Xavier Flamenco, the complainant was an underage and intoxicated individual who had to be removed from the premises a total of three times that evening. Each time, prior to being removed by the security guards, he would hold onto the doorframes and refuse to leave. He also took a swing at one employee and punched the owner. Finally, he went off with two other individuals who apparently were friends. Mr. Flamenco has no idea who the other person is that claims he was assaulted, but speculates it could have been one of the persons with whom the intoxicated individual left. Additionally, the police who arrived in response to the report were advised of the situation and left without citing anyone employed by Saffire.

Also, in the aforementioned document engendered by Sargent Heard, it was stated that: "On July 1, 2006, officers were dispatched to a report of a kidnapping (sic) at the business. The involved party was reported to be an employee who was involved in an altercation with a female companion. Both were reported to be under the influence of alcohol. A report was not filed. At this time there is no investigation. Officers contacted a subject in front of the business and subsequently arrested him for public intoxication."

Actually, said employee was a female contract worker who had only worked at Saffire on one occasion. Her girlfriend had apparently left with another individual. Since the contract worker was too intoxicated to drive herself home, she called the police. Additionally, the additional statement by Sgt. Heard that "Officers contacted a subject in front of the business and subsequently arrested him for public intoxication" does not seem to relate to the reported kidnapping, inasmuch as it refers to a "him" without more, does not state whether the person was arrested while walking past the business or had emerged from the business or otherwise, or identify what connection he made have had with the incident, although it appears that Sargent Heard is indicating that there is a connection. Given the above, it is proposed that this cannot be considered to be evidence of any wrongdoing on Saffire's part.

The one incident report on June 10, 2006, of overcrowding at Saffire also should be examined carefully. It has already been pointed out that this was before the new owner took control. And, in regard to the rescue call, it was initiated by Saffire's employees, not a customer as stated by Sgt. Heard. When the Fire Department arrived in response to Saffire's call, it was observed that the premises were overcrowded. According to Mr. Flamenco, while the overcrowding was partially because two parties had been accidentally booked for the same evening, prior to the time the Fire Department arrived he and the other employees had become aware that the premises were overcrowded and were in the process of making people leave. However, unbeknownst to Mr. Flamenco, a promoter who had helped to organize the event was

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 5

letting people (as many as twenty people at a time) in the back door as Mr. Flamenco and his personnel were making people leave. It was not until a fire department paramedic observed the behavior of the promoter and told Mr. Flamenco of same, that this person was stopped. It is to be noted that Saffire was only over its allowed occupancy capacity by 78 persons. Further, it is also to be noted that Mr. Flamenco's citations regarding the matter were dropped by the prosecutor due to these extenuating circumstances.

Other than the above outlined incidents, it must be reiterated that since the new owner has taken over Saffire, there have been no police or fire department calls out with the exception of an incident that occurred in either late October or early November of 2006, when a promoter and Mr. Flamenco, the manager, got into a dispute. The promoter called the police (only after Mr. Flamenco threatened to call them). When the police came, they took the promoter outside and placed him in handcuffs. They then asked Mr. Flamenco if he wanted to prefer charges. When he said no, they released the individual. As can be seen, this call out incident was clearly not either Mr. Flamenco or Saffire's fault.

There was also an incident in January 2007 (New Years's Eve) where there was a fight in the parking lot across the street in the skate park, but Saffire was totally uninvolved.

It also should be noted that Mr. Flamenco arranged a meeting in September of 2006, with the Chief of Police, Greg Savalli, the Senior Planner, Ken Robertson and Sargent Lance Heard (as aforementioned, the individual who submitted the Police Report History of Saffire's violations attached to the Planning Commission Report) to address any concerns that might be lingering regarding the operations of Saffire. During the course this meeting Mr. Flamenco stated to Chief Savalli that Saffire had really cleaned up its act; the Chief acknowledged this point, making the observation that it had been quite a while since the police had been called to the business.

While the Planning Commission Report, under the section titled "Analysis," notes the Police Chief has not suggested the presence of additional doorman or security personnel but has recommended that the Commission modifying the current CUP due to the large number of Police Department calls to the property, this is no longer the case.

As the Planning Commissioner must be aware, the proposed Resolutions by staff concerning modifications to the conditions of approval regarding the conditional use permit (CUP), if adopted, could well spell the death knell for a business that is proposing to bring an elegant upscale restaurant and lounge business to Hermosa that is sorely needed. In particular, Section 3, proposed Resolution No. 4, which proposes to limit the restaurant, including the lounge/bar areas, operating hours to between 7:00 a.m. and 12:00 midnight, if adopted, will probably kill the final sale. This will leave Hermosa Beach with another vacant restaurant

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 6

inasmuch as the former owner is insolvent and it will be difficult, if not impossible, to find any purchaser who would be willing to buy the business with this restriction in place.

Also, the Planning Commission should take note that the staff proposal, in Section 2, takes note of the fact that the repeated patterns of disturbances and other violations was determined to be the result of poor management, etc. Inasmuch as the former owner is no longer involved in the operations of the business and the new owner, Maximoore, Inc., has made considerable strides in reorganizing management, upgrading and expanding staffing, and implementing new supervisory techniques, as pointed out above, (all of which appear to be the main matters of concern to the staff suggesting the modifications) these factors should be taken into serious consideration before adopting any of the proposed modifications wholesale.

As indicated, Maximoore seeks to create an environment where mature patrons can enjoy a fine dining experience in a relaxed atmosphere, where they can enjoy excellent wines and spirits in a safe, non-intimidating environment. The new Seagal establishment is exactly the type of restaurant that the citizens of Hermosa Beach are hoping for, a restaurant which will eliminate the unruly drunkenness that currently prevails in this city on Friday and Saturday nights.

As the Planning Commission knows well and which I believe is an unwritten policy at the present time, our community desires a new culture in its restaurant establishments. But, Maximoore needs to be profitable to survive. The Commission is well aware that the survival of restaurants is tenuous at best. We see restaurants fail every month. The Seagal establishment must create a place where people want to come and spend their money. It is crucial to the survival of the restaurant that it be able to provide its patrons with an evening out that does not have to end prematurely. The business model and plan requires that the Seagal establishment retain its current CUP provisions, including hours of operation.

The Seagal customers will enjoy themselves responsibly in the safe, relaxing environment. Maximoore does not want to have to arbitrarily cut short their evening, especially considering the fact that they will have made a significant financial investment to go out for an evening to a fine restaurant. If the hours are shortened, the Seagal establishment will be unable to compete with fine dining restaurants in other beach cities, most of which are open until 2:00 a.m.

The City of Hermosa Beach needs to attract the type of businesses and patrons which will change the culture of the City, especially on Friday and Saturday nights on both upper Pier and Pier Plaza.

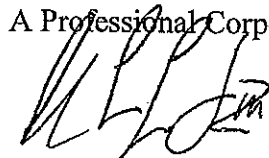
Should you have any questions concerning any of the above, please do not hesitate to contact me at once.

Planning Commission
Re: Saffire/Pointe 705 Club
January 9, 2007
Page 7

Thank you for your consideration concerning these matters.

Yours very truly,

BAKER, BURTON & LUNDY,
A Professional Corporation



ALBROY L. LUNDY, III

ALL:sr

11/29/2006

Club 705
705 Pier Ave, Hermosa Beach
90254

RECEIVED

NOV 30 2006

COMMUNITY DEV. DEPT.

Business Summary for 705 Pier Avenue

OWNERSHIP

Robert Miller technically still owns club 705 as a sole proprietorship. Robert is currently in escrow with Maximoore Inc. and the escrow is being delayed by the city's administrative action.

Maximoore Inc. is owned by Arkadi Minassian and Tim Moore with Arkadi as the main partner. Arkadi has recently taken lead as General Manager pending a possible new deal, partnership, or entity. Maximoore Inc. has a letter of interest from Steven Seagal to enter into a licensing agreement for his Name and other licensing of his trademark merchandise, possible live shows and other to be named activities.

STATUS OF TRANSFER

The status of the pending sale with Robert Miller and Maximoore Inc. is subject to a few issues and it is a little complicated. The primary hurdles are the CUP hearing with the city of Hermosa Beach and ABC license transfer.

Robert Miller has recently become financially insolvent because the financial condition of the business under his ownership was less than what he had expected. He also lost his job at American Honda Motor Co. last year and has been unable (neurological disorder) to work. All of his assets were used to purchase this business and he needs to sell it in order to survive financially.

Maximoore Inc. had to pay some expenses for Robert Miller before the close of escrow in order to save the business. If the escrow can't close, Robert is in no position to repay Maximoore for the money that was needed to save the business. If the city and ABC make it impossible to close escrow, they put both the buyer and the seller in a precarious situation. The buyer can't have what he has already paid for and the seller is stuck owning a business that he does not want and can't afford. The matter is further complicated by the fact that Robert Millers home is still being held as collateral by the SBA bank holding the note on the business loan. If the SBA loan payments are not made, Robert will lose his home.

The pending sale obviously affects both parties in an unusually complex financial way and it is financially detrimental to both parties (possibly rendering one with no home) if escrow does not close. If the escrow is allowed to close, then Robert Miller can keep his house, try to get well, and leave the future of the business to Maximoore Inc. Maximoore Inc. will then be able to pursue the proposed deal from Steven Seagal to turn this business into THE SEAGAL CLUB.

MANAGEMENT

Maximoore Inc. would like to operate a business at 705 Pier Avenue. The basic plan incorporates the existing conditions of the licenses and conditional use permit for the location. Maximoore Inc. has not expressed any intent to modify any terms or conditions of either the ABC license or the CUP. This misunderstanding was caused because the previous owner let the business become more of a bar than a restaurant. He did not have the financial solvency to create a much-needed classy place for people to dine. This lack of an upscale restaurant customer base also affected the quality of the general patrons. Enclosed is a copy of the terms for the pending transfer of the liquor license showing the transfer of a type 47 on sale general type eating-place.

Arkadi Minassian will initially (pending a new deal) oversee the operations as President and operating partner of the company. Mr. Minassian owns several businesses including various successful restaurants, jewelry stores and manufacturers. Managers Xavier Flamenco and John Conachy will be on duty overseeing floor operations daily. Mr. Flamenco has worked in the industry for twenty-four years including eighteen in management. He has been a part of the staff at 705 Pier Ave. for eight years in various positions and is currently employed as the General Manager. His history with the business aids in the return to the original business practices of Pointe 705. Mr. Conachy has worked in the industry for thirteen years in five different countries. His background covers all aspects of the industry from one of the largest clubs in Europe to fine dining.

This location has operated as a restaurant, lounge and nightclub for over 8 years. The original plan done in 1998 for Pointe 705 established an upscale dining room, sushi lounge and nightclub. This original plan enjoyed long term success because of the different aspects of the business that complimented one another. The management team back in 1998 (Scott and Shane McColgan) believed that the business could only succeed with the three parts, food, beverage and entertainment, working in conjunction with each other. The current management team believes that the original business model of Scott and Shane holds true for today as well. The goal of current management is to bring the business back to its original business plan. The long-term success at this location will only be achieved by returning to the original model and having a classy restaurant anchor the business with entertainment as a supplemental form of income.

The basic business plan will call for an upscale dining room as the main foundation for the business. The plan will also establish a sports lounge and nightclub. The plan also reflects the intent to return to basic business practices of the original Pointe 705 plan including special events and fundraisers.

The dining room will operate from 11 am until midnight daily. The menu will consist of Sushi and upscale cuisine. The dining room will establish the customer base for a base income for the business as well as cross over clientele for the sports lounge and nightclub. The basic floor plan will remain the same. The main change is to build a large sushi bar, which will decrease the size of the existing liquor bar, adding permanent dining seating.

The sports lounge will be a more casual theme featuring a scaled down version of the dining room menu as well as traditional bar appetizers. This room will more suited for a relaxed atmosphere and will present sporting events on 15 TVs including 7 wide screen plasmas. The Sports Lounge will also act as a waiting area for the Dining room and a main entrance to the entire venue. The sports lounge will operate from 5 pm until 2 am Monday thru Friday and 11 am until 2 am Saturday and Sunday.

The nightclub will be the main source for entertainment. This room will feature Ballroom type dancing such as Salsa on weeknights and DJs or the occasional band on weekends. Also, the nightclub will host fundraising events for local school organizations and charities as well as special events. Already in the works are events to host Mira Costa's Jazz Band, the PS, I Love You Foundation and Children's Hospital. This practice is to establish the venue as a part of the community and not just as a business in the city. An acoustic study has been ordered by Maximoore to comply with city noise ordinances and to eliminate any audible noise near residences. Results of the report will be reviewed with city officials to make any repairs or changes deemed necessary.

MARKETING

Marketing will be done through newspaper and magazine advertisements, emails, and flyers (in-house and with local agreeable businesses) as well as TV and radio advertising. All shall be in accordance to local ordinance specifications.

ADDITIONAL MANAGEMENT

Currently a deal is in the works to license the name of Mr. Steven Seagal and operate a high end Japanese and Sushi restaurant. Mr. Seagal would also use the nightclub as a venue to perform with his band. The deal would include prominent Japanese businessmen and the main target market would be Japanese businessmen and captains of industry as Mr. Seagal has maintained a very strong fan base in Asia. The restaurant and club will be available to the general public and will include visits from celebrity friends of Mr. Seagal. This deal is contingent on the granting of permits and licensing of the business. The basic business practices would remain the same as would the hours of operation and management. Steven potentially has big plans for this business if the cloud over it is lifted. Steven Seagal is actually law enforcement both on the state (Louisiana) and Federal (Interpol) levels. He would make sure that the business was run according to his own tough standards.

Management staff will grow if a proposed deal with Steven Seagal is made. As Mr. Seagal's staff would incorporate with current management. The basic plan will remain the same but a management company, Lorain Entertainment, according to Steven Seagal's creative, artistic and quality control of the business would supervise all of the entertainment in the club.

The restaurant operations will be overseen by a restaurateur that is a legend in the art of fresh sushi and authentic Japanese cuisine. The theme of the restaurant will change to the decor like that of a Japanese teahouse (dark and light woods, fresh plants and flowers, and bamboo) with exceptional product, company, and service being the focal points. For entertainment while dining, traditional Japanese singing and dancing will accompany the fine cuisine.

The business will be a show house for Stevens's music, CDs and possible live performances. He will also use the business to showcase and promote his new products such as his new energy drink (Lightning Bolt). He is also interested in charity fundraiser concerts and awareness benefits. He expressed interest in doing a charity event in January if all goes well. He has many influential friends both in the theatrical and music business.

Japan Trade USA Inc, and Japan Trade Inc, official licensee of Paramount Picture movie theme park is also interested in using the club to help promote its new multi-billion dollar movie theme park being built in Japan as the South Bay is home to a large population of Japanese nationals.

A deal is in the works to sell junkets to Japanese tourists who will come here from Japan (Steven is huge American star in Japan) to see THE SEAGAL CLUB. It will be a Mecca of sorts for his growing fan base. Musicians, Celebes, CEO's and fans from all over the world will fly into LA to visit THE SEAGAL CLUB.

MANAGEMENT POLICIES

Maximoore Inc. has been operating under a temporary license since June 28, 2006. Since taking over, Maximoore has implemented many new policies to maintain a comfortable atmosphere and restore good faith with the community. These changes involved management, security and parking. The change in management began with Arkadi Minassian taking a more active role as head of operations. The termination of previous management, including one member of Maximoore's original management team, was deemed necessary to renew the role in the community and establish the business as a good neighbor. Because of the lack of sufficient and properly trained security (mainly because the previous owner was insolvent), a new security company was hired soon after taking over operations to alleviate crowd control problems. The policies set were: to increase the number on staff to 12-15 per shift; expand the number of nights with security staff on duty from Wednesday - Saturday and use of trained staff members. The main goals were to manage crowd control, keep the streets and sidewalks clear and to eliminate any nuisance including noise emanating from the parking lot especially at closing. Also, Maximoore has Valet and/or a parking attendant stationed from Wednesday thru

Saturday to further control noise from the parking lot. The past owner did not have the resources to hire such a staff.

CONCLUSION

In conclusion, Maximoore wishes to operate a business in the City of Hermosa Beach not only in compliance with ordinances but also as an active part of the community. We took over operations on June 28, 2006 and have already implemented policies to better comply with city standards and to be a better neighbor. We have renewed contacts with local schools and charities. We have maintained a respectful atmosphere during our short time here and have welcomed advice from local Police and City officials. The result is far less intervention of Police and/ or Fire departments. Maximoore respects the need for a business to comply with ordinances and we feel that we have already taken steps to become a respectful part of this community.

Acknowledged by:



Arkadi Minassian, President

Audio A La Carte

Mark Nathanson
15205 Grevillea Avenue
Lawndale, Ca. 90260
(310) 502-7502

RECEIVED

JAN 16 2007

COMMUNITY DEV. DEPT.

Acoustic Sound Survey of Club 705

Club 705 is a restaurant and nightclub lounge located at 705 Pier Avenue in Hermosa Beach, Ca. The attachment pages are a basic floor plan (not to scale) showing acoustic and amplified audio signal wave levels at various locations inside and outside of the business. Attachment 1 show the "A" numbers in green ink and refer to electronically measured sound Decibel volume levels at the location of the number. "A" refers to active sound waves of full range above 500 HZ to 10KHZ and indicate the weighting scale normally used outside. Sound Systems equipped with sub-woofer amplifying sub-harmonic waves are full range beginning at the 32 HZ range of the low end of the sound spectrum range and are signified as "C" and are shown on attachment 2 in red ink. The "C" measurements are recorded using fast response metering and are most accurate, however, indicate absolute highest peak levels which are not constant. The "C" levels measured are of the weighting scale normally used inside of buildings and dwellings. They are usually random and occur occasionally throughout music playback.

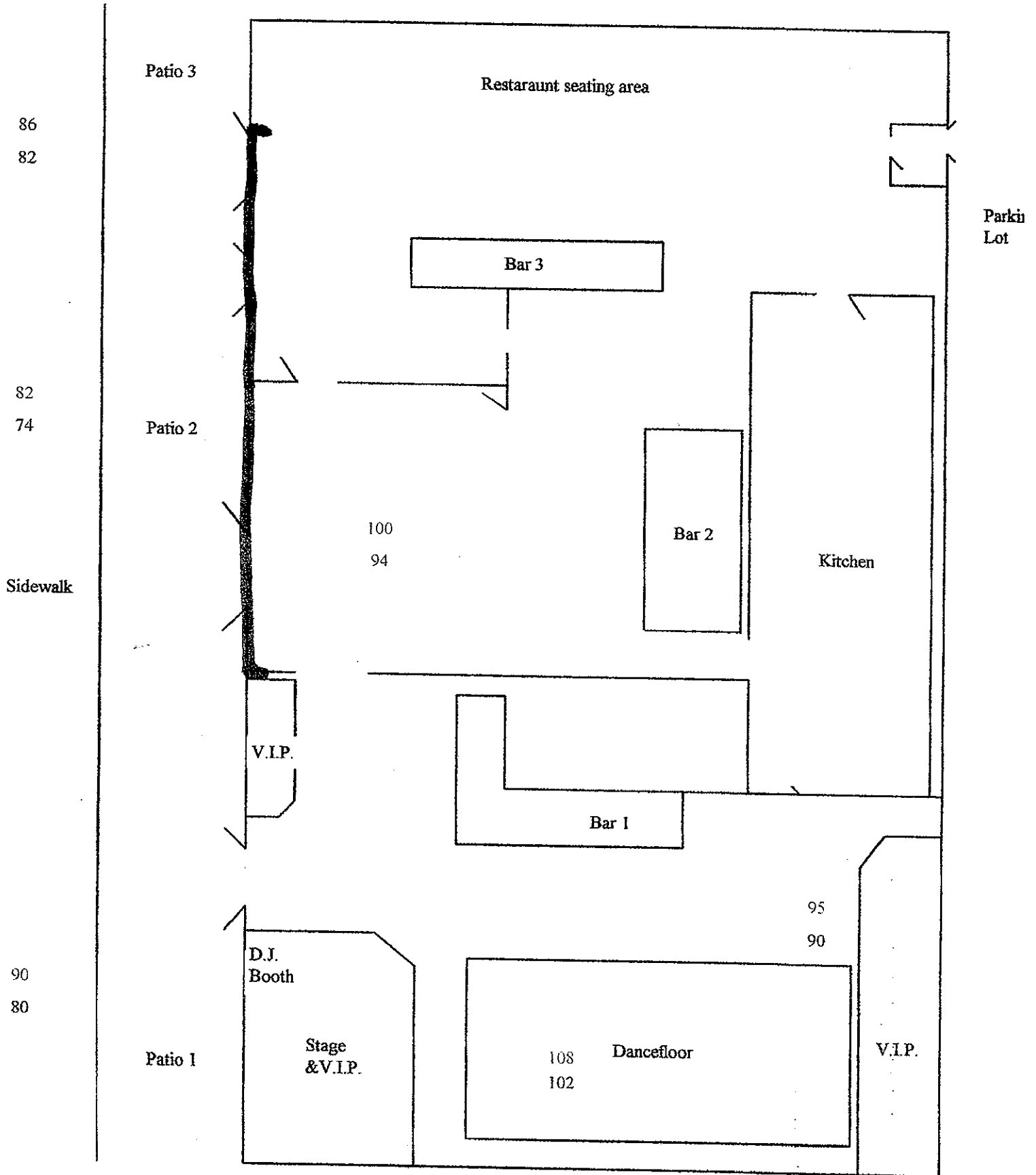
In my opinion, the measured levels recorded were quite normal and O.S.H.A. compliant with this type of a business. I recommend to this business that sound absorbing materials be added in locations shown in green ink on attachment 3. Large heavy curtains and carpeting as well as cloth covered furniture's (couches) are good and effective solutions to dampen sound levels. Professional sound absorbing materials certainly work well, and are available at most local chain music stores. I also recommend that the outer doors be kept closed during business hours when higher sound levels are produced. Additional dual paned window glass doors would also be options to reduce outside noise.

SUPPLEMENTAL
INFORMATION

7

Club 705 -Sound Survey Results-

#3

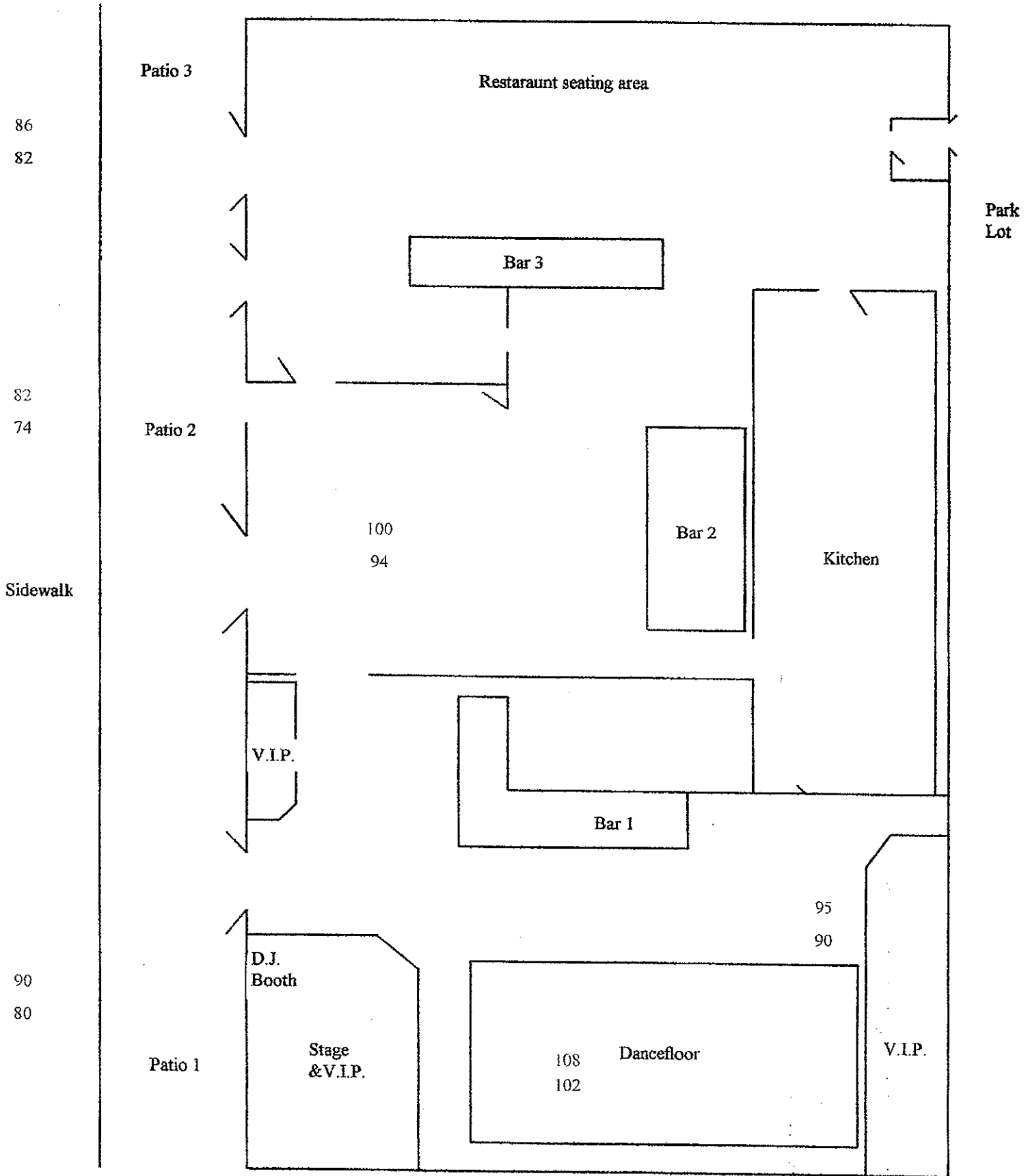


Red number readings: Highest Peak Levels
 Green number readings: Average Levels

65

Club 705 -Sound Survey Results-

#



Club 705 Nightclub - Noise Case Study

The acoustic design of any nightclub is full of conflicting requirements. Clearly, the shell must be acoustically strong enough to contain the music noise levels, which must be established in advance, along with background noise levels in the community and an agreed acceptable music noise level in the community. Hermosa Beach has CUP levels outside of this type of business at 85 db. and at other local establishments. The operator(s) will be under pressure to increase noise levels by customer requests, while other parts of the facility (such as the restaurant, bathrooms, office, etc.) will require some quiet. Noise-at-work regulations need to be considered for employees while maximizing on-dance-floor noise levels. Finally, the contractors who treated the restaurant and nightclub, were on a fixed price agreement.

By careful acoustic design of the nightclubs inner shell, and joining rooms, the operator(s) can achieve target noise levels in the community with adequate on-dance-floor music levels. Detailed modeling of the acoustic climate of all parts of the club was carried out and the sound system specification "installed" in the suggested re-positioning of the speakers during re-model. By careful redesigning of the acoustics and the sound system, all parts of the nightclub can be covered with clear, high-quality music at a lower level, while high on-dance-floor levels were maintained. Employees have benefited from acceptable occupational noise exposure, bar communication was improved, and music was intelligible in all areas resulting in more widespread dancing and general enjoyment, and less crowding.

Additional suggestions such as new installed double paned doors and windows in the lower main lobby will be effective in lowering SPL's (sound pressure levels) . See attachment diagram for locations.

At the operator(s) request, I measured outside levels at 85 db and below, with current improvements. I then was asked to measure levels in the immediate areas around the corner and across the street from the business and found the local traffic readings to be above the businesses highest measured levels at those locations.

In conclusion, it appears that the business is not generating excessive noise levels, however, the underground common parking structure for the plaza that faces west is random with bursts of auto and truck noises and people visiting the various businesses in the plaza and surrounding area.

Burgers & Sandwiches

All served with French Fries

Hamburger

Regular or add cheese or bacon add .50 each

\$6.00

Mushroom Burger

Fresh mushroom topping sautéed in white wine and Dijon mustard topped with Swiss cheese

\$7.00

Blue Cheese Burger

Topped with melted blue cheese, peppers, onions and bacon bits

\$7.00

Charbroiled Chicken Sandwich

Charbroiled chicken breast served with lettuce, tomato and onions. Try it blackened!

\$8.00

705 Chicken Sandwich

Charbroiled chicken breast covered with our fresh mushroom topping and Swiss cheese

\$9.00

Hot Buffalo Chicken Sandwich

Crispy fried chicken breast with our buffalo sauce, celery sticks and Swiss cheese

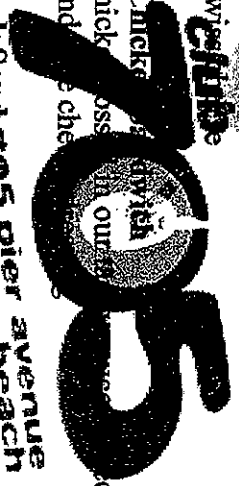
\$8.00

New York Steak Sandwich

Tender steak grilled to order served with mushrooms, tomato and onion

\$10.00

Mushroom topping add \$1.00
Blue cheese topping add \$1.00



705 pier avenue
harrison beach
www.club705.com
310-372-9705



Appetizers

Fried Calamari

Served with choice of cocktail sauce or our own spicy ancho-chili mayo. \$7.00

Jalapeno Poppers

A favorite around here. Served with ranch dressing \$6.00

Mozzarella Sticks

Served with marinara dipping sauce \$6.00

Potato Skins

Covered with melted cheese and green onions, served with ranch dressing \$7.00

Chicken Strips

Served with fries and ranch dressing \$8.00

Quesadilla

Large flour tortilla filled with melted cheese, served with sour cream and salsa \$5.00

Chicken

Steak or Shrimp \$7.00

Buffalo Style Chicken

Fried golden and tossed in buffalo sauce. Served with celery sticks and ranch dressing \$8.00

Chicken Tacos

Charbroiled chicken breast with pico de gallo salsa \$8.00

Fish Tacos

Shrimp Tacos \$9.00

Onion Rings

French Fries \$5.00

French Fries



705 Club
705 Pier Avenue
Pier 705
www.club705.com
310-372-9705

Salads

Mixed Green Salad

With your choice of dressing \$4.00

Caesar Salad

Crisp Romaine lettuce tossed with our Caesar dressing, croutons and topped with parmesan cheese \$6.00

Chicken Caesar Salad

Steak or Shrimp \$8.00

Fried Chicken Salad

Crispy fried chicken served on mixed greens topped with mixed cheeses and green onions with ranch dressing \$8.00

Entrees

New York Steak Dinner

Grilled to order served with mashed potatoes or fries and mixed green salad. \$19.00

Shrimp Scampi

Served over linguini \$12.00

Fish and Chips

Battered and fried with tartar sauce \$9.00

Salmon Dinner

Sautéed in a white wine sauce, served with mashed potatoes \$18.00

705 Chicken Pasta

Breast meat sautéed with mushrooms and Dijon mustard. Served over linguini \$11.00



705 Club
705 Pier Avenue
Pier 705
www.club705.com
310-372-9705



California Department of Alcoholic
Beverage Control
License Query System Summary
as of 11/28/2006

License Information

License Number: 441937

Status: PENDING

Primary Owner: MAXIMOORE INC

ABC Office of Application: INGLEWOOD

Business Name

Doing Business As: CLUB 705

Business Address

Address: 705 PIER AVE **Census Tract:** 6210.01

City: HERMOSA BEACH **County:** LOS ANGELES

State: CA **Zip Code:** 90254

Licensee Information

Licensee: MAXIMOORE INC

Company Officer Information

Officer: FLAMENCO XAVIER A, CHIEF FINANCIAL OFFICER

Officer: MINASSIAN ARKADI, PRESIDENT

Officer: MOORE TIMOTHY LEE, SECRETARY/ASST SEC

License Types

1) **License Type:** 47 - ON-SALE GENERAL EATING PLACE

License Type Status: PENDING

Status Date: 28-JUN-2006

Term: Month(s)

Original Issue Date:

Expiration Date:

Master:

Duplicate: 0

Fee Code: NA

License Type was Transferred On:

From: 413089

2) **License Type:** 30 - TEMPORARY PERMIT

License Type Status: ISSUE

Status Date: 28-JUN-2006

Term: Month(s)

Original Issue Date:

Expiration Date:

Master: Y

Duplicate: 1

Fee Code: NA

Current Disciplinary Action

... *No Active Disciplinary Action found* ...

Disciplinary History

... *No Disciplinary History found* ...

Steven Seagal
2282 Mandeville Canyon Road
Los Angeles, California 90049
(310) 476-8700

November 18, 2006

Arkadi Minassian, President
Maximoore, Inc.
4470 West Sunset Boulevard, Suite 107
Los Angeles, California 90027

Re: **Non-Binding Letter of Intent**

Dear Mr. Minassian,

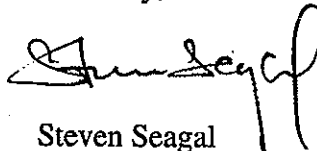
This letter acknowledges that I am considering allowing the licensing of my name only, to Maximoore, Inc., for the purposes of its use in relation to an upscale Japanese private club you are opening in Hermosa Beach, California. By signing below, I am agreeing only to consider the licensing of my name, and this letter is not binding on me in anyway should an agreement not be reached.

If I choose to agree to the licensing of my name, any and all usage will be subject to my personal satisfaction as to how the name is being used. All activities involving the club and the usage of my name will be contingent upon my direct approval, as will be the locale chosen for the club.

Any agreement we may enter into must include a complete indemnification by Maximoore, Inc. should any liability arise with respect to the use of my name or any other matter involving the club. You must maintain insurance coverage in an amount to be determined by me to insure that I will face no liability whatsoever. Further I will receive a percentage of the gross receipts from the club, which will be determined prior to any agreement reached. The foregoing constitutes only the minimum conditions precedent required, and all further conditions will be decided upon should I agree to the licensing of my name.

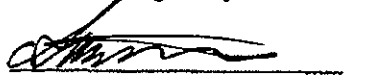
This letter remains non-binding despite any consideration paid to me by you in return for my signing this letter. Any and all consideration paid is non-refundable.

Sincerely,



Steven Seagal

Acknowledged by:



Arkadi Minassian, President

July 17, 2006

Alcoholic Beverage Control
3927 Lennane Drive
Suite 100
Sacramento, CA 95834

RECEIVED

OCT 12 2006

**RE: 705 PIER AVENUE, HERMOSA BEACH
LICENSE TRANSFER REQUEST TO: MAXIMOOR INC.**

COMMUNITY DEV. DEPT.

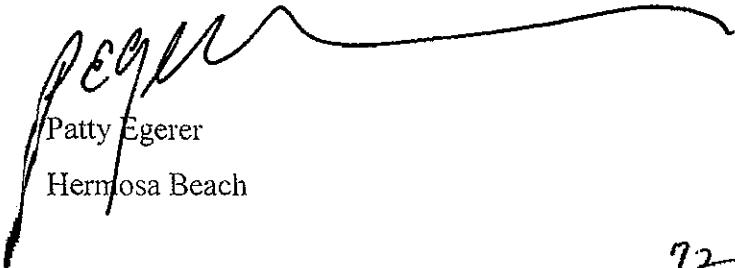
The transfer of the "on sale" alcohol license from Club 705 to Maximoore Inc., notice date June 28, 2006 is protested, as outlined below.

1. The new existing club conducts operations under the name of Club Saffire Nightclub Lounge located at 705 Pier Avenue, Hermosa Beach. This "adult" entertainment-nightclub-lounge conflicts with the original Conditional Use Permit granted by the City of Hermosa Beach. It is essential, for the City of Hermosa Beach to have necessary time and opportunity to evaluate this C.U.P. transfer request.
2. Club Saffire is a tenant within a shopping plaza, located on a central thoroughfare, near neighborhood, community facilities, and supermarket. The adult entertainment venue has staged women "pussycat dancers" scantily clothed in the storefront's window to lure and solicit business. The club keeps "lights out" (dark environment) during hours of operation. The environment cultivated at this location is dangerous and threatens residents' sense of security.
3. The club is located directly across the street from a historically significant educational facility "**Pier Avenue School.**" The school has been a distinctive landmark and source of community pride for Hermosans since construction, 1920s. The school site serves as a multi-purpose community center-park, which includes children programs and a skateboard park. Measures may be implemented in the future, to resume operation of this cornerstone school. **A priority for our community is to safeguard the desirability of our educational and community center.** An alcohol outlet at this location negatively changes the character.

As outlined, this letter represents a protest of the license transfer and continuation of alcohol licensing at 705 Pier Avenue. The proliferation of alcohol outlets has become the destruction and degradation of neighborhood and community.

Notice of all future hearings concerning this matter, is requested. My mailing address is:
P.O. Box 1616, Manhattan Beach, CA 90267

Respectfully,



Patty Egerer
Hermosa Beach

cc: ABC, Inglewood, CA.

72

TO: City of Hermosa Beach
FROM: Residents
DATE: December 6, 2006
RE: CLUB 705, CUP REVOCATION/MODIFICATION HEARING

RECEIVED
DEC 06 2006
COMMUNITY DEV. DEPT.

Revocation/Modification of Conditional Use Permit

Proposal made by Arkadi Minassian "applicant" in letter dated November 29, 2006 will insure chronic nuisance conditions. Applicant seeks to establish a "sports bar" that features amplified music, special event promotions, and live entertainment, and oversized plasma screens. The proposed business will conflict with the surrounding residential area.

Furthermore, the flagrant disregard of CUP conditions, state statutes, and municipal code has been demonstrated.

Violations during 2006 have included,

- Staged sexual exhibitions in the storefront window using erotic dancers.
- Closure of restaurant operation, unauthorized.
- Advance ticket sales and/or "cover fee" at the door to gain entry.
- Promoted events which excluded persons under 21 yrs. of age.
- Overcrowding conditions in violation of Fire Code.

A. Recommended Action: To revoke the "land use" permits for entertainment and alcohol.

B. Restrictive Modification: Terms to include;

Promotions

1. NO advance ticket sales or cover charges to gain admittance.
2. NO promotional events.
3. NO gatherings based upon "standing room" only.

Alcohol

4. Alcohol sales to be accounted for separately from food. Gross income received from alcohol NOT to exceed 50% of the gross sales from the food trade.
5. License type to be changed to wine and beer sales only.
6. Alcohol served in conjunction with ordering a meal.
7. NO meals would be served in bar.
8. NO serving of alcohol to persons who are obviously intoxicated.
9. Existing three (3) bars to be reduced to one.
10. Alcohol to be served to those seated. People standing and drinking NOT allowed.
11. NO promotion of alcoholic drinks such as "drinks 2 for 1" or reduced pricing for refills.
12. NO "bottle to go" service.

Advertisement & Marketing

13. Advertisements, handbills, postcards, or promotions identifying "adult entertainment" will NOT be allowed. (Example; pussycat dancing, lingerie modeling, sexy clothing contests, or age restrictions.)

14. Promoters, property owners, leasing agent, lessee and club operators all to assume responsibility for prevention of nuisance conditions, and content of marketing materials.
15. NO littering of posters, event flyers, decals, or handbills.
16. Billboard restrictions.

Entertainment

17. NO private rooms, curtained booths, or temporary doors that create privacy.
18. NO amplified music, live entertainment, performance platforms, or stages.
19. NO scantily clothed persons or exhibitions in the storefront window.
20. NO electronic plasma screens in view from the street or sidewalk.
21. Plasma screens NOT to exceed a size of 3' in length/width.
22. NO adult videos.

Hours

23. Monday-Friday 4:00pm-10:00pm. Saturday and Sunday 11am-10pm. These hours would apply to the entire business (bar, restaurant, and dance floor.)

Operation:

24. Open to general public.
25. NO private club, sports bar, lounge, nightclub, or auditorium.

Dress Code

26. Dress code applicable to all guest entertainment, employees and patrons.
27. Attire designed or worn to expose private body parts, banned.
28. NO swimsuits, lingerie or bare chests.

Windows

29. Heavy window coverings (room darkening) to be eliminated.

Terrace

30. NO standing, drinking or sitting in patio-terrace fronting along Pier Avenue.

Security

31. Cordoning of sidewalk, impeding the right-of-way of pedestrians, prohibited.
32. Valets and garage security to remain off sidewalk.

Parking

33. Free parking to be provided patrons within designated parking structure on Ardmore.

xxx

Yu-Ying Ting

From: romans.10.9@juno.com
Sent: Tuesday, December 05, 2006 3:58 PM
To: Yu-Ying Ting
Subject: To the Planning Commission

RECEIVED

DEC 05 2006

COMMUNITY DEV. DEPT.

Hello,

I am writing to ask you to take great care in granting changes to the restaurant/bar at 705 Pier Avenue. Lower Pier Avenue is already rowdy and crowded, please don't bring that to upper Pier. I am a walker, with family, friends, visitors and dog. We enjoy the stroll down Pier Avenue to the beach at all hours as well as daily life to library, post office, restaurants, and shops.

If this restaurant gets more seating, more waiting areas (or at least an outside area) and live entertainment it most likely will bring noise to the neighborhood, will push the crowd and noise outside and onto the sidewalk itself.

This restaurant is almost at the gateway to Hermosa Beach, a potentially terrific dinner and afterspot for the theatre across the street, instead it will be a noisy, drunken, unsightly bar-barely-restaurant. It will smell like booze and won't even be a nice business lunch restaurant. I think that would be a disgrace to Hermosa Beach. Let them go to lower Pier to party and let some part of Hermosa Beach remain civilized.

I just envision that these changes will encourage drunks, indecent mating rituals and the use of Pier Avenue and the parking lots as 'facilities.'

Please don't let 705 Pier Avenue behave more like a bar than a restaurant.

Thanks for listening,

Sharon Lubin
Redondo Beach

SUPPLEMENTAL
INFORMATION

6

75

Subj: **Modification or Revocation of CUP, 705 Pier Ave.**
Date: 11/30/2006 2:05:55 P.M. Pacific Standard Time
From: PEgerer
To: cityclerk@hermosabch.org

November 30, 2006

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

RECEIVED
NOV 30 2006
COMMUNITY DEV. DEPT.

RE: MODIFICATION OR REVOCATION OF CUP HEARING, DEC 6. 2006

Dear Mr. Blumenfeld:

I am preparing this email to provide insight for the upcoming hearing concerning the modification or revocation of the conditional use permit for Club 705.

Outlined are a few issues together with a sampling of posters and handbills used to promote events held at various restaurant-bar-clubs in town. They include, The Lighthouse Cafe, Pointe 705, Club Saffire, Patrick Molloy's, The Pitcher House, and Suzy's. The primary promoter responsible for these punk rock events is AMI PRODUCTIONS.

Licensees operate similar to a private club and restrict their "gigs" to ages 21 and older. Yet, these businesses are not zoned to operate as "adult only" and doing so may conflict with the "use permit" and sections of the ABC code.

Besides the nuisance conditions created by these events; promoters aggressively litter our community with handbills, splattering them on the sidewalk, cars and walls. Announcements (some with sexually suggestive images) are left on the ground to be discovered by children. Restrictive policy needs to be written into the CUPs to impose not just fines but also consequences such as revocation of permitted privileges due to breach.

When did Club 705 secure authority from the ABC or the City of Hermosa Beach to close down its kitchen and operate as a bar? The business continues operation in violation of the permit/license. What controls are in place to prevent any alcohol licensee from diminishing their "food trade" component to cultivate a bar crowd?

The city's permissive granting of conditional use permits, and unwillingness to constructively manage the operators is the crux of the problem.

I am not alone in my disappointment of how the proliferation of alcohol outlets has damaged our community. Residents have been denied resolution and a quality community environment.

Respectfully,


Patty Egerer
Resident

cc: Planning Commission
Public Works Commission
Chief, HBPD
City Council

encl: Punk Event Posters & Handbills

Jackie Drasco

From: PEgerer@aol.com
Sent: Thursday, November 30, 2006 12:24 PM
To: City Clerk
Subject: Modification or Revocation of CUP, 705 Pier Avenue (Attachment)

November 30,, 2006

To: Sol Blumenfeld

Sample information for the CUP hearing re: Modification or Revocation of CUP at 705 Pier Avenue.
www.southbaypunk.com

AMI PRODUCTIONS
LUNACY
WESTERN WASTE
TOO RUDE F-LOADER
SATURDAY
FEBRUARY 16
ALL AGES!!
\$5 SUZY'S
Doors Open At 5:30
1141 Aviation Boulevard Hermosa Beach
(Owner's Pavilion & Prospect)

A.M.I. PRODUCTIONS PRESENTS

DECLINE

NO COVER
ALL NIGHT!

THURSDAY'S

HOSTED BY:

JANI LANGE - JARED KENNEDY

RAY RAY - GILLIES - JASON

BLAKE - BOE - ENDO - JOSH

RADICAN - TOBY - MOY



\$3 DRAFT BEERS
\$3 WELL DRINKS
3 BARS
3 SMOKING PATIOS
LARGEST DANCEFLOOR
IN HERMOSA BEACH!
VIP AREA
WITH BOTTLE SERVICE

Saffire

705 PIER AVENUE HERMOSA BEACH
310-372-9705



RESIDENT DJ
BOBBY B.O.P.

KOCCONMOUTH KINGS

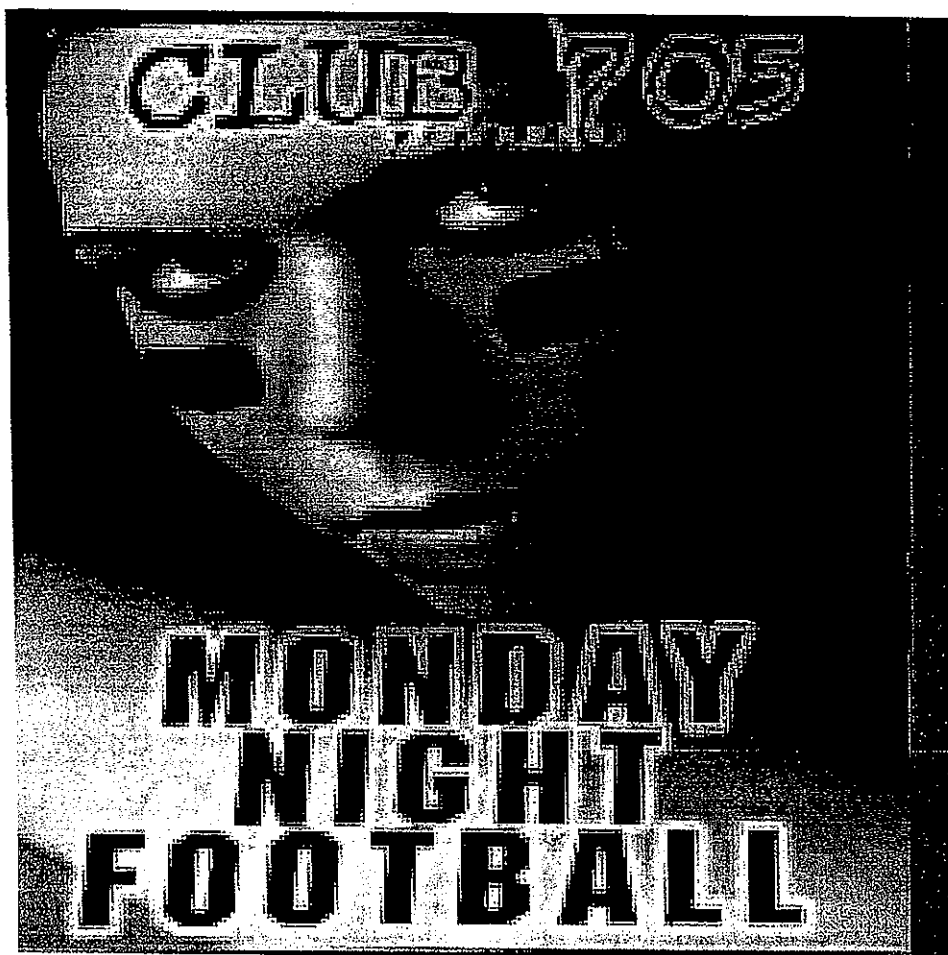


THE DADDYS
TATTOO

VANITY
DESIGN STUDIOS

cadis

1902
CARTEL



FRIDAY, AUGUST 25TH, 2006

THE
M E E T I N G

FRIDAY, AUGUST 25TH, 2006
FRIDAY, AUGUST 25TH, 2006
FRIDAY, AUGUST 25TH, 2006

ON STAGE
SHEENA LEE

MULTI-MEDIA
DJ STEVE CASTRO
DJ WISTER E
DJ WIL

Presented by: [illegible]

8 PM @ SAPPHIRE (Club 755)
10000 Ave. Hollywood Beach, CA

ST. AUGUSTINE
710-360-8888 | www.sapphirebeach.com



AMM PRODUCTIONS PRESENTS GHOULE NIGHT OUT 5

TOMORROWS BAD SEEDS

ALSO PLAYING:
NISFITS
 COVER BAND
TEENAGERS FROM MARS

SPONSORED BY:

SECEOP
 TECHNICAL TFA

FRI. NOVEMBER 27TH
 DOORS @ 9PM

CLUB 705 - 705 PIER AVE. HERMOSA BEACH, CA

www.SOUTHBAYPUNK.com www.ACEKUSTOMS.com

ART BY GUY A. BROWN FOR THE AMM CO. 2006. ALL RIGHTS RESERVED. NO DUPLICATION. HERMOSA BEACH, CA



FRIDAY, APRIL 28TH

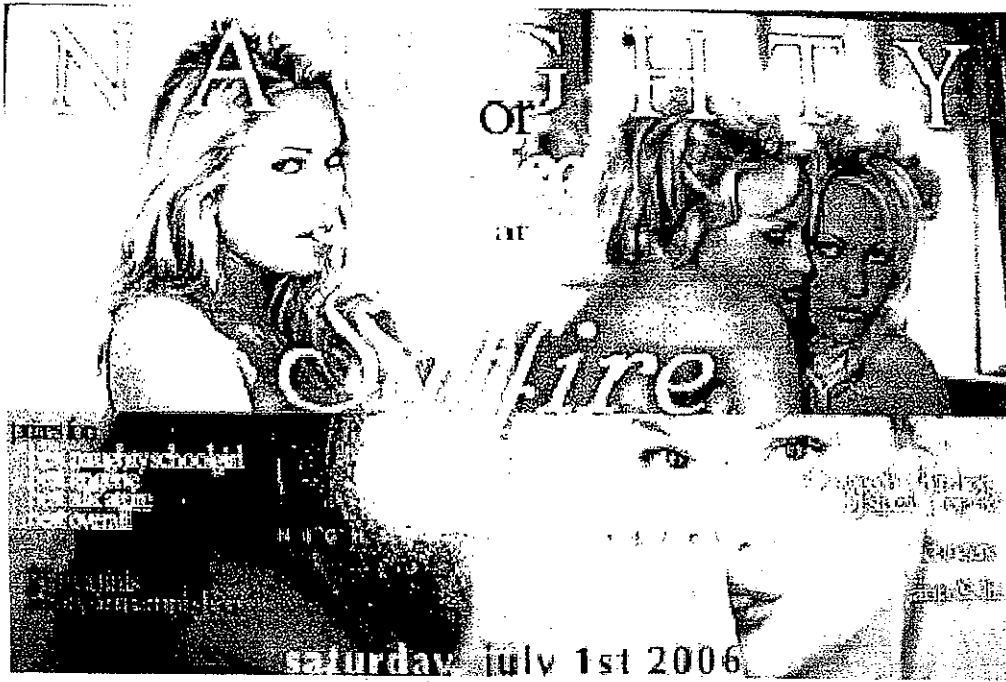
ORANGE COUNTY

SHUTTER

21&UP

705 PER AVENUE HERMOSA BEACH

A.M.I. PRODUCTIONS



• A.M.I. PRODUCTIONS •
SOUTH BAY
BLACK MARKET
ART - PHOTO - FASHION SHOW

ARTISTS:

Jeff Page - *Big Daddys Tattoo*
Sam Hambrick - *Big Daddys Tattoo*
Nick Rodin - *Classic Tattoo*
Greg "Crayola" Simkins - *Imscared.com*
Sparky - *Yer Cheatin Heart Tattoo*
Janny 2/3 - *Yer Cheatin Heart Tattoo*
Chris "2Shea" May - *MTV's Pimp My Ride*
John Gill
Sophia Potish
Danny McCaw
Josh Wapool
Jerry Hixson
Owen Takabayashi
Steve Martin
Chris Bowman
and more...

MUSICIANS:

Charlie Marshall - *Deviates*
Jason Mageau - *Shotblue*
Alec Sawas - *Western Waste*
Bobby Dobby - *Lunacy*
Josh Smith - *STD's*
Jeremy Perryman - *STD's*

PHOTOGRAPHERS:

Kristeena Smith
Matt Parker
Lance Dalgarl

ATHLETES:

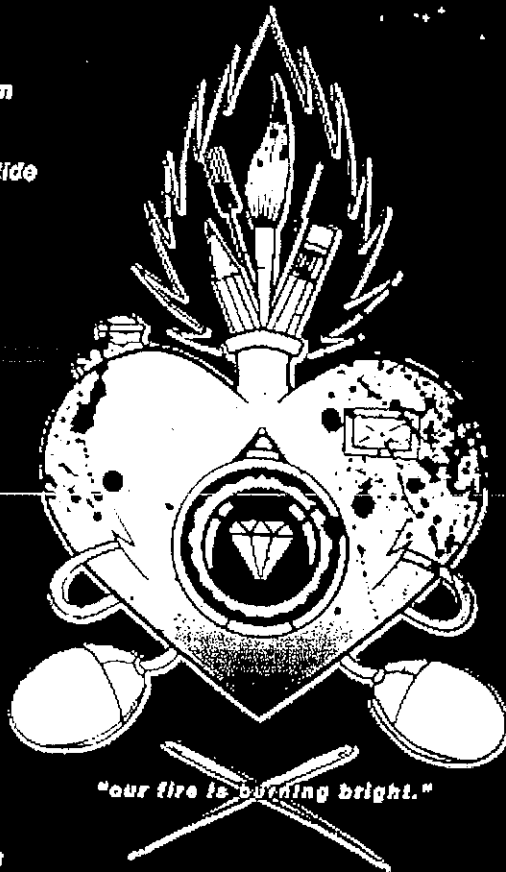
Greg Browning
Dave Hatton

FASHION SHOW:

AUCTIV GADEA FORENZIX

DGAF SINISTER

CASSI DCMLD



POINTE 705-705 PIER AVE HERMOSA BEACH CA 90254
(310)-372-9705
Sat. December 18th, 2004
8-11 \$2 Drinks and Appetizers
www.southbaypunk.com



A.M.I PRODUCTIONS

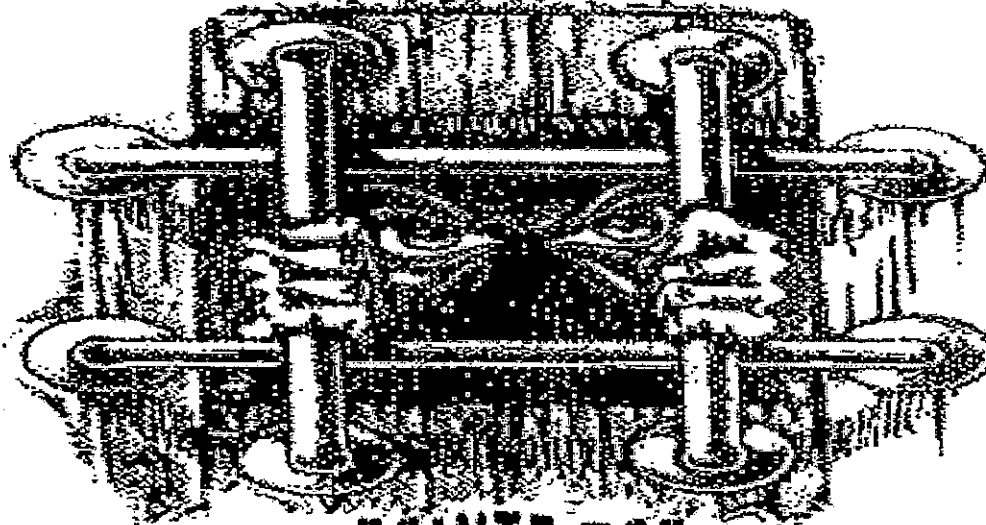
SMUT PEDDLERS

F. LODER

STD.S

INSTIGATOR

One Against One



POINTE 705

705 PIER AVE. HERMOSA BCH. 310.372.9705

SUNDAY, JAN 16TH

ALL AGES. TIX 5 BUCKS. DOORS 6PM
SOUTH BAY PUNK.COM



A.M.I PRODUCTIONS

SMUT PEDDLERS

F. LODER

STD.S

INSTIGATOR

One Against One

POINTE 705

705 PIER AVE. HERMOSA BCH. 310.372.9705

SUNDAY, JAN 16TH

ALL AGES DOORS 5 PM

TIX 5BUCKS

SOUTHBAYPUNK.COM



AMI PRODUCTIONS PRESENTS

T.S.O.L

1208 Too Rude

Low Class

Librium



6 pm

\$8

Sunday,
October 24th

Pointe 705
705 Pier Ave.
Hermosa Beach, CA

ALL AGES

www.SouthBayFunk.com

A.M.I PRODUCTION.

LIGHTHOUSE LIVE

LIVE CD RECORDING

SMUT PEDLLERS

1208

INSTIGATOR


MISFORTUNE COOKIE

TUESDAY

JUNE 29TH

9PM

FREE SHOW



SOUTHBAYPUNK.COM

AMI productions

THURSDAY, SEPT. 7th. 6:00pm

DEVIATES

TOO RUDE

featuring **DOG BOY** of
KOTTONMOUTH KINGS

the Dine

SIX DEGREES of RIGHT

THE BITE

409 N. PCH. 310.318.2582

● SPONSORS ●



INVASION

\$8 pre-sale tickets at SPYDER \$8

LIGHTHOUSE CAFE
30 PIER AVE HERMOSA BEACH
\$ 5 COVER 21 AND OVER

2006

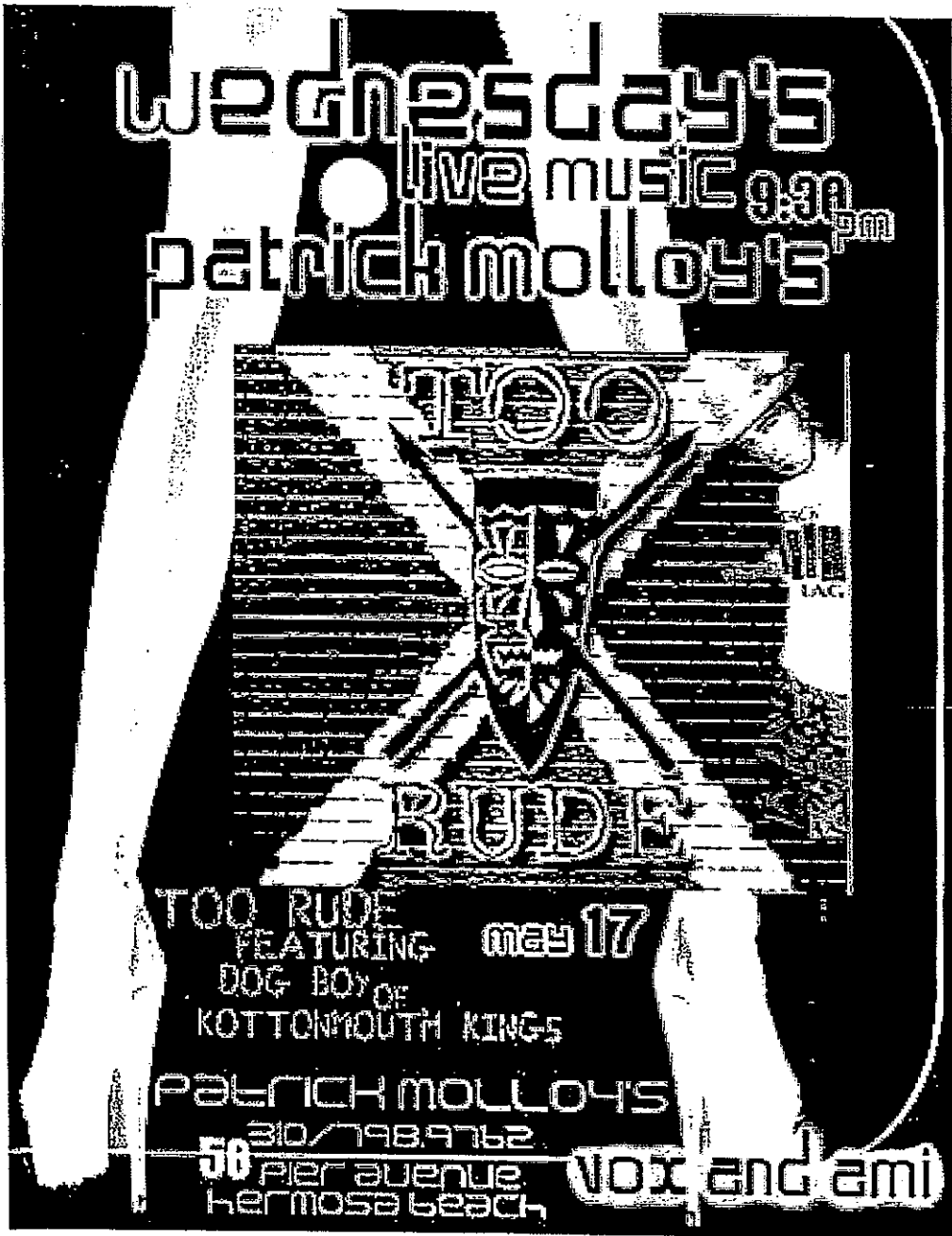
THURSDAY 8 PM
AUGUST 31ST

FEATURING

PROFLISSION
2 CENTS
THE DARLINGS
BY ALL MEANS
SBNC

WWW.PROFUSIONMUSIC.COM

Wednesday's
 Live Music 9:30pm
 Patrick Molloy's



TOO RUDE
 FEATURING May 17
 DOG BOY OF
 KOTTONMOUTH KINGS

PATRICK MOLLOY'S
 30/798.9762
 50 PIER AVENUE
 HERMOSA BEACH

Vox and ami

A.M.I. Productions and Volcom Entertainment Present

ALL AGES SHOW

GUTTERMOUTH

A night of dancing in celebration of the new full-length **EAT YOUR FACE**

out now on Volcom Ent/Epitaph

plus

F-LODER

12 bucks advance tickets

15 bucks at the door

Doors @ 5pm

**ANOTHER
B-DAMN
APPOINTMENT**

FREE
STUFF!

S.T.D.'S

S.B.N.C.

Sunday, Sept. 19th

@ **POINTE 705**

705 Pier Avenue Hermosa Beach, CA. 90254

www.volcoment.com



Guttermouth

A.M.I PRODUCTIONS

FLODER

STD.S

INSTIGATOR

LIGHTHOUSE


30. PIER AVE HERMOSA BEACH

TUESDAY

FEB. 1ST

FREE SHOW

9PM



SOUTHBAYPUNK.COM

Epitaph

Recording Artists

•AMI Productions•

1208



Record Release Party

Supporting their new record

"Feedback is Payback"

Saturday March 2nd at

Suzy's

6:00

ALL AGES

With Special Guests

\$5

DEVIATES

TOO RUDE

and

WESTERN WASTE

310-379-0082

1141 AVIATION BLVD. HERMOSA BEACH

* Advanced tickets at Spyder Surf

Subject: Weekly events and the return of the upscale American Bistro at Club 705



HOT NEWS!



THE RETURN OF THE DINING ROOM EXPERIENCE!

COMING SOON! The Grand Re-Opening of the 705 Dining Room!
Be ready to enjoy the Classic Upscale American Bistro!

A great new menu will be featured as the Dining-Room re-opens very soon! Stay tuned for more details!

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com

WEEKLY EVENTS:



S.I.N. NIGHT!

Service Industry Night on Mondays for FAB (Food And Beverage) Industry at Club 705!

\$3 drinks all night long (except top shelf) for all in the industry! Karaoke from 9pm-close and Guest Bartending! Contact xavier@club705.com to sign up!

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com



Liquid Lounge Happy Hour

Every Day from 4-8pm

2-for-1 Drinks and \$2 Drafts with sports on all 32 Plasma TVs!

Happy Hour parties available! Contact us at (310) 372-9705. Visit us online at www.club705.com



JAMAICA WEST!

Every Wednesday at Club Saffire

Free all night from 9pm-2am with Roots, Reggae, Dancehall and Hip Hop. For the guest list, call Rasta at 323-980-3444

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com



THURSDAY KARAOKE & SALSA NIGHT!

Every Thursday at Club Saffire

Free all night from 9pm-2am with Karaoke and Roots, Reggae, Dancehall and Hip Hop. For the guest list, call Rasta at 323-980-3444

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com

CONNECT WITH US ON MYSPACE!



Connect with us at www.myspace.com/club705



[Click Here and Add us!](#)

MEMBERSHIP BENEFITS INCLUDE:

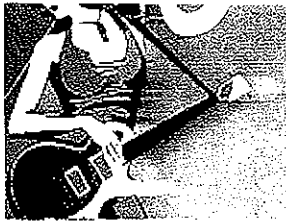
- Receive weekly emails on the latest upcoming events!
- Be the first to receive time sensitive specials and promotions!
- Make reservations for any of our events with VIP treatment!



Club 705. 705 Pier Ave . Hermosa Beach, Ca . 90254 . 310-372-9705

[Unsubscribe](#) | [Complain](#) | [Edit Profile](#) | [Confirm](#) | [Forward to a friend](#)
703 Pier Ave #b302 Hermosa Beach CA 90254



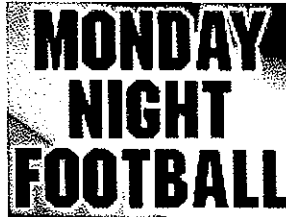


Connect with us at www.myspace.com/club705



[Click Here and Add us!](#)

HOT NEW EVENTS COMING SOON!



MONDAY NIGHT FOOTBALL!

ARE YOU READY FOR SOME FOOTBALL?

Enjoy every game with \$9.95 complete steak dinner and a beer with \$1 refills! price appetizers, 2 for 1 drinks with all specials good from 4pm until the end o game! Karaoke every monday night after the games!

Happy Hour parties available! Contact us at (info@club705.com) or call our off at (310) 372-9705. Visit us online at www.club705.com



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THURSDAY SALSA NIGHT!

Every Thursday at Club Saffire

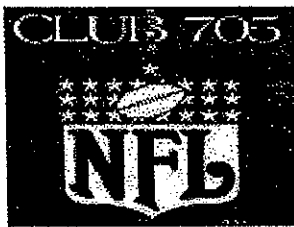
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VIP Bottle Service available! Contact us at (info@club705.com) or call our offices at (310) 372-9705. Visit us online at www.club705.com

MEMBERSHIP BENEFITS INCLUDE:



CLUB 705 IS BACK IN FULL FORCE!:



**EVERY SUNDAY STARTING SEPTEMBER 10TH
THE NFL IS BACK AND FEATURED AT 705**

Go **BIG** or go home! 705 is your Fantasy Football Headquarters! If you are ready for the NFL to kickoff, then come to 705 and cheer for your favorite teams with huge drink specials, a bloody mary bar, and food specials all day long!

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com

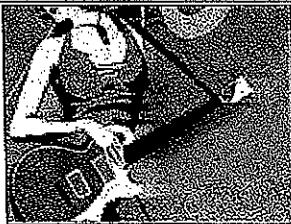


**Saturday, September 23rd
END OF SUMMER PAJAMA PARTY!**

Featuring **Eric Jag!** \$5 cover with PJ's, \$10 without. Doors open at 9pm. \$5 Call-Its! Sweet Dreams Specials for only \$3 include Jaeger shots, 180 bombs, Sambucca Sweet Dream, Sleepless in Hermosa, Midnight Snack plus the **Midnight Pillow Fight!** Sexiest pillow fighter wins a cash prize!

VIP Bottle Service available! Contact us at (310) 372-9705. Visit us online at www.club705.com

CONNECT WITH US ON MYSPACE!



Connect with us at www.myspace.com/club705



Click Here and Add us!

HOT NEW EVENTS COMING SOON!

**MONDAY NIGHT FOOTBALL!
ARE YOU READY FOR SOME FOOTBALL?**

Enjoy every game with \$9.95 complete steak dinner and a beer with \$1 refills! 1/2 price appetizers, 2 for 1 drinks with all specials good from 4pm until the en

Ed Hardy

By Christian Audigier

HOLLYWOOD FASHION EXPERIENCE COMES TO THE BEACH! 2 EVENTS 1 VENUE!

GIRLFRIENDS CLOTHING MODELS AND SHEENA LEE AND FRIENDS WILL BE SHOWCASING THE NEWEST STYLES OF THE ED HARDY CLOTHING LINE.

ED HARDY CLOTHING GIVEAWAYS!

HOLLYWOOD'S OWN
DJ STEVE CASTRO
DJ MISTER E
DJ WIL

8-2am @ SAFFIRE (Club 705)
 705 Pier Ave. Hermosa Beach, CA

21 and over
 Pre-sale tickets @ www.wantickets.com

FRIDAY AUGUST 25TH 2006





FRIDAY, AUGUST 25TH, 2006

M A G A Z I N E

2 EVENTS 1 VENUE
 FINALLY A MAGAZINE THAT HAS IT ALL! THE SEXIEST MEN'S & WOMAN'S ENTERTAINMENT AND FASHION MAGAZINE IN THE WORLD!
BADMAGAZINE.COM

JOIN CYBER GIRL
SHEENA LEE
 AND COMPANY AS THEY SEEK OUT UPCOMING TALENT FOR BAD MAGAZINE. IT WILL BE SPECIAL GUESTS

HOLLYWOOD'S OWN
DJ STEVE CASTRO
DJ MISTER E
DJ WIL
 also hosted by the infamous e-dub and crew

8-2am @ SAFFIRE (Club 705)
 705 Pier Ave. Hermosa Beach, CA

21 and over
 Pre-sale tickets @ www.wantickets.com






Beach

Design & Print by :: www.NLDgraphics.com :: 714 375.1221

Saffire Nightclub & Lounge

705 Pier Ave. (Cross Street: Pacific Coast Highway)
Hermosa Beach, CA 90254 [View Map](#)
(310) 372-9705
Editorial Description

Large South Bay club with three rooms, DJ, dancing, food and entertainment. Music includes hip hop, house, retro and reggae.

[Read More](#) | [User Reviews \(4\)](#)

Saffire Nightclub & Lounge User Reviews

[Return to Profile](#)

What users are saying

- Romantic: no
- Good dancing: yes
- Good social scene: yes
- Good happy hour: no

[Write a review](#) and share your thoughts with other users.

Sweet Decor

Posted by [reina_latina143](#) on 11/21/2006

So I decided to check out this restaurant/club for my birthday. I didn't want a pier bar so I went with this place and it was a bit lonely. The food was good and very cheap but the club was not crackin at all. It has potential but there needed to have been a better crowd. maybe it was just the night I went but it was empty. The music was pretty good and the place has really nice decor. The drinks are average price and the bartenders were nice.

- Pros: Cheap Food, Nice Decor, Nice Bartenders
- Cons: Lonely Club, Older Crowd
- Overall user rating: Average

Great night club

Posted by [kedaface](#) on 06/08/2006

I loved the different rooms...the drinks and food were great...YOU CAN GO OUT TO AN UPSCALE RESTAURANT AND CLUBBING IN THE SAME PLACE....SAVE GAS

- Pros: GOOD DRINKS
- Cons: POSSIBLE DUI, ONLY IF YOU LIKE THE APPLE MARTINIS...LOL
- Overall user rating: Highly Recommended

Beautiful Club in the South Bay

Posted by [tiffanysclee](#) on 11/05/2005

Saffire is an awesome place for dancing in the South Bay. It is spacious, beautifully decorated and lots of beautiful people. We went there for their Halloween party and it was great fun. Don't count this place out if its not on the pier...Saffire is much better than some places that have a small and smelly place.

- Pros: Big, decor, lots of bars
- Cons: not on pier
- Overall user rating: Recommended

a bit cheesy

Posted by [javy178](#) on 08/18/2005

this place is nice if you want to dress down and be comfortable with your buds, but from the website it is quite misleading. It "appears" to be a chiq club/lounge but when I got there, crowd was quite dressed-down and the decor was a bit cheesy...

- Pros: drinks cheaper
- Cons: too casual, cheesy setting

lol

Los Angeles Clubs
Complete LA area nightlife guide.
Reviews, Bars, Clubs, Live Music.
LosAngelesCity.com

Hermosa Beach Houses
Instantly View Hundreds of CA
Homes Search the Hermosa Beach
CA MLS
www.ZipRealty.com

Safari Sam's- All Ages
Club in Hollywood, CA--Great
Music & Food- See Calendar
Below!
www.safari-sams.com

Singles for Salsa
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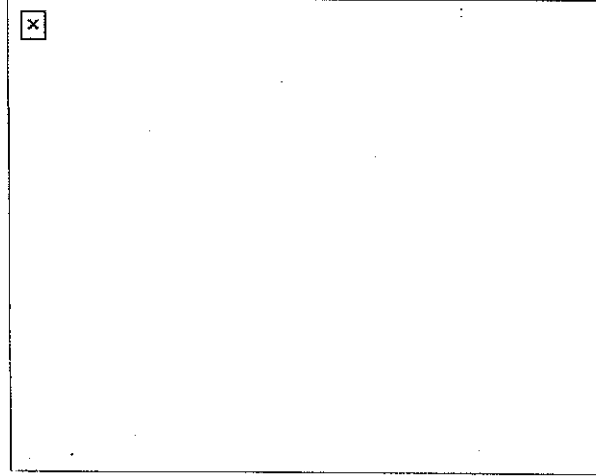
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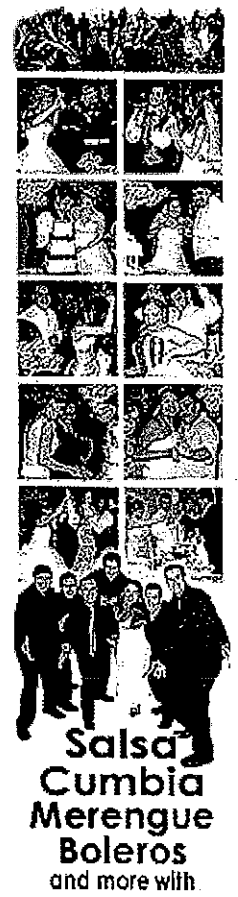
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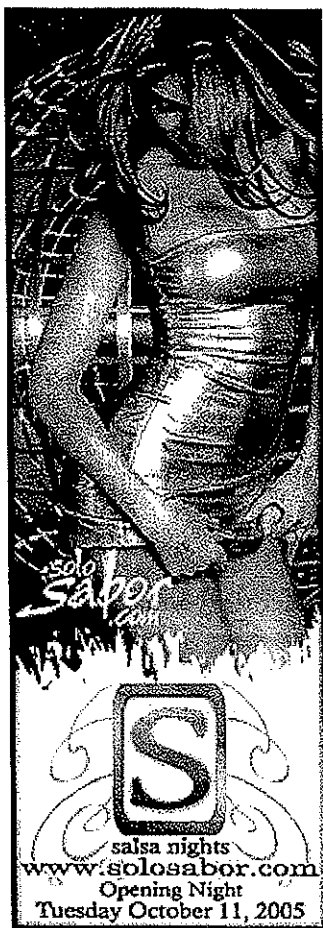
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Saffire

Gem of the South Bay

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FACTS

Address: 705 Pier Ave.
Hermosa Beach, 90254 > map it
(310) 372-9705

Cross Street: Ardmore Ave.

Neighborhood: South Bay & Long Beach

Type: Hip-Hop & R&B

Hours: Daily 11pm-2am



LOWDOWN

Hermosa Beach's largest club brings bling to the South Bay.

Owner Dan Miller transformed the 9,000-square-foot space formerly known as 705 into a pulsating three-room club that could rival some of Hollywood hottest spots. (The line to get in snakes around the block on weekends.) Diverse crowds flock from neighboring cities in their best threads—a strict dress code is enforced, even though the beach is just five blocks away. The Asian-influenced Ruby Room draws in fans of electronica and house, and old-school jams rock the dimly lit room adjacent, but the main attraction is the Saffire Room, a sea of blues, crisp whites, silver accents and pulsing hip-hop beats. White mod-ish leather couches separated by silver beaded curtains create private cabanas for pro athletes and wealthy beach bums. The owner's private booth is perched directly across from the DJ booth, which overlooks the elevated dance floor, but the VIP booth in back is the place to be seen. The crowd is hot, but the cocktail servers—in deep blue skin-tight dresses—might be hotter.—Sarah Spada

Tip: The club hits capacity most nights, so arrive before 11pm to make sure to get in.

Get nightlife updates delivered to your mailbox once a month by [subscribing to Plus One](#), LA.com's free nightlife newsletter.

FEATURES

Cost: Cover varies on weekends

Atmosphere: Trendy

Features: Bottle service is available in the VIP lounge.

Parking: Valet and structure

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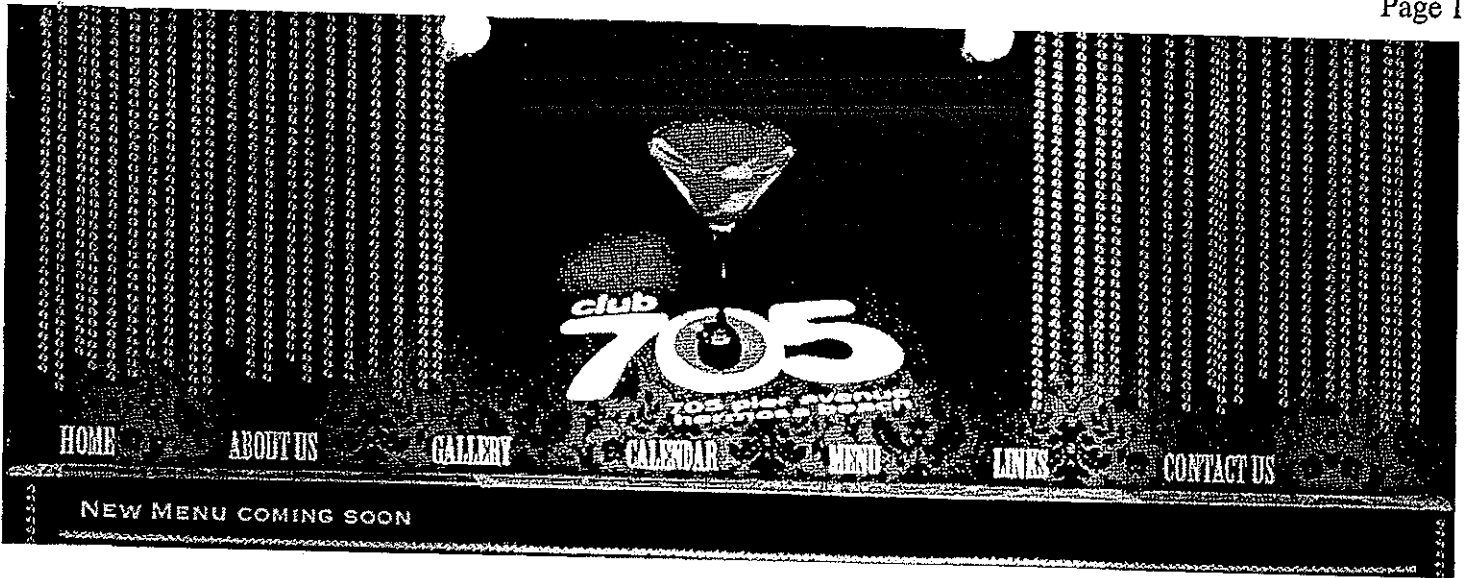
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Mushroom Steak Sandwich	\$10.00
Steak, sautéed mushrooms, on a French roll, lettuce, tomato, red onion, on a French roll, side of mayo fries and a pickle	
Steak Sandwich Dinner with blue cheese	\$12.00
Steak, sautéed onions and peppers, blue cheese crumbles, on a French roll, lettuce, tomato, red onion, on a French roll, side of mayo fries and a pickle	
<i>Salads</i>	
Green Salad	\$4.00
Chef Salad	\$8.00
Mixed greens, sliced turkey, ham, bacon bits, chicken, blue cheese crumbles, hard boiled egg and cheese	
Fried Chicken Salad	\$7.00
Breaded and fried chicken breast, mixed greens, cheese and green onions	
Caesar Salad	\$6.00
Chopped Romaine lettuce with Caesar dressing, sliced anchovies, croutons and parmesan cheese	
Chicken Caesar Salad	\$7.00
Steak Caesar Salad	\$8.00
Shrimp Caesar Salad	\$8.00
705 Chicken Salad	\$7.00
Mixed greens, grilled chicken breast, mango salsa	
Hermosa Steak Salad	\$8.00
Mixed greens, steak, sautéed onions, sautéed peppers, sautéed mushrooms, blue cheese crumbles with Italian dressing	

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**SUPPLEMENTAL
 INFORMATION**
 7

105

Snacks		Sandwiches/Burgers	
Jalapeno Poppers	\$5.00	Hamburger	\$6.00
Mozzarella Sticks	\$5.00	Lettuce, tomato, red onion, side of thousand island dressing, fries and a pickle	
French Fries	\$3.00	Cheeseburger	\$6.00
Zucchini Sticks	\$5.00	Lettuce, tomato, red onion, side of thousand island dressing, w/sliced cheese, fries and a pickle	
Potato Skins	\$6.00	Mushroom Burger	\$7.00
Russet potatoes, mixed cheeses, bacon bits, scallions and ranch dressing.		Red onion, side of thousand island dressing, Swiss cheese, sautéed mushrooms, fries and a pickle	
Chicken Strips	\$7.00	Blue cheese Burger	\$7.00
Quesadilla:	\$5.00	Blue cheese crumbles, red onion, red and green bell peppers, bacon bits, garlic aioli sauce, bun, and fries and a pickle	
Large flour tortilla, mixed cheeses, Ortega chilies, salsa and sour cream		Chicken Sandwich	\$7.00
Chicken or Steak Quesadilla	\$7.00	6oz chicken breast, lettuce, tomato, red onion, on a French roll, side of mayo fries and a pickle	
Buffalo Style Chicken Wings	\$8.00	Blackened Chicken Sandwich	\$7.00
Drumettes, carrot & celery sticks and ranch dressing		Cajun Chicken breast, lettuce, tomato, red onion, on a French roll, side of chipotle mayo fries and a pickle	
Seafood		705 Chicken Sandwich	\$7.00
Grilled or Fried Fish Tacos	\$7.00	Chicken breast, sautéed mushrooms, Dijon mustard, lettuce, tomato, red onion, on a French roll, side of mayo fries and a pickle	
Corn Tortillas, white fish, Saffire Spice, shredded cheddar/jack cheese, white cabbage, chili mayo		Hot Buffalo Chicken Sandwich	\$7.00
Blackened Shrimp Tacos	\$7.00	Chicken breast, hot sauce, blue cheese, red onion, celery and carrot sticks	
Corn Tortillas, succulent shrimp, Cajun blackened spice, white cabbage, and chili mayo		Deli Sandwich	\$6.00
Popcorn Shrimp	\$7.00	Sliced Turkey or Ham, sliced cheese, roll, side of mustard and mayo, fries and a pickle	
Popcorn shrimp, cocktail sauce			
Calamari	\$6.00		
Traditional Calamari, cocktail sauce and chili mayo			
Fish & Chips	\$7.00		



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Maytee B-Day Party



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Christmas Party



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AMI Party



September 23rd 2006 -
Eric Jag



August 25 2006 - Ed
Hardy Party



July 3rd 2006 - In the
Scene Magazine Party



June 30, 2006 - Beauty
and the Beat



June 3rd 2006 - Bobby
P Saffire

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P.C. RESOLUTION 01-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, TO ALLOW OUTDOOR DINING IN CONJUNCTION WITH AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL AT 705 PIER AVENUE LEGALLY DESCRIBED AS A PORTION OF LOT 1, TRACT NO. 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, 2ND ADDITION TO HERMOSA BEACH TRACT

Section 1. An application was filed by Shane McColgan, seeking approval for on-sale beer and wine in conjunction with a restaurant;

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for the Conditional Use Permit Amendment on May 15, 2001, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission;

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject restaurant site is already authorized for on-sale alcohol by a Conditional Use Permit granted on March 15, 1994 (P.C. Resolution 94-10);
2. The change from outdoor seating to outdoor dining will not significantly intensify the use of the site;
3. The potential noise impacts that might result from the outside dining are less than significant because the restaurant is located within a commercial area with no residential uses nearby;

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application to amend the Conditional Use Permit:

1. The site is zoned SPA 8, and is suitable for the proposed use;
2. The proposed use is compatible with surrounding commercial and residential uses;
3. The imposition of conditions as required by this resolution will mitigate any negative impacts resulting from the issuance of this Conditional Use Permit Amendment;
4. This project is Categorical Exempt pursuant to Section 15303c of the California Environmental Quality Act.

Section 5. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit subject to the following **Conditions of Approval**;

1. **The project shall be substantially consistent with submitted plans as reviewed by the Planning Commission on May 15, 2001. Modifications to the plan shall be reviewed and**

1 may be approved by the Community Development Director. The applicant shall also
2 submit a seating plan for review and approval to the Community Development Director.

- 3 2. The outdoor dining shall be limited to hours of operation between 8:00 A.M. and Midnight
4 Sunday through Thursday, and between 8:00 A.M. and 2:00 A.M. on Fridays and
5 Saturdays.
- 6 3. A decorative railing shall be provided to clearly delineate the outdoor dining area from the
7 public sidewalk.
- 8 4. At no time shall the public sidewalk be used by food service personnel.
- 9 5. No recorded music or amplified music is allowed in the outdoor dining area.
- 10 6. The existing Sycamore tree located within the proposed outdoor dining area shall be left
11 undisturbed.
- 12 7. The establishment shall not adversely effect the welfare of the residents, and/or commercial
13 establishments nearby.
- 14 8. The business shall provide adequate staffing, management and supervisory techniques to
15 prevent loitering, unruliness, and boisterous activities of the patrons outside the business
16 and in the parking areas.
- 17 9. Noise emanating from the property shall be within the limitations prescribed by the City's
18 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,
19 and/or commercial establishments.
- 20 10. The Police Chief may determine that a continuing police problem exists, and may authorize
21 the presence of a police approved doorman and/or security personnel to eliminate the
22 problem, and then shall submit a report to the Planning Commission, which will
23 automatically initiate a review of this Conditional Use Permit by the Planning Commission.
- 24 11. The exterior of all the premises shall be maintained in a neat and clean manner, and
25 maintained free of graffiti at all times.
- 26 12. The applicant shall submit a detailed seating and occupancy plan prepared by a licensed
27 design professional, which shall be approved by the Community Development Department
28 prior to issuance of building permits. Any significant changes to this interior layout which
29 would alter the primary function of the business as a restaurant shall be subject to review
and approval by the Planning Commission.
13. The project and operation of the business shall comply with all applicable requirements of
the Municipal Code.
14. All Conditions of Approval from Planning Commission Resolution 97-26, which do not
specifically address the outdoor dining use, shall remain in effect.

Section 6. This grant shall not be effective for any purposes until the permittee and the owners
of the property involved have filed a the office of the Planning Division of the Community Development

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

2 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
3 Community Development Department.

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

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

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

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


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

25
26 VOTE: AYES: Tucker, Kersenboom, Chairman Perrotti
27 NOES: None
28 ABSENT: Hoffman, Pizer
29 ABSTAIN: None

CERTIFICATION

30 I hereby certify the foregoing Resolution P.C. 01-18 is a true and complete record of the action taken by
31 the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of May 15,
32 2001.

33 
34 _____
35 Sam Perrotti, Chairman

36 
37 _____
38 Sol Blumenfeld, Secretary

39 Date 6-19-01

40 Cupr01-1

P.C. RESOLUTION 97-26

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND PARKING**
4 **PLAN, AS AMENDED, TO ALLOW TWO STAGES AN ADDITIONAL BAR AND**
5 **ADDED SEATING IN CONJUNCTION WITH A RESTAURANT WITH ON-SALE**
6 **ALCOHOL AT 705 PIER AVENUE AND LEGALLY DESCRIBED AS A PORTION OF**
7 **LOT 1, TRACT 9203, AND LOTS 11-18 INCLUSIVE, BLOCK 80, SECOND ADDITION**
8 **TO HERMOSA BEACH TRACT**

9 WHEREAS, the Planning Commission held a public hearing on March 18, 1997, to receive
10 oral and written testimony regarding an application for a Conditional Use Permit Amendment and
11 made the following findings:

- 12 A. The subject restaurant site is already authorized for on-sale alcohol by a Conditional Use
13 Permit granted on March 15, 1994, (P.C. Resolution 94-10).
- 14 B. The additional seating, bar, and stages will not significantly intensify the use of the site as
15 long as the use remains primarily a restaurant;
- 16 D. The use of the site for a restaurant is appropriate for the subject location and will be
17 compatible with surrounding commercial activities along Pier Avenue;
- 18 E. Strict compliance with the conditions of approval will mitigate any negative impact resulting
19 from the issuance of the Conditional Use Permit;
- 20 F. The project is Categorically Exempt from the requirements of the California Environmental
21 Quality Act, pursuant to Section 15301 New Construction and Conversion of Small
22 Structures of the CEQA guidelines, as it involves the minor alteration of an existing facility.

23 **NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City**
24 **of Hermosa Beach, California does hereby approve a Conditional Use Permit and**
25 **Parking Plan Amendment to allow stages and an additional bar to the existing**
26 **restaurant with on-sale alcohol, subject to the following conditions, which supersede**
27 **the conditions of Planning Commission Resolution 94-17:**

28 SECTION I Specific Conditions of Approval

- 29 1. The project shall be substantially consistent with submitted plans. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.

///
97 1610501

- 1 a. Plans shall indicate that the outside waiting area shall have no service. In the event
2 that future service occurs, at no time shall the use of the public right-of-way be
3 used by the servers.
4
5 2. The primary emphasis of the business shall be maintained as a restaurant. Live
6 entertainment and dancing shall be secondary, and shall not be a separate or main attraction
7 or show, or promoted as such.
8
9 3. The hours of operation shall be limited to between 8:00 A.M. and 2:00 A.M. daily.
10
11 4. Live entertainment shall be limited to using non amplified instruments such as a piano,
12 guitar, violin, etc. If entertainment is to include amplified (i.e. use of electrical amplifier)
13 live entertainment, an acoustical study shall be prepared by an acoustical expert, including
14 proposed sound dampening features to baffle and direct sound away from the entrance/exit
15 and window areas to ensure compliance with the noise ordinance. Said study and sound
16 dampening features shall be reviewed and approved by the Community Development
17 Director and shall be implemented in the building.
18
19 a. The acoustical study shall be based on the worst-case noise scenario, or on a sound
20 level that will not be exceeded at any given time.
21
22 b. Management shall be responsible for the music/entertainment volume levels.
23
24 c. During the performance of any amplified live entertainment, the exterior doors and
25 windows shall remain closed.
26
27
28
29

SECTION II General operating and standard conditions:

- 1 1. The establishment shall not adversely effect the welfare of the residents, and/or commercial
2 establishments nearby.
3
4 2. The business shall provide adequate staffing, management and supervisory techniques to
5 prevent loitering, unruliness, and boisterous activities of the patrons outside the business
6 and in the parking areas.
7
8 3. Noise emanating from the property shall be within the limitations prescribed by the city's
9 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,
10 and/or commercial establishments.
11
12 4. The police chief may determine that a continuing police problem exists, and may authorize
13 the presence of a police approved doorman and/or security personnel to eliminate the
14 problem, and then shall submit a report to the Planning Commission, which will
15 automatically initiate a review of this conditional use permit by the Commission.
16
17 5. The exterior of the premises shall be maintained in a neat and clean manner, and maintained
18 free of graffiti at all times.
19
20 6. Any significant changes to the interior layout which would alter the primary function of the
21 restaurant shall be subject to review and approval by the Planning Commission.
22
23 7. The project and operation of the business shall comply with all applicable requirements of
24 the Municipal Code.
25
26
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29

SECTION III

97 1610501

1 This grant shall not be effective for any purposes until the permittee and the owners of the property
2 involved have filed a the office of the Department of Planning their affidavits stating that they are
3 aware of, and agree to accept, all of the conditions of this grant.

4 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
5 Planning Department.

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

8 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees
9 from any claim, action, or proceeding against the City or its agents, officers, or employee to attack,
10 set aside, void or annul this permit approval, which action is brought within the applicable time
11 period of Government Code Section 65907. The City shall promptly notify the permittee of any
12 claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to
13 promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate
14 fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold
15 harmless the City.

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

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

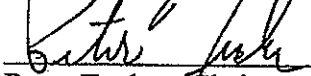
25 SECTION IV

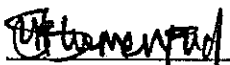
26 The Planning Commission may review this Conditional Use Permit and may amend the subject
27 conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the
28 neighborhood resulting from the subject use.

29 VOTE: AYES: Comms. Perrotti, Pizer, Chmn. Tucker
 NOES: none
 ABSENT: Comms. Merl, Schwartz
 ABSTAIN: none

CERTIFICATION

30 I hereby certify the foregoing Resolution P.C. 97- 26 is a true and complete record of the action
31 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
32 meeting of March 18, 1997.

33 
34 Peter Tucker, Chairman


35 Sol Blumenfeld, Secretary

36 4-15-97
37 Date

HERMOSA BEACH POLICE DEPARTMENT

This document outlines ongoing concerns at the business on 705 Pier Avenue in Hermosa Beach, California. The Alcohol Beverage Control License for this establishment is 413089.

On 07092006 two men reported that they were assaulted by at least two employees of the business. The case is currently under investigation. The HBPD case number is 06-2494.

On 07072006 officers were dispatched to a report of loud noise at the location. The police dispersed a group of people loitering on the premises.

On 07012006 officers were dispatched to a report of a kidnapping at the business. The involved party was reported to be an employee who was involved in an altercation with a female companion. Both were reported to be possibly under the influence of alcohol. A report was not filed. At this time there is no investigation. Officers contacted a subject in front of the business and subsequently arrested him for public intoxication. The HBPD case number is 06-2278.

On 06182006 officers were dispatched to a reported disturbance involving loud subjects outside the business. The officer observed that patrons gathered outside the business after closing waiting for transportation were the cause of the disturbance.

On 06112006 an officer reported observing a fight at the location. No crime report was made.

On 06102006 a customer reported that a man was bleeding from the head inside the business. HBFD responded and observed severe overcrowding. The HBFD issued citations for both overcrowding and maintaining a hazardous condition. The case number is 06-1967. Because of the large crowd that had to be removed from the business, police officers from two adjacent cities, Redondo Beach and Manhattan Beach, were called to the scene to assist the Hermosa Beach police officers. The incident lasted approximately one and one half-hours.

HERMOSA BEACH POLICE DEPARTMENT

On 06102006 a resident reported a loud music disturbance from the business that was causing a kitchen appliance to vibrate.

On 06022006 officers were dispatched to a report of a noise disturbance at the business. Officers observed a large group of patrons outside at closing that were the cause of the disturbance.

On 05142006 officers were dispatched to a fight at the business. One of the subjects involved in the fight was subsequently arrested. The HBPD case number is 06-1579.

On 05112006 officers were dispatched to a noise disturbance at the business. Officers observed the cause of the disturbance to be patrons leaving at closing time.

On 04082006 officers were dispatched to a battery investigation involving a customer who was allegedly struck by an employee. Officers determined that the employee and customer had engaged in mutual combat and no report was taken.

On 03252006 officers were dispatched to a fight at the business. Officers observed disturbances related to patrons leaving the business and remained on scene an additional ten minutes for the crowd to disburse.

On 03192006 officers observed a disturbance at the location and responded to keep the peace.

On 03182006 officers were dispatched to the location for a report of a drunk driver. The suspected driver was an intoxicated male who was refused entry to the business. Officers did not find the vehicle.

On 03162006 officers were dispatched to a disturbance involving loud music from vehicles parked in the lot behind the business.

HERMOSA BEACH POLICE DEPARTMENT

On 03122006 officers were dispatched to a fight at the location involving two females. Upon arrival officers observed that the fight had already ended. No report was taken.

On 03032006 officers conducted two separate business checks at the location. During the first check they observed under aged individuals attempting to gain entry to the business. During the second check they observed consumption of alcohol by under aged patrons. The HBPD case number is 06-734.

On 02192006 officers were dispatched to a disturbance involving loud subjects and vehicles at the business.

On 02062006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

On 02022006 officers were dispatched to a disturbance involving loud music coming from vehicles parked outside the business.

The twenty dates listed above represent incidents reported at the business in the past 6 months. They involve multiple violations of law, including the California Penal Code, the Hermosa Beach Municipal Code, the Fire Code, as well as the Conditional Use Permit issued by the city to the business.

Because of these issues the HBPD opposes the license transfer, until or unless additional restrictions are placed with the license. The HBPD also requests the current license be investigated for compliance with the Department of ABC.

Sgt. Lance Heard #140

Hermosa Beach Fire Department
Report of Overcrowding

Date: 06/10/2006

To: Watch Commander

From: Captain Crawford

Re: Occupancy Violation

CC: Chief Tingley, Assistant Chief Gomez

DR# 1967

FR# 900

On 06/10/2006 at approx. 2300 hrs. Hermosa Fire Units were dispatched to a rescue call at 705 Pier ave. Club "Sapphire." Upon arrival, rescue units were not able to gain entrance to the building due to excessive numbers of patrons outside the business blocking the entrance, as well as what appeared to be overcrowding inside the club. At that time, E11 was dispatched to assist with the overcrowding issue.

Summary

Upon arrival at Club Sapphire, we found a very large crowd outside the business completely blocking the sidewalk, and forcing pedestrians to walk around the parked cars on Pier Ave. and into the first lane of traffic to get up or down the street. We met the doorman at the western most entrance and asked him if he knew how many people were inside the business. He stated that he was not sure, but he was sure it was less than the 800 that they were allowed. I advised him that he was mistaken about how many people were allowed into Club Sapphire, and that they should be kept just over 400. At this point I had Engineer Marks, and FF/PM Lopez do independent counts with manual "Clickers" and report back to me with numbers for each of the three designated occupant areas. I also advised the Doorman that no one else was allowed into the business until the count was complete. Upon completion, the count totals were:

Engineer Marks 147, 140, 238 = 525

FF/PM Lopez 140, 130, 252 = 522

The approved total occupancy is 447

The business was in violation of Section 2501.16.3 of the Uniform Fire Code. Overcrowding and admittance of people beyond the approved capacity of a place of assembly is prohibited. 103.4.4 UFC/15.20.010 Hermosa Beach Municipal Code, Maintaining a Hazardous condition.

Interior Inspection

The interior of the business was extremely crowded. Free movement was impeded, with aisles and means of egress obstructed or nonexistent.

Issuance of Citation

Manager Xavier A. Flamenco III was cited. Mr. Flamenco acknowledged the overcrowding situation, apologized, and stated they had accidentally booked 2 parties for the same night and allowed too many people in.

Violations Observed

Permitting Overcrowding
Uniform Fire Code
Section 2501.16.3
Maintaining a Hazardous Condition
103.4.4 UFC/15.20.010 HBMC

Attachments

Fire Incident Report
Copy of Citation
Occupancy Load Sign

James A. Crawford
Captain
Hermosa Beach Fire Department

CC:
Fire Chief Tingley
Asst. Fire Chief Gomez

FILE IN CUR MUS
for
The Dragons/Blue
The shore /Saphi

Hermosa Beach Fire Department
Memorandum

Date: 6/12/2006

To: Chief Tingley

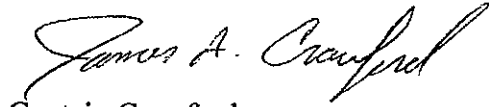
From: Captain Crawford

Re: Operations at Hermosa Nightclubs

Recently, a resident phoned the H.B.F.D. to voice her concern regarding the use of "Go-Go" dancers in Hermosa Beach Night Clubs. She felt it was offensive, and didn't believe they should be allowed in our city. Although she did not want to leave her name, she asked that we look into the practice of having women, with very little clothing, dancing on stages. I have personally witnessed this practice at "The Dragon," "Blue 32," "The Shore," as well as this past Saturday night at "Saphire."

I am not sure which department handles these type of "Use" issues, so I am forwarding this concern to you. Please let me know how we should proceed.

Respectfully,



Captain Crawford

Summary of Special Events at 705 Pier Ave.

Most of the following events featured DJs. Approximate attendance reflects the number of people attending throughout the entire evening.

<u>Date</u>	<u>Name of Event</u>	<u>Approx Attendance</u>
7/3	In the Scene Magazine Party	350-400
7/10	Project Origin	200
8/5	AVP Party	350-400
8/12	Dove Entertainment (3 DJ's)	350-400
8/13	Chord Brown (3 Bands)	300
8/19	Underground Live	300
8/25	Ed Hardy/ BADD Magazine Debut Party	350-400
8/26	Art Showcase	300-350
8/9	Pink Party	300-350
9/10	Project Origin	200
9/23	Sweet Dreams	250-300
10/1	Project Origin	200
10/7	13 Clothing Reception	350-400
10/8	AIDS Awareness Benefit	200-250
10/21	Realist	350-400
10/27	Ghouls Night Out (4 bands)	350-400
10/28	Halloween Party	300
10/29	TAT Halloween Party	200-250
11/3	Eric Jag (Percussionist)	300-350
11/22	Pre Thanksgiving (4 Bands)	350-400
12/3	Project Origin	200
12/8	Lushness Christmas Party	300-350
12-9	P.S. I Love You Foundation Benefit	250-300
12/16	UPS Christmas Party	250-300
12/31	New Years Eve	350-400
1/7	Project Origin	200
1/10	Steven Seagal Concert	200-250
1/13	jason rose party	150-200

Weekly Promotions:

Mondays	Karaoke	100
Wednesdays	Jamaica West Reggae	150-200
Thursdays	Salsa	100-150

RECEIVED

JAN 16 2007

COMMUNITY DEV. DEPT.

**SUPPLEMENTAL
INFORMATION**

7