



## Staff Report

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File #: REPORT 24-0132, Version: 1

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### Honorable Chair and Members of the Hermosa Beach Planning Commission Regular Meeting of March 19, 2024

#### **TIME EXTENSION REQUEST FOR PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AMENDMENT (CUP 21-09) AND PARKING PLAN (PARK 21-01) AT AN EXISTING ASSEMBLY HALL AND RESTAURANT (THE COMEDY AND MAGIC CLUB) AT 1018 HERMOSA AVENUE, PURSUANT TO HERMOSA BEACH MUNICIPAL CODE SECTION 17.70.020.**

(Assistant Planner Johnathon Masi)

#### **Recommended Action:**

Staff recommends that the Planning Commission adopt a resolution determining the extension is categorically exempt from the California Environmental Quality Act (CEQA) and approving a two-year extension to CUP 21-09 and PARK 21-01.

#### **Executive Summary:**

The Planning Commission adopted Resolutions 21-01 (**Attachment 2**) and 21-02 (**Attachment 3**) at its February 15, 2022 meeting, to allow a stage relocation and addition in floor area at 1018 Hermosa Avenue. The applicant filed an application requesting an indefinite time extension to CUP 21-09 and PARK 21-01, to provide more time to effectuate the entitlements. Staff recommends the Planning Commission approve a two-year extension to CUP21-09 and PARK21-01 in accordance with HBMC 17.70.020.

#### **Background:**

The Comedy and Magic Club opened in 1978. At its August 6, 1979 meeting, the Board of Zoning Adjustment (BZA) approved Resolution 154-337, modifying an existing conditional use permit (CUP) allowing service of alcohol in conjunction with a comedy and magic entertainment club. At its June 29, 1982 meeting, the BZA approved Resolution 154-467, approving a CUP amendment to allow outdoor dining along Hermosa Avenue. At its May 7, 1984 meeting, the BZA approved Resolution 154-561, approving a CUP amendment to allow an expansion of the use into the adjacent tenant space at 1016 Hermosa Avenue. At its March 15, 1988 meeting, the Planning Commission adopted Resolution 88-25, approving a CUP amendment to allow the relocation of a box office. At its August 7, 1990 meeting, the Planning Commission adopted Resolution 90-62, approving a Parking Plan and CUP amendment. The approval allowed an expansion of conditional uses into an adjacent tenant space at 1014 Hermosa Avenue, including live entertainment and service of alcohol.

At its February 15, 2022 meeting, the Planning Commission (PC) approved PC Resolution PC 22-01

(**Attachment 2**) and 22-02 (**Attachment 3**), approving a Parking Plan and CUP amendment to allow an expansion of seating and enclosure of a patio area on the corner of 10th Street and Hermosa Avenue.

Per HBMC 17.70.020, a permit granted by the Planning Commission or City Council that is not established within two years from the date of approval will automatically expire on that date. If no changes to the plans as approved are proposed, the Planning Commission may deny, approve or conditionally approve one (1) or more time extensions provided a public hearing be held, for any extension up to a two-year period. The applicant requests an extension, citing the COVID-19 crisis and related cost increases (**Attachment 4**).

### ***Past Board, Commission and Council Actions***

<b>Meeting Date</b>	<b>Description</b>
August 6, 1979	Board of Zoning Adjustment (BZA) approved Resolution 154-337, modifying an existing conditional use permit (CUP) allowing service of alcohol in conjunction with a comedy and magic entertainment club.
June 29, 1982	BZA approved Resolution 154-467, approving a CUP amendment to allow outdoor dining along Hermosa Avenue.
May 7, 1984	BZA approved Resolution 154-561, approving a CUP amendment to allow an expansion of the use into the adjacent tenant space at 1016 Hermosa Avenue.
March 15, 1988	Planning Commission adopted Resolution 88-25, approving a CUP amendment to allow the relocation of a box office.
August 7, 1990	Planning Commission adopted Resolution 90-62, approving a Parking Plan and CUP amendment. The approval allowed an expansion of conditional uses into an adjacent tenant space at 1014 Hermosa Avenue, including live entertainment and service of alcohol.
February 15, 2022	Planning Commission approved PC Resolution PC 22-01 and 22-02, approving a Parking Plan and CUP amendment to allow an expansion of seating and enclosure of a patio area on the corner of 10th Street and Hermosa Avenue.

### **Discussion:**

The applicant submitted a Planning Application for a Time Extension Request on February 7, 2024 with the corresponding application fee paid on February 13, 2024. The CUP 21-09 and PARK 21-01, for which the extension was filed, expired on February 15, 2024. The applicant's request for a time extension notes delays related to the COVID-19 pandemic as reasons for requesting an extension (

**Attachment 4).**

On October 25, 2022, the applicant submitted construction plans to the City's Building and Safety Division for review. The plans proposed to relocate the stage in the lounge area but refrained from adding square footage, pursuant to CUP21-09 and PARK21-01. During the course of plan review, the permit expired because a six-month period elapsed with no activity and no resubmittal after corrections were issued. Following the approval of Resolutions PC 22-01 and PC 22-02, the applicant had two years from the date of approval to begin significant construction or improvements consistent with Planning Commission-approved plans. Though the building permit expired, the applicant still had an opportunity to receive approval or apply for an extension to retain the previous entitlement approvals. A new building permit application was eventually resubmitted on May 24, 2023. The permit received Planning approval and is nearing permit issuance.

The applicant requested an indefinite extension of the entitlements. However, HBMC 17.70.020 specifies that the Planning Commission may approve an extension of for a period not to exceed two years. As such, staff recommends that the Planning Commission grant a two-year extension of CUP21-09 and PARK21-01.

**General Plan Consistency:**

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

*Land Use and Design Element*

**Goal 11. A proud and visible identity as an arts and cultural community.**

Policy:

- **11.3 Art as cultural tourism.** Recognize the value of the arts to the City's quality of life and economic stability and promote cultural tourism as an engine for economic development.

**Goal 13. Land use patterns that improve the health of residents.**

Policy:

- **13.2 Social and health needs.** Support the continuation of existing and new uses that enhance the social and health needs of residents.

**Environmental Determination:**

The extension of time for CUP 21-09 and PARK 21-01 does not involve any physical changes to the environment and thus the action does not have the potential to cause a significant effect on the environment. Therefore, environmental determination made when the project was approved - that the Conditional Use Permit Amendment and Parking Plan Amendment are categorically exempt pursuant to Class 1, Section 15301(a) Existing Facilities of the California Environmental Quality Act (CEQA) - is sufficient and no further analysis is required.

**Public Notification:**

For the March 19, 2024 Planning Commission meeting, a total of 720 public hearing notices were mailed to occupants and property owners of properties within a 500-foot radius on March 6, 2024. A legal ad was published on March 7, 2024 in the Beach Reporter, a newspaper of general circulation. Additionally, the applicant received a notice poster to post on-site and provided proof of posting a minimum of ten days in advance of the public hearing, in accordance with HBMC 17.68.050. Public notification materials are included as **Attachment 5**. As of the writing of the report, staff received no public comments.

**Attachments:**

1. Draft Resolution #24-XX
2. PC Resolution No. 22-02
3. PC Resolution No. 22-01
4. Applicant Letter dated February 5, 2024
5. Public Notification Package
6. August 6, 1979 Board of Zoning Adjustment Meeting Minutes
7. June 29, 1982 Board of Zoning Adjustment Meeting Minutes
8. May 7, 1984 Board of Zoning Adjustment Meeting Minutes
9. March 15, 1988 Planning Commission Meeting Minutes
10. August 7, 1990 Planning Commission Meeting Minutes
11. Link to February 15, 2022 Planning Commission Meeting

**Respectfully Submitted by:** Johnathon Masi, Assistant Planner

**Concur:** Alexis Oropeza, Planning Manager

**Legal Review:** Patrick Donegan, City Attorney

**Approved:** Carrie Tai, AICP, Community Development Director