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**RESOLUTION NO. 96-5789**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING A PLANNING COMMISSION ACTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT, TO ALLOW ON-SALE GENERAL ALCOHOL AND LIVE ENTERTAINMENT, IN CONJUNCTION WITH AN EXISTING RESTAURANT AND ADOPTION OF A MITIGATED ENVIRONMENTAL NEGATIVE DECLARATION AT 1332 HERMOSA AVENUE, AND LEGALLY DESCRIBED AS LOTS 10, 11 AND 12, BLOCK 34, FIRST ADDITION TO HERMOSA BEACH TRACT**

**WHEREAS**, the City Council held a public hearing on February 13, 1996 to reconsider the Planning Commission's decision to approve the subject Conditional Use Permit and to consider oral and written testimony on the matter and;

**WHEREAS**, the Planning Commission held a public hearing on January 16, 1996 to receive oral and written testimony regarding this matter and approved the request subject to conditions as contained in Planning Commission Resolution No. 96-2;

**WHEREAS**, after considering the decision of the Planning Commission, and the testimony at the public hearing, the City Council amends the Planning Commission action as set forth in Planning Commission Resolution No.96-2.

**NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY AMEND THE APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT, TO ALLOW ON-SALE GENERAL ALCOHOL AND ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT, SUBJECT TO THE FOLLOWING CONDITIONS WHICH SUPERSEDE THE CONDITIONS OF PREVIOUS RESOLUTION BZA 154-497.**

**SECTION 1. Specific Conditions of Approval**

1. The development and continued use of the property shall be in conformance with submitted plans. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.
2. The hours of operation shall be limited to between 7:00 A.M. and 2:00 A.M. daily.

**SECTION 2. General operating and standard conditions:**

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments in the vicinity.

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- 1           2.     The business shall prevent loitering, unruliness, and boisterous activities of the
- 2                     patrons outside the business, or in the immediate area.
- 3           3.     The Police Chief may determine that a continuing police problem exists and may,
- 4                     subject to the review of the Planning Commission, direct the presence of a police
- 5                     approved doorman and/or security personnel to eliminate the problem and then shall
- 6                     submit a report to the Planning Commission, which will automatically initiate a
- 7                     review of this Conditional Use Permit by the Commission.
- 8           4.     The exterior of the premises shall be maintained in a neat and clean manner, and
- 9                     maintained free of graffiti at all times.
- 10          5.     Any changes to the interior layout which alter the primary use of the restaurant
- 11                     space shall be subject to review and approval by the Planning Commission.
- 12          6.     The project and operation of the business shall comply with all applicable
- 13                     requirements of the Municipal Code.
- 14          7.     Noise emanating from the property shall be within the limitations prescribed by the
- 15                     City's noise ordinance and shall not create a nuisance to surrounding residential
- 16                     neighborhoods, and/or commercial establishments. Noise emanating from the
- 17                     property shall be monitored to verify compliance with the noise ordinance in
- 18                     response to any complaints.
- 19          8.     The building shall be equipped with acoustic features to maximize sound proofing
- 20                     which shall include the use of double-pane windows or an equivalent and the
- 21                     installation of air conditioning so that windows and doors can remain closed during
- 22                     performances.
- 23          9.     The project shall comply with the requirements of the Public Works Department.

24           **SECTION 3**

25           This grant shall not be effective for any purposes until the permittee and the owners of the

26           property involved have filed at the office of the Planning Division of the Community Development

27           Department their affidavits stating that they are aware of, and agree to accept, all of the conditions

28           of this grant.

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

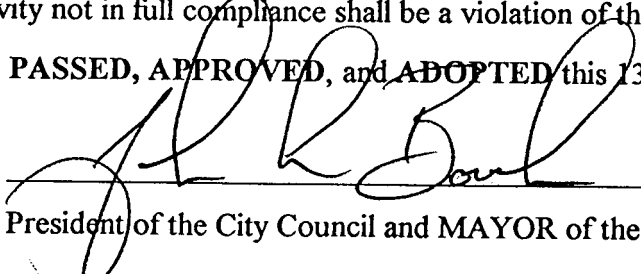
3 Each of the above conditions is separately enforced, and if one of the conditions of approval  
4 is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

5 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and  
6 employees from any claim, action, or proceeding against the City or its agents, officers, or  
7 employee to attack, set aside, void or annul this permit approval, which action is brought within the  
8 applicable time period of Government Code Section 65907. The City shall promptly notify the  
9 permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the  
10 City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to  
11 cooperate fully in the defense, the permittee shall not thereafter be responsible to defend,  
12 indemnify, or hold harmless the City.


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

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

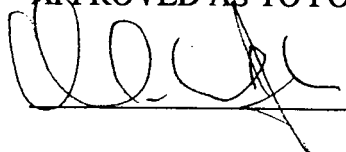
22 **PASSED, APPROVED, and ADOPTED** this 13th day of February, 1996.

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26 President of the City Council and MAYOR of the City of Hermosa Beach, California

26 ATTEST:

27   
28 \_\_\_\_\_ CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_ CITY ATTORNEY

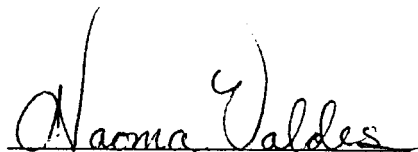
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF HERMOSA BEACH

I, Naoma Valdes, Deputy City Clerk of the City Council of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 96-5789 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on February 13, 1996.

The vote was as follows:

AYES:	Benz, Edgerton, Reviczky, Mayor Bowler
NOES:	None
ABSTAIN:	None
ABSENT:	Oakes

DATED: February 15, 1996

  
Deputy City Clerk