

Planning

RESOLUTION NO. 91-5468

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A CONDITIONAL USE PERMIT, ON RECONSIDERATION, TO AUTHORIZE EXISTING LIVE ENTERTAINMENT, DANCING, AND ON-SALE ALCOHOL AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION FOR 30 PIER AVENUE, "THE LIGHTHOUSE", AND LEGALLY DESCRIBED AS LOT 7, BLOCK 12, HERMOSA BEACH TRACT.

WHEREAS, the City Council held public hearings on May 28, and July 9, 1991, to receive oral and written testimony regarding the decision to grant a Conditional Use Permit and made the following findings:

- A. The Board of Zoning Adjustments approved Resolution BZA 154-434 on October 5, 1981 to allow customer dancing in conjunction with the operation of a bar;
- B. The sale of general alcoholic beverages is being conducted in an existing establishment already licensed by the Department of Alcoholic Beverage Control;
- C. Strict compliance with the conditions of approval, will mitigate any negative impact resulting from the issuance of the conditional use permit.

NOW, THEREFORE, the City Council of the City of Hermosa Beach, California, does hereby approve a Conditional Use Permit, on reconsideration, to authorize live entertainment in conjunction with an existing bar at 30 Pier Avenue, subject to following conditions, which supersede the conditions contained in B.Z.A. 154-434, and Planning Commission Resolution 91-8:

SECTION I Conditions of Approval:

- 1. The hours for live entertainment shall be limited to the hours from 7:00 P.M. to 1:30 A.M. Monday through Friday, and from 2:00 P.M. to 1:30 A.M. on Saturdays and Sundays, Federal and State Holidays, Cinco De Mayo, and St. Patrick's day.
- 2. The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.
- 3. The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and

boisterous activities of the patrons outside the business or in the immediate area.

4. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to the surrounding residential neighborhoods or commercial establishments.
 - a. During the performance of amplified live entertainment, all exterior doors and windows shall remain closed.
 - b. Management shall be responsible for the music/entertainment volume levels.
 - c. The recommendations of the sound level and containment survey dated January 31, 1991, prepared by David L. Covelli, and listed in the letter from Hennessey's Tavern Incorporated attached herewith, shall be implemented on the site. The improvements recommended in said survey shall be implemented on the site within sixty (60) days of the granting of this conditional use permit.
 - d. After completion of the improvements for sound containment the business shall be subject to sound measurements to verify compliance with noise ordinance. If it is found to be out of compliance the establishment shall immediately take the necessary measures to reduce the noise to meet the requirements, or be subject to citation and/or revocation of the conditional use permit.
 - e. In addition to the improvements required above, double doors shall be installed in the front and rear doorways.
5. Screens shall be installed on all openable exterior windows at ground level to prevent pass through of alcoholic beverages.
6. Signs shall be posted conspicuously and prominently at all exits warning patrons who purchase any and all types of alcoholic beverages that "possession and/or consumption of alcoholic beverages in any public sidewalk, parking lot, beach, and/or any public place is prohibited by law and subject to citation and fine. The City of Hermosa Beach vigorously enforces its liquor laws" Said signs shall be at least 12" X 14", shall be printed in a large type, permanently maintained, and shall be posted in visible locations.
7. An employee who is aware of the conditions of this conditional use permit shall be on the premises during business hours.
 - a. All employees shall be given a copy of the conditional use permit and shall acknowledge by signature that the conditional use permit has been read and understood.

- 1 8. The business shall provide adequate management and
2 supervisory techniques to prevent loitering, unruliness, and
3 boisterous activities of patrons outside to business or in
4 the immediate area.
- 5 9. The exterior of the premises shall be maintained in a neat
6 and clean manner at all time.
- 7 10. All signs shall comply with the City Sign Ordinance.
 - 8 a. The dilapidated roof sign shall be removed, or,
9 alternatively it may be restored if it is still in
10 compliance with the current City Sign Ordinance.
- 11 11. All alcoholic beverages shall be served in non-throw-away
12 glass containers, including beer and wine.
- 13 12. Any violation of the conditions and/or violation of the
14 Hermosa Beach Municipal Code shall be grounds for an
15 immediate revocation hearing and/or citation.
- 16 13. The police chief may determine that a continuing police
17 problem exists and may require at all times the presence of a
18 police approved doorman and/or security personnel paid by the
19 business
- 20 14. A method shall be established to assure the orderly
21 regulation of patrons waiting to enter the cafe through the
22 front entrance to the location so that the public sidewalk
23 will not in any way be impeded. The rear door shall not be
24 used for an entrance.
 - 25 a. A doorman shall be utilized at all times when a line of
26 customers is waiting to enter.
- 27 15. The management shall assure that the public is not permitted
28 to loiter in the front of the business during periods when
live or amplified music is playing.
16. The "Lighthouse" shall participate in the End Alcohol Sales
to Youth Program (EASY). When initiated, the program is
tentatively scheduled to begin in January of 1991.
17. Any changes to the exterior or interior design of the
building or floor plan shall be subject to review and
approval by the Planning Director.
18. Maximum permissible occupancy must be clearly posted and
shall not be exceeded at any time. If the Department of
Public Safety determines that the maximum occupancy is being
violated, they may cite the business and/or initiate a
conditional use permit revocation.
19. Prior to the conditional use permit being in effect, the
applicant shall submit to the planning department, a signed
and notarized "Acceptance of Conditions" form.

1 20. A conditional use permit shall be recorded with the deed, and
2 proof of recordation shall be submitted with the Planning
3 Department.

3 SECTION II

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

6 SECTION III

7 The Planning Commission may review the conditional use permit and
8 may amend the subject conditions or impose any new conditions if
9 deemed necessary to mitigate detrimental effects on the
10 neighborhood resulting from the subject use.

10 This resolution incorporates and supersedes BZA Resolution
11 154-434, and supersedes Planning Commission resolution 91-8.

11 PASSED, APPROVED, and ADOPTED this 9th day of July, 1991.

12 Kathleen Midstokke
13 PRESIDENT of the City Council and MAYOR of the City of
14 Hermosa Beach, California

14 ATTEST:

APPROVED AS TO FORM:

15 Clairne Duerfling
16 CITY CLERK

15 Charles A. Vase
16 CITY ATTORNEY

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