

IL BOCCACCIO 25

RESOLUTION P.C. 93-67

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH AN EXISTING RESTAURANT, AT 39 PIER AVENUE, LEGALLY DESCRIBED AS LOT 21 AND EASTERLY 2.7 FEET TO 9 FEET WIDE STRIP OF LOT 31, BLOCK 13, HERMOSA BEACH TRACT.

WHEREAS, the Planning Commission held a public hearing on November 16, 1993 to receive oral and written testimony regarding this matter and made the following findings:

- A. The proposed change does not significantly alter the type of business or the nature of the use in terms of both parking impacts and intensity of activity;
- B. The business currently operates with a Conditional Use Permit to allow beer and wine;
- C. Strict compliance with the conditions of approval will mitigate any negative impact resulting from the issuance of the amendments ;
- D. The proposed use is consistent with the General Commercial General Plan Designation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hermosa Beach, California, does hereby approve a Conditional Use Permit Amendment at 39 Pier Avenue, subject to the following conditions:

This resolution superceeds the conditional use permit (no Resolution #) approved August 22, 1978.

SECTION I: Specific Conditions of Approval

- 1. The proposed project shall be in substantial conformance with submitted plans. Any modification shall be reviewed and may be approved by the Planning Director.
- 2. The hours of the operation of the restaurant shall be limited to between 8:00 A.M. and 1:30 A.M..
- 3. All alcoholic beverages shall be consumed on the premises.
- 4. This conditional use permit is issued exclusively for and as long as the premises remain a restaurant; a minimum of fifty (50) percent of the total gross sales, computed monthly, shall result from the sale of prepared food.
 - (a) The City shall have the right during business hours upon 15 days notice to inspect the books and records of the applicant to determine the gross sales of food and / or the gross sales of alcoholic beverages. Upon request at the time the City inspects the books and records of the applicant, the applicant shall also submit to the City copies of all records submitted to the State Board of Equalization for purposes of computing sales tax. Applicant gives the right to the City to review the records of the State Board of Equalization for the purpose of verifying the applicants books and records, with the understanding that these reviews are confidential.
- 5. The potted plants as provided in the front and rear of the business shall be maintained in healthy condition, or removed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION II: Standard Conditions of Approval (on-sale alcohol)

- 1. The establishment shall not adversely effect the welfare of the residents, and or commercial establishments nearby.
- 2. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Article 19.5 of the Hermosa Beach Municipal Code, and shall not create a nuisance to the surrounding residences and commercial establishments. Creating loud obnoxious noise shall be prohibited.
- 3. The exterior of the premises including the parking areas shall be maintained in a neat and clean manner at all times.
- 4. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business.
- 5. A manager or employee who is aware of the conditions of this conditional use permit shall be on the premises during business hours.
 - (a) The conditional use permit conditions shall be placed on the property in a location where employees can easily read the conditions.
- 6. 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 than shall submit a report to the Planning Commission, which will automatically initiate a review of this conditional use permit by the Commission.
- 7. Any changes to the interior layout shall be subject to review and approval by the Planning Commission.
- 8. Any violation of the conditions of approval and / or violation of the Hermosa Beach Municipal Code may be grounds for a public hearing for revocation of the conditional use permit.

SECTION III:

This grant shall not be effective for any purposes until the permittee and the owner of the property involved have filed at the office of the Department of Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit Amendment shall be recorded with Los Angeles County, and proof of recordation shall be submitted to the Planning Department.

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

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

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

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

10 **SECTION IV:**

11 The Conditional Use Permit shall automatically expire two (2) years of the date of approval of said
12 entitlements unless permittee and / or owner(s) have executed this conditional use permit or an
13 extension to said time period has been granted by the Planning Commission.

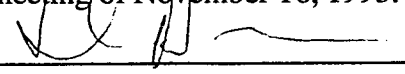
14 Any violation of these conditions of approval and / or violation of the Hermosa Beach Municipal
15 Code may be grounds for a public hearing for the revocation of the Conditional Use Permit
16 Amendment.

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

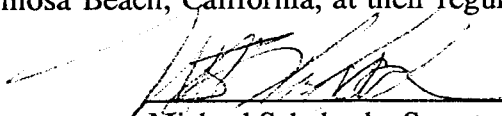
20 VOTE: AYES: Comms. Marks, Merl, Oakes, Suard
21 NOES: None
22 ABSTAIN: None
23 ABSENT: Chmn. Di Monda

24 **CERTIFICATION**

25 I hereby certify the foregoing Resolution P.C. 93-67 is a true and complete record of the action
26 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
27 meeting of November 16, 1993.

28 

Joseph Di Monda, Chairperson



Michael Schubach, Secretary

12-2-93

Date