

*Angela*

P.C. RESOLUTION NO. 96-23

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, TO ALLOW EXPANSION OF AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL AND LIVE ENTERTAINMENT INTO THE ADJACENT BUILDING SPACE TO THE WEST; TO ADD OUTSIDE DINING, AND A BANQUET ROOM AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION AT 60 PIER AVENUE, LEGALLY DESCRIBED AS LOTS 12 AND 13, BLOCK 12, HERMOSA BEACH TRACT**

WHEREAS, the Planning Commission held a public hearing on May 21, 1996, to receive oral and written testimony regarding the requested Conditional Use Permit amendment and made the following findings:

- A. The applicant is proposing to remodel the interior of the adjacent existing building, previously used for a retail drug store, for purposes of expanding an existing restaurant with on-sale alcohol and live entertainment, and is proposing to add a outside seating, and occasional use of the expanded area for a banquet and meeting room;
- B. No additional parking is required for this business as it is located within the Downtown Enhancement District (DED), and pursuant to Section 1152.5 of the Zoning Ordinance and pursuant to the Certified Coastal Land Use Plan, as recently amended, development in the DED on building sites 10,000 square feet or less with 1:1 F.A.R. or less is excepted from parking requirements as supported by the following findings:
  - 1. Fewer than 96,250 square feet of commercial development, including new buildings, expansions, and/or intensification of uses in the DED has received a Coastal Development Permit since November 1, 1994.
  - 2. There is currently adequate parking to support the development and to provide adequate beach parking.
  - 3. A parking study recently completed for the downtown show the occupancy of the parking spaces in the downtown is 90% or less during daylight hours on summer

1 weekends, and no more than 24,063 square feet of commercial development has  
2 received Coastal Development Permits since the study.

3 C. The expansion of the existing restaurant into the adjacent commercial space is appropriate  
4 for the subject location and will be compatible with surrounding commercial activities  
5 along Pier Avenue and in the downtown district and further, the occasional use of the  
6 space for banquets, parties, meetings, is consistent with and complementary to the  
7 restaurant use;

8 D. Strict compliance with the conditions of approval will mitigate any negative impact  
9 resulting from the issuance of the Conditional Use Permit.

10 F. The Planning Commission concurs with the Staff Environmental Review Committee's  
11 recommendation, based on their environmental assessment/initial study, that this  
12 project will result in a less than significant impact on the environment with the  
13 mitigating conditions of the resolution incorporated into the project, and therefore  
14 qualifies for a Negative Declaration

15  
16 **NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF**  
17 **THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE A CONDITIONAL**  
18 **USE PERMIT, AS AMENDED, SUBJECT TO THE FOLLOWING CONDITIONS**  
19 **(WHICH SUPERSEDE THE CONDITIONS OF CITY COUNCIL RESOLUTION 94-**  
20 **5713):**

21 SECTION I Specific Conditions of Approval

22 1. The development and continued use of the property shall be in conformance with  
23 submitted plans. Modifications to the plan shall be reviewed and may be approved by the  
24 Community Development Director.

25 2. The area set aside for live entertainment, dancing, and/or assembly shall be as shown on  
26 plans and shall not exceed 200 square feet in the main restaurant area, and shall not exceed  
27 450 square feet in the new expanded restaurant/banquet room. The main dining area  
28 which extends from the front of the restaurant to the front of the kitchen area shall remain  
29 as seating for restaurant purposes at all times. Maximum building occupancy shall be  
calculated based on the above distribution of space and shall be conspicuously posted at all  
times.

3. The hours of operation shall be limited to between 7:00 AM. and 2:00 AM. Daily.

- 1 4. Management shall be responsible for ensuring that any private banquets, parties, meetings,  
2 and any other related use or occupancy of any part of the premises are operated in  
3 compliance with the condition of this permit, including all conditions related to  
4 entertainment and noise.
- 5 5. The business shall participate in the City's downtown parking validation program,  
6 providing validations for parking in public lots for no less than two hours.
- 7 6. Dancing shall be limited to between the hours of 9:00 P.M. and 1:30 A.M.

7 **CONDITIONS RELATING TO LIVE ENTERTAINMENT AND NOISE:**

- 8 7. If entertainment is to include amplified live entertainment, an acoustical study shall be  
9 reviewed and approved by the Community Development Director and shall be  
10 implemented in the building.
- 11 8. Management shall be responsible for maintaining music/entertainment volumes at  
12 reasonable levels.
- 13 9. During any live entertainment and/or dancing, the exterior doors and windows shall  
14 remain closed. The building shall be equipped with air conditioning to ensure comfort of  
15 patron during live entertainment, and compliance with this condition.
- 16 10. No amplified music or entertainment of any kind shall be permitted in the outside seating  
17 area.
- 18 11. All exterior glass windows or doors shall be equipped with double-pane glass or a  
19 comparable substitute with equivalent sound dampening properties to the satisfaction of  
20 the Community Development Director
- 21 12. Architectural treatment shall be as shown on building elevations of submitted plans and any  
22 modification shall require approval by the Community Development Director.
  - 23 a. Any roof-top equipment shall be integrated into the architecture and be hidden from  
24 street view.
- 25 13. The project shall comply with the requirements of the Public Works Department.
- 26 14. Final building plans/construction drawings including site, elevation, floor plan, sections,  
27 details, landscaping and irrigation, submitted for building permit issuance shall be reviewed  
28 for consistency with the plans approved by the Planning Commission and the conditions of  
29 this resolution, and approved by the Community Development Director prior to the  
issuance of any Building Permit.
- 15. The hours for live entertainment shall be limited to the hours between 9:00 P.M. to 1:15  
A.M. Monday through Friday, and from 2:00 P.M. to 1:15 A.M. on Saturday, Sundays,  
and Federal and State Holidays, Cinco De Mayo, and St. Patrick's day.

16. 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 II General operating and standard conditions:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
2. The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area.
3. The Police Chief may determine that a continuing police problem exists and may, subject to the review of the Planning Commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem. If the problem persists the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Commission.
4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
5. Any changes to the interior layout which alter the primary function of the business shall be subject to review and approval by the Planning Commission.
6. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.

SECTION III

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 and Parking Plan 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.

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

1 any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails  
2 to promptly notify the permittee of any claim, action or proceeding, or if the City fails to  
3 cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,  
4 indemnify, or hold harmless the City.

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

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

14 VOTE:           AYES:           Comms.DiMonda, Perrotti, Chmn.Tucker  
15                   NOES:           None  
16                   ABSENT:       Comms. Dettelbach, Merl  
17                   ABSTAIN       None

18 CERTIFICATION

19 I hereby certify that the foregoing Resolution P.C. 96-23 is a true and complete record of the  
20 action taken by the Planning Commission of the City of Hermosa Beach, California at their  
21 regular meeting of May 21, 1996.

22 Peter Tucker  
23 Peter Tucker, Chairman

24 Sol Blumenfeld  
25 Sol Blumenfeld, Secretary

26 6-18-96  
27 Date

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