

SCOTT'S

CUP 88-7

RESOLUTION P.C. 89-7 AS OF 3.6.08

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2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA  
3 BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT  
4 TO ADD A GLASS ROOF OVER THE OUTDOOR PATIO AREA AT 1100 THE  
5 STRAND LEGALLY DESCRIBED AS LOTS 1, 2, 3 AND 4, BLOCK 12,  
6 HERMOSA BEACH TRACT.

7 WHEREAS, the Planning Commission held a public hearing on  
8 January 17, 1989 to receive oral and written testimony regarding  
9 this matter and made the following Findings:

10 A. The Planning Commission, on September 6, 1988, approved  
11 Resolution P.C. 88-74 approving a Conditional Use Permit  
12 amendment to relocate an outside dining area and add 845  
13 square feet of office, waiting and storage area, and a  
14 Parking Plan;

15 B. The City Council on September 24, 1985, approved Resolution  
16 85-4869 to allow the sale of beer and wine in conjunction  
17 with the operation of a restaurant;

18 C. The applicant is requesting a Conditional Use Permit  
19 amendment to provide a glass, solarium type roof rather than  
20 a canvas roof;

21 D. Canvas roofing is susceptible to wind damage;

22 E. Parking requirements are not affected by the proposed  
23 Conditional Use Permit amendment;

24 F. The proposed use is consistent with the zoning and General  
25 Plan;

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission  
27 of the City of Hermosa Beach, California, does hereby approve a  
28 Conditional Use Permit amendment at 1100 The Strand subject to  
the following Conditions:

1. Tandem parking spaces shall be designated for employee parking only.

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- a. The tandem parking spaces shall be posted for employee parking only.
- 2. The proposed ~~handicapped parking~~ space shall be relocated so it will not be in tandem.
- 3. A thirty-six inch (36") fence shall be located along the southern property line to prevent automobiles from accessing tandem parking through the sidewalk.
- 4. A bicycle parking area shall be designated on site for a minimum of ~~40 bicycles~~ **RACKS APPROVED ON STRAND SIDE**
- 5. ~~The outside patio area shall be designated for a maximum of one (1) seat per each fifteen (15) square feet~~ floor area or as approved by the Building and/or Fire Department.
- 6. The patio area shall be permitted to add a glass, solarium type roof, or similar roofing subject to approval from the Planning Director.
- 7. The proposed parking site plans shall be revised to show the location of the handicapped parking space and 36" fence and shall be subject to approval from the Planning Department.
  - a. The parking lot shall be stripped as indicated on approved plans.
  - b. The parking lot shall be as shown on approved plans and shall ~~provide a minimum of 23 parking spaces.~~
- 8. The exterior premises, including parking areas, shall be maintained in a neat and attractive manner.
- 9. Any modification to the parking plan and/or Conditional Use Permit shall be subject to approval by the Planning Director and/or Planning Commission.
- 10. Any problems with parking, or ingress and egress into the parking lot shall be cause for the Parking Plan to be reviewed by the Planning Commission.
- 11. Service of alcoholic beverages shall be in an establishment that operates a full kitchen and provides a full menu (complete lunches and/or dinners, with hot entrees) and the primary purpose of the establishment is service of food.
- 12. Alcoholic beverages shall be served in permanent glass containers only.
- 13. All alcoholic beverages shall be consumed on the premises and none may be taken out or served through the takeout window.
- 14. Hours of operation to be 7:00 a.m. to 10:00 p.m.

15. Operators of the business must police the sidewalks which are directly adjacent to the business for litter and maintained in a clean and orderly manner on a daily basis.
16. Any changes to the interior layout of the establishment shall require Planning Commission approval as a modification to the Conditional Use Permit.
17. ~~Maximum permissible occupancy~~ must be clearly posted at all times and may not be exceeded at any time. If the Police and/or Fire Departments determine that the maximum permissible occupancy of the building is being violated they may cite the business and request a Conditional Use Permit revocation.
18. ~~Signs~~ shall be posted in conspicuous locations warning patrons of the ~~illegality of open alcohol containers~~ on any public sidewalks, such as the strand, or beach.
19. If, in the judgement of the Police Department, it is deemed necessary, two policemen will be assigned as doormen at the business' expense during business hours.
20. This permit is subject to review in six months.
21. This Conditional Use Permit is issued exclusively for and so long as the premises remain a restaurant, which is defined as having gross sales as follows: not less than 65% food (not to include take-out food) and 35% beer and/or wine sales computed monthly. The applicant shall maintain separate books and records identifying sales of food/alcoholic beverages. 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, with the first audit to be in three months. 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 the purposes of verifying the applicant's books and records, with the understanding that these reviews are confidential.
22. This Conditional Use Permit is to be for this current use as defined in the present conditions; any change in use or violation of any condition of operation will be cause for revocation of the permit.
23. In the event that any one condition is found to be illegal and unenforceable by a court of competent jurisdiction, then the parties agree that all other conditions shall remain in full force and effect. The parties understand that the applicant is represented by counsel at all steps of these proceedings and it is the opinion of the City Attorney that the conditions meet Constitutional requirements, and in the event that either attorney is in error both parties agree that no action for damages shall be brought against the other

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party for a Mandate of Declaratory Relief to make the determination that any one or more conditions is illegal and unenforceable, and parties waive all rights to damages under the Civil Rights Act as promulgated by a recent Supreme Court decision.

24. A manager shall review and acknowledge by signature that the Conditional Use Permit has been read and is understood.

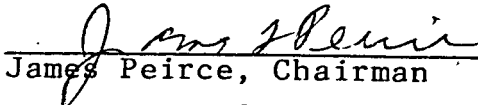
25. An "Acceptance of Conditions" form shall be executed and submitted to the Planning Department by the property owner prior to the issuance of any building permits.

26. This resolution supercedes City Council Resolution 85-4869 and Resolution P.C. 88-74.

VOTE: AYES: Comms. Edwards, Ketz, Rue, Chmn. Peirce  
NOES: None  
ABSTAIN: Comm. Ingell  
ABSENT: None

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 89-7 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of January 17, 1989.

  
James Peirce, Chairman

  
Michael Schubach, Secretary

7 Feb 89  
Date

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