

MINUTES OF THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF HERMOSA BEACH
HELD IN THE COUNCIL CHAMBERS ON MAY 7, 1984, AT 7:30 P.M.

Meeting called to order at 7:32 P.M. by Chmn. Moore

Pledge of Allegiance led by Chmn. Moore

ROLL CALL

PRESENT: Comms. Berardo, Corder, Cutler, Williams, Chmn. Moore

ABSENT: None

ALSO PRESENT: Bill Grove, Building Director

APPROVAL OF MINUTES

Motion by Comm. Corder, seconded by Comm. Berardo, to approve the April 2, 1984 meeting. No objections; so ordered.

APPROVAL OF RESOLUTIONS

Motion by Comm. Corder, seconded by Comm. Cutler, to approve Resolutions B.Z.A 154-514, 154-385, 154-494, 154-505, 154-510, and 154-511.

AYES: Comms. Berardo, Corder, Cutler, Williams, Chmn. Moore

NOES: None

ABSENT: None

CONSENT CALENDAR

None

CONDITIONAL USE PERMIT REQUEST BZA 154-560 - 1227 Hermosa Avenue

Applicants: Donald and Bobby Putman dba Putt's Place

Mr. Grove gave staff report. He stated that this was a request for permission for service of beer and wine in conjunction with the operation of a restaurant and art gallery. It is located in the C42 zone, and it has a general plan designation of general commercial. This business would feature an art gallery as well as a restaurant and also a painting studio. Mr. Putman would be located in the loft area. The loft area is visible from the restaurant seating area allowing patrons to view Mr. Putman while he paints. He stated that if the Board acts to approve the request, the Staff Review Committee recommended 13 conditions to be placed upon the approval.

Public Hearing opened at 7:37 P.M.

Donald Putman, 1607 Carnigie Lane, Redondo Beach, applicant, stated that it is his intention to sell alcoholic beverages only with food.

CONDITIONAL USE PERMIT REQUEST BZA 154-560 - 1227 Hermosa Avenue (Cont.)

Bobby Putman, 1607 Carnigie Lane, Redondo Beach, applicant, stated that her husband is very well known in the art field. She stated that they will have many visitors coming from out of state to view his work, and she would like to be able to serve beer and wine in conjunction with food.

Comm. Williams stated that someone might come in to have a glass of wine and view the paintings. She questioned whether the applicants would allow that.

Mrs. Putman replied that it is a possibility; however, she is hoping people will also order food. She noted that she loves to cook, and she is offering a variety of food. She stated that she will be serving hot hors d'oeuvres, soups, salads, et cetera. She noted that they will also have bottled wine. She stated that she would eventually like to be open only four days a week and be on a reservation-only basis. She stated that people would come in for three hours, and she would charge a minimum price which would include dinner.

Mr. Putman stated that the drinking crowd would not be attracted to his business because they will be playing classical music. He added that there is one section of the business that will not sell coffee, beer and wine, pastries, or sandwiches.

Comm. Cutler questioned whether the rules and regulations of the alcohol-food ratio still apply to a business that has become a private club or hall. He asked if the rules and regulations would be the same.

Mr. Grove replied that the conditions of the conditional use permit would still apply. Should the operation of the establishment differ significantly, the applicants would have to return to the Board for review of the conditions.

Comm. Cutler asked whether the percentage of food and alcohol sales was a topic of discussion rather than a steadfast law.

Mr. Grove replied in the affirmative.

Chmn. Moore informed the applicants that the conditional use permit and the liquor license will stay with the business; that is, if the applicant leaves the premises, the conditional use permit and the liquor license will remain with the business. He stated that the conditions are applied to protect the City for the next 50 years, not just for a few years.

Comm. Berardo asked if the counter in the kitchen is a service counter where patrons will order food.

Mrs. Putman replied in the negative, adding that it is an antique piece of furniture that will be used for linens and glassware. She added that she will be doing most of the cooking, and she is training her daughter to accommodate her. She informed the Board that they will have no food to go.

CONDITIONAL USE PERMIT REQUEST BZA 154-560 - 1227 Hermosa Avenue (Cont.)

Comm. Corder asked the applicant if he would accept the 13 conditions set forth by the Staff Review Committee.

Mr. Putman replied in the affirmative.

Comm. Cutler asked the applicant if he has ever had any experience in the restaurant or alcohol business.

Mr. Putman replied in the negative.

Comm. Cutler asked the applicants for their interpretation of the condition that alcoholic beverages be sold in conjunction with food.

Mrs. Putman hoped that the patrons would buy food; however, she noted that she was not certain whether she would refuse service to a customer who wanted to order a glass of wine with no food.

Chmn. Moore asked staff if the applicants would be allowed to have unamplified singers or if that would require an expanded permit.

Mr. Grove replied that live entertainment does require an additional conditional use permit.

Mrs. Putman stated that they were considering bringing in a harpist.

Chmn. Moore cautioned the applicants that live entertainment would require a conditional use permit.

No one else appeared to speak in favor of the conditional use permit.

No one appeared to speak in opposition to the conditional use permit.

Public Hearing closed at 7:48 P.M.

Comm. Cutler asked Mr. Grove if there were any guidelines to give the applicants with the regard to the 65/35 food and alcohol ratio.

Mr. Grove stated that the 65/36 food and alcohol ratio is not important on an individual customer basis. He stated that it is set up so as not to confuse a restaurant with a bar. The intent of Condition #2 is that alcoholic beverages be sold only in conjunction with food. The Board may amend that condition if they feel it is not appropriate.

Motion by Comm. Corder, seconded by Comm. Cutler, to approve Conditional Use Permit Request BZA 154-560 with the 13 conditions.

AYES: Comms. Berardo, Corder, Cutler, Williams, Chmn. Moore
NOES: None
ABSENT: None

CONDITIONAL USE PERMIT REQUEST BZA 154-560 - 1227 Hermosa Avenue (Cont.)

Chmn. Moore announced that the Board's decision may be appealed by writing to the City Council within ten days.

CONDITIONAL USE PERMIT REQUEST BZA 154-561 - 1018 Hermosa Avenue

Applicant: Michael Lacey dba Comedy and Magic Club

Mr. Grove gave staff report. He stated that the request was for a modification to an existing conditional use permit to allow the adjacent store space to be used in conjunction with the existing business. The existing conditional use permit allows for live entertainment, alcoholic beverages that are sold in conjunction with food. He noted that in reviewing with the various departments in the City, staff could find no references to any problems attributable to this business; however, earlier in the day the City received a letter in opposition to the expansion listing some problems they find with the business.

Public Hearing opened at 7:53 P.M.

Michael Lacey, 1018 Hermosa Avenue, Hermosa Beach, applicant, stated that he wishes to expand into an area that used to be a store called Just Beachy. He stated that he has expanded food sales in the last six years, and the kitchen area is very small. He noted that he is serving up to 200 dinners per show at this time. He stated that he desperately needs the extra space to expand the kitchen and service bar.

Comm. Williams asked the applicant if he was aware of the letter in opposition to his project.

Mr. Lacey replied that he had just been handed the letter in opposition.

Comm. Williams stated that the letter of opposition indicates that the person is having problems with smoke coming into his house from the vents of the club. She asked Mr. Lacey if he has ever received any complaints about the smoke from his vents.

Mr. Lacey replied in the negative, adding that many of the complaints in the letter are based on problems with the parking lot on Saturday and Sunday afternoons. He noted that he is not opened during those hours.

Comm. Berardo asked Mr. Lacey for his hours of operation.

Mr. Lacey replied that they have a show at 8:00 P.M., and they open the doors at 6:00 P.M. Dinner is served from 6:00 P.M. to 9:30 P.M. There is an additional show at 10:30 P.M. on the weekends.

Comm. Cutler asked the applicant if he could think of a way to alleviate the problem with the smoke coming from the vents.

CONDITIONAL USE PERMIT REQUEST BZA 154-561 - 1018 Hermosa Avenue (Cont.)

Mr. Lacey stated that he has not considered it since this is the first time he was aware there was a problem; however, he stated that he would attempt to alleviate the problem. He noted that the expansion of his club would not increase the amount of smoke coming from the vents.

Comm. Cutler asked the applicant what he could do to respond to the resident's complaint.

Mr. Lacey replied that he knows the complaining resident, and they have always been very friendly. He informed the Commission that they did a nice job on improving their property, which is right above the club. He stated that he would be happy to look at another ventilation system. Perhaps he could find one with a better burnoff. He stated that his club consists of six separate stores that have beams running across the top; therefore, he cannot expand the hood area in the least.

Chmn. Moore stated that the letter in opposition indicates that the dumpsters get overfull in the summer. He requested the applicant's comments on this matter.

Mr. Lacey replied that he has them dumped about four times a week at this time. He stated that the residents in back of his club use his dumpsters. He has a cleaning crew that comes six days a week and they are very thorough. He informed the Board that he has an attendant who polices the lot, and the lot is cleaned once a day in the summer.

Chmn. Moore asked if the dumpsters could be locked up at night.

Mr. Lacey replied that the residents will throw it over the fence and miss the dumpsters completely.

Comm. Cutler asked Mr. Lacey if he would be willing to have the dumpsters dumped six or seven days a week.

Mr. Lacey stated that he is planning on having this business last 30 years; therefore, he is very careful with the maintenance. He stated that he has not had any problems with overflowing of the dumpsters unless the trash crew does not come by.

Comm. Cutler asked Mr. Lacey if he would be willing to accept a condition that the club empty the dumpsters on a daily basis.

Mr. Lacey replied that if the dumpsters are full, he has nowhere to dump his trash. He stated that they increase the number of pick-up days in the summer.

Chmn. Moore asked Mr. Grove what responsibility a business has in relationship to the trash receptacles it maintains.

Mr. Grove replied that it is a problem that is not unique to that particular location, and it is difficult to determine who is at fault; however, the business

CONDITIONAL USE PERMIT REQUEST BZA 154-561 - 1018 Hermosa Avenue (Cont.)

owner is ultimately responsible for keeping it clean. If locking the bins does not solve the problem, it is possible that a cover over the top of the enclosure would alleviate the problem.

Lance Widman, 1015 Fourth Street, Hermosa Beach, appeared to speak in favor of the proposed extension. He noted that Condition #9 states that any improvements upgrading changes to current use and structured use would have to be in the spirit of the original approval. He stated that the proposal certainly meets that spirit. He believed that the expansion would be a benefit for the club in terms of making it easier for the employees to deliver a high level of service that they have been delivering to the customers and patrons. The expansion is not an expansion to deliver more meals; it is to make it a more efficient operation. He felt that the elimination of Conditions #14 and #15 were reasonable. He noted that the club has been a good neighbor to the other businesses in the area as well as to the residents. He stated that since he has been on the Council, he could not recall any types of complaints from this business. He questioned whether there were any additional requirements for additional in-lieu fees as part of this approval. He offered his observations, stating that when he was on the City Council and the in-lieu program was set up, it was the Council's intent to try to encourage businesses to take full advantage and use of their buildable site. It was their feeling that a business located in the VPD could provide money to VPD for additional parking spaces instead of having to meet the parking requirements on the lot. In this case, there is a terrace on the top of the building which has 35 parking spaces which exceeds the Code. The applicant is also a member of the VPD. He stated that the club presents an optimal situation by allowing persons to go to the club after the movies, theater, or a concert. He suggested that the Commission modify Condition #11 so that dancing could be made available in the remaining third of the expansion.

Comm. Williams asked Mr. Widman if he was representing Mr. Lacey in this matter.

Mr. Widman replied in the negative, adding that he knew that dancing was not a request of the applicant. However, he thought it would be beneficial.

John Delgado, 2300 Oak Avenue, Manhattan Beach, stated that he has been attending the club for several years. He stated that he brings many clients to the club because it is an excellent source of entertainment. He noted that he has brought his family to the club, and he has sent other families to the club. He stated that Mr. Lacey has done a wonderful job at controlling the quality of entertainment. He stated that he was very pleased to have this operation in the community. He explained that he has known Mr. Lacey for many years, and he described him as being a fine citizen.

No one else appeared to speak in favor of the conditional use permit.

No one appeared to speak in opposition to the conditional use permit.

Public Hearing closed at 8:14 P.M.

CONDITIONAL USE PERMIT REQUEST BZA 154-561 - 1018 Hermosa Avenue (Cont.)

Chmn. Moore asked Mr. Grove to clear up the conflict with the parking spaces.

Mr. Grove replied that the amount of parking provided at this time is sufficient for the existing area only. However, the applicant indicated that he provided additional parking that was not required. He stated that he would investigate the matter further.

Chmn. Moore stated that if the conditional use permit is granted and if staff determines that extra parking is required, in order for the permit to be effective, the applicant would have to pay extra money under Section 1167.

Mr. Grove replied in the affirmative.

Chmn. Moore asked if the conditional use permit would be effective if the applicant did not pay the extra money.

Mr. Grove replied in the negative.

Comm. Williams stated that she could vote for the request as long as the conditions protect the public. She stated that it is a permitted business in that zone.

Comm. Corder concurred, stating that the applicant has expanded and upgraded the club since its inception, and it is a definite asset to the downtown business area.

Motion by Comm. Corder, seconded by Comm. Cutler, to approve Conditional Use Permit BZA 154-561 with Conditions #1 through #13 and with the deletion of Conditions #14 and #15.

AYES: Comms. Berardo, Corder, Cutler, Williams, Chmn. Moore
NOES: None
ABSENT: None

Chmn. Moore stated that the Board's decision may be appealed by writing to the City Council within ten days.

CONDITONAL USE PERMIT REQUEST BZA 154-562 - 1300-1400 Block of Strand

Applicants: Mr. Greenwood and Mr. Langlois

Mr. Grove gave staff report. He stated that the City is presently in negotiations with Mr. Greenwood and Mr. Langlois for the purpose of arriving at a development agreement for the construction of a hotel on the city-owned Biltmore site and several adjacent properties. In conjunction with that hotel, the applicants are requesting permission for some conditional uses that are normal for that type of hotel. The request includes permission for sales of alcoholic beverages, live entertainment, customer dancing, and outside dining. He stated that the uses associated with the type of hotel establishment and conference center under consideration would be as follows: The sale of

CONDITIONAL USE PERMIT BZA 154-562- - 1300-1400 Block of Strand (Cont.)

alcoholic beverages would be located in the show lounge, lobby bar, restaurants, partial-level terrace, coffee shop, outside dining area, pool area, ballroom, meeting rooms and guest rooms in conjunction with room service. Live entertainment would be located in the show lounge, lobby bar, ballroom and in the meeting rooms. Customer dancing would be in the show lounge, lobby bar, ballroom, and meeting rooms. Outside dining would be in the area adjacent to the restaurant, show lounge, pool area, and also with room service around the pool area. This request is before the Board at the request of the City Council that the applicant proceed with the conditional use permit process for the purpose of determining the appropriate conditions that will be included in the City Council approval. The Board's function at this time is to recommend appropriate conditions to be included in the lease agreement or development agreement. The Staff Review Committee had recommended 17 conditions to be considered if the Board acts to approve the request.

Comm. Williams asked whether the conditional use permit will be reviewed once the business is in operation.

Mr. Grove replied that there will periodic review periods through the terms of the lease agreement and development agreement. These reviews will be by the City Council.

Comm. Williams felt that the review should be by the Board of Zoning Adjustments. She questioned why it will be reviewed by the City Council.

Mr. Grove replied that it is a unique case in that the City has never had a development of this type located on city property. He noted that the Staff Review Committee felt that the review should be through the City Council.

Mr. Grove stated that Condition #8 should be reworded to indicate, "... they may cite the business and initiate a Notice of Noncompliance with the terms of the lease agreement."

Chmn. Moore asked Mr. Grove why pornographic was added to the nude, topless, and bottomless restrictions.

Mr. Grove stated that staff had a discussion with the Police Department on what is considered nude entertainment and what is considered theater. The Committee felt that by including that term, it better represented their intention with regards to the entertainment.

Comm. Williams asked if the City Council always has the discretion to determine whether or not the reviews should come before the Board of Zoning Adjustments.

Mr. Grove replied that the City Council will be approving the final Environmental Report and the final Development Agreement, Lease Agreement, Specific Plan, Local Coastal Plan Amendment. Therefore, they feel that the conditional use permit should be a part of that. It was their wish that the Board review the request and place the appropriate conditions.

CONDITIONAL USE PERMIT BZA 154-562 - 1300-1400 Block of Strand (Cont.)

Comm. Williams felt that this conditional use permit should be treated the same as any other conditional use permit with regard to the conditions and the review.

Comm. Cutler requested a clarification of Condition #15.

Mr. Grove replied that the plans have not proceeded beyond the conceptual state indicated in the Draft Environmental Impact Report. Since these are the conceptual plans, it is the intention of the Staff Review Committee to recommend that they review the final development plans to determine if they are complying with the intent of the conceptual plans. He stated that in reality the exact square footage and the exact location of the certain rooms may differ slightly from what is indicated in the conceptual plans.

Public Hearing opened at 8:32 P.M.

Joe Langlois, 11726 San Vicente Boulevard, Los Angeles, with the development partnership of Greenwood and Langlois, applicant, stated that he is responding to a set of standards and a perceived need on the part of the City. He stated that he has submitted as part of the development and design process a building which conforms with those standards and needs. He stated that part of the request is that he develop, own, finance, and operate a first-class hotel. The City Council has been very specific and demanding in that regard. Double Tree, their co-development partner, is a first-class operation controlled by Metropolitan Life Insurance Company. This hotel will be \$80.00 a night and up. He informed the Board that this will be a \$30,000,000 project. He noted that he has been required by the City to provide all of the amenities that normally are associated with that type of operation. He stated that the proposed site has a long and troubled history, and it has been a difficult piece of property to construct a business. He explained to the Board that a first-class hotel in Hermosa Beach is very, very difficult to finance and construct. He stated that often a development agreement is entered into whereby the City will set out certain conditions that must be fulfilled, that is, to describe the project and submit pictures of the project. Also, a developer might be asked to do things such as contribute to the beach shuttle, X number of dollars per year, to synchronize traffic lights in the City, and to contribute to the Community Center. He stated that he and his partner contractually agreed to do these things. In exchange, he requested the City to guarantee that they will not later change their minds and not allow him to build the hotel after he has optioned a great deal of very expensive property and spent time doing architectural renderings with top-flight firms. It is a mutual agreement that assures the City that they are going to end up with the product that they want, and he is going to be able to build it without having subsequent changes. Consequently, with a number of discretionary processes, he has asked that the City contractually decide that one body is going to make a decision on this project after all the required public hearings have taken place. Once the decision is made, he is going to end up with a single contract controlling the development that will be self-defining and self-governing. He explained to the Board that it is not intended to be a slight to the Board of Zoning Adjustments; it is simply that a \$15,000,000

CONDITIONAL USE PERMIT BZA 154-562 - 1300-1400 Block of Strand (Cont.)

or \$18,000,000 lender must know the developer's vested rights. He displayed renderings of the hotel to the Board. He noted that he has been through a great number of public hearings on this process. He noted that he has placed the heavy traffic areas such as the restaurants and bars towards the pier away from the residential neighborhoods. The meeting rooms will be up against 15th Street, and the windows in those rooms are sealed and nonoperable. He stated that what he has requested from the City is very typical of what Double Tree, Marriot, Sheraton, Hilton, and other first-class hotels would ask for.

Comm. Cutler stated that hotels such as the Marriot, Sheraton, and the Hilton are typically located near the airport. He asked the applicant if there were a way to use soundproofing techniques for the restaurant and bar areas of this hotel.

Mr. Langlois replied that there are two considerations they have dealt with throughout the negotiations, those being, that they have to meet the City Code requirements that deal with Noise Regulations and that they are in a commercial zone, so they should be permitted normal commercial activities. He assured the Board that the hotel will be quieter than the Lighthouse. He explained to the Board that there are guest rooms above the restaurants and bars which rent for a very high price; therefore, the noise level will have to be kept to a minimum.

Comm. Corder questioned whether the interior walls will be of drywall construction.

Mr. Langlois replied in the affirmative.

Comm. Berardo asked the applicant what type of barriers will be used for the outside dining.

Mr. Langlois replied that they have considered having a planter barrier with a six-foot plexiglass wall on top of the planter. This will provide a breeze break and prevent persons from reaching over.

Comm. Berardo asked if there were any entrances besides the main entrance.

Mr. Langlois replied in the affirmative, stating that there is an entrance to the hotel from the Strand; however, there will be a doorman stationed at the entrance to make certain that the people coming in are either properly attired or are hotel guests. He used the renderings of the hotel to explain the layout of the proposed hotel.

Comm. Cutler asked if the hotel will be called the Biltmore.

Mr. Langlois replied that he would like to call it the Biltmore; however, there are some restrictions as to the use of the name Biltmore. He stated that Double Tree would have to agree with the name.

CONDITIONAL USE PERMIT BZA 154-562 - 1300-1400 Block of Strand (Cont.)

No one else appeared to speak in favor of the conditional use permit.

No one appeared to speak in opposition to the conditional use permit.

Public Hearing closed at 8:45P.M.

Comm. Williams stated that she had no further recommendations. She stated that the request for this conditional use permit was not for the hotel; it was for permission to sell beer and wine and for live entertainment. She stated that the Board was not to approve or deny the request; the City Council merely asked the Board to make recommendations.

Chmn. Moore did not believe that to be true. He stated that the Board is being presented with a request, and they are to approve or deny that request and make further recommendations if need be.

Comm. Williams stated that the Board's function was to review only and make appropriate recommendations. She requested Mr. Grove to clarify the Board's function for this matter.

Mr. Grove replied that the intent is to provide the City Council with the Board of Zoning Adjustments' recommendations. These recommendations can range from denying all of the potential uses; however, if that be the case, reasons would have to be stated as to why the Board feels that the project could not be conditioned to be compatible.. The Board may amend, add to, or delete from the conditions delineated by the Staff Review Committee in the staff report. The action by the Board should be a recommendation to the City Council.

Chmn. Moore noted that before the Board is a public hearing for a particular conditional use permit that bears a number. The Board's action may be overridden by the City Council or it may be appealed. There is an advertised public hearing to approve with conditions or to deny a conditional use permit. He stated that the City Council could treat it as a recommendation; however, it comes in the form of a specific action.

Comm. Cutler asked if the Board's recommendations for conditional use permits on less unique cases are appealable.

Mr. Grove replied in the affirmative.

Comm. Cutler felt that the Board should debate and vote as usual on this matter.

Mr. Grove concurred, stating that the Board should proceed in the usual manner. He stated that the only difference between making recommendations and approving or denying a conditional use permit is that in this case the majority of the property is owned by the City, and the City Council has the final word.

CONDITIONAL USE PERMIT BZA 154-562 - 1300-1400 Block of Strand (Cont.)

Comm. Cutler recommended deleting Condition #15. He felt that the public should have more input on this matter.

Mr. Grove stated that if the Board feels that the Staff Review Committee should not be the body reviewing the final development plans for compliance with the conceptual plans, the Board should indicate what body or what method should take place to assure that the final development plans agree with the conceptual plans.

Comm. Cutler asked Mr. Grove how familiar he was with the Lease Agreement.

Mr. Grove replied that the Lease Agreement has not reached a final form at this point.

Comm. Cutler stated that since the Board is not familiar with the Lease Agreement, it renders placing conditions on this project as being futile. Since the Lease Agreement shall prevail and the Board is not familiar with it, there is no reason to place conditions upon the project. He stated that for the Board to give any meaningful input or make an advisory statement, they must be able to see the conflicts between the Lease Agreement and the conditions.

Chmn. Moore stated that the Board is to pass upon what they believe to be a legitimate set of conditions.

Comm. Cutler stated that a document should be prepared for the next public hearing on this matter that indicates any potential conflicts between the conditions approved by the Board and the Lease Agreement. He recommended adding a condition which states, "That a document be prepared which explicitly notes potential conflicts between the conditions and the Lease Agreement."

Mr. Grove stated that the above could be an added condition; however, the conditions of the conditional use permit will be incorporated into the Lease Agreement.

Chmn. Moore stated that he could not support the addition because it would be an attempt of the Board to control what happens to its advice after it leaves the Board.

Motion by Chmn. Moore, seconded by Comm. Williams, that the Board of Zoning Adjustments recommends to the City Council that the conditions proposed by the City Staff are adequate to meet the requirements for this project.

Chmn. Moore stated that he left Condition #15 as a condition because it does not say that no other body may review the conditions.

Comm. Berardo stated that he would like to see a condition that delineates the period of review.

Chmn. Moore withdrew his motion, and Comm. Williams withdrew her second.

CONDITIONAL USE PERMIT BZA 154-562 - 1300-1400 Block of Strand (Cont.)

Motion by Comm. Berardo, seconded by Comm. Cutler, that the Board of Zoning Adjustments recommends to the City Council that the conditions proposed by the City Staff are adequate to meet the requirements for this project with the addition of Condition #18 to read, "There is to be a review of this conditional use permit within six months of the opening of the hotel." There is to be Condition #19 which should read, "Staff should prepare a statement which identifies any conflicts between the Conditional Use Permit, Conditions #1 through #18 and the Lease Agreement. That statement of potential conflicts is to be presented at the next appropriate public hearing before whatever body is holding the public hearing." (Vote, para. 8.)

Comm. Cutler stated that Condition #19 is needed because Condition #17 is very unique.

Mr. Grove asked if Condition #19 could merely be a recommendation and not a condition.

Comm. Cutler wished it to be a formal condition.

Motion by Comm. Cutler, seconded by Comm. Williams, to recommend to the City Council that staff should prepare a statement which identifies any conflicts between the Conditional Use Permit, Conditions #1 through #18 and the Lease Agreement. That statement of potential conflicts is to be presented at the next appropriate public hearing before whatever body is holding the public hearing.

AYES: Comms. Berardo, Cutler, Williams,
NOES: Chmn. Moore
ABSTAIN: Comm. Corder
ABSENT: None

Comm. Corder noted that he abstained due to a possible conflict of interest.

Vote on main motion:

AYES: Comms. Berardo, Cutler, Williams, Chmn. Moore
NOES: None
ABSTAIN: Comm. Corder
ABSENT: None

Comm. Corder noted that he abstained due to a possible conflict of interest.

Chmn. Moore stated that the Board's decision may be appealed by writing to the City Council within ten days.

REVIEWSCONDITIONAL-USE PERMIT REVIEW - 807 21st Street

Mr. Grove stated that the City has not received any complaints about the business

CONDITIONAL USE PERMIT REVIEW - 807 21st Street (Cont.)

since it has opened.

Comm. Cutler asked where it is indicated that the applicants are allowed to have outside dining.

Mr. Grove replied that it is indicated in the first WHEREAS of the Resolution.

Chmn. Moore asked if there were any requirements that would be different for outside dining as opposed to inside dining.

Mr. Grove replied that the only difference is the parking requirement.

Comm. Cutler stated that the applicants put tables out on the parking lot on Sundays.

Mr. Grove stated that he was not aware that the applicants were using any other area for outside dining. He stated that he would look into this matter.

Comm. Corder believed that it was the duty of the Department of Building and Safety to investigate this matter.

Mr. Grove stated that he will have it investigated. He suggested having input on this matter at the next meeting, and if the Board determines at that time that the applicant is in violation of the conditional use permit, they may revoke that part of the permit that applies to outside dining.

Chmn. Moore noted that the applicant was not present.

Comm. Williams felt that the City should send a letter to the business that they should not use the parking lot for outside dining on Sundays.

Motion by Chmn. Moore, seconded by Comm. Cutler, to postpone this review until May 21, 1984.

AYES: Comms. Berardo, Corder, Cutler, Williams, Chmn. Moore

NOES: None

ABSENT: None

Chmn. Moore asked if the City has had any input from the neighbors.

Mr. Grove replied that there was a partial banning of parking on Borden that was brought about because of the general magnitude of the commercial development in that area; however, there have been no complaints directly related to this business.

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MISCELLANEOUS

Comm. Williams directed staff to submit a report on Jeno's Restaurant at the May 21, 1984 meeting. She stated that their conditional use permit states that they may be open until 9:00, and they are now open until 11:00. She stated that it is located at 2700 Manhattan Avenue.

Motion to adjourn at 9:27 P.M.

CERTIFICATION

I hereby certify that the foregoing minutes of the Board of Zoning Adjustments were approved at a regular meeting.



CARL MOORE, CHAIRMAN



NEAL CUTLER, SECRETARY

DATE 7/16/84