

Attachment 1
P.C. Resolution No. 18-##

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO A PARKING PLAN TO DELETE THE EXISTING CONDITION THAT PROHIBITS USE OF AN OVEN AND STOVE FOR A NEW FOOD SERVICE ESTABLISHMENT (ITA ITALIAN STREET FOOD) AT 25 PIER AVENUE, HERMOSA BEACH, CALIFORNIA, AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by DV Imperia Inc. C/O Daniele Bonaiti (ITA Italian Street Food) on June 11, 2018, seeking approval of an amendment to an existing approved Parking Plan 14-6 to delete the existing condition that prohibits use of an oven and stove for a new food service establishment (ITA Italian Street Food) at 25 Pier Avenue.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for Parking Plan 18-4 on July 17, 2018, at which time the testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on the foregoing, the Planning Commission makes the following findings that the use is consistent with the definition of a snack shop designation, the characteristics of the proposed use are similar to retail use and will result in less parking demand than for a restaurant, and parking is adequate based on the retail commercial parking standard:

1. The business is appropriately classified as a snack shop in accordance with HBMC Section 17.04.050 because:
 - A. The establishment will provide two counters with seating for 10 people in the outdoor dining area, subject to approval of an encroachment permit for limited outdoor seating from the Public Works Department, and no seating will be provided within the interior of the tenant space. In no case will the total number of seats for the establishment exceed 25.

- B. The proposed use is a quick service pizzeria and customers will place and pick up orders at the counter; no waiter/waitress table service will be provided.
 - C. The limited food menu will consist of pizza boat, arancini (stuffed rice balls), panzerotti (a savory turnover), focaccia sandwich, pizza romana, and delizia a limone (lemon sponge cake). In addition, the drink menu will consist of non-alcoholic drinks only such as teas and sodas.
 - D. While the HBMC does not prohibit the use of ovens in a snack shop, it does require that the kitchen not be capable of serving full meals. The kitchen will not be capable of serving full meals as equipment will include an electric fryer with a ventless hood and conveyerized oven (batch oven that operates with product moving through it) for preparation and heating of the premade food items. In addition, the following equipment will be provided in the storage and handling of the premade food items: refrigerator, freezer, counters, and sinks. The front of the tenant space will include a cash register, counter to pick up orders, and a refrigerator with soft drinks.
 - E. The food items and soft drinks will be served for consumption in the outdoor seating area or for take-out.
2. The proposed use may be considered as a retail use and the commercial retail requirement for parking may be applied because the use meets the definition of a snack shop and the characteristics of the proposed use demonstrates it will result in less parking demand than that generated by a restaurant for the following reasons:
- A. The 758 square foot tenant space is relatively small with minimal seating, customary of a snack shop use, and the service area is limited in size and equipment which indicates the use will not function as a restaurant. The applicant proposes no expansion to the space.
 - B. The proposed use with its limited menu items and minimal seating is not expected to generate a high proportion of destination specific trips. The business is not visible from the nearest street (Hermosa Avenue) and will be reliant upon bicycle and foot traffic from patrons already traversing the Pier Plaza area (and presumably already parked). The proposed use will also serve patrons already visiting nearby businesses (health and fitness studios, banks, beauty salons, medical services, restaurants, and retail shops) and the beach, who will likely utilize the adjacent public parking facilities.
 - C. All the food items tend to be a quick serve product due to limited preparation time and minimal ingredients and food components, and these establishments tend to have quick turnover of patrons due to the “grab-and-go” nature of food and non-alcoholic drink items, as compared to a typical restaurant.

- D. The limited kitchen and storage service area with limited equipment and minimal seating with a total 10 seats within the limited outdoor dining seating area (not to exceed 25 seats in total) is not expected to create parking demand equivalent to that created by a restaurant use.
 - E. The number of employees on the largest shift will be three, which is less than the number of employees typical required by a typical restaurant.
3. Adequate parking will be provided for customers, clients, visitors and employees because the site is located on a pedestrian plaza located adjacent to a Class 1 bike trail, its customer base will rely primarily on bicycle and foot traffic from people already traversing the Pier Plaza area (and presumably already parked). Nearby common parking facilities accessed via 13th Court include the 37-space public parking lot to the north (Lot B) and the 185-space multi-story public parking structure to the north. Unique features of the proposed use include that it exhibits the characteristics of a snack shop, which typically generates a parking demand similar to that of a retail use rather than that of a restaurant. The previous snack shop use operated with the existing parking supply without significant impacts.

Section 4. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15301, Class 1 Existing Facilities, as the project involves negligible or no expansion of an existing use.

Section 5. Based on the foregoing, the Planning Commission **hereby approves** Parking Plan 18-1, subject to the following **Conditions of Approval**:

1. **All previous Planning Commission Resolutions pertaining to Parking Plans for the subject property at 25 Pier Avenue (including P.C. Resolution 14-6) shall hereby be rescinded, and the Parking Plan amendment for the property at 25 Pier Avenue shall be governed exclusively by the provisions herein.**
2. **The floor plan shall be substantially consistent with the plan approved by the Planning Commission on July 17, 2018. The Community Development Director may approve minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval. Any substantial deviation must be reviewed and approved by the Planning Commission. Not more than a total of 25 people shall be seated or accommodated at the establishment.**
3. **The use shall comply with the requirements of a 'snack bar' as defined in the Hermosa Beach Municipal Code Section 17.04.050, including no waiter/waitress table service except queuing, shall not serve full meals or have a kitchen capable of serving meals, a limited menu shall be provided, and no alcoholic beverages shall be offered for sale.**

4. The physical improvements to the tenant space/site and operation of the establishment shall comply with all requirements of the Hermosa Beach Municipal Code and the Los Angeles County Health Department, to the satisfaction of the Hermosa Beach Community Development, Fire and Public Works Departments.
5. The applicant shall obtain and maintain compliance with an encroachment permit issued by the Department to Public Works for limited outdoor seating on Pier Plaza in compliance with Municipal Code Chapter 12.16.
6. The use shall comply with all requirements of Chapter 8.44 including but not limited to the following: The runoff from washing and/or rinsing of snack bar tables, equipment, floor mats, food preparation utensils and other coverings, shall drain to the sewer system only and shall under no circumstances drain to the storm water system.
7. The premises shall be maintained in a neat, clean, litter and graffiti-free manner at all times, and adequate containers shall be provided to reduce litter and contaminants on the public right-of-way per Chapter 8.12.
8. Adequate solid waste containers shall be provided for customer use within the outdoor patio.
9. Polystyrene containers and drink ware shall not be used or provided by the establishment per Chapter 8.64.
10. Physical improvements to the tenant space/site and operation of the establishment shall comply with water conservation requirements in Chapter 8.56, food facility inspections in Section 8.04.030, and sign regulations in Chapter 17.50.
11. Shared parking shall be maintained to the rear of the building; one parking space dedicated to the tenant space at 25 Pier Avenue, directly to the rear of the tenant space, shall be maintained for parking at all times.
12. The subject property shall be developed, maintained and operated in full compliance with the conditions of this permit and any law, statute, ordinance or other regulation hereafter adopted that is applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
13. The Planning Commission may review this Parking Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects with regard to this Parking Plan

resulting from the subject use.

- 14. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.**

Section 6. This permit 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 permit.

This Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

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.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorneys' fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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

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

Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission must be made within 90 days after the final decision.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Planning Commission Resolution 18- ## is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at its regular meeting of July 17, 2018.

Marie Rice, Chairperson

Ken Robertson, Secretary

July 17, 2018

Date