

P.C. RESOLUTION NO. 96-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN ENVIRONMENTAL NEGATIVE DECLARATION, CONDITIONAL USE PERMIT, AND PRECISE DEVELOPMENT PLAN TO ALLOW ON-SALE, BEER AND WINE, AND CONSTRUCTION OF A PROPOSED RESTAURANT AT 844 HERMOSA AVENUE, AND LEGALLY DESCRIBED AS LOTS 23, AND 24, OF TRACT NO 1564.

WHEREAS, the Planning Commission held a public hearing on February 20, 1996 to receive oral and written testimony regarding this matter and made the following findings:

- A. The site is zoned C-2, Restricted Commercial, and the proposed development and use are consistent with the standards of said zone;
- B. The proposed use is compatible with surrounding commercial uses;
- C. The imposition of conditions as required by this resolution will mitigate any negative impacts on nearby residential or commercial properties;
- D. The parking required for this development is zero for that portion of the project equal to a F.A.R. 1:1 and 65% of the parking requirement for that portion over 1:1, since 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, the reduced required parking is 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

weekends, and no more than 24,063 square feet of commercial development has

occurred since the study.

- E. The Staff Environmental Review Committee has prepared an environmental assessment and determined that the project, with mitigation measures incorporated to reduce off-site impacts results in less than significant impact on the environment, and therefore qualifies for a mitigated negative declaration.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE ON-SALE ALCOHOL BEER AND WINE, IN CONJUNCTION WITH THE CONSTRUCTION OF A RESTAURANT, SUBJECT TO THE FOLLOWING CONDITIONS:**

**SECTION I** Specific Conditions of Approval

1. The development and continued use of the property shall be in conformance with submitted plans. Modifications to the plans shall be reviewed and may be approved by the Community Development Director.
2. The rear door, emergency exit, facing the alley shall remain closed at all times during business hours, and shall be equipped with panic hardware including an alarm and a self closing door mechanism; equipment shall be maintained in operational order at all times.
3. The rear roll-up door shall be maintained closed at all times except during deliveries, and trash pick-up.
4. Storage of trash bins or cans outside of the designated trash bin storage area shown on submitted plans is prohibited.
5. Odor elimination equipment shall be installed for the trash bin area; venting untreated air from this room shall be prohibited.
6. Deliveries to the rear doors on Palm Dr. shall be prohibited between 9:00 PM and 9:00 AM.
7. Use of the rear parking shall be for employees only; Signs shall be installed restricting parking to employee use.
8. A bicycle rack for a minimum of 6 bikes shall be provided; location shall be reviewed and approved by the Community Development Director.
9. Live entertainment is prohibited

SECTION II General operating and standard conditions:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments in the vicinity.
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 and 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 use of the restaurant space 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.
7. The business shall participate in the City's downtown parking validation program, providing validations for parking in public lots for no less than two hours.
8. 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.
9. The building shall be equipped with acoustic features to maximize sound proofing which shall include the use of double-pane windows or an equivalent and the installation of air conditioning so that windows and doors can remain closed during performances.
  - a. The lanai windows shall remain closed during all performances and when any form of music is playing.
10. The project shall comply with the requirements of the Public Works Department.

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 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 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.

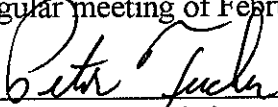
The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate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

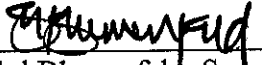
The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not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

VOTE:	AYES:	Comms. Dettelbach, DiMonda, Merl, Perrotti, Chrmn. Tucker
	NOES:	none
	ABSTAIN:	none
	ABSENT:	none

#### CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 96-13 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 February 20, 1996.

  
Peter Tucker, Chairman

  
Sol Blumenfeld, Secretary

3-19-96  
Date

cupr9517