

RESOLUTION BZA 154-591

1 A RESOLUTION OF THE BOARD ZONING ADJUSTMENTS OF THE CITY OF HER-
2 MOSA BEACH, CALIFORNIA, GRANTING A MODIFICATION OF A CONDITIONAL
3 USE PERMIT ON PROPERTY LOCATED AT 1332 HERMOSA AVENUE, HERMOSA
4 BEACH, CALIFORNIA.

5 WHEREAS, the Board of Zoning Adjustments of the City of
6 Hermosa Beach, California, at a public hearing held on May 6,
7 1985 in the Council Chambers at City hall, considered the request
8 of Mr. T.K. Hsu for modification of C.U.P. B.Z.A.154-556 which
9 allowed for beer and wine service in conjunction with a res-
10 taurant.Said modification to allow for outside dining and a
11 reconfiguration of the interior layout of the restaurant at prop-
12 erty legally described as Lots 10, 11, and 12, Block 34, First
13 Addition to Hermosa Beach; and

14 WHEREAS, after this review the Board determined that the
15 request is consistent with the zoning and general plan; and

16 NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning
17 Adjustments does hereby approve a conditional use permit to allow
18 the sale of beer and wine in conjunction with the opeation of a
19 restaurant subject to the following conditions:

- 20 1. Service of alcoholic beverages shall be in an establishment
21 that operates a full kitchen and provides a full menu (com-
22 plete lunches and/or dinners, with hot entrees) and the
23 primary purpose of the establishment is service of food.
- 24 2. All alcoholic beverages shall be consumed within the premises
25 and sold only in conjunction with food.
- 26 3. Posting of signinside advising illegality of open containers
27 on public streets, sidewalks, Strand and beach.

4. If, in the judgement of the Police Department, it is deemed necessary, policemen will be assigned as doormen at the business' expense during hours of operation.
5. 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.
6. Any changes to the interior design of the establishment shall be required that it be returned to the Board of Zoning Adjustment; expense during hours of operation.
7. 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 initiate a conditional use permit revocation.
8. Hours of operation shall be from 8:00 a.m. to 11:00 p.m. all days except Friday and Saturday at which time the hours of operation shall be from 8:00 A.M. to 12:00 A.M.
9. 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 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. Upon request at the time the City inspects the books and

1 records of the applicant, the applicant shall also submit to
2 the City copies of all records submitted to the State Board
3 of Equalization for purposes of computing sales tax. Appli-
4 cant gives the right to the city to review the records of the
5 State Board of Equalization for the purposes of verifying the
6 applicant's books and records, with the understanding that
7 these reviews are confidential.

8 10. This conditional use permit is to be for this current use as
9 defined in the present conditions; any change in use or non-
10 observance of any condition of operation will be cause for
11 revocation of the permit.

12 11. There will be a four month review and hereafter one or two
13 year reviews.

14 12. In the event that any one condition is found to be illegal
15 and unenforceable by a court of competent jurisdiction, then
16 the parties agree that all other conditions shall remain in
17 full force and effect. The parties understand that the appli-
18 cant is represented by counsel at all steps of these proceed-
19 ings and it is the opinion of the City Attorney that the con-
20 ditions meet Constitutional requirements, and in the event
21 that either attorney is in error both parties agree that no
22 action for damages shall be brought against the other party
23 and that the exclusive remedy on behalf of the applicant is
24 for a Mandate of Declaratory Relief to make the determination
25 that any one or more conditions is illegal and unenforceable,
26 and parties waive all rights to damages under the Civil
27 Rights Act as promulgated by recent Supreme Court decision.
28

13. A fence or wall of 42" in height shall be installed to clearly separate the outside dining area from the public sidewalk.

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

CERTIFICATION

I hereby certify that the foregoing Resolution BZA 154-590 was adopted by the Board of Zoning Adjustments of the City of Hermosa Beach at a regular meeting held on the 6th day of May, 1985.

DATE

5/17/85

Carl Moore
CARL MOORE, CHAIRMAN

Neal Cutler
NEAL CUTLER, SECRETARY