

1 A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF  
2 HERMOSA BEACH, CALIFORNIA, GRANTING A CONDITIONAL USE PERMIT FOR  
PROPERTY LOCATED AT 1332 HERMOSA AVENUE.

3 WHEREAS, the Board of Zoning Adjustments of the City of  
4 Hermosa Beach, California, at a public hearing held on March 19,  
5 1984, in the Community Center, Room 12 to considered the request  
6 of Pietrecina Enterprises for a conditional use permit to allow  
7 the service of beer and wine in conjunction with the operation of  
8 a restaurant on property legally described at Lots 10, 11, & 12,  
9 Block 34, First Addition to Hermosa Beach Tract;

10 WHEREAS, at said public hearing, the Board considered the  
11 proposed operation and the neighboring uses;

12 WHEREAS, the Board, after review, felt the request was  
13 consistent with both the zoning and the General Plan;

14 NOW, THEREFORE, BE IT RESOLVED, that the Board of Zoning  
15 Adjustments does hereby approve a conditional use permit to allow  
16 the service of beer and wine in conjunction with the operation of  
17 a restaurant at 1332 Hermosa Avenue, known as the Seahorse Corral,  
18 subject to the following conditions:

- 19 1. Service of alcoholic beverages shall be in an establishment  
20 that operates a full kitchen and provides a full menu (complete  
21 lunches and/or dinners, with hot entrees) and the primary purpose  
22 of the establishment is the service of food.
- 23 2. All alcoholic beverages shall be consumed within the premises  
24 and sold only in conjunction with food.
- 25 3. Posting of sign inside advising illegality of open containers  
26 on public streets, sidewalks, Strand and beach.
- 27 4. If, in the judgment of the Police Department, it is deemed  
28 necessary, policemen will be assigned as doormen at the business'

1 expense during hours of operation.

2 5. Operators of the business must police the sidewalks which  
3 are directly adjacent to the business for litter and maintained in  
4 a clean and orderly manner on a daily basis.

5 6. Any changes to the interior design of the establishment shall  
6 require that it be returned to the Board of Zoning Adjustments,  
7 and it shall revoke the conditional use permit if new interiors  
8 are not in the spirit of the original approval and intent.

9 7. Maximum permissible occupancy must be clearly posted at all  
10 times and may not be exceeded at any time. If the Police and/or  
11 Fire Departments determine that the maximum permissible occupancy  
12 of the building is being violated, they may cite the business and  
13 initiate a conditional use permit revocation.

14 8. Hours of operation to be 8:00 A.M. to 11:00 P.M. The Police  
15 Department shall be notified of any change to normal operating  
16 hours.

17 9. This conditional use permit is issued exclusively for and so  
18 long as the premises remain a restaurant, which is defined as  
19 having gross sales as follows: not less than 65% food and 35%  
20 beer and/or wine sales computed monthly. The City shall have the  
21 right during business hours upon 15 days notice to inspect the  
22 books and records of the applicant to determine the gross sale of  
23 food and/or the gross sales of alcoholic beverages. Upon request  
24 at the time the City inspects the books and records of the  
25 applicant, the applicant shall also submit to the City copies of  
26 all records submitted to the State Board of Equalization for  
27 the purposes of verifying the applicant's books and records, with  
28 the understanding that these reviews are confidential.

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

5 11. There will be a four month review and thereafter one or two  
6 year reviews.

7 12. In the event that any one condition is found to be illegal  
8 and unenforceable by a court of competent jurisdiction, then the  
9 parties agree that all other conditions shall remain in full  
10 force and effect. The parties understand that the applicant is  
11 represented by counsel at all steps of these proceedings and it  
12 is the opinion of the City Attorney that the conditions meet  
13 Constitutional requirements with the possible exception of a  
14 preemption problem with the personal application of the condition-  
15 al use permit to the applicant, and in the event that either  
16 attorney is in error, both parties agree that no action for  
17 damages shall be brought against the other party and that the  
18 exclusive remedy on behalf of the applicant is for a Mandate of  
19 Declaratory Relief to make the determination that any one or more  
20 conditions is illegal and unenforceable, and parties waive all  
21 rights to damages under the Civil Rights Act as promulgated by  
22 recent Supreme Court decision.

23 VOTE:

24 AYES: Comms. Berardo, Williams, Acting Chmn.: Corder  
25 NOES: None  
26 ABSENT: Comms. Cutler, Chmn. Moore

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CERTIFICATION

I hereby certify that the foregoing Resolution B.Z.A. 154-556 was adopted by the Board of Zoning Adjustments of the City of Hermosa Beach, California, at a regular meeting held on the 19th of day of March, 1984.

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DATE

*Edward K. Corder*  
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EDWARD CORDER, ACTING CHAIRMAN

*June Williams*  
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JUNE WILLIAMS, ACTING SECRETARY