

Attachment 2

P.C. RESOLUTION NO. 96-24

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS**
4 **AMENDED, TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT WITH**
5 **ON-SALE BEER AND WINE AT 422 PIER AVENUE AND LEGALLY DESCRIBED AS**
6 **LOT 3, BLOCK 1, HISS ADDITION TO HERMOSA BEACH TRACT AND LOT 14,**
7 **TRACT 780**

8 WHEREAS, the Planning Commission held a public hearing on May 21, 1996, to receive
9 oral and written testimony regarding this matter and made the following findings:

- 10 A. The applicant is proposing to expand a restaurant into the adjacent 875 square foot
11 existing retail building;
- 12 B. No additional parking is required for this business as it is located within the Downtown
13 Enhancement District (DED), and pursuant to Section 1162.5 of the Zoning Ordinance
14 and pursuant to the Certified Coastal Land Use Plan, as recently amended, intensification
15 of uses are excepted from parking requirements as supported by the following findings:
- 16 1. Fewer than 96,250 square feet of commercial development, including new
17 buildings, expansions, and/or intensification of uses in the DED has received a
18 Coastal Development Permit since November 1, 1994.
 - 19 2. There is currently adequate parking to support the development and to provide
20 adequate beach parking.
 - 21 3. A parking study recently completed for the downtown show the occupancy of the
22 parking spaces in the downtown is 90% or less during daylight hours on summer
23 weekends, and no more than 24,063 square feet of commercial development has
24 received Coastal Development Permits since the study.
- 25 C. The site is zoned C-2, Restricted Commercial, and is suitable for the proposed use with
26 the proposed amendment;
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- 1 D. The proposed use is compatible with surrounding commercial uses;
- 2 E. The imposition of conditions as required by this resolution will mitigate any negative
- 3 impacts on nearby residential or commercial properties;
- 4 F. The project is categorically exempt from the requirement for an environmental
- 5 assessment, pursuant to the California Environmental Quality Act Guidelines, Section
- 6 15301-15303.

7 **NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF**

8 **THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE A CONDITIONAL USE**

9 **PERMIT, AS AMENDED, SUBJECT TO THE FOLLOWING CONDITIONS:**

10 SECTION I Specific Conditions of Approval

- 11 1. The development and continued use of the property shall be in conformance with
- 12 submitted plans revised as follows. Any minor modification shall be reviewed and may be
- 13 approved by the Community Development Director.
- 14 2. The hours of operation shall be limited to between 7:00 A.M. and 11:00^{P.} A.M. daily.
- 15 3. The business shall participate in the City's downtown parking validation program,
- 16 providing validations for parking in public lots for no less than two hours.
- 17 4. The project shall comply with the requirements of the Public Works Department.
- 18 5. The trees provided along the length of the south property line shall be appropriate for
- 19 buffering purposes and shall be minimum 24" box size.
- 20 6. Final building plans/construction drawings including site, elevation, floor plan, sections,
- 21 details, landscaping and irrigation, submitted for building permit issuance shall be reviewed
- 22 for consistency with the plans approved by the Planning Commission and the conditions of
- 23 this resolution, and approved by the Planning Division prior to the issuance of any
- 24 Building Permit.
- 25 A. Plans shall be certified by a licensed architect or engineer
- 26 B. The trash enclosure shall be relocated away from the residential property line to
- 27 the satisfaction of the Community Development Director.
- 28 7. This approval includes the existing and proposed extension of the metal corrugated facade
- 29 as a novelty pursuant to the Municipal Code and the murals painted on the facade as
- exceptions to the Sign Ordinance.

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2 **SECTION II** General operating and standard conditions:

- 3 1. The establishment shall not adversely effect the welfare of the residents, and/or
4 commercial establishments nearby.
- 5 2. The business shall prevent loitering, unruliness, and boisterous activities of the patrons
6 outside the business, or in the immediate area.
- 7 3. The Police Chief may determine that a continuing police problem exists and may, subject
8 to the review of the Planning Commission, direct the presence of a police approved
9 doorman and/or security personnel to eliminate the problem. If the problem persists the
10 Chief then shall submit a report to the Planning Commission, which will automatically
11 initiate a review of this Conditional Use Permit by the Commission.
- 12 4. The exterior of the premises shall be maintained in a neat and clean manner, and
13 maintained free of graffiti at all times.
- 14 5. Any changes to the interior layout which alter the primary function of the business shall be
15 subject to review and approval by the Planning Commission.
- 16 6. The project and the continued operation of the business shall comply with all applicable
17 requirements of the Municipal Code.
- 18 7. The practice of washing and rinsing restaurant equipment, floor mats, etc., or discharge of
19 any liquids into the parking lot drain other than stormwater, is strictly prohibited by the
20 Municipal Code as it drains into the City's storm drains. Discharge of any polluted water
21 or wash water shall be limited to the sanitary sewer.

22 **SECTION III**

23 This grant shall not be effective for any purposes until the permittee and the owners of the
24 property involved have filed at the office of the Planning Division of the Community Development
25 Department their affidavits stating that they are aware of, and agree to accept, all of the
26 conditions of this grant.

27 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
28 Community Development Department.

29 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 an enforceable.

1 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees
2 from any claim, action, or proceeding against the City or its agents, officers, or employee to
3 attack, set aside, void or annul this permit approval, which action is brought within the applicable
4 time period of Government Code Section 65907. The City shall promptly notify the permittee of
5 any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails
6 to promptly notify the permittee of any claim, action or proceeding, or if the City fails to
7 cooperate fully in the defense, the permittee shall not thereafter be responsible to defend,
8 indemnify, or hold harmless the City.

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

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

18 VOTE: AYES: Comms. DiMonda, Perrotti, Chmn. Tucker
19 NOES: None
20 ABSTAIN: None
21 ABSENT: Comms. Dettelbach, Merl

22 CERTIFICATION

23 I hereby certify that the foregoing Resolution P.C. 96-24 is a true and complete record of the
24 action taken by the Planning Commission of the City of Hermosa Beach, California at their
25 regular meeting of May 21, 1996.

26 Peter C. Tucker
27 Peter Tucker, Chairman

28 Sol Blumenfeld
29 Sol Blumenfeld, Secretary

30 6-18-96
31 Date

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