

RESOLUTION 19-7197

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2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
3 CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DECISION TO
4 APPROVE A CONDITIONAL USE PERMIT AMENDMENT TO EXPAND AN OUTDOOR
5 DINING AREA BY 702 SQUARE FEET, CLOSING AT 11:00 PM DAILY, AND
6 DEACTIVATING INDOOR RESTAURANT SPACE AND TO PROVIDE TANDEM
7 PARKING WITH VALET SERVICES IN CONJUNCTION WITH AN EXISTING LATE-
8 NIGHT ON-SALE GENERAL ALCOHOL ESTABLISHMENT (SLATER'S 50/50
9 RESTAURANT) AT 3-11 PIER AVENUE, AND DETERMINATION THAT THE
10 PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
11 ENVIRONMENTAL QUALITY ACT (CEQA).

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13 THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
14 DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

15 **Section 1.** An application was filed by Slater's Restaurant Group, Inc., for a Conditional
16 Use Permit Amendment 18-3 to expand an outdoor dining area by 774 square feet, closing at 11:00
17 PM daily, and deactivating an equivalent area of indoor restaurant space and to provide tandem
18 parking with valet services in conjunction with an existing late-night on-sale general alcohol
19 establishment (Slater's 50/50 Restaurant) at 3-11 Pier Avenue, and determination that the project is
20 categorically exempt from the California Environmental Quality Act (CEQA). In conjunction with
21 the remodel project, the applicant submitted a request for a Parking Plan Amendment 18-2.

22 **Section 2.** The Planning Commission conducted a duly noticed public hearing to consider
23 the application on May 21, 2019, at which time testimony and evidence, both oral and written, was
24 presented to and considered by the Planning Commission. The Planning Commission approved the
25 application with a 3-1 vote with amendments to the site plan to remove the gate to The Strand (unless
26 required for emergency exit only), add one (1) additional foot to widen the planter(s) adjacent to
27 The Strand with a total three (3) foot patio setback, and to provide a vertical solid landscape buffer
28 (no higher than 42" in height) to the satisfaction of the Community Development Director. Tables
and chairs may be modified to account for the one (1) foot patio reduction to the satisfaction of the
Community Development Director.

Section 3. On May 28, 2019, the City Council, pursuant to Section 2.52.040 of the
Municipal Code, initiated review of the Planning Commission decision.

1 **Section 4.** On July 9, 2019, the City Council held a duly noticed public hearing to review
2 the Planning Commission's decision, at which time testimony and evidence, written and oral, and
3 the record of the decision of the Planning Commission was presented to and considered by the
4 Council. The City Council considered a request, as amended by the Planning Commission to expand
5 an outdoor dining area, closing at 11:00 PM daily, and deactivating indoor restaurant space while
6 providing tandem parking with valet services in conjunction with an existing late-night on-sale
7 general alcohol establishment.

8 Plans were revised to address the Planning Commission's requested modifications. The extended
9 outdoor dining patio area was reduced in size from 744 sq. ft. to 702 sq. ft. The gate along The
10 Strand has been removed and relocated to the south facing wall. The elevated vine pockets have
11 been removed. The planter has been increased in width to three feet, and the plant types have been
12 revised to more vertical barrier varieties such as Horsetail Reed Bamboo, Heavenly Bamboo, Snake
13 Plant and Hecheveria. Temporary umbrellas will only be available upon customer request and will
14 be stored when not in use. The number of tables and chairs were reduced from 19 tables and 74
15 chairs to 12 tables and 46 chairs. The outdoor occupant load was also reduced from 74 persons to
16 47 persons. The indoor occupant load will remain as presented and approved by the Commission at
17 65 persons.

18 **Section 5.** Pursuant to the California Environmental Quality Act, the project is
19 categorically exempt from the California Environmental Quality Act as defined in Section
20 15301(a) Existing Facilities in that the proposal pertains to an existing facility and involves only
21 minor alterations of the interior and exterior. Furthermore, there are no exceptions to the
22 exemption related to this project. The existing outdoor dining area will be expanded by 702 square
23 feet and indoor restaurant space will be deactivated with no net expansion of the existing
24 restaurant use. The City's General Plan does not identify this property as an uninterrupted viewing
25 area (although the Pier and beach do reflect such designation). Under the General Plan, public
26 property and right of way are the only areas of the city that were marked as prominent public view
27 points or uninterrupted viewing areas. Given that the lot is already used for cars and that umbrellas
28 are common at outdoor dining areas in the vicinity, the City does not find that there are any
unusual circumstances that would take this project out of the category of projects that fall under
this CEQA exemption. This finding is further bolstered by the project condition requiring that
temporary umbrellas be available only upon customer request and shall be stored when not in use.

1 Additionally, the Plan also promotes a pedestrian orientation downtown streetscape improved
2 through provision of elements such as cafés and recessed outdoor seating opportunities. The
3 existing ground floor restaurant use with a proposed expanded outdoor dining area is a resident
4 and visitor serving accommodation and is an appropriate use within the Recreational Commercial
5 and Downtown District area. The City finds that the approved project, which activates an existing
6 parking lot for outdoor dining while retaining the same parking capacity, is an appropriate use of
7 the site under city code. The project condition on the umbrellas further balances all of these
8 interests.

9 **Section 6.** Based on the testimony and evidence received, the City Council makes the
10 following findings pertaining to the application for the Conditional Use Permit Amendment for a
11 Late-Night Alcohol Beverage Establishment pursuant to the criteria in Hermosa Beach Municipal
12 Code (HBMC) Sections 17.40.020 and 17.40.080 finding that the use as conditioned will be
13 compatible with the surroundings and all impacts can be reduced to an insignificant level:

14 **HBMC Section 17.40.020 Conditional Use Permit general criteria for all uses:**

15 *A. Distance from existing residential uses:* The nearest residential uses are located south on 11th
16 Court, within the Multiple Family (R-3) residential zone, and approximately 500 feet (three
17 blocks) south of the subject site's south property line. The applicant proposes to expand an
18 existing 349 square foot outdoor dining patio by adding 702 square feet at the southwest corner
19 of the parking lot. The applicant proposes 12 loose tables and 46 loose chairs. The outdoor
20 dining area will close by 11:00 P.M. daily while the existing indoor hours of operations will not
21 be modified. The project is conditioned to prohibit live entertainment and customer dancing
22 with the exception of administratively approved Temporary Minor Special Event Permits and
23 Limited Live Entertainment Permits. In addition, entertainment, music, speakers, televisions, or
24 audio or visual media of any type, whether amplified or unamplified, shall be prohibited within
25 the outdoor patio. As such, the City Council does not anticipate impacts to existing residential
26 uses.

27 *B. The amount of existing or proposed off-street parking facilities, and its distance from the*
28 *proposed use:* There are currently 25 on-site parking spaces provided (with 16 spaces provided
in tandem). The applicant requests use of tandem parking spaces and valet parking services in

1 order to maintain 25 parking spaces on-site while accommodating the expanded outdoor dining
2 area. The existing 4,710 square foot restaurant building with a 349 square foot outdoor dining
3 area is nonconforming to parking requirements. 51 parking spaces are required pursuant to
4 HBMC Section 17.44 and there are 25 existing legal non-conforming parking spaces on-site
5 (with 16 spaces located in tandem) and nine non-tandem spaces, one of which is a handicap
6 accessible space. The applicant proposes to deactivate 774 square feet of the existing 4,710
7 square foot restaurant area thereby reducing the restaurant area to 3,936 square feet. In doing
8 so, 702 square feet will be added to the existing 349 square foot outdoor dining area totaling
9 1,051 square feet. There will be no increase to the net square footage of the restaurant operation.
10 Therefore, no additional parking is required.

11 C. *Location of and distance to churches, schools, hospitals and public playgrounds:* There are no
12 nearby churches, schools, hospitals or public playgrounds. The nearest sensitive receptor is
13 Noble Park which is located along The Strand, between 14th Street and 15th Street and is
14 approximately 385 feet north of the subject site's north building wall. The building contains few
15 windows and doors and is constructed with concrete block walls serving as a sound dampening
16 feature for the indoor restaurant operation. The outdoor patio at the southwest corner of the site
17 is oriented away from the nearest sensitive receptor and will include planter walls and landscape
18 features at ground level and is not expected to contribute to additional noise levels beyond the
19 existing ambient noise levels along Pier Plaza. Therefore, the proposed project will not affect
20 these types of sensitive receptors.

21 D. *The combination of uses proposed:* The proposed project is located within the Restricted
22 Commercial (C-2) zone which aims to provide opportunities for a limited range of office, retail,
23 and service commercial uses specifically appropriate for the scale and character of the
24 downtown, a resident and visitor serving pedestrian-oriented shopping/ entertainment district.
25 The combination of the restaurant use with outdoor dining is consistent with the C-2 zone. In
26 addition, 774 square feet of indoor late-night restaurant area will be deactivated in exchange for
27 an expanded outdoor dining area which will close by 11:00 P.M. daily. The 774 square foot
28 reduction of late-night restaurant area is consistent with the objectives of the City's late night
alcohol beverage establishment ordinance (HBMC Section 17.40.080.B.) to reduce the potential
for adverse impacts associated with late-night alcohol beverage establishments.

- 1 E. *Precautions taken by the owner or operator of the proposed establishment to assure the*
2 *compatibility of the use with surrounding uses:* No special precautions are noted.
- 3 F. *The relationship of the proposed business-generated traffic volume and the size of streets*
4 *servicing the area:* The existing restaurant use with outdoor dining will be maintained and there
5 will be no net increase in square footage of the restaurant use. All valet operations will be
6 maintained on-site as conditioned in the Parking Plan resolution. As such, the characteristics of
7 the streets servicing the area are appropriate and safe to accommodate the restaurant use with
8 outdoor dining and valet parking operations.
- 9 G. *The proposed exterior signs and decor, and the compatibility thereof with existing*
10 *establishments in the area:* The proposed exterior décor elements are compatible with existing
11 establishments in the surrounding area and will provide additional lighting and landscaping to
12 an otherwise dark and bare parking lot. All existing signage is permitted and consistent with
13 HBMC Section 17.50 and no additional signage is proposed. The applicant proposes a new
14 canvas awning along The Strand building frontage and the project is conditioned to require an
15 encroachment permit from the Public Works Department. The expanded outdoor dining area is
16 designed to include concrete pavers, a 42” high concrete railing around the outdoor dining area
17 and a 3-foot wide planter with plants serving as a vertical barrier. An automatic irrigation system
18 will be provided along The Strand and south parking stall landscape planter. Overhead festoon
19 lights (string lights) are proposed to be installed approximately 9 feet above grade (parking lot
20 level). The project is conditioned to require that temporary umbrellas be available only upon
21 customer request and shall be stored when not in use. Although outdoor heaters are not proposed
22 on the plans, the project is conditioned to require heating devices whether portable or fixed and
23 screened gas storage be shown on plans and must be reviewed and approved by the Building
24 Official and Community Development Director. The proposed gate along The Strand has been
25 removed and relocated to the south facing wall. The applicant also proposes a new pass-through
26 window at the south facing building wall for use by employees only. The project is conditioned
27 to require the pass-through window located along the south facing building wall be used by
28 employees only and shall not be used as a pick-up order window for customers and that the
“outdoor waiting area” entry patio, located at the south restaurant entrance and west of the
handicap parking space, be standing area only and shall not be used for outdoor dining purposes
and alcoholic beverages shall not be served or consumed in this area.

1 H. *The number of similar establishments or uses within close proximity to the proposed*
2 *establishment:* Pier Plaza contains a mixture of commercial uses, a number of which are similar
3 to the existing restaurant with outdoor dining such as Good Stuff, Playa Hermosa Fish & Oyster
4 Co., Café Bonaparte, Rebel Republic Social House, La Playita, Hennessey's Tavern, Silvio's
5 Brazilian BBQ, Waterman's, Patrick Molloy's, Baja Sharkeez and American Junkie; many of
6 which maintain an encroachment permit for use of the City right-of-way for outdoor dining
7 purposes. The subject restaurant use with outdoor dining contained on-site will supplement other
8 similar businesses that currently operate along Pier Plaza and within the Downtown District.

9 I. *Noise, odor, dust and/or vibration that may be generated by the proposed use:* Providing more
10 outdoor seating may increase noise levels associated with a higher concentration of people. The
11 project is conditioned to require that noise emanating from the property be within the limitations
12 prescribed by the City's Noise Ordinance (Hermosa Beach Municipal Code Chapter 8.24) and
13 shall not create a nuisance to surrounding residential neighborhoods, and/or commercial
14 establishments and prohibiting live entertainment and customer dancing with the exception of
15 administratively approved Temporary Minor Special Event Permits and Limited Live
16 Entertainment Permits. In addition, entertainment, music, speakers, televisions, or audio or
17 visual media of any type, whether amplified or unamplified, shall be prohibited within the
18 outdoor patio. The project will not generate odor, dust or vibration disturbances as site
19 modifications will be limited to interior wall framing and drywall and installation of an exterior
20 awning, pavers, landscaping and fences/walls. HBMC Section 8.12 requires adequate solid
21 waste collection and disposal facilities for all developments. The restaurant currently utilizes a
22 joint trash compactor on parking lot A in which the City Council is scheduled to consider its
23 removal and replacement with individual trash receptacles for each business. As such, the
24 project is conditioned to require the property demonstrate the provision of enclosed solid waste
25 facilities prior to final City inspection and compliance shall be maintained with HBMC Section
26 8.12.220.

27 J. *Impact of the proposed use to the city's infrastructure, and/or services:* The existing site has
28 available utilities and services. The site has historically been occupied by a restaurant use with
outdoor dining and there will be no increase to the net square footage of the restaurant use. The
City's Police Department noted that additional lighting and a patron presence is expected to

1 reduce public safety concerns. Therefore, the proposed project will be sufficiently served by
2 existing infrastructure and is not expected to create additional demand on City services.

3 *K. Will the establishment contribute to a concentration of similar outlets in the area:* Pier Plaza
4 contains a mixture of commercial uses, a number of which are similar to the existing restaurant
5 with outdoor dining. The site has historically operated as a restaurant use with outdoor dining
6 and the project will supplement other similar businesses in the area and will not contribute to a
7 negative concentration of similar outlets in the area.

8 *L. Other considerations that, in the judgment of the City Council, are necessary to assure*
9 *compatibility with the surrounding uses, and the city as a whole:* The City's Police Department
10 raised concern related to pedestrian and bicyclist congestion impacts that may result due to the
11 outdoor dining area's close proximity to The Strand and tendencies to pass food and drinks and
12 congregate where there are outdoor dining areas. The applicant proposes that a 42" high concrete
13 wall be installed between the outdoor dining area and The Strand. The Police Department
14 recommended that a minimum 6-foot high barrier from grade (parking lot level) be installed
15 between The Strand and the outdoor dining area. The Planning Commission determined that a
16 3-foot wide landscape planter with plants providing a vertical barrier would provide a sufficient
17 barrier between The Strand and the outdoor dining area to reduce congestion impacts. The
18 applicant worked with city staff to revise the plans for review by the City Council and the
19 Council affirmed that a sufficient barrier will be provided as shown in the revised plans.

20 Late-Night Alcohol Beverage Establishments

21 HBMC Section 17.40.080 was adopted in 2012 and provides criteria which applies to "late-night
22 alcohol beverage establishments," defined as on-sale establishments that have been granted a CUP
23 that allows the establishment to operate after 11:00 P.M., including restaurants, establishments that
24 serve or allow alcoholic beverages as the primary use (e.g., bars), and establishments that provide
25 live entertainment. The objective of HBMC 17.40.080.B is to reduce the potential for adverse
26 impacts associated with late-night alcohol beverage establishments through considering the
27 following criteria for any CUP (new or amended) for a late-night alcohol beverage establishment:

- 28 a. Whether the total number of late-night alcohol beverage establishments will exceed the
City's limit on such establishments. The limit shall be set by City Council Resolution and may,

1 upon recommendation by the Planning Commission or its own motion, be amended by the City
2 Council from time to time.

3 The total number of late-night alcohol beverage establishments will not increase with the
4 project. The existing restaurant establishment is already classified as a late-night alcohol
5 beverage establishment and is included in the total number of late-night alcohol beverage
6 establishments.

7 *b. Whether the use will intensify through increases in the assigned occupant load from*
8 *owner/operator-initiated construction and/or remodeling that expand the square footage or*
9 *alter the floor plan. Assigned occupant load is calculated by the City under the relevant*
10 *provisions of the Building Code.*

11 The project will not intensify/increase the occupant load for the indoor portion of the existing
12 restaurant which is a late-night alcohol establishment due to late night operating hours. 774
13 square feet of indoor late-night restaurant area will be deactivated in exchange for an expanded
14 outdoor dining area which will close by 11:00 P.M. daily. The reduction of late-night restaurant
15 area is consistent with the objectives of the City's late night alcohol beverage establishment
16 ordinance to reduce the potential for adverse impacts associated with late-night alcohol beverage
17 establishments. The indoor occupant load is currently assigned at 103 persons. A preliminary
18 review of the floor plans by the Building Official indicates that the indoor late-night occupant
19 load will be reduced by approximately 38 persons bringing the total indoor occupant load to
20 approximately 65 persons. The outdoor dining area will close by 11:00 P.M. daily and is not
21 subject to the limitations contained within the City's late night alcohol beverage establishment
22 ordinance. Therefore, the occupant load within the outdoor dining area may be increased. The
23 applicant proposes to increase the outdoor dining area occupant load from 23 persons to
24 approximately 47 persons with 12 loose tables and 46 loose chairs. The indoor occupant load
25 will remain as presented and approved by the Commission at 65 persons. The project is
26 conditioned to require the project and operations comply with all requirements of the City of
27 Hermosa Beach Building Division, City of Hermosa Beach Public Works Department and Los
28 Angeles County Fire Department, and the City of Hermosa Beach Municipal Code. In addition,
the applicant shall submit a plan prepared by a licensed architect, consistent with the Planning

1 Commission and City Council approved floor plan, for occupant load calculation and approval
2 prior to final City inspection.

- 3 c. *Whether proposed modifications to floor plans, conditions of approval, type of alcoholic*
4 *beverages served (beer and wine versus full alcohol service), or other factors may increase*
5 *adverse impacts.*

6 The existing late-night on-sale general alcohol establishment operation will be maintained and
7 the project will result in the deactivation of 774 square feet of late-night restaurant area. The
8 reduction of late-night restaurant area is expected to reduce the potential for adverse impacts
9 that are associated with late-night alcohol beverage establishments.

- 10 d. *Whether the type, quantity, or geographic location of the establishment will create an over-*
11 *abundance of similar establishments in a particular area of the City such that it will reduce the*
12 *diversity of businesses operating in the immediate area.*

13 The proposed project involves an existing late-night on-sale general alcohol establishment.
14 Therefore the project will not alter existing concentrations of similar establishments in the area.

- 15 e. *Notwithstanding the criteria in (a) through (d), whether exceptional opportunities exist to*
16 *achieve other Community Development goals that will benefit the community, such as*
17 *redevelopment of an underutilized parcel or older building; to promote or catalyze economic*
18 *activity (e.g., new large or mixed use development); or to recognize the unique attributes of a*
19 *new business.*

20 There are no exceptional opportunities which exist to achieve other Community Development
21 goals that will benefit the community through this request.

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23 **Section 7.** Based on the foregoing, the City Council **hereby approves** the request for
24 Conditional Use Permit Amendment 18-3 subject to the following **Conditions of Approval:**

- 25
26 1. All previous Resolutions pertaining to the subject property at 3-11 Pier Avenue (including
27 P.C. Resolution 14-3) shall hereby be rescinded, and the Conditional Use Permit for the
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1 properties shall be governed exclusively by the provisions herein and as set forth in the
2 related resolution regarding Parking Plan Amendment (PARK 18-2).

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- 4 **2.** The use consisting of a restaurant with on-sale general alcohol and outdoor dining and the
5 proposed modifications to the site and building shall be substantially consistent with plans
6 and application materials revised to address the Planning Commission adjustments, and
7 submitted and approved by the City Council on July 9, 2019. The Community Development
8 Director shall review and may approve minor modifications that do not otherwise conflict
9 with the Municipal Code or requirements of this approval, provided that the use is not
10 changed, intensity of use is not increased and the arrangement of space would not increase
11 negative impacts. Any substantial deviation, changes to the floor plan, site plan, building
12 exterior or addition to the hours which alter the primary function of the use as a restaurant
13 shall be subject to review and approval by the Planning Commission. This approval does
14 not authorize dining on the public sidewalk.
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- 16 **3.** Parking and valet operations shall additionally comply with C.C. Resolution 19-7198
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- 18 **4.** The 774 square foot deactivated restaurant area shall be fully walled off from floor to ceiling,
19 unused, inaccessible and fire rated consistent with the fire rating of the building, with the
20 exception of a solid door containing a minimum one-foot wide by one-foot high transparent
21 window provided from the north restaurant hall exit path.
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- 23 **a.** Establishment staff shall allow City staff to enter and inspect the area any time during
24 business hours.
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- 26 **5.** The permitted hours of operation for the interior dining areas shall not exceed 8:00 a.m. to
27 12:00 a.m. Monday through Wednesday, and 8:00 a.m. to 2:00 a.m. Thursday through
28 Sunday, after which the doors shall be locked.

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6. The outdoor dining area shall not exceed 702 square feet. The permitted hours of operation for the outdoor dining area shall not exceed 8:00 a.m. to 11:00 p.m. daily, after which the area shall be secured and loitering shall not be permitted.

7. The business shall be operated as a bona fide restaurant. The kitchen shall be equipped to prepare food from its component ingredients whenever the restaurant is open and it shall offer a full-service lunch and/or dinner menu; food service from the menu shall be available during all hours that the establishment is open for business; a minimum of fifty (50) percent of the total gross sales, computed monthly, shall result from the sale of prepared food. The permittee shall maintain a summary of gross receipts of food and alcohol indicating the percentage of each to the total on a monthly basis for inspection by the City upon request.

8. Live entertainment and customer dancing are prohibited (including amplified music, disc jockeys, live music whether acoustic or amplified, and live performances of all kinds) per Section 17.04.050, (“Entertainment, Live”), with the exception of administratively approved Temporary Minor Special Event Permits and Limited Live Entertainment Permits in conformance with HBMC Sections 17.42.150 and 17.42.190.
 - a. Entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be prohibited within the outdoor patio.

9. The provision of alcoholic beverages shall comply with the following:
 - a. All alcoholic beverages shall be served in non-disposable drink ware.
 - b. A minimum 42” high concrete wall surrounding the outdoor dining area shall be maintained, thereby providing a barrier between the sidewalk and the dining areas in which alcohol is served. Any doors or windows shall not open into the public right of way.
 - c. The “outdoor waiting area” entry patio shall be standing area only and shall not be used for outdoor dining purposes and alcoholic beverages shall not be served or consumed in this area.

1 d. Signs shall be posted in a conspicuous location warning patrons of the illegality of
2 removing alcoholic beverages from the restaurant, and carrying and consuming alcoholic
3 beverages in any public place such as the public sidewalk or beach.

4 **10.** The pass-through window located along the south facing building wall shall be used by
5 employees only and shall not be used as a pick-up order window for customers.

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7 **11.** Temporary umbrellas shall be available only upon customer request and shall be stored when
8 not in use.

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10 **12.** The establishment shall not adversely affect the welfare of the residents, and/or commercial
11 establishments nearby.

12 **13.** The business shall prevent loitering, unruliness and boisterous activities of the patrons
13 outside the business or in the immediate area.

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15 **14.** Noise emanating from the property shall be within the limitations prescribed by the City's
16 Noise Ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a
17 nuisance to surrounding residential neighborhoods, and/or commercial establishments.

18 **15.** The exterior of the premises shall be maintained in a neat and clean manner, and maintained
19 free of graffiti at all times.

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21 **16.** Heating devices whether portable or fixed and screened gas storage shall be shown on plans
22 and must be reviewed and approved by the Building Official and Community Development
23 Director.

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25 **17.** Architectural treatments and accessory facilities shall be as shown on building elevations,
26 site and floor plans approved by the City Council on July 9, 2019.

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18. A sign permit shall be obtained for new signage at the subject site in conformance with HBMC Section 7.50.

19. All exterior lighting shall be downcast and fully shielded (with the exception of the overhead festoon lighting above the outdoor dining patio), and illumination shall be contained within the property boundaries. New lighting shall be energy-conserving and motion detector lighting shall be used for all light except low-level (three feet or less in height) security lighting. Lamp bulbs and images for new fixtures shall not be visible from within any on-site or off-site residential unit. New exterior lighting shall not be deemed finally approved until 30 days after installation, during which period the Building Official may order the dimming or modification of any illumination found to be excessively brilliant or impactful to nearby properties.

20. Two copies of a final landscape plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity and characteristics of landscape materials shall be submitted to the Community Development Department and Planning Division for review and approval prior to the issuance of Building Permits. The final plan shall also include the following:

- a.** A 3-foot wide landscape planter shall be maintained along The Strand and south parking stall.
- b.** The applicant shall provide a landscape plan to comply with Hermosa Beach Municipal Code Sections 17.22.060(H) and 8.60.070 to the satisfaction of the Community Development Director and Director of Public Works.
- c.** An automatic landscape sprinkler system consistent with Hermosa Beach Municipal Code Section 17.22.060(H) shall be provided, and shall be shown on plans (Building Permits are required).

21. To reduce marine debris associated with take-out containers, the establishment shall not use take-out containers with a “No. 6” recycle code.

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22. The practice of washing and rinsing restaurant floor mats, equipment, tables, etc., or discharge of any liquids, other than stormwater, onto the public right-of way, into the parking lot drain or stormdrains, is strictly prohibited. Discharge of liquids or wash water shall be limited to the sanitary sewer.
 23. The property shall demonstrate the provision of enclosed solid waste facilities prior to final City inspection and compliance shall be maintained with HBMC Section 8.12.220.
 24. A manager who is aware of the conditions of this Conditional Use Permit shall be on the premises during business hours. The Conditional Use Permit shall be maintained on the premise in a location where employees can easily read the conditions.
 25. The restaurant with on-sale alcoholic beverage service may be subject to a periodic review process established by the City to verify conformance with the Conditions of Approval.
 26. Exterior and interior water use shall comply with HBMC Chapter 8.56.
 27. The project and operations shall comply with all requirements of the City of Hermosa Beach Building Division, City of Hermosa Beach Public Works Department and Los Angeles County Fire Department, and the City of Hermosa Beach Municipal Code.
 - a. The applicant shall submit a plan prepared by a licensed architect, consistent with the City Council approved floor plan, for occupant load calculation and approval prior to final City inspection.
 28. Prior to the submittal of plans to the Building Division for plan check, an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this permit of approval.
 29. An approved Coastal Development Permit from the California Coastal Commission shall be filed with the City prior to issuance of Building Permits.

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30. Building plans shall be submitted to the Los Angeles County Fire Department for review and approval. Final fire inspections shall be coordinated with the Los Angeles County Fire Department.

31. Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Encroachment Permit.

32. The project shall maintain in conformance with all other applicable regulatory agency requirements and standards, including but not limited to: California Department of Alcoholic Beverage Control, Los Angeles County Health Department, California Disabled Access Standards (Government Code Title 24), and Los Angeles County National Pollutant Discharge Elimination System Permit (NPDES).

33. 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 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.

34. The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood or to the public safety and welfare resulting from the subject use pursuant to the procedures for modification/revocation in the HBMC.

35. 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

1 Director including the reason therefore, at least 60 days prior to the expiration date. No
2 additional notice of expiration will be provided.

3 Section 8. This permit shall not be effective for any purposes until the permittee and the
4 owners of the property involved have filed at the office of the Planning Division of the Community
5 Development Department their affidavits stating that they are aware of, and agree to accept, all of
6 the conditions of this permit.

7
8 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the
9 Community Development Department prior to the issuance of a building permit.

10 Each of the above conditions is separately enforced, and if one of the conditions of approval is found
11 to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

12
13 To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of
14 Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties")
15 from and against any claim, action, or proceeding brought by a third party against the indemnified
16 parties and the applicant to attack, set aside, or void any permit or approval for this project
17 authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees
18 and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such
19 action with attorneys of its choice.

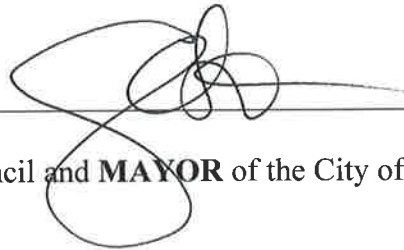
20 The permittee shall reimburse the City for any court and attorney's fees which the City may be
21 required to pay as a result of any claim or action brought against the City because of this permit.
22 Although the permittee is the real party in interest in an action, the City may, at its sole discretion,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

25
26 Section 9. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to
27 the decision of the Planning Commission, after a formal appeal to the City Council, must be made
28 within 90 days after the final decision by the City Council.

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Section 10. This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution, shall cause the original of the same to be entered among the original resolutions of the City Council and shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted.

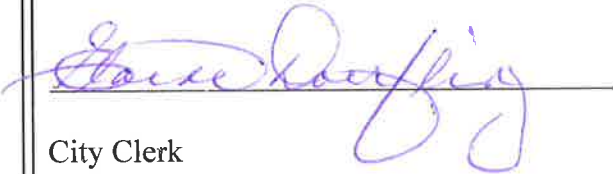
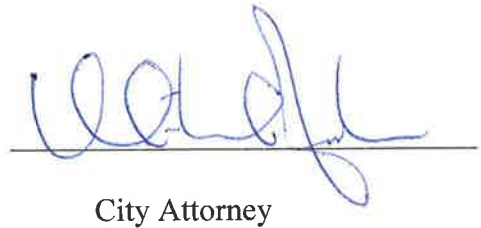
PASSED, APPROVED and ADOPTED this 9th day of July, 2019.



PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

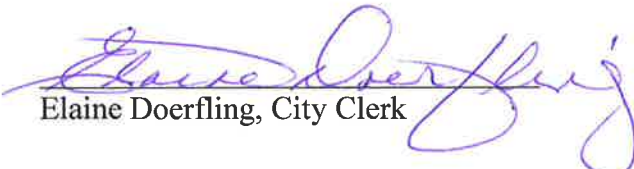

City Clerk
City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 19-7197 was duly and regularly passed, approved, and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on July 9, 2019 by the following vote:

AYES: Campbell, Duclos, Fangary, Massey, Mayor Armato
NOES: None
ABSENT: None
ABSTAIN: None

Dated: July 9, 2019


Elaine Doerfling, City Clerk