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**RESOLUTION 19-7198**

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

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

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

**Section 2.** The Planning Commission conducted a duly noticed public hearing to consider the application on May 21, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission. The Planning Commission approved the application with a 3-1 vote with amendments to the site plan to remove the gate to The Strand (unless required for emergency exit only), add one (1) additional foot to widen the planter(s) adjacent to The Strand with a total three (3) foot patio setback, and to provide a vertical solid landscape buffer (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 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

1 umbrellas be available only upon customer request and shall be stored when not in use.  
2 Additionally, the Plan also promotes a pedestrian orientation downtown streetscape improved  
3 through provision of elements such as cafés and recessed outdoor seating opportunities. The  
4 existing ground floor restaurant use with a proposed expanded outdoor dining area is a resident  
5 and visitor serving accommodation and is an appropriate use within the Recreational Commercial  
6 and Downtown District area. The City finds that the approved project, which activates an existing  
7 parking lot for outdoor dining while retaining the same parking capacity, is an appropriate use of  
8 the site under city code. The project condition on the umbrellas further balances all of these  
9 interests.

10 **Section 6.** Based on the testimony and evidence received, the City Council makes the  
11 following findings pertaining to the application for the Parking Plan Amendment pursuant to  
12 Hermosa Beach Municipal Code (HBMC) Section 17.44.210 finding that the use with valet and  
13 tandem parking, as conditioned, will supply adequate parking to meet demand without impacts to  
14 surrounding uses.

15 Pursuant to HBMC Section 17.44.210 a Parking Plan may be approved by the City to allow for a  
16 reduction in the number of spaces required. The applicant shall provide the information necessary  
17 to show that adequate parking will be provided for customers, clients, visitors and employees.  
18 Factors such as bicycle and foot traffic, valet parking, unique features of the proposed uses and other  
19 methods of reducing parking demand shall be taken into consideration.

20 The site has historically contained less than required parking by providing 25 parking spaces instead  
21 of the code required 51 parking spaces. The site area available for parking will be reduced, but the  
22 total available parking will not be reduced as a part of this request. However, a Parking Plan  
23 Amendment is required to allow use of an increased number of tandem parking spaces and valet  
24 parking services as a method of maintaining parking on-site.

25 The City has historically found tandem parking to be appropriate for the site due to there being high  
26 parking demand near the beach. In 1990 and 2014 the Planning Commission approved parking  
27 layouts and determined that a tandem parking arrangement provided adequate parking for the  
28

1 restaurant's customers and employees. City records indicate that the property has been legally  
2 utilizing tandem parking since at least 1990.

3 The existing 4,710 square foot restaurant building with 349 square feet of outdoor dining area is  
4 nonconforming to parking requirements. 51 parking spaces are required pursuant to HBMC Section  
5 17.44 and there are 25 existing legal non-conforming parking spaces on-site (with 16 spaces located  
6 in tandem) and 9 non-tandem spaces, one of which is a handicap accessible space.

7  
8 The applicant proposes to deactivate 774 square feet of the existing 4,710 square foot restaurant  
9 area reducing the restaurant area to 3,936 square feet. In doing so, 702 square feet will be added to  
10 the existing 349 square foot outdoor dining area totaling 1,051 square feet. There will be no increase  
11 to the net square footage of the restaurant operation. Therefore, no additional parking is required.

12 The applicant's parking consultant prepared an operational methodology plan as well as parking lot  
13 critical turn movement plans. The City's parking and traffic consultant and staff reviewed the  
14 proposed valet parking plan and the City Council concluded that the plan is complete and feasible  
15 based on the critical turn movements and on-site vehicle staging locations.

16  
17 The proposed plans illustrate the "worst case scenario" where vehicles are parked head in. The City  
18 Council concurs with the conclusions of the Planning Commission, city staff and the City's Engineer  
19 that the plan is complete and feasible based on the information provided. Vehicles parked within  
20 the six aisle spaces may be moved forward or backward and side to side to gain access to the vehicles  
21 on the east and adjacent to Beach Drive and to the west and adjacent to the outdoor dining area. A  
22 mobile podium and umbrella will be set up adjacent to the ADA stall to mark the designated pick  
23 up and drop off point for vehicles. Both valet attendants will switch to greet guests as well as  
24 park/retrieve vehicles, and will insure there is always at least one attendant available at the podium  
25 to greet arriving or departing guests. The expected maximum wait time will not exceed 5 minutes.

26 Therefore, the City Council concludes that the use with valet and tandem parking, as conditioned,  
27 will supply adequate parking to meet demand without impacts to surrounding uses.  
28

1                    **Section 7.** Based on the foregoing, the City Council hereby approves the request for Parking  
2 Plan Amendment 18-2 subject to the following Conditions of Approval:

- 3
- 4                    1. All previous Resolutions pertaining to the subject property at 3-11 Pier Avenue (including  
5 P.C. Resolution 14-3) shall hereby be rescinded, and the Parking Plan for the properties shall  
6 be governed exclusively by the provisions herein and as set forth in the related resolution  
7 regarding Conditional Use Permit Amendment (CUP 18-3).
- 8
- 9                    2. The use consisting of a restaurant with on-sale general alcohol and outdoor dining and the  
10 proposed modifications to the site and building shall be substantially consistent with revised  
11 plans and application submitted and approved by the City Council on July 9, 2019. The  
12 Community Development Director shall review and may approve minor modifications that  
13 do not otherwise conflict with the Municipal Code or requirements of this approval, provided  
14 that the use is not changed, intensity of use is not increased and the arrangement of space  
15 would not increase negative impacts. Any substantial deviation, changes to the floor plan,  
16 site plan, building exterior or addition to the hours which alter the primary function of the  
17 use as a restaurant shall be subject to review and approval by the Planning Commission.
- 18
- 19                    3. The project shall additionally comply with Resolution No. 19-7197
- 20
- 21                    4. A manager who is aware of the conditions of this Parking Plan shall be on the premises  
22 during business hours. The Parking Plan shall be maintained on the premise in a location  
23 where employees can easily read the conditions.
- 24
- 25                    5. Prior to the submittal of structural plans to the Building Division for plan check, an  
26 ‘Acceptance of Conditions’ affidavit and recording fees shall be filed with the Planning  
27 Division of the Community Development Department stating that the applicant/property  
28 owner is aware of, and agrees to accept, all of the conditions of this permit of approval.
6. The restaurant shall provide a minimum of 25 parking spaces on-site during all hours of  
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- a. 19 parking stalls shall be restriped and numbered and the remaining six parking spaces shall be provided in the aisle.
  - b. The parking lot shall be designed and striped in compliance with HBMC Chapter 17.44.
  - c. The parking lot shall be fully available for and limited to employee and patron parking during all hours of operation and back of house functions.
  - d. A bicycle rack for at least eight (8) bicycles shall be maintained on-site at all times.
7. A professional valet company shall be retained to provide parking services during all hours of operation.
- a. Management of safe and efficient valet parking shall be maintained in substantial conformance with the plans and application materials approved by the City Council on July 9, 2019, to the satisfaction of the Community Development Director.
  - b. All 25 parking spaces shall be valet parking assist and free for employees and patrons of the business during all hours of operation.
  - c. Two valet parking attendants shall be stationed at the parking lot entrance during all hours of operation to inform employees and patrons of valet service and to park vehicles on-site to maintain circulation flow and ensure safety. The attendants shall be responsible for parking no more than 25 vehicles on-site as shown on the approved plans.
  - d. All vehicles shall be parked head out (backed into spaces) with the exception of the one handicap accessible space located north of the parking lot entry drive aisle.
  - e. Should complaints or problems occur with the management of valet parking at the subject sites as verified by the Community Development Director, an updated parking management plan shall be submitted for review and subject to approval by the Community Development Director. Should verified complaints and problems continue to occur, the parking management plans shall be modified to address those concerns to the satisfaction of the Community Development Director. Should the complaints be substantial or irresolvable, or should problems continue, the Community Development Director may refer the matter to the Planning Commission

1 for review of the Parking Plan and/or any applicable Conditional Use Permits  
2 associated with the subject sites.

- 3 8. A sign permit shall be obtained for new signage at the subject site in conformance with  
4 HBMC Section 7.50.
- 5
- 6 a. Signs approved by the Community Development Director shall be prominently  
7 displayed informing patrons of the mandatory and free parking and valet parking service.
- 8 b. The disabled parking space shall be appropriately signed.
- 9 9. The project shall maintain in conformance with all other applicable regulatory agency  
10 requirements and standards, including but not limited to: California Department of Alcoholic  
11 Beverage Control, Los Angeles County Health Department, California Disabled Access  
12 Standards (Government Code Title 24), and Los Angeles County National Pollutant  
13 Discharge Elimination System Permit (NPDES).
- 14
- 15 10. The subject property shall be developed, maintained and operated in full compliance with  
16 the conditions of this grant and any law, statute, ordinance or other regulation hereafter  
17 adopted that is applicable to any development or activity on the subject property. Failure of  
18 the permittee to cease any development or activity not in full compliance shall be a violation  
19 of these conditions.
- 20 11. The Planning Commission may review this Parking Plan and may amend the subject  
21 conditions or impose any new conditions if deemed necessary to mitigate detrimental effects  
22 on the neighborhood or to the public safety and welfare resulting from the subject use  
23 pursuant to the procedures for modification/revocation in the HBMC.
- 24
- 25 12. Approval of this permit shall expire twenty-four (24) months from the date of approval by  
26 the Planning Commission, unless significant construction or improvements or the use  
27 authorized hereby has commenced. One or more extensions of time may be requested. No  
28 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 Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community  
9 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.

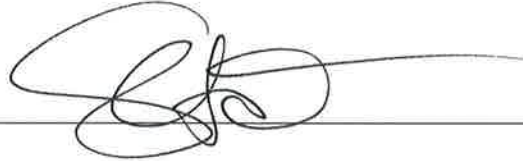
20 The permittee shall reimburse the City for any court and attorney's fees which the City may be  
21 required to pay as a result of any claim or action brought against the City because of this permit.  
22 Although the permittee is the real party in interest in an action, the City may, at its sole 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.

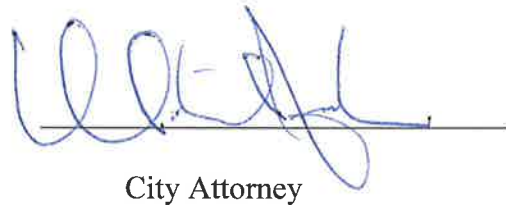
**PASSED, APPROVED and ADOPTED** this 9<sup>th</sup> day of July, 2019.



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

ATTEST:

APPROVED AS TO FORM:

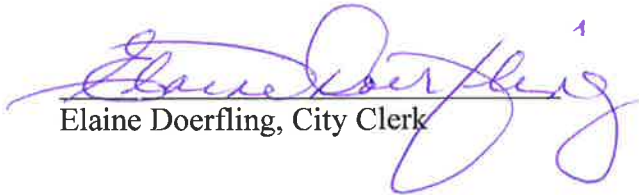
  
City Clerk  
City Attorney

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. 19-7198 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