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P.C. RESOLUTION 04-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 1121 AVIATION BOULEVARD

Section 1. An application was filed by Ki Yon Kim, seeking approval for on-sale beer and wine in conjunction with a restaurant.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on May 17, 2004, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject restaurant space is approximately 1,500 square feet, and is being remodeled to add a sushi bar and to accommodate male and female bathroom facilities. It is located within a shopping center at the corner of Aviation Boulevard and Prospect Avenue that contains a variety of other businesses, and previous use of the subject space was also for restaurant purposes.

2. The site is zoned C-3, General Commercial allowing restaurant uses, and on-sale beer and wine with approval of a Conditional Use Permit. Since the occupancy of the building will continue to be used for restaurant purposes there is no intensification of use, and no requirement for additional parking.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit:

1. The site is zoned C-3, and is suitable for the proposed use;
2. The proposed use is compatible with surrounding commercial and residential uses;
3. The imposition of conditions as required by this resolution will mitigate any negative impacts on nearby residential or commercial properties;
4. This project is Categorical Exempt pursuant to Section 15303c of the California Environmental Quality Act.

Section 5. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit subject to the following **Conditions of Approval**;

1. The project shall be substantially consistent with submitted plans as reviewed by the Planning Commission on May 17, 2004. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.
2. The hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. Sunday through Thursday, and between 7:00 A.M. and 11:00 P.M. on Fridays and Saturdays.
3. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
4. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business and in the parking areas.
5. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
6. The Police Chief may determine that a continuing police problem exists, and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem, and then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Planning Commission.
7. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
8. The applicant shall submit a detailed seating and occupancy plan prepared by a licensed design professional, which shall be approved by the Community Development Department prior to final occupancy of restaurant, and posting of the occupant load. Any significant changes to this interior layout which would alter the primary function of the business as a restaurant shall be subject to review and approval by the Planning Commission.
9. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
10. The Planning Commission shall conduct a review of the restaurant operations for compliance with the terms of the Conditional Use Permit 6 months after its opening, and in response to any complaints thereafter.

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

