

RESOLUTION B.Z.A. 154-382

A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF HERMOSA BEACH GRANTING A CONDITIONAL USE PERMIT FOR THE SERVICE OF BEER AND WINE IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT ON PROPERTY LOCATED AT 425 PIER AVENUE, HERMOSA BEACH, CALIFORNIA.

WHEREAS, the Board of Zoning Adjustments of the City of Hermosa Beach, at a public hearing held on October 20, 1980, considered the request of Mr. Abedin Ajeti for a conditional use permit to allow the service of beer and wine in conjunction with the operation of a restaurant, on property known as Lots 24 and 25, Hiss Addition to Hermosa Beach Tract; and

WHEREAS, at said public hearing, the Board considered the project location, zoning and the General Plan, and

WHEREAS, the Board found the project consistent with the General Plan and with zoning and the commercial character of the area;

NOW, THEREFORE, the Board of Zoning Adjustments of the City of Hermosa Beach does hereby approve a conditional use permit for service of beer and wine in conjunction with the operation of a restaurant at 425 Pier Avenue subject to the following conditions:

1. X No beer or wine "to go".
2. F Posting of sign inside advising patrons of illegality of removing any alcoholic beverages from the premises.
3. No admission to, or service of alcohol, to anyone on skates.
4. Service of alcohol in permanent glass containers only, and only when food is available.
5. Operator of the business must police the areas directly adjacent to the business for litter and maintain in a clean and orderly manner on a daily basis.
6. F Installation of screens on all openable exterior windows to prevent any possible pass thru of alcoholic beverages and for control of flies. Exterior doors shall be self-closing or screened or use Health Department approved fly fans.
7. If the operation of this establishment causes a risk of harm to persons or property, the Police Chief may assign a policeman as doorman during hours of operation at the applicant's expense.
8. \* The hours of operation to be from 11:00 a.m. to 11:00 p.m.
9. Any changes to the interior layout of the establishment shall require that it be returned to the Board of Zoning Adjustments, and it may revoke the conditional use permit if new interiors are not consistent with the original approval.
- F 10. Adequate trash containers shall be provided by owners of business.

11. \*Maximum permissible occupancy must be clearly posted at all times and may not be exceeded at any time. If the Police/Fire Departments determine that the maximum permissible occupancy of the building is being violated, they may cite the business and initiate a conditional use permit revocation.
12. That there be a three month review and thereafter one and two year reviews.
13. This conditional use permit is issued exclusively for and so long as the premises remain a restaurant, which is defined as having gross sales as follows: not less than 65% food sales - 35% beer and/or wine sales computed monthly.
14. The City shall have the right during business hours upon 15 days notice to inspect the books and records of the applicant to determine the gross sales of food and/or the gross sales of alcoholic beverages. Food shall include the sale of beverages other than alcoholic beverages.
15. Upon request at the time the City inspects the books and records of the applicant, the applicant shall also submit to the City copies of all records submitted to the State Board of Equalization for the purposes of verifying the applicant's books and records, with the understanding that these reviews are confidential.
16. In the event that any one condition is found to be illegal or unenforceable by a court of competent jurisdiction, then the parties agree that all other conditions shall remain in full force and effect. The parties understand that the applicant is represented by counsel at all steps of these proceedings and it is the opinion of the City Attorney that the conditions meet Constitutional requirements, and in the event that either attorney is in error both parties agree that no action for damages shall be brought against the other party and that the exclusive remedy on behalf of the applicant is for a Mandate of Declaratory Relief to make the determination that any one or more conditions is illegal and unenforceable, and parties waive all rights to damages.

VOTE:

AYES: Comms. Beard, DeBellis, Merrill, Moore, Walker, Williams, Ebey

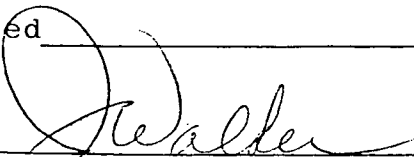
NOES: None

ABSENT: None

CERTIFICATION

I hereby certify that the foregoing Resolution BZA 154-382 was adopted by the Board of Zoning Adjustments at a regular meeting held on the 20th day of October, 1980.

Dated \_\_\_\_\_

  
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JIM WALKER, SECRETARY

  
CORALIE EBEBY, CHAIRMAN