

October 9, 2001

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
October 16, 2001**

SUBJECT:           CONDITIONAL USE PERMIT 01-5  
LOCATION:           1225 HERMOSA AVENUE  
APPLICANT:       THE COFFEE BEAN & TEA LEAF  
REQUESTS:        CONDITIONAL USE PERMIT FOR OUTDOOR SEATING  
                      IN CONJUNCTION WITH A SNACK SHOP

**Recommendation**

To approve the request subject to the conditions as contained in the attached resolution.

**Background**

**PROJECT INFORMATION:**

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
GROSS FLOOR AREA OF BUILDING :	25,835 Square Feet
AREA OF ESTABLISHMENT:	1,260 Square Feet
AREA OF OUTDOOR SEATING:	256 Square Feet
PARKING:	279 Spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

At the September 18, 2001 meeting this project was continued so that the applicant could have more time to revise the proposed plans and obtain further information to address Planning Commission concerns.

**Analysis**

Staff has worked with the applicant since this project was previously continued by the Planning Commission, and discussed the Commission's jurisdiction over the public right-of-way with the City Attorney. This project is similar to the Starbucks outdoor dining area, located across the street at 1303 Hermosa Avenue and approved by the Planning Commission on July 18, 2000.

The proposed pedestrian clearance for the outdoor tables and umbrellas is not an issue. The plans meet or exceed all Public Works Department and ADA requirements for pedestrian clearance. The minimum clearance required for pedestrian access is 42" (3'-6"). The table faces are 4'-9" from tree planter edges, and the umbrella canopies are 4'-11" from curb face, and 80" (6'-8") above grade (which is also standard door height). Also, the sidewalks for this project are wider than those in front of Starbucks by approximately two (2) feet.

An additional trash container has been added on the 13<sup>th</sup> Street frontage as the Planning Commission requested. Now there will be a trash container along Hermosa Avenue and 13<sup>th</sup> Street.

The City Attorney has advised that the Commission has authority to approve the location and quantity of seating as part of the CUP approval process.

As requested by the Public Works Department, the applicant will plant six trees along the recognized historic portions of the building frontages on 13<sup>th</sup> Street and Hermosa Avenue (including one in front of the proposed Cold Stone Creamery tenant location). The 13<sup>th</sup> Street frontage west of the Coffee Bean/Office Building portion of the Bijou Building has no historic character defining features.

CONCUR:

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Scott Lunceford  
Planning Assistant

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Sol Blumenfeld, Director  
Community Development Department

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Homayoun Behboodi, Associate Engineer  
Public Works Department

Attachments

1. Proposed Resolution
2. Previous Staff Report
3. CUP 00-4 Resolution (Starbucks)

cup1225cont

## **P.C. RESOLUTION 01-**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW OUTDOOR SEATING IN CONJUNCTION WITH A COFFEE HOUSE/SNACK SHOP AT 1225 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 14 TO 18, BLOCK 13, HERMOSA BEACH TRACT.**

Section 1. An application was filed by The Coffee Bean & Tea Leaf, seeking approval for an outdoor seating area to the north and east of the snack shop establishment at 1225 Hermosa Avenue.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Conditional Use Permit on October 16, 2001, 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 coffee house is to be located within a portion of the ground floor area, containing 1,260 square feet, within the 25,835 square foot Bijou Building.
2. The applicant proposes to provide outdoor seating for customers use in connection with the snack shop/coffee house.

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

1. The site is zoned C-2, and is suitable for the proposed outdoor dining in conjunction with the business;
2. The proposed outdoor dining 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 Categorically 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 for outdoor seating, subject to the following **Conditions of Approval:**

- 1. The project shall be substantially consistent with submitted plans revised in accordance with the conditions below. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.**
- 2. The plan shall be revised to clearly show the limits of the outdoor seating area which encroaches into the City right-of-way. Seating provided along the Hermosa Avenue and 13<sup>th</sup> Street frontages shall be fixed, and shall not interfere with required pedestrian clearance as required by the Public Works Department.**
- 3. Outdoor seating shall be in conjunction with the coffee house use only.**
- 4. An encroachment permit shall be obtained from the Public Works Department for the outdoor seating area.**
- 5. The outdoor seating area shall be maintained in a neat and clean manner at all times.**
- 6. The use of outdoor seating area shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 7. The use of the outdoor seating area shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.**
- 8. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons in the outdoor seating areas.**
- 9. 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.**

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.

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

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 and enforceable.

Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim,

action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

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

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 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.

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 resulting from the subject use.

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

VOTE:           AYES:  
                  NOES:  
                  ABSENT:  
                  ABSTAIN:

#### CERTIFICATION

I hereby certify the foregoing Resolution P.C. 01- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of October 16, 2001.

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**Sam Perrotti, Chairman**

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**Sol Blumenfeld, Secretary**

Date\_\_\_\_\_

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