

May 12, 2004

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

Regular Meeting

May 17, 2004

SUBJECT: CONDITIONAL USE PERMIT 04-1 - TO ALLOW ON-SALE BEER AND WINE IN
CONJUNCTION WITH A RESTAURANT

LOCATION: 1121 AVIATION BOULEVARD

APPLICANT: KI YON KIM
1031 ½ WALKER AVENUE
SAN PEDRO, CA 90731

Recommendation

To direct staff as deemed appropriate.

Background

PROJECT INFORMATION:

ZONING:	C-3, Restricted Commercial
GENERAL PLAN:	General Commercial
TOTAL FLOOR AREA OF CENTER:	47,800 Square Feet
AREA OF SUBJECT RESTAURANT:	1,500 Square Feet
PARKING:	191 (Shared with other tenants of shopping center)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

A restaurant has occupied the subject location since it was approved for an expanded restaurant use in 1987 pursuant to a Parking Plan approved by the Planning Commission, pursuant to Section 17.44.220, which allows parking to be calculated at a retail parking ratio of 1 space to 250 square feet for various uses when parking is shared in a shopping center. The most recent use of this space was for a sit-down Brazilian restaurant, and prior to that it was a take-out and delivery pizza restaurant. The shopping center uses currently include two other restaurants that also serve beer and wine: "Suzy's" and "Akbar". Suzy's is also located within the main part of the shopping center building, but differs from the subject restaurant in that it contains live entertainment and outside seating. Akbar (previously "Invitation to India") is located in the separate building fronting on Aviation Boulevard. Another restaurant, "Lien's Place" which had a C.U.P. for beer and wine, has recently closed down and been replaced by a dance studio. A list of current uses, parking requirements, and existing parking is attached. The continuation of the existing use as a restaurant with on-sale beer and wine added does not impact shopping center parking as approved by the

Parking Plan, as the shopping center provides parking at an overall consolidated retail parking ratio of 1 per 250 square feet.

Analysis

The applicant is requesting permission for on-sale beer and wine in conjunction with a restaurant. The tenant improvement is in process to reopen the space for a sushi restaurant: “Gu Gu Sushi and Roll.” The applicant is proposing interior modifications to the floor plan to accommodate a sushi bar, modern equipment, required male and female bathrooms and dining tables. The improvements currently underway on the premises are not predicated on approval of this Conditional Use Permit, and the owner is aware that approval for on-sale beer and wine is separate and discretionary.

The attached resolution of approval contains the currently applicable standard conditions for restaurants with on-sale beer and wine, including a condition regarding hours of operation. The hours are based on what has previously been considered appropriate for locations abutting residential uses, similar to what was recently granted by the Planning Commission for a similar restaurant on P.C.H. (from 7:00 A.M. to 10:00 P.M Monday through Thursday, and to 11:00 P.M Friday and Saturdays). The other restaurants in the shopping center have approved hours to midnight (Akbar) and Suzy’s has hours until midnight Monday through Thursday, and until 1:00 P.M. on the weekends, although Suzy’s includes live entertainment. Suzy’s was the subject of a request for general alcohol, which was denied by the Planning Commission due to past noise and nuisance complaints and concerns about the proximity of residential uses

Given the recent change of one restaurant that served beer and wine (Lien’s Place) to a dance and music studio, the subject project will bring the number of beer and wine licenses in the Shopping Center back to three, thus resulting in no net increase in beer and wine licenses in the center.

The applicant must submit a detailed seating plan, which complies with occupant load requirement of the building code. Staff recommends including this as a condition of approval.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Parking and use summary for Shopping Center
2. Draft Resolution for approval.
3. Location Map

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BIG LOTS CENTER PARKING SUMMARY

ADDRESS	TENANT	SQUARE FEET	PARKING REQUIREMENT	TOTAL spaces
RETAIL / OFFICE / PERSONAL SERVICES				
R.B.	BIG LOTS	25,040	1:250	101
1151	Hermosa "School of Dance and Music" (considered a fitness center)	2,850	1:250	11
1149	School of Dance and Music	1,100	1:250	4
1147	Curves (Women's Fitness Center)	1,375	1:250	6
1131	Barber Shop	800	1:250	3
1129	Cutter Salon	800	1:250	3
1127	The Puppy Parlor (Pet Grooming)	800	1:250	3
1123	Cali Nail and Spa	750	1:250	3
1117	Olympus Board Shop	750	1:250	3
1115	Bob's Cleaners/Laundry	3,150	1:250	13
1109	Artesia TV (TV, Video Repair)	1,050	1:250	5
1103	Castus – Low-Carb Market	<u>2,600</u>	1:250	10
		41,065 (86%)		
RESTAURANTS / SCHOOL				
1101	Akbar (beer and wine)	2,260	1:100	23
1121	Gu Gu Sushi and Roll (beer and wine proposed)	1,500	1:100	15
1141	Suzy's (beer and wine)	1,875	1:100	19
			subtotal restaurants:	57
1137	Krause Holistic Health College	<u>1,100</u>	1:100	11
		6,735 (14%)		
	MAXIMUM PARKING REQUIRED			233
	CURRENT PARKING			191

Calculated as Consolidated Parking at one space per 250 square feet, pursuant to Section 17.44.220, Consolidated Off-Street Parking for the 47,800 square feet mixed-use shopping center, total parking required is 191 spaces.

(Updated by Planning Division 5/2004)

P.C. RESOLUTION 04-

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 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 subject to the following **Conditions of Approval**;

- 1
2 **1. The project shall be substantially consistent with submitted plans as reviewed by the**
3 **Planning Commission on May 17, 2004. Modifications to the plan shall be reviewed**
4 **and may be approved by the Community Development Director.**
- 5
6 **2. The hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. Sunday**
7 **through Thursday, and between 7:00 A.M. and 11:00 P.M. on Fridays and Saturdays.**
- 8
9 **3. The establishment shall not adversely effect the welfare of the residents, and/or**
10 **commercial establishments nearby.**
- 11
12 **4. The business shall provide adequate staffing, management and supervisory techniques**
13 **to prevent loitering, unruliness, and boisterous activities of the patrons outside the**
14 **business and in the parking areas.**
- 15
16 **5. Noise emanating from the property shall be within the limitations prescribed by the**
17 **City's noise ordinance and shall not create a nuisance to surrounding residential**
18 **neighborhoods, and/or commercial establishments.**
- 19
20 **6. The Police Chief may determine that a continuing police problem exists, and may**
21 **authorize the presence of a police approved doorman and/or security personnel to**
22 **eliminate the problem, and then shall submit a report to the Planning Commission,**
23 **which will automatically initiate a review of this Conditional Use Permit by the Planning**
24 **Commission.**
- 25
26 **7. The exterior of all the premises shall be maintained in a neat and clean manner, and**
27 **maintained free of graffiti at all times.**
- 28
29 **8. The applicant shall submit a detailed seating and occupancy plan prepared by a**
30 **licensed design professional, which shall be approved by the Community Development**
31 **Department prior to final occupancy of restaurant, and posting of the occupant load.**
32 **Any significant changes to this interior layout which would alter the primary function of**
33 **the business as a restaurant shall be subject to review and approval by the Planning**
34 **Commission.**
- 35
36 **9. The project and operation of the business shall comply with all applicable requirements**
37 **of the Municipal Code.**

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

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

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

3
4 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any
5 claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,
6 void or annul this permit approval, which action is brought within the applicable time period of the State
7 Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and
8 the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim,
9 action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
10 thereafter be responsible to defend, indemnify, or hold harmless the City.

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

16 The subject property shall be developed, maintained and operated in full compliance with the conditions
17 of this grant and any law, statute, ordinance or other regulation applicable to any development or activity
18 on the subject property. Failure of the permittee to cease any development or activity not in full
19 compliance shall be a violation of these conditions.

20 The Planning Commission may review this Conditional Use Permit and may amend the subject
21 conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the
22 neighborhood resulting from the subject use.

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24 VOTE: AYES:
25 NOES:
26 ABSENT:
27 ABSTAIN:

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CERTIFICATION

I hereby certify the foregoing Resolution P.C. 04- 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 May 17,
2004.

Langley Kersenboom, Chairman

Sol Blumenfeld, Secretary

Date _____