

September 20, 2005

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

**Regular Meeting of
September 6, 2005**

SUBJECT: CONDITIONAL USE PERMIT 05-6 - TO ALLOW ON-SALE BEER AND WINE
 IN CONJUNCTION WITH A RESTAURANT

LOCATION: 429 PACIFIC COAST HIGHWAY

APPLICANT: SUN YUNG KIM AND OK KA KIM
 1169 W. VILLE COURT
 TORRANCE, CA 90502

Recommendation

To direct staff as deemed appropriate.

Background

PROJECT INFORMATION:

ZONING:	SPA-7, Specific Plan Area
GENERAL PLAN:	Commercial Corridor
LOT SIZE:	14,055 Square Feet
BUILDING AREA:	1,700 Square Feet
REMODEL AREA:	320 Square Feet
PARKING:	24 Spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The restaurant is located on the southwest corner of the intersection of Pacific Coast Highway and 5th Street. The restaurant is in the same building as the former “Togo’s Sandwiches” and has an existing parking lot with 24 off-street parking spaces.

Analysis

The applicant is requesting permission for on-sale beer and wine in conjunction with an existing restaurant. Pursuant to Chapter 17.26 of the Hermosa Beach Zoning Ordinance, a Conditional Use Permit is required to serve beer and wine in conjunction with a restaurant use. The applicant is proposing to change the existing kitchen/service area to prepare sushi and other Japanese cuisine to replace the existing area used for sandwich preparation, and to add a urinal in the existing men’s restroom. The proposed remodel does not involve changing any other parts of the existing floor plan, nor will any changes be made to the existing seating plan. Also, no exterior improvements to the building façade are indicated by the applicant.

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 staff based the proposed hours of operation (from 7:00 A.M. to 10:00 P.M. Monday through Thursday, and to 11:00 P.M. Friday and Saturdays) on what was previously granted by the Planning Commission for another similar restaurant at 442 Pacific Coast Highway (which is currently “Oki Doki Sushi”) as being considered appropriate for locations abutting residential uses.

Neither outdoor seating or live entertainment are proposed as part of this project. 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.

An occupant load for the subject restaurant must be determined with a required seating plan submittal. As a standard condition of approval, the applicant is required to 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.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Draft Resolution
2. Location Map
3. Photos

P.C. RESOLUTION 05-

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 429 PACIFIC COAST HIGHWAY

Section 1. An application was filed by Sun Yung Kim and Ok Ka 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 September 20, 2005, 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 1,700 square feet. The restaurant is located on the southwest corner of the intersection of Pacific Coast Highway and 5th Street. The applicant is changing the existing kitchen/service area to prepare sushi and other Japanese cuisine to replace the existing area used for sandwich preparation, and to add a urinal in the existing men's restroom. The applicant is not changing the existing seating plan or building facade.

2 The site is zoned SPA-7, Specific Plan Area 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 SPA-7, 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. The project shall be substantially consistent with submitted plans as reviewed by the Planning Commission on January 18, 2005. Minor 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 affect 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.

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, its 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 not 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.

VOTE: AYES:
 NOES:

ABSTAIN:
ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 05- 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 September 20, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

September 20, 2005

Date