

April 4, 2007

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

**Regular Meeting of
April 17, 2007**

SUBJECT: CONDITION USE PERMIT AMENDMENT 07-5

LOCATION: 53 PIER AVENUE

APPLICANT: SHIGEKI TAKAHASHI, PARADISE SUSHI
 53 PIER AVENUE
 HERMOSA BEACH, CA 90254

REQUEST: TO AMEND THE ALLOWED CLOSING TIME OF AN EXISTING RESTAURANT WITH
 ON-SALE BEER AND WINE FROM 11:00P.M. TO 12:30A.M.

Recommendations

To approve said request subject to the conditions by adopting the attached resolution and to modify the allowed operating hours from 11:00 A.M. to Midnight.

Background

PROJECT INFORMATION:

GENERAL PLAN:	General Commercial
ZONING:	C-2, Restricted Commercial
AREA OF ESTABLISHMENT:	1,015 square feet (Interior) 250 square feet (Outdoor seating area)
PARKING:	No on-site parking
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject restaurant is located on the ground level of the Loreto Plaza. Loreto Plaza is a two story commercial building located on the north side of Pier Plaza. On March 4, 1985, the Board of Zoning Adjustments granted a Conditional Use Permit to the subject property to allow on-sale beer and wine in conjunction with the operation of a restaurant (Paradise Sushi). The Conditional Use Permit does not include live entertainment and the current allowed operating hours are from 11:00A.M. to 11:00P.M.

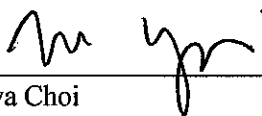
Analysis

The applicant is requesting to amend the existing Conditional Use Permit to change the allowed closing time from 11:00 P.M. to 12:30 A.M.. The request involves no additional seating or intensification of land use. The applicant intends to operate the restaurant in the same manner and no other changes are proposed. From August through December of 2004, staff conducted inspection of downtown businesses relative to Conditional Use Permit conformance and no violations were noted for Paradise Sushi. The Police Department has not recorded any current disturbances in connection with the business for the past two years.

Based on recent Planning Commission approvals, the Commission may wish to consider an earlier closing time of 12:00 midnight. The following table summarizes recent decisions by the Commission on similar requests to modify operating hours.


Business Name:	Address:	Closing Time:	On-Sale General Alcohol:	Live Entertainment:	Approved Date:
Mediterraneo	73 Pier Av.	12:00 Midnight	Yes	Yes	Dec. 2003
Hibachi	117 Pier Av.	11:00 P.M.	Yes	No	Feb. 2005
Italy's Little Kitchen	1150 Hermosa Av.	12:00 Midnight	Yes	No	Nov. 2005
Sharkeez (Expansion)	52 Pier Av.	12:00 Midnight	Yes	No	Jan. 2007

Given proposed request is relatively minor; staff is recommending approval of the request subject to updated conditions of approval for restaurants with on-sale beer and wine and to modify the allowed operating hours from 11:00 A.M. to Midnight.



 Eva Choi
 Planning Assistant

CONCUR:



 Sol Blumenfeld, Director
 Community Development Department

Attachments

1. Resolution
2. Location Map
3. Photographs

Cupa53Pier (07-5)

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RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN EXISTING CONDITIONAL USE PERMIT, AS AMENDED, TO CHANGE THE ALLOWED CLOSING TIME OF AN EXISTING RESTAURANT WITH ON-SALE BEER AND WINE FROM 11:00P.M. TO 12:00 MIDNIGHT AT 53 PIER AVENUE (PARADISE SUSHI), LEGALLY DESCRIBED AS LOTS 22, 23 & 24, BLOCK 13, HERMOSA TRACT

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Shigeki Takahashi, Paradise Sushi, seeking approval to change the allowed closing time of an existing restaurant with on-sale beer and wine from 11:00 P.M. to 12:30A.M..

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on April 17, 2007, 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. A Conditional Use Permit for on-sale beer and wine in conjunction with a restaurant was previously approved by the Board of Zoning Adjustments, Resolution 154-579.
2. The site is zoned C-2, Restricted Commercial allowing restaurant uses, and on-sale beer and wine with approval of a Conditional Use Permit.

Section 4. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit for on-sale beer and wine in conjunction with a restaurant subject to the following **Conditions of Approval**, which supersede the conditions contained in Board of Zoning Adjustments Resolution 154-579:

Approved Plans and Uses:

1. **Interior and the continued use and operation of the restaurant shall be substantially consistent with the plans submitted and reviewed by the Planning Commission on April 17, 2007.**
 - a. **The Conditional Use Permit Amendment is for on-sale beer and wine in conjunction with a restaurant. Any intensification of use involving live**

1 entertainment, such as providing a disc jockey or other forms of amplified
2 music for customer dancing, any type of live entertainment (i.e. live music
3 whether acoustic or amplified, comedy acts, or any other type of performances)
4 or extended hours of operation beyond what is specified requires amending this
5 Conditional Use Permit.

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- b. If the Conditional Use Permit is amended to provide dancing, live music, or other live entertainment as noted above, an acoustical analysis shall be conducted to verify compliance with the noise ordinance, demonstrating that the noise will not be audible from any adjacent residential use. Mitigation measures to attenuate noise may include sound baffles, double glazing and other methods specified in the acoustical study. The scope of the acoustical study shall be approved by the Community Development Director.

10 Operating Standards:

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1. The hours of operation for all operations of the restaurant, including the patio area, shall be limited to between 11:00 A.M. and 12:00 Midnight. The kitchen shall remain open during operating hours to ensure that the use is maintained as a restaurant.
 2. The business shall not operate in a manner as to have an adverse effect on or interfere with the comfortable enjoyment of neighboring residential and commercial property.
 3. The business shall provide adequate staffing, management and supervisory techniques to prevent ongoing and disruptive loitering, unruliness, and unduly boisterous activities of the patrons outside the business.
 4. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not be plainly audible from any residential use, and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
 5. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
 6. The restaurant shall not require any cover charge or fee for general entry into the restaurant or appurtenant areas.
 7. If the Police Chief determines that there are a disproportionate number of police calls to the business due to the disorderly or disruptive behavior of patrons and the inability or refusal of the business to manage its patrons, the Chief may require on an interim basis (not to exceed 60 days) that the business employ private security personnel. The Chief shall notify the Director of Community Development of this action, who shall forthwith, schedule a public hearing before the Planning

1 **Commission to consider modification or revocation of this Conditional Use Permit**
2 **by the Planning Commission.**

- 3 **8. The Fire Department shall maintain a record of the posted allowable occupant load**
4 **for the business and regularly check the business for occupant load compliance.**
5 **The Fire Chief may determine that there is a repeat pattern of occupant load**
6 **violations and then shall submit a report to the Planning Commission which will**
7 **automatically initiate a review of this Conditional Use Permit by the Planning**
8 **Commission.**
- 9 **9. The exterior of all the premises shall be maintained in a neat and clean manner,**
10 **and maintained free of graffiti at all times.**
- 11 **10. Any significant changes to the interior layout, which alter the primary function of**
12 **the business as a restaurant, (i.e. increasing floor area for bar seating, or adding a**
13 **dance floor) or increasing the designated floor area of restaurant seating shall be**
14 **subject to review and approval by the Planning Commission and require**
15 **amendment to this Conditional Use Permit.**
- 16 **11. The project and operation of the business shall comply with all applicable**
17 **requirements of the Municipal Code.**
- 18 **12. The Planning Commission shall conduct a review of the restaurant operations for**
19 **compliance with the terms of the Conditional Use Permit 6 months after**
20 **commencement of operations, and in response to any complaints thereafter.**

21 Section 5. This grant shall not be effective for any purposes until the permittee and the
22 owners of the property involved have filed at the office of the Planning Division of the
23 Community Development Department their affidavits stating that they are aware of, and agree
24 to accept, all of the conditions of this grant.

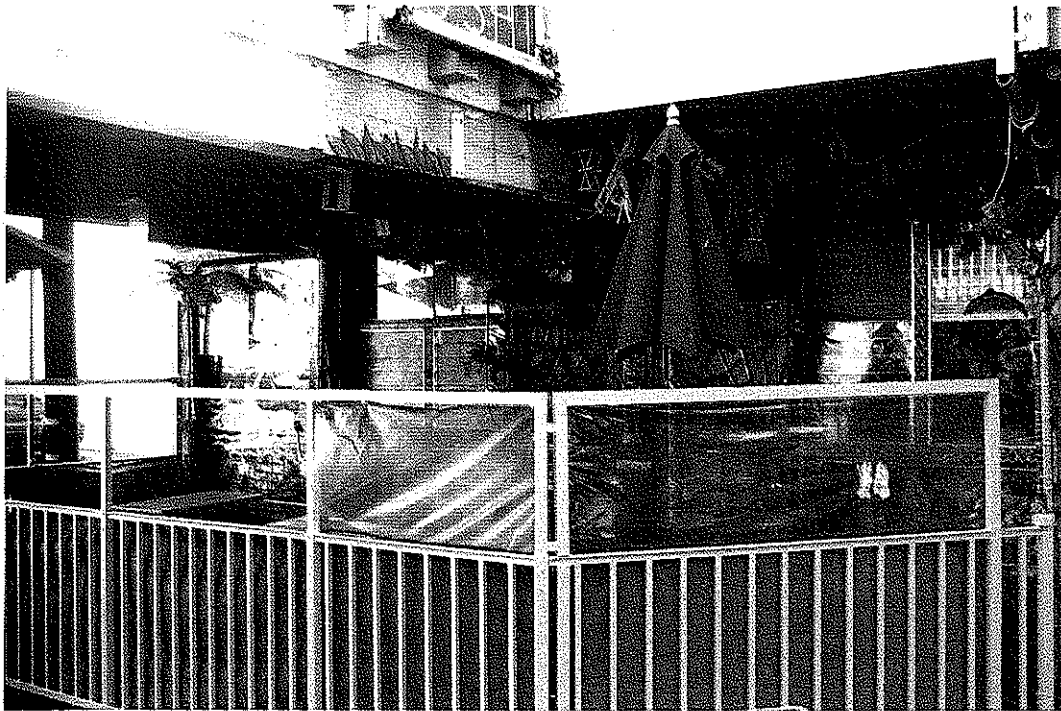
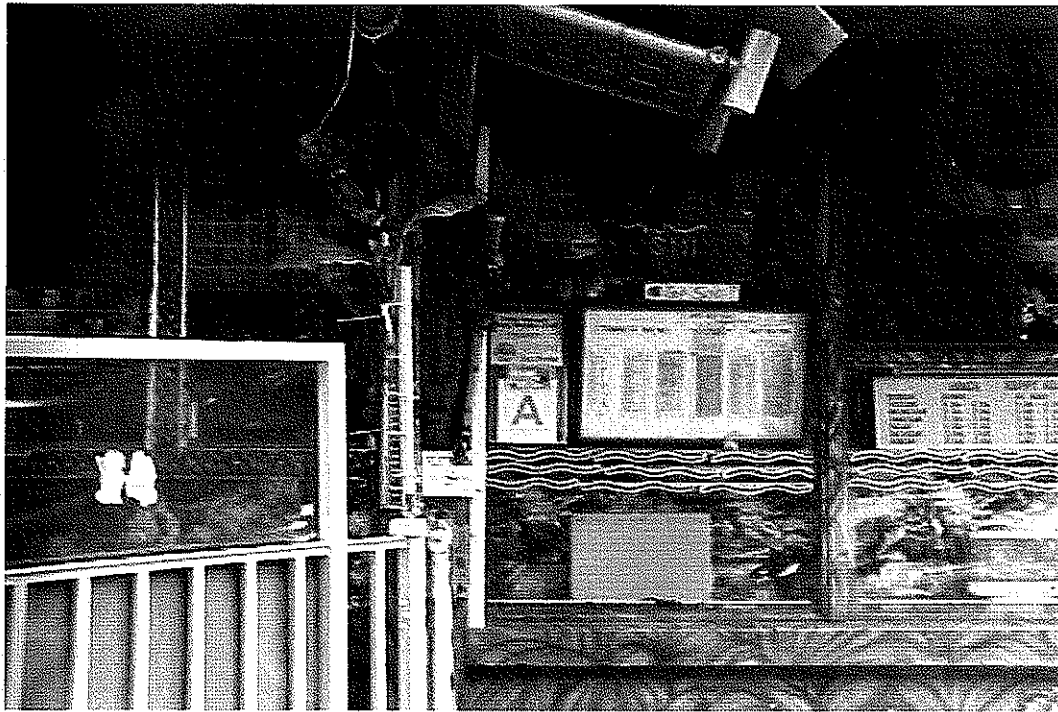
25 The Conditional Use Permit and Parking Plan Amendment shall be recorded, and proof of
26 recordation shall be submitted to the Community Development Department prior to the issuance
27 of a building permit.

28 Each of the above conditions is separately enforced, and if one of the conditions of approval is
29 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



53 Pier Avenue
Paradise Sushi



53 Pier Avenue, Paradise Sushi