

June 2, 2004

City Council Meeting  
June 8, 2004

Mayor and Members  
of the City Council

**ORDINANCE NO. 04-1241 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE ZONING ORDINANCE, CHAPTER 17.04 DEFINITIONS, AND CHAPTER 17.44 OFF-STREET PARKING, PERTAINING TO THE DEFINITION AND PARKING REQUIREMENTS FOR SNACK SHOPS."**

Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 04-1241**, relating to the above subject.

At the meeting of May 25, 2004, the ordinance was presented to the City Council for consideration, was amended as noted on the attachment, and was then introduced as amended by the following vote:

AYES:	Edgerton, Keegan, Reviczky, Tucker, Mayor Yoon
NOES:	None
ABSENT:	None
ABSTAIN:	None

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Elaine Doerfling, City Clerk

Noted:

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Stephen R. Burrell, City Manager

The following reflects the amendments that were made to the ordinance at the May 25 City Council meeting. Staff has lined through the text that was deleted, and underlined the text that has been added.

1. Section 17.04.050 Commercial Land Use Definition was amended as follows

*“**Snack shop or snack bar** means a retail establishment with 25 or less seats that is distinguished from a restaurant as it does not include waiter/waitress table service, except queuing, (intermittent delivery of purchased goods) and does not serve full meals or have a kitchen capable of serving meals but instead serves snacks or non-alcoholic beverages for consumption on the premises or for take-out usually for consumption between meals; specifically, items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee, tea, and juices are considered snacks. and the Planning Commission may consider additional items as snacks.”*

2. Section 17.44.030(O) was amended as follows:

*“The parking requirements for a snack bar and or snack shop shall be the same as that for a restaurant, unless it can be shown to the Planning Commission that the characteristics of the building; its location, size and other mitigating factors such as limited service area relative to gross floor area and limited seating capacity result in less parking than necessary for the business demand than for a restaurant use. In these cases the Planning Commission may consider the retail commercial requirement for parking, pursuant to Section 17.44.210 Parking Plans.”*

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**ORDINANCE NO. 04-1241**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,  
AMENDING THE ZONING ORDINANCE, CHAPTER 17.04 DEFINITIONS,  
AND CHAPTER 17.44 OFF-STREET PARKING, PERTAINING TO THE  
DEFINITION AND PARKING REQUIREMENTS FOR SNACK SHOPS**

The City Council of the City of Hermosa Beach does hereby ordain as follows:

**SECTION 1.** The Planning Commission held a duly noticed public hearing on February 18, 2003, to consider amending the Zoning Ordinance definition and parking requirements for snack shops to more clearly distinguish snack shops from restaurants.

**SECTION 2** The City Council held a duly noticed public hearing on January 27, 2004, to consider the recommendation of the Planning Commission to amend Sections 17.04.050 and 17.44.030(O) of the Zoning Ordinance pertaining to definition and parking requirements for snack shops and referred the matter back to the Planning Commission for further consideration. The Commission, after further deliberation, did not modify their original recommendation. The City Council again considered the original recommendation of the Planning Commission at the meeting of May 11, 2004 and continued the hearing to May 25, 2004 and directed staff to provide survey information about the operations of snack shops in the city and in adjacent cities.

**SECTION 3** The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that these modifications to the Zoning Ordinance may have a significant effect on the environment.

1           Section 4. Based on the evidence considered at the public hearing and the final  
2 recommendation of the Planning Commission after reconsideration the City Council hereby  
3 ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, be amended as follows:

4 1. Amend Section 17.04.050 Commercial Land Use Definition to read as follows:

5           “*Snack shop or snack bar* means an establishment with 25 or less seats that is  
6 distinguished from a restaurant as it does not include waiter/waitress table service,  
7 except queuing, (intermittent delivery of purchased goods) and does not serve full  
8 meals or have a kitchen capable of serving meals but instead serves snacks or non-  
9 alcoholic beverages for consumption on the premises or for take-out; specifically,  
10 items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee,  
11 tea, and juices are considered snacks.”  
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16 2. Amend Section 17.44.030(O) to read as follows:

17           “The parking requirements for a snack bar and or snack shop shall be the same as  
18 that for a restaurant, unless it can be shown to the Planning Commission that the  
19 characteristics of the building; its location, size and other mitigating factors such  
20 as limited service area relative to gross floor area and limited seating capacity  
21 result in less parking demand than for a restaurant use. In these cases the Planning  
22 Commission may consider the retail commercial requirement for parking, pursuant  
23 to Section 17.44.210 Parking Plans.”  
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**SECTION 12.** Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause the summary to be published in the Easy Reader, a weekly newspaper of general circulation, published and circulated in the City of Hermosa Beach.

**SECTION 13.** The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city; shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this 8th day of June, 2004 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney