

**RESOLUTION NO. 2023-09-HCR-03**

**A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH APPROVING AN EXEMPTION DECLARATION, COASTAL DEVELOPMENT PERMIT EXEMPTION, AND GRANTING AMENDMENTS TO A CONDITIONAL USE PERMITS FOR AN EXISTING RESTAURANT ON PROPERTY LOCATED WITHIN A COASTAL COMMERCIAL (CC-3) ZONE, AT 245 N. HARBOR DRIVE**

WHEREAS, on April 8, 1991, the Harbor Commission considered and adopted Harbor Commission Resolution Number 50 granting a Conditional Use Permit and Coastal Development Permit for conceptual approval of a 4,500 square foot restaurant on the property located at 245 North Harbor Drive in a Coastal Commercial (CC-3) zone; and

WHEREAS, on April 10, 1991, the City Council considered and adopted Resolution Number 7362 granting a Conditional Use Permit and Coastal Development Permit for conceptual approval of a restaurant on the property located at 245 North Harbor Drive in a Coastal Commercial (CC-3) zone; and

WHEREAS, on July 10, 1995, the Harbor Commission considered and adopted Harbor Commission Resolution Number 63 granting a modification of the Conditional Use Permit for relocation of the roof top dining area to a ground level patio; and

WHEREAS, on December 12, 2022, the Harbor Commission considered and adopted Harbor Commission Resolution Number 2022-12-HCR-05 granting amendments to the Conditional Use Permit removing conditions of approval that are no longer applicable and enabling the renovation of the building's exterior and outdoor dining areas that were deemed exempt from a Coastal Development Permit; and

WHEREAS, an application was filed for approval of a Coastal Development Permit Exemption and consideration of an amendment to the Conditional Use Permit to allow an increase of the outdoor dining area and seating and construction of a 360-square foot addition to the building; and

WHEREAS, notice of the time and place of the public hearing where the Exemption Declaration and application would be considered was given pursuant to State law and local ordinances by publication in the Easy Reader, by posting the subject property, and by mailing notices to property owners within 300 feet of the exterior boundaries of the subject property; and

WHEREAS, Seaside Lagoon is anticipated to be rehabilitated as part of the Waterfront Amenities Plan and expanded to the south encompassing the existing walkway; and

WHEREAS, pedestrian access to the hand launch area is maintained around the building located at 239 N. Harbor Drive; and

WHEREAS, the application, survey and plans are accurate representations of the existing buildings and proposed improvements; and

WHEREAS, the Harbor Commission of the City of Redondo Beach has fully considered evidence presented by the applicant, the Waterfront and Economic Development Department, the Community Development Department, and other interested parties at the public hearing held on September 11, 2023, with respect thereto.

NOW, THEREFORE, THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH, DOES HEREBY FIND:

1. In accordance with Sections 10-5.810, 10-5.811, 10-5.2506, and 10-5.2512 of the Redondo Beach Municipal Code, the applicant's request for this amendment to the Conditional Use Permit is consistent with the criteria set forth therein for the following reasons:

a) The site for the proposed use shall be in conformity with the General Plan and the Coastal Land Use Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

*The existing restaurant located at 245 North Harbor Drive is conditionally permitted in the Coastal Commercial (CC-3) zone. The Coastal Commercial Zone is specifically intended to allow uses that provide high quality experiences for both residents and visitors alike, and the activation of restaurant uses in the Harbor/Marina area and along North Harbor Drive is one of the best ways to ensure economic viability for other businesses and complete the mix of tenants necessary to sustain activity. The restaurant operated at the site as an amenity to visitors of the Seaside Lagoon and Harbor/Marina area in general. The proposed expansion of the outdoor dining area enhance restaurant patrons safety and security. The new deck is proposed over the existing coral trees that will be maintained in place.*

b) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

*The restaurant building is located on North Harbor Drive, near Pacific Avenue, Beryl Street, and Catalina Avenue, and in close proximity to Pacific Coast Highway that provides regional access to the site.*

c) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

*The bona-fide restaurant operated at the location for several decades. Given this operational history, the site is appropriate to continue being used as a restaurant. The restaurant operations have not adversely impacted properties or businesses in the vicinity. The proposed expansion of the outdoor dining*

*areas with the new fences and screen walls would not adversely affect the surrounding residential or commercial uses.*

- d) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

*The restaurant use has not resulted in adverse effects upon abutting properties or residential uses and conditions are revised to ensure the continued unobtrusive operation of the restaurant.*

- e) The proposed use is a sufficient distance from residential uses and has been designed with adequate physical buffers to reduce potential noise impacts related to operation of the use, parking by employees and patrons, and pedestrian activities.

*This application proposes no changes in the distance from residential uses. The building and outdoor dining areas are located a sufficient distance away from the residences to buffer and reduce any potential noise impacts. Adequate parking is available in the surface parking lot and the continued operations of the restaurant with the expanded outdoor dining areas do not impede pedestrian activities. The surface parking lot has approximately 146 unassigned parking spaces that are shared with the existing restaurant building at 239 North Harbor Drive. As conditioned, the restaurant located at 239 N. Harbor Drive requires a minimum of 52 parking spaces and the restaurant located at 245 N. Harbor Drive would require a minimum of 104 parking spaces.*

- f) The proposed hours of operation for the use are complementary to the business district in which the use is located, and will not negatively impact residential uses.

*The hours of operation are complementary to the tenant mix within the leasehold area, the Redondo Beach Marina, and the International Boardwalk.*

- g) The addition of the proposed use to the mix of commercial uses in its vicinity will not create a blighting influence.

*The proposed renovation of the existing restaurant buildings will activate the presently underutilized area, and is expected to contribute significant synergy to all the other businesses in the vicinity. The proposed restaurants contribute substantially to the City's goals of reducing seasonality, attracting residents and visitors, and providing a high-quality experience to those visiting the Harbor and Pier Area. In granting this request, the Harbor Commission facilitates the renovation of the building and helps ensure that economic decline in the area is avoided to the extent feasible.*

NOW, THEREFORE, THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Based on the above findings, the Harbor Commission of the City of Redondo Beach does hereby approve the Exemption Declaration and grants the request for the

amendment to the Conditional Use Permit subject to the plans and applications considered by the Harbor Commission at its meeting of September 11, 2023.

Section 2. This permit shall be void in the event that the applicant does not comply with the following conditions:

1. The approval granted herein is for the operation of a restaurant as represented in the plans reviewed and approved by the Harbor Commission.
2. The Community Development Department and Waterfront and Economic Development Department are authorized to approve minor changes.
3. In the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Harbor Commission for a decision prior to the issuance of permits. The decision of the Harbor Commission is conclusive and final.
4. The Harbor Commission shall retain jurisdiction of the matter for the purpose of enforcing compliance with these conditions and for the purpose of modification thereof as circumstances may subsequently indicate.
5. The installation(s) shall comply with all applicable codes and regulations implemented by the Building Division and any other agencies with jurisdiction over such use(s).
6. The applicant(s) shall obtain all necessary permits and licenses including, but not limited to Health, Building, Alcoholic Beverage Control, Business and Entertainment prior to commencement of operations.
7. The applicant(s) shall update exterior fire bells to horn/strobes.
8. The applicant(s) shall adjust fire sprinkler system head layout per modified interiors/exterior.
9. The applicant(s) shall adjust fire alarm system/devices per modified interiors/exterior.
10. The applicant(s) shall provide a Low Impact Development plan. The site plan must show all existing and proposed drainage & water quality improvement for the project site, including but not limited to the trench drain, roof drains, parkway drains and Best Management Practices (BMPs) etc.
11. Clearly show the roof drains routed to the BMPs. All covered and food court area shall be routed to sanitary sewer system.
12. All deliveries shall be scheduled to avoid peak periods of pedestrian activity when feasible in the opinion of the Waterfront and Economic Development Department.
13. All trash, litter, and debris shall be removed from the premises daily and properly disposed.
14. The applicant shall comply with the specific landscape regulation for the Harbor Area that only permits tree removals from October through December (RBMC 10-5.1900 (g)).
15. The hours of operation for the restaurant are between 7:00 a.m. and 12:30 a.m., seven days a week.
16. The outdoor dining area shall be limited to a maximum of 3,663 square feet and no more than 154 seats.

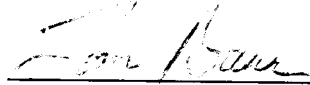
17. The Coral trees (Erythrina) shall either be kept in place or replaced with minimum 36-inch box, canopy-type tree from the Public Works recommended list. (carryover from Harbor Commission Resolution 2022-12-HCR-05)
18. The applicant shall hold the City harmless from any damage which may result from blowing sand and/or storm water. (carryover from Harbor Commission Resolution No. 50)
19. The approval granted is for the addition of 360 square feet to the existing building.
20. The approval granted herein is for the addition of 1,069 square feet to the existing outdoor dining area of 3,663 square feet. (modified from Harbor Commission Resolution No. 63)
21. The applicant shall provide a walkup window abutting Seaside Lagoon with operational details incorporating best management practices to be developed in consultation with the Waterfront and Economic Development Director. (ADDED BY HARBOR COMMISSION)
22. The applicant shall submit a detailed plan(s) for any exterior alterations to the building including any proposed signage and graphics. Said plan(s) shall be reviewed and approved by the Waterfront and Economic Development and Community Development (to the Building and Safety Division, in the event a building permit is required) prior to commencement of business operations.
23. In exchange for the City's issuance and/or adoption of the Project Approvals, the Applicant, and its successors in interest, agrees to defend (with legal counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Redondo Beach, and its appointed and elected officials, officers, employees, and agents (collectively "City"), from every claim or demand made or subsequent litigation initiated, including in particular but not limited to any claims, demands or litigation brought seeking to overturn the Project Approvals, whether under the California Environmental Quality Act ("CEQA"), the Coastal Act, the Government Code, Redondo Beach City Charter, or other state or local law, including any attorneys' fees or costs which may be awarded to any person or party challenging the Project Approvals on any grounds ("Applicant's Indemnity Obligation").

Section 3. Approval of this request for amendments to the Conditional Use Permits shall become null and void if not vested within 36 months after the Harbor Commission's approval of the project.

Section 4. Prior to seeking judicial review of this resolution, the applicant is required to appeal to the City Council. The applicant has ten days from the date of the adoption of this resolution in which to file an appeal.

FINALLY RESOLVED, that the Harbor Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Harbor Commission.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of September, 2023.


  
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Chairperson Tom Bauer  
Harbor Commission  
City of Redondo Beach

ATTEST:

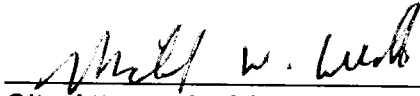
STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES )    SS  
CITY OF REDONDO BEACH    )

I, Greg Kapovich, Waterfront and Economic Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2023-09-HCR-03 was duly passed, approved and adopted by the Harbor Commission of the City of Redondo Beach, California, at a regular meeting of said Harbor Commission held on the 11<sup>th</sup> day of September, 2023 by the following vote:

- AYES:               Commissioners Callahan, Carlson, Chrzan Light, and Chair Bauer
- NOES:              None
- ABSENT:           Commissioners Kilroy and Walters

  
\_\_\_\_\_  
Greg Kapovich  
WED Director

APPROVED AS TO FORM:

  
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City Attorney's Office