

**RESOLUTION NO. 2025-03-HCR-\*\***

**A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH APPROVING AN EXEMPTION DECLARATION AND A CONDITIONAL USE PERMIT FOR A RESTAURANT USE AND COMMERCIAL RECREATION (CLUB) USE ON PROPERTY LOCATED WITHIN A COASTAL COMMERCIAL (CC-3) ZONE, AT 239 AND 245 N. HARBOR DRIVE**

WHEREAS, on May 12, 1986, the Harbor Commission considered and adopted Harbor Commission Resolution Number 20 granting a Conditional Use Permit and Coastal Development Permit for conceptual approval for expansion and remodeling purposes of an existing restaurant building with outdoor dining on the property located at 239 North Harbor Drive in a Coastal Commercial (CC-3) zone; and

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 January 13, 1997, the Harbor Commission considered and adopted Harbor Commission Resolution Number 67A granting a Variance and Conditional Use Permit for construction and operation of an outdoor patio area on the property located at 239 North Harbor Drive in a Coastal Commercial (CC-3) zone; and

WHEREAS, on December 12, 2022, the Harbor Commission considered and Adopted Harbor Commission Resolution Number 2022-12-HCR-04 and 2022-12-HCR-05 granting amendments to the Conditional Use Permits for restaurant uses at 239 and 245 North Harbor Drive and enabling the renovation of the building's exterior and outdoor dining areas that were deemed exempt from a Coastal Development Permit; and

WHEREAS, on September 11, 2023, The Harbor Commission considered and Adopted Harbor Commission Resolution Number 2023-09-HCR-02 and 2023-09-HCR-

03 granting amendments 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, an application was filed for the approval of a Coastal Development Permit Exemption and consideration of a Conditional Use Permit to allow a restaurant use and commercial recreation (club) use at 239 and 245 North Harbor Drive, expunge all of the previous CUP amendments over the previous 29 years to remove previous conditions of approval that are no longer applicable to the current use; 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 245 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 considered evidence presented by the applicant, the Planning Division, the Waterfront and Economic Development Department, and other interested parties at the public hearing held on the 10<sup>th</sup> day of March, 2025, 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 proposed restaurant and commercial recreation (club) uses located at 239 North Harbor and 245 North Harbor Drive are 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 and commercial recreational 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 uses operate at the site as an amenity to visitors of the Seaside Lagoon and Harbor/Marina area in general.*

- 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 two buildings on the subject site are located on North Harbor Drive, near Pacific Avenue, Beryl Street, and Catalina Avenue, and in close proximity to Pacific Coast Highway that provides adequate regional access to the site.*

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

*The subject site has operated as a restaurant use for approximately 30 years. The proposed restaurant and commercial recreation (club) uses will continue to support the adjacent Harbor Marina area and Seaside Lagoon. Given the history, and proximity to the nearby amenities, the proposed restaurant and commercial recreational uses are not anticipated to have an adverse impact to the properties and businesses in the vicinity.*

- 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 subject site has operated as a restaurant use for approximately 30 years and continued operation of the restaurant use and introduction of another visitor serving commercial recreation use will not result in adverse effects upon abutting properties or nearby residential uses. The conditions of approval are in place to ensure the continued unobtrusive operation of the restaurant while providing additional safety regulations related to the rentals/loan of commercial recreational equipment.*

- 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 visitor serving uses do not impede pedestrian activities. The surface parking lot has approximately 719 parking spaces that are shared with the existing uses in the area. As conditioned, the existing uses on site requires a minimum of 357 parking spaces including the Applicant's businesses resulting in a surplus of 362 parking spaces on site.*

- 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, Pier, 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 inclusion of a commercial recreational (club) use to the restaurant buildings that have operated at the subject for decades will activate the presently underutilized area, and is expected to contribute significant synergy to all the other businesses in the vicinity. The proposed commercial recreational (club) use will 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. That based on the above findings, the Harbor Commission does hereby approve the Exemption Declaration and grant the Conditional Use Permit and Coastal Development Permit pursuant to the plans and applications considered by the Harbor Commission at its meeting of the 10<sup>th</sup> day of March, 2025.

Section 2. These permits 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, commercial recreational (club), and ancillary activity equipment rentals/loans, as represented in the plans reviewed and approved by the Harbor Commission.
2. Upon adoption of this Conditional Use Permit for a restaurant use and commercial recreational (club) use, all previous Conditional Use Permits shall be expunged. As such, Harbor Commission Resolutions 50, 7362, 63, 67A, 2022-12-HCR-04, 2022-12-HCR-05, 2023-09-HCR-03, and 2023-09-HCR-02 are hereby expunged.
3. The Community Development Department and Waterfront and Economic Development Department are authorized to approve minor changes.
4. 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.
5. 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.
6. 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).
7. 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.
8. All deliveries shall be scheduled to avoid peak periods of pedestrian activity when feasible in the opinion of the Waterfront and Economic Development Department.
9. All trash, litter, and debris shall be removed from the premises daily and property disposed.
10. The applicant shall comply with the specific landscape regulation from the Harbor Area that only permits tree removals from October through December (RBMC 10-5.1900(g)).
11. The hours of operation for the restaurant are between 7:00 a.m. and 12:30 a.m., seven days a week.
12. 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.
13. The applicant shall hold the City harmless from any damage which may result from blowing sand and/or storm water.
14. The applicant shall maintain pedestrian access to patrons of the abutting Seaside Lagoon with operation details incorporating best management practices to be developed in consultation with the Waterfront and Development Director.
15. The Commercial Recreational aspect of the business shall allow for a membership program and shall make available day passes for the public.

### Recreational Vessel Rentals/Loans

16. The applicant shall only provide recreational water activity equipment (for rent or free loan) of kayaks, surfboards, stand-up paddle boards, canoes, and other craft that can be launched by hand. Larger vessels such as pedal boats, sailboats, or motorized water craft of any kind are prohibited under this Conditional Use Permit.
17. All vessels provided to customers (for rent or free loan) shall be launched at the existing small boat launch or future boat launch on Mole D. Vessels shall not be launched in any other area of the marina.
18. The operator of a Recreational Vessel, whether rented or loaned for free, must remain under the legal limit for Blood Alcohol Content (BAC) level in California upon boarding and/or operating the vessel.
19. Insurance, which types and amounts shall be determined by the Risk Manager, and a business license shall be maintained in full force and effect for the full term of the Conditional Use Permit. The insurance related to water activities shall include the City of Redondo Beach as an additional insured.
20. Each Vessel shall be equipped with one personal flotation device (PFD) for each occupant on the Vessel, a whistle or other sound making device, a sticker with a diagram of the harbor with areas of use indicated and phone numbers of the operator and Harbor Patrol. Stand-up paddle board customers must wear a leash that attaches the board to the customer.
21. Vessel rentals (or free loan) shall be prohibited at night. Exceptions to this requirement may be granted in writing on a case-by-case basis by the Harbor Patrol.
22. Air horns, whistles, bells, and other noisemaking equipment shall not be used, except as required by the United States Coast Guard regulations.
23. All trash and litter generated by the commercial activity shall be properly disposed of in a private trash receptacle.
24. Human powered craft shall avoid main navigation channels to the extent practical and should cross main navigation channels quickly and directly. Operators shall be instructed to stay to the sides of the main navigation channels and provided a chart to show the safe areas of the harbor for paddling as designated by the Harbor Patrol. Stickers depicting this chart shall be installed on all human powered craft in conspicuous view of the operator. Operators shall be instructed to refrain from drifting in the navigation channels and the mouth of the harbor. Likewise, groups of renters shall be instructed that as a group they shall not block transit of the navigation channels or harbor mouth by other boaters.
25. All signs shall comply with the applicable City requirements.
26. No major repairs or complete overhauls shall be made on boats in the Redondo Beach King Harbor.
27. Extent of the permitted repairs shall be at the discretion of the City. Disc sanding and spray painting are strictly forbidden.
28. Any violations of conditions of approval #1 through #15 may result in the forfeiture of the Conditional Use Permit. Any violations of conditions of approval

- #16 through #31 may result in the forfeiture of the ancillary recreational vessel rental/loan aspect of the business. The Harbor Patrol may terminate any rental underway when the operator is unsafe or violating any city, state, or federal laws or this agreement, or if the conditions are unsafe.
29. The Harbor Master and any Police Officer or City Employee whose job includes the enforcement of these conditions shall have the power and authority to enter, free of charge, and at any reasonable time, to inspect any Vessel.
  30. Each Vessel requires a Certificate of Inspection, shall be inspected by the Harbor Patrol, and if applicable the United States Coast Guard and shall obtain and retain in full force and effect a Certificate of Inspection.
  31. The Operator shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless the City, its officers, employees and agents for any and all liability, claims, judgements, damages, proceedings, orders, directives, costs, including attorney's fees and costs, or demands arising directly or indirectly from any and all Vessel Operations, except claims and litigation arising out of the gross negligence or willful misconduct of the City.
  32. 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. That the approved Conditional Use Permit and Coastal Development Permit shall become null and void if not vested within 36 months after the Harbor Commission's approval.

Section 4. That, 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 adoption of this resolution in which to file the 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 10<sup>th</sup> day of March, 2025.

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Harbor Commission Chair  
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. 2025-09-HCR-XX 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 10<sup>th</sup> day of March, 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Greg Kapovich  
Waterfront & Economic Development Director