

RESOLUTION NO. 2022-12-HCR-05

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH APPROVING AN EXEMPTION DECLARATION 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 existing Conditional Use Permit for relocation of the roof top dining area to a ground level patio on the property located at 245 North Harbor Drive in a Coastal Commercial (CC-3) zone; and

WHEREAS, an application was filed for approval of an Exemption Declaration and consideration of an amendment to the existing Conditional Use Permit for the restaurant to reallocate the existing outdoor seating areas, construct an open canopy over the existing patio, and renovate the existing 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, 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 December 12, 2022, 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 existing restaurant has operated at the site and only cosmetic changes to exterior are proposed.

- 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 existing restaurant is located on North Harbor Drive, near Pacific Avenue, Beryl Street, and Catalina Avenue, and in close proximity to Pacific Coast Highway.

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

The bona-fide restaurant has operated at the existing location for several decades. Given this operational history, the site is appropriate for the existing restaurant. The existing restaurant has not had, nor will not have, any adverse effects upon abutting properties or businesses.

- 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 existing restaurant has not resulted in adverse effects upon abutting properties or residential uses and conditions are revised to ensure the continued unobtrusive operation of the existing 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 existing restaurant is located a sufficient distance away to buffer and reduce any potential noise impacts related to standard operation of the restaurant uses. Adequate parking is available in the surface parking lot and the continued operations of the restaurant with the 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. The restaurant located at 239 N. Harbor Drive

requires a minimum of 83 parking spaces and the restaurant located at 245 N. Harbor Drive requires a minimum of 63 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 modifications to the Conditional Use Permit for the existing restaurant allow activation of the presently underutilized buildings, and is expected to contribute significant synergy to all the other businesses in the vicinity. The existing restaurant contributes 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 pad 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 December 15th, 2022.

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, and ancillary activity equipment rentals, with the exception of rental, or loan, of watercraft shall be prohibited, 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. All deliveries shall be scheduled to avoid peak periods of pedestrian activity when feasible in the opinion of the Waterfront and Economic Development Department.
8. All trash, litter, and debris shall be removed from the premises daily and properly disposed.
9. 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)).
10. The hours of operation for the restaurant are between 7:00 a.m. and 12:30 a.m., seven days a week.
11. The outdoor dining area shall be limited to a maximum of 3,000 square feet and no more than 102 seats.
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. (ADDED BY HARBOR COMMISSION)
13. 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)
14. The approval granted is for the addition of 800 square feet to the grade level outdoor patio dining area and elimination of the roof top dining. (carryover from Harbor Commission Resolution No. 63)
15. 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.

16. 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 12th day of December, 2022.

Leslie Chrzan

Leslie Chrzan, Vice-Chair
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. 2022-12-HCR-05 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 12th day of December, 2022 by the following vote:

AYES: Vice-Chair Chrzan, Commissioners Callahan, Carlson, Kilroy, Light,
 and Walters

NOES: None

ABSENT: Chair Bauer



Greg Kapovich
WED Director

APPROVED AS TO FORM:



Michael W. Webb, City Attorney