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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-5071



Filed: May 09, 1996  
49th Day: Jun. 27, 1996  
180th Day: Nov. 05, 1996  
Staff: JRL-LB  
Staff Report: May 13, 1996  
Hearing Date: June 11-14, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-075

APPLICANT: J.R. Rant Properties

PROJECT LOCATION: 1301 Manhattan Avenue, Hermosa Avenue

PROJECT DESCRIPTION: Construct a 4-level, 30' high, 15,612 square foot commercial office/restaurant building with 77 parking spaces.

Lot area: 19,962  
Building coverage: 12,234  
Pavement coverage: 3,910  
Landscape coverage: 818  
Parking spaces: 77  
Zoning: Commercial  
Plan designation: Commercial  
Project density: N/A  
Ht abv fin grade: Varies 30' to 40'

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Hermosa Beach

COASTAL ISSUES: Public Access/Parking

- SUBSTANTIVE FILE DOCUMENTS:
1. City of Hermosa Beach amended Certified Land Use Plan (LUP)
  2. Coastal Development Permits 5-93-113, 5-94-130, 5-94-217, 5-94-264, 5-94-282, 5-95-049 and 5-95-077

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with no special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

None.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location:

The applicant proposes to construct a 4-level, 30' high, 15,612 square foot commercial office/restaurant building with 77 parking spaces.

Following is a more detailed project description excerpted from a City staff report:

The site is located on the west side of Manhattan Avenue one parcel south of Pier Avenue and is surrounded on all sides by the same C-2 zoning and predominantly commercial uses. Nonconforming residential uses are located on adjacent property to the north and south.

The site is currently undeveloped and mostly unimproved, with an old buildings foundation, retaining walls, and parking area still in place. The site contains substantial grade variations sloping to west and south west with a 15-foot difference in elevation. The natural slope has already been modified by previous development. Currently the northern three-quarters of the site, where the foundation remains, is fairly flat at the level of Palm Drive with a stepped retaining wall below the grade of Manhattan Avenue. The southerly portion contains surface level parking on a fairly steep slope which can be accessed from either Manhattan Avenue or Palm Drive.

B. Public Access/Development:

The following Coastal Act Policies are relevant:

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast...(4) providing adequate parking facilities...

Additionally, the amended Land Use Plan of the City's Local Coastal Program, which was recently certified by the Commission on October 14, 1994, contains the following relevant parking policies:

Policy:

New development, including expansions and intensifications of use, shall provide parking consistent with requirements elsewhere in the City unless the following findings are made. If the following findings are made, the exceptions described in Section 2 may be granted.

1. Findings

Before granting the exceptions below, the Planning Director shall certify.

- (a) That fewer than 96,250 square foot of commercial development, including new buildings, expansions and/or intensification of uses, in the DED has received a CDP since November 1, 1994.
- (b) That there is currently adequate parking to support the development and provide adequate beach parking.
- (c) That the City Council has approved an interim parking study for the DED that shows the occupancy of the parking spaces in the DED is 90% or less during daylight hours on summer weekends.
- (d) That no more the 24,063 sq. ft. of commercial development in the DED has received CDP's since the last interim parking study was approved by the City Council.

2. Exceptions

i. When parking is required, for projects on lots exceeding 10,000 sq. ft. and/or 1:1 F.A.R., parking in excess of that existing on the site at the time of the proposal shall be provided at 65% of the current parking requirement.

ii. Because of the physical constraints to providing parking and the desire to promote a pedestrian orientation in the Downtown Enhancement District, for projects on lots less than 10,000 sq. ft. and less than 1:1 F.A.R., no parking other than the parking existing on the site at the time of the proposal shall be required.

Program: Parking Validation

All new commercial development on any lot within the Downtown Enhancement District shall require participation by the business owner(s) in the parking validation program. Existing development of less than 500 sq. ft. may expand or increase in intensity of use up to 15% without participating in the validation program. The validation program shall provide validations for no less than two hours unless all required parking is provided on site without any parking exceptions specified in Section 2 above or any other parking variances or exceptions.

Existing LUP policies for commercial uses require preservation of existing on-street and off-street parking spaces and a separation of long-term (beach user) and short-term (shopper) in order to provide adequate parking within the downtown area of the City. However, the cost of parking in the public lots is \$2.00 more per hour than the metered on-street spaces. Background studies supplied by the City indicate that the cost differential discourages shoppers to use the public lots. If the existing public parking lots are under-utilized for commercial parking, on-street beach parking for beach goers will be further restricted. Therefore, in the Commission's recent approval of an LUP amendment, the Commission required new development projects to participate in the parking validation program for a minimum of two hours.

The Commission's suggested modifications to the recently amended LUP allows granting of exceptions to parking requirements within a limited build-out cap and participation within a parking validation program in order to ensure that sufficient parking exists within the Downtown Commercial District to accommodate both new development and public beach parking. Before granting parking exceptions, the City is required to make four findings. The first finding requires the City to permit no more than a total of 96,250 sq. ft. of new development within the Downtown Commercial District. The proposed project complies with that requirement. A second finding requires the City to determine that adequate parking exists to support new development. A recent parking study submitted by the City demonstrates that the proposed project is consistent with that requirement. A third finding requires the City to submit an interim parking study to demonstrate that the occupancy of the parking spaces in the Downtown Commercial District is 90% or less during daylight hours. The proposed project is consistent with that requirement. Finally, the fourth finding requires the City to approve no more than 24,063 sq. ft. of new commercial development since the last interim parking study was conducted. Presently, the Commission has approved a total of 13,667 sq. ft. of new development since the program began, and as noted a recent parking study was completed. Therefore, the proposed project complies with that requirement.

After making the required findings, under the revised LUP standards, parking is required for development on building sites exceeding 10,000 sq. ft. at a rate of 65% of the current City parking standard. The subject site is more than 10,000 sq. ft. The applicant is providing 77 on-site parking spaces consistent with the parking provisions of the amended certified Land Use Plan. Therefore, consistent with the recently amended Land Use Plan, no additional parking is required for the proposed project.

The project complies with all applicable preconditions for granting an exception to parking standards. As noted above, the Commission's approval required merchants who take advantage of a parking exception, to participate in a parking validation program offering no less than two hours of validated parking. The City's approval requires the applicant to provide parking validations for no less than two hours within the City's Parking Validation Program. As approved by the City, the proposed development will encourage customers to use the public parking lots where vacant spaces are available. Therefore, the inexpensive street spaces will be reserved for beach users.

Therefore, the Commission find that the proposed project will not interfere with public access to the shoreline consistent with Sections 30211 and 30212.5 of the Coastal Act. The Commission further finds that the proposed project is consistent with the parking provisions of the City recently amended LUP.

C. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as submitted, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (d) (2) (i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as submitted, is consistent with the public access and development policies of the Coastal Act. Mitigation measures to validate parking for two hours will minimize adverse impacts on beach access. As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-96-075

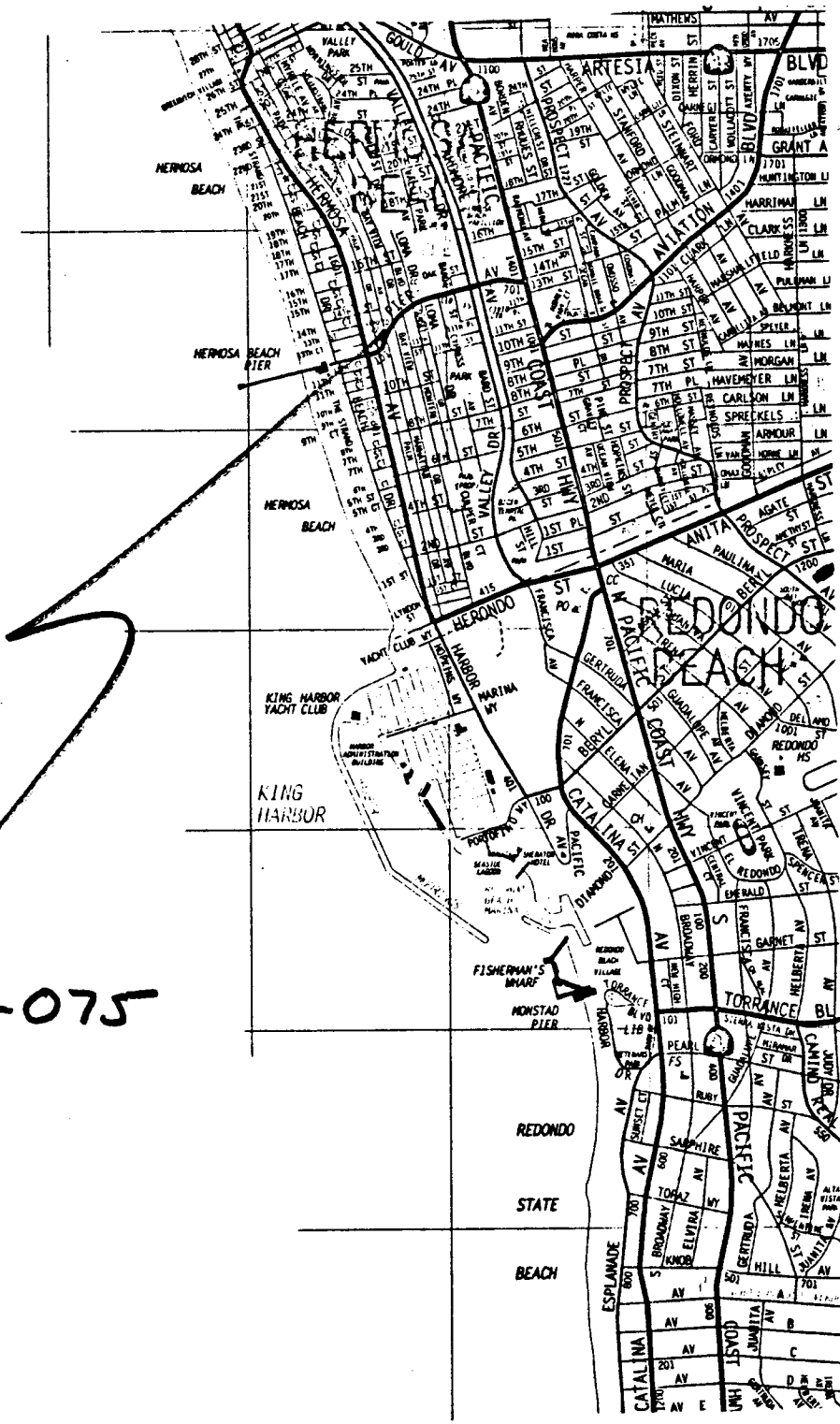


Exhibit A  
5-96-075

5-96-075

February 13, 1996

Honorable Chairman and Members of the  
Hermosa Beach Planning Commission

Regular Meeting of  
February 20, 1996

SUBJECT:       PRECISE DEVELOPMENT PLAN 95-9  
                  CONDITIONAL USE PERMIT 95-19

LOCATION:       1301 MANHATTAN AVENUE

APPLICANTS:   *PROJECT DEVELOPER:*  
                  JIM LAPOINT  
                  2501 SEPULVEDA #1  
                  MANHATTAN BEACH, CA 90266

*RESTAURANT OWNERS:*  
JACK WILLIAMS AND MIKE LUDWIG  
2010 MONTEREY BOULEVARD  
HERMOSA BEACH, CA 90254

- REQUESTS:
1. THE CONSTRUCTION OF A NEW MULTI-USE COMMERCIAL BUILDING, WITH OFFICE, RETAIL, AND RESTAURANT USES ABOVE A TWO-LEVEL PARKING STRUCTURE
  2. A RESTAURANT WITH ON-SALE BEER AND WINE; OUTSIDE SEATING; AND LIVE ENTERTAINMENT

Recommendations

To approve the requested Precise Development Plan subject to the conditions as contained in the attached resolution.

To approve the requested Conditional Use Permit subject to the conditions as contained in the attached resolution

Background

PROJECT INFORMATION:

ZONING:

GENERAL PLAN:

C-2, Restricted Commercial  
General Commercial

Exhibit B  
1075  
5-96-075

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

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LOT SIZE:	17,000 Square Feet
INDOOR HABITABLE FLOOR AREA:	15,285 Square Feet
FLOOR AREA OF RESTAURANT:	6325 Square Feet
PROPOSED OUTSIDE SEATING AREA:	2115 Square Feet
PARKING REQUIRED:	79
PARKING PROVIDED:	83
ENVIRONMENTAL DETERMINATION:	Recommended Mitigated Negative Declaration

The site is located on the west side of Manhattan Avenue one parcel south of Pier Avenue and is surrounded on all sides by the same C-2 zoning and predominantly commercial uses. Nonconforming residential uses are located on adjacent property to the north and south.

The site is currently undeveloped and mostly unimproved, with an old building's foundation, retaining walls, and parking area still in place. The site contains substantial grade variations sloping to west and south west with a 15-foot difference in elevation. The natural slope has already been modified by previous development. Currently the northern three-quarters of the site, where the foundation remains, is fairly flat at the level of Palm Drive with a stepped retaining wall below the grade of Manhattan Avenue. The southerly portion contains surface level parking on a fairly steep slope which can be accessed from either Manhattan Avenue or Palm Drive.

The Staff Environmental Review Committee, at their meeting of January 18, 1996 considered the environmental impacts of the project, and based on the initial study check-list (attached), and testimony at the meeting, found that the only possible significant impact was the potential noise from live entertainment and outside seating. The Committee recommended a mitigated Environmental Negative Declaration. The recommended mitigation for noise included the use of double-pane windows for the restaurant, and limiting nighttime hours for outside dining to no later than 10:00 P.M. The finding that traffic impacts are less than significant was based on a traffic study submitted by the applicant which measures impacts on nearby intersections at the P.M. peak hour. The finding relative to traffic impacts is contingent upon final review of the traffic analysis by the City's traffic engineer.

Analysis

PRECISE DEVELOPMENT PLAN

The project involves the construction of four levels, two stories of commercial space above two levels of semi-subterranean parking. The building will include 8,960 square feet of office space, divided into 6 office suites, and the proposed restaurant and outside seating areas.

Exhibit B

2 of 5

5-96-075

The project is designed to exhibit a two-story appearance on Manhattan Avenue, with the two-level parking structure hidden below. This is accomplished by taking advantage of the existing topography of the site, which steps and slopes significantly downward from Manhattan Avenue. In order to maximize the parking, the upper parking level will be accessed from Manhattan Avenue, and the lower level from Palm Drive.

The project conforms with the basic zoning requirements of the C-2 zone with respect to parking and building height, as follows:

Off-street parking is provided to exceed the total requirement of 79 spaces based on the cumulative requirement of all the proposed uses of the building. The restaurant including outside dining results in a requirement of 55 spaces (8440 Sq. Ft. Gross Floor Area of restaurant at one space per 100 Sq. Ft. X 65%) and the office space results in a requirement of 24 spaces (8,960 square feet, at 1 per 250 sq. Ft. X 65%). Under the City's zoning code and Coastal Land Use Plan, the reduction to 65% is allowed in the downtown for all projects regardless of size. The conditions of the reduction, however, require that all businesses participate in the parking validation program, and that bicycle parking be provided. Also, parking for the physically handicapped must be provided.

The building is designed to fit within the 30 foot height limit as measured from the existing grade (using the four corner points). This is accomplished by stepping the building downward to the west to follow the natural slope.

Beyond the basic zoning standards, the purpose of Precise Development Plan pursuant to Section 1431 of the Zoning Ordinance is to review the overall project design and layout. Staff has the following comments with respect to design and circulation:

The applicant's traffic study recommends combining the separate Manhattan Avenue driveways at the north end to improve access to the site. It would also minimize the conflict between pedestrian and auto circulation, and eliminate the conflict with the traffic island located at the proposed south entry. The southerly one-way access (whether its ingress or egress) is awkward and inconvenient because of the traffic island, forcing vehicles to circle around the block. Simply reversing the entry and exit will not eliminate the conflict and inconvenience. Staff is including a condition of approval to make this recommended modification.

The lower level portion of the parking structure is offset from Manhattan Avenue to allow use of existing shoring and retaining walls, and to minimize the costs for new shoring and retaining walls. This offset does not allow for the maximum garage area at this level. The owner, however, has prepared preliminary cost estimates and the removal and re-shoring to eliminate this offset would cost \$240,000.

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Exhibit B  
3 of 5

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The parking layout for the lower level reflects the choice noted above, and shows the applicant's preference for stalls which use the alley as their turning aisle. Staff had previously recommended reconfiguring the parking as tandem parking with internal access, requiring the use of a parking attendant to ensure full use of the stalls. The owner is opposed to use of a parking attendant. The parking levels do not have internal access between floors, requiring users to access the second level from Manhattan Avenue and first from Palm Drive. The divided access may be less convenient to users, however, a ramp between floors would consume too much parking to justify its construction. Also, from a traffic impact perspective, the divided garage entry will help spread the distribution of trips rather than concentrating them on either Palm Drive or Manhattan Avenue.

The building will be only two-stories on its main entry and most visible elevation on Manhattan Avenue. The design successfully hides the bulk and mass of the parking structure. This results in an appropriate scale and appearance to fit in with the scale and character of downtown and other nearby buildings. All of the building's architectural elements and enhancements, which exhibit Mediterranean themes, are apparent at this elevation, which includes clay mission tile roofing, a colonnade and courtyard, fountains, landscaping, and an entry feature into the restaurant. The north and south elevations lack design detail in comparison with the front elevation, although these will be of limited visibility because of the adjacent buildings. The west elevation, which will be visible from Palm Drive, is provided with little relief to break the mass of the two level parking structure. All three of these elevations could be enhance with architectural treatment, and/or landscaping which could include some climbing vines or planter boxes.

#### CONDITIONAL USE PERMIT

The proposed restaurant, "Ein Stein's", is described as a restaurant and brewery and includes a small gift shop. The restaurant's floor plan and description is included as a separate enclosure from the project plans. The Conditional Use Permit is for on-sale beer and wine in conjunction with a restaurant which includes on-site brewing for on premises consumption. The floor plan shows a small additional amount of space for retail sales of novelty items, and incidental sales of beer as a novelty or gift item which would not require an off-sale conditional use permit. (If off-sale of beer increased substantially and occurred past 11:30 P.M. the C.U.P. would need to be amended).


The restaurant use is appropriate for this location, and works well in this mixed use setting which allows the entire parking facility to be available to the restaurant at night and allows some shared parking during the day as customers of the restaurant may be the office workers. Also the project is designed such that the offices will serve to buffer the restaurant from the residential neighborhoods to the north and northeast.

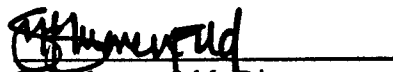
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EXHIBIT B  
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Staff has incorporated standard conditions of approval for the C.U.P. for on-sale beer and wine and standard hours of operation and hours for entertainment for downtown area establishments. Also, conditions are included for the purpose of mitigating noise from the outside dining area, to prohibit amplified music, and to limit outside seating hours to no later than 10:00 P.M.. This limitation is similar with other C.U.P.'s for outdoor seating close to residential uses (Fat Face Fenner's, Martha's, El Gringo) which require closure at 9:00 P.M. The difference with this location is that the adjacent residential uses are apartments mixed with commercial uses, and not residentially zoned. This may be grounds for considering even longer outside hours, especially for the lower level patio which is not as open as the upper patios. The lower patio is also well buffered by the proposed building from residentially zoned properties north of 14th Street and east of Manhattan Avenue.

  
Ken Robertson  
Associate Planner

CONCUR:

  
Michael Schubach  
Planning Director

  
Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Proposed Resolution P.D.P.
2. Proposed Resolution C.U.P.
3. Location Map
4. Photos
5. Cost Estimate
6. Traffic Study, Traffic Engineer comments
7. Negative Declaration & Initial Study
8. Application
9. Correspondence

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Exhibit B  
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P.C. RESOLUTION NO. 96-

1  
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**  
3 **BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW**  
4 **ON-SALE BEER AND WINE, OUTSIDE DINING AND LIVE ENTERTAINMENT IN**  
5 **CONJUNCTION WITH A RESTAURANT AND ADOPTION OF A MITIGATED**  
6 **NEGATIVE DECLARATION AT 1301 MANHATTAN AVENUE AND LEGALLY**  
7 **DESCRIBED AS LOTS 16, 17, AND 23, TRACT NO. 1125, AND LOTS 18&19, BLOCK**  
8 **34, FIRST ADDITION TO HERMOSA BEACH**

9 WHEREAS, the Planning Commission held a public hearing on February 20, 1996, to  
10 receive oral and written testimony regarding the subject project and made the following findings:

- 11 A. The applicants are proposing to operate a restaurant and brewpub with on-sale beer and  
12 wine, outside dining, and live entertainment in a portion of a new commercial building;
- 13 B. Adequate off-street parking is provided within the development, and supplemented by  
14 downtown public parking to support the proposed use, pursuant the approval of the  
15 Precise Development Plan for the construction of the building;
- 16 B. The proposed use of a portion of the new building site for a restaurant with on-sale beer  
17 and wine is appropriate for the subject location and will be compatible with surrounding  
18 commercial activities within the development and in the downtown district;
- 19 C. Strict compliance with the conditions of approval will mitigate any negative impact  
20 resulting from the issuance of the Conditional Use Permit.
- 21 D. The Planning Commission concurs with the Staff Environmental Review Committee's  
22 recommendation, based on their environmental assessment/initial study, that this  
23 project with the mitigating conditions included in this resolution will result in a less  
24 than significant impact on the environment, and therefore qualifies for a Negative  
25 Declaration.

26 **NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF**  
27 **THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE A CONDITIONAL**  
28 **USE PERMIT TO ALLOW ON-SALE BEER AND WINE, OUTSIDE DINING AND**  
29 **LIVE ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT AND**  
**ADOPTION OF A MITIGATED NEGATIVE DECLARATION SUBJECT TO THE**  
**FOLLOWING CONDITIONS:**

SECTION I Specific Conditions of Approval

5-96-075  
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Exhibit C

1. The development and continued use of the property shall be in conformance with submitted plans. Modifications to the plan shall be reviewed and may be approved by the Community Development Director.
2. The business shall participate in the City's downtown parking validation program, providing validations for parking in public lots for no less than two hours.
3. The hours of operation shall be limited to between 7:00 AM. and 2:00 AM. Daily. Outside dining or seating shall not be allowed later than 10:00 P.M.
4. The building shall be equipped with acoustic features to maximize sound proofing which shall include the use of double-pane windows or an equivalent, and the installation of air conditioning so that windows and doors can remain closed during performances. Any additional acoustic treatment shall be provided in the interior if necessary to comply with City's noise ordinance
5. The hours for live entertainment shall be limited to the hours between 4:00 P.M. to 1:15 A.M. Monday through Friday, and from 9:00 A.M. to 1:15 A.M. on Saturday, Sundays, and Federal and State Holidays, Cinco De Mayo, and St. Patrick's day.
6. Noise emanating from the property shall be within the limitations prescribed by the city's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.
7. Management shall be responsible for the music/entertainment volume levels.
8. During the performance of amplified live entertainment, the exterior doors and windows shall remain closed.

**SECTION II** General operating and standard conditions:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
2. The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area.
3. The police chief may determine that a continuing police problem exists and may, subject to the review of the Planning Commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem. If the problem persists the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Commission.
4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.

5-96-075  
Exhibit C  
2 of 4

- 1 5. Any changes to the interior layout which alter the primary function of the restaurant shall  
2 be subject to review and approval by the Planning Commission.  
3 6. The project and operation of the business shall comply with all applicable requirements of  
4 the Municipal Code

5 SECTION III

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

10 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the  
11 Community Development Department.

12 Each of the above conditions is separately enforced, and if one of the conditions of approval is  
13 found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

14 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees  
15 from any claim, action, or proceeding against the City or its agents, officers, or employee to  
16 attack, set aside, void or annul this permit approval, which action is brought within the applicable  
17 time period of Government Code Section 65907. The City shall promptly notify the permittee of  
18 any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails  
19 to promptly notify the permittee of any claim, action or proceeding, or if the City fails to  
20 cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,  
21 indemnify, or hold harmless the City.

22 The permittee shall reimburse the City for any court and attorney's fees which the City may be  
23 required to pay as a result of any claim or action brought against the City because of this grant.  
24 Although the permittee is the real party in interest in an action, the City may, at its sole discretion,  
25 participate at its own expense in the defense of the action, but such participation shall not relieve  
26 the permittee of any obligation under this condition.

27 The subject property shall be developed, maintained and operated in full compliance with the  
28 conditions of this grant and any law, statute, ordinance or other regulation applicable to any  
29 development or activity on the subject property. Failure of the permittee to cease any  
development or activity not in full compliance shall be a violation of these conditions

30 VOTE: AYES:  
31 NOES:  
32 ABSTAIN:  
33 ABSENT:

34 CERTIFICATION

5-96-075  
Exhibit C  
3 of 4

1 I hereby certify that the foregoing Resolution P.C. 96- is a true and complete record of the  
2 action taken by the Planning Commission of the City of Hermosa Beach, California at their  
3 regular meeting of February 20, 1996.

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Peter Tucker, Chairman

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Sol Blumenfeld, Secretary

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Date

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Exhibit C  
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