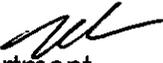


**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: June 5, 2007

To: Honorable Mayor and Members
of the City Council

From: Ken Robertson, Acting Director 
Community Development Department

Subject: Paradise Sushi Conditional Use Permit Amendment

Recommendation

Adopt the attached resolution.

Pursuant to Council direction from May 22, 2007, attached is the resolution and findings to overturn the decision of the Planning Commission and deny the requested change in hours, and thereby maintain the existing closing time of 11:00 P.M.



RESOLUTION NO. 07-

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
3 BEACH, CALIFORNIA, TO OVERTURN THE DECISION OF THE
4 PLANNING COMMISSION AND DENY A REQUEST TO AMEND A
5 CONDITIONAL USE PERMIT TO CHANGE THE ALLOWED CLOSING
6 TIME OF AN EXISTING RESTAURANT WITH ON-SALE BEER AND WINE
7 AT 53 PIER AVENUE (PARADISE SUSHI), LEGALLY DESCRIBED AS LOTS
8 22, 23 & 24, BLOCK 13, HERMOSA BEACH TRACT

9 The City Council of the City of Hermosa Beach does hereby resolve and order as follows:

10 **Section 1.** An application was filed by Shigeki Takahashi, Paradise Sushi, seeking
11 approval to change the allowed closing time of an existing restaurant with on-sale beer and
12 wine from 11:00 P.M. to 12:30A.M..

13 **Section 2.** The Planning Commission conducted a duly noticed public hearing to
14 consider the application for the Conditional Use Permit Amendment on April 17, 2007, at
15 which testimony and evidence, both written and oral, was presented to and considered by the
16 Planning Commission. Based on evidence received at the public hearing, the Planning
17 Commission approved the request subject to conditions, as contained in P.C. Resolution 07-17,
18 including a closing time of 12:00 midnight.

19 **Section 3.** On April 24, 2007, the City Council, pursuant to Section 2.52.040,
20 initiated review and reconsideration of the decision of the Planning Commission.

21 **Section 4.** The City Council conducted a duly notice public hearing to review and
22 reconsider the decision of the Planning Commission on May 22, 2007, at which the record of
23 the decision of the Planning Commission and testimony and evidence, both written and oral,
24 was presented to and considered by the City Council.

25 **Section 5.** Based on evidence received at the public hearing, and the record of
26 decision of the Planning Commission, the City Council makes the following factual findings:

27 1. The subject restaurant space is 1,015 square feet with an outdoor seating area
28 of 250 square feet permitted by an encroachment permit.

29 2. The site is zoned C-2, restricted Commercial allowing restaurant uses, and on-
sale beer and wine with approval of a Conditional Use Permit.

3. On March 4, 1985, the Board of Zoning Adjustment approved a Conditional
Use Permit request for on-sale beer and wine in conjunction with a restaurant at the subject
location as set forth in Broad of Zoning Adjustment Resolution 154-579.

1 **Section 6.** Based on the foregoing factual findings, the City Council makes the
2 following findings pertaining to the application for a Conditional Use Permit Amendment:

3 1. While the current business owner has been operating the restaurant in
4 compliance with the conditions of the Conditional Use Permit and without any complaints or
5 violations, it is likely that no problems have been reported for this location is because of the
6 11:00 P.M. closing time.

7 2. The original approval and current operation is for a sit-down restaurant, which
8 does not require late night business hours to operate successfully.

9 3. The Pier Plaza area is saturated with on-sale alcohol businesses with late night
10 hours which have resulted in problems relating to noise and various nuisances. Another
11 restaurant with on-sale alcohol and late night operating hours will only serve to exacerbate the
12 problems.

13 **Section 7.** Based on the foregoing, the City Council hereby overturns the decision
14 of the Planning Commission and denies the requested amendment to the Conditional Use
15 Permit, and therefore the restaurant will continue to operate under the terms and conditions
16 contained in Board of Zoning Adjustments Resolution 154-579.

17 **Section 8.** Pursuant to the Code of Civil Procedure Section 1094.6, any legal
18 challenge to the decision of the Planning Commission, after a formal reconsideration by the
19 City Council, must be made within 90 days after the final decision by the City Council.

20
21 PASSED, APPROVED, and ADOPTED this 22nd day of May, 2007.

22
23 _____
24 PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

25 ATTEST:

26 APPROVED AS TO FORM:

27 _____
28 CITY CLERK

29 _____
 CITY ATTORNEY

f:B95/CD/CC/cupr53 Pier Av Paradise