

AGENDA
REDONDO BEACH HARBOR COMMISSION
Monday, August 11, 2014, 6:30pm
REDONDO BEACH CITY COUNCIL CHAMBERS
415 DIAMOND STREET

I. OPENING SESSION

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**

II. APPROVAL OF ORDER OF AGENDA

III. RED FOLDER ITEMS

Red folder items require immediate action, and came to the attention of the City subsequent to the 72-hour noticing requirement. These items require a 2/3 vote of the Commission (or if less than 2/3 are present, a unanimous vote) to add to the Agenda.

IV. BLUE FOLDER ITEMS

Blue folder items are additional backup material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

V. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion following Oral Communications.

5. APPROVAL OF AFFIDAVIT OF POSTING FOR THE HARBOR COMMISSION MEETING OF AUGUST 11, 2014

6. APPROVAL OF THE FOLLOWING MINUTES: JULY 14, 2014

**7. QUARTERLY SUBMITTAL OF CITY STRATEGIC PLAN:
FROM PREVIOUS CITY COUNCIL AGENDA, JULY 15, 2014**

**8. PUBLIC HEARING TO CONSIDER ADOPTION OF AN EXEMPTION DECLARATION AND
A COASTAL DEVELOPMENT PERMIT:
FROM PREVIOUS CITY COUNCIL MEETING, JULY 15, 2014**
Staff recommendation: Receive and file

**9. FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF REDONDO BEACH AND
PORTOFINO HOTEL PARTNERS, L.P.
FROM PREVIOUS CITY COUNCIL MEETING, AUGUST 5, 2014**
Staff recommendation: Receive and file

VI. ORAL COMMUNICATIONS

Anyone wishing to address the Harbor Commission on any Consent Calendar item on the agenda, which has not been pulled by Harbor Commission may do so at this time. Each speaker will be permitted to speak only once and comments will be limited to a total of three minutes.

VII. EXCLUDED CONSENT CALENDAR ITEMS

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

IX. EX PARTE COMMUNICATIONS

X. PUBLIC HEARINGS

10. CONSIDERATION OF AN EXEMPTION DECLARATION AND COASTAL DEVELOPMENT PERMIT EXEMPTION TO AMEND AN EXISTING CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT ON PROPERTY LOCATED WITHIN A COASTAL COMMERCIAL (CC-2) ZONE

XI. ITEMS FOR DISCUSSION PRIOR TO ACTION

11. QUARTERLY HARBOR PATROL REPORT

Staff recommendation: Receive and file

12. DIRECTOR'S REPORT

Staff recommendation: Receive and file

13. DISCUSSION AND INPUT TO THE CITY'S STRATEGIC PLAN

Staff recommendation: Receive and file

14. STATUS UPDATE REGARDING STATE LANDS COMMISSION REVIEW OF REDONDO BEACH INTERNAL SERVICE FUNDS

Staff recommendation: Receive and file

XII. ITEMS CONTINUED FROM PREVIOUS AGENDAS

XIII. MEMBERS ITEMS AND REFERRALS TO STAFF

XIV. ADJOURNMENT

The next meeting of the Harbor Commission of the City of Redondo Beach will be a regular meeting to be held September 8, 2014, in the Redondo Beach Council Chambers, 415 Diamond Street, Redondo Beach, California.

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An Agenda Packet is available at www.redondo.org under the City Clerk. Agenda packets are available at the Redondo Beach Main Library during Library Hours, at the Reference Desk and during City Hall hours in the Office of the City Clerk. Any writings or documents provided to a majority of the Harbor Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 415 Diamond Street, Door C, Redondo Beach, CA during normal business hours.

PROOF OF POSTING

I, Holly Short, hereby declare, under penalty of perjury, that I am over the age of 18 years and am employed by the City of Redondo Beach, Harbor Department, and that the following document was posted by me at the following location(s) on the date the time noted below:

Agenda – Redondo Beach Harbor Commission

Regular Meeting of August 11, 2014

Posted on: August 6, 2014 at 11:00 am

Posted at: DOOR "A" BULLETIN BOARD

and CITY CLERK'S OFFICE

Holly Short
Signature

8/6/14
Date

**MINUTES OF THE
REDONDO BEACH HARBOR COMMISSION MEETING
JULY 14, 2014**

CALL TO ORDER

A regular meeting of the Harbor Commission was called to order at 6:33 p.m. in the City Council Chambers, 415 Diamond Street, by Chairperson Shaer.

ROLL CALL

Commissioners Present: Bloss, Dalton, Horvath, D. Jackson, M. Jackson, Keidser, Shaer

Commissioners Absent: None

Officials Present: James Allen, Harbor Facilities Manager
Margareet Wood, Recording Secretary

SALUTE TO THE FLAG

Commissioner Horvath led the members in the salute to the flag.

APPROVAL OF ORDER OF AGENDA

Motion by Commissioner Keidser, seconded by Commissioner D. Jackson, to approve the order of agenda. Motion carried unanimously.

CONSENT CALENDAR

5. Approval of Affidavit of Posting for the Harbor Commission Meeting of July 14, 2014
6. Approval of the Following Minutes: June 9, 2014
7. Approve Contract Between City of Redondo Beach and Kosmont Realty Corporation for Financial Advisory Services Related to the Purchase of the Redondo Beach Marina Leasehold
8. Adopt Resolution No. XXX, a Resolution of the City Council, Adopting Parking Rates for the Pier Parking Structure, Plaza Parking Structure and Redondo Beach Marina Parking Lot, Including a Flat Fee of \$25 for July 4th
9. Selection of Consultant to Perform Market Study of Proposed Waterfront Revitalization Project Selection

Commissioner M. Jackson excluded Consent item 9.

The motion by Commissioner Bloss, seconded by Commissioner Keidser, to receive and file, with the exception of Consent item 9, carried unanimously.

ORAL COMMUNICATIONS

None.

EXCLUDED CONSENT CALENDAR ITEMS

Selection of Consultant to Perform Market Study of Proposed Waterfront Revitalization Project Selection

Commissioner M. Jackson mentioned the designation of Uplands and Tidelands as funding sources for the study; and he questioned whether project or general funds would be more appropriate. He noted the Harbor Commission obligation for monitoring Uplands and Tidelands expenses.

Commissioner D. Jackson questioned a possible reimbursement by the developer, to which Manager Allen answered that the first market study was funded by the developer; however this study was requested by City Council and not the responsibility of the developer. He said the market study will be complete by the end of the calendar year.

Chairperson Shaer said the upcoming strategic plan discussion will provide an opportune time for discussing how these funds are utilized.

The motion by Commissioner D. Jackson, seconded by Commissioner Bloss, to receive and file Consent item 9 carried unanimously.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Marci Guillermo, resident, expressed concern with the proposed location of the small boat launch ramp, which she said is not ideal: she requested the Harbor Commission to work toward identifying the best location.

Ms. Guillermo was displeased by the manner in which the recent meeting at the Performing Arts Center to discuss the CenterCal EIR was conducted. She felt that sufficient time was not allowed and the presenters were unfamiliar with project details. She encouraged the members to become familiar with the project MOU. She did not support the project, citing finances as the reason.

The motion by Commissioner M. Jackson, seconded by Commissioner Kaiser, to receive and file Public Participation carried unanimously.

EX PARTE

None.

PUBLIC HEARINGS

None.

ITEMS FOR DISCUSSION PRIOR TO ACTION

Director's Report by Manager Allen

- Transient Vessel Moorings – completion eminent: management plan will be approved prior to opening

- EIR Scoping Meeting – public members submitted comments on EIR and conceptual project, further comments may be submitted to consultant through July 23, additional information on City website
- Pier Concerts – Thursday and Saturday evenings through August 30
- Harbor Drive Bike Path – plans/specifications presented to City Council on July 15, construction will commence in the fall

Commissioner M. Jackson stated that the purpose of the July 9 scoping meeting to comment on the CenterCal EIR was misunderstood by some. Manager Allen clarified that the final EIR will be presented to City Council and the project will come before the Harbor Commission. He said the Planning Department will determine the approval process; thus he could not predict the exact role of the Harbor Commission.

Chairperson Shaer clarified the Harbor Commission will have input in the approval process pertaining to the project EIR, CUP, and design review.

Commissioner Keidser stated that several boaters have observed that the transient vessel moorings have 2' wands, which she said will be impossible to pick up from the bow of many boats.

Commissioner Dalton requested staff to research and report back on the status of the 2' wands and whether they are temporary: he said the complaints are coming from boaters who will be using the moorings and he requested a resolution before the contractor leaves.

Manager Allen said he will ensure the moorings are installed to specifications, and he will report back by the next Harbor Commission meeting.

Commissioner Bloss questioned whether the specifications were presented to the Harbor Commission.

Chairperson Shaer requested an agenda item for the next Harbor Commission to discuss the relevant City Council report.

In response to Chairperson Shaer, Manager Allen said that July 4 drew large crowds and the rate for the pier parking structure, which was filled to capacity, was temporarily raised to \$30. He said the regular weekday rate is \$0.50/hr. from 8:00 a.m. to 6:00 p.m.

The motion by Commissioner D. Jackson and seconded by Commissioner Keidser to receive and file the Director's Report was unanimously approved.

ITEMS CONTINUED FROM PREVIOUS AGENDAS

None.

MEMBERS ITEMS AND REFERRALS TO STAFF

Commissioner Horvath questioned the purpose of agendizing approved City Council items; and he suggested omitting them if they cannot come before the Harbor Commission first.

Chairperson Shaer said the agendized City Council items provide an opportunity for discussion; and he welcomed the members to bring up other topics.

Commissioner M. Jackson recalled that the number of agendized previously-approved Council items has decreased.

Commissioner Keidser suggested that information for residents is lacking and that discussing approved City Council topics benefit public viewers. She requested City Council decisions to be included with future agendized Council items.

Commissioner Bloss pointed out the decision to raise the July 4 parking structure flat fee to \$30 which she was unaware of.

Chairperson Shaer explained that agenda topics are selected from recent City Council reports related to the Harbor Commission.

In response to Commissioner Dalton, Manager Allen said the outcome of the State Lands Commission hearing was a decision to investigate internal service funds methodology.

Mark Hansen, King Harbor Voters' Advisory Panel submitted a letter from himself to the Harbor Commission dated July 14, 2014 regarding *SLC Audit of RB Management of Tidelands*.

The motion by Commissioner D. Jackson and seconded by Commissioner Dalton to receive and file Mr. Hansen's letter carried unanimously.

Mr. Hansen said the State Lands Commission decided on the option *to review cost allocation plan for internal service funds allocation methods*, which he read. He said much of the decision was based on cost. He said that resident Gary Ohst is in the process of researching the charges in comparison to other harbors. He said that previous internal City audits addressed policy adherence. He recommended a Harbor Commission subcommittee for the purpose of becoming educated on the topic and making recommendations to City Council.

Commissioner Keidser supported the idea of creating a subcommittee; and she requested an agenda item to discuss a possible committee on the State Lands Commission and the role of the Harbor Commission.

Chairperson Shaer said a majority vote is required to agendize a new subcommittee.

In response to Commissioner Dalton, Manager Allen said that, pending appraisal, action has not been taken on the recommended land swap of the Gold's Gym property.

Chairperson Shaer advised that he requested to agendize the CenterCal EIR topic; however staff determined not enough information was available. He said the topic of the project approval process will be agendized for the next meeting with City Attorney's approval. He said the Harbor Commission will be involved with multi layers of approvals and have a role throughout the entitlements as well as CUP and design review. He encouraged the members to read and prepare for the decisions to come.

Chairperson Shaer requested to agendize a discussion of the strategic plan for the August Harbor Commission meeting for the purpose of forming thoughts, ideas, and feedback to City Council prior to the strategic plan workshop.

Chairperson Shaer requested to agendize the transient vessel moorings topic.

Mr. Hansen said the previous Mole B plan included recommendations from the King Harbor Yacht Club and that the boating public and the Harbor Commission should be reengaged for the plan revision.

Commissioner Bloss requested an agenda item to discuss the Mole B plan.

Motion by Commissioner D. Jackson, seconded by Commissioner Keidser, to adjourn the meeting. Motion carried unanimously.

At 7:28 p.m. Chairperson Shaer adjourned the meeting until the next regular meeting on August 11, 2014.

Respectfully submitted,

Peter Carmichael
Waterfront and Economic
Development Director



Administrative Report

Council Action Date: July 15, 2014

To: MAYOR AND CITY COUNCIL

From: JOE HOEFGEN, INTERIM CITY MANAGER

Subject: STRATEGIC PLAN UPDATE ON SIX-MONTH OBJECTIVES, WATER QUALITY IMPLEMENTATION MATRIX, SUSTAINABILITY/GREEN TASK FORCE PRIORITY MATRIX, AND MAJOR CITY FACILITIES PRIORITY LIST

RECOMMENDATION

Receive and file the monthly updates to: 1) the six-month strategic objectives established at the Strategic Planning Retreat held on March 27, 2014; 2) the Water Quality Implementation Matrix; 3) the Sustainability/Green Task Force Priority Matrix; and 4) the Major City Facilities Priority List.

EXECUTIVE SUMMARY

On March 27, 2014, the City Council held a Strategic Planning Workshop to establish six-month objectives. Monthly updates are provided to the Mayor and Council to enable them to monitor the City's progress. Updates to the Water Quality Implementation Matrix, the Sustainability/ Green Task Force Priority Matrix and the Major City Facilities Priority List are also provided. This current update is the second of the March 27, 2014 Strategic Planning session's six-month objectives. The next Strategic Planning Retreat will be held on October 9, 2014.

BACKGROUND

The City Council's Strategic Plan directs the development of the City budget, program objectives, and performance measures. The goals provide the basis for improving services, and preserving a high quality of life in the City.

The City began strategic planning in 1998 with the creation of the first three-year strategic plan covering the period of 1998-2001. In October 2001, a second three-year plan was developed for 2001-2004. At the February 25, 2003 retreat, these Core Values were added: Openness and Honesty, Integrity and Ethics, Accountability, Outstanding Customer Service, Teamwork, Excellence, Environmental Responsibility, and Fiscal Responsibility. A third three-year plan was developed in March 2004,

Administrative Report

Strategic Plan, Water Quality Matrix,
Sustainability/Green Task Force Matrix,
Facilities Priority Update
Page 2

July 15, 2014

covering the period of 2004-2007, and including a vision statement. In September 2007, the fourth three-year plan was developed with new goals and objectives. A fifth three-year plan was developed on March 3, 2010. Finally, the sixth three-year strategic plan was developed on September 12, 2013. The following are the five strategic plan goals for 2013-2016. They are not in priority order:

- Vitalize the waterfront, Artesia Corridor, Riviera Village and Space Park
- Improve public infrastructure and facilities
- Increase organizational effectiveness and efficiency
- Build an economically vital and financially sustainable city
- Maintain a high level of public safety with public engagement

The City Manager provides monthly updates to the adopted six-month objectives to enable the Mayor and City Council to monitor the City's progress on the Strategic Plan.

Water Quality Implementation Matrix

On July 19, 2005, the City Council adopted a resolution to form a 15-member Water Quality Task Force. During their 12-month assignment, the Task Force developed a Recommendations Report. The Report was presented to a joint meeting of the City Council and Harbor Commission. The City Council directed staff to report back with a prioritized action plan for implementation. The Recommendations Implementation Matrix was received by the Council on November 21, 2006, with direction for staff to provide a status report to accompany the Strategic Plan reports. The monthly status update is attached.

Sustainability/ Green Task Force Priority Matrix

On January 16, 2007, the City Council adopted a resolution to form a 15-member Green Task Force to study and address a variety of environmental issues faced by the City. During their 12-month assignment (later extended to 15 months), the Task Force developed a Sustainable City Plan that included 26 recommendations. The Report was presented to the City Council on May 13, 2008. The City Council directed staff to assemble the recommendations into a matrix. On August 19, 2008, the City Council received and filed the Sustainability/ Green Task Force Priority Matrix and reviewed it on October 21, 2008. The monthly status update is attached.

Major City Facilities Priority List

On February 13, 2007, the City Council adopted the Major City Facilities Priority List. The Council requested that the list come back periodically for review. The attached version reflects the addition of the Dominguez Park Community Center as directed by

the City Council during adoption of the Fiscal Year 2007-2008 Budget on June 19, 2007.

COORDINATION

All departments participated in the development of the Strategic Plan and in providing the attached update. Relevant departments have reviewed the Water Quality Implementation Matrix, Sustainability/Green Task Force Matrix, and Major City Facilities Priority List.

FISCAL IMPACT

The total cost for this activity is included in the Mayor and City Council's portion of the FY 2014-2015 Adopted Annual Budget.

Submitted by:

Joe Hoefgen, Interim City Manager

Attachments:

- Strategic Plan Update - Six-Month Objectives dated July 15, 2014
- Water Quality Implementation Matrix dated July 15, 2014
- Sustainability/ Green Task Force Implementation Matrix dated June 17, 2014
- Major City Facilities Priority List dated June 2007

CITY OF REDONDO BEACH  **SIX-MONTH STRATEGIC OBJECTIVES**
 March 27, 2014 – September 15, 2014

ACM=Assistant City Mgr CD=Community Development PW=Public Works WED=Waterfront and Economic Development CS=Community Services

| THREE-YEAR GOAL: VITALIZE THE WATERFRONT, ARTESIA CORRIDOR, RIVIERA VILLAGE AND SPACE PARK | | | | | | |
|---|---|--|--------|-----------|---------|--|
| WHEN | WHO | WHAT | STATUS | | | COMMENTS |
| | | | DONE | ON TARGET | REVISED | |
| 1. April 30, 2014 | WED Director | Present to the City Council for consideration the final documents to purchase the Redondo Beach Marina Leasehold. | X | | | |
| 2. At the May 20, 2014 City Council meeting | PW Dir. – lead, WED Dir., Harbor Dir., CS Dir. | Present to the City Council options for the development of Moonstone Park. | | | X | Options to be presented in August |
| 3. July 31, 2014 | CD Dir. and PW Dir., with input from the Police Chief and City Attorney | Initiate discussions with the Riviera Village Association (RVA) Business Improvement District (BID) regarding options for outdoor dining and a possible streamlined outdoor dining permit process. | | X | | |
| 4. July 31, 2014 | Harbor Master and City Attorney | Present to the City Council for review guidelines for paddle sports in King Harbor. | | X | | Presently on target, but staff attorney reassignment may ultimately delay this beyond target date. |
| 5. Sept. 15, 2014 | City Manager -lead, CD Dir., and PW Dir. | Complete the planning, including staffing, for the three Artesia Mini-Strategic Plan tasks: the renaming of Artesia Blvd., the Specific Plan for Artesia Blvd, and the potential formation of a Business Improvement District (BID). | | X | | |
| 6. FUTURE OBJECTIVE At the _____ City Council meeting | PW Dir., with input from the Harbor Commission and business community | Recommend to the City Council for action options for a new name for Torrance Blvd. | | | | |

THREE-YEAR GOAL: **IMPROVE PUBLIC INFRASTRUCTURE AND FACILITIES**

| WHEN | WHO | WHAT | STATUS | | | COMMENTS |
|------------------------|---|---|--------|-----------|---------|---|
| | | | DONE | ON TARGET | REVISED | |
| 1. June 30, 2014 | PW Dir., working with neighboring cities | Prepare a draft Enhanced Watershed Management Plan for compliance with the new Municipal Storm Water Permit. | X | | | |
| 2. June 30, 2014 | PW Dir., working with the Police Chief and CD Dir. | Complete security improvements at selected city facilities. | | | X | New counters have been installed at Door E and a lockable entry door. The exterior doors at Door E are scheduled for replacement in July. |
| Sept. 1, 2014 | Police Chief, working with the PW Dir. | Develop and implement a schedule for the replacement of street parking meters in Riviera Village. | | X | | Approved in the budget. Staff will contact IPS regarding purchase and contracts in the second week of July. |
| 4. Sept. 15, 2014 | CS Dir., working with the City Attorney and CD Dir. | Present to the City Council for consideration an ordinance for funding public arts projects in Redondo Beach. | | X | | Budget response report provides details of process moving forward |
| 5. FUTURE OBJECTIVE | Police Chief | Identify future phases for replacement of parking meters citywide, including a funding mechanism. | | | | Staff will consider a request at midyear. |

THREE-YEAR GOAL: **INCREASE ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY**

| WHEN | WHO | WHAT | STATUS | | | COMMENTS |
|---|---|--|--------|-----------|---------|---|
| | | | DONE | ON TARGET | REVISED | |
| 1. May 1, 2014 | City Clerk and IT Dir. | Complete the roll out of agenda laptops to the City Council. | | | X | Revised to August 5, 2014 due to additional software requirements |
| 2. At the June 17, 2014 City Council meeting | City Clerk – lead, Treasurer, City Attorney | Present to the City Council for discussion and potential direction charter changes (e.g., modifying term limits, adjusting City Treasurer duties) for the Nov. 4, 2014 ballot. | X | | | Completed on July 1, 2014 |
| 3. At the June 3, 2014 City Council meeting | IT Dir., working with the City Clerk, City Manager, City Attorney | Prepare a budget request for City Council consideration for a comprehensive update of the city's website, customer service technology, social media tools and required staffing. | X | | | |
| 4. Sept. 15, 2014 | Finance Dir. - lead, City Attorney, City Manager, City Clerk | Recommend to the City Council for consideration an ordinance to modernize the city's purchasing limits. | | X | | |

THREE-YEAR GOAL: **BUILD AN ECONOMICALLY VITAL AND FINANCIALLY SUSTAINABILITY CITY**

| WHEN | WHO | WHAT | STATUS | | | COMMENTS |
|-------------------------------------|--|--|--------|-----------|---------|----------|
| | | | DONE | ON TARGET | REVISED | |
| 1. As part of the budget process | City Manager, working with the Department Heads | Present to the City Council for consideration by June 30, 2014 options to restore the remaining employee compensation reductions. | X | | | |
| 2. Sept. 1, 2014 | City Manager, working with all department heads and all union groups | Determine the feasibility of providing services to other entities, bringing services in-house or contracting services to increase revenue and achieve savings while maintaining a high level of service. | | X | | |
| 3. Sept. 15, 2014 | PW Dir., working with the City Attorney and City Manager | Present to the City Council for consideration a franchise agreement to contract with Athens Disposal for street sweeping. | | X | | |
| 4. Sept. 15, 2014 | City Attorney and City Clerk | Provide to the City Council for consideration options to amend the city's Utility Users Tax Ordinance. | | X | | |
| 5. FUTURE OBJECTIVE | Finance Dir. and City Treasurer | Provide to the City Council for action options for integrating a local city dog licensing fee collection with veterinarians. | | | | |

THREE-YEAR GOAL: **MAINTAIN A HIGH LEVEL OF PUBLIC SAFETY WITH PUBLIC ENGAGEMENT**

| WHEN | WHO | WHAT | STATUS | | | COMMENTS |
|---|--|--|--------|-----------|---------|---|
| | | | DONE | ON TARGET | REVISED | |
| 1. July 1, 2014 | Police Chief, working with the IT Dir. and PW Dir. | Provide training and fully implement the jail surveillance video camera system. | | | X | Implementation and training is delayed pending meet and confer with the labor associations. A draft policy has been submitted to the Human Resources Director. |
| 2. At the July 1, 2014 City Council meeting | Police Chief, working with the City Attorney | Present to the City Council for consideration an update to the Redondo Beach Bail Schedule. | X | | | Completed. Approved by City Council and currently awaiting approval by the presiding judge of the Superior Court. |
| 3. At the July 15, 2014 City Council meeting | Police Chief and City Attorney | Present to the City Council for consideration an ordinance to regulate parking in municipal public parking lots. | | | X | A proposed ordinance will be presented to City Council by the first meeting in September. A draft ordinance was submitted as a Service Request to the City Attorney's Office for review in June. Awaiting a response. |
| 4. Sept. 15, 2014 | Police Chief, working with the HR Dir. and with the Mayor who is assisting with recruiting | Hire and retain 96 sworn personnel to reach the budgeted 96 positions. | | X | | As of July 1 st , the number of sworn staff has been reduced from 96 to 93. Four officers were hired in the first week of July. As of July 11 th , there are three vacant police officer positions. |



Administrative Report

Action Date: July 15, 2014

To: MAYOR AND CITY COUNCIL

From: TIM SHEA, INTERIM PUBLIC WORKS DIRECTOR
AARON JONES, COMMUNITY DEVELOPMENT DIRECTOR

Subject: PUBLIC HEARING FOR CONSIDERATION OF APPROVAL OF AN EXEMPTION DECLARATION, COASTAL DEVELOPMENT PERMIT FOR THE HERONDO STREET/HARBOR DRIVE GATEWAY IMPROVEMENT PROJECT AND APPROVAL OF PROJECT PLANS AND SPECIFICATIONS

RECOMMENDATION

1. Conduct a Public Hearing regarding an Exemption Declaration, Coastal Development Permit for the Herondo Street/Harbor Drive Gateway Improvement Project;
2. Approve the plans and specifications for the Herondo Street/Harbor Drive Gateway Improvement Project, Job No. 40900, and authorize the City Clerk to advertise the Project for competitive bids.
3. Adopt the following resolution, by title only, waiving further reading:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN EXEMPTION DECLARATION AND APPROVING A COASTAL DEVELOPMENT PERMIT FOR RECONSTRUCTION AND MODERNIZATION OF BIKE PATHS, PARKING AND RIGHT-OF-WAY IMPROVEMENTS FOR N. HARBOR DRIVE BETWEEN PACIFIC AVENUE AND HERONDO STREET AND HERONDO STREET BETWEEN PARKING LOT 13 (N. HARBOR DRIVE) AND N. PACIFIC COAST HIGHWAY

EXECUTIVE SUMMARY

On April 16, 2013, the City Council approved the design for the Herondo Street/Harbor Drive Gateway Improvement project. The approved design includes a number of Living Streets elements and was developed through an extensive community outreach effort that included multiple public meetings, direct stakeholder input, and review by the Harbor, Planning, and Public Works Commissions. The Project includes the following key elements: 1) reconstruction of Parking Lot 13 into a welcome park/plaza space with

a public art feature; 2) installation of a bi-directional bike path that will connect the Hermosa Beach Strand to the Redondo Beach Pier; 3) a complete resurfacing of Herondo St. and Harbor Dr.; 4) the installation of new street medians and landscaping along Herondo St. and Harbor Dr.; 5) improved pedestrian crossings at the Herondo St. and Harbor Dr. intersection; 6) reconfiguration of Herondo St. right of way to allow for the installation of bike lanes and reverse angle parking; and 7) relocation/installation of new streetlights on the west side of Harbor Drive to improve pedestrian path of travel.

The plans and specifications are now complete and ready for competitive bidding. Prior to the start of construction a Local Coastal Development Permit must be issued by the City. The project meets or exceeds all coastal development requirements and is strongly supported by Coastal Commission staff. The project plans and specifications and proposed permit are available for review at the planning and engineering counters at City Hall. The engineering estimate for construction of the Project is roughly \$3,780,000. The Project is funded by transportation restricted sources and is expected to be complete by May of 2015.

BACKGROUND

On November 20, 2012, the City Council approved a design and engineering services contract with Stantec Consulting Services, Inc. for the execution of a comprehensive community outreach design process and the preparation of plans and specifications for the Herondo Street/Harbor Drive Gateway Improvement Project. The input gathered during the public outreach process was used to shape the design concept that was ultimately approved by the City Council on April 16, 2013.

The approved design includes the following project features:

- Reconstruction of Parking Lot 13 to become a signature City entry point with a welcoming park/plaza atmosphere. This includes removal of the wall that separates the City parking lot from Hermosa Beach; installation of new landscaping and more attractive pedestrian pathways; up-lighting for new signature trees; a bi-directional bike path s-curve that connects the Hermosa Beach strand to the cycle track on Harbor Drive; a bicycle themed public art feature donated by Leadership Redondo, and construction of a new smaller parking lot with improved security lighting.
- Construction of a bi-directional cycle track on the west side of Harbor Drive separated from vehicular parking and travel lanes by a five-foot wide landscaped median buffer which will effectively extend the Strand from Hermosa Beach to the Redondo Beach Pier.

- Reconfiguration of the Herondo Street right of way to allow for the installation of dedicated east and west bound bicycle lanes and reverse angle (head-out) parking. The reconfiguration will be accomplished within existing street curb space and by eliminating one vehicle travel lane in each direction. Traffic analysis for Herondo St. recommends the installation of only one vehicle lane in each direction under both current traffic conditions and future traffic projections assuming complete zoning build-out. The reverse angle parking configuration allows for the installation of an increased number of parking spaces to offset spaces lost by the downsizing of Parking Lot 13. Reverse angle parking also improves safety for bicyclists, as drivers now have a clear view of oncoming traffic, better protects pedestrian ingress and egress from sidewalk to car, and enhances access to trunk space for easier vehicle loading and unloading.
- Installation of new more attractive landscaping in the Herondo Street Median to better welcome visitors traveling along one of the City's key Harbor gateway corridors. The new landscaped medians will also include up-lighting for signature trees.
- Construction of a dedicated southbound right turn lane from North Harbor Drive to Yacht Club Way to improve traffic flow and reduce conflicts with cyclists.
- Modification of the intersection at Herondo Street and Harbor Drive to add a crosswalk to the north side of the intersection and improve the flow and safety of pedestrian crossings.
- Widening and landscaping of the median on Herondo Street at Harbor Drive to remove the unused westbound left turn lane and improve the intersection's appearance.
- The installation of new traffic signals along Harbor Drive to synchronize and more safely direct pedestrian, bicycle and vehicle movements.
- The relocation and purchase of new street lights from the sidewalk along the west side of Harbor Drive to the landscape median to reduce sidewalk obstructions and enhance pedestrian path of travel along Harbor Drive.
- The identification of landscape spaces for future public art opportunities.

The Project will result in a net increase of 9 parking spaces and modify the parking supply in the project area as follows:

| Location | Current Parking | Proposed Parking Added/Removed | Net Parking |
|-------------------------------------|-----------------|--------------------------------|-------------|
| Parking Lot 13 | 73 | -46 | 27 |
| North Harbor Drive | 96 | -21 | 75 |
| Herondo Street (Redondo Beach Side) | 99 | +67 | 166 |
| Herondo Street (Hermosa Beach Side) | 30 | +9 | 39 |
| Total | 298 | +9 | 307 |

Project Schedule

The project plans and specifications are now complete and ready for City Council approval and authorization for competitive bidding. The bidding process and construction contract award are anticipated to be complete in September. Project construction is expected to begin in October, and should be complete in one hundred and eighty (180) calendar days. The Project schedule is as follows:

- Bid Advertisement – July 2014
- Bid Opening – August 2014
- Award of Construction Contract – September 2014
- Start Construction – October 2014
- Complete Construction – April/May 2015

Community Outreach Summary

The Project's design development was the result of a combination of community outreach and individual stakeholder meetings. The City's outreach effort, which culminated with the City Council's project design approval on April 16, 2013, included the following:

- 1st Stakeholder Meeting – December 19, 2012
- 2nd Stakeholder Meeting – January 30, 2013
- 3rd Stakeholder Meeting – February 13, 2013
- Joint Harbor and Planning Commission Meeting – February 21, 2013
- Public Works Commission Meeting – February 28, 2013
- City of Hermosa Beach Public Works Commission Meeting – March 20, 2013

In addition to the public meetings, staff made direct contact with a number of key stakeholders (see below), all of whom provided support for the Project's final design:

- California Coastal Commission Staff
- AES
- Sea Lab
- CenterCal
- Beach Cities Health District

Coastal Development Permit

The issuance of a Local Coastal Development Permit is required for this project pursuant to Section 10-5.2200 of the Coastal Zoning Ordinance. The Coastal Development Permit procedure ensures that projects within the Coastal Zone conform

to the policies and procedures of the California Coastal Act, the implementing regulations, and the City of Redondo Beach Certified Land Use Plan.

This project has been determined to be fully consistent with all criteria for issuance of a Local Coastal Development Permit, and staff recommends that the City Council make the findings pursuant to Section 10-5.2218(c) of the Redondo Beach Municipal Code as listed below and contained in the attached Resolution, and grant the Local Coastal Development Permit.

Permit Findings:

1. In accordance with Section 10-5.2218(c) of the Redondo Beach Municipal Code, the request for a Coastal Development Permit is consistent with the findings set forth therein for the following reasons:
 - a) The proposed parking and Right-of-way improvements are in conformity with the Certified Local Coastal Program because the improvements will preserve and enhance public-serving amenities and improve public recreational access to coastal areas.
 - b) That the proposed parking and Right-of-way improvements which affect areas located between the sea and the first public road paralleling the sea, are in conformity with the public access and public recreation policies of Chapter 3, Division 20 of the Public Resources Code.
 - c) Pursuant to the requirements of the California Environmental Quality Act (CEQA), the parking and Right-of-way improvements are categorically exempt from environmental review pursuant to Sections 15282(j), 15304(h), and 15311. An Exemption Declaration stating that the project does not require additional environmental review has been prepared.

Environmental Analysis

Under the California Environmental Quality Act, the project is categorically exempt from the preparation of environmental analyses pursuant to Section 15282(j) *Restriping streets or highways to relieve congestion*; Section 15304(h) *Creation of bicycle lanes on existing rights of way*; and Section 15311 *Small parking lots*. An Exemption Declaration stating that the project does not require additional environmental review has been prepared and is attached to this report.

COORDINATION

The Herondo Street/Harbor Drive Gateway Improvement Project has been coordinated with the Community Development and Waterfront and Economic Development

Administrative Report

July 15, 2014

Herondo Street/Harbor Drive Gateway Improvement Project
Page 6

Departments, City of Hermosa Beach Public Works Department personnel, and a number of community stakeholders.

FISCAL IMPACT

Funding for the design of the Herondo/Harbor Gateway Improvement Project was provided through Chevron reimbursement fees as part of their Coker Unit Transport Project. The engineer's cost estimate for construction of the Project is \$3,781,668. Funding for construction is included in the 2014-15 Fiscal Year CIP Budget as follows.

| <u>Funding:</u> | | <u>Expenditures:</u> | |
|---------------------------------|-------------------|----------------------|-------------------|
| State Gas Tax Funds | \$1,566,717 | Construction | \$ 3,781,668 |
| Proposition C Funds | \$1,183,147 | Contingency | <u>\$ 152,933</u> |
| Measure R Funds | \$ 225,000 | | |
| CA Bicycle Transportation Grant | \$ 535,135 | | |
| Miscellaneous CIP Funds | \$ 165,102 | | |
| Solid Waste Road Impact Fees | <u>\$ 259,500</u> | | |
| Total | \$3,934,601 | Total | \$3,934,601 |

Submitted by:
Tim Shea, Interim Public Works Director
Aaron Jones, Community Development Director

Approved for forwarding by:
Joe Hoefgen, Interim City Manager

Attachments:

- Exemption Declaration
- Resolution



CITY OF REDONDO BEACH

EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: June 25, 2014

PROJECT LOCATION: N. Harbor Drive between Pacific Avenue and Herondo Street; Herondo Street between N. Harbor Drive and N. Pacific Coast Highway; public Parking Lot 13, Redondo Beach

PROPOSED PROJECT: Reconstruction and modernization of bike paths, parking and right-of-way improvements in the Coastal Zone

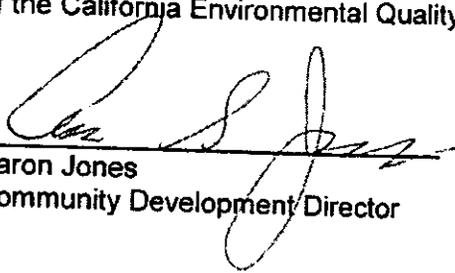
In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to the following sections of the Guidelines for Implementation of the California Environmental Quality Act (CEQA):

Section 15282(j) which states that a project for restriping streets or highways to relieve traffic congestion as set forth in Section 21080.19 of the Public Resources Code does not require further environmental review;

Section 15304(h) which states that minor alterations to land, including the creation of bicycle lanes on existing rights-of-way, do not require further environmental review;

Section 15311(b) which states that construction and placement of minor accessory structures, including small parking lots, does not require further environmental review.

This finding is supported by the fact that the project scope of work consists of improvements to right-of-ways and a public parking lot, consistent with those actions outlined as exempt from environmental review under the Guidelines for Implementation of the California Environmental Quality Act.



Aaron Jones
Community Development Director

RESOLUTION NO. CC-1407-070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN EXEMPTION DECLARATION AND APPROVING A COASTAL DEVELOPMENT PERMIT FOR RECONSTRUCTION AND MODERNIZATION OF BIKE PATHS, PARKING AND RIGHT-OF-WAY IMPROVEMENTS FOR N. HARBOR DRIVE BETWEEN PACIFIC AVENUE AND HERONDO STREET AND HERONDO STREET BETWEEN PARKING LOT 13 (N. HARBOR DRIVE) AND N. PACIFIC COAST HIGHWAY

WHEREAS, consideration of an Exemption Declaration and Coastal Development Permit are required for reconstruction and modernization of bike paths, parking and right-of-way improvements that are located with the City's Coastal Zone; and

WHEREAS, notice of the time and place of the public hearing where the Exemption Declaration and Coastal Development Permit would be considered was provided pursuant to State law and local ordinance by publication in the Easy Reader, by posting notices every 200 hundred feet in the subject area within the Coastal Zone, and by mailing notices to property owners and residents within 100 feet of the exterior boundaries of the subject area within the Coastal Zone; and

WHEREAS, the City Council of the City of Redondo Beach held the public hearing on the 15th day of July, 2014, at which time all interested parties were given an opportunity to be heard and to present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, DOES HEREBY FIND:

1. In accordance with Section 10-5.2218(c) of the Redondo Beach Municipal Code, the request for a Coastal Development Permit is consistent with the findings set forth therein for the following reasons:
 - a) The proposed reconstruction and modernization of bike paths, parking and right-of-way improvements are in conformity with the Certified Local Coastal Program because the improvements will preserve and enhance public-serving amenities and improve public recreational access to coastal areas.

- b) That the proposed reconstruction and modernization of bike paths, parking and right-of-way improvements which affect areas located between the sea and the first public road paralleling the sea, are in conformity with the public access and public recreation policies of Chapter 3, Division 20 of the Public Resources Code.
 - c) Pursuant to the requirements of the California Environmental Quality Act (CEQA), the reconstruction and modernization of bike paths, parking and right-of-way improvements are categorically exempt from environmental review pursuant to Sections 15282(j), 15304(h), and 15311(b).
2. That the proposed reconstruction and modernization of bike paths, parking and right-of-way improvements will have no impact on fish and game resources pursuant to Section 21089(b) of the Public Resources Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Based on the above findings, the City Council does hereby adopt the Exemption Declaration and grant the Coastal Development Permit for the proposed reconstruction and modernization of bike paths, parking and right-of-way improvements, pursuant to the evidence considered by the City Council at its meeting of the 15th day of July, 2014.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED, AND ADOPTED this 15th day of July, 2014.

Steve Aspel, Mayor

ATTEST:

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

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. CC-1407-070 was duly passed, approved, and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 15th day of July, 2014, by the following vote:

AYES :

NOES :

ABSENT :

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

BLUE FOLDER ITEM

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

CITY COUNCIL MEETING July 15, 2014

- L.2. PUBLIC HEARING TO CONSIDER ADOPTION OF AN EXEMPTION DECLARATION AND A COASTAL DEVELOPMENT PERMIT.**
- A. ADOPT BY TITLE ONLY, RESOLUTION NO. CC-1407-070, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN EXEMPTION DECLARATION AND APPROVING A COASTAL DEVELOPMENT PERMIT FOR RECONSTRUCTION AND MODERNIZATION OF BIKE PATHS, PARKING AND RIGHT-OF-WAY IMPROVEMENTS FOR N. HARBOR DRIVE BETWEEN PACIFIC AVENUE AND HERONDO STREET AND HERONDO STREET BETWEEN PARKING LOT 13 (N. HARBOR DRIVE) AND N. PACIFIC COAST HIGHWAY; AND**
 - B. APPROVE THE PLANS AND SPECIFICATIONS FOR THE HERONDO STREET/HARBOR DRIVE GATEWAY IMPROVEMENT PROJECT, JOB NO. 40900, AND AUTHORIZE THE CITY CLERK TO ADVERTISE THE PROJECT FOR COMPETITIVE BIDS.**

RECOMMENDATION:

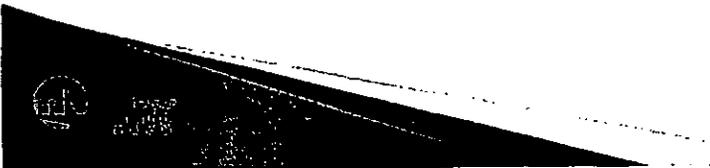
- a. Open the Public Hearing and take testimony; and
- b. Close the Public Hearing; and
- c. Adopt Resolution No. CC-1407-070;
- d. Approve the plans and specifications and authorize the City Clerk to advertise for bids.

**TIM SHEA, INTERIM PUBLIC WORKS DIRECTOR
AARON JONES, COMMUNITY DEVELOPMENT DIRECTOR**

ATTACHED IS ADDITIONAL INFORMATION (POWER POINT PRESENTATION) REGARDING ITEM L.2.

Herondo Street/Harbor Drive Gateway Improvement Project

**City Council Meeting
July 15, 2014**



BACKGROUND

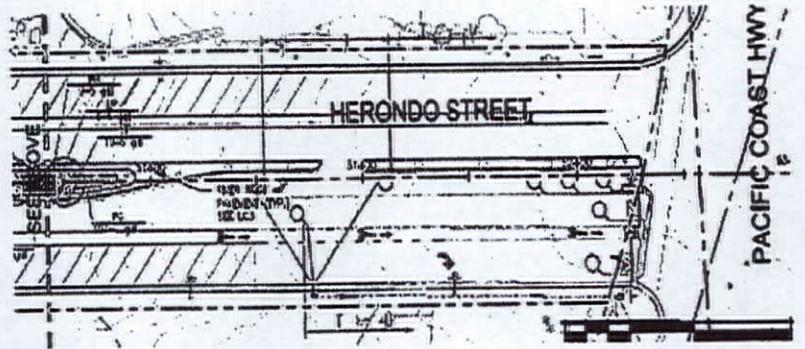
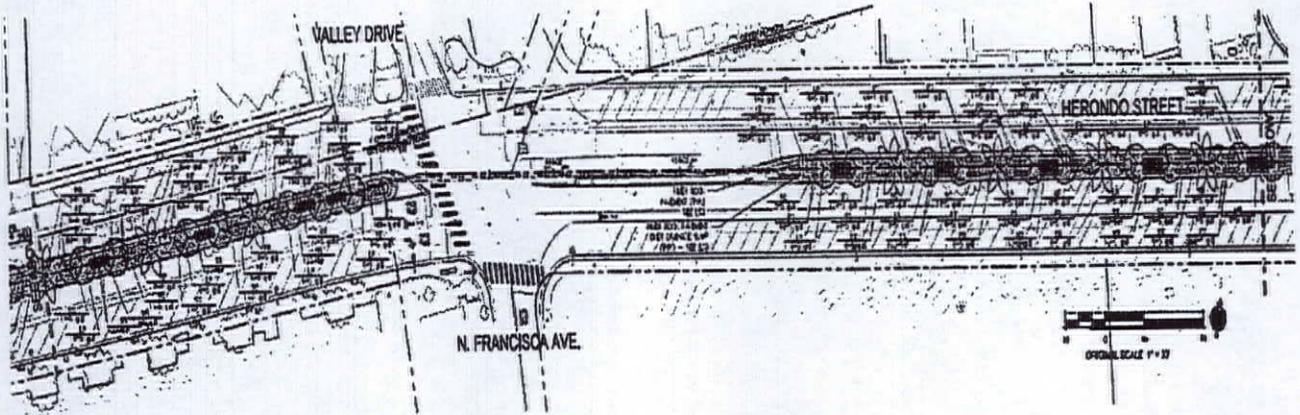
- ▶ SB Bicycle Master & Beach Cities Livability Plans
- ▶ Herondo Street and North Harbor Drive Resurfacing Needs
- ▶ CA Bicycle Transportation Cycle Track Grant
- ▶ Chevron Coke Drum Transport
- ▶ Unique Gateway Statement and Place Making Opportunity
- ▶ Need for Improved Public Access – CA Coastal Trail Connection

COMMUNITY OUTREACH

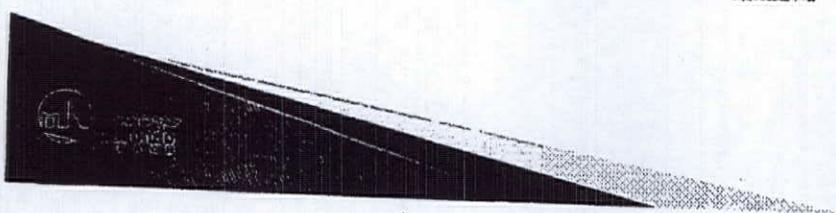
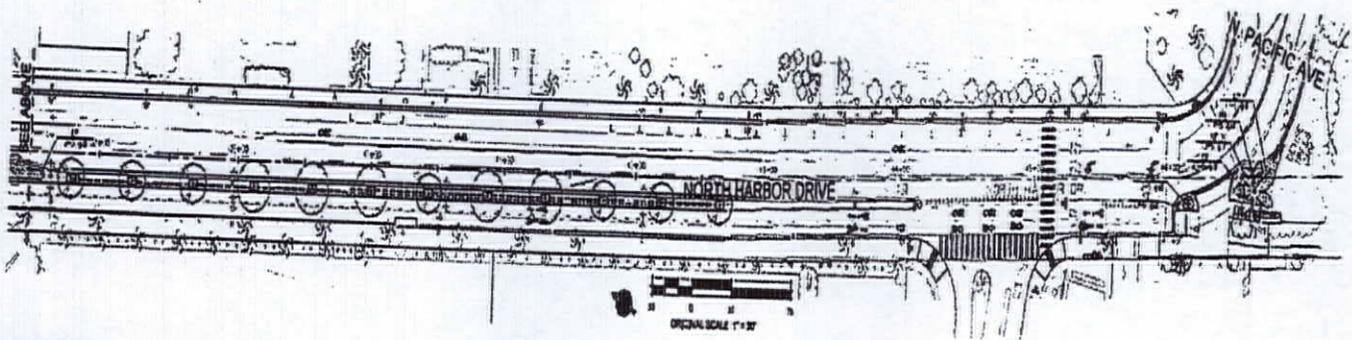
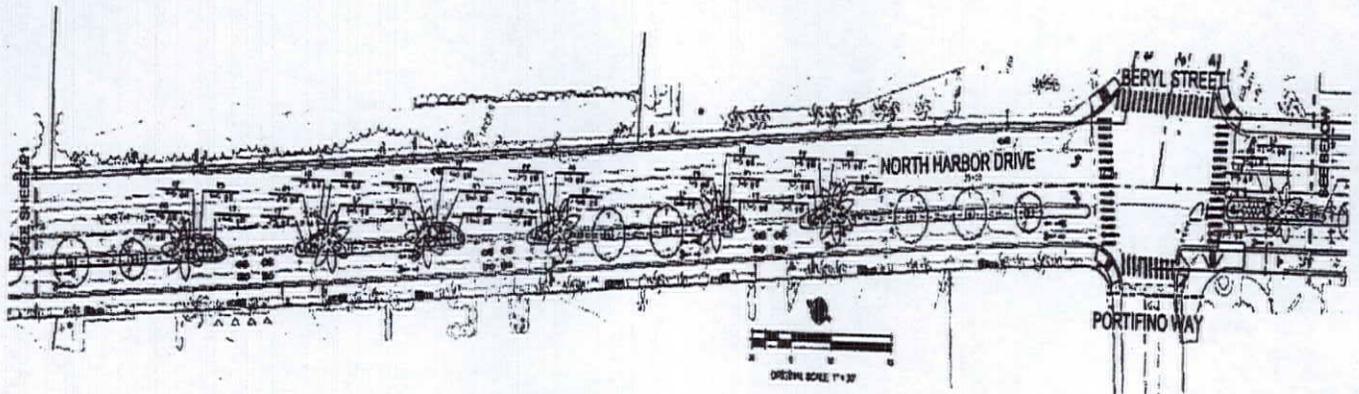
- ▶ **Three Community Input Meetings**
- ▶ **Consideration of Multiple Design Options**
- ▶ **Harbor/Planning Commission Review**
- ▶ **Public Works Commission Review**
- ▶ **Coastal Commission Staff Review**
- ▶ **Direct Outreach to Other Stakeholders**



HERONDO STREET RECONFIGURATION

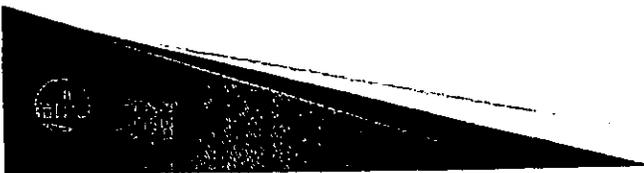


HARBOR DRIVE RECONFIGURATION



PROJECT FUNDING

| | |
|---------------------------|-------------------|
| ▶ State Gas Tax | \$1,566,717 |
| ▶ Proposition C | \$1,183,147 |
| ▶ Measure R | \$ 225,000 |
| ▶ CA Bicycle Trans. Grant | \$ 535,135 |
| ▶ Trash Impact Fees | \$ 259,500 |
| ▶ Misc. CIP Fees | <u>\$ 165,102</u> |
| Total | \$3,934,601 |
| Construction Cost Est. | \$3,781,668 |



RECOMMENDATION

- ▶ Conduct a Public Hearing;
- ▶ Approve the plans and specifications for the Herondo Street/Harbor Drive Gateway Improvement Project; and,
- ▶ Adopt by title only, Resolution No. CC-1407-070, Approving an Exemption Declaration and Coastal Development Permit for the Project.





Administrative Report

Council Action Date: August 5, 2014

To: MAYOR AND CITY COUNCIL

From: PETE CARMICHAEL, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

Subject: FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF REDONDO BEACH AND PORTOFINO HOTEL PARTNERS, L.P.

RECOMMENDATION

Approve the First Amendment to Lease between the City of Redondo Beach and Portofino Hotel Partners, L.P., a California Limited Partnership, and authorize the Mayor to execute the document on behalf of the City.

EXECUTIVE SUMMARY

The Portofino leasehold is located at the end of Portofino Way, on Mole C of King Harbor, and has enjoyed great success, as a well-known visitor destination. Portofino Hotel Partners, L.P., is the current Lessee for the property on Mole C. The original lease for the leasehold dated to 1961, and the uses on the property have continued for decades with little variation.

The Lease between the City and Portofino Hotel Partners, L.P. (Portofino), allows for the renegotiation of percentage rental rates every five (5) years. The attached First Amendment to Lease (First Amendment) will memorialize the results of the most recent renegotiation, resulting in increased annual rental (approximately \$16,000) to the City's Harbor Tidelands Fund.

BACKGROUND

Located at the end of Mole "C", the Portofino leasehold consists of a variety of uses: 163 room hotel, 232 slip marina, 21 room apartment building, a fuel dock, a small events center and other associated restaurant and boating uses.

The uses on the leasehold consistently provide a reliable source of revenue to the City's Harbor Tidelands Fund for the past several years. Moreover, the leasehold provides a significant amount of Transient Occupancy Tax revenue to the City's General Fund and is one of the larger employers in the local area. Its hotel and marina operations enjoy great success with high occupancies.

The Lease between the City and Portofino is dated as of April 1, 2006 and includes rental to the City based upon a percentage of gross sales. Different percentage rates

Administrative Report

August 5, 2014

First Amendment to Lease Between the
City of Redondo Beach and Portofino Hotel Partners, L.P.
Page 2

are included for individual uses and are subject to scheduled renegotiations of percentage rental rates beginning on March 31, 2007, and continuing every five (5) years during the term of the Lease. Rates are set to market, surveyed from other rates in King Harbor and beyond. From time to time, market rates change and thus, the need for renegotiations. The most recent renegotiation was conducted over the last two years and the resulting new Percentage Rent Schedule (Exhibit C) is included in the attached First Amendment.

Overall, the First Amendment is projected to increase the annual rental paid to the City's Harbor Tidelands Fund by approximately \$16,000. Changes to the rate schedule include a decrease to the rates for slip rental and associated late fees, and increases to the rates for apartment rentals, restaurant and bar, and packaged liquor, beer and wine sales.

COORDINATION

The Waterfront and Economic Development Department collaborated with the City Attorney's Office on this report. The City Attorney's Office has approved the document as to form.

FISCAL IMPACT

The First Amendment will result in an increase in rental to the City's Harbor Tidelands Fund by which is projected to be approximately \$16,000 annually, and is retroactive to April 1, 2012.

Submitted by:
Pete Carmichael,
Waterfront & Economic Development Director

Approved for forwarding by:
Joe Hoefgen, Interim City Manager

jallen

Attachments:

- First Amendment to Lease Between the City of Redondo Beach and Portofino Hotel Partners, L.P.
- Original Lease Between the City of Redondo Beach and Portofino Hotel Partners, L.P.

Recording requested by
and when recorded return to:

CITY OF REDONDO BEACH
415 Diamond Street
Redondo Beach, CA 90277
Attn: City Clerk

No Recording Fee
Exempt pursuant to Government Code § 6103

**First Amendment to Lease
City of Redondo Beach and Portofino Hotel Partners, L.P.**

This First Amendment to Lease ("First Amendment") is made and entered into as of the ____ day of _____, 2014, by and between the City of Redondo Beach, a chartered municipal corporation ("Lessor") and Portofino Hotel Partners, L.P., a California Limited Partnership ("Lessee").

WHEREAS, Lessor and Lessee entered into a certain Lease dated as of April 1, 2006 (the "Lease"), for certain real property, including the improvements now located or in the future to be located thereon and the appurtenances related thereto, located in Los Angeles County, City of Redondo Beach, California as more particularly described on Exhibit "A" attached hereto and made a part hereof ("Real Property");

WHEREAS, the schedule displaying rates for "Percentage Rental" set forth on Exhibit "C" of the Lease is subject to renegotiation every five (5) years; and

WHEREAS, pursuant to the terms of Section 5.9 of the Lease, the parties have renegotiated the rates and desire to amend Exhibit "C" of the Lease, effective as of April 1, 2012.

NOW, THEREFORE, Lessor and Lessee hereby agree that the Lease shall be amended as follows:

1. Exhibit "C" to the Lease setting forth the rates for Percentage Rental is hereby amended as set forth in the attached Exhibit "C", effective as of April 1,

2012, with a retroactive cash adjustment payment due as required under paragraph 5.9(c) the Lease.

2. Except as expressly provided herein, all terms and provisions of the Lease shall remain unchanged and shall continue in full force and effect. In the event of any inconsistency between this First Amendment and the Lease, this First Amendment shall prevail. This First Amendment may be modified or amended only by a subsequent writing executed by all of the parties.

3. The parties signing below warrant and represent that they are duly authorized to enter into and execute this First Amendment on behalf of their respective principals.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment as of the date set forth above.

LESSOR:

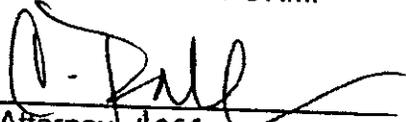
CITY OF REDONDO BEACH

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

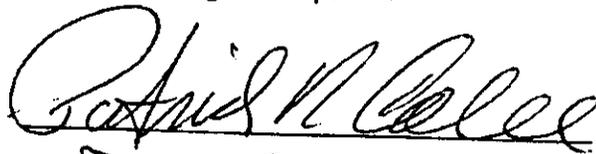


City Attorney #1351

LESSEE:

PORTOFINO HOTEL PARTNERS, L.P.
a California Limited Partnership

By: Portofino GP LLC, A Delaware limited liability company, its general partner

By: 

Name: PATRICK R. COLEE

Title: CHAIRMAN

State of California }
County of Los Angeles } ss.

On _____, 20____, before me,
_____, a Notary Public, personally
appeared, _____, who proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature _____
(seal)

State of ~~California~~ Washington }
County of ~~Los Angeles~~ King } ss.

On JUNE 24, 2014, before
me, DONNA J. REPP, a Notary Public, personally
appeared, PATRICK R. COLE, who proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Donna J. Repp
(seal)

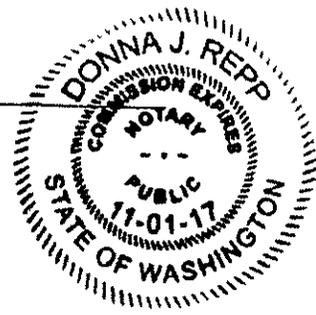


Exhibit "A"
Real Property Description

Legal Description

Real property in the City of Redondo Beach, County of Los Angeles, State of California, described as follows:

That certain parcel of land in the city of Redondo Beach, county of Los Angeles, state of California, more particularly described as follows:

Beginning at a point on an Official Los Angeles County Surveyor's Transit Line which line is described in Los Angeles County Surveyor's Field Book 2100 Pages 21 and 22 and which point is designated as S-12, a point on said Transit Line; thence North 20 degrees 45' 03" West 261.37 feet to a point on the said Transit Line; thence North 77 degrees 23' 54" East 200.97 feet to a point, which point is designated H-1, said H-1 also being South 65 degrees 43' 19" East 46.82 feet from the intersection of the centerline of Hemosa Avenue and the centerline of Tenth Street, as said Intersection is shown on the map of Tract 1326, recorded in Book 18 Page 67 of Maps, records of said county and as said Intersection is shown in Los Angeles County Surveyor's Field Book No. 1589 Page 134, in the office of the county engineer of said county; thence South 24 degrees 59' 36" East 516.87 feet; thence South 24 degrees 24' 43" East 509.95 feet to a point which point is designated H-2; thence South 27 degrees 07' 16" East 615.37 feet to a point; which point is designated H-3; thence South 65 degrees 54' 45" West 247.41 feet to a point, which point is designated H-8; thence South 16 degrees 39' 50" East 956.81 feet to a point, which point is designated H-10; thence South 73 degrees 21' 10" West 716.01 feet to a point, which point is designated H-11; thence South 58 degrees 09' 30" West 61.05 feet to the true point of beginning; thence South 31 degrees 44' 19" East 172.15 feet, to the beginning of a tangent curve concave Northeasterly and having a radius of 60 feet; thence Southeasterly, along said curve through a central angle of 74 degrees 54' 31", for an arc distance of 78.44 feet; thence tangent to said last mentioned curve, North 73 degrees 21' 10" East 117.50 feet; thence North 16 degrees 38' 50" West 276.60 feet; thence North 73 degrees 21' 10" East 196.69 feet; thence North 16 degrees 38' 40" West 45.00 feet; thence South 73 degrees 21' 10" West 50.00 feet; thence North 16 degrees 38' 40" West 910.87 feet; thence South 73 degrees 21' 20" West 287.01 feet; thence South 16 degrees 38' 40" East 50.00 feet; thence South 73 degrees 21' 20" West 127.94 feet; thence South 32 degrees 44' 55" West 50.32 feet; South 57 degrees 15' 05" East 36.00 feet; thence South 32 degrees 44' 55" West 65.00 feet; thence South 57 degrees 15' 5" East 40.00 feet; thence South 32 degrees 44' 55" West 112.15 feet to the beginning of a tangent curve concave Easterly and having a radius of 60.00 feet; thence Southeasterly along said curve through a central angle of 64 degrees 29' 14" for an arc distance of 67.54 feet; thence tangent to said last mentioned curve South 31 degrees 44' 19" East 730.15 feet to the true point of beginning.

APN: 89-40-262-007 and 7503-008-907

Advis
COMMONLY KNOWN AS 260 Portofino Way, Redondo Beach, California 90277-2092

Exhibit "C"
Percentage Rental Rates

| <u>Item</u> | <u>Category</u> | <u>Percentage Rate</u> |
|-------------|---|-------------------------------------|
| 1 | Boat slips | 25.5% |
| 2 | Storage Lockers | 25.5% |
| 3 | Boat Brokerage -% of gross commissions | 15.0% |
| 4 | Sale of new boats: a. on 1 st \$400,000 per yr. b. on 400,000 - 600,000 per yr. c. on excess of \$600,000 per yr. | a. 1.0% b. 1.25% c. 1.5% |
| 5 | Sale of used boats | 1.0% |
| 6 | Retail sale of marine hardware, accessories, paint, part, tackle | 8.0% |
| 7 | Vending machines | 9.0% |
| 8 | Marine insurance | 5.0% |
| 9 | Service afloat | 50.0% |
| 10 | Apartments | 10.5% |
| 11 | Hotel and motel rooms | 7.5% |
| 12 | Packaged liquor, beer & wine | 5.0% |
| 13 | Office space | 10.0% |
| 14 | Fuel, marine service station | 5.5% |
| 15 | Bait, tackle, ice, sundries & other supplies | 5.5% |
| 16 | Restaurant & bar | 3.5% |
| 17 | Retail sales of sportswear, clothing & souvenirs | 5.0% |
| 18 | Paid parking | 30.0% |
| 19 | Laundry valet | 50.0% of discount allowed Lessee |
| 20 | Guest Telephone | 0.1% |
| 21 | Slip late fees | 25.5% |
| 22 | Transportation for food from restaurant | 3.5% |
| 23 | Car rental commission | 50.0% |
| 24 | Sailing Lessons | 7.5% |
| 25 | Boat & Motor rental a. w/out motor, dry stored b. w motor, dry stored | a. 20.0% b. 12.5% |

ORIGINAL

LEASE

BETWEEN

CITY OF REDONDO BEACH

AND

PORTOFINO HOTEL PARTNERS, L.P.

Commencement Date: April 1, 2006

All supporting documentation for **Consent Items**

can be found online at the City's website

www.redondo.org

under the corresponding City Council Meeting

city offices/city clerk/agenda & minutes

City Council Meeting

August 5, 2014

Item H15



Administrative Report

Harbor Commission Hearing Date: August 11, 2014

CASE NUMBER: 2014-08-HC-002

PROJECT LOCATION: 100 FISHERMAN'S WHARF "H"

APPLICATION TYPE: COASTAL DEVELOPMENT PERMIT EXEMPTION,
AMENDMENT TO A CONDITIONAL USE PERMIT, AND
AN EXEMPTION DECLARATION

APPLICANT'S NAME: BARNEY'S BEANERY

APPLICANT'S REQUEST AS ADVERTISED:

Consideration of an Exemption Declaration and Coastal Development Permit Exemption to amend an existing Conditional Use Permit to allow live entertainment at an existing restaurant on property located within a Coastal Commercial (CC-2) zone, located at 100 Fisherman's Wharf "H".

DEPARTMENT'S RECOMMENDATION:

Staff recommends that the Harbor Commission make the findings as set forth in the staff report; adopt the Exemption Declaration, grant the Coastal Development Permit Exemption, and amend the existing Conditional Use Permit to eliminate the prohibition of live outdoor patio entertainment for Barney's Beanery Restaurant, subject to the plans and applications submitted, and the conditions below. Staff further recommends the issuance of a Level 1 Entertainment Permit.

BACKGROUND/EXISTING CONDITIONS:

In 2012, the Harbor Commission granted RDR Properties, the leaseholder for the Redondo Landing property on the City Pier, an amendment to the Conditional Use Permit (CUP) in place at the time to expand operating hours for space 100 "H" located at the south eastern edge of the property adjacent to the bike path. The amendment allowed the interior of the business to operate from 7:00 a.m. to 1:30 a.m. Sundays through Thursdays and 7:00 a.m. to 2:00 a.m. on Fridays, Saturdays, and the eves of holidays. The outdoor patio is allowed to operate until 11:00 p.m. Sundays through Thursdays and 12:00 a.m. on Fridays, Saturdays, and eves of holidays. The space is currently occupied by Barney's Beanery Restaurant, which has applied for an amendment to the CUP for the ability to provide live entertainment within the outdoor patio area.

CURRENT REQUEST:

The applicant, Barney's Beanery, seeks to amend the existing Conditional Use Permit, which prohibits live entertainment on the outdoor patio. Condition No. 3 of Harbor Commission Resolution No. 2012-04-HCR-001 states "That no entertainment, music (live or piped-in), DJs, crowd participatory events be allowed on the outdoor patio." The applicant is requesting that this condition be removed thereby allowing them the ability to apply for an entertainment permit for acoustic entertainment on the outdoor patio.

The tenant space at 100 "H" Fisherman's Wharf is located on the second floor and is approximately 4,362 square feet in size on the interior, with a 900-square foot outdoor patio to the west side of the building. The patio is adjacent to an outdoor seating area for El Torito Restaurant, and oriented to the rear of the building. The entertainment area would be in the south corner of the patio, located on the beach-facing side.

EVALUATION OF REQUEST:

On April 9, 2012, the Harbor Commission granted the first amendment to the location's CUP to expand its hours of operation, however a tenant had not been selected yet. The purpose of the amendment was to facilitate the recruitment of a high caliber tenant. Discussion during the public hearing concluded that entertainment would be considered once the tenant was selected.

Barney's Beanery has occupied the space since April 2014. Since that time, there have been no significant calls for police service. Additionally, the business has demonstrated compliance with all restrictions on food and alcohol percentage sales as conditioned in the 2012 CUP.

The business is requesting to remove the condition prohibiting entertainment on the outdoor patio in order to apply for an entertainment permit. Permits for live entertainment are granted separately from the CUP process and are specific to the operator. An entertainment permit can be suspended, modified or revoked at any time and is a key means to address chronic noise or disturbance complaints.

The applicant plans to provide live acoustic entertainment on the outdoor patio which they feel will benefit the ambiance and bring a fresh energy to the outdoor area. Staff is supportive of the request to amend the current CUP given the fact that the business must still apply for approval of entertainment. Removal of Condition No. 3 of the CUP provides the means for the business to pursue the request.

ENVIRONMENTAL STATUS:

Pursuant to the California Environmental Quality Act (CEQA), Section 15301 of the Guidelines (Existing Facilities), the proposed project is categorically exempt from the preparation of environmental analyses.

COASTAL DEVELOPMENT PERMIT EXEMPTION:

Pursuant to Section 10-5.2208(a)(2) of the Coastal Land Use Plan Implementing Ordinance, improvements to existing structures (other than single family residences and public works facilities) are exempt from the requirement for a Coastal Development Permit when the improvements do not consist of conversion of the existing structure nor change in the intensity of the use.

FINDINGS:

1. In accordance with Section 10-5.2506(b) of the Redondo Beach Municipal Code, approval of the request for an amendment to a Conditional Use Permit is in accord with the criteria set forth therein for the following reasons:
 - a) The established use is permitted in the land use district in which the site is located, and the site is adequate in size and shape to accommodate the use, and all yards, opens spaces, walls and fences, parking, landscaping and other features, and the project is consistent with the requirements of Chapter 5, Title 10 of the Redondo Beach Municipal Code, to adjust the use with the land and uses in the neighborhood.
 - b) The site of the proposed use has adequate access to a public street of adequate width to carry the kind and quantity of traffic generated by the use that it serves.
 - c) The proposed use with live entertainment shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval.
 - d) The proposed project conforms to all of the requirements of the Zoning Ordinance.
 - e) The project is consistent with the certified Coastal Land Use Plan and with the Comprehensive General Plan of the City and the use provides enhanced resident and visitor-serving coastal commercial services.
2. Pursuant to Chapter 3, Title 10 of the Redondo Beach Municipal Code, the project is exempt from the preparation of environmental documents pursuant to Section 15301

August 11, 2014

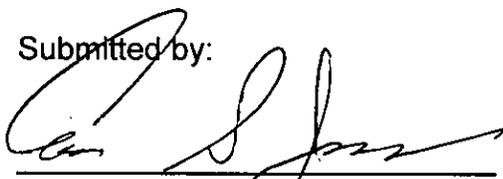
of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

3. The Harbor Commission hereby finds that the proposed project would have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.
4. The Harbor Commission further recommends approval of a Level 1 Entertainment Permit by the Community Development Department.

CONDITIONS:

1. That the approval granted herein is for removal of Condition No. 3 of Harbor Commission Resolution No. 2012-04-HCR-001 thereby eliminating the prohibition of live entertainment on the outdoor patio, as represented in the application reviewed and approved by the Harbor Commission at its meeting of August 11, 2014.
2. That the applicant shall comply with all additional conditions of Harbor Commission Resolution No. 2012-04-HCR-001.

Submitted by:



Aaron Jones
Community Development Director

Approved for forwarding by:



Pete Carmichael
Waterfront and
Economic Development Director

Attachments:

- Draft Resolution 2014-08-HCR-002
- Harbor Commission Resolution No. 2012-04-HCR-001
- Minutes of the April 9, 2012 Harbor Commission meeting
- April 9, 2012 Staff Report



CITY OF REDONDO BEACH

EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: August 11, 2014

PROJECT ADDRESS: 100 Fisherman's Wharf H, Redondo Beach

PROPOSED PROJECT: Consideration of an amendment to an existing Conditional Use Permit to allow live entertainment for an existing restaurant on property located within a Coastal Commercial (CC-2) zone.

In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorical Exempt from the preparation of environmental review documents pursuant to:

Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) states, in part, that the licensing of existing facilities that do not involve structural alterations is exempt from further environmental review. This finding is supported by the fact that the proposed project is to allow live entertainment within an existing restaurant.



Aaron Jones
Community Development Director

RESOLUTION NO. 2014-08-HCR-002

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH APPROVING AN EXEMPTION DECLARATION, COASTAL DEVELOPMENT PERMIT EXEMPTION, AND GRANTING THE REQUEST FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ELIMINATE THE PROHIBITION OF LIVE ENTERTAINMENT AND FURTHER RECOMMENDING APPROVAL OF AN ENTERTAINMENT PERMIT FOR AN EXISTING RESTAURANT ON PROPERTY LOCATED WITHIN A COASTAL COMMERCIAL (CC-2) ZONE AT 100 FISHERMAN'S WHARF "H"

WHEREAS, an application was filed on behalf of the owner of the property located at 100 Fisherman's Wharf "H" for approval of an Exemption Declaration and consideration of a Coastal Development Permit Exemption and amendment to a Conditional Use Permit for an existing restaurant on property located within a Coastal Commercial (CC-2) zone; and

WHEREAS, notice of the time and place of the public hearing where the Exemption Declaration and the 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 and occupants within 100 feet of the exterior boundaries of the subject property; and

WHEREAS, the Harbor Commission of the City of Redondo Beach has 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 the 11th day of August, 2014, with respect thereto.

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

1. In accordance with Section 10-5.2506(b) of the Redondo Beach Municipal Code, approval of the request for an amendment to a Conditional Use Permit is in accord with the criteria set forth therein for the following reasons:
 - a) The established use is permitted in the land use district in which the site is located, and the site is adequate in size and shape to accommodate the use, and all yards, opens spaces, walls and fences, parking, landscaping and other features, and the project is consistent with the requirements of Chapter 5, Title 10 of the Redondo Beach Municipal Code, to adjust the use with the land and uses in the neighborhood.

- b) The site of the proposed use has adequate access to a public street of adequate width to carry the kind and quantity of traffic generated by the use that it serves.
 - c) The proposed use with live entertainment shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval.
 - d) The proposed project conforms to all of the requirements of the Zoning Ordinance.
 - e) The project is consistent with the certified Coastal Land Use Plan and with the Comprehensive General Plan of the City and the use provides enhanced resident and visitor-serving coastal commercial services.
2. Pursuant to Chapter 3, Title 10 of the Redondo Beach Municipal Code, the project is exempt from the preparation of environmental documents pursuant to Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).
 3. The Harbor Commission hereby finds that the proposed project would have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.
 4. The Harbor Commission further recommends approval of a Level 1 Entertainment Permit by the Community Development Department.

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 Coastal Development Permit Exemption and amendment to a Conditional Use Permit pursuant to the application considered by the Harbor Commission at its meeting of the 11th day of August, 2014.

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

1. That the approval granted herein is for removal of Condition No. 3 of Harbor Commission Resolution No. 2012-04-HCR-001 thereby eliminating the prohibition of live entertainment on the outdoor patio, as represented in the application reviewed and approved by the Harbor Commission at its meeting of August 11, 2014.

2. That the applicant shall comply with all additional conditions of Harbor Commission Resolution No. 2012-04-HCR-001.

Section 3. That the approved amendment to the Conditional Use Permit shall become null and void if not vested within 36 months after the Harbor Commission's approval of the project.

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 11th day of August, 2014.

Tarek Shaer, Chair
Harbor Commission
City of Redondo Beach

ATTEST:

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

I, Pete Carmichael, Waterfront and Economic Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2014-08-HCR-002 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 11th day of August, 2014, by the following vote:

AYES:

NOES:

ABSENT:

Pete Carmichael
Waterfront and
Economic Development Director

APPROVED AS TO FORM:

City Attorney's Office

RESOLUTION NO. 2012-04-HCR-001

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH APPROVING AN EXEMPTION DECLARATION AND GRANTING THE REQUEST FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT TO EXTEND THE PERMITTED HOURS OF OPERATION OF A RESTAURANT AND BAR WITHIN AN EXISTING RESTAURANT BUILDING ON PROPERTY LOCATED WITHIN A COASTAL COMMERCIAL (CC-1) ZONE AT 100 H FISHERMAN'S WHARF

WHEREAS, an application was filed on behalf of the owner of the property located at 100 H Fisherman's Wharf for approval of an Exemption Declaration and consideration of an amendment to a Conditional Use Permit to extend the permitted hours of operation of a restaurant and bar within an existing restaurant building on property located within a Coastal Commercial (CC-1) zone; and

WHEREAS, notice of the time and place of the public hearing where the Exemption Declaration and the application would be considered was given pursuant to State law and local ordinances by publication in the Beach Reporter, 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 considered evidence presented by the applicant, the Harbor Department, Planning Department, and other interested parties at the public hearing held on the 9th day of April, 2012, with respect thereto.

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

1. In accordance with Section 10-5.2506(b) of the Redondo Beach Municipal Code, approval of the request for an amendment to a Conditional Use Permit is in accord with the criteria set forth therein for the following reasons:
 - a) The established use is permitted in the land use district in which the site is located, and the site is adequate in size and shape to accommodate the use, and all yards, opens spaces, walls and fences, parking, landscaping and other features, and the project is consistent with the requirements of Chapter 5, Title 10 of the Redondo Beach Municipal Code, to adjust the use with the land and uses in the neighborhood.

- b) The site of the proposed use has adequate access to a public street of adequate width to carry the kind and quantity of traffic generated by the use that it serves.
 - c) The proposed use with extended hours shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval.
 - d) The proposed project conforms to all of the requirements of the Zoning Ordinance.
 - e) The project is consistent with the certified Coastal Land Use Plan and with the Comprehensive General Plan of the City and the use provides enhanced resident and visitor-serving coastal commercial services.
2. Pursuant to Chapter 3, Title 10 of the Redondo Beach Municipal Code, the project is exempt from the preparation of environmental documents pursuant to Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).
3. The Harbor Commission hereby finds that the proposed project would have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

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 amendment to a Conditional Use Permit pursuant to the plans and applications considered by the Harbor Commission at its meeting of the 9th day of April, 2012.

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

- 1. That the approval granted herein is for extended hours of operation for a restaurant and bar with an adjacent exterior patio as represented in the application reviewed and approved by the Harbor Commission at its meeting of April 9, 2012.
- 2. That the hours of operation for the proposed restaurant and bar be restricted to 7:00 a.m. to 1:30 a.m., Sundays through Thursdays and 7:00 a.m. to 2:00 a.m. on Fridays, Saturdays, and on the eves of holidays. That the outdoor patio be

closed and cleared of all patrons by 11:00 p.m., Sundays through Thursdays, and 12:00 a.m. on Fridays, Saturdays and on the eves of holidays.

3. That no entertainment, music (live or piped-in), DJs, crowd participatory events be allowed on the outdoor patio.
4. That the business will take affirmative steps to mitigate reasonable noise complaints received from the environs, particularly those associated with the residents living in the surrounding area. Such affirmative steps shall include providing a neighborhood contact name and cell phone number for the on-site business management.
5. That the applicant shall be required to install a new HVAC unit(s) for the space capable of adequately conditioning the interior space and shall ensure that all doors and windows remain shut after 12:00 a.m. Specific requirements of any subsequent entertainment permit may further restrict window and door closure requirements. The east door shall be closed at 10:00 p.m. and shall be usable for emergency egress only between 10:00 p.m. and closing.
6. That the applicant shall prepare and implement a staff, safety, and security plan, subject to review and approval of the Police Department to ensure adequate staff presence between the building exit and the parking structure at closing to monitor activity and facilitate a quiet and efficient exiting of patrons.
7. That there shall be no less than 51% gross sales generated by the sale of food, wine and champagne, and no more than 49% gross sales generated by the sale of alcoholic beverages (excluding wine and champagne). The applicant shall report monthly gross sales of food and alcoholic beverages to the Harbor Department and the Harbor Department shall prepare a report and monitor compliance with this condition.
8. That there shall be no deliveries to the business no later than 10:00 p.m. and no earlier than 7:00 a.m. daily.
9. That a fully detailed and dimensioned sign plan shall be submitted to and approved by the Planning Department prior to the issuance of a building permit.
10. That live entertainment shall not be provided without the approval of an Entertainment Permit approved by the City Council.
11. That there shall be no dancing on the premises without an approved dance permit and an approved dance floor area.
12. That the Planning Department is authorized to approve minor changes.

13. That the Harbor Commission shall retain jurisdiction of the matter for the purposed of enforcing compliance with these conditions and for the purpose of modification thereof as circumstances may subsequently indicate.
14. That the applicant shall notify the Coastal Commission of the amendment to the Conditional Use Permit and obtain approval of an amendment to the original Coastal Development Permit if required by the Coastal Commission and a copy of which shall be sent to the Harbor Commission.

Section 3. That the approved amendment to a Conditional Use Permit shall become null and void if not vested within 36 months after the Harbor Commission's approval of the project.

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 9th day of April, 2012.



Michael Jackson, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Pete Carmichael, Harbor Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2012-04-HCR-001 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 9th day of April, 2012, by the following roll call vote:

AYES: Chair M. Jackson, Commissioners Bloss, D. Jackson, Shaer,

NOES: None

ABSENT: Commissioners Cignarale, Munns, and Tracy



Pete Carmichael, Harbor Director

APPROVED AS TO FORM:



City Attorney's Office

A Public Hearing to Consider an Exemption Declaration and Amendment to a Conditional Use Permit to Allow the Extension of Hours of Operation for an Existing Restaurant on Property Located within a Coastal Commercial (CC-2) Zone.

Director Carmichael displayed a map of the restaurant space at 100 Fisherman's Wharf-H and provided a summary of the requested Conditional Use Permit (CUP) amendment. He explained that the operator has requested an extension of hours which is critical to the recruitment of a national tenant with a recognized name. He said that very few complaints have been received with regard to this address, although noise issues have stemmed from problems at the parking exits which will be mitigated with the new parking system. He said that many restaurants operate without a CUP and that entertainment permits have been the primary control to handle noise, which would be consistent with this operation. He said that all new tenant leases must be approved by the City Council. He recommended approval of the amendment to the CUP and Coastal Development Permit subject to the conditions set forth, including the installation of a HVAC unit to facilitate keeping the doors and windows closed after 12 midnight. He added that staff will assist with monitoring the exiting.

Commissioner Bloss pointed out that, according to her research, some area restaurants do not have required hours. She said that the latest Kinkaid's restaurant stays open is 10:00 p.m. She questioned the operating hours for other area restaurants, including those without a CUP.

Director Carmichael answered that area restaurants have the flexibility to operate as long as they wish and to stay open until empty.

In response to Commissioner Bloss, Director Carmichael stated that staff did not add a restriction to keep the east door closed as in the previous approval; however the Commission may add that condition. He said that staff thought that monitoring exits and closing doors and windows would be sufficient. He added that the restaurant staff will also need to monitor to ensure that people leaving are not causing problems.

In response to Commissioner Shaer, Director Carmichael said that conditions #4, 5, 6 are new; and the others overlap from previous approvals.

Director Jones added that condition #4 is a neighborhood contact information source, #5 requires an HVAC installation to allow all doors and windows to be closed after midnight, and #6 requires a safety/security plan – all conditions unique to this permit. He said the staffing plan depends on the nature of operation and will depend upon the individual user.

Commissioner Shaer suggested that *security plan* sounds more specific than *staffing plan*.

In response to Commissioner Shaer, Director Jones explained that level 1 and 3 entertainment permits are handled administratively and that level 2 entertainment permits: require Council approval, are issued on an annual basis, and can be suspended, modified, or revoked at any time. He said that entertainment permits are granted to individual business operators and are non-transferable. He said the entertainment permit for this location would be a new level 2, which would involve Council; however input from the Harbor Commission is desired.

In response to Commissioner Shaer, Director Jones stated that condition #7 addressing alcohol/food percentage sales applies to the overall operations and not to certain hours.

In response to Commissioner Bloss, Director Jones stated that the addition of conditions 4-6 and the removal of the condition requiring the east door to remain closed are the only changes from the prior approval.

In response to Commissioner Bloss, Director Jones stated that the CUP amendment is being prepared now in order to attract a quality applicant. He added that other controls such as the entertainment permit can be added after the applicant is in place.

Director Carmichael added that Council has the authority to deny the sublease.

In response to Chairperson M. Jackson regarding types of tenants sought, Director Carmichael advised that Mr. Resnick indicates that he is seeking a tenant of a national caliber, consistent with what the City wants for the revitalization. He stated that a nightclub is not on the list of potential tenants.

In response to Commissioner M. Jackson, Director Jones said that prior uses in the lower level of the pier were nightclubs that led to altercations. He said there is little concern about neighborhood noise with the current application because the doors and windows will be closed. He also answered that entertainment permits contain conditions prohibiting inappropriate entertainment and restrictions on lewd conduct. He said that some conditions in this permit address the closure of windows and doors, safety and security, and plans for contact information. He said that no live, amplified entertainment can occur without an entertainment permit.

At this time, Robert Resnick introduced himself and displayed a rendering of the future remodeled space at 100-H Fisherman's Wharf, which he referred to as Redondo Landing. He explained his intention to create culture, education, civic pride, and a community gathering place; and that he plans to attract a certain quality of tenant. He explained that he is striving for a public/private partnership in the vision to upgrade and revitalize the pier and that RDR properties is taking a significant risk in leading the revitalization. He said his investment is long-term including a brand new kitchen for a higher level of food service. He said that

neighbors were unhappy with the vacant restaurant and he has stepped forward to support the City and elevate the environment on the pier and attract locals back. He said that he has hired a top restaurant broker and launched a marketing campaign to enlist a national tenant. He said that a potential tenant refused to sign an agreement based on the existing operating hours. He said that other area restaurants are allowed to stay open until 2:00 a.m.; and that a potential tenant will not make the investment when restricted. He said that he was surprised to learn of the controversy regarding the extension of hours and that he is acting in the best interest of the City.

Commissioner Bloss was enthused about the pier revitalization. She questioned why the hours are so critical, pointing out that other successful restaurants are not open until 2:00 a.m., to which Mr. Resnick responded that the restaurant is located in a pier environment and that later hours will increase potential profits.

Commissioner Bloss commented that it should be easier to attract a higher-quality investor with the new pier improvements.

Mr. Resnick agreed that the pier is a more attractive destination; however he said that restaurants operate on formulas which include hourly profits, and that no restaurant owner would want to come and request the extra hour.

Commissioner D. Jackson complimented the project and asked about the timeline, to which Mr. Resnick responded that it could be open in 60-90 days.

Director Carmichael added that it is anticipated that the pier renovation will be complete in June with the restaurant opening shortly after.

Commissioner Shaer encouraged Mr. Resnick to renegotiate with the tenant who refused to sign.

In response to Commissioner Shaer, Mr. Resnick answered that the business, Breakwall, was issued a live entertainment and dance permit and that those hours will not be modified. With regard to the new restaurant space, he said he would be happy with no entertainment and that he seeks someone who knows the business.

Director Carmichael clarified that the existing entertainment permit is no longer valid.

Director Jones clarified that all entertainment permits are subject to annual review and are non-transferable.

In response to Commissioner Shaer, Mr. Resnick explained that the entrance will be relocated to comply with neighbors' requests. He also said he is investing in new slate tiles and that old, unnecessary equipment will be removed. He said

that El Torito will share the patio and that the president of El Torito is involved in the project design.

Chairperson M. Jackson invited the supporters of the CUP amendment to speak.

Leslie Page, representing Redondo Beach Marina, encouraged the members to support tenants and pier businesses.

Victoria Karate said that the business will increase property values. She said that consistent hours are important, and that flow will be improved. She added that she coordinates free community events on the pier and she gave her email address.

Mickael Looday supported the efforts toward a successful pier revitalization, which he said will boost the tax base and eliminate blighted areas. He said that removing restrictions are necessary to attract a tenant of value.

Marna Smeltzer, representing the Chamber of Commerce, believed that residents want local quality entertainment and dining facilities and she said that attracting quality businesses and giving them tools to be successful is important.

Diane Stillman, representing the Ocean Club, stated that high-caliber businesses are necessary and will benefit all.

Steve Goldstein requested that the members consider the proposal in the name of strong local economic development.

Don Szerlip, former Councilmember, said the majority of the noise complaints from Club Moxie were due to exiting at the parking lot, and the City has a new program which will eliminate those problems. He said the revitalization of the entire area is important and that residents want to frequent the pier; therefore the type of businesses must be improved. He said that a unique opportunity exists to set the stage for future businesses by choosing an upscale tenant.

Jennifer Goldstein appreciated Mr. Resnick's investment, and she perceived a disadvantage if the competitive capability is not granted.

Tony Trutanich, pier lessee, felt the proposed noise mitigations will be effective and that a successful restaurant at 100-H will increase his business at Old Tony's and other pier businesses.

In response to Commissioner Shaer, Mr. Trutanich answered that Old Tony's holds an entertainment license until 2:00 a.m. He said that one person sings upstairs and that the restaurant and bar close when there is no crowd.

Jade Emil, owner of Pier Bakery and tenant of Mr. Resnick, said that business has been tough during the last few years. He said that he has invested a significant amount of money and that more foot traffic will increase his business.

David Kim, owner of Four Kitchens and Redondo Beach Crab House, said that the empty space was bad for business and that working together is important for a successful pier. He answered that the Four Kitchens closes at 11:00 p.m. and the Redondo Beach Crab Houses closes at 11 or 11:30.

Chairperson M. Jackson invited those opposed to the CUP amendment to speak.

Tim Charles, representing The Village apartments, said he is a strong supporter of the pier and appreciates Mr. Resnick's efforts. He expressed concerns about allowing additional hours when the type of business is unknown. He said that he is leery because of the history of loud music from the former businesses, Kilkenny's and Club Moxie. He questioned whether Mr. Resnick is willing to assure that a level 2 entertainment permit will not be applied for and what will happen during the extended hours.

Greg Rosiky, president of The Village Association, said the concerns are historical. He said that Kilkenny's changed the original intent to a bar scene when they did not make a profit, and that local people stopped going there. He said that he and his wife made numerous complaints to the police, code enforcement, Councilmember Szerlip, and the businesses in question. He said the east doors are an issue and the windows and doors were not closed as required. He did not believe in self-policing. He did not want the east door open during amplified music hours. He said many problems exist with the Manhattan Beach and Hermosa Beach businesses and he suggested that a business that needs to be open until 1:30 or 2:00 a.m. involves more alcohol consumption.

Motion by Commissioner Shaer, seconded by Commissioner D. Jackson, to extend Mr. Rosiky's speaking time. Motion carried unanimously.

Mr. Rosiky stated that he would support a business similar to Wolfgang Puck.

Mimi Rosiky, nearby resident, feared the lack of assurances regarding noise. She said that she made more than a dozen complaint calls, including calls to Kilkenny's which were not answered. She recommended no entertainment permit and that the east door remains closed after 10:00 p.m.

Al Mizer, Village resident, said that he represents many people who were working and could not attend. He understood the business owners' situation; however he said that homeowners should be protected. He asked the members to represent the people.

Ms. Charles, Village resident, stated that she called the police many times. She said that exiting the parking lot late at night was not the only problem from Club Moxie: she recalled gang fights and 25 police cars responding at one time. She said she is appreciative of efforts to improve the pier; however she was skeptical due to previous experiences. She said that noise can be heard through dual pane glass. She said that Club Moxie did not vacate at Mr. Resnick's request, but because they are in debt. She saw no problem if amplified music is not included. She said the residents want an upscale tenant and she questioned why a tenant would want to be open until 1:30 a.m. on a weekday.

Motion by Commissioner D. Jackson, seconded by Commissioner Shaer, to extend Ms. Charles' speaking time. Motion carried unanimously.

Ms. Charles said that karaoke or open mike night is unacceptable and that space H is not appropriate for amplified music. She said that Tony's is different with bar hours until midnight during the week and 1:30 a.m. on weekends and no amplified music.

Roy Sikes, Village resident, stated that brand name restaurants are not open late at night. He said it has not been proven that removing the exit gates will solve the noise problem. He said The Village residents support the installation of a brand-name restaurant. He said the residents are mainly concerned about noise and he suggested that the Redondo Beach police patrol the area at peak noise times and charge the owner for the costs.

Greg Tieratelli, Village restaurant, recalled the noise problems with former businesses, and he suggested that the entertainment permit may be the appropriate vehicle for handling the problem.

Mr. Resnick appreciated and acknowledged the comments. He clarified that he is not requesting an entertainment permit. He invited everyone to take a tour with him. He pledged to screen applicants.

Motion by Commissioner Shaer, seconded by Commissioner D. Jackson, to close the public hearing. Motion carried unanimously.

Commissioner Bloss referred to condition 7 of the resolution and questioned how gross sales are monitored and what happens when percentages are not met, to which Director Jones answered that food and beverages are taxed at a different rate and that condition violations trigger Harbor Commission review.

Director Carmichael added that master lessees report gross receipts. He did not know whether alcohol and food sales can be distinguished.

Commissioner Bloss requested to know whether Kilkenny's met the requirement.

Motion by Commissioner Bloss, seconded by Commissioner D. Jackson, to reopen the public hearing. Motion carried unanimously.

Mr. Resnick explained that the alcohol/food percentage is a standard Alcohol and Beverage Control Board requirement and that City records can be audited. He also said the Board uses undercover enforcement officers to monitor businesses. He said that Kilkenny's has been penalized for not being in compliance.

Mr. Rosiky stated that the City is responsible for monitoring the statistics.

Mr. Trutanich clarified that the door at Old Tony's remains open and amplified music is played.

In response to Commissioner Shaer, Ms. Charles answered that live concert music, electric guitars, and drums are especially annoying and can be heard through closed doors. She said that Kilkenny's was originally portrayed as a family establishment; however that did not come to pass and even on Sundays music could be heard through open doors and windows.

Mr. Szerlip pointed out that an entertainment is not being considered; and he encouraged the members to focus on the current public hearing.

Mr. Sikes suggested that conditional use permits could be approved for all businesses in order to create a level playing field.

In response to Commissioner Bloss, Director Jones stated that he believed the Kilkenny's CUP and entertainment permit hours were consistent.

Commissioner Bloss said that it appears that the real issue is noise, regardless of operating hours; and it is not within the Harbor Commission's purview to review entertainment permits. She suggested the enhancement of condition #7 since the alcohol/food sales was not fully taken care of in the Kilkenny's CUP. She made a suggestion to add a condition that the east door must remain closed except for egress after 10:00 p.m.

Commissioner Bloss said the bottom line is competitiveness. She supported extending the hours as requested with the addition of a condition to address closure of the east door and strengthening condition #7 to ensure that alcohol/food sales percentages are monitored and addressed.

Director Carmichael said that he will check to see if the City is tracking those statistics. He suggested a requirement to generate a monthly report of alcohol and food sales.

Director Jones suggested a condition requiring that monthly gross sales shall be reported monthly to the Harbor Department and that the Harbor Department shall generate a monthly report in compliance with this condition.

Commissioner D. Jackson said that she is hoping for a family or upscale restaurant rather than another bar with entertainment; therefore she supported the extension of hours to allow Mr. Resnick to bring in the best tenant.

Commissioner Shaer appreciated the public participation. He said that everyone's goal is have a good tenant and to be able to be entertained on the pier. He said the problem is noise and he recommended a compromise. He suggested changes to the conditions:

- Page 2, Finding #2 -strike
- Page 2, Section 1 – line 3 – strike the word *plans*
- Page 3, Condition #3 - state that the landlord's use will not be restricted, but encourage the landlord not to consider any type 1 entertainment permit
- Page 3, Condition #6 – replace *staffing plan* with *safety and security plan*
- Page 3, Condition #7 – this is not something the Harbor Commission can enforce
- Page 3, Condition #12 – the word *minor* is open to interpretation
- Page 3, Condition #13 –enforcement by the Harbor Commission is questionable
- Page 4, Condition #14 – deliver a copy of the Coastal Commission approval to the Harbor Director and to the Harbor Commission

Commissioner Shaer said that a conflict exists between conditions 12 and 13, and he recommended review by an attorney.

Director Jones said that condition #12 is standard and is used in Planning Commission resolutions. Regarding condition #13, he said that the Harbor Commission does have quasi land use authority; and the CUP holder risks suspension or modification by violating any of the conditions.

Commissioner Bloss recommended retaining condition #7 and she suggested a report of alcohol/food sales percentages, rather than numbers.

Chairperson M. Jackson supported an improved pier in accordance with the asset management plan, and he supported the current request if the highest and best use is assured. He did not want to question the owner's decision to extend the hours to attract a quality tenant. He said the applicant has heard the resident's concerns and also that any issues that arise will be addressed.

Director Jones clarified the requested changes to the draft resolution:

- Eliminate finding #2

- Section 1: remove the word *plans*, change the 9th day of September to the 9th day of April.
- Condition #5 - add: *that the east door shall be closed at 10:00 p.m. and shall be usable for emergency egress only between 10:00 p.m. and closing*
- Condition #6 – add the words *safety and security* after the word *staff*
- Condition #7 - add: *that the applicant shall report monthly gross sales of food and alcoholic beverages to the Harbor Department and that the Harbor Department shall prepare a report and monitor this condition*
- Condition #14 – add : *and that a copy of which shall be delivered to the Harbor Director and to the Harbor Commission*

Motion by Commissioner Bloss, seconded by Commissioner D. Jackson, that the Harbor Commission make the findings set forth in the resolution and approve the conditions as revised by the Harbor Commission. Motion carried unanimously.

Chairperson M. Jackson called a recess and adjourned the meeting at 9:05 p.m. He re-adjourned the meeting at 9:14 p.m.

ROLL CALL

Commissioners Present: Bloss, D. Jackson, M. Jackson, Shaer

Commissioners Absent: Cignarale, Munns, Tracy

CONSENT CALENDAR

4. Approval of Affidavit of Posting of the Harbor Commission Agenda for the Meeting of April 9, 2012
5. Approval of the Minutes of the Harbor Commission Meeting of March 12, 2012
6. City Council Received and Filed the March 1, 2012 Monthly Updates to the Strategic Plan, Water Quality Implementation Matrix, Green Task Force Matrix, Major City Facilities Priority List, and Harbor Commission Calendar
7. A Resolution of the City Council of the City of Redondo Beach, California, Amending the Maximum Amount of Leaseback Financing
8. Lease between the City of Redondo Beach and the Boiling Shrimp Inc., for the Property at 125 W. Torrance Boulevard.
9. A Resolution of the City Council of Redondo Beach, California Approving the Appropriation of \$300,000 from the Tideland Funds, to the 2011/12 CIP Budget of the Galveston Wall Repair – Phase I, Job No. 70530, to Cover the Cost of Emergency Wall Repair, and Pertinent Contingencies
10. Amendment to Purchase and Sale Agreement Between the City of Redondo Beach and International Boardwalk
11. Consent to Sublease Between International Boardwalk, LLC and Robyn Cummings, an Individual dba Sea Doggies, for the Premises at 104 N. International Boardwalk

Commissioner Bloss excluded Consent Calendar 6.



Administrative Report

Commission Meeting Date: April 9, 2012

To: HARBOR COMMISSION

**From: PETE CARMICHAEL, HARBOR, BUSINESS & TRANSIT DIRECTOR
AARON JONES, PLANNING DIRECTOR**

**Subject: PUBLIC HEARING REGARDING CUP AMENDMENT AT 100 "H"
FISHERMAN'S WHARF**

RECOMMENDATION

Make the findings as set forth in the staff report, adopt the Exemption Declaration and grant the requested Amendment to Conditional Use Permit and Coastal Development Permit subject to the application submitted, and the conditions as listed in this report including the two additional mitigation conditions.

EXECUTIVE SUMMARY

RDR Properties, the leaseholder for the Redondo Landing property on the City Pier, has applied for an amendment to the conditional use permit (CUP) to expand operating hours for space 100 "H" located at the south eastern edge of the property adjacent to the bike path. The space was most recently occupied by The Breakwall Bar and Grill, which operated under the current CUP since September, 2005. With the recent closing of the Breakwall, the applicant is actively recruiting a new and improved restaurant operator for the space to open simultaneously with the other significant ongoing revitalization activities within the leasehold and the adjacent pier area.

To facilitate the recruitment of an improved, national caliber tenant to this space, the applicant would like to extend the permitted operating hours. Feedback from potential tenants has indicated that these hours amongst the most profitable for restaurant operators and crucial for successful recruitment. The CUP currently allows for operation until 12:00 AM Sunday through Thursday, 1:00 AM on Friday and Saturday, and 10:00 PM on the patio. The applicant is requesting an extension of hours to include 1:30AM Sunday through Thursday, 2:00AM on Friday and Saturday, with use of the patio until 11:00 PM on Sunday through Thursday and 12:00 AM on Fridays and Saturdays.

BACKGROUND

The tenant space at 100 "H" Fisherman's Wharf is located on the second floor and is approximately 4,362 square feet in size on the interior and has a 900 square foot outdoor patio. The current floor plan consists of a dining area, kitchen, bar area and two restrooms.

**Administrative Report
PUBLIC HEARING REGARDING CUP
AMENDMENT AT 100 "H" FISHERMAN'S
WHARF Page 2**

April 9, 2011

The tenant space is located in a building that was originally constructed in 1970 as part of a 19,000 square foot, three-level commercial project known as the Redondo Beach Pier Approach.

Since 1970, various interior and exterior tenant improvements have been made. According to the City's records, the first known occupant was "Masukawa Restaurant" in 1972. Thereafter, it was occupied by several other restaurant establishments including: "China Queen #3" from 1985 to 1986; "Michelle's Catering" from 1986 to 1987; "China Queen" in 1988; "Sinbads" from 1988 to 1989; and "Achako" from 1992 to 1994. The tenant space remained vacant for eleven years between 1994 and 2005. From 2005 to March, 2012 it was operated as "Kilkennys" and "Breakwall".

As of last month the space is vacant. RDR properties has engaged a brokerage firm to conduct a national search for a high quality restaurant tenant. The applicant has made a conscious effort to identify a new type of tenant with strong name recognition and the financial capacity to make a significant investment in tenant improvements including a complete rebuild of the kitchen. The applicant has indicated that, based on input from brokers and prospective tenants, the extension of operating hours as follows is key to the successful recruitment of a top quality restaurant operator as these are some of the most productive and profitable hours of operation.

Hours of Operation

| | Current CUP | Application |
|--------------------------|--------------------|--------------------|
| Sunday – Thursday | 12:00 AM | 1:30 AM |
| Friday, Saturday | 1:00 AM | 2:00 AM |

Patio Hours

| | Current CUP | Application |
|--------------------------|--------------------|--------------------|
| Sunday – Thursday | 10:00 PM | 11:00 PM |
| Friday, Saturday | 10:00 PM | 12:00 AM |

The requested operating hours extension does not include corresponding Entertainment Permit amendments at this time. Permits for live entertainment are granted separately from the CUP process. The entertainment permit is specific to the operator and therefore any new subtenant in this space will have to apply for a new permit. An entertainment permit can be suspended, modified or revoked at any time and is a key means to address chronic noise or disturbance complaints.

The Police Department has been consulted on this application and has indicated that they are comfortable with the amended hours for restaurant operations given our ability to control the levels of activity and noise through the Entertainment Permit process.

**Administrative Report
PUBLIC HEARING REGARDING CUP
AMENDMENT AT 100 "H" FISHERMAN'S
WHARF Page 3**

April 9, 2011

The applicant has conducted outreach personally to area stakeholders to solicit feedback. Over the past three years, under the operation of Kilkenny's / Breakwall, there have been minimal calls for service to the Police Department. Given the low level of complaints, the Police Department has not expressed any specific concern with the application as currently contemplated.

Noise from patrons exiting the parking structure at night from all businesses has been a source of past resident complaints. The plans for improved parking operations and removal of gates at parking structure entrances and exits early this summer will facilitate a more orderly and quiet departure. Residents within 300 yards of the address have been notified of this public hearing and the applicant has reached out to several key neighboring residents and business owners for input regarding the application for extended hours.

By way of comparison, other similar bar and restaurant operators at the pier do not operate under a CUP. Tony's, El Torito, Brixton's, and Maison Riz have been in operation or are in a space that has been in operation as a bar or restaurant since prior to the requirement for issuance of CUPs and operate without imposed hours restrictions except for those hours restrictions that may be imposed by Entertainment Permit.

The City is currently implementing a significant revitalization program throughout the waterfront. This includes major upgrades to public facilities including The Harbor Patrol facility, Seaside Lagoon and the pedestrian areas on the pier itself. The revitalization also includes major private reinvestment as demonstrated by the coming Shade Hotel, the recently announced remodel of the Crowne Plaza and the improvements underway at the RDR leasehold.

At the pier, the city is implementing a \$1M makeover of the pedestrian common areas, including new paver stone decking, landscaping, furnishings, and lighting that is set for completion in early summer of this year. Simultaneously, RDR is investing well in excess of \$1m in improvements to their leasehold. These improvements include a remodel of both the interiors and exteriors of all storefronts, an architectural retrofit of the building exterior and roofline consistent with 1900's Redondo waterfront architecture. Additionally, El Torito, an anchor tenant at the RDR leasehold has signed a 10 year lease extension and is currently implementing its own wholesale interior remodel. Taken together, the improvements at the pier by the City and RDR represent the biggest reinvestment and facilities upgrade in a generation. The recruitment of a high quality tenant at the 100 "H" Fisherman's Wharf space at the highly visible 2nd floor space at the entrance to the pier is an important component of this revitalization. The applicant's recruitment of a higher quality, potentially nationally branded restaurant operator is consistent with the upgrades and high level of investment being demonstrated by the broader revitalization efforts.

Given the significant revitalization activity underway at the pier and the importance of a high quality tenant in the 100 "H" Fisherman's Wharf space within this context, as well as the low number of complaints attributable to this address under current operating hours, staff

**Administrative Report
PUBLIC HEARING REGARDING CUP
AMENDMENT AT 100 "H" FISHERMAN'S
WHARF Page 4**

April 9, 2011

recommends that the Harbor Commission make the findings as contained in the attached Resolution, approve the Exemption Declaration and grant the requested Amendment to Conditional Use Permit subject to the plans and applications submitted and the conditions as recommended in the resolution.

The Harbor Commission will note that specific conditions No's. 4,5&6 are recommended to provide additional mitigation for the extended hours of operation.

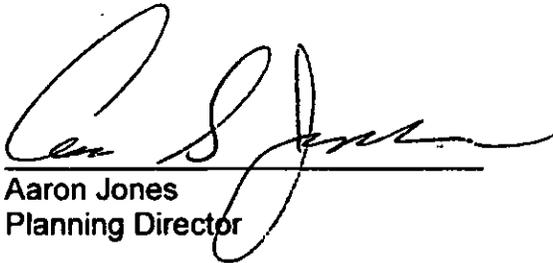
COORDINATION

This agenda item was produced in collaboration with the Planning Department and the Police Department.

Submitted by:



6 Pete Carmichael
Harbor Business & Transit Director



Aaron Jones
Planning Director

CITY OF REDONDO BEACH
PLANNING DEPARTMENT

| |
|---------------------------------|
| RECEIVED BY: A. J. |
| DATE RECEIVED: 7/9/14 |

APPLICATION FOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT

Application is hereby made to the Planning Commission of the City of Redondo Beach, for an amendment to an existing Conditional Use Permit, pursuant to Section 10-2.2506 of Chapter 2, Title 10 of the Redondo Beach Municipal Code.

PART I - GENERAL INFORMATION

| A APPLICANT INFORMATION | | |
|--|---|--|
| STREET ADDRESS OF PROPERTY: 100 Fisherman's Wharf H, Redondo Beach, CA 90277 | | |
| EXACT LEGAL DESCRIPTION OF THE PROPERTY: LOT: H BLOCK: TRACT: | | ZONING: |
| RECORDED OWNER'S NAME: City of Redondo Beach | APPLICANT'S NAME: Barney's Beanery | AUTHORIZED AGENT'S NAME: (if different than applicant) David Houston Barney's Beanery |
| MAILING ADDRESS: 415 Diamond St. Redondo Beach, CA 90277 | MAILING ADDRESS: 100 Fisherman's Wharf H, Redondo Beach, CA 90277 | MAILING ADDRESS: 100 Fisherman's Wharf H Redondo Beach, CA 90277 |
| TELEPHONE: 310.318.0631 | TELEPHONE: 424-275-4820 | TELEPHONE: 424-275-4820 |

| B REQUEST |
|---|
| <p>The applicant requests an amendment to an existing Conditional Use Permit for the above described property for the following purposes: Amend existing CUP to allow Entertainment (Live) - acoustic duo or trio performing American folk music and classic Rock</p> <p style="text-align: right;">9AM - 11PM M-SUN (All days)</p> |

2014 1544

C **SHOWINGS:** Explain how the project is consistent with the criteria in Section 10-2-2506(B) of the Zoning Ordinance.

1. Describe existing site improvements and their present use. If vacant, please specify.

Existing permit does not include live entertainment
No improvements would be necessary to the site location

2. Describe the site in terms of its ability to accommodate the proposed use and conform to the development standards of the Zoning Ordinance (i.e., setbacks, parking, landscaping, etc.)

Patio, ~~the~~ area, remove one table.

- we plan on having musicians set up in
south corner of patio (Near Railing which
looks over water)

3. Describe the site in terms of its access to public rights-of-way. Give street names, widths, and flow characteristics.

2nd floor of pier with pedestrian entrance/exit
attached

- located near railing. so there would
be no effect to public access or
rights of way



Administrative Report

Commission Action Date: August 11, 2014

To: MEMBERS OF THE HARBOR COMMISSION

**From: PETE CARMICHAEL, WATERFRONT & ECONOMIC DEVELOPMENT
DIRECTOR**

Subject: DIRECTOR'S REPORT

RECOMMENDATION

Receive and file a report from the Waterfront & Economic Development Director on current and upcoming waterfront projects and activities.

EXECUTIVE SUMMARY

An oral report will be provided by the Waterfront & Economic Development Director at the Commission meeting on current and upcoming waterfront projects and activities, including but not limited to property management, leasing activity, project updates, events and other information.

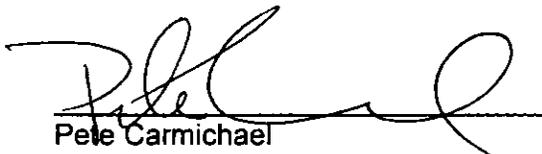
COORDINATION

Department staff collaborated on the development of this report.

FISCAL IMPACT

The cost for preparing this report is included within the Waterfront & Economic Development Department's adopted FY2014-15 annual budget and is part of the department's annual work program.

Submitted by:



Pete Carmichael
Waterfront & Economic Development Director



Administrative Report

Commission Action Date: August 11, 2014

To: MEMBERS OF THE HARBOR COMMISSION

From: PETE CARMICHAEL, WATERFRONT AND ECONOMIC DEVELOPMENT DIRECTOR

Subject: STATUS UPDATE REGARDING STATE LANDS COMMISSION REVIEW OF REDONDO BEACH INTERNAL SERVICES FUNDS

RECOMMENDATION

Receive and file this report;

EXECUTIVE SUMMARY

At the April 2014 meeting of the California State Lands Commission, the City requested the Commission's approval of the purchase of the Redondo Beach Marina Leasehold as well as an expenditure of \$600,000 for the engineering of a proposed boat ramp in King Harbor. The Commission approved both requests at the recommendation of their staff. At the April meeting, based on input from a local citizen, the Commission also requested that their staff bring back options and a recommendation for the review of Internal Service Funds in Redondo Beach.

At the Commission's June, 2014 meeting, Commission staff presented options for the requested review ranging from a simple review of the City's Cost Allocation Plan (policy governing Internal Service Funds) to a full audit. Based on the recommendation from their staff, the Commission approved the review of the City's Cost Allocation Plan. The City has submitted this to staff at the State Lands Commission and will work with them to review and answer questions in the coming months.

Submitted by:

Pete Carmichael
Waterfront and Economic Development Director