

**Attachment 1
PC RESOLUTION NO. 21-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AND PARKING PLAN AMENDMENT REQUEST TO PROVIDE ON-SITE SALE, SERVICE, AND CONSUMPTION OF GENERAL ALCOHOL INDOORS ONLY WITHIN THE HOTEL LOUNGE FOR REGISTERED GUESTS ONLY, 7 DAYS A WEEK 7:00 A.M. TO 10:00 P.M. AT AN EXISTING HOTEL (H2O HERMOSA), ALLOWING THE CHARGING OF A FEE FOR ON-SITE PARKING LOCATED AT 1429 HERMOSA AVENUE, AND READOPTING ALL THE OTHER CONDITIONS IN RESOLUTION NO. 15-25 AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Section 1. The Planning Commission adopted Resolution No. 15-25 on October 20, 2015 to approve a Precise Development Plan (PDP15-11) to allow a 30,250 square foot hotel with 30 guest rooms and common areas on an undeveloped 11,516 square foot lot; Conditional Use Permit (CUP15-10) to allow on-sale general alcohol for hotel guests in guest rooms restricted to mini-bars; and a Parking Plan (PARK 15-7) to allow a valet program and parking in tandem for a property located at 1429 Hermosa Avenue.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit 20-8 and Parking Plan 20-5 amendment on March 16, 2021, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Pursuant to the California Environmental Quality Act, the project is Categorically Exempt from the California Environmental Quality Act as defined in Section, Class 1 Exemption of the CEQA Guidelines. Class 1 exemptions include modifications to existing structures that involve negligible or no expansion of an existing use. The proposal pertains to an existing facility where the hotel operation will be maintained and providing on-site sale, service and consumption of general alcohol in conjunction involves negligible or no expansion of the use. Moreover, none of the exceptions to the Categorical Exemption apply; nor will the project result in a significant cumulative impact of successive projects of the same type in the same place over time, or have a significant effect on the environment due to unusual circumstances, or damage a scenic highway or scenic resource within a state scenic highway. The site is not located on a hazardous waste site and will not cause a substantial adverse change in the significance of a historical resource.

Section 4. An application was filed 1429 Hermosa LLC seeking approval for a Conditional Use Permit and Parking Plan Amendment to CUP 20-8 & PARK 20-5- Conditional Use Permit and Parking Plan amendment request to provide on-site sale, service, and consumption of general alcohol indoors only within the hotel lounge for registered guest only, 7 days a week 7:00 a.m. to 10:00 p.m. at an existing hotel (H2O Hermosa) and to allow charging a fee for on-site parking located at 1429 Hermosa Avenue.

Section 5. Based on the foregoing factual findings, the Planning Commission makes the following findings for a Conditional Use Permit amendment pursuant to H.B.M.C. Section 17.40.020:

A. *Distance from existing residential uses:*

The existing hotel is located at the northern end of the downtown area at the intersection of Hermosa Avenue and 15th Street major commercial intersection, Artesia Boulevard and Pacific Coast Highway with high density residential located on the east of Hermosa Avenue and commercial uses located directly adjacent to the subject site. A 16-unit multi-family residential complex neighbors the subject property to the west while a 12-unit multiple family residential complex neighbors the subject property to the southeast. Additional single-family and multiple-family residences line the east side of Hermosa Avenue east of the subject property as well as along 15th Street Place, west of the subject property.

The proposed general alcohol for on-site consumption would include service in the existing indoor lounge, south of the front desk/lobby area, restricted to hotel guests only and would be an addition to the existing mini-bars for hotel guests within guest rooms. The existing hotel offers a continental breakfast service in the lounge, however no other food service food service will not be provided in the lounge with the exemption of bagged snacks, such as nuts, chips, and non-alcoholic beverages.

The existing conditions of approval set forth in PC Resolution 15-25 will remain in full force and effect (with exception of Condition 12 d for the parking fee) in addition to the new conditions of approval included in this resolution.

In addition, general alcohol sales, service and consumption indoors would be limited to the hours of 7:00 AM to 10:00 PM 7 days a week, which, in addition to project conditions, would reduce potential impacts to insignificant levels.

B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use:

The existing hotel is compliant with current parking requirements, as there are 37 on-site spaces. The existing site is also subject to the approved Parking Plan, which includes conditions of approval to ensure proper use of the valet parking system. The Parking Plan amendment would only revise condition subsection d of Condition 12. Conditions of approval such as “hotel guest, visitors, employees and service providers shall be directed to utilize the 15th Street project driveway to access the site and directional signage shall be provided to this effect. Valet service shall not be provided to assist guest arrival and loading/unloading from the public right-of-way. Signage shall direct guests to pull into the garage for arrival and loading/unloading,” would remain. The existing hotel is also subject to an existing parking management plan approved by the Community Development Director that includes details of the parking system. The approved parking management plan would be revised only to allow for a \$20 per night parking fee. The addition of general alcohol sale, service and consumption for hotel guests within the indoor lounge is restricted to hotel guests and would thus only service those already staying at the hotel and would therefore not increase parking demand.

C. Location of and distance to churches, schools, hospitals and public playgrounds:

The proposed project involves no alterations to the existing building and is limited to providing alcoholic beverage sale, service and consumption available to guests of the hotel only. The nearest church is located to the east of Hermosa Avenue approximately 330 feet from the subject site (First Church of Christ Scientist) and the nearest school is east of the site on Valley Drive (Hermosa Valley School). These uses are generally daytime uses while food and alcohol service activity typically peaks during the evening hours. No impacts to churches, schools, hospitals and public playgrounds are anticipated.

D. The combination of uses proposed:

The existing primary use is a hotel with onsite facilities for use by hotel guests only and onsite sale and service of general alcohol offered in guest room via mini-bars. The proposed sales, service, and

consumption of general alcohol indoors would be offered in the existing hotel lounge to hotel guests only 7 days a week 7:00 AM to 10:00 PM. Due to the proposed hours and service to hotel guests only, the proposed onsite sale, service and consumption of general alcohol is not anticipated to have adverse impacts for the combination of uses. Conditions of approval have been added to the resolution to ensure any impacts will be mitigated.

E. The number of similar establishments or uses within close proximity to the proposed establishment:

The downtown area is home to two other hotels (Grandview Inn and Beach House Inn), a motel (Sea Sprite Motel) and a hostel (Surf City Hostel). Additional hotels in the City are located on Pacific Coast Highway (Hampton Inn and Suites and Hotel Hermosa), and on Aviation Boulevard (Quality Inn). The provision to expand the onsite sale, service, and consumption of general alcohol to the hotel lounge for hotel guests only would be ancillary to the primary hotel use. A similar use in the downtown area can be found at the Beach House Inn. The Beach House Inn was granted a CUP for on-sale general alcohol sales in 2001, which is limited to the use of in-room mini-bars and private banquet rooms used only by hotel guests. Since both the subject business and the Beach House Inn offer alcohol service exclusively to their hotel guests, over-concentration of similar businesses is not anticipated.

F. Precautions taken by the owner or operator of the proposed establishment to assure compatibility of the use with surrounding uses:

In order to prevent potential negative impacts on surrounding properties, hours for the existing hotel facilities such as the multi-functional room and the pool/spa have been limited to 10:00 P.M. The applicant proposes to also limit hours of the onsite sale, service, and consumption of general alcohol within the hotel lounge from 7:00 A.M. to 10:00 P.M.

The proposed sale, service, and consumption of general alcohol are limited to registered guests only. Since the existing lounge is located beyond the front desk/lobby area, hotel front desk and bar staff can easily witness those entering the lounge and will have the ability to confirm that only registered guests are utilizing the on-site alcohol service. Security cameras also currently monitor the front desk and lobby area for additional security. The applicant has also provided their employee alcohol-training handbook, which includes information for guest verification in regard to the alcohol service (attached). Bar staff can verify the names of the registered hotel guests through the hotel's POS system.

Finally, in 2020, the Planning Commission approved on-site sale, service, and consumption of beer and wine indoor only at an existing hotel (Hotel Hermosa). Due to concerns from the public and the City's Police Department, conditions of approval were added to the resolution to mitigate potential impacts. The same conditions of approval that were identified by the City's Police Department to lower negative impacts for Hotel Hermosa are included in the conditions of approval for the proposal.

G. The relationship of proposed business-generated traffic volume and size of streets serving the area:

The request for sale, service, and consumption of general alcohol within the indoor lounge for hotel guests only is not anticipated to generate additional traffic to the site. As such, no impacts are anticipated.

H. The proposed exterior signs and décor, and compatibility with existing establishments in the area:

The proposed project does not include exterior signs or décor. No impacts are anticipated.

I. Noise, odor, dust and/or vibration that may be generated by the proposed use:

The original approval for the existing hotel included conditions of approval to limit the hours of operations of the proposed amenities, such as the food service area, the multi-functional room at the second floor level and the pool/spa area to 10:00 P.M. daily, in order to reduce potential noise impacts generated by the proposed use. The proposed sale, service and consumption of general alcohol in the lounge area will be subject to the same hours of operations as the existing hotel amenities. The City's Code Enforcement Division confirmed that since the operation of the existing hotel, there have been no noise complaints/issues for the hotel guest areas. The only complaint that was received was concerning the exterior lighting, which was quickly resolved by hotel management.

Additionally, the hotel with proposed general alcohol sale, service and consumption limited to no later than 10:00 PM 7 days a week, is not considered a late-night alcohol beverage establishment and will not contribute to adverse impacts commonly associated with late-night alcohol establishments. Therefore, the subject request is not subject to the limitations contained within HBMC Section 17.40.080.

The additional conditions of approval are anticipated to reduce the likelihood of noise impacts to neighboring uses.

J. Impact of the proposed use to the City's infrastructure, and/or services:

Impacts to police services have been an issue with some late night alcohol serving facilities clustered in the downtown area. However, given the proposal is not a late night establishment and the provision only includes on-site sale, service and consumption of general alcohol indoors for hotel guests only, the request is not anticipated to impact City services. Though the proposed use is not anticipated to create adverse affects to the City's infrastructure and/or services several measures have been taken through the conditions of approval to mitigate any potential impacts.

The City is committed to ensuring that hotel establishments are closely monitored and the existing hotel use is conditioned such that "Should the Police Chief determine that a continuing police problem exists, he/she may, subject to appeal to the Planning Commission, direct the presence of a police approved security personnel to eliminate the problem. An appeal to the Planning Commission shall be heard within sixty (60) days of filing the appeal. The Police Chief's determination will not be stayed during the pendency of the appeal. If the problem persists, the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of the conditional use permit," (CUP Condition 19). In addition, "The Planning Commission may review this Conditional Use Permit or Precise Development Plan or Parking Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use." (CUP Condition 30).

Finally, in 2020, condition of approvals that were identified by the City's Police Department for the CUP Amendment for Hotel Hermosa to mitigate potential services impacts from the proposed onsite sale, service, and consumption of beer and wine at an existing hotel are also applicable here. Thus, the following conditions have been added to the conditions of approval:

11. The establishment shall have security personnel on-duty during the hours of alcohol sales, service and consumption at the owner/operator's expense. In addition to other security duties at the hotel property, the security personnel shall be responsible for monitoring the dining and alcohol service area to address any loud, boisterous or unruly behavior. If the security personnel are not able to reduce or eliminate incidents and problems at the hotel property, the Chief of Police may direct the establishment to hire additional security personnel, at the owner/operators expense, who will have the sole responsibility of monitoring the dining and alcohol service area within the hotel property. If the problem persists, the Chief of Police shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit

and Parking Plan by the Planning Commission. If the establishment can demonstrate that security personnel is no longer necessary to the satisfaction of the Police Chief due to a reduced impact to the City's services, such as, but not limited to a reduction in the number and severity of Calls for Service (CFS) directly attributed to the hotel property over a twelve month period the Police Chief may modify the requirement for security personnel. If there is no longer a necessity for security personnel, then the requirement to have security personnel shall be annulled upon notification from the Police Chief to the Community Development Director and the applicant. Any other change to the requirement to have security personnel shall require an amendment to this CUP following a public hearing before the Planning Commission.

12. The establishment shall install and maintain a video surveillance system in the ground-level lounge alcohol service area, where alcohol will be consumed. The video surveillance system shall have a retention period of at least thirty (30) days. The establishment agrees to cooperate with the City's Code Enforcement and Police Department to provide copies of video surveillance for criminal or administrative investigations.

13. The establishment will arrange a meeting with the Police Chief on an annual basis to review the impact of the CUP. During the annual meeting, the Police Department will review the number and severity of the Calls for Service (CFS) directly attributable to the hotel property for the previous twelve months. If there are any increases in the number and severity of CFS directly attributable to the hotel property, the establishment will provide the Police Chief with a plan to reduce the impacts within thirty (30) days of the meeting.

K. Other considerations that, in the judgment of the Planning Commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole: No other considerations are identified.

Section 6. Based on the foregoing factual findings, the Planning Commission makes the following findings for a Parking Plan amendment pursuant to H.B.M.C. Section 17.44.210.

As noted in the analysis for the Conditional Use Permit amendment above, the existing site is subject to the approved Parking Plan, which includes conditions of approval to ensure proper use of the valet parking system. Conditions of approval that ensure the proper use of the valet system will not be affected by the applicant's request. Conditions of approval such as "hotel guest, visitors, employees and service providers shall be directed to utilize the 15th Street project driveway to access the site and directional signage shall be provided to this effect. Valet service shall not be provided to assist guest arrival and loading/unloading from the public right-of-way. Signage shall direct guests to pull into the garage for arrival and loading/unloading," will remain. Additionally, the approved parking management plan will only be revised to allow for the proposed parking charge.

The request to allow the charge of parking would permit the applicant to offer competitive room rates when it comes to marketing and increase their ability to have a sustainably high occupancy rate.

The existing project was conditioned to prohibit the charge of on-site parking in order to address concerns of creating spillover-parking impacts into the surrounding neighborhoods. However, the provision to allow for a parking fee of \$20 per night is not anticipated to generate adverse impacts to neighboring businesses or residents. The existing hotel is compliant with current parking requirements, as there are 37 on-site spaces for the 30-room hotel. The addition of general sale, service and consumption for hotel guests only within the existing lounge would not change the existing hotel use and will provide incidental alcohol service to those already staying at the hotel and would therefore not increase parking demand. Charging a parking fee is a

common practice for hotels. Similar boutique hotels in the South Bay also charge for valet parking. The parking fee of \$20 per night is comparable to other hotel parking fees in the area. See the chart below of hotel parking fees for similar hotels in the South Bay:

Beach House Hotel (Hermosa Beach)	\$25
The Shade Hotel (Redondo Beach)	\$26
The Shade Hotel (Manhattan Beach)	\$30
Portofino Hotel (Redondo Beach)	\$28

Since the parking fee is comparable, and even more affordable than other hotel parking fees in the area, the provision to allow for a parking fee of \$20 per night is not anticipated to generate adverse impacts to neighboring businesses or residents. Additionally, the parking fee is comparable with parking fees in the surrounding area. Metered and pay-by-space parking in the downtown area is available for \$1.25 per hour (daily 2AM to 8PM) to \$1.50 per hour (daily 8PM to 2AM). Thus, hotel guests would have to pay between \$22.50 and \$27.00 per night for on-street metered parking. On street parking for hotel guests in neighboring residential neighborhoods is prohibited. Residential areas surrounding the subject site have been identified as “Impacted Parking Areas”. Overnight parking within impacted parking areas require residential parking permits purchased through the City’s Finance Cashier’s Office. Thus, both the hotel operators would encourage hotel guests and market conditions to pay the overnight parking fee and park their vehicles on-site.

Charging a small parking fee of \$20 per night would not impact surrounding areas and could additionally encourage alternative forms of transportation such as ride share services, taxis, carpooling, or bus service, which is preferred in the downtown district and consistent with sustainability and mobility goals of the City. The existing hotel has two 7-bike on-site bicycle racks located on northwest side of the building, facing 15th Street, which is consistent with the 2015 approved plans.

Section 8. Based on the foregoing, the Planning Commission hereby approves an amendment to a Conditional Use Permit and Parking Plan and readopts the remaining conditions of Planning Commission Resolution No. 15-25.

1. **The development and continued use of the property shall be in conformance with submitted plans reviewed by the Planning Commission on October 20, 2015, except as may be required to comply with these conditions and codes. Minor modifications that do not affect scale, type, location or intensity of uses may be approved by the Community Development Director when not in conflict with the findings or conditions of this permit.**
 - a) **All hotel guestrooms shall comply with Section 15.04.060 regulating room size.**
 - b) **Mechanical equipment associated with heating, ventilating, and air conditioning (HVAC) systems shall be designed, located and operated so as to not exceed 45 decibels at any property line.**
 - c) **All roof equipment shall be located and designed to be screened from public view and any portion that exceeds the height limit shall not cover more than 5% of the roof area.**
 - d) **Plans shall reflect that use of all spaces within the hotel are for use of hotel guests and not for use by the general public.**

- e) **The installation of a conduit from the service panel to the roof shall be required to assist and encourage the installation of roof mounted energy collection/generation devices. Said electric service panel shall be of adequate size to provide capacity for the future addition of photovoltaic and solar thermal, or other equivalent alternative energy producing device(s). Solar panel installations and other roof attachments shall conform to the provisions of Section 15.04.084.**
2. **Architectural treatments and accessory facilities shall be as shown on building elevations, site and floor plans. Precise building height compliance shall be reviewed at the time of Plan Check and prior to Certificate of Occupancy, to the satisfaction of the Community Development Director.**
3. **Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation submitted for building permit issuance shall be reviewed for consistency with the plans approved by the City Council and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any Building Permit.**
4. **Plans shall comply with all requirements of the Public Works, Building and Fire Departments and additionally the project shall:**
 - a) **Construct new curb and gutter on Hermosa Avenue and 15th St.**
 - b) **Construct new sidewalk on Hermosa Avenue and 15th St.**
 - c) **Construct handicapped ramp at 15th St/Hermosa Avenue and 15th Ct./Hermosa Avenue.**
 - d) **Construct an onsite infiltration system in compliance with Chapter 15.48.020.**
 - e) **Grind 2" AC and overlay pavement on 15th Street, property line to property line to the center of 15th Street. Reconstruct or grind 2" and overlay AC entire length of property on 15th Ct. Reconstruct cross gutters at 15th Ct. and 15th Street and Hermosa Ave. to match new grade.**
 - f) **On civil plans, show all site drainage lines and termination points via curb drains, show sewer lines (minimum of 2 sewer laterals required), and show underground utility lines.**
 - g) **An encroachment permit shall be required to allow canopies, bicycle racks and landscaping encroaching into the public right-of-way prior to issuance of building permit.**
5. **Encroachments permits shall be obtained from the Public Works Department for all improvements and work within the public right-of-way prior to commencement of work.**
6. **Two copies of a Final Landscaping Plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity and characteristics of landscape materials shall be submitted to the Community Development Department, Planning Division for review and approval prior to the issuance of Building Permits. The Final Plan shall also include the following:**

- a) **The plan shall comply with Municipal Code Sections 17.22.060(H)(3) and 8.60.070 to the satisfaction of the Community Development Director.**
 - b) **An automatic landscape sprinkler system consistent with Municipal Code Section 17.22.060(H) (3) shall be provided, and shall be shown on plans (Building Permits are required). Only drip irrigation shall be used.**
7. **Plans and operations shall comply with Municipal Code Chapter 8.56 Water Conservation and Drought Management Plan.**
 8. **All exterior lights shall be designed, located and oriented in a manner to insure that neighboring residential property and public right-of-way shall not be adversely affected. Exterior architectural lighting on the building façade and elevations shall not utilize tube-type lighting; however, low intensity lighting projected onto the building may be used. All other exterior lighting shall be down cast, fully shielded and illumination shall be contained within the property boundaries. Lamp bulbs and images shall not be visible from within any offsite residential unit. Light intensity shall be the minimum necessary for the intended purpose. Exterior lighting shall not be deemed finally approved until thirty days after installation, during which period the building official may order the dimming or modification of any illumination found to be excessively brilliant or impacting to nearby properties. The plans shall be prepared and signed by a licensed Electrical Engineer, with a letter from the engineer stating that, in the opinion of the engineer, this requirement has been met.**
 9. **A Standard Urban Storm Water Mitigation Plan shall be submitted in full compliance with Municipal Code Chapter 8.44 ‘Stormwater and Urban Runoff Pollution Control Regulations’ and 15.48 ‘Green Building Standards’. Said approved plan for urban and stormwater runoff controls approved by Public Works Department shall be set forth on the construction plans in accordance with Chapter 8.44 and Section 8.44.090, and the applicant shall at all times comply with the required best management practices.**
 10. **A Sign Permit shall be obtained prior to issuance of certificate of final occupancy. Signage shall comply with Municipal Code Chapter 17.50 (Signs) and be substantially consistent with conceptual signage on project plans approved on October 20, 2015.**
 11. **Project design and the driveway encroachment onto 15th Street shall be configured to minimize loss of on street parking. One in-lieu fee in the amount of \$28,900 to mitigate the loss of one on street parking space shall be paid to the City prior to issuance of the Certificate of Final Occupancy. All costs associated with relocation of on-street parking spaces, meters and signage shall be borne by the applicant.**
 12. **A parking management plan shall be submitted for review and approval of the Community Development Director prior to issuance of any building permit consistent with this permit and the Coastal Development Permit.**
 - a) **Employees shall not be prohibited from parking onsite. Employee parking permits shall be paid for by the hotel management for employees that desire them, and this information shall be provided to all employees as a benefit of employment.**
 - b) **The parking management plan shall provide details on the 24-hour valet parking operations.**

- c) A 24-hour per day onsite valet service shall manage all onsite circulation and parking.
 - d) The valet service shall minimize fugitive light from headlamps and emissions by turning off vehicles and their headlamps and when vehicles are in the queuing lane.
 - e) Hotel guests, visitors, employees and service providers shall be directed to utilize the 15th Street project driveway to access the site and directional signage shall be provided to this effect. Valet service shall not be provided to assist guest arrival and loading/unloading from the public right-of-way. Signage shall direct guests to pull into the garage for arrival and loading/unloading.
 - f) Vendors shall be directed to access the site during off-peak hours when they may park onsite or when metered spaces are not likely to be occupied.
 - g) The site shall be operated so as to avoid stopping over the sidewalk and queuing onto public right-of-way.
 - h) Install appropriate pavement markings (i.e., stop bar with STOP legend) on the project drive aisle just south of the public sidewalk to ensure that motorists stop prior to the sidewalk along 15th Street and at the 15th Court project drive aisle before exiting the site.
 - i) Install a pavement left turn arrow prior to the stop bar/STOP legend on the 15th Court project drive aisle to reinforce the left turn only movement for motorists exiting the site.
 - j) Provide bicycle parking on the ground level of the project site in a readily accessible location(s). A durable secure facility accommodating a minimum of 10 bicycles shall be provided in the approximate location shown on the plans. Should it be relocated, the location shall provide an equivalent level of security and accessibility, provided that bicycle facilities shall not be located within the five foot rear yard setback.
 - k) The business shall prominently display on the hotel website and in the lobby information on local biking, transit, electric vehicle charging stations, and other alternative transportation modes. One electric vehicle charging station shall be provided as shown on the plan submitted October 20, 2015.
 - l) A plan to stage and manage of parking for construction vehicles and workers to minimize impacts on parking supply and adjoining uses shall be provided.
13. The primary use is a hotel. The provision of alcoholic beverages is restricted to mini-bars in guest rooms and the hotel lounge indoors between 7:00 AM and 10:00 PM.
14. The provision of alcoholic beverages shall comply with the following: CUP
- a. The hotel manager and anyone involved in the sale/service of beer and wine shall attend and pass a responsible beverage service training provider program to educate hotel management and servers of alcohol responsibility and California laws in order to serve alcoholic beverages safely, responsibly, and legally, and to prevent illicit drug activity.
 - b. Exterior signage or any other form of outside promoting or advertising referencing any food and/or beverage products sold is prohibited.
 - c. Food and beverage service shall be available only for hotel guests and shall not be open to the public.

- d. **The hotel shall only provide alcoholic beverage services to verified registered guests of the hotel.**
 - e. **All alcoholic beverages shall be served in non-disposable drink ware.**
 - f. **Signs shall be posted in a conspicuous location warning patrons of the illegality of removing alcoholic beverages from the hotel property, and carrying and consuming alcoholic beverages in any public place such as the public sidewalk.**
 - g. **Any substantial deviation, changes to the floor plan, site plan or building exterior, which alters or intensifies the alcoholic beverages service shall be subject to review and approval by the Planning Commission.**
15. **The establishment shall have security personnel on-duty during the hours of alcohol sales, service and consumption at the owner/operator's expense. In addition to other security duties at the hotel property, the security personnel shall be responsible for monitoring the dining and alcohol service area to address any loud, boisterous or unruly behavior. If the security personnel are not able to reduce or eliminate incidents and problems at the hotel property, the Chief of Police may direct the establishment to hire additional security personnel, at the owner/operators expense, who will have the sole responsibility of monitoring the dining and alcohol service area within the hotel property. If the problem persists, the Chief of Police shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit and Parking Plan by the Planning Commission. If the establishment can demonstrate that security personnel is no longer necessary to the satisfaction of the Police Chief due to a reduced impact to the City's services, such as, but not limited to a reduction in the number and severity of Calls for Service (CFS) directly attributed to the hotel property over a twelve month period the Police Chief may modify the requirement for security personnel. If there is no longer a necessity for security personnel, then the requirement to have security personnel shall be annulled upon notification from the Police Chief to the Community Development Director and the applicant. Any other change to the requirement to have security personnel shall require an amendment to this CUP following a public hearing before the Planning Commission.**
16. **The establishment shall install and maintain a video surveillance system in the ground-level lounge alcohol service area, where alcohol will be consumed. The video surveillance system shall have a retention period of at least thirty (30) days. The establishment agrees to cooperate with the City's Code Enforcement and Police Department to provide copies of video surveillance for criminal or administrative investigations.**
17. **The establishment will arrange a meeting with the Police Chief on an annual basis to review the impact of the CUP. During the annual meeting, the Police Department will review the number and severity of the Calls for Service (CFS) directly attributable to the hotel property for the previous twelve months. If there are any increases in the number and severity of CFS directly attributable to the hotel property, the establishment will provide the Police Chief with a plan to reduce the impacts within thirty (30) days of the meeting.**
18. **Accommodations shall not be rented by guests for more than 30 consecutive days.**
19. **No entertainment, speakers, or televisions are allowed on the exterior of the building, in the open-air areas, or on guest room balconies. No live entertainment is permitted in the building. The applicant will work with staff to designate an on-premises smoking area which provides on premises smoking in lieu of use and impacts to the public-right-of-way to the satisfaction of the Community Development Director.**

20. Use of the food service area on the first floor, and the multi-function room on the second levels, and the spa/patio/sitting room on the third level shall cease no later than 10:00 p.m. daily. Each of these spaces may be occupied by not more than 20 people at any one time, unless further restricted by code. These three spaces may be used for activities limited to hotel guests (including their guests).
21. The business shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business and on balconies outside guest rooms.
22. The business and its uses shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.
23. Should the Police Chief determine that a continuing police problem exists, he/she may, subject to appeal to the Planning Commission, direct the presence of a police approved security personnel to eliminate the problem. An appeal to the Planning Commission shall be heard within sixty (60) days of filing the appeal. The Police Chief's determination will not be stayed during the pendency of the appeal. If the problem persists, the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of the conditional use permit.
24. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
25. An approved Coastal Development Permit issued by the California Coastal Commission shall be filed with the City prior to commencement of any work whatsoever. The project and its operation shall comply with all Coastal Commission requirements, including but not limited to submittal of the Coastal Development Permit issued by the California Coastal Commission for development at 1429 Hermosa Avenue prior to issuance of grading shoring and construction permits, and provision or payment of any fee required in lieu of provision of low to moderate cost overnight visitor accommodations.
26. The project shall comply with the 65% demolition debris recycling requirement set for the in Section 15.48.020.
27. A certified Native American monitor(s) shall be onsite at all times during ground disturbances. All contractors shall be advised of this condition and it shall be prominently displayed on project plans. The applicant/contractor shall contact the Chairman of Gabrieleno Band of Mission Indians/Kizh Tribe of the Los Angeles Basin, Orange County and the Channel Islands and Gabrielino-Tongva Tribe at the time that a grading, shoring or any other building or construction permit is applied for, and in no case less than least 90 days prior to commencement of any work to arrange for monitors. Should human remains be recognized or discovered during any phase of the project, all work shall cease and the procedures set forth in Health and Safety Code Section 7050.5 shall be followed in addition to any other requirements of state or federal law. The Community Development Director shall also be notified. The reasonable costs of such monitors as determined by the City and any resulting mitigation required by the City or by law shall be borne by the applicant.

Prior to issuance of any construction permit, the project applicant shall provide documentation to the Community Development Director that the procedures above have

been followed. Prior to issuance of Certificate of Final Occupancy, applicant shall submit a report of final compliance to the Community Development Director.

28. Prior to issuance of a Building Permit, abutting property owners and residents within 100 feet of the project site shall be notified of the anticipated date for commencement of construction.
 - a) The form of the notification shall be provided by the Planning Division of the Community Development Department.
 - b) Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.
29. Project construction shall conform to the Noise Control Ordinance requirements in Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.
30. Construction equipment shall be well maintained and a no idling requirement will be implemented.
31. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
32. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
33. Approval of these permits shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.
34. The Planning Commission may review this Conditional Use Permit or Precise Development Plan or Parking Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

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

The Parking Plan Amendment shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to implementing alcohol service.

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

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney’s fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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

Section 10. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after exhaustion of any available administrative remedies, must be made within 90 days after the final decision by the City. The Hermosa Beach City Council may on its own initiative review all actions of the planning commission. If the City Council does not initiate review of this decision as set forth in Hermosa Beach Municipal Code Section 2.52.040, this decision will become final.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 21-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of March 16, 2021.

Rob Saemann, Chairperson

Ken Robertson, Secretary

March 16, 2021
Date