

P.C. RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN AMENDMENT TO MODIFY CONDITIONS OF APPROVAL IN CONJUNCTION WITH APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW ON-SITE SALE, SERVICE AND CONSUMPTION OF BEER AND WINE INDOORS AT AN EXISTING HOTEL (HOTEL HERMOSA), IN CONJUNCTION WITH EXPANDED FOOD SERVICE FOR HOTEL GUESTS LOCATED AT 2515 PACIFIC COAST HIGHWAY, AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Pacifica Food and Beverage, Inc., seeking approval of a Conditional Use Permit (CUP) 19-9 and Parking Plan Amendment 19-6 to allow on-site sale, service and consumption of beer and wine indoors Sunday through Thursday 6:00 AM to 9:00 PM and Friday and Saturday 6:00 AM to 11:00 PM and outdoors Sunday through Thursday 6:00 AM to 9:00 PM and Friday and Saturday 6:00 AM to 10:00 PM at an existing hotel (Hotel Hermosa), in conjunction with expanded food service for hotel guests located at 2515 Pacific Coast Highway.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on November 19, 2019, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Concerns were raised due to the hotel's close proximity to adjacent residential uses, incompatibility of uses and the potential for alcohol related noise and nuisances.

Section 3. Following the November 19, 2019 public hearing, the Planning Commission directed staff to bring back revised resolutions approving the CUP and Parking Plan Amendments for indoor beer and wine sale, service, and consumption, Friday and Saturday 6:00 a.m. to 11:00 p.m., Sunday through Thursday, 6:00 a.m. to 10:00 p.m. at an existing hotel on consent calendar. The requests for outdoor beer and wine were rejected for the reasons noted above. The motion carried with a 4 to 0 vote noting the recusal of Commissioner Saemann.

Section 4. The subject project was granted a discretionary Parking Plan in June of 2016 (Planning Commission Resolution 16-16).

Section 5. Pursuant to the California Environmental Quality Act, the project is categorically exempt from the California Environmental Quality Act as defined in Section 15301 Class 1 Existing Facilities in that the proposal pertains to an existing facility where the hotel operation will be maintained and providing on-site sale, service and consumption of beer and

wine indoors only in conjunction with expanded ancillary food service involves negligible or no expansion of the use.

Section 6. Based on the foregoing, the Planning Commission **hereby approves an amendment to a Parking Plan** to account for internal sale, service, and consumption of beer and wine, as set forth in Planning Commission Resolution 16-16, to remove condition 8 (which is more appropriate in the CUP), remove condition 11 which has been incorporated into condition 10 and to modify conditions 9-10 (and to renumber accordingly) to read as follows. The request for outdoor sale, service, and consumption of beer and wine was denied in Resolution No XXXX and the request to amend the Parking Plan is derivative of the request for sale, service and consumption of beer and wine. As a result of the denial of outdoor beer and wine, the Parking Plan Amendment need only reflect the internal sale, service, and consumption of beer and wine. All other parts of Planning Commission Resolution 16-16 remain unchanged and all parts of CUP 19-9 (Planning Commission Resolution 19-XX) shall additionally apply.

9. Exterior signage or any other form of outside promoting or advertising referencing any food and/or beverage products sold is prohibited.

10. Food and beverage service (including the internal sale, service, and consumption of beer and wine) shall be available only for verified and registered hotel guests and shall not be open to the public.

Section 7. 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 8. 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. 19-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 December 9, 2019.

Peter Hoffman, Chair

Ken Robertson, Secretary

December 9, 2019

Date