

P.C. RESOLUTION NO. 20-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 duly noticed public hearings to consider the subject application on November 19, 2019 and January 21, 2020 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. Notwithstanding that the public hearing had concluded, both the City's Police Department and two members of the Planning Commission had outstanding reservations about the number of calls for service when compared to other hotels along Pacific Coast Highway and how the addition of sale, service and consumption of beer and wine indoors only at the hotel might affect City enforcement services and the nearby residential uses (Seaview Villas). The two Commissioners disclosed that they met with the Police Department a week prior to the December 9th Planning Commission meeting to gain more information from the City's public safety officials.

Section 5. The Planning Commission conducted a duly noticed public meeting on December 9, 2019 to consider, on consent calendar, the previously directed resolutions of approval. The City's Police Department recommended additional conditions of approval be added to the CUP approval resolution. In addition, two residents spoke on the matter and new photographs were provided. The applicant was present at this meeting.

Section 6. Since new information and evidence was presented following the close of the public hearing, the application was re-noticed for a new public hearing to allow the applicant, all members of the public and the Planning Commission to review and consider all of the old and new information prior to making a final decision on the application. The Planning Commission directed staff to continue this item and schedule a new public hearing (with new noticing) for the January 21, 2020 Planning Commission meeting. Staff met with the Police Department and the applicant to discuss conditions of approval to address the outstanding concerns. The amended conditions are included herein.

Section 7. The subject project was granted a discretionary Parking Plan in June of 2016 (Planning Commission Resolution 16-16).

Section 8. 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 9. Based on the foregoing, the Planning Commission **hereby approves an amendment to a Parking Plan** to account for indoor sale, service, and consumption of beer and wine, as set forth in Planning Commission Resolution 16-16, to (1) remove conditions 8 and 16 (which are more appropriate in the CUP); (2) remove condition 11 which has been incorporated into condition 10; and (3) to modify conditions 9-10 (and to renumber accordingly) to read as follows.

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.

The request for outdoor sale, service, and consumption of beer and wine was denied in Planning Commission Resolution No. 20-XX 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 indoor sale, service, and consumption of beer and wine. All other parts of Planning Commission Resolution 16-16 remain unchanged except as expressly amended herein and all parts of CUP 19-9 (Planning Commission Resolution 20-XX) shall additionally apply.

Section 10. 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 11. 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. 20-**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 January 21, 2020.

Peter Hoffman, Chair

Ken Robertson, Secretary

January 21, 2020 _____
Date