



Honorable Chairperson and Members of the Hermosa Beach Planning Commission

LOCATION: 74 PIER AVENUE

PROJECT DESCRIPTION: REQUEST TO ADOPT A RESOLUTION TO MODIFY THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP25-13/APE25-004) FOR ROBERT'S LIQUOR LOCATED AT 74 PIER AVENUE IN THE DOWNTOWN COMMERCIAL ZONE.

CEQA: Determine the project is categorically exempt from the California Environmental Quality Act.
(Assistant Planner Johnny Case & Code Enforcement Officer Suzanne Calderon)

Recommended Action:

Staff recommends the Planning Commission:

1. Determine the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to a Class 1 categorical exemption as defined in Section 15301 of the State CEQA Guidelines; and
2. Adopt a resolution to modify the conditions of a Conditional Use Permit (CUP25-13/APE25-004) at the existing liquor store (Robert's Liquor) located at 74 Pier Avenue in the Downtown Commercial (C-2) Zone (**Attachment 1**).

Executive Summary:

Following three alcohol-related violations involving the sale of alcoholic beverages to underage individuals between February 2024 and September 2025 at 74 Pier Avenue, the City initiated a Planning Commission review of the establishment's Conditional Use Permit (CUP) in accordance with Hermosa Beach Municipal Code Chapter (HBMC) §17.70. At its October 21, 2025 Planning Commission meeting, Planning Commission directed staff to meet with business owners to discuss and implement steps to deter alcohol related violations. November 3, 2025, staff met in-person with the business owners to discuss business changes that have been implemented to deter alcohol related violations. Staff recommend that the Planning Commission hold a public hearing, consider public testimony, and modify the conditions of approval for the CUP.

Background:

The business, registered as Robert's Liquor, is located at 74 Pier Avenue in the C-2 Zone (**Attachments 2 and 3**). According to city records the current owner began operating in October 1996. The liquor store is approved for operation from 8:00 a.m. to 2:00 a.m. daily.

In the C-2 zone, an establishment selling alcohol off-sale that is open between the hours of 11:01 p.m. and 2:00 a.m. requires a CUP. At its January 3, 1990, meeting, the Planning Commission adopted Resolution No. 90-2 which approved a CUP for off-sale alcohol sales at 74 Pier Avenue. The City Council held a public hearing on April 24, 1990, to consider the applicant's appeal of Resolution No. 90-2. At its December 11, 1990, meeting, the City Council adopted Resolution No. 90-5357 which approved a CUP for off-sale alcohol sales at 74 Pier Avenue (**Attachment 4**). The conditions of approval of Resolution No. 90-5357 include, in relevant part:

- Condition of Approval 2. The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.
- Condition of Approval 3. The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.
- Condition of Approval 14. Any violation of the conditions and/or violation of the Hermosa Beach Municipal Code shall be grounds for an immediate revocation hearing and/or citation.
- Condition of Approval 15. The police chief may determine that a continuing police problem exists and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem paid by the business.
- Condition of Approval 20. The Planning Commission may review this conditional use permit 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.

Past Commission and Council Actions

Meeting Date	Description
<u>Planning Commission:</u> January 3, 1990	Planning Commission adopted Planning Commission Resolution 90-2 approving a CUP to allow off-sale general alcoholic beverage sales at this location.
<u>City Council:</u> April 24, 1990	City Council held a public hearing to consider an appeal of Resolution 90-2.

Meeting Date	Description
<p><u>Planning Commission:</u> October 13, 2025</p>	<p>In response to the business owner’s request, the Planning Commission continued the item to the Planning Commission regular meeting of October 21, 2025.</p>
<p><u>Planning Commission:</u> October 21, 2025</p>	<p>Planning Commission directed staff to meet with business owners to discuss and implement steps to deter alcohol related violations.</p>

History of Police Activity at Robert’s Liquor.

Hermosa Beach Police Department (HBPD) has documented multiple calls for service, violations of State law and the Municipal Code, and violations of the CUP at the establishment from approximately August 2023 through August 2025. The incidents are summarized as follows:

- **August 2023 - Present** - The Hermosa Beach Police Department conducted multiple undercover operations targeting alcohol related crimes in the downtown district. The overwhelming majority of contacts and violations were from subjects who previously purchased alcohol at Robert’s Liquor (by observation or statement) prior to committing the violations. This is further supported by the business’ location in the downtown area, near parking lots and nightlife; coupled with this establishment being the only alcohol retail store open past midnight and until bar closing hours.
- **April 5, 2024** - California Department of Alcohol and Beverage Control conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law.
- **February 17, 2024** - Officers working an undercover operation observed a group of three juveniles exiting Robert’s Liquor with open containers of alcohol. Upon being contacted by Officers, the juveniles advised they were 17 years of age and were all in possession of fraudulent California Driver’s licenses, a violation of State law. Officers were able to immediately identify the identification cards as fraudulent; however, employees at Roberts Liquor appeared to be unable to distinguish the difference.
- **March 2024** – The Hermosa Beach Police Department received a tip (via email) from a concerned resident about Robert’s liquor and their “Continual sales of alcohol to minors.”

- **August 2024** - Hermosa Beach Police Department observed multiple patrons, four young adults and three minors enter Robert's Liquor and one of the adults purchased alcohol. The group later walked to their vehicle in a nearby parking lot. The four adults later patronized other establishments in the Pier Plaza area while the minors stayed in and near the vehicle with the alcohol.
- **August 8-9, 2025** - California Department of Alcohol and Beverage Control (ABC) conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law. Hermosa Beach Police Department, while assisting ABC, issued several citations for possession of alcohol in public.

On September 11, 2024, the Chief of Police and the Community Development Director met with the business owner of Robert's Liquor, Dung Tran, to discuss the establishment's operations, recent alcohol-related violations, the Conditional Use Permit conditions of approval and the Planning Commission's review authority and ability to modify or revoke the approval. Additionally, a letter detailing the alcohol-related violations at Robert's Liquor was provided to the business owner, alerting the business owner of the City's concerns, and reminding the business owner of the Planning Commission's review authority (**Attachment 5**).

On August 8, 2025, and August 9, 2025, California Department of Alcohol and Beverage Control (ABC) conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law. Hermosa Beach Police Department, while assisting ABC, issued several citations for possession of alcohol in public.

On September 11, 2025, in light of violations of the CUP, State law, and the HBMC at the establishment despite the City's previous intervention with the business owner, the Chief of Police transmitted a memorandum to the Community Development Department requesting a review of the CUP by the Planning Commission (**Attachment 6**) due to the recurrence of alcohol-related violations.

On October 13, 2025, in response to the business owner's request, the Planning Commission continued the item to the Planning Commission regular meeting of October 21, 2025

On October 21, 2025, the Planning Commission held a public hearing to consider modification of the conditions of approval of the CUP. The Planning Commission continued the item, requesting that staff meet with the business owner to discuss operational improvements that could be made to strengthen business practices.

On November 3, 2025, Police Department and Community Development staff met in-person with the business owner and developed a list of business changes that should be

implemented. Staff have verified the business owner purchased and installed two identification scanner machines capable of scanning identification cards. The machines assist employees with identifying fraudulent identification cards. The business owner provided staff copies of Certificates of Completion for the California Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) training for the business owner and employees. The business owner posted signs in a conspicuous place, warning patrons of various alcohol related violations (**Attachment 10**).

Discussion:

CUP conditions of approval and Hermosa Beach Municipal Code Section, 17.70.010 establish the Planning Commission's authority to review, revoke or modify an approved CUP. As outlined above, the CUP was reviewed by the Planning Commission in October of 2025 following an incident involving the repeated sale of alcohol to minors with the most recent incident occurring on August 8, 2025 (**Attachments 7, 8, and 9**).

While the business owner has voluntarily implemented changes in business practices at the request of the Planning Commission, the Chief of Police in a memo dated January 12, 2026, requests an amendment to the conditions of approval (**Attachment 12**). The amendment of the conditions of approval would formally incorporate these practices, conditions of approval that are enforceable and tied to the property, not just to one particular business owner. The recommended conditions of approval would require employees and management to complete additional training, video surveillance of the establishment, and posting of informational signage.

Findings Under Municipal Code:

Pursuant to Section 17.70.010 of the Municipal Code, the Planning Commission may, (after a public hearing held in the manner prescribed in Chapter 17.68 of the HBMC governing conditional use permits), revoke or modify any permit if any one of the following seven listed findings can be made:

- A. That the approval was obtained by fraud;
- B. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
- C. That the use or activity for which such approval was granted has been suspended or dormant for longer than twelve (12) consecutive months, excluding time during which the property owner can demonstrate:
 - a. The city had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or

- b. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
 - c. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.
- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
- F. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
- G. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.

Staff has determined, and recommends that the Planning Commission find, that three of the seven findings can be made in support of the modification of the CUP as detailed below:

- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;**

The CUP, which allows for the off-sale service of alcohol, has been exercised contrary to state law and local regulations; the documented violations have included the sale of alcohol to underage individuals three times between February 2024 and August 2025. The applicant has not complied with multiple conditions of the CUP as documented in the Police Incident reports dated August 9, 2025, including the following:

- Condition of Approval 2. The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.

- Condition of Approval 3. The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.

The CUP violations pertain to the following:

- February 17, 2024 – Officers working an undercover operation observed a group of three juveniles exiting Robert’s Liquor with open containers of alcohol. Upon being contacted by Officers, the juveniles advised they were 17 years of age and were all in possession of fraudulent California Driver’s licenses, a violation of State law. Officers were able to immediately identify the identification cards as fraudulent; however, employees at Roberts Liquor appeared to be unable to distinguish the difference.
- April 5, 2024 – California Department of Alcohol and Beverage Control conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law.
- August 8-9, 2025 – California Department of Alcohol and Beverage Control conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law. Hermosa Beach Police Department while assisting ABC, issued several citations for possession of alcohol in public.

E. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;

The CUP allows for the sale of alcoholic beverages at an existing liquor store. The CUP has operated in a manner detrimental to public health and safety. There are three documented alcohol-related CUP violations involving the sale of alcohol to underage individuals between February 2024 and August 2025. The business operations give rise to a public nuisance involving the sale of alcohol to underage individuals, which is detrimental to public health and safety.

G. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety, and welfare merit modification of the permit.

As a result of the establishment’s alcohol sales infractions that included serving alcoholic beverages to underage individuals in 2024, ABC administratively issued fines to the licensee. In addition, the business owner was provided with a letter outlining the HBPD and ABC violations from the Community Development Director on September 11, 2024. The letter referenced conditions of the governing CUP,

City Council Resolution 90-5357 that must be adhered to in order to maintain their CUP, including the following conditions:

- Condition of Approval 2. The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.
- Condition of Approval 3. The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.
- Condition of Approval 15. The police chief may determine that a continuing police problem exists and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem paid by the business.

Despite the City's attempts to intervene without initiating formal review of the CUP and reminding the business owner of the business's obligations under the CUP conditions of approval and the City's ability to review, revoke, and/or modify the CUP, the current conditions of approval have been inadequate to mitigate the impacts of use and modification of use. To prevent a recurrence of these violations, modification of the CUP conditions of approval is necessary. This includes incorporating conditions of approval that require staff training in the selling of alcoholic beverages, and requiring the use of technology to verify identification.

Findings Under Conditional Use Permit.

Additionally, Resolution No. 90-5357 provides that action may be taken on the CUP if provisions of the CUP, State law, and the HBMC are violated. In particular, the Resolution provides:

- Condition of Approval 14. Any violation of the conditions and/or violation of the Hermosa Beach Municipal Code shall be grounds for an immediate revocation hearing and/or citation.
- Condition of Approval 20. The Planning Commission may review this conditional use permit 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.

HBPD has documented multiple violations of the CUP since approximately April 2023. The City made an effort to obtain compliance from the business owner in September 2024 without initiating formal review of the CUP, by both meeting with the business owner and providing a written letter notifying the owner of the violations of the CUP and the City's

ability to call the CUP for review. Despite the City's efforts, violations at the business have persisted. Under Condition of Approval 14 and Condition of Approval 20, the Planning Commission is entitled to review the CUP and revoke or amend the CUP to impose new conditions necessary to mitigate detrimental effects on the neighborhood.

Environmental Analysis:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project qualifies for a Class 1 categorical exemption, Existing Facilities as defined in section 15301 of the CEQA Guidelines, as it consists of the operation, repair, maintenance,

Public Notification:

For the February 17, 2026, Planning Commission hearing a legal ad was published, in the Easy Reader, a newspaper of general circulation. For the February 17, 2026, Planning Commission hearing, a total of 690 public hearing notices were mailed to the applicant, and occupants and property owners of properties within a 500-foot radius on February 4, 2026. On February 4, 2026, a notice was posted on-site in accordance with HBMC §17.68.050. Public notification materials are included as **Attachment 13**. As of the writing of the report, staff have received no public comments.

Next Steps:

In accordance with HBMC Section 17.56.100, the Planning Commission's decision may be appealed to the City Council. The appeal period commences 10 days following the City Council receiving the meeting minutes of the February 17th meeting of the Planning Commission. Any project that is appealed would be duly noticed in accordance with the HBMC.

Attachments:

1. Draft Resolution 26-XX
2. Zoning Map
3. Floor Plan
4. City Council Resolution 90-5357
5. Community Development Director Letter - September 11, 2024
6. Memorandum from Police Department - September 11, 2025
7. Hermosa Beach Police Department Report DR#25-001909- August 9, 2025
8. Department of Alcoholic Beverage Control Report 25-03-047
9. Calls for Service 2022 to October 2, 2025
10. Photographs of ID Scanners Implemented and Signs posted at 74 Pier Avenue
11. Community Development Director Letter – September 17, 2025
12. Memorandum from Police Department- January 12, 2026
13. Public Notification Materials

Respectfully Submitted by: Suzanne Calderon, Code Enforcement Officer

Concur: Johnny Case, Assistant Planner

Concur: Alexis Oropeza, Planning Manager

Legal Review: Sarah Locklin, Interim Assistant City Attorney

Approved: Alison Becker, AICP, Community Development Director