

CITY OF HERMOSA BEACH
RESOLUTION NO. 26-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MODIFYING A CONDITIONAL USE PERMIT (CUP 25-13, APE25-004) FOR OFF-SALE ALCOHOL AT AN EXISTING LIQUOR STORE (ROBERT'S LIQUOR) LOCATED AT 74 PIER AVENUE IN THE DOWNTOWN COMMERCIAL (C-2) ZONE, AND DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

WHEREAS, on December 11, 1990, the City Council adopted Resolution No. 905357, approving off-sale alcohol (beer, wine and distilled spirits) at 74 Pier Avenue, commonly known as Robert's Liquor; and

WHEREAS, on February 17, 2024, Hermosa Beach Police Department (HBPD) 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; and

WHEREAS, on April 5, 2024, the California Department of Alcoholic Beverage Control (ABC) conducted an undercover investigation at Robert's Liquor, resulting in the off-sale of alcohol to a minor; and

WHEREAS, on September 11, 2024, the business owner Mr. Dung Tran was notified via a letter of the sale of alcohol to underage individuals, and was reminded that staff may report the violations to the Planning Commission at their October 15, 2024, meeting; and

WHEREAS, on September 11, 2024, in an attempt to prevent further violations at the business, the City's Chief of Police and Community Development Director met with the business owner 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; and

WHEREAS, on August 8, 2025, ABC and HBPD conducted compliance checks in the City, resulting in several violations associated with the business at 74 Pier Avenue including sale of alcohol to a minor; and

WHEREAS, on September 11, 2025, the Police Chief transmitted a request for modification of the Conditional Use Permit, based on a continued policing problem; and

WHEREAS, on September 17, 2025, the business owner was notified via a hand delivered letter of the sale of alcohol to underage individuals, and made aware that the City was preparing the matter to be heard at the October 13, 2025, Planning Commission meeting; and

WHEREAS, on October 13, 2025, the Planning Commission continued the matter to its regular meeting of October 21, 2025, to provide the applicant additional time to prepare for the Planning Commission meeting; and

WHEREAS, on October 21, 2025, the Planning Commission continued the matter to a future date, and directed City staff to meet with the business owner to discuss business practices that could be implemented to reduce occurrences of alcohol related violations; and

WHEREAS, on February 17, 2026, pursuant to Hermosa Beach Municipal Code (HBMC) section 17.70.010, the Planning Commission held a public hearing to consider the revocation or modification of the CUP approving off-sale alcohol (beer, wine and distilled spirits) at 74 Pier Avenue, and received oral and written testimony regarding the item; and

WHEREAS, the proposed project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15301 of the CEQA guidelines for Existing Facilities as the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Moreover, none of the exceptions to the categorical exemption(s) apply, nor

would 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 resources within a state scenic highway.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein.

SECTION 2 Based on the testimony and evidence received, the Planning Commission hereby further finds, determines and declares the following pertaining to the modification of a Conditional Use Permit, pursuant to HBMC Section 17.70.010:

- 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 at an establishment, 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.

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 contribute to a public nuisance involving the sale of alcohol to underage individuals which is detrimental to the 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 by 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. To prevent the recurrence of these violations, modification of the CUP conditions of approval is necessary. This includes incorporating conditions of approval requiring staff training in the sales of alcoholic beverages and requiring the use of technology in verifying identification.

SECTION 3. Based on the testimony and evidence received, the Planning Commission hereby further finds, determines and declares the following pertaining to the modification of a Conditional Use Permit, pursuant to City Council Resolution 90-5357:

- 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.

As described in Section 1 of this Resolution, HBPD and ABC have documented multiple instances of the sale of alcohol to underage individuals, a violation of State law. These activities also rise to violations of the CUP conditions, including adversely affecting the welfare of residents, and commercial establishments nearby and failing to provide adequate management and supervision of the business. Therefore, the Planning Commission is within its rights and abilities under Condition of Approval 14 to hold a hearing for the potential revocation of the CUP.

- 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.

As described in Section 1 of this Resolution, HBPD and ABC have documented multiple instances of the sale of alcohol to underage individuals, a violation of State law, which also rise to violations of the CUP conditions. Despite the City's attempts prevent further violations without initiating formal review of the CUP, violations at the business have persisted, and the current conditions of approval have been inadequate to mitigate the impacts of use. As such, modification of the CUP conditions of approval is necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

SECTION 4. Based on the evidence received at the public meeting, the Planning Commission hereby finds, determines, and declares that the use has operated in a manner inconsistent with the approved Conditional Use Permit Amendment and contrary to the General Plan - Public Safety Element.

General Plan Consistency:

Public Safety Element

Goal 5. High quality police and fire protection services provided to residents and visitors.

Policy: 5.8 Nuisance Abatement. Encourage Police Department review of uses which may be characterized historically by high levels of nuisance (noise, nighttime patronage, and/or rates of criminal activity) providing for conditions of control of use to prevent adverse impacts on adjacent residences, schools, religious facilities, and similar "sensitive" uses.

The business failed to adhere to the conditions of approval, resulting in the serving of alcohol to underage individuals on three occasions. Additionally, during investigations by ABC and HBPD in August 2025, ABC and HBPD issued several citations for possession of an open alcohol container in public to individuals that purchased from Robert's Liquor. The conditions of approval have been inadequate to mitigate the impacts of use and modification of the CUP is necessary.

SECTION 5. Based on the foregoing, the Planning Commission hereby approves the Conditional Use Permit Amendment Case No. APE25-004 subject to the following conditions, which shall supersede and replace in their entirety the Conditions of Approval in City Council Resolution 90-5357:

1. The business shall be maintained and operated in full compliance with the conditions of this CUP and any law, statute, ordinance, or other regulation hereafter adopted that is applicable to any development or activity on the property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
2. The business shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.
3. The hours of operation for all operations of the establishment shall be limited to between 8:00 A.M. and 2:00 A.M. daily.
4. Alcoholic beverages shall only be sold to individuals over the age of 21 years old.
5. Within two weeks of final approval, the business owner shall install, utilize and maintain technology recommended by the California Department of Alcoholic

Beverage Control to assist in identifying fraudulent identification cards. This device shall be maintained in operational condition at all times and all employees shall be instructed in its use.

6. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a nuisance to surrounding residential neighborhoods and/or commercial establishments.
7. The business shall employ adequate staffing and management/supervision to prevent serving underage persons, persons who are or appear to be intoxicated, and loitering, unruliness, and boisterous behavior by patrons both inside and outside on the business premises during business hours.
8. A copy of the Conditional Use Permit shall be maintained on the premise in a location where employees can easily read the conditions.
9. The exterior of the premises shall be maintained in a neat and clean manner and free of graffiti at all times.
10. The following signs shall be posted in a conspicuous location in a readily visible manner, warning patrons of the illegality of selling alcoholic beverages to persons under twenty-one years of age, loitering and drinking within the public realm, and removing alcoholic beverages from the premises and carrying:
 - a. "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age"
 - b. "No Loitering or Public Drinking"
 - c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment"
11. In addition to any other remedy provided by law, if the business operating pursuant to this CUP violates any condition of this CUP, the Police Chief or

designee may meet and confer with the business to clarify the reason for the violation and to formulate a course of action to mitigate the risk for any future violation. If the business operating pursuant to this CUP continues to violate this CUP (i.e., either a repeat violation or another violation) within any six (6) month period following a meet and confer with the Police Chief, then, at the sole discretion of the Police Chief, modified or additional operational requirements may be imposed by the Police Chief to curtail the violations until the time that the matter is brought before the Planning Commission. These modified or additional operational requirements include, but are not limited to, a reduction in operating hours, required number of staff members during operating hours, additional training for staff, and/or any other measures deemed appropriate by the Police Chief. The Police Chief's determination will remain in effect until considered by the Planning Commission. The Planning Commission shall consider the Police Chief's determination within a reasonable time from the date the modified or additional operational requirements are imposed by the Police Chief, and determine whether this CUP should be amended to permanently incorporate such modified or additional operation requirements.

12. Management and all employees shall successfully complete ABC Licensee Education on Alcohol and Drugs (LEAD) training or equivalent as determined by Chief of Police. Training shall be completed within 30 days of final approval of the CUP and within 30 days of the employee's start of employment. The business shall maintain records that management and employees have participated in the required training. Records shall be maintained for all current employees. Records for any former employee shall be maintained for a period of not less than two years after departure. Records shall be made available upon request for review by the Community Development Director, Chief of Police, or designee.
13. Any changes to the interior and/or exterior floorplan shall be subject to review and approval of the Planning Commission.

14. Adult magazines and all printed matter coming within the definition of Section [313](#) of the California Penal Code shall be located for sale only behind the counter and shall be stored in racks covered by modest panels.
15. No alcoholic beverages shall be sold from any temporary location on the premises such as ice tubs, barrels, or any other containers.
16. The business shall install and maintain a video surveillance system that monitors within the interior of the business and the immediate area. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the premises and immediate area. Recording shall be retained for a minimum of sixty (60) days and video will be available to Police Department upon request. At the discretion of the Chief of Police, Licensee may be required to add additional video cameras.
17. The provisions of this Conditional Use Permit shall take effect immediately upon adoption by the Planning Commission and upon completion of the applicable appeal period, should no appeal be filed.
 - i. Within two weeks of the City's final action the business owner and property owner shall file for permit approval, waiver, or exemption with the California Coastal Commission (CCC). Documentation showing confirmation of the submittal to the CCC shall be submitted to planning@hermosabeach.gov.
 - ii. Within 45-days of the City's final action on the CUP amendment, the property owner and business shall sign a notice of acknowledgment form available from the Community Development Department, record a signed and notarized copy of the property owner's acknowledgment with the Los Angeles County Recorder's office and provide proof of recordation to planning@hermosabeach.gov.
18. The operation of the business shall comply with all Ordinances, regulations and laws applicable to a business of this kind in effect at of the date hereof or hereafter adopted. In addition to any other remedy available at law, in equity or

as provided in the Municipal Code, in the event of (i) any significant material violation, or (ii) any repeated, continuous or sustained violation of any condition of approval of this Conditional Use Permit, the business shall be required to reimburse the City fully for its costs and expenses, including by not limited to attorney's fees, in undertaking any such corrective action. Reimbursement of enforcement cost shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this Permit occur, the City shall refrain from issuing further permits, licenses, or other approvals for the business until such violation has been fully remedied.

19. To reduce marine debris associated with take-out containers, the establishment shall not use take-out containers with a "No. 6" recycle code or use certain polystyrene products, single-use plastic products, and single-use products in compliance with HBMC Chapter 8.64.
20. 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.
21. 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.

SECTION 6. 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 other conditions shall remain valid and enforceable.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

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 Council. 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.

PASSED, APPROVED, and ADOPTED on this 17th day of February, 2026.

VOTE: AYES:

NOES:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 26-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of February 17, 2026.

Stephen Izant, Chairperson

Alison Becker, Secretary

Date: _____