

CITY OF HERMOSA BEACH
RESOLUTION NO. 23-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT (CUP 23-08 / APE 23-04) TO MODIFY CONDITIONS OF APPROVAL AT AN EXISTING RESTAURANT (AKA SUSHI) LOCATED AT 1121 AVIATION BOULEVARD, AND TO MAKE THE DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, several violations of selling alcohol to minors occurred between September 2022 and March 2023 and were documented in a memorandum from the Hermosa Beach Police Chief dated April 3, 2023; and

WHEREAS, on April 25, 2023, the business owner was notified via letter of the infractions, and made aware that the City was preparing the matter to be heard at the May 16, 2023, Planning Commission meeting; and

WHEREAS, at the May 16, 2023, Planning Commission meeting, the Planning Commission acted and directed staff to prepare a public hearing item at a regularly scheduled meeting; and

WHEREAS, the Planning Commission, at its public meeting of July 18, 2023, considered all testimony and evidence, both oral and written, that was presented to the Planning Commission; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act defined in CEQA Section 15061(b)(3), as the project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It can be determined with a level of certainty that this is not considered a project under CEQA, and there is no potential for causing a significant effect on the environment.

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

SECTION 1. Based on the evidence received at the public meeting, the Planning Commission hereby further finds, determines, and declares that the project is consistent with the City's General Plan (PLAN Hermosa) because the Conditional Use Permit Amendment is consistent with Public Safety Element Policy 5.8.

Section 2. Based on evidence received at the May 16, 2023, Planning Commission, the Planning Commission makes the following factual findings:

1. The restaurant with on-sale beer and wine at 1121 Aviation Boulevard has committed three violations of selling alcohol to minors over a six-month period between September 2022 and March 2023.
2. The site is zoned C-3, General Commercial, allowing on-sale beer and wine in conjunction with a restaurant use approval with a Conditional Use Permit.
3. The business currently operates under a Conditional Use Permit approved by City Council Resolution 11-6776.
4. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses has not been complied with given the three alcohol sales infractions over a six-month period between September 2022 and March 2023.

Section 3. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit Amendment and adds the following Conditions of Approval to the Conditional Use Permit conditions in Resolution 11-6776, and as recommended by the Police Chief in a memorandum dated June 14, 2023, and further refined during a site visit on June 28, 2023:

1. 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. Signs shall be a minimum of 11"X18" in a color that is clearly different from surrounding signs. The font size shall be legible from a

minimum of five feet away. Signage shall be approved by the Police Chief of designee. Examples of signage shall include but not be limited to:

- 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."

2. Management shall successfully complete ABC Licensee Education on Alcohol and Drugs (LEAD) training and Responsible Beverage Service Training, or equivalent as determined by Police Chief. All employees engaged in the sale or service of alcoholic beverages shall complete Responsible Beverage Service Training, or equivalent as determined by the Police Chief. The business shall maintain records that management and employees have participated in the required trainings. Records shall be maintained for two years after training.
3. The manager and staff shall be aware of the Conditions of Approval of this Conditional Use Permit and the Conditional Use Permit shall be posted on site during business hours. The Conditional Use Permit shall be maintained on the premise in a location where employees can easily read the conditions.
4. The business shall install and maintain a video surveillance system within sixty (60) days of the date of the Planning Commission meeting, 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. The system shall consist of a minimum of four (4) cameras placed in locations approved by the police department, a recording receiver, and playback monitor. Recordings shall be retained for a minimum of sixty (60) days and video will be available to Police Department upon request. All video security cameras shall be installed to the satisfaction of the Police Chief. At the discretion of the Police Chief, Licensee may be required to add additional video cameras.
5. 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 vitiate 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. 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 existing staff, and/or any other measures deemed appropriate by the Police Chief. An appeal may be filed to the Planning Commission for any modification or additional operational requirement(s) imposed by the Police Chief. However, the Police Chief's determination will not be stayed during the pendency of the appeal.

PASSED, APPROVED and **ADOPTED** on this Tuesday the 18th of July, 2023.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 23-08 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 July 18, 2023.

Stephen Izant, Chair

Carrie Tai, Secretary

July 18, 2023

Date