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2 **P.C. RESOLUTION 01-**

3 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY**
4 **OF HERMOSA BEACH, CALIFORNIA, APPROVING A**
5 **CONDITIONAL USE PERMIT TO ALLOW ON-SALE ALCOHOL IN**
6 **THE GUEST ROOMS (MINI-BARS) AND IN THE MEETING ROOMS**
7 **IN CONJUNCTION WITH EVENTS FOR HOTEL GUESTS AT THE**
8 **BEACH HOUSE INN AT 1300 THE STRAND**

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10 Section 1. An application was filed by Chop Keenan, Pacific Beach House, LLC, seeking
11 approval for on-sale alcohol in the guest rooms and in the meeting rooms at the existing hotel, the
12 Beach House Inn;

13 Section 2. The Planning Commission conducted a duly noticed public hearing to consider the
14 application for the Conditional Use Permit on December 5, 2001, at which testimony and evidence,
15 both written and oral, was presented to and considered by the Planning Commission;

16 Section 3. Based on evidence received at the public hearing, the Planning Commission makes
17 the following factual findings:

18 1. The hotel contains 96 guest rooms and 3 meeting rooms and does not have a restaurant,
19 but provides catering to the meeting rooms.

20 2. The proposed on-sale alcohol is for hotel guests only, whether in the guest room or
21 meeting rooms.

22 Section 4. Based on the foregoing factual findings, the Planning Commission makes the
23 following findings pertaining to the application for the Conditional Use Permit:

24 1. The site is zoned C-2, is an operating hotel, and suitable for the proposed use which is
25 incidental and consistent with the primary use and will not change or intensify the primary use;

26 2. The proposed use is compatible with surrounding commercial and residential uses;

27 3. The imposition of conditions as required by this resolution will mitigate any negative
28 impacts resulting from the issuance of this Conditional Use Permit Amendment;

29 4. This project is Categorically Exempt pursuant to Section 15303c of the California
Environmental Quality Act.

Section 5. Based on the foregoing, the Planning Commission hereby approves the
Conditional Use Permit subject to the following **Conditions of Approval**;

1. **Alcohol sales shall be for hotel guests only, with sales charged to a guest room (no cash). The sales may be through self-service mini-bars in the guest rooms, or catered by the hotel in the meeting/banquet rooms.**
2. **Any meeting room designated for alcohol sales on a regular basis (i.e. a daily “happy hour”), shall be posted with hours that it is operated for such purposes. Alcohol shall be served to hotel guests only, and any sale of alcohol shall be charged to guest rooms only.**
3. **Catered events including alcohol sales shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.**
4. **The hotel shall provide adequate staffing, management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons of catered events outside the hotel and in the parking areas.**
5. **Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.**
6. **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, and then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Planning Commission.**
7. **The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
8. **The proposed alcohol service and sales and operation of the hotel shall comply with all applicable requirements of the Municipal Code.**

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed a 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 grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

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.

Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,

void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

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 grant. 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.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

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.

Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: YES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 01- 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 5, 2001.

Sam Perrotti, Chairman

Sol Blumenfeld, Secretary

Date _____

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