



HERMOSA BEACH POLICE DEPARTMENT

MEMORANDUM

To: Community Development Director Carrie Tai
Assistant Planner Jake Whitney

CC: Chief Paul LeBaron
Captain Landon Phillips

From: Captain Mick Gaglia

Date: March 6, 2024

Re: Drive South Bay CUP & PDP Application

The Police Department has reviewed the Conditional Use Permit (CUP) Application and Precise Development Plan for DRIVE South Bay and has concerns about the proposed application. The proposed application will impact the quality-of-life issues in the downtown Pier Plaza area and the ability for the Police Departments to provide citywide public safety.

DRIVE South Bay is located at 1048 Hermosa Avenue, in an area with a very high concentration of late-night alcohol serving establishments. The area commonly known as "Pier Plaza" is within Reporting District (RD) B105 and B106. RD's B105 and B106 is the area from 10th Street to 14th Street, and from The Strand to Manhattan Ave. B105 and B106 combined equals 1.58% of the total area of the city. This relatively small area of the city consists of multiple late-night alcohol serving establishments which creates an attraction for nuisance and other criminal behavior.

In 2022, the Police Department received 23,047 calls for service (CFS). Of those CFS, 4,169 (18.1%) were from the Pier Plaza area. That pattern remained consistent in 2023. From January 1, 2023, thorough the end of November, 17.75% of all calls in the city were generated in the Pier Plaza area. DRIVE South Bay is within 400 ft of the Pier Plaza and is located in the RD B105 zone.

The most common days for CFS are Friday, Saturday and Sunday. The most common time for CFS in the Pier Plaza area is between 8:00pm – 4:00am. In 2022, there were 2,443 CFS (58.6%) in the Pier Plaza area during this time frame. This is a direct correlation to the late-night, alcohol serving establishments which operate after midnight and maintain an attraction for nuisance and criminal behavior.

Citywide Public Safety

Pier Plaza area requires a disproportionate amount of police service when compared to the rest of the city. Nearly 20% of CFS are generated in the Pier Plaza area. When officers are required to focus on incidents in the Pier Plaza area, it takes away the ability to conduct patrol and provide police service to the other areas of the city.

In 2022, the Police Department made 128 arrests for Driving Under the Influence. The most common time for DUI arrest is between 12:00am and 3:00am with 54% of DUI arrests occurring during this time period. The most common days for DUI arrests are Friday and Saturday nights (early Saturday and Sunday mornings). During these peak periods, officers commonly respond to DUI collisions and investigations. When officers are responding to large crowds of people who are intoxicated, fighting and violating quality of life crimes in Pier Plaza, they are not able to conduct patrol to address significant crime issues in the city including DUI, which is most prevalent during the late-night hours.

Pier Plaza Area Quality-of-Life Issues

The Pier Plaza area creates an attraction for violent and criminal behavior. In 2022, 45% of citywide assaults occurred in the Pier Plaza area. From January 1, 2023, through the end of November, 31.6% of citywide assaults occurred in the Pier Plaza area.

In 2022, 40.7% of citywide public intoxication arrests occurred in the Pier Plaza area. This pattern remained consistent in 2023 with 38.6% of all public intoxication arrests occurring in the Pier Plaza area.

A common public nuisance problem, which affects residents, businesses and the entire community are the people who come to Pier Plaza during the late-night hours and urinate in public spaces after drinking in excess. In 2022, the Police Department issued 76 citations for urinating in public and nearly all those citations (96%) occurred in the downtown area. This pattern remained consistent in 2023 with 85.7% of all citations for urinating in public occurring in the Pier Plaza area. The Police Department receives complaints about trash, urine and feces impacting the quality of life of residents and businesses who serve the morning and daytime needs of the Hermosa Beach community. The complaints are direct results of the patrons who frequent late night establishments and continue their actions, during late night hours, in public parking lots, beaches, and streets around Pier Plaza.

The addition of another location serving alcohol will most likely result in increased patrons during late night hours, which will diminish the quality of life for residents and others who use this public space. The Police Department does not have the resources to effectively manage these types of crime on a regular, ongoing basis.

Recommendations

The Hermosa Beach Police Department does not support the addition of an ABC license for any business in the Pier Plaza area where there is currently a heavy saturation of alcohol serving establishments. If any ABC license is approved, the Police Department recommends the following conditions to be added to the CUP for DRIVE South Bay.

General:

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 subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
2. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission unless significant construction or improvements or the use authorized hereby has commenced.
3. Prior to the expiration of this approval, the permittee may request an extension of time. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.
4. This use shall be considered expired if the use for which this Conditional Use Permit was granted ceased or was suspended for at least 180 successive days.
5. The project shall be substantially consistent with the application submitted and approved by the Planning Commission on (Date of PC Hearing).
6. 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.
7. The business shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.
8. The business shall maintain in conformance with all other applicable City of Hermosa Beach and regulatory agency requirements and standards, including but not limited to: California Department of Alcoholic Beverage Control, Los Angeles County Health Department, California Disabled Access Standards (Government Code Title 24), and Los Angeles County National Pollutant Discharge Elimination System Permit (NPDES).

9. Notwithstanding the structure occupant load limits under the Building Code, each customer in the business shall have an available seat at a table or counter, in substantial conformance with the floor plan and seating plan included as an attachment to the staff report. Customers are permitted to freely move around the business and are not required to be seated at all times; however, each customer shall have an available seat.
10. The business shall utilize an electronic method of reservation management to text or otherwise electronically notify patrons when the business is able to accommodate them without the patrons gathering in the immediate area.

Premises:

11. The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.
12. The exterior of the business shall be maintained in a neat and clean manner and maintained free of graffiti at all times. The removal of all graffiti from the walls, fences, pavement, or buildings within twenty-four hours of discovery of its appearance on the property is required.
13. Any changes to the interior and/or exterior floorplan shall be subject to review and approval of the Planning Commission.
 - a. The following signs shall be posted in a conspicuous location in a readily visible manner, warning patrons of the illegality of selling/providing alcoholic beverages to persons loitering and drinking within the public realm.
 - b. "No Loitering or Public Drinking"
 - c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment"

Operations:

14. The permitted hours of operation shall be 4:00 p.m. to 9:00 p.m. Wednesday-Friday.
The permitted hours of operation shall be 11:00 a.m. to 9:00 p.m. Saturday-Sunday
15. A manager who is aware of the conditions of this Conditional Use Permit shall be on the premises during business hours. The Conditional Use Permit shall be maintained on the premise in a location where employees can easily read the conditions.
16. The project site shall be the point-of-sale for the purpose of collecting any sales tax on goods that are sold, delivered or rented on the site.
17. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
18. Under no circumstances shall furniture or other interior/exterior improvements be rearranged from the floor plan attached to the CUP to accommodate dancing, additional entertainment, or greater occupant load absent approval by the Chief of Police, or the Planning Commission.

19. Live entertainment shall be prohibited unless otherwise permitted by the City.
20. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance (Hermosa Beach Municipal Code Chapter 8.24).
21. 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. 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 Chief of Police. At the discretion of the Chief of Police, Licensee may be required to add additional video cameras.
22. The Police Chief may determine that where a continuing police problem exists, the matter may be subject to appeal to the Planning Commission who will consider solutions to resolve the matter which may include, but not limited to, the presence of a Police approved doorman and/or security personnel to eliminate the problem. An appeal to the Planning Commission shall be heard within sixty (60) days of filing the appeal. The Police Chief's determination will not be stayed during the pendency of the appeal. If the problem persists, the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of the conditional use permit.
23. 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.

The Hermosa Beach Police Department supports the growth of business and for DRIVE South Bay to operate as a driving simulation experience. By accepting the recommended conditions, DRIVE South Bay can establish a new entertainment business and provide non-alcoholic beverages. The recommended conditions are necessary to address consistent public safety issues which reflect an accumulation of multiple businesses operating in the immediate area serving alcohol and creating an attraction for nuisance and other criminal behavior.