



Legislation Details (With Text)

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Title: TRI-ANNUAL REPORT FOR ON-SALE ALCOHOLIC BEVERAGE
CONDITIONAL USE PERMITS REPORTING PERIOD OF
JULY 1, 2023 TO DECEMBER 31, 2023
(Assistant Planner Jake Whitney)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Process and Standards, 2. 2. HBPD-ABC Report July 1 2023-December 31 2023, 3. 3. HBPD-ABC Report March 1 2023 to August 31 2023

Date	Ver.	Action By	Action	Result
3/19/2024	1	Planning Commission	approved	Pass

Honorable Chair and Members of the Hermosa Beach Planning Commission Regular Meeting March 19, 2024

TRI-ANNUAL REPORT FOR ON-SALE ALCOHOLIC BEVERAGE CONDITIONAL USE PERMITS REPORTING PERIOD OF JULY 1, 2023 TO DECEMBER 31, 2023 (Assistant Planner Jake Whitney)

Recommended Action:

Staff recommends Planning Commission conduct a public hearing on the tri-annual Conditional Use Permit report.

Executive Summary:

The tri-annual report presents the findings of the administrative review process in which the activities of establishments that have a Conditional Use Permit (CUP) and on-sale alcoholic beverage licenses are reviewed against an established set of criterion (**Attachment 1**). This report covers the period from July 1, 2023 to December 31, 2023. Based on the data collected during this reporting period, no establishments have reached the threshold for referral to initiate a Planning Commission review of a CUP.

Background:

The tri-annual report is presented to the Planning Commission over the course of two meetings; the first meeting presents the report as an informational item, while the second meeting is conducted as

a public hearing. This report represents the public hearing portion of the report. The informational item was previously presented to the Planning Commission on February 20, 2024. If an establishment violates any criterion within the set of standards identified in **(Attachment 1)** by exceeding the defined number of incidents in any six-month period, it will be referred to the Planning Commission for review of its CUP. The review may lead to a modification or revocation hearing based on the frequency or number of incidents or violations.

The tri-annual report provides data related to each criterion, from City departments and outside agencies involved in the review, including Code Enforcement, Hermosa Beach Police Department, LA County Fire Prevention, and California Department of Alcoholic Beverage Control (ABC). The data provided in the report does not change between the two meetings presenting the data as an informational item, and a public hearing. The two-step Planning Commission review was established in 2017, and in March 2019, the City Council approved Planning Commission recommended changes to the process, which included that the review be conducted three times per year.

This is the first report in 2024 and covers the six (6)-month reporting period of July 1, 2023 to December 31, 2023. In addition to current reporting data from each respective department and/or Agency (July 1, 2023 to December 31, 2023), the previous reporting period data (March 1, 2023 to August 31, 2023) is attached for review.

Upon request, all relevant establishments can produce prepared food-to-alcohol ratio reports for the time referenced above. The next report will be presented in June 2024 and will cover the period between November 1, 2023 to April 30, 2024.

Discussion:

HBPD and ABC

As part of each triannual review, the Hermosa Beach Police Department is consulted for any calls for service or reports at establishments with a Conditional Use Permit for alcohol sales. During the current reporting period of July 1, 2023 through December 31, 2023, the Hermosa Beach Police Department reported seven (7) police reports and seven (7) calls for service related to establishments with CUPS for alcohol sales. Of the seven (7) reports only two were characterized by HBPD as CUP violations; however, they were evaluated during the last triannual review in October 2023. For additional details on the Police reporting data and protocols please refer to **Attachments 2 and 3**. There were no police reports warranting a CUP review during this review period.

LA County Fire

The Los Angeles County Fire Department (LACFD) provides information about paramedic records which may be used to assist in the investigative analysis of responsible alcohol-serving practices at on-sale beverage serving establishments. LACFD reported a total of 68 calls for ambulance service that were attributed to alcohol during this review period. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules prevent LACFD from identifying the reported incidents with a specific address. Therefore, the data is not capable of providing any meaningful information on the alcohol-serving practices of specific establishments. LACFD is also responsible for inspecting the various establishments in the City for fire prevention measures which are conducted after the

Summer season. Although this data is site-specific, it relates to the facility inspected and does not correlate with alcohol service.

Code Enforcement

Code Enforcement routinely checks on-sale establishments for Conditional Use Permit compliance. Violations that are both a Municipal Code violation and a CUP violation are only counted once. Although many other businesses received warnings, the Department's policy is to request compliance before issuing a citation fine.

The following list identifies the observed violations at on-sale establishments with CUPs; 10 of which were violations of a CUP condition.

- On July 18, 2023, Code Enforcement issued Decadence (1332 Hermosa Avenue #1) an Administrative Citation for a noise violation.
- On August 28, 2023, Code Enforcement issued Pedone's Pizza (1332 Hermosa Avenue) an Administrative Citation for violations of their CUP conditions relating to hours of operation and a separate noise violation. ABC issued a citation for selling alcohol after the allowed hours.
- On September 7, 2023, Code Enforcement issued Pedone's Pizza (1332 Hermosa Avenue) a second Administrative Citation for violations of their CUP conditions relating to hours of operation. The Planning Commission and City Council conducted CUP reviews and approved modifications to the CUP.
- On September 13, 2023, Code Enforcement issued Tower 12 (53 Pier Ave) an Administrative Citation for 2 violations of their CUP conditions relating to noise violations. The citation was appealed, and an administrative appeal hearing was held that overturned one violation but upheld the second violation.
- On September 13th, 2023, Code Enforcement issued American Junkie (68 Pier Ave) an Administrative Citation for 2 violations of their CUP conditions relating to noise violations. The citation has been appealed.
- On September 13th, 2023, Code Enforcement issued Lighthouse Cafe (30 Pier Ave) an Administrative Citation for 2 violations of their CUP conditions relating to noise violations. The citation has been appealed.
- On September 13th, 2023, Code Enforcement issued Hennessey's Tavern (8 Pier Ave) an Administrative Citation for 2 violations of their CUP conditions relating to noise violations.
- On September 20th, 2023, Code Enforcement issued Baja Sharkeez (52 Pier Ave) an Administrative Citation for a noise violation. The violation was overturned in an administrative appeal hearing.

Process Criteria Statistics for On-Sale Alcoholic Beverage Conditional Use Permit Businesses

(July 1, 2023 to December 31, 2023)

Criteria	Summary of All Businesses
Violation of Operating Hours	2
Overcrowding Citation	0
Serious Crime on Premises indicative of Lack of Adequate Security	0
Criminal Citation of Staff while Working/on Premises	0
Noise Violation	11
Outdoor Encroachment Permit Violation	0
Building Code Violation (incl. remodeling without permit)	0
Health Department Violation	0
Sign Ordinance Violation	0
NPDES Violation	0
Violation of any CUP Condition*	10

*Most but not all Code violations are also CUP violations but shall only count as one violation

Public Notification:

For the March 19, 2024 Planning Commission hearing, a legal ad was published on March 7, 2024 in the Easy Reader, a newspaper of general circulation.

Conclusion:

Based on the data collected during this reporting period from all relevant departments and agencies, no establishments have reached the threshold for referral to initiate a Planning Commission review of a CUP.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Public Safety Element

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

Policies:

- **5.1 Crime deterrence.** Regularly evaluate the incidence of crime and identify and implement measures to deter crime.
- **5.2 High level of response.** Achieve optimal utilization of allocated public safety resources and provide desired levels of response, staffing, and protection within the community.
- **5.3 Use of technology.** Provide and use smart surveillance technology and communication systems to improve crime prevention and inform the community regarding actions to take in case of emergency.
- **5.4 Physical design standards.** Reduce opportunities for criminal activity through physical

design standards and Crime Prevention through Environmental Design principles.

- **5.8 Nuisance abatement.** Encourage Police Department review of uses that 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.

Governance Element

Goal 2. The community is active and engaged in decision-making processes.

Policies:

- **2.6 Responsive to community needs.** Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Attachments:

1. Process and Standards
2. HBPD/ABC Report July 1, 2023 to December 31, 2023
3. HBPD/ABC Report March 1, 2023 to August 31, 2023

Respectfully Submitted by: Jake Whitney, Assistant Planner

Concur: Alexis Oropeza, Planning Manager

Approved: Carrie Tai, Community Development Director