



Staff Report

File #: REPORT 18-0627, Version: 1

Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of October 16, 2018, 2018

RECEIVE TRI-ANNUAL REPORT FOR ON-SALE ALCOHOLIC BEVERAGE CONDITIONAL USE PERMITS

Recommended Action:

Receive the tri-annual report for informational purposes in preparation for the review to be held November 20, to determine if any late night establishment has met the threshold for a CUP Review Hearing.

This tri-annual review covers the period from March 1 to August 31, 2018. Based on the information in the report, no establishment has reached the "Standard Initiating Planning Commission Review."

Background:

Since 2014 the tri-annual reviews of on-sale alcoholic beverage establishments includes the two-step process of providing an informational report before scheduling a hearing. The Process and Standards, updated in 2017, is Attachment 1.

Recent changes to the process and reporting for this review, recommended by the Planning Commission, were approved by the City Council in September 2017, and include reporting and conducting the review three times a year. This is the third report in 2018 and covers the prior 6 months. The next report will be presented in February and will cover the period between July and December. The establishments required to prepare food to alcohol ratio reports for the first half of 2018 are included in this report.

Analysis:

Police Reports and ABC Activity:

The Police Report and ABC Activity are included as Attachment 2, with their current data sheet as Attachment 3 and officer security checks as Attachment 4. The report indicates that three establishments; HBYC, Hermosa Pub, and Serve on 2nd, were issued citations for serving to minors. Details are in the report.

Occupant Load:

The threshold to trigger review is one (1). Code Enforcement routinely checks on-sale establishments and did not report occupant load violations during the review period. We are working with the Los Angeles County Fire Department and include their business license inspection report as Attachment 5. It indicates 627 businesses were inspected, of which 3 were late night establishments. No violations were reported.

The presence of Code Enforcement and HBPD efforts has resulted in few warnings being issued. Warnings typically are issued when a place of business appears to or has been counted and confirmed to be close to its posted occupant load.

Code Enforcement and Fire Prevention:

Statistical Data Relating to Business Checks of Alcohol Serving Establishments March 1 through August 31, 2017 is contained in Attachment 6, with the last reporting period report as Attachment 7.

Code Enforcement/Violation of CUP Conditions: Violations that are both a code violation and a CUP violation are only counted once. Code Enforcement issued three citations during this period. On June 24, Patrick Molloy's was issued 2 administrative citations for the CUP violation of excessively loud music. On June 29, Slater 50 50 was issued an administrative citation for the CUP violation of excessively loud music. While several other businesses received warnings, policy is to request compliance prior to issuing a Citation during a single shift. (Note: Within a week of the citations issued to Molloy's, two employees were fired as being responsible for the violations.)

Businesses required to submit food to alcohol sales ratio reports per conditions in their CUPs must continue to do so and failure to do so is counted as part of the CUP review. Waterman's, 22 Pier Avenue, and Día de Campo, 1238 Hermosa Avenue, are required to submit quarterly reports, which need not be audited. Standing Room, 1320 Hermosa Avenue, must submit quarterly reports audited by a CPA. All reports have been received.

Based on the "Procedure for Review of On-Sale Alcoholic Beverage Conditional Use Permit" no businesses have reached the "Standard Initiating P.C. Review" based on the "standards that would trigger a referral to the Planning Commission for a CUP review and potentially for a subsequent modification/revocation hearing."

Summary and Recommendations: The data relating to the Tri-Annual Review criteria is summarized below for specific businesses.

Process Criteria Statistics for All Businesses (March 1 - August 31, 2018)

Criteria	Summary of All Businesses
Violation of Operating Hours	0
ABC Violations (underage serving, violation of hours, etc.	3
Overcrowding Citation	0
Serious Crime on Premises indicative of Lack of Adequate Security	0*
Criminal Citation of Staff while Working/on Premises	0
Noise Citation	3
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**	6**

*There were twelve assault reports; however none were determined to be a result of Lack of Adequate Security.

** Most Code violations are also CUP violations and are not counted twice.

Attachments:

1. Process and Standards, updated 2017
2. Police/ABC Report for this period
3. Police Statistics for this period
4. Police Officer Checks March - August, 2018
5. LACoFD Business License inspection report
6. Code Enforcement Data March 1, 2018 to August 31, 2018
7. Code Enforcement Data November 1, 2017 April, 2018
8. Supplemental

Respectfully Submitted by: Bob Rollins, Building Official
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