



Staff Report

File #: REPORT 19-0166, Version: 1

Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of March 19, 2019

Receive Tri-Annual report for on-sale alcoholic beverage Conditional Use Permits

Recommended Action:

Receive and file the report, noting that no establishments are recommended for further review.

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

Background:

Since 2017 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.

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 first report in 2019 and covers the prior 6 months. The next report will be presented in June and will cover the period between November and April. The establishments required to prepare food to alcohol ratio reports for the second 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 one establishment was determined to be in violation of their CUP, this case is still pending and details are not included.

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.

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:

We are working with the Los Angeles County Fire Department and include their business license inspection report for all of 2018 as Attachment 5. It indicates approximately 980 businesses were inspected, of which 25 were late night establishments. No violations were reported.

Statistical Data Relating to Business Checks of Alcohol Serving Establishments August 1 through December 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 no citations during this reporting period. Although several businesses received warnings, policy is to request compliance prior to issuing a Citation during a single shift.

Businesses required to submit food to alcohol sales ratio reports per conditions in their CUPs must continue to do so; 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."

General Plan Consistency:

Evaluation of the City's enforcement and police responses to achieve safety goals is consistent with Goal 5 of the Public Safety Element: *High Quality police and fire protection services provided to residents and visitors* and the following policies under Goal 5:

- Public Safety 5.1 Crime deterrence. Regularly evaluate the incidence of crime and identify and implement measures to deter crime.
- Public Safety 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.

- Public Safety 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.
- Public Safety 5.4 Physical design standards. Reduce opportunities for criminal activity through physical design standards and Crime Prevention through Environmental Design principles.
- Public Safety 5.8 Nuisance abatement. Encourage Police Department review of uses which 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.

Additionally, Goal 2 of the Governance Element speaks to the importance of having the community, including business partners, be active and engaged in the decision-making process. Staff has found that collaboration with the Pier Plaza establishments to address safety concerns and improve access, lighting, and other aesthetics on the Plaza to be an effective partnership.

Summary and Recommendations: The data relating to the Semi-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.	0
Overcrowding Citation	0
Serious Crime on Premises indicative of Lack of Adequate Security	1*
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**	1**

*There were nine assault reports; however only one was determined to be a result of Lack of Adequate Security, and the case is pending.

**** 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 for this period
5. LACoFD Business License inspection report
6. Code Enforcement Data for this period
7. Code Enforcement Data for last period

Respectfully Submitted by: Bob Rollins, Building/Code Enforcement Official

Approved: Ken Robertson, Community Development Director