



Staff Report

File #: REPORT 21-0368, Version: 1

Honorable Chair and Members of the Hermosa Beach Planning Commission

Regular Meeting of June 15, 2021

Receive Tri-Annual Report for On-Sale Alcoholic Beverage Conditional Use Permits

Recommended Action:

Receive and file the report for informational purposes.

This report covers the period from November 1, 2020 to April 30, 2021. Based on the information in the report, one establishment, The Deck at 1272 The Strand, has reached the "Standard Initiating Planning Commission Review." Details of these violations are below.

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 2019, is Attachment 1.

Changes to the process and reporting for this review, recommended by the Planning Commission, were approved by the City Council in March 2019, and include reporting and conducting the review three times a year. This is the second report in 2021 and covers the prior 6 months.

The establishments required to prepare food to alcohol ratio reports for the first half of 2021 will be required to do so in the report that includes that time period. The next report will be presented in October 2021 and will cover the period between March 1, 2021 and August 30, 2021.

Analysis:

Police Reports and ABC Activity:

The Police Report and ABC Activity are included as Attachment 2, with the last period report as Attachment 3. The current data sheet is Attachment 4 and officer security checks is Attachment 5. The Police Report includes a thorough summary of approach to reporting incidents, and their review and statistics related to each location. The DUI Report is Attachment 6.

For the reporting period of November 1 -2020 to April 30, 2021, the Police Department found one violation considered to be a violation for the purpose of this report with specific information about the

incident in the attached report

Any single incident may not rise to the level of a citation of the business if they can immediately correct the violation. However, repeated or egregious violations, over the course of several weeks or months should be used administratively and reported as CUP violations to gain and maintain compliance. These violations should also be considered in the context of the multiple changes presented by the COVID-19 pandemic.

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. Due to the Coronavirus pandemic, most establishments obtained permits for temporary outdoor dining areas during this reporting period.

Code Enforcement and Fire Prevention:

The Los Angeles County Fire Department resumed inspections on March 18, 2021. Station 100 has inspected 153 inspections of the 983 businesses. Attachment 7 provides an overview of the inspections conducted in 2020.

Code Enforcement/Violation of CUP Conditions:

Code Enforcement efforts have shifted in response to Covid-19. With the new temporary outdoor dining/retail display program, Code Enforcement has been tasked with processing and verifying these permits, as well as ensuring that the added seating does not exceed County guidelines regarding occupant loads.

Violations that are both a code violation and a CUP violation are only counted once. Although many other businesses received warnings, policy is to request compliance prior to issuing a Citation during a single shift. Code Enforcement considered the following as violations/incidents to highlight for this reporting period:

Code Enforcement issued four (4) citations during this reporting period:

On February 26, 2021 Code Enforcement issued an Administrative Citation to The Deck at 1272 The Strand, for violations of their CUP and the LA County Health Orders for not abiding by prohibited indoor capacity and social distancing protocols. Music was extremely loud; patrons were standing without masks and congregating in the open patio area after 10:00 p.m.

On March 12, 2021 Code Enforcement issued a Second Administrative Citation to The Deck at 1272 The Strand, for CUP violation Music was extremely loud and patrons were congregating in the open patio area after 10:00 p.m.

On March 19, 2021 Code Enforcement issued a Third Administrative Citation to The Deck at 1272

The Strand, for violations of their CUP and the LA County Health Orders for serving after 10:00 p.m. in the open patio area, not abiding by 25% indoor capacity and social distancing protocols.

On April 9, 2021 Code Enforcement issued an Administrative Citation to Agave Azul at 1320 Hermosa Avenue, for violations of their CUP and the LA County Health Orders for not abiding by 25% indoor capacity and social distancing protocols.

Los Angeles County Health Department

Code Enforcement has worked with the Health Department throughout the pandemic, learning how they apply the emergency orders and helping to educate residents and businesses as to how they apply to them. The Health Department reports the following citations for violations of the emergency orders issued to businesses that are addressed by this report:

January 9, 2021 Barnacles
January 16, 2021 Tower 12
January 16, 2021 Palmilla
January 16, 2021 Sharkeez
January 16, 2021 Playa Hermosa
January 16, 2021 Silvios

Based on the "Procedure for Review of On-Sale Alcoholic Beverage Conditional Use Permit" The Deck at 1272 The Strand is has met 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."

Code Enforcement Statistical Data Relating to Business Checks of Alcohol Serving Establishments July 1 - December 31, 2020 is contained in Attachment 8, with the last reporting period report as Attachment 9.

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 (November 1 –2020 to April 30, 2021)

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	0
Outdoor Encroachment Permit Violation	0
Building Code Violation (incl. remodeling without permit)	0
Health Department Violation	6*
Sign Ordinance Violation	0
NPDES Violation	0
Violation of any CUP Condition*	4

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

Attachments:

1. Process and Standards, updated 2019
2. Police/ABC Report for this period
3. Police/ABC Report for last period
4. Police Statistics for this period
5. Police Officer Checks for this period
6. Police DUI Report
7. LA County Fire Inspection Report
8. Code Enforcement Data for this period
9. Code Enforcement Data for last period

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