

January 21, 2010

Honorable Mayor and Members of  
the Hermosa Beach City Council

Regular Meeting of  
January 26, 2010

**COUNCILMEMBERS TUCKER AND FISHMAN REQUEST THAT THE CITY COUNCIL CONSIDER DIRECTING THE CITY MANAGER TO WITHDRAW A FEBRUARY 11, 2008 LETTER TO THE STATE ALCOHOLIC BEVERAGE COMMISSION (ABC) IN WHICH POLICE CHIEF SAVELLI RECOMMENDED THAT UPON TRANSFER OF THE ALCOHOL LICENSE, THE OPERATOR BE REQUIRED TO CLOSE THE RESTAURANT OPERATION LOCATED AT 39 PIER AVENUE (IL BOCCACCIO) AT 12:00 MIDNIGHT.**

**Recommendation:**

That the City Council review the subject request and provide any direction to staff on the request.

**Background:**

This matter first arose in early 2008, when the ABC solicited comments from the Police Chief regarding the transfer of the alcohol license for the above premises to a new owner. The Police Chief evaluated the request in the following context:

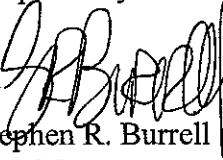
- The late night/early morning drinking crowd on Lower Pier Plaza had been the subject of much discussion and the source of substantial law enforcement response and several lawsuits filed against the City.
- In September 2005, the Planning Commission expressed significant concern about transfers of licenses to operators starting out as upscale restaurants only to end up operating as “sports bars” or “nightclubs”. This was during a hearing in which the owners of another Pier Plaza establishment had sought to extend hours from 12 midnight to 2:00 a.m. Asserting that restaurants do not need to stay open past midnight to be profitable, the commission voted to deny the request. On appeal, the City Council voted unanimously to uphold the Commission and restrict the business operating hours to midnight.
- The many discussions and deliberations about Lower Pier at both the Commission and the Council suggested a need to address the ABC’s determination that the City of Hermosa Beach has an overconcentration of licensed establishments operating past midnight.

Based on the foregoing and an analysis of the crime-related issues on Pier Plaza, Chief Savelli decided to recommend to the ABC that a condition be imposed on the license transfer for Il Boccaccio requiring a midnight restriction on their ABC license. At the

February 11, 2008 Council Meeting, during public comment, a resident asked the City Council to consider filing a protest to the license transfer of Il Boccaccio by the February 12 deadline for comments. The item was not listed on the agenda and was not available for Council action. Mayor Reviczky asked City staff (City Manager, City Attorney and the Police Chief) if the City would be writing a letter in response to the ABC. The Chief responded to the Council that he had been in communication with the applicants and the ABC regarding the transfer and would be filing an appropriate response. He subsequently submitted a letter to the ABC recommending the midnight restriction.

The issue raised now is whether or not conditions on Pier Plaza have changed since February 2008 to warrant withdrawal of that request. Il Boccaccio possesses a CUP issued by the City that would otherwise allow the restaurant to operate until 1:30 a.m. It should be noted that other establishments on Pier Plaza have also expressed interest in later hours as well.

Respectfully submitted,



Stephen R. Burrell  
City Manager

February 11, 2008

Cynthia Ibarra  
State of California  
Alcoholic Beverage Control  
Inglewood District Office  
1 Manchester Blvd. 6<sup>th</sup> floor  
Inglewood, CA 90306

FAX 310-673-4082

RE: 463116

Cynthia,

The City of Hermosa Beach Police Department is requesting to oppose the Il Boccaccio, 39 Pier Ave, license transfer, unless additional clarification of current conditions are made and the addition of new conditions. As we discussed via email and telephone, I have concerns about the future operation of the establishment. Under the current operator, the restaurant operates until 11 or 12 pm and closes. During this past summer the current operator hired a promoter to operate the facility as a bar after the restaurant business ended. The police had to address problems related to this method of operation, primarily related to the use of the patio. This involved the removal of the tables and chairs and service of alcoholic beverages beyond 10pm.

Under the current license, there are no hours defined, however the City CUP indicates a closing time of 1:30 am. As I mentioned, the business is not open beyond midnight and often closed by 11pm. Without modification, the new operator has indicated he will stay open later and I believe the additional open facility would be detrimental to the already over-burdened (over concentration) Pier Plaza.

As you know we currently have seven establishments open between midnight and 2AM on the Plaza alone. We have one licensed establishment that will reopen in the future (being rebuilt after a fire) and by allowing this operator to remain open beyond midnight would bring us to nine establishments. We have an additional six establishments open within a one block radius. It is my understanding it is the responsibility of the ABC to control the over-concentration of licensed establishments by applying conditions. We are requesting such conditions and clarity in the current conditions.

The City Council for Hermosa Beach recently denied a request from another licensed establishment requesting to stay open beyond midnight (regulated by their CUP) and it was denied. The approval of this license transfer without additional restrictions would be the equivalent of adding another late night establishment which is contrary to the desires of the Community and City Council.

I have attached an Excel Spreadsheet which demonstrates the police activity related to the licensed establishments. As you will note, the license in question has little activity as its current operator does not stay open later than midnight, nor does it operate as a bar. However, as I mentioned above, the new operator has publically stated his intent to utilize the license and stay open beyond midnight.

I welcome your thoughts and suggestions in this matter and I thank you for your time and consideration of this request.

Sincerely,

Gregory J. Savelli  
Chief of Police

Department of Alcoholic Beverage Control

State of California

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control  
 1 Manchester Blvd.  
 Sixth Floor  
 PO Box 6500  
 Inglewood, CA 90306

File Number: 463116  
 Receipt Number: 1647526  
 Geographical Code: 1924  
 Copies Mailed Date: January 14, 2008  
 Issued Date:

DISTRICT SERVING LOCATION: **INGLEWOOD**

First Owner: **IL BOCCACCIO INC**  
 Name of Business: **IL BOCCACCIO**  
 Location of Business: **39 PIER AVE  
 HERMOSA BEACH, CA 90254-3733**

County: **LOS ANGELES**

Is premise inside city limits? **Yes** Census Tract **6210.02**

Mailing Address: **703 PIER AVE  
 (If different from STE B-815  
 premises address) HERMOSA BEACH, CA 90254**

Type of license(s): **47**

Transferor's license/name: **301302 / VENEZIA CARLA** Dropping Partner: Yes  No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
47 ON-SALE GENERAL	PERSON TO PERSON TRANSF	PO	Y	0	01/14/08	\$1,250.00
47 ON-SALE GENERAL	ANNUAL FEE	PO	Y	0	01/14/08	\$495.00
Total						\$1,745.00

Have you ever been convicted of a felony? **No**  
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**  
 Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premise will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **LOS ANGELES** Date: **January 14, 2008**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Applicant Name(s) Applicant Signature(s)

**IL BOCCACCIO INC** See 211 Signature Page

*ABC 211A  
 ABC 211 Sig  
 227*

State of California  
**LICENSE TRANSFER REQUEST ("SIGN OFF")**

Department of Alcoholic Beverage Control

*This form is to be signed by transferors only.  
Read instructions before completing.  
All signatures must be notarized in accordance with laws of the State where signed.*

1. DISTRICT OFFICE <b>INGLEWOOD</b>		2. LICENSE NUMBER <b>301302</b>	
3. TRANSACTION TYPE <input type="checkbox"/> Exchange <input type="checkbox"/> Premise to Premise Transfer <input type="checkbox"/> Person to Person Transfer <input type="checkbox"/> Other			
4. LICENSEE'S NAME (Transferor/Seller) <b>Joe Venezia, Carla Venezia</b>		5. APPLICANT'S NAME (transferee/Buyer) <b>Il Boccaccio Inc</b>	
6. EXISTING PREMISES ADDRESS <b>39 Picr Hermosa Beach CA 90254</b>			
7. LICENSEE'S MAILING ADDRESS (Transferor/Seller) <b>1344 Palos Verdes Dr W. PV Estates, CA 90274</b>		8. LICENSEE'S PHONE NUMBER <b>(310) 374-4165</b>	
I hereby request surrender of my license under Section 24045.5(b) of the ABC Act so that a Temporary Permit may be issued to the transferee.			
9. SIGNATURE OF TRANSFEROR/SELLER FOR TEMPORARY PERMIT (only one signature required) <b>X</b>		DATE SIGNED	
10. RENEWAL DUE DATE <b>11-30-08</b>	11. SURRENDER DATE	12. TEMP. EFFECTIVE DATE	13. TEMP. EXPIRATION DATE

**TRANSFEROR'S CERTIFICATION**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is the licensee named in the foregoing transfer application, duly authorized to make this transfer application; (2) that he hereby makes application to surrender all interest in the license(s) described above and to transfer same to the applicant and/or location indicated on the upper portion of this form, if such transfer is approved by the Director; (3) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor of transferor or to defraud or injure any creditor of transferor; (4) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

**SOLE OWNER**

14. SOLE OWNER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED
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**PARTNERSHIP/LIMITED PARTNERSHIP (signatures of general partners only)**

15. PARTNER'S PRINTED NAME (Last, first, middle) <b>Venczia, Joseph</b>	SIGNATURE <b>X</b>	DATE SIGNED <b>01/09/08</b>
PARTNER'S PRINTED NAME (Last, first, middle) <b>Venezia, Carla</b>	SIGNATURE <b>X</b>	DATE SIGNED <b>01-08-08</b>
PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED

**CORPORATION**

16. CORPORATE OFFICER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED
TITLE <input type="checkbox"/> President <input type="checkbox"/> Vice President <input type="checkbox"/> Chairman of the Board		
CORPORATE OFFICER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED
TITLE <input type="checkbox"/> Secretary <input type="checkbox"/> Assistant Secretary <input type="checkbox"/> Chief Financial Officer <input type="checkbox"/> Assistant Treasurer		

**LIMITED LIABILITY COMPANY**

17. The limited liability company is member-run <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, complete item #18 below)		
18. NAME OF DESIGNATED LLC MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)		ABC INITIALS/DATE (ABC use only)
19. LLC MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED
LLC MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE <b>X</b>	DATE SIGNED

ABC-211-A (9/01)

**"SIGN OFF"**

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On Jan. 8, 2008 before me, Sue Lunsford - Notary Public

personally appeared Joseph Venezia and Carla Venezia



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sue Lunsford  
Signature of Notary Public

Place Notary Seal Above

### OPTIONAL

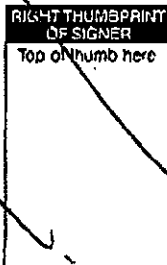
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

#### Description of Attached Document

Title or Type of Document: License Transfer Request  
Document Date: 1/8/08 Number of Pages: 1  
Signer(s) Other Than Named Above: N/A

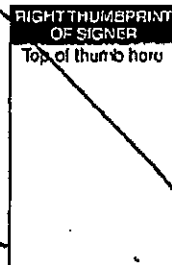
#### Capacity(ies) Claimed by Signer(s)

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

# State of California APPLICATION SIGNATURE SHEET ("SIGN ON")

Department of Alcoholic Beverage Control

- This form is to be used as the signature page for applications not signed in the District Office.
- **Read instructions on reverse before completing.**
- **All signatures must be notarized in accordance with laws of the State where signed.**

1. OWNERSHIP TYPE (Check one)

Sole Owner  Corporation

Partnership  Limited Liability Company

Husband & Wife  Other

Partnership-Ltd

2. FILE NUMBER (if any) **463116**

3. LICENSE TYPE **47**

4. TRANSACTION TYPE

Original  Person to Person Transfer

Exchange  Premise to Premise Transfer

Other

5. APPLICANT(S) NAME (Last, first, middle)  
**Il Boccaccio Inc**

6. APPLICANT'S MAILING ADDRESS (Street address/P.O. box, city, state, zip code)  
**703 Pier Ave Ste B-815 Hermosa Beach, CA 90254**

7. PREMISES ADDRESS (Street address, city, zip code)  
**39 Pier Ave - Hermosa Bch, CA 90254**

### APPLICANT'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He/She is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he/she has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to (a) satisfy the

payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department, (b) to gain or establish a preference to or for any creditor or transferor, or (c) to defraud or injure any creditor or transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

I understand that if I fail to qualify for the license or withdraw this application there will be a service charge of one-fourth of the license fee paid; up to \$100.

### SOLE OWNER

8. PRINTED NAME (Last, first, middle) \_\_\_\_\_ SIGNATURE **X** DATE SIGNED \_\_\_\_\_

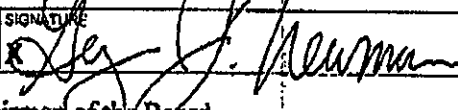
### PARTNERSHIP/LIMITED PARTNERSHIP (Signatures of general partners only)

9. PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE	DATE SIGNED
	<b>X</b>	
PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE	DATE SIGNED
	<b>X</b>	
PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE	DATE SIGNED
	<b>X</b>	

### CORPORATION

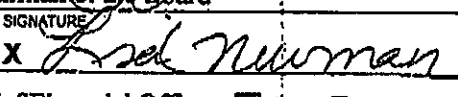
10. PRINTED NAME (Last, first, middle)  
**Newman Greg J**

TITLE  
 President  Vice President  Chairman of the Board

SIGNATURE  DATE SIGNED **1/14/08**

PRINTED NAME (Last, first, middle)  
**Newman Lisa C**

TITLE  
 Secretary  Asst. Secretary  Chief Financial Officer  Asst. Treasurer

SIGNATURE  DATE SIGNED **1/14/08**

### LIMITED LIABILITY COMPANY

11. The limited liability company is member-run  Yes  No (If no, complete Item #12 below)

12. NAME OF DESIGNATED MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle) \_\_\_\_\_ ABC INITIALS/DATE (ABC use only)

13. MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE	DATE SIGNED
	<b>X</b>	
MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE	DATE SIGNED
	<b>X</b>	

ABC-211-SIG (2/03) "SIGN ON"



Subject: The conditional protest of the transfer of the ABC license at Il Boccaccio 39 Pier Avenue Hermosa Beach.

One of the main reasons we purchased the building that includes Il Boccaccio restaurant was because the restaurant had a 1:30 am closing time on it's CUP and a liquor license with few conditions. We were planning on waiting a while to do a restaurant there, but when the tenants could no longer pay their rent, we figured we should get the ball rolling on our new project. In November of 2007 we purchased the lease from the owners of the restaurant and on January 3<sup>rd</sup> of 2008 posted the notice of person to person transfer of the liquor license. In a person to person transfer the only protest that is allowed is from the Chief of police and this can only be if there are problems in that specific premise or in the immediate vicinity.

Soon after at the next city council meeting Jim Lissner asked the Chief to protest the transfer which he did. When we asked why this was done we were told that the political atmosphere in the city was changing and that any opportunity the city had, such as a person to person liquor license transfer, would result in the city asking for midnight closing. We understood the position but at the same time did not agree there were grounds for this protest. We rejected the conditions and asked for a hearing with the ABC. Chief Savelli was consistent in the reasoning for the protest when he wrote in a letter dated March 25<sup>th</sup> 2008 to the ABC, which is attached as exhibit A, that "In keeping with the City of Hermosa Beach's stated intent to regulate any new uses or transfers of licenses, alcohol service should terminate at midnight."

We had purchased a building with vested property rights and a liquor license with minimal conditions and were now faced with having this pulled out from under us but at least the city was being consistent and we would have our day at hearing. Then a few months later we started to realize that other downtown bars and restaurants were being allowed to do person to person transfers of their liquor licenses with no protests from the city or Chief Savelli. Places like the Underground that is right next to two of the establishments that the city earmarked as being some of the most problematic. We also saw Boogaloo, Mermaid, Poopdeck and Pitcher House transfer with no amended conditions from the City of Hermosa Beach.

We were very troubled by the inconsistency and what seemed like selective enforcement. Then we thought maybe since the heat is off of the city a little and the downtown situation has quieted down they are easing their position and would remove their protest from our transfer. We decided to meet with the city and we discussed the situation. The new reason we were given for not wanting to remove the protest was because Il Boccaccio was a restaurant that was not normally open past midnight and even though they had the right to stay open until 1:30 am 7 nights a week they were not exercising this right.

Il Boccaccio actually was staying open until and sometimes even past their 1:30 am closing time for at least a year before we purchased the lease and posted the transfer notice; see exhibits B, C, and D from the city. We feel like we are being singled out and treated unfairly.

Thank you for taking this into consideration,  
Ron and Greg Newman.



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3885

March 25, 2008

Cynthia Ibarra  
State of California  
Alcoholic Beverage Control  
Inglewood District Office  
1 Manchester Blvd. 6<sup>th</sup> floor  
Inglewood, CA 90306

FAX 310-673-4082

RE: 464584

Cynthia,

The City of Hermosa Beach Police Department is requesting to oppose the 20 Pier Ave. license transfer, unless additional conditions are added. Some of the content of this request is a repeat of our request regarding 39 Pier Ave. as the location involves our Pier Plaza area.

This license does not currently contain timed service conditions. In keeping with the City of Hermosa Beach's stated intent to regulate any new uses or transfers of licenses, alcohol service should terminate at midnight. Under the current operator, the restaurant operates until 10pm. The City is asking to limit alcohol service to 12am/midnight.

As mentioned in my prior letter opposing the transfer of 39 Pier Ave, without modification, this new operator has also indicated he will stay open later and I believe the additional open facility would be detrimental to the already over-burdened (over concentration) Pier Plaza. This operator spoke at the March 25<sup>th</sup> City Council Meeting where he publicly stated they would like to operate until 3am to include alcohol service up to 2am.

As a reminder, we currently have seven establishments open between midnight and 2AM on the Plaza alone. We have one licensed establishment that will reopen in the future (being rebuilt after a fire) and by allowing this operator to remain open beyond midnight would bring us to nine establishments. If my previous request regarding 39 Pier is not approved by ABC (allowing Il Boccaccio a later than midnight closing), and this is not approved, our Plaza would have eleven open establishments serving alcohol beyond midnight.

RECEIVED

MAR 26 2008

Alcoholic Beverage Control  
Inglewood District Office

The City Council for Hermosa Beach recently denied a request from another licensed establishment requesting to stay open beyond midnight (regulated by their CUP) and it was denied. The approval of this license transfer without additional restrictions would be the equivalent of adding another late night establishment which is contrary to the desires of the Community and City Council.

I welcome your thoughts and suggestions in this matter and I thank you for your time and consideration of this request.

Sincerely,



Gregory J. Savelli  
Chief of Police

RECEIVED

MAR 26 2008

Alcoholic Beverage Control  
Inglewood District Office



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

October 30, 2006

Il Boccaccio Restaurant  
39 Pier Avenue  
Hermosa Beach, CA 90254

**SUBJECT: Conditional Use Permit for On-Sale General Alcohol in Conjunction with a Restaurant at 39 Pier Avenue (Resolution P.C. 93-67)**

Please be advised that the subject Conditional Permit for on-sale alcohol for the business was approved exclusively for a restaurant use. The C.U.P. was approved in 1993, to allow general alcohol in conjunction with an existing restaurant that had previously served beer and wine.

The conditions of approval of the resolution specifically state that the C.U.P. was issued exclusively for and as long as the premises remain a restaurant. Further, the C.U.P. was not approved for live entertainment. Condition No. 1 under Section I specifies the project shall be in conformance with the submitted plans which show restaurant seating, and no standing or dance floor area. Condition No. 7 under Section II also specifically states that any changes to the interior layout shall be subject to review and approval of the Planning Commission.

It has come to our attention that the restaurant has been operated with chairs and seating removed after 9:30 P.M. to accommodate patrons standing and party dancing which is clearly a violation of the C.U.P. since it is an alteration to the interior layout, and also constitutes a change from the approved restaurant operation of the business. The change to standing and dancing in the restaurant also affects the number of occupants in the building and may be an occupant load violation. In addition, the Finance Department reports that you currently do not have a business license to operate your business which is a violation of the Municipal Code.

We will inspect your business over the next two weeks to verify C.U.P. and code conformance. If the above noted conditions are still being violated the matter will be referred to the Planning Commission to consider a modification or revocation of the C.U.P. If you wish to alter the floor plan to add a dance floor and/or to increase the occupant load by changing the seating plan, it requires amendment to the C.U.P. and approval of a new occupant load by the Community Development and Fire Departments. In the meantime the business must be operated in compliance with the current C.U.P. and the Municipal Code.

Sincerely,

Sol Blumenfeld, Director  
Community Development Department

enclosure

P://il boccaccio

May 14, 2007

Mr. Joseph Venezia  
Il Boccaccio  
39 Pier Avenue  
Hermosa Beach, CA 90254

**Subject: Conditional Use Permit Violation at Il Boccaccio, 39 Pier Avenue Hermosa Beach, CA 90254.**

Dear Mr. Venezia:

The Community Development Department has received a report from the Hermosa Beach Police Department that you were issued a warning for staying open past the CUP mandated closing time of 1:30 a.m.

Furthermore, per the letter of October 30, 2006, then Community Development Director Sol Blumenfeld warned you not to change your seating arrangement and to ensure that you function as a restaurant, not a bar.

This is your second CUP violation notice. If a third violation occurs, we will recommend that the Planning Commission review your Conditional Use Permit. If I can be of any assistance, I can be reached at (310) 318-0235 at the Building Division Office from 7:00 a.m. until 6:00 p.m. Monday through Thursday.

Respectfully,

*Bob Rollins*

Bob Rollins  
Code Enforcement Officer

cc Ken Robertson, Community Development Director; City Prosecutor

August 21, 2007

#07-100

Mr. Joseph Venezia  
Il Boccaccio  
39 Pier Avenue  
Hermosa Beach, CA 90254

**Subject: Notice of Violation (Third Notice) of the Conditional Use Permit for On-Sale General Alcohol (P.C. Resolution 93-67) at Il Boccaccio, 39 Pier Avenue Hermosa Beach, CA 90254.**

Dear Mr. Venezia:

Per conversation on with Mr. Michael Neufeld at city hall on July 30, 2007, my letter of May 14, 2007, and former director Blumenfelds' letter of October 30, 2006, the Community Development Department has received continuing reports from the Hermosa Beach Police and Fire Departments that you have continued to change your seating arrangement and have been functioning as a bar/nightclub, not a restaurant, and staying open past the mandatory closing time of 1:30 a.m.

Condition number 1 under Section I specifies the project shall be in conformance with the submitted plans which show restaurant seating, not standing or dance floor area. Condition number 7 under Section II also specifically states that any change to the interior layout shall be subject to review and approval of the Planning Commission.

**This is your third CUP violation notice.** If any city department finds you in violation of any of your CUP provisions again, we will issue a citation for each time a violation occurs. Furthermore, we will immediately schedule a public hearing, pursuant to Section 17.70 of the Municipal Code, for the Planning Commission to consider revoking or modifying your Conditional Use Permit for revocation or modification. Please contact me if you wish to discuss this matter. I can be reached at (310) 318-0235 at the Building Division Office from 7:00 a.m. until 6:00 p.m. Monday through Thursday.

Respectfully,

*Bob Rollins*

Bob Rollins

Code Enforcement Officer

cc Ken Robertson, Acting Community Development Director;  
Greg Savelli, Chief, Hermosa Beach Police Department;  
Jerry Gomez, Chief, Hermosa Beach Fire Department  
Ron Newman, Building Owner