

Department of Alcoholic Beverage Control

# REPORT ON APPLICATION FOR LICENSE

1. PENDING NUMBER 47-463116	
2. DIVISION Southern Division	3. DISTRICT/BRANCH LB/LAKEWOOD
4. DATE 14-MAY-09	
5. APPLICANT NAME(S) IL BOCCACCIO INC	
6. MAILING ADDRESS (Street number and name, city, zip code) 703 PIER AVE STE B-815 HERMOSA BEACH, CA 90254	7. <input type="checkbox"/> Temp <input checked="" type="checkbox"/> Perm
8. DBA IL BOCCACCIO	9. CENSUS TRACT 6210.02 <i>C</i>
10. PREMISES ADDRESS (Street number and name, city, zip code) 39 PIER AVE HERMOSA BEACH, CA 90254-3733	11. GEOGRAPHICAL CODE 1924-03
12. LICENSES APPLIED FOR 47	13. TRANSACTION TYPE (if intercounty transfer, show transferor's name) PER TO PER
14. TEMPORARY PERMIT ISSUED <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Effective:	15. LICENSES ALREADY HELD None
16. EFFECTIVE DATE/ESTIMATED COMPLETION DATE ISSUANCE	17. COPIES MAILED DATE 14-JAN-2008
18. DATE PREMISES POSTED 1-23-08	19. 23885.5 DATE N/A
20. DATE PREMISES INSPECTED WAIVED	21. WHERE POSTED PER ABC 293
22. PUBLICATION DATE 1-24-08	23. PUBLISHER NAME EASY READER INC <i>ER</i>
24. TRANSFEROR NAME VENEZIA CARLA M, VENEZIA JOSEPH JAMES	25. TRANSFEROR LICENSE NUMBER 47-301302 Cond 7
26. TRANSFEROR ADDRESS (If Prem-to-Prem or Double Transfer) 39 PIER AVE HERMOSA BEACH, CA 90254-3733	
27. ALIEN VERIFICATION <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	28. DATE CLEARED N/A
29. FORM NUMBER/NOTATION N/A	30. LIMITED VERIFICATION DATE N/A RECEIVED
31. PENDING DISCIPLINARY ACTION AGAINST TRANSFEROR <i>NONE</i>	
32. TRANSFEROR'S LICENSE ORIGINALLY ISSUED DURING LAST 5 YEARS <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A If yes, date:	
33. MAIL LICENSE TO DISTRICT OFFICE No	34. HEARING TIME Southern Division N/A
35. FORMER LICENSEE AT THESE PREMISES VENEZIA CARLA M, VENEZIA JOSEPH JAMES	36. LICENSE NUMBER 47-301302 Cond 7
37. ATTACHMENTS <input checked="" type="checkbox"/> Conditions <input type="checkbox"/> ABC-256 <input checked="" type="checkbox"/> ABC-226 <input type="checkbox"/> ABC-231 <input checked="" type="checkbox"/> ABC-243 <input checked="" type="checkbox"/> ABC-253 <input checked="" type="checkbox"/> ABC-257 <input checked="" type="checkbox"/> Other <i>227</i>	
38. REMARKS CONDITIONS REGARDING PATIO ARE BEING CARRIED FORWARD. CONDITIONS REGARDING SECTION 23800(E) B&P ARE BEING ADDED. APPLICANTS REFUSED TO SIGN PETITION FOR CONDITIONAL LICENSE. LICENSING REP CYNTHIA IBARRA SIGNED THE PETITION FOR CONDITIONAL LICENSE FOR THE DEPARTMENT FOR RECOMMENDATION OF CONDITIONAL ISSUANCE. <i>RECEIVED</i> <i>MAY 19 2009</i>	
39. RECOMMENDATION COND APR 7	INVESTIGATOR/LICENSING REPRESENTATIVE <i>IBARRA</i>
COND APR 7	SUPERVISOR ROJLESF
RECOMMENDATION COND APR 7	DISTRICT ADMINISTRATOR CRAVENY
RECOMMENDATION COND APR 7	ASSISTANT DIRECTOR <i>IBARRA</i>
DATE 5-14-09	DATE 5/18/09
DATE 5/18/09	DATE 5/18/09
DATE 6/23/09	DATE 6/23/09
DIVISION REVIEW <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
SEE ATTACHED FOR REPORT: 1. MORAL CHARACTER 2. PREMISES 3. FINANCING	

*Cond 7/23302e Approval [Signature]*

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**Premises:**

The premises is currently open and operating as an Italian Restaurant. The premises is a two story, free standing building, measuring approximately 110' x 30' and is located on Pier Avenue in Hermosa Beach. Proposed hours of operation are 5:00 p.m. to 1:30 a.m., Monday through Friday, and 12:00 noon to 1:30 a.m., Saturday and Sunday.

**Licensed History:**

The premises has been licensed with a type "41" license since 1984 to present. The current licensees, Carla M. & Joseph James Venezia have been licensed at this location since 12/08/1994 with the following disciplinary action:

Reg#: 08069488  
Violation: 25658(a); Sales to a Minor Decoy.  
Date: 06/27/2008  
Disposition: 12/17/2008 10 Day Suspension/10 Days Stayed.

**Additional Information:**

On February 21, 2008, the Department received a letter from Hermosa Beach Police Department (HBPD) opposing the transfer of the license. The letter states "concerns about the future operation of the premises" as it relates to the intended hours of operation by the applicants. The letter also states that there are currently seven (7) establishments open between midnight and 2:00 a.m. in the immediate vicinity of the applied for premises, and "approval of this license transfer without additional restrictions would be equivalent of adding another late night establishment." In their letter, the HBPD would like to add conditions that would restrict the sales, service and consumption of alcoholic beverages until 12:00 midnight each day of the week." This condition would read as follows:

"Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. to 12:00 midnight, each day of the week."

Additionally, HBPD Chief Savelli requested the addition of a condition which would restrict the gross sales of alcohol not to exceed the gross sales of food. The condition would read as follows:

"The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand."

He stated he would like this condition added to make sure the restaurant will continue to operate as a restaurant and not turn into a night club.

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On February 25, 2008, the Department accepted the Hermosa Beach Police Department's letter as a protest of the application under Section 23800(e) of the Business and Professions Code; whereas the Department may adopt conditions that are determined to be reasonable pursuant to the investigation or that are requested by the local governing body or its designee.

In their letter, HBPD, also attached a spread sheet breaking down all the calls for service for approximately 28 licensed establishments in the immediate vicinity of the applied for premises.

On July 24, 2008, Karemeon Waddell-Peterson, District Administrator, contacted the Chief of Police, Greg Savelli, Hermosa Beach Police Department, regarding a list of Calls for Service for Pier Avenue, Pier Plaza only.

On July 30, 2008, The Department received "Calls for Service" for Pier Plaza (Pier Avenue) from July 24, 2007 to July 24, 2008.

On September 19, 2008, I requested a more detailed report for all "Calls for Service" between the hours 12:00 midnight and 3:00 a.m.

On October 8, 2008, I received the individual print outs for the period of July 2007 thru July 2008 for the hours midnight to 3:00 a.m. See below for the statistics:

Total Calls for Service: 1214

Calls between 9:00 p.m. to 3:00 a.m. 708 58% of total calls

Calls between 9:00 p.m. to 12:00 midnight 309 25% of total calls

Calls between 12:00 midnight to 3:00 a.m. 399 33% of total call

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Below is a list of addresses used to obtain statistics:

<u>Address</u>	<u>Total Calls</u>	<u>9:00 p.m. - Midnight</u>	<u>Midnight - 3:00 a.m.</u>
01-blk Pier Plaza	19	6	2
Hennesseys-8 Pier Ave	63	12	22
Silvios-20 Pier Ave	4	0	0
Dragon-22 Pier Ave	36	55	49
Lighthouse-30 Pier Ave	107	38	52
Zeppys-36 Pier Ave	22	6	11
Patrick Malloys-50 Ave	159	52	66
Patrick Malloys-58 Pier Ave	1	0	0
Sharkeez-52 Pier Ave	18	4	5
Sangria-68 Pier Ave	111	38	58
Roberts Liquor-74 Pier Ave	75	17	27
Bank of America-90 Pier Ave	71	9	32
Mermaid-11 Pier Ave	55	13	15
Cantina Real-19 Pier Ave	15	2	4
Il Boccaccio-39 Pier Ave	3	0	2
Fat Face Fenners-53 Pier Ave	108	35	30
Morroccan Blue-59 Pier Ave	5	1	0
Spyder Surf-65 Pier Ave	21	1	1
Mediterranean Bar-73 Pier Ave	18	7	5
Citibank-81 Pier Ave	<u>204</u>	<u>13</u>	<u>18</u>
<b>Total</b>	<b>1,214</b>	<b>297</b>	<b>399</b>



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Below will show the distances from 39 Pier Avenue (Il Boccaccio) to all addresses a police report was generated:

<u>Address</u>	<u>Distance</u>
01-blk Pier Plaza	
Hennesseys-8 Pier Ave	142' SW
Silvios-20 Pier Ave	116' SW
Dragon-22 Pier Ave	86' SW
Lighthouse-30 Pier Ave	71' SW
Zeppys-36 Pier Ave	71' SW
Patrick Malloys-50 Ave	78' S
Patrick Malloys-58 Pier Ave	116' S
Sharkeez-52 Pier Ave	88' SE
Sangria-68 Pier Ave	140' SE
Roberts Liquor-74 Pier Ave	177' SE
Bank of America-90 Pier Ave	208' SE
Mermaid-11 Pier Ave	85' W
Cantina Real-19 Pier Ave	38' W
Fat Face Fenners-53 Pier Ave	57' E
Morroccan Blue-59 Pier Ave	57' E
Spyder Surf-65 Pier Ave	90' E
Mediterranean Bar-73 Pier Ave	149' E
Citibank-81 Pier Ave	312' E

After reviewing the calls for services from July 24, 2007 to July 24, 2008, from Hermosa Beach Police Department, many calls were for 415PC (Disturbances), 647PC(Drunks), Secchk, (Security Checks), SS (Subject Stops), Flag (Flag Downs).

I have prepared a map which will show all businesses on Pier Avenue. The highlighted areas are the businesses of which this Department received a list of "Calls for Service".

On July 30, 2008, conditions were prepared and forwarded to the applicant for signature. See below for list of added conditions:

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. to 12:00 midnight, each day of the week.
2. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

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On August 7, 2008, the department received a letter from Greg Newman, President/Director of Il Boccaccio, Inc., requesting a hearing for the denial of the person to person transfer due to the rejection of the above added conditions.

### CONCLUSION:

This is an application for a Person to Person transfer from Carla M. and Joseph James Venezia to Il Boccaccio, Inc., filed on January 14, 2008. The current owners will remain as 49% owners and Greg and Lisa Newman will be 51% owners of Il Boccaccio, Inc.

On February 21, 2008, a protest was received by the Hermosa Beach Police Department and accepted by the Department under Section 23800(e) of the Business and Professions Code. Hermosa Beach Police Department requested to add conditions that would restrict the sales, service and consumption of alcoholic beverages until 12:00 midnight, each day of the week and restrict the gross sales of alcohol not to exceed the gross sales of food.

The Hermosa Beach Police Department submitted a protest because of concerns that this particular area of Pier Avenue, also known as Pier Plaza is over burdened with licenses and Nine (9) out Fourteen (14) licensed premises remain open and operating until approximately 2:00 a.m., on weekends and 11:00 p.m., during the week. Most of the licensed premises are licensed with type "41" and "47" licenses which should be bona fide eating places under Section 23038 but operate as bar type licenses.

Hermosa Beach Police Department submitted copies of approximately 1,214 "calls for service" on Pier Plaza from July 07 to July 08. The Calls for Service included 415PC (Disturbances), 647PC (Drunks), Secchk, (Security Checks), SS (Subject Stops), Flag (Flag Downs).

Due to the Hermosa Beach Police Department's protest, the substantial evidence submitted to Department, and the refusal of the applicants to agree and sign the Petition for Conditional License to add the two additional conditions, I am recommending a conditional approval based on all the above.

### EXHIBITS:

1. Hermosa Beach Police Department Protest
2. Petition for Conditional License
3. Rejection of Additional Conditions letter from Greg Newman dated 8-4-08
4. Calls for Service Statistics from Hermosa Beach Police Department
5. Map of Pier Plaza