


**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**Date:** March 10, 2013

**To:** Honorable Mayor and Members of the City Council

**From:** Ken Robertson, Director 

**Subject:** Supplemental: Review and reconsideration of Planning Commission Resolution 12-22 Modifying a Conditional Use Permit for a Restaurant with On-Sale General Alcohol, Outdoor Dining and Live Entertainment requiring the establishment to close ay 12:00 Midnight and to cease Live Entertainment by 11:30 P.M., among other modifications, at 1238 Hermosa Avenue (Café Boogaloo)

This Supplemental provides the following information:

1. Police Report 13-414 for the incident of February 10, 2013 cited in the proposed resolution wherein the Police report indicates a young female subject was allowed inside Café Bogaloo without ID and another was allowed inside with a fake ID where the photo did not match the subject.
2. New Police Report #DR 13-679 dated March 10, 2013 (not referenced in staff report), 3:37 a.m. for public intoxication wherein the subject indicated she had consumed a substantial number of drinks and was allowed inside Café Boogaloo with a fake ID.
3. A corrected memo provided by the City's auditor of food and alcohol sales (revising the beginning of page 3).
4. Legal posting.

CONCUR:

  
\_\_\_\_\_  
Tom Bakaly  
City Manager

Attachments

1. Police Report 13-414, for incident of February 10, 2013
2. Police report #DR 13-679 dated March 10, 2013
3. Corrected Final Audit Assessment for Café Boogaloo, March 10, 2013 revising page 3.
4. Legal Posting

1 Supplemental 5a

## Hermosa Beach Police Dept

## CITED 1: CAMPOS

Involvement <b>CITED</b>	Invt No <b>1</b>	Type <b>Individual</b>	Name [REDACTED]			MNI <b>2322263</b>		
Race <b>WHITE</b>	LiveScan <b>OK</b>	Sex <b>FEMALE</b>	DOB <b>09/01/1992</b>	Age <b>20</b>	Ethnicity <b>HISPANIC ORIGIN</b>	Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>125#</b>
Hair Color <b>Brown</b>	Eye Color <b>GREEN</b>	PRN <b>2037749</b>						
Type <b>HOME</b>	Address [REDACTED]			City <b>REDONDO BEACH</b>	State <b>CALIFORNIA</b>			
ZIP Code <b>90278</b>	Date <b>02/10/2013</b>							
Type <b>STATE IDENTIFICATION NUMBER</b>	ID No <b>F1113756</b>			OLS <b>CALIFORNIA</b>				
Involvement <b>CITED</b>	Arrest Type <b>CITATION</b>	Arrest Date <b>02/10/2013</b>	Arrest Time <b>22:40:00</b>	Status <b>CITED</b>				
Arrest Location <b>1238 HERMOSA AV</b>				City <b>HERMOSA BCH</b>	Rep Dist <b>B106</b>	Beat <b>B6</b>		
Charge <b>148.9 (A) PC</b>	Level <b>M</b>	Charge Literal <b>FALSE IDENTIFICATION</b>						
Charge <b>14610VC</b>	Level <b>M</b>	Charge Literal <b>UNLAWFUL USE/ETC OF</b>						
<b>Property</b>								
Item <b>1</b>	Agency <b>Hermosa Beach Police Dept</b>		Report No <b>13-414</b>	Original Incident <b>13-414</b>	Original supplement <b>ORIG</b>	Prop Type <b>EVIDENCE</b>		
Invt Date <b>02/10/2013</b>	In Custody? <b>Yes</b>	Security <b>No</b>	Tag No <b>00004557</b>	Item No <b>1</b>	# Pieces <b>1</b>			
Description <b>CALIF. ID CARD #D8560297</b>					Typ <b>A</b>	Cat <b>Identification items</b>		
Article <b>Identification Card</b>	Brand <b>CALIF</b>	Entered Date <b>02/10/2013</b>	Entered Time <b>23:11</b>	Control <b>10143 0210132358</b>				

## Narrative

On 2-10-13 at 2223 hours, Ofc. Gaglia #157 and I (Sgt. Ramirez #143) were dispatched to 1238 Hermosa Ave. (Café Boogaloo ) regarding two under age females at the location. The RP received the information via Facebook and believes both females have fake ID's. One female was described as a FWA named [REDACTED], red/blond hair and the second female is a FWA named [REDACTED] dark hair. Both are described as short and thin built.

We arrived on scene at 2227 hours and began a walk through of the location for any underage subjects. I contacted several subjects and asked for their ID's. One female did not have any ID on her person yet managed to get inside the location with a door man stationed at the front door. This subjects name was [REDACTED] DOB 3-25-92. It was determined that she is visiting from Switzerland and staying at the Hostel (26 Pier Pz.). Stucki was FI'd and sent on her way.

I then re-entered the location and contacted another FWA and asked for her ID. I was presented with a California ID# D8560297. I noticed that the photo ID did not match the female that presented it to me. I asked her for her name and she gave the name [REDACTED] which is the name on the California ID card. She then explained that she is from Spain and she tans in the summer time and very white during winter. At that moment another FWA came over and said that she was friends with the female. I asked her if she was her friend to tell me her name and she replied "[REDACTED]". I then escorted [REDACTED] outside to my unit at which point she admitted that her name was [REDACTED] DOB 9-1-92.

[REDACTED] told me that the ID belongs to her best friend and that she was drinking alcohol earlier but not inside Café Boogaloo. [REDACTED] was issued a citation (H392660) for providing a false ID to a police officer (148.9 PC) and present/use an ID that does not belong to her (14610(a)(1) CVC). A photo of [REDACTED] was taken and uploaded to HBPD computer as well as audio recording of the contact. The false ID card was also logged into evidence under the same case number.

Sgt. J. Ramirez #143  
Hermosa Beach Police Department  
Community Lead

Report Officer <b>10143/RAMIREZ, JAIME</b>	Printed At <b>02/13/2013 10:20</b>	Page 2 of 2
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13-414

Supplement No  
ORIG

# Hermosa Beach Police Dept



Crime/Incident  
148.9APC

Reported Date  
02/10/2013

Officer  
RAMIREZ, JAIME

(310) 318-0360

## Administrative Information

Agency <b>Hermosa Beach Police Dept</b>	Report No <b>13-414</b>	Supplement No <b>ORIG</b>	Reported Date <b>02/10/2013</b>	Reported Time <b>22:23</b>	Status <b>REPORT</b>
Crime/Incident <b>FALSE ID TO SPECIFIC PO'S</b>	Location <b>1238 HERMOSA AV</b>				
City <b>HERMOSA BCH</b>	ZIP Code <b>90254</b>	Rep Dist <b>B106</b>	Area <b>B6</b>	Beat <b>B6</b>	From Date <b>02/10/2013</b>
Officer <b>10143/RAMIREZ, JAIME</b>			Assignment <b>PATROL OFFICER</b>	2nd Officer <b>GAGLIA, MICK</b>	
2nd Assignment <b>DETECTIVES</b>	Entered By <b>10143</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>10128</b>	Approval Date <b>02/11/2013</b>
Approval Time <b>14:44:25</b>					
# Offenses <b>2</b>	Offense <b>14610A1VC</b>	Description <b>UNLAWFUL USE/ETC:DRI</b>		Complaint Type	

## Person Summary

Invl <b>CIT</b>	Invl No <b>1</b>	Type <b>I</b>	Name <b>[REDACTED]</b>	MNI <b>2322263</b>	Race <b>W</b>	Sex <b>F</b>	DOB <b>09/01/1992</b>
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## Property Summary

Prop Type <b>EVD</b>	Description <b>Article: Identification items IDCARD CALIF CALIF. ID CARD #D8560297</b>
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## Summary Narrative

Under age female subject inside location with friends California ID card.

3

# Attachment 2

## HERMOSA BEACH POLICE DEPARTMENT INTOXICATION/DISTURBANCE ARREST REPORT

DR# 13-679

SUSPECT: \_\_\_\_\_ DATE/TIME: 3-10-13/0327 Hrs

LOCATION: (a Public Place) 10<sup>th</sup> Street and Hermosa Avenue

CHARGES:  415(1) P.C. Challenging to Fight  415(2) Loud Noise  415(3) P.C. Offensive Words  
 647(f) P.C. Public Intoxication  372 P.C. Public Urination  8.24.040 HBMC Noise Ordinance

OTHER: \_\_\_\_\_

WITNESS: \_\_\_\_\_ Address: \_\_\_\_\_ Tele: \_\_\_\_\_

WITNESS: \_\_\_\_\_ Address: \_\_\_\_\_ Tele: \_\_\_\_\_

DETAILS: On 3-10-13 at approximately 0327 hours, I (Smuts) responded to the area of 1325 Hermosa Avenue for a female who was found by Officers Dove and Lewitt. The female was found passed out on the side walk between the above stated address and 68 14th Street.

Officers Dove and Lewitt had observed a male subject, later identified as \_\_\_\_\_ attempting to climb over the back yard fence of 68 14th Street. (See DR# 678) When officers Dove and Lewitt were talking to \_\_\_\_\_, they noticed a female lying face down asleep. Upon my arrival, the female later identified as \_\_\_\_\_, was awake and talking to officers. I asked \_\_\_\_\_ where she was coming from. \_\_\_\_\_ said she did not know. I then asked \_\_\_\_\_ if she knew how she got to her present location. \_\_\_\_\_ stated that she did not know. I then asked \_\_\_\_\_ how much she had to drink tonight. \_\_\_\_\_ stated that she had "10." I asked \_\_\_\_\_ 10 of what. \_\_\_\_\_ stated Tequila. During my conversation with \_\_\_\_\_ I observed that her red panties were approximately 5 feet away from her on the ground. I then asked \_\_\_\_\_ if she was the victim of any sexual assault. \_\_\_\_\_ stated that she was not. I also asked \_\_\_\_\_ how she knew \_\_\_\_\_ stated that she was at Café Boogaloo with \_\_\_\_\_, and the two of them had also met each other last week. I asked \_\_\_\_\_ how she got into Café Boogaloo since she was only 18. \_\_\_\_\_ stated that she used a fake ID. During my conversation with \_\_\_\_\_ I observed that she displayed the objective symptoms of intoxication. She displayed slurred speech, bloodshot watery eyes, and had a strong odor of alcohol on her person. Based on these observations and the below listed symptoms, I placed \_\_\_\_\_ under arrest for 647 (f) PC public intoxication.

It should be noted that I recovered the fake Arizona ID and booked it into HBPD evidence locker #2

Is the Arrestee  Alert  Drowsy  Confused  YES  NO  
 Does the Arrestee have body tremors (Shakes)?  YES  NO  
 Does the Arrestee have diabetes?  YES  NO  
 Does the Arrestee have any injuries?  YES  NO  
 Does the Arrestee know the date/day?  YES  NO  Not asked  
 Does the Arrestee know where He/She is?  YES  NO  Not asked  
 Does the Arrestee have Horizontal Gaze Nystagmus?  YES  NO  Not applicable

ORIGINAL

BREATH	SPEECH	EYES	ATTITUDE	COORDINATION
<input checked="" type="checkbox"/> Strong	<input checked="" type="checkbox"/> Incoherent	<input checked="" type="checkbox"/> Bloodshot	<input checked="" type="checkbox"/> Belligerent	<input checked="" type="checkbox"/> Staggering
<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Slurred	<input checked="" type="checkbox"/> Watery/Glassy	<input type="checkbox"/> Combative	<input checked="" type="checkbox"/> Swaying
<input type="checkbox"/> Slight	<input checked="" type="checkbox"/> Mumbled	<input checked="" type="checkbox"/> Droopy/Sleepy	<input type="checkbox"/> Argumentative	<input checked="" type="checkbox"/> Poor Dexterity
<input type="checkbox"/> None	<input type="checkbox"/> Slow/Thick	<input checked="" type="checkbox"/> Dilated	<input checked="" type="checkbox"/> Excited	<input checked="" type="checkbox"/> Unsteady
<input type="checkbox"/>	<input checked="" type="checkbox"/> Loud	<input type="checkbox"/> Constricted	<input checked="" type="checkbox"/> Calm	<input type="checkbox"/> Fair
<input type="checkbox"/>	<input type="checkbox"/> No impairment	<input type="checkbox"/> Normal	<input checked="" type="checkbox"/> Uncooperative	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Confused	<input type="checkbox"/>

Based upon all the above, I formed the opinion that the above suspect was in a public place and intoxicated to the point that he/she was unable to care for his/her own safety or for the safety of others. I then arrested the suspect and he/she was transported to the Hermosa Beach Police Department and booked on the charges of:

415(1) P.C. Challenging to fight  647(f) P.C. Public Intoxication  
 415(2) Loud Noise  372 P.C. Public Urination  
 415(3) P.C. Offensive words  8.24.040 HBMC Noise Ordinance  
 Other: \_\_\_\_\_

OFFICER: Smuts SERIAL # 187 DATE: 3-10-13

WITNESS OFFICER(S): SAYLOR SERIAL # 164

WATCH COMMANDER APPROVAL: \_\_\_\_\_ DATE: 3-10-13

4

**HERMOSA BEACH POLICE DEPARTMENT  
INTOXICATION/DISTURBANCE ARREST REPORT**

**DR# 13-0674**

SUSPECT: \_\_\_\_\_ DATE/TIME: 03-10-13 // 0044 hrs

LOCATION: (a Public Place) 01 Pier Plaza

CHARGES:  415(1) P.C. Challenging to Fight  415(2) Loud Noise  415(3) P.C. Offensive Words  
 647(f) P.C. Public Intoxication  372 P.C. Public Urination  8.24.040 HBMC Noise Ordinance

OTHER: \_\_\_\_\_

WITNESS: \_\_\_\_\_ Address: \_\_\_\_\_ Tele: \_\_\_\_\_

WITNESS: \_\_\_\_\_ Address: \_\_\_\_\_ Tele: \_\_\_\_\_

**DETAILS:** On 03-10-13 at approximately 0307 hrs, I was radio dispatched to 20 Pier Plaza (Silvio's) to meet with the manager, \_\_\_\_\_, in regards to a suspicious person call. I arrived on scene and spoke to \_\_\_\_\_ who essentially told me the following: \_\_\_\_\_ said that he was upstairs at his business counting money when a female walked into his office. He asked her what she was doing there and she could not answer him. Realizing that the woman was intoxicated he attempted to escort her out of the business. \_\_\_\_\_ said that he put his hands on her to turn her around and she bit him "hard" on his right forearm. \_\_\_\_\_ said that the woman then ran out the office door. He described her as a FAA, 25, about 5'-4" tall. He called police believing she was still in the business somewhere.

I located a female matching the description in the 1200 block of Beach Drive. I contacted the FAA, who was later identified as \_\_\_\_\_, asked her if she was 'OK'? She was bent forward and had thrown-up. \_\_\_\_\_ was not wearing any shoes, did not have any identification, and could not answer simple questions. \_\_\_\_\_ was arrested and housed at HBPD for her protection.

Note: \_\_\_\_\_ did not want to prosecute. He also refused paramedics. He was advised to contact PD if things change.

Is the Arrestee  Alert  Drowsy  Confused  YES  NO  
 Does the Arrestee have body tremors (Shakes)?  YES  NO  
 Does the Arrestee have diabetes?  YES  NO  
 Does the Arrestee have any injuries?  YES  NO  
 Does the Arrestee know the date/day?  YES  NO  Not asked  
 Does the Arrestee know where He/She is?  YES  NO  Not asked  
 Does the Arrestee have Horizontal Gaze Nystagmus?  YES  NO  Not applicable

BREATH	SPEECH	EYES	ATTITUDE	COORDINATION
<input checked="" type="checkbox"/> Strong	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Bloodshot	<input type="checkbox"/> Belligerent	<input checked="" type="checkbox"/> Staggering
<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Slurred	<input checked="" type="checkbox"/> Watery/Glassy	<input type="checkbox"/> Combative	<input checked="" type="checkbox"/> Swaying
<input type="checkbox"/> Slight	<input checked="" type="checkbox"/> Mumbled	<input checked="" type="checkbox"/> Droopy/Sleepy	<input type="checkbox"/> Argumentative	<input type="checkbox"/> Poor Dexterity
<input type="checkbox"/> None	<input checked="" type="checkbox"/> Slow/Thick	<input type="checkbox"/> Dilated	<input type="checkbox"/> Excited	<input type="checkbox"/> Unsteady
<input type="checkbox"/>	<input type="checkbox"/> Loud	<input type="checkbox"/> Constricted	<input checked="" type="checkbox"/> Calm	<input type="checkbox"/> Fair
<input type="checkbox"/>	<input type="checkbox"/> No impairment	<input type="checkbox"/> Normal	<input type="checkbox"/> Uncooperative	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Based upon all the above, I formed the opinion that the above suspect was in a public place and intoxicated to the point that he/she was unable to care for his/her own safety or for the safety of others. I then arrested the suspect and he/she was transported to the Hermosa Beach Police Department and booked on the charges of:

415(1) P.C. Challenging to fight  647(f) P.C. Public Intoxication  
 415(2) Loud Noise  372 P.C. Public Urination  
 415(3) P.C. Offensive words  8.24.040 HBMC Noise Ordinance  
 Other:

OFFICER: Lewis SERIAL # 160 DATE: 03-10-13

WITNESS OFFICER(S): \_\_\_\_\_ SERIAL # \_\_\_\_\_

WATCH COMMANDER APPROVAL: [Signature] DATE: 3-10-13



## Culinary Dimensions

March 4, 2013

RECEIVED

MAR 11 2013

COMMUNITY DEV. DEPT.

Tom Bakaly, City Manager  
Viki Copeland, Finance Director  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254

Re: Final Audit Assessment Café Boogaloo/Alonso

The final assessment represents our best interpretation of the financial statements and any other information supplied by Café Boogaloo as of January 9, 2013.

Based upon the delivery of "Boogaloo Financials" attached to this audit, for the period from January 2010 up to and including October 2012 by Café Boogaloo and its representative for this audit, the ratios clearly indicate liquor sales (referred to in the financials as "bar sales") which were above 60% of the total revenues for this business for many of the months in 2011 and 2012.

The attached financial statement line items pertinent to this audit are highlighted in red.

For Café Boogaloo, the food to alcohol sales ratio requirement (HBMC Section 17.04.050) is as follows: On-sale general, a minimum of 50% of the total gross sales, computed monthly, shall result from the sale of prepared food.

In the first full year of operations provided in the "Boogaloo Financials" (full year 2010), liquor sales already exceeded food sales by an annualize ratio of 55% liquor sales to 45% food sales.



## Culinary Dimensions

In the second full year (2011) liquor sales exceeded food sales by an annualized ratio of 59% bar sales to 41% food sales.

In the partial year (2012), liquor sales have exceeded food sales by an annualized ratio of 61% bar sales to 39% food sales.

This trending indicates increased liquor sales as the business has matured. If the first year of operation is subtracted from the analysis of liquor sales and only 2011 and partial 2012 are considered, the liquor sales ratio is 60% of total sales for this business, and food sales represent 40%.

We also noticed the low food cost of goods sold percentages for this business (21.7%).

Average food cost percentages for restaurants with similar menu items would show a food cost percentage of as much as 10% higher if the majority of items sold were actual dinner entrees.

Further documentation to clarify the low food cost percentages for this business was requested prior to the end of 2012.

Gary Alonso, owner of Café Boogaloo, was unable at this time, to provide any explanation for this anomaly other than that expenses incurred for outside catering events were never accounted for in the bookkeeping of the business.

When a request was made to review the items sold history to ascertain food product mix to either support or challenge the food side of the business, we were informed that no records were being kept.



## Culinary Dimensions



Without documentation other than what is evident in the P & Ls, our belief is that in addition to the imbalance in food and liquor sales for this business, the food sales are driven by bar food as much as dining food.

This exacerbates the issue of the food/liquor ratios already in question.

Sincerely,

Albert da Costa



