

HERMOSA BEACH FIRE DEPT.
SANGRIA, 60/68 PIER AVENUE,
JUNE 07 - 08, 2008

DR #08-1694 CITATION # H 377137
HERMOSA BEACH, CA. 90254
2330 - 0058 HOURS

**OVERCROWDING / HAZARDOUS CONDITIONS
INVESTIGATION REPORT**

SUMMARY OF INCIDENT

On June 7, 2008, at 2330 hours, Hermosa Beach Police Officers Lobue, Garcia, and Investigator Powers responded to Sangria Restaurant for a Fire Code / Life Safety Inspection.

After an occupant load count established there were 153 persons on the Interior Covered Patio, it was determined that Sangria was 80% (68 persons), over the posted maximum allowable occupant load of 85 persons for that portion of the business. Citation number H 377137 was issued to Manager [REDACTED] [REDACTED] for violation of California Fire Code section 107.6-Overcrowding. Sangria was also over the total posted maximum allowable "overall" occupant load of 366 persons.

Sangria's last overcrowding citation, # H 377135, DR # 08-1019, was issued sixty days prior, April 6, 2008, for being over the posted allowable maximum in the Main Restaurant portion of the business.

DETAILS

In the course of conducting Fire Code / Life Safety Inspections, our attention was drawn to Sangria by the large amount of patrons (approximately 50-100 persons) waiting in line outside the business.

At approximately 2330 hours, upon arriving at the business, Officers Lobue, Garcia and I, contacted the doorman known to me as [REDACTED] and advised him of the nature of our inspection and requested a current occupant load count. [REDACTED] responded with, "Around 350" and later, repeated the same after I issued the citation to Herrera. We then advised [REDACTED] that we would be conducting a fire code inspection and entered the business.

Upon entering the interior Main Restaurant area of the business, Officers Lobue, Garcia and I, observed overcrowding conditions present. Our inspection began with a walk-through of all areas of Sangria and then we returned to the Interior Covered Patio area to conduct an occupant "count-out" to confirm the occupant load in that portion of the business.

INTERIOR OCCUPANT LOAD COUNT

Upon entering Sangria, I counted each room's occupant load, while Officers Lobue and Garcia provided security for me. Also, during these initial counts, Owner [REDACTED], [REDACTED], accompanied us during the inspection.

I began the occupant load counts in the Main Restaurant Area, which has a capacity of 138 persons. At the start of the count in this room, [REDACTED] stated, "I feel we're over, I think we're over by thirty-five to forty." At that point, [REDACTED] was not referring to any particular room, rather, making a general statement. I conducted the occupant load count in the Main Restaurant and determined the current occupant load count to be 131 persons, seven persons under the posted allowable maximum.

I then cleared my counter and we entered the Interior Covered Patio area of Sangria, which was obviously overcrowded. [REDACTED] then repeated, "I got a feeling, a gut feeling, we're over thirty to forty in here," referring to the room we were now in. I conducted an occupant load count of the Interior Covered Patio area, which has an approved maximum occupant load of 85 persons, but had a "posted" maximum of 52, at the time of our inspection. **I determined the occupant load count at the time of our inspection to be 129 persons, 44 - 77 persons over the allowable maximum,** dependant on what the correct occupant load sign should have read. I advised Santomieri that the Interior Covered Patio area was over capacity and that a clearing of the room must occur.

I continued counting the occupant load in the remainder of Sangria's south Banquet Building that has an approved maximum occupant load of 91 persons. I determined the occupant load in the Banquet Building to be 88 persons at the time of our inspection, three persons under the allowable maximum.

Based on the occupant load counts obtained on the initial inspection of Sangria, and the "posted" maximum allowable occupant load sign for the "Outside Dining," of 52 persons, which I took to mean the Outside Covered Patio since there was also a sign for the "Exterior Patio," posted, I ordered Santomieri to exit all patrons from the Interior Covered Patio for an occupant load count-out to verify the actual number at the time of our inspection, since they were over the posted "52" number."

This order, started a lengthy conversation and review of the posted occupant load signs above the main entrance between [REDACTED] and I. [REDACTED] stated that the occupant load in the Interior Covered Patio area had actually been raised from 52 to 85, but he did not know why the sign was not posted. I explained to [REDACTED] that even if he was correct and the allowable maximum for the Interior Covered Patio was actually 85, he was still over in that room. I told [REDACTED] that I would follow-up on the occupant load sign(s) discrepancy on Monday.

On Monday, June 9th, 2008, I reviewed Sangria's Building Department file with Code Enforcement Officer Bob Rollins. We determined that Sangria had in-fact been issued a new occupant load sign on January 22, 2004, with a maximum allowable load of 85 for the Interior Covered Patio. **Sangria neglected to post the new occupant load sign when issued in 2004.** I requested that Code Enforcement Officer Rollins correct the sign deficiencies and re-issue new signs by the weekend of June 13th, 2008.

HAZARD ABATEMENT ACTIONS

Upon completion of the initial occupant load counts in all rooms of Sangria, I ordered [REDACTED] to turn up the lights, stop all music and exit all patrons from the Interior Covered Patio area. Sergeant Jones, the on-duty Downtown Police Supervisor, was notified via radio of the pending evacuation of patrons from Sangria and he responded to our location to provide assistance.

At 0004 hours on June 8, 2008, the hazard abatement and evacuation of patrons began. Officer Garcia and I, positioned ourselves at opposite ends of the open patio doors between the Interior Covered Patio and Exterior Patio to count exiting patrons. Officer Lobue, supervised the evacuation of patrons inside the room. Officer Garcia and I, used mechanical clickers to conduct the count of exiting patrons. Owner [REDACTED] intermittently stood with me while I counted and participated in the evacuation of the patrons. During the time we were counting patrons out, **I observed [REDACTED] having several conversations with a Caucasian male, dressed in short pants and a blue and white flowered Aloha shirt. [REDACTED] later identified this individual to me as, [REDACTED] one of the co-owners of Sangria.**

The hazard abatement and exiting of patrons from the Interior Covered Patio took an inordinate amount of time to complete due to patrons refusing to exit (including owners of Sangria remaining seated) and Sangria staff allowing patrons to close-out tabs. In all, the evacuation took thirty minutes.

At the conclusion of the occupant load count, Officer Garcia and I compared occupant load counts that had been obtained. I observed Officer Garcia's clicker to read 153 and my read 241. The difference in totals, is due to the fact I neglected to clear my counter after being distracted by patrons and owners prior to starting the count out. The last room I counted, the Banquet Building (88 persons), remained on the clicker prior to counting patrons out. Taking that into consideration, deducting 88 persons from the last room I counted before exiting patrons from the Interior Covered Patio, my count for the room evacuated was 153, the same as Officer Garcia's.

Based on occupant load counts at the time of our inspection, Officers Lobue, Garcia and I, determined the Interior Covered Patio area occupant load to be 153 persons, 68 persons (80%) over the maximum allowable occupant load of 85 persons. Officers Lobue, Garcia and I, then exited Sangria for issuance of an overcrowding citation to the responsible person, [REDACTED]

OWNER INTERVIEW

Owner [REDACTED] was relocated and responded to my location, I interviewed him regarding who the responsible person was for the overcrowding present in the Interior Covered Patio.

When I asked [REDACTED] who was responsible for the overcrowding, he said, "I bet it was [REDACTED]" [REDACTED] followed-up with, "I know what the problem is, too much square footage!"

At that point, there was more discussion about the correct occupant load signs versus what was posted at the time of our inspection. Santomieri stated, "At eighty-five, I feel we're over forty plus, you know Darryl if I was here the whole time, I would have been on it! With four guys, they couldn't stay on it." [REDACTED] continued, "When I work, I don't get tickets, the last time, I wasn't here either, I went home for a little bit. There's a manager here, [REDACTED] my partner and the door guys."

In the process of waiting for the on-duty manager to respond to my location, [REDACTED] said, "Bit by bit, he [REDACTED] is starting to leak out the truth that he let a bunch of friends from Manhattan Beach in here and a bunch of people from the AVP. I understand we're one of the sponsors of AVP... your late, you have to tell them no!"

I then asked [REDACTED] who was responsible for the overcrowding on this night, because I didn't want to go through what I went through last time when nobody would except responsibility for the overcrowding. [REDACTED] responded, "Your not going to."

[REDACTED] then asked, "Is there anyway you can give me a warning?" Police Sergeant Jones and I both, told [REDACTED] that there are no longer "warnings" for overcrowding. At that time [REDACTED] said, "Well here's the thing, I already have one (citation) that I feel that I was at home for, and here's another one I was at home for."

I then ordered [REDACTED] to get together with his partner [REDACTED] who was standing outside Sangria, and decide which one of them would receive the citation. [REDACTED] then went to talk to [REDACTED] they both walked into Sangria and that was the last I saw [REDACTED]

Shortly thereafter, [REDACTED] returned to my location outside Sangria with the Manager [REDACTED] and stated, "I don't know where [REDACTED] went, not shocking, but [REDACTED] is the Manager on-duty, I apologize." I requested that [REDACTED] produce identification for issuance of the citation, at which time she left to retrieve it from inside Sangria.

While we were waiting for [REDACTED] to return, I commented to [REDACTED] that I was not aware that [REDACTED] was one of the owners of Sangria. [REDACTED] responded, "[REDACTED] is a Fireman, a Lifeguard, so he is under the auspice of the LA County Fire Department, so I think if he gets one (citation), he could possibly get fired, I don't know if that is true or not, so he tries to avoid it."

I once again, I asked [REDACTED] where [REDACTED] was, with the intention of writing him the overcrowding citation since he was present and responsible for the overcrowding as the owner present at the time of the life safety hazard. [REDACTED] told me, "He's not actually here anymore, but like, on these big holidays, he comes down, he's friends with the Miestral's (Body Glove Owners) of Manhattan Beach, and he wants to get his friends in and he ticks-off the door guys. He says, "We're fine, everyone can move, everything's great, can I bring my friends in? The door guys said no, [REDACTED] says no!"

When [REDACTED] returned to my location with her identification, she asked, "Does the citation go on my personal record? I told [REDACTED] it depended on how the court proceedings went and whether or not the owners ultimately take responsibility for the overcrowding. [REDACTED] then interjected, "I'm going to lean on [REDACTED] to take it (citation) back from you [REDACTED]"

I issued citation # H 377137 to Manager [REDACTED] for misdemeanor overcrowding / allowing and creating hazard. All officers secured from Sangria at 0058 hours, on June 8, 2008.

VIOLATIONS OBSERVED

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.6
PERMITTING OVERCROWDING

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.5
CREATING AND ALLOWING HAZARDOUS CONDITIONS – OWNER
RESPONSIBLE

PRIOR CITATIONS AND WARNINGS

A review of Sangria's Fire Prevention File maintained at the Hermosa Beach Fire Department revealed that three prior citations have been issued for overcrowding and eight Fire Prevention Violation notices issued for not maintaining exits to Fire / Building Codes.

DATE: 04/05/08
DR#: 08-1019
COUNT: 201 (138 ALLOWED)-63 PERSONS OVER
CITING
OFFICER: INVESTIGATOR D. POWERS
DEFENDANT: [REDACTED]
DISPOSITION: CASE PENDING

DATE: 09/25/99
CR#: 99-2911
COUNT: 322 (260 ALLOWED)-62 PERSONS OVER
CITING
OFFICER: ENGINEER S. OSEKOWSKY
DEFENDANT: [REDACTED]
DISPOSITION: DISMISSED-NO FINES-NO PROBATION

DATE: 08/20/99
CR#: 99-2544 / AR # 99-63295
COUNT: 252 (208 ALLOWED)-44 PERSONS OVER
CITING
OFFICER: FIRE CAPTAIN E. CHESSON
DEFENDANT: [REDACTED]
DISPOSITION: UNKNOWN

In addition to the above listed citations, Officers Sellan, Kansaku (prior P.D. partners) and I, had repeatedly warned [REDACTED] about overcrowding conditions and fire code violations, during previous inspections over the last six months.

ATTACHMENTS

1. Maximum Allowable Occupant Load Signs-Posted at time of inspection- (5 Each)
2. Maximum Allowable Occupant Load Sign- Covered Patio- (1 Each – Room Cited) – Sign that should have been posted at time of inspection
3. Photograph – Interior Covered Patio Overcrowding - (1 Each)
4. Photograph Thumbnails- Interior Covered Patio- (4 Each)
5. Citation # H 377137 - (1 Each Copy)

EVIDENCE

1. Audio C.D. – Tag # 8793
2. Photograph C.D. – Tag # 8794

DISPOSITION

This case is being submitted to the Hermosa Beach City Prosecutors' Office for prosecution of the previously stated misdemeanor violations of the 2007 California Fire Code, California Code of Regulations, Title 24, Part 9 and restitution for Fire and Police Department investigative and personnel costs, associated with the overcrowding hazard abatement.

Additionally, I am requesting that the same misdemeanor charges be filed against all Sangria Owners, specifically [REDACTED], who was present during the overcrowding / hazardous life safety conditions and clearly was responsible for allowing the hazard to exist without any effort to abate the hazard.

**D. POWERS, ID # 185
INVESTIGATOR
HERMOSA BEACH FIRE DEPARTMENT**

CC: Hermosa Beach Interim Fire Chief S. Parker

MAXIMUM OCCUPANCY LOAD 366



SANGRIA
60/68 Pier Avenue

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

OCCUPANT LOAD APPROVED

JANUARY 22, 2004


Fire Dept. 
Comm. Dev. Dept.



**MAXIMUM
OCCUPANCY
LOAD - 138
MAIN RESTAURANT**

**SANGRIA
60/68 Pier Avenue**

HERMOSA BEACH FIRE DEPARTMENT

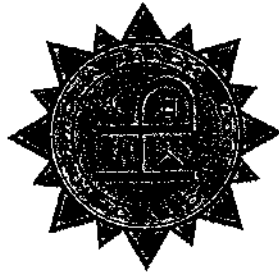
COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT
OCCUPANT LOAD APPROVED

JANUARY 22, 2004

[Signature]
Fire Dept.

[Signature]
Comm. Dev. Dept.



MAXIMUM OCCUPANT LOAD

Outside Dining 52

Established by the City of Hermosa Beach in accordance with the Uniform Building Code and Outdoor Dining Design and Operational Standards for Pier Plaza, to be in force as of January 1, 2008.

SANGRIA

68 PIER AVENUE

FIRE DEPARTMENT

JANUARY 16, 2008

COMMUNITY DEVELOPMENT

POST IN CONSPICUOUS PLACE

PUBLIC WORKS



**MAXIMUM
OCCUPANCY
LOAD - 52
EXTERIOR PATIO**



**SANGRIA
60/68 Pier Avenue**

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT
OCCUPANT LOAD APPROVED

JANUARY 22, 2004


Fire Dept.

Comm. Dev. Dept.



**MAXIMUM
OCCUPANCY
LOAD - 91
BANQUET BUILDING**

**SANGRIA
60/68 Pier Avenue**

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

OCCUPANT LOAD APPROVED

JANUARY 22, 2004

[Signature]
Fire Dept.

[Signature]
Comm. Dev. Dept.

MAXIMUM OCCUPANCY LOAD - 85



COVERED EXTERIOR PATIO

SANGRIA
60/68 Pier Avenue

HERMOSA BEACH FIRE DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

POST IN CONSPICUOUS PLACE NEAR MAIN EXIT

JANUARY 22, 2004

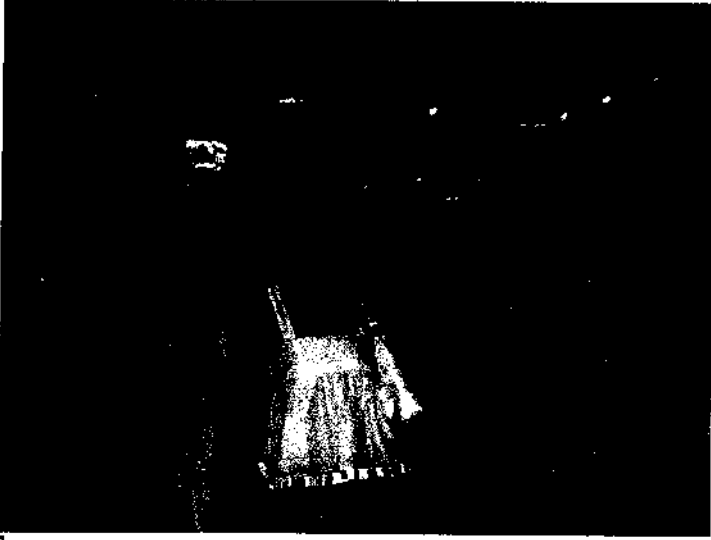
OCCUPANT LOAD APPROVED


Fire Dept.

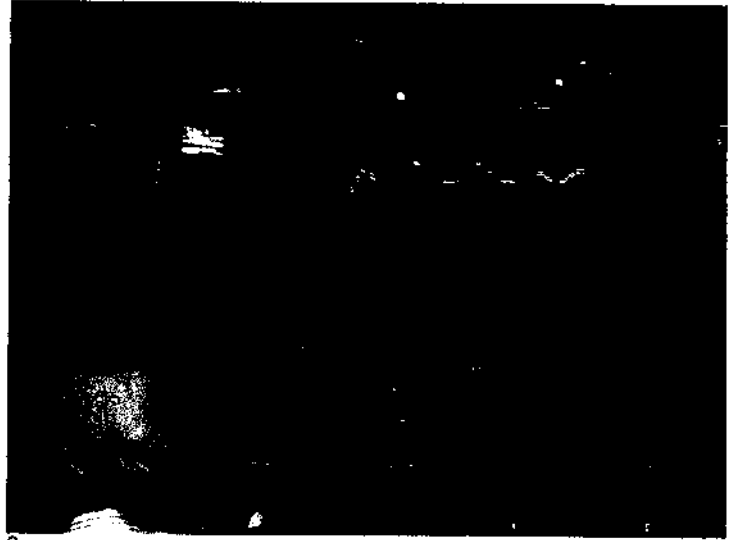

Comm. Dev. Dept.



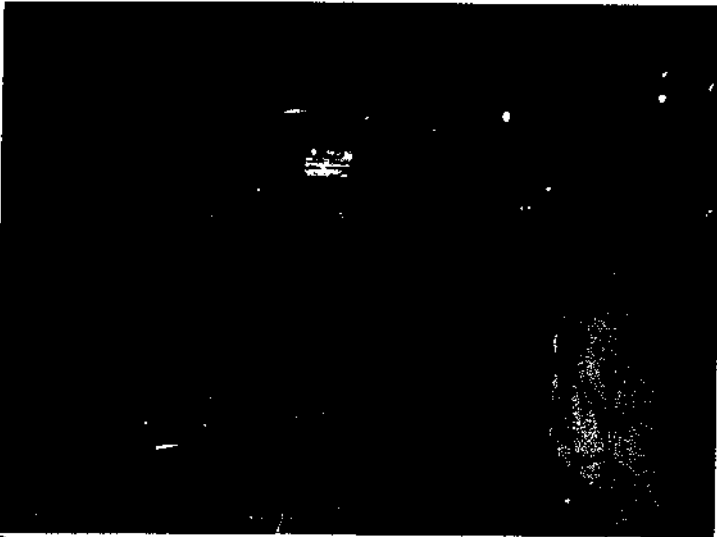
NEW YORK TIMES PHOTOGRAPH BY AP/WIDEWORLD



1.
06/08/2008 (Sun), 12:01 AM



2.
06/08/2008 (Sun), 12:01 AM



3.
06/08/2008 (Sun), 12:02 AM



4.
06/08/2008 (Sun), 12:03 AM

City of Hermosa Beach NOTICE TO APPEAR

Traffic Nontraffic Misdemeanor **H. 377137**

DATE OF VIOLATION TIME **6/18/08 0048** A.M. DAY OF WEEK **S** CASE NO. **08-1694**

NAME (First, Middle, Last) **[REDACTED]** Owner's Responsibility (Veh. Code, § 40001)

NAME

PROVIDE AGE

OK

CITY

CITY **[REDACTED]** JUVENILE (Phone No.) **05-01**

DRIVER LIC. NO. **[REDACTED]** STATE CLASS **CA C** COMMERCIAL Yes No BIRTH DATE **[REDACTED]**

SEX **[REDACTED]** HAIR **[REDACTED]** EYES **[REDACTED]** HEIGHT **[REDACTED]** WEIGHT **[REDACTED]** RACE **[REDACTED]** OTHER DESCRIPTION **MANAGER**

VEH. LIC. NO. or VIN **[REDACTED]** STATE **[REDACTED]** REG. MOYR **[REDACTED]** COMMERCIAL VEHICLE (Veh. Code, § 15210b)

YR. OF VEH. MAKE MODEL BODY STYLE COLOR HAZARDOUS MATERIAL (Veh. Code, § 353)

EVIDENCE OF FINANCIAL RESPONSIBILITY POLICY NUMBER

REGISTERED OWNER OR LESSEE SAME AS DRIVER

ADDRESS SAME AS DRIVER

CITY STATE ZIP CODE

Correctable Violation (Veh. Code, § 40610) Booking Required (see reverse) Misdemeanor or Infraction (Circle)

Yes No Code and Section 107.6 CFC / 15,020.010 HEMC (M) I

OVERCROWDING M I

107.5 CFC / CREATING (M) I

ALLOWING HAZARD M I

Speed Appr. Radar Continuation Form Issued N

Location of Violation(s) City/County of Occurrence

at **SAN GORIA L.A. CO.** W E

WEATHER Dry Wet Fog Road Cond. Heavy Medium Light TRAFFIC ACCIDENT

Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed at (place) **D. POWERS** Violation location **185 7/10 7/10**

Arresting or Citing Officer **D. POWERS** Serial No. **200** Dates Off **200**

OK

Date Name of Arresting Officer, if different from Citing Officer Serial No. Dates Off

WITHOUT ADMITTING GUILT I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature **[REDACTED]**

WHEN: ON OR BEFORE THIS DATE: **7/22/08** 08:15 AM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: 825 Maple Ave., Torrance 90503 (213) 742-8860

County Seat 505 S. Centre, San Pedro 90731 (213) 742-1884

Juvenile Traffic Court, Appear 08:30 AM or 1:30 PM at 3221 Torrance Blvd., Torrance, CA 90503 (310) 222-8878

Other Parent or guardian must accompany juvenile to court.

To be notified You may arrange with the clerk to appear at a night session of the court.

H377137 1929

Judicial Council of California Form Rev. 09-20-05 (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) SEE REVERSE TR-130

COURT COPY

BUSINESS SYSTEMS CORP. (800) 969-9706



HERMOSA BEACH FIRE DEPT.
BARNACLES BAR AND GRILL,
837 HERMOSA AVENUE, HERMOSA BEACH, CALIFORNIA 90254
JUNE 13, 2008

DR # 08-1748 CITATION # H 377138
2351 HOURS

**OVERCROWDING / HAZARDOUS CONDITIONS
INVESTIGATION REPORT**

SUMMARY OF INCIDENT

On June 13, 2008, at 2351 hours, Police Officers Lobue, Cahalan and I, responded to Barnacles Bar and Grill, for a Fire Code / Life Safety Inspection. Upon entering the business, overcrowding conditions were observed in the main bar area. **After an occupant load count established there were 93 persons inside the business, it was determined that Barnacles was 15% (12 persons) over the posted maximum allowable occupant load of 81 persons.** Citation number H 377138 was issued to owner [REDACTED] for violation of California Fire Code, section 107.6-Overcrowding.

DETAILS

In the course of conducting Fire Code / Life Safety Inspections, our attention was drawn to Barnacles Bar and Grill (Barnacles) by the large number of patrons visible through the bars' exterior windows, from Hermosa Avenue.

At 2351 hours, upon arriving at the business, I contacted the doorman / security person to obtain a current occupant load count. The doorman, later identified as [REDACTED], stated when asked, "I have 87." [REDACTED] statement that the current occupant load was "87," should be considered an admission that Barnacles was minimally, 6 persons over the posted allowable maximum interior occupant load of 81 persons.

I asked [REDACTED] if his current occupant load counts included the outdoor patio area, which has a separate occupant load. [REDACTED] said, "No, we already closed the patio."

At that time, I assigned Officer Cahalan to count any patrons exiting the rear, south exit, and Officer Lobue to count any patrons leaving the front main exit. Officer Lobue notified the two on-duty Police Sergeant supervisors to assist in the abatement of the life safety hazard. Approximately five minutes later, Sergeants Jones, Gaines and four other Hermosa Police Officers responded to our location for assistance. Additionally, Barnacles doorman [REDACTED] was ordered to cease entry of any further patrons until the current occupant load could be established.

Also contained within the same fire prevention file was a Fire Safety Inspection Report issued October 6, 2007, noting previous violations for blocking the rear, south exit and aisles, which were discovered during previous Nighttime Life Safety Inspections (copy attached). Additionally, contained within the fire prevention file, was a letter issued January 4, 2008, ordering owner [REDACTED] to immediately discontinue the use of unapproved holiday decorations that were also discovered during Nighttime Life Safety Inspections (copy attached).

ATTACHMENTS

1. Maximum Occupant Load Sign - Interior (1 Copy Each)
2. Photograph – Interior Overcrowding- Main Bar (1 Each)
3. Photograph Thumbnail Sheet (1 Each)
4. Fire Safety Inspection Report – 10/6/07 – Barnacles Bar and Grill (1 Page)
5. Letter- 1/4/08 – Unapproved Decorations – Barnacles Bar and Grill (2 Pages)
6. Property / Evidence Report – Audio & Photo CD – Barnacles Bar and Grill (1 Page)
7. Citation # H 377136 (1 Page / Photocopy)

DISPOSITION

This case is being submitted to the Hermosa Beach City Prosecutors' Office for prosecution of the previously stated misdemeanor violations of the 2007 California Fire Code, California Code of Regulations, Title 24, Part 9 and restitution for Fire and Police Department investigative and personnel costs, associated with the overcrowding hazard abatement.

D. POWERS, ID # 185
INVESTIGATOR
HERMOSA BEACH FIRE DEPARTMENT

CC: Hermosa Beach Fire Chief S. Parker



MAXIMUM OCCUPANT LOAD

Interior 81

BARNACLES BAR AND GRILL
837 HERMOSA AVENUE

FIRE DEPARTMENT

APRIL 2 2008

COMMUNITY DEVELOPMENT

POST IN CONSPICUOUS PLACE

INTERIOR BAR OVERCROWDING - BARNACLE'S





1.
06/13/2008 (Fri), 11:56 PM



2.
06/13/2008 (Fri), 11:56 PM



3.
06/13/2008 (Fri), 11:56 PM



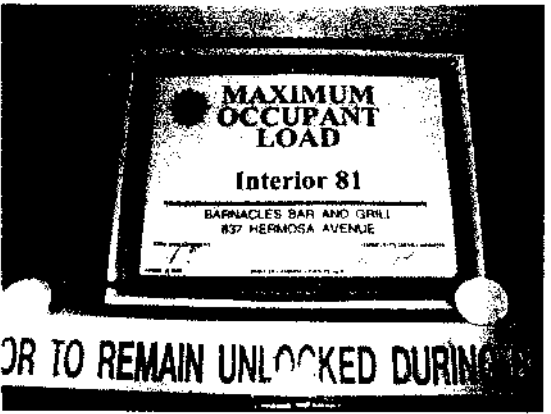
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06/13/2008 (Fri), 11:56 PM



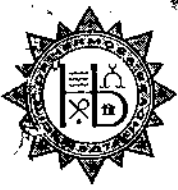
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06/13/2008 (Fri), 11:57 PM



7.
06/14/2008 (Sat), 12:11 AM



8.
06/14/2008 (Sat), 12:12 AM



Date 6/10/07
101089007

FIRE SAFETY INSPECTION REPORT

Business RAIN NAKI'S GYM Address 2826 HERMOSA AVE.
 Owner / Manager _____

Phone 310 798-9064
 Phone 53133995
7018

No Fire Code violations noted at this time.

This Inspection Record is an official NOTICE OF CORRECTIONS and order to comply by this date 10-10-07

Each REINSPECTION thereafter is charged a fee of \$ 284.00

VIOLATIONS

1. SIGNS:

- a. Post address which is visible from the street. Six inch numbers on contrasting background.
- b. Post and enforce "NO SMOKING" signs.
- c. Label or identify the main electrical/gas shutoff.
- d. Post adequate exit signs to clearly indicate path of travel and exits. Done from 6/10/07
- e. Provide a sign near the main exit, which shows the maximum occupant load of the room.
- f. Post signs indicating location where fire extinguishers are not readily visible.

2. EXITS:

- a. Post a sign on or adjacent to the main exterior door. THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS. Done from 6/10/07
- b. Remove all other locks or latches from doors with required panic hardware.
- c. Remove storage and obstructions from exits, aisles, corridors, stairways, and under unprotected stairways. 10/12/07
- d. Provide and/or maintain illuminated exit signs and exit way lighting. ETC. 10/12/07

3. FIRE EXTINGUISHER(S):

- a. Provide - extinguisher(s) of a - minimum rating to be located.
- b. Mount extinguisher(s) where readily available and visible with top of extinguisher not higher than 5 feet and no more than 75 feet travel distance.
- c. Service and tag (by State licensee) each extinguisher annually and after use. Card Left
- d. Discontinue use of extension cords/cube taps in lieu of permanent wiring.
- e. Replace unapproved wiring with permanent wiring in accordance with the National Electrical Code.
- f. Label circuit breakers to indicate areas served.
- g. Repair or replace damaged or spliced electrical cord to the
- h. Provide cover plates for outlets/boxes located

5. FIRE SEPARATIONS:

- a. Remove obstructions and alterations to fire doors and maintain closing and latching devices.
- b. Maintain or repair all fire walls, draft stops, and ceilings. 12/07 IMMEDIATE REMOVAL
- c. Keep attic access and scuttle openings closed. No storage in unprotected areas.

6. FIRE PROTECTION INSTALLATIONS:

- a. Maintain access to and operation of standpipes, sprinkler control valves - minimum of 3 feet.
- b. Remove obstructions, decorations or other items interfering with proper operation of sprinkler system.
- c. Provide maintenance quarterly and keep records showing proper maintenance of the sprinkler system.
- d. Provide sprinkler service by state licensed firm (every 5 years).
- e. Identify sprinkler control valves and secure in open position.
- f. Service hood and duct extinguisher system semi-annually and after use (by state licensee).
- g. Alarm system in need of service.
- h. Smoke detectors required in each apartment.

7. HOUSEKEEPING:

- a. Clean and maintain filters, hood and duct system over cooking appliances.
- b. Remove combustible vegetation and debris. - OUTSIDE REAR EXIT 10/12/07
- c. Maintain heating vents and chimneys in accordance with the Uniform Mechanical Code.

8. STORAGE:

- a. Remove and maintain storage to 18 inches below level of sprinklers (36 inches in storage piled over 12 feet high).
- b. Reduce height to at least 2 feet below ceiling in non-sprinklered areas.
- c. Secure compressed gas cylinders and identify contents with name of product.
- d. Provide a minimum of 5 feet clearance between dumpster and building openings or combustible walls or eaves.
- e. Provide 3 feet clearance between heat producing appliances and combustible materials.
- f. Remove combustible storage from boiler, electrical panel and mechanical rooms.

9. FLAMMABLE LIQUIDS:

- a. Remove flammable liquids not stored in original containers or approved safety containers.
- b. Remove flammable liquids in excess of 10 gallons or not used for maintenance in assembly, office, apartments, and motel buildings.
- c. Store all flammable liquids in an approved storage cabinet and location.

10. PERMITS:

- a. Obtain a Fire Department permit or discontinue

11. BUSINESS LICENSE Yes No

12. ADDITIONAL COMMENTS AND/OR REQUIREMENTS:

INSPECTORS: D. POWERS

Owner's Signature

FIRE DEPARTMENT

January 4, 2008

[REDACTED], Owner
Barnacle's Bar and Grill
837 Hermosa Avenue
Hermosa Beach, Ca 90254

Re: Use of Unapproved, Non Fire Retardant Decorative Materials

Dear [REDACTED]

Following the New Year's Eve holiday, Investigator D. Powers advised me that your establishment has received two verbal warnings regarding the use of unapproved, non fire retardant decorations in your bar. On both occasions you were ordered to immediately remove the unapproved decorations prior to departure of our officers.

It is my understanding, on October 26, 2007, your bar had extensive Halloween decorations that included eight full-size hay bales with carved pumpkins, housing lit candles, located directly next to your main exit / entrance. Additionally, straw hay was covering all interior floor surfaces of the bar. The most recent warning on December 31, 2007, involved the use of ordinary "black plastic table linen" which was used to cover all interior and patio exterior windows to create a "blackout" atmosphere in you bar.

Section 1103.3.3.1 of the California Code of Regulations, Title 24, Part 9, 2001 California Fire Code, strictly prohibits the use of combustible decorative materials in Assembly Occupancies that are not flame resistant. Decorative materials consist of all drapes, hangings, curtains, drops and all other like types of decorative items that are not part of the structure / materials permanently affixed to the building. Any future use of the listed decorative materials shall be treated and maintained in flame retardant condition by means of an approved flame retardant treatment. Furthermore, such treatment shall be applied only by an individual or firm licensed by the Office of the California State Fire Marshal.

On October 26, 2007, Investigator Powers advised you of the proper method and procedure for gaining Fire Marshal pre-approval for extensive holiday and/or permanent decorations. In the future, I am requiring that the proper approval procedure be strictly followed prior to placing extensive decorations in you establishment.

In conclusion, every year across this country devastating fires occur in Assembly businesses similar to yours. Subsequent fire investigations have shown the use of non fire resistant decorations are a major contributing factor in the accelerated spread of these fires and account for increased injuries and loss of human life. **Any future violations of the previously stated Fire Code section, without further warning, will result in the issuance of a misdemeanor citation for using unapproved decorative materials and maintaining a hazardous condition.**

Sincerely,

Jerry Gomez, Fire Chief
Hermosa Beach Fire Department

Cc: Chief G. Savelli, Police Chief
Captain J. Crawford, Fire Marshal
Officer D. Sellan, HBPD / ABC Enforcement
Officer S. Kansaku, HBPD / ABC Enforcement
Investigator D. Powers / HBFD Nighttime Life Safety Enforcement

HERMOSA BEACH POLICE DEPARTMENT PROPERTY REPORT

Date: 6-14-08

Case Number: 08-1748
Crime: OVERCROWDING

- SAFEKEEPING
- HELD PER 5150/8102 W & I CODE
- FOUND PROPERTY (see below)
- PRISONER PROPERTY (see below)

- DOMESTIC VIOLENCE
- EVIDENCE
- C.S.I. PROCESSING
- OTHER

- VICTIM
- WITNESS
- SUSPECT

RECEIVED FROM:

R/P

(LAST NAME)

(FIRST NAME)

ADDRESS: 837 HERMOSA AVE PHONE # _____
BARNACLE'S BAR & GRILL

ITEM#	QTY.	ARTICLE, DESCRIPTION, BRAND NAME, MODEL, ETC.	SERIAL #	TAG#	PROP. USE ONLY	
					EV. LOC.	DISPO
1	1	AUDIO C.D.		8800	ARSON	
2	1	PHOTO C.D.		8802	FILES	

NARRATIVE: _____

CONTINUATION FORM USED FOR ADDITIONAL ITEMS PAGE 1 OF 1

FOUND PROPERTY

When found property is held by a law enforcement agency, California Civil Code Section 2080 requires the following statement to be signed by the finder:
I declare under penalty of perjury that the above listed items were found, that all items found have been surrendered, and I do not know who the true owner is.

SIGNATURE OF FINDER: _____

PRISONER PROPERTY STATEMENT

Items not able to go to court will be held by this department for a period of one year. If after one year you have not made arrangements with the property officer to claim your property we will destroy all prisoner property after that date.

PRISONER SIGNATURE: _____ DATE: _____

Your signature is not an admission of responsibility but indicates that you have received a copy of this notice. Please review the back of this sheet for additional information.

SIGNATURE OF PERSON RECEIVING PROPERTY REPORT: _____

REPORTING OFFICER: D. POWERS 185 PROPERTY LOCKER #: _____ DATE: 6-14-08

City of Hermosa Beach NOTICE TO APPEAR

Traffic Nontraffic Misdemeanor **H 377138**
DATE OF VIOLATION TIME A.M. P.M. DAY OF WEEK CASE NO.
6/13/08 1151 S M T W T F S **08-1748**
NAME (First, Middle, Last) Owner's Responsibility (Veh. Code, § 40001)

PROVIDE
OK
PROVIDE

PROVIDE
AGE

ADDRESS
CITY STATE ZIP CODE JUVENILE (Phone No.)
STATE CLASS COMMERCIAL AGE BIRTH DATE
SA C Yes No
SEX HAIR EYES HEIGHT WEIGHT RACE OTHER DESCRIPTION
OWNER
VEH. LIC. NO. OF VIN STATE REG. MO/YR COMMERCIAL VEHICLE (Veh. Code, § 15210b)
YR. OF VEH. MAKE MODEL BODY STYLE COLOR HAZARDOUS MATERIAL (Veh. Code, § 353)
EVIDENCE OF FINANCIAL RESPONSIBILITY POLICY NUMBER
REGISTERED OWNER OR LESSEE SAME AS DRIVER
ADDRESS SAME AS DRIVER
CITY STATE ZIP CODE

Correctable Violation (Veh. Code, § 40610) Booking Required (see reverse) Misdemeanor or Infraction (Circle)
Yes No Code and Section Description
 107.6 CFC/15,20.010 HBMC (M) I
 OVERCROWDING M I
 107.5 CFC/CREATING & (M) I
 ALLOWING HAZARD M I
Speed Approval P.E. Max Spd. Veh. Lmt. Safe Radar Continuation Form Issued **N**
Location of Violation(s) City/County of Occurrence
at **837 HERMOSA-BARNACKLES W E**
WEATHER Road Cond. TRAFFIC ACCIDENT
 Dry Wet Fog Heavy Medium Light **S**

Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Executed at (place) Violation location
D. POWERS 185 to
Arresting or Citing Officer Serial No. Dates Off
Date Name of Arresting Officer, if different from Citing Officer Serial No. Dates Off

OK

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X Signature

WHEN: ON OR BEFORE THIS DATE: **7/30/08** 8:15 AM
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
WHERE: 825 Maple Ave., Torrance 90609 (213) 742-8860
 County Seat 505 S. Centra, San Pedro 90731 (213) 742-1884
 Juvenile Traffic Court, Appear 09:30 AM or 1:30 PM at 3221 Torrance Blvd., Torrance, CA 90503 (310) 222-8878
Parent or guardian must accompany juvenile to court.
 Other
 To be notified You may arrange with the clerk to appear at a night session of the court.



H377138 1929

Judicial Council of California Form SEE REVERSE
Rev. 09-20-05 (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) TR-130

COURT COPY

BUSINESS SYSTEMS CORP. (800) 969-9706

HERMOSA BEACH FIRE DEPT.
BARNACLES BAR AND GRILL,
837 HERMOSA AVENUE, HERMOSA BEACH, CALIFORNIA 90254
MAY 25, 2008

DR #08-1560 CITATION # H 377136
1608 HOURS

**OVERCROWDING / HAZARDOUS CONDITIONS
INVESTIGATION REPORT**

SUMMARY OF INCIDENT

On May 25, 2008, at 1608 hours, Hermosa Beach Fire Department, Engine 11 personnel and Investigator Powers responded to Barnacles Bar and Grill, for a Fire Code / Life Safety Inspection. Upon entering the business, overcrowding conditions were observed in the main bar and pool table room areas. **After an occupant load count established there were 192 persons inside the business, it was determined that Barnacles was 45% (60 persons) over the posted maximum allowable combined occupant load of 132 persons.** Citation number H 377136 was issued to owner [REDACTED] for violation of California Fire Code, section 107.6- Overcrowding.

DETAILS

In the course of conducting Fire Code / Life Safety Inspections during the Memorial Day holiday weekend, our attention was drawn to Barnacles Bar and Grill (Barnacles) by the large number of patrons hanging out of the windows on the east side of the business.

At approximately 1608 hours, upon arriving at the business, Acting Fire Captain Marks and I, attempted to contact a responsible doorman / security person to obtain a current occupant load count. **We determined that there was no doorman or Barnacles employee, maintaining an occupant load count at the time of our inspection.**

Upon entering the interior main bar area of the business, Acting Fire Captain Marks and I, observed gross overcrowding conditions present. Our inspection began with a walk-through of the exterior patio area and then we returned to the main bar and pool table room areas, to conduct a preliminary occupant load count. The preliminary occupant load count by Acting Fire Captain Marks, determined the exterior patio to be thirty-nine persons (under capacity) and when a small portion (approximately 50 %) of the interior main bar was counted, it was determined to be over capacity by twenty persons. These preliminary counts did not include the remainder of the main interior bar area or the south, interior pool table room areas.

During the preliminary occupant load count, Acting Fire Captain Marks and I, observed all interior exit pathways blocked by the over capacity crowd and patrons hanging out of the east windows.

At that time, I directed Engine 11 personnel, Engineer Williams and Firefighter Dale, to count any patrons exiting the business from the south, rear exit and / or the north exterior patio areas. Engineer Williams posted himself on Hermosa Avenue near the patio area and Firefighter Dale posted on Hermosa Avenue near the businesses rear, south exit.

At the conclusion of the occupant load count, Engineer Williams and Firefighter Dale reported that no patrons exited from either of the areas they were observing. **However, Firefighter Dale related to me that it would have been physically impossible for anyone to exit from the rear, south exit, due to the numerous bicycles that were "piled-up" against the exterior of the south exit door. Additionally, Firefighter Dale related to me, he did not even know there was an exit door at the south end of the bar because, he could not even see the door with all the bicycles that were blocking the exit.**

The bicycles blocking the south exit were a direct result and had been placed there by, the large group of "Pub Crawlers" that we had previously observed at the Hermosa Beach Yacht Club, approximately one-half hour prior to our arrival at Barnacles.

Based on our preliminary observations, and due to the extreme life safety hazard present, Acting Fire Captain Marks and I, made a collective decision to cease all business and exit all patrons, to establish a true and accurate occupant load count.

At 1620 hours, Acting Fire Captain Marks notified fire dispatch and requested police assistance to control the patrons exiting onto Hermosa Avenue.

INTERIOR OCCUPANT LOAD COUNT

Acting Fire Captain Marks and I, began the exiting of patrons and occupant load count, by ordering Barnacles employees to stop all music, turn-off all televisions, and cease entry of any additional patrons. Acting Fire Captain Marks situated fire and police personnel at several locations to assist in counting patrons and control the exiting crowd. The assignments were; Engineer Williams at the exterior north patio, Firefighter Dale near the blocked south rear exit, Acting Fire Captain Marks in the bar interior, supervising the emptying of the bar, Investigator Powers at the main Hermosa Avenue exit, counting exiting patrons and Police Officers Parente, Sibbald and Bohacik on Hermosa Avenue performing crowd control.

Prior to starting the count-out at the main door, I was accompanied by a cook from Barnacles. I asked the cook if he was the person in-charge and he stated, "No, I just started working here." I asked the cook to bring the person in charge to my location and he returned with another Barnacles cook, later identified as [REDACTED] by Barnacles owner [REDACTED].

When I began counting exiting patrons, I advised Jason of my occupant load count procedure and showed him the mechanical clicker I used to count. Additionally, I instructed Jason to stand by me and visualize my clicker as patrons exited, so there would be no dispute as to the official count when I finished. [REDACTED] watched me count twenty-three persons out and then left my location, returning to the interior of the main bar. At the completion of counting all patrons that exited the bar, my mechanical clicker read 192. This count did not include patrons that police officers witnessed exiting through the bars' windows.

Based on the occupant load count of exiting patrons, I determined Barnacles to be 60 persons (45%) over the posted maximum allowable occupant load of 132 persons. I then re-entered Barnacles to locate Barnacles employee [REDACTED] for issuance of a misdemeanor overcrowding citation.

Upon contacting [REDACTED] and asking him to produce identification, he responded, "I've never been appointed Manager." I asked [REDACTED] if the owner [REDACTED] was on his way to the bar? Jason stated, "I don't know, his car is parked right out there (pointing to the street)."

I then asked [REDACTED] if he was "more in-charge" than her (pointing to bartender [REDACTED]). [REDACTED] responded, "We both are!" [REDACTED] continued, "Does somebody like, get fined or charged? "F" that, I'm not in charge!" I then requested identification from [REDACTED] and she replied, "No way!"

Having been previously identified as the person in-charge, I once again ordered the Head Cook [REDACTED] to produce identification. [REDACTED] responded, "Why? Why am I going to get a citation, I'm a friggin-cook for fuck's sake!"

I again asked [REDACTED] who was in charge? [REDACTED] said, "No one is, he's not in charge either (pointing to [REDACTED])." When [REDACTED] was asked again who was in charge, he responded, "Her (pointing to [REDACTED])." [REDACTED] replied, "I'm not a Manager, I don't get Manager pay!"

I then advised both parties that if no one excepted responsibility for managing the operation of the bar and the safety of it's patrons, the bar would be closed for the remainder of the business day, unless the owner [REDACTED] responded to our location immediately. At that time, I directed Acting Fire Captain Marks to seek police officer assistance in obtaining identifying information from Barnacles employees [REDACTED] and [REDACTED].

Officer Parente obtained information from both [REDACTED] and [REDACTED] and contacted bar owner [REDACTED] via [REDACTED] cellphone. [REDACTED] told Officer Parente he would respond to our location within fifteen to twenty minutes and receive the citation in-lieu of any of his employees.

While awaiting the arrival of Barnacles owner [REDACTED] I asked [REDACTED] if [REDACTED] had ever told her what to do (operationally) when he was not there? [REDACTED] said, "Call him."

I further questioned [REDACTED] on the bar operation when [REDACTED] was not there. When I asked [REDACTED] if [REDACTED] had ever told her she had to keep track of the number of people in the bar, [REDACTED] said, "No, we're in charge of "carding" people as they come in, not necessarily how many, because we don't usually get a rush like that, that was like, all of a sudden, there was like, three things coming down from HBYC all at one time, we had no idea. There was three of us behind the bar, there's is no way we can keep track of that, you know, all we see is faces."

I then asked both [REDACTED] and [REDACTED] why they did not have security on-duty? [REDACTED] replied, "I don't know, you can ask him [REDACTED] when he gets here!"

At 1655 hours, Barnacles Bar and Grill owner [REDACTED] arrived on-scene.

OWNER INTERVIEW

OK Once Barnacles owner [REDACTED], [REDACTED] arrived on-scene, I requested his identification and interviewed him regarding the overcrowding conditions in his business.

[REDACTED] stated that he did not have his identification in his possession because, "I came down here in a taxi, in a hurry." At that time, Officer Parente obtained [REDACTED] information and verified his identity through police dispatch.

My interview of [REDACTED] began with him asking me, "So what was the number you guys got?" I told him one hundred ninety-two.

Next, I asked [REDACTED] to explain to me who's in-charge when your not here? [REDACTED] said, "The bartender that's the first one here, that first opens-up." I asked, "Who is that today?" [REDACTED] stated, "Today, it's [REDACTED]"

[REDACTED] then asked me, "Did these people come from the Pub Crawl?" I explained that based on what we heard at the Hermosa Beach Yacht Club, we had a feeling they may be coming your way, however-my first thought was that it would be alright because you always have security at the front door, but you didn't have security and nobody was controlling the front door." [REDACTED] replied, "We don't always have security at the front door, Monday through Thursday, we don't have security."

I then advised [REDACTED] that I had instructed his cook [REDACTED] to stand with me and verify the occupant load count as patrons exited, but he had left my location shortly after I started the count. [REDACTED] responded, "Okay, he's not working here after this weekend, so he probably doesn't care." [REDACTED] continued by stating, "I was here

yesterday from three till closing, I'm doing my best, but **obviously no one is in-charge**. I had a guy in here last week that said he was doing a Pub Crawl, I turned him away."

This concluded my interview of [REDACTED] and I then issued misdemeanor citation # H 377136 to [REDACTED] for overcrowding and allowing a hazardous condition.

HAZARD ABATEMENT

At completion of the life safety hazard abatement, [REDACTED] was permitted to have approximately thirty patrons waiting outside, re-enter the bar. Complete hazard abatement for this incident, involving four Fire personnel and three Police Officers lasted one hour in duration.

VIOLATIONS OBSERVED

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.6
PERMITTING OVERCROWDING

2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
SECTION 107.5
CREATING AND ALLOWING HAZARDOUS CONDITIONS – OWNER
RESPONSIBLE

PRIOR CITATIONS AND WARNINGS

A review of Barnacles Bar and Grill Fire Prevention File, maintained at the Hermosa Beach Fire Department, revealed no prior citations had been issued for overcrowding, to the current owner [REDACTED]

However, contained within the same fire prevention file was a Fire Safety Inspection Report issued October 6, 2007, noting previous violations for blocking the rear, south exit and aisles, which were discovered during previous Nighttime Life Safety Inspections (copy attached).

Additionally, contained within the fire prevention file, was a letter issued January 4, 2008, ordering owner [REDACTED] to immediately discontinue the use of unapproved holiday decorations that were also discovered during Nighttime Life Safety Inspections (copy attached).

ATTACHMENTS

1. Maximum Occupant Load Signs - Interior & Patio (1 Copy Each)
2. Fire Incident Report # 2008-829 - Barnacles Bar and Grill (3 Pages)
3. Fire Incident Report # 2008-827 – Hermosa Beach Yacht Club (3 Pages)
4. Fire Safety Inspection Report – 10/6/07 – Barnacles Bar and Grill (1 Page)
5. Letter- 1/4/08 – Unapproved Decorations – Barnacles Bar and Grill (2 Pages)
6. Property / Evidence Report – Audio CD – Barnacles Bar and Grill (1 Page)
7. Citation # H 377136 (1 Page / Photocopy)

DISPOSITION

This case is being submitted to the Hermosa Beach City Prosecutors' Office for prosecution of the previously stated misdemeanor violations of the 2007 California Fire Code, California Code of Regulations, Title 24, Part 9 and restitution for Fire and Police Department investigative and personnel costs, associated with the overcrowding hazard abatement.

**D. POWERS, ID # 185
INVESTIGATOR
HERMOSA BEACH FIRE DEPARTMENT**

CC: Hermosa Beach Fire Chief S. Parker



**MAXIMUM
OCCUPANT
LOAD**

Patio 51

Established by the City of Hermosa Beach in accordance with the Uniform Building Code and Outdoor Dining Design and Operational Standards for Pier Plaza, to be in force as of January 1, 2008.

BARNACLES BAR AND GRILL
837 HERMOSA AVENUE

FIRE DEPARTMENT

COMMUNITY DEVELOPMENT

PUBLIC WORKS



APRIL 2, 2008

POST IN CONSPICUOUS PLACE

