

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

OCCUPANT LOAD APPROVED

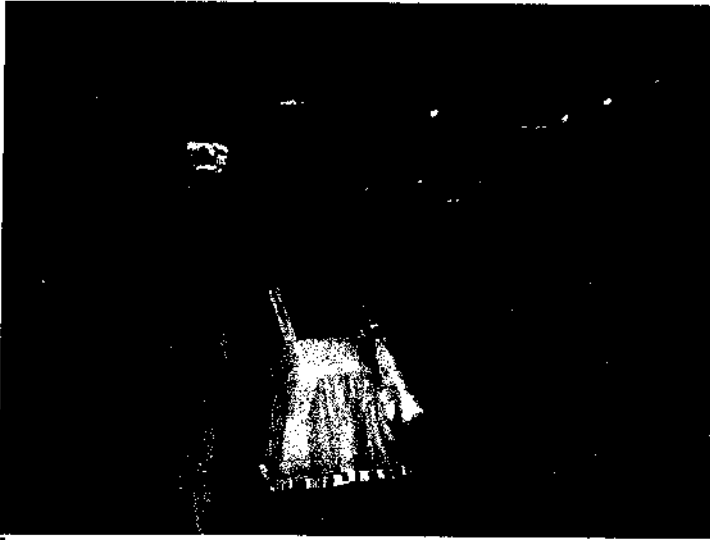
JANUARY 22, 2004


Fire Dept.

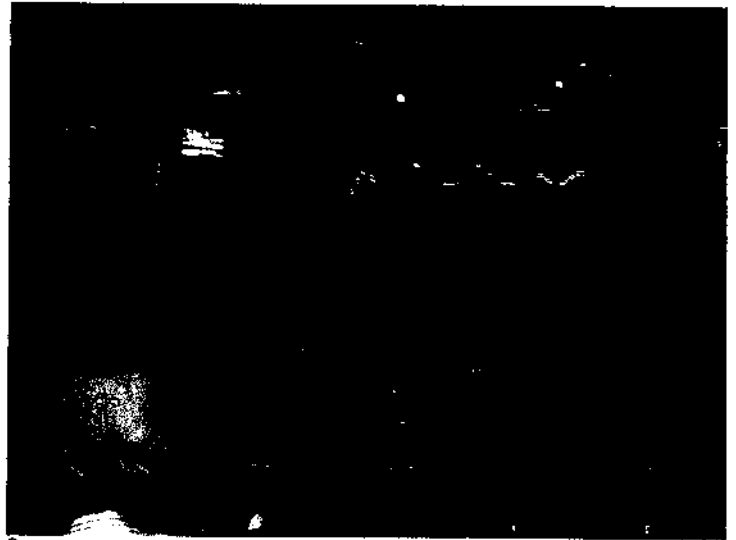

Comm. Dev. Dept.



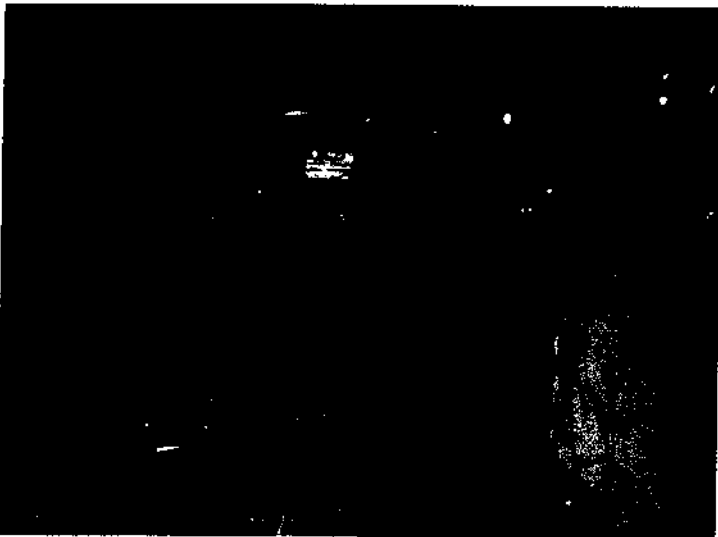
ARMY OFFICE OFFICIALS VISITING THE AREA



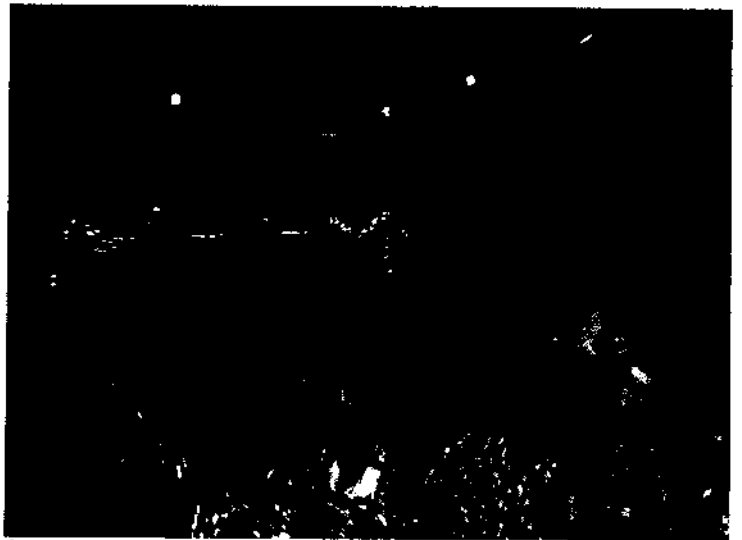
1.
06/08/2008 (Sun), 12:01 AM



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 Description

107.6 CFC / 15,020.010 HEMC (M) I

OVERCROWDING M I

107.5 CFC / CREATING (M) I

ALLOWING HAZARD M I

Speed Appr. P.M. Max Spd. Veh. Lmt. Safe Radar Continuation Form Issued N

Location of Violation(s) City/County of Occurrence

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

WEATHER Road Cond. TRAFFIC ACCIDENT

Dry Wet Fog Heavy Medium Light

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 7/10 7/10**

Arresting or Citing Officer Serial No. Dates Off

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.

Signature **[REDACTED]**

OK

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

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.

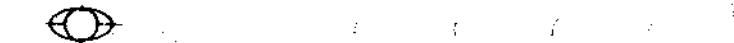


H377137 1929

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

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