



CITY OF  
**HERMOSA BEACH**  
Community Development  
Planning Department

September 17, 2025

*Delivered via – Hand Delivery and USPS*

Dung Tran  
Robert's Liquor  
74 Pier Avenue  
Hermosa Beach, CA 90254

**Subject: Upcoming CUP Review at Planning Commission – October 13, 2025**

Dear Dung Tran,

The Community Development Department has received communication from the Police Department indicating that alcohol-related violations at your business, Robert's Liquor at 74 Pier Avenue (APN 4187-005-012), constitute a continuing policing problem.

In a letter dated September 11, 2024, the City previously addressed these concerns in an effort to collaborate with you and encourage proactive measures to prevent future alcohol-related incidents. Because alcohol-related incidents have continued to persist, your Conditional Use Permit has been scheduled for review by the Planning Commission at its upcoming meeting on October 13, 2025. The following recounts those past incidents resulting the Planning Commission's review:

- **April 5, 2024** - California Department of Alcohol and Beverage Control conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law.
- **August 2023- Present** - The Hermosa Beach Police Department conducted multiple undercover operations targeting alcohol related crimes in the downtown district. The overwhelming majority of contacts and violations were from subjects who previously purchased alcohol at Robert's Liquor (by observation or statements) prior to committing the violations. This is further supported by the business's close proximity to the downtown area, parking lots and nightlife; coupled with this location being the only alcohol retail store open past midnight and into bar closing hours.
- **February 17, 2024** - Officers working an undercover operation observed a group of three juveniles exiting Robert's Liquor with open containers of

alcohol. Upon being contacted by Officers, the juveniles advised they were 17 years of age and were all in possession of fraudulent California Driver's licenses, a violation of State law. Officers were able to immediately identify the identification cards as fraudulent; however, employees at Roberts Liquor appeared to be unable to distinguish the difference.

- **March 2024** – The Hermosa Beach Police Department received a tip (via email) from a concerned resident about Robert's liquor and their "Continual selling of alcohol to minors."
- **August 2024** - Hermosa Beach Police Department observed multiple patrons, four young adults and three minors enter Robert's Liquor and one of the adults purchased alcohol. The group later walked to their vehicle in a nearby parking lot. The four adults later patronized other establishments in the Pier Plaza area while the minors stayed in and near the vehicle with the alcohol.
- **August 8-9, 2025** – California Department of Alcohol and Beverage Control (ABC) conducted an undercover investigation resulting in the off-sale of alcohol to a minor, a violation of State law. Hermosa Beach Police Department, while assisting ABC, issued several citations for possession of alcohol in public.

Your business operates under Conditional Use Permit (CUP) detailed in City Council Resolution **#90-5357**. The CUP includes conditions of approval which must be adhered to in order to maintain your CUP. Among these conditions:

- **Condition of Approval 2.** The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.
- **Condition of Approval 3.** The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.
- **Condition of Approval 14.** Any violation of the conditions and/or violation of the Hermosa Beach Municipal Code shall be grounds for an immediate revocation hearing and/or citation.
- **Condition of Approval 15.** The police chief may determine that a continuing police problem exists and may authorize the presence of a police approved doorman and/or security personnel to eliminate the problem paid by the business.
- **Condition of Approval 19.** The Planning Commission may review this conditional use permit and may amend the subject conditions or impose

any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

At this time, the Police Department has determined a continuing policing problem exists. Staff will be reporting these violations to the Planning Commission at their regularly scheduled meeting and recommending changes to the conditions of approval on **October 13, 2025 at 6:00 p.m. at 1315 Valley Drive, Hermosa Beach**. You are invited and encouraged to attend. An agenda and staff report may be accessed on or before October 9, 2025 online at the following link: <https://www.hermosabeach.gov/our-government/city-officials/boards-commissions/planning-commission>.

As indicated in Condition of Approval 19, the Planning Commission may deem it necessary to modify or add conditions of approval. Additionally, Section 17.70.010 of the Municipal Code indicates that the Planning Commission may also revoke all or portions of the CUP. If the CUP is revoked, the business may no longer be permitted to serve alcohol.

For your reference, we have attached the CUP for your business and the referenced section of the Municipal Code.

Should you have any questions regarding this matter, please contact me at (310) 318-0241.

Sincerely,



Alison Becker, AICP  
Community Development Director  
City of Hermosa Beach

Cc:

Delin, Patrick Trust, Patrick Delin Trust/ Delin, Gerard Trust, G. Delin Trust (property owner, mailed)  
Landon Phillips, Police Chief  
Eric Cahalan, Police Captain  
Guy Dove, Police Sergeant  
Jason Baltimore, City Attorney  
Code Enforcement  
File: Robert's Liquor

Attachments:

- HBPD DR #25-001909
- ABC Report #25-03-047
- Resolution No. 90-5357
- Municipal Code Section 17.70.010



**Hermosa Beach Police Department**  
540 PIER AVE | HERMOSA BEACH, CA 90254 | P: 310.318.0360

**DR # 25-0001909 - Crime/Incident Report Cover Sheet**

REPORT DATE / TIME Aug 9, 2025 22:47	AREA / BEAT / SUBDIVISION 4 / SUBDIVISION 5 City HERMOSA / RD B105	EVENT START DATE / TIME - EVENT END DATE / TIME Aug 9, 2025 00:16 - 01:16
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**OFFENSE-1**

OFFENSE CODE SELL/ETC LIQUOR TO MINOR   25658(A)		
OFFENSE LOCATION ROBERTS LIQUOR, 74 PIER AVENUE, HERMOSA BEACH, CA 90254	OFFENSE START DATE Aug 9, 2025 00:16	OFFENSE END DATE Aug 9, 2025 01:16

**INVOLVED PERSONS**

INVOLVEMENT NAME	HOME ADDRESS	DOB / ESTIMATED AGE RANGE	RACE	SEX
S-1 Roberts Liquor		1 - 99 years old	Other	Unknown

**INVOLVED ORGANIZATIONS**

INVOLVEMENT NAME R-1 Hermosa Beach PD	ADDRESS
INVOLVEMENT NAME V-1 SOCIETY	ADDRESS
INVOLVEMENT NAME O-1 Robert's Liquor	ADDRESS 74 PIER AVE, HERMOSA BEACH, CA 90254

**NARRATIVE**

See attached Reports and citations

REPORTING OFFICER SIGNATURE / DATE [Redacted] Aug 25, 2025 10:41 (e-signature)	SUPERVISOR SIGNATURE / DATE [Redacted] Aug 25, 2025 14:37 (e-signature)
PRINT NAME [Redacted]	PRINT NAME [Redacted]



**SUSPECTS-1**

SUSPECTS-1 NAME (LAST, FIRST MIDDLE)

DOB / ESTIMATED AGE RANGE

S-1 Liquor, Roberts

1 - 99 years old

SEX

RACE / ETHNICITY

Unknown

Other

**INVOLVED OTHER-1**

INVOLVED OTHER-1 (ORGANIZATION)

O-1 Robert's Liquor

ORGANIZATION TYPE

ORGANIZATION INDUSTRY

Business

Consumer Goods

PHYSICAL ADDRESS

74 PIER AVE, HERMOSA BEACH, CA 90254

MAILING ADDRESS

74 PIER AVE, HERMOSA BEACH, CA 90254

PHONE NUMBER

(310) 372-8200 (Other Phone)

**RELATIONSHIPS ADDENDUM**

NAME	RELATIONSHIP	SUBJECT
Hermosa Beach PD	IN INVESTIGATION WITH	Robert's Liquor
Hermosa Beach PD	IN INVESTIGATION WITH	Roberts Liquor
Hermosa Beach PD	IN INVESTIGATION WITH	SOCIETY
Roberts Liquor	IN INVESTIGATION WITH	Robert's Liquor
Roberts Liquor	TIED TO - Same	Robert's Liquor
SOCIETY	IN INVESTIGATION WITH	Robert's Liquor
SOCIETY	IN INVESTIGATION WITH	Roberts Liquor

**ATTACHMENTS ADDENDUM**

FILE NAME	UPLOAD DATE/TIME	UPLOADED BY
25-03-047 [REDACTED] Citation.pdf	Aug 25, 2025 10:37	K. Dadigan #237
25-03-047 Roberts Liquor Report 2025.pdf	Aug 25, 2025 10:40	K. Dadigan #237

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
[REDACTED] Aug 25, 2025 10:41 (e-signature)	[REDACTED] Aug 25, 2025 14:37 (e-signature)
PRINT NAME	PRINT NAME
[REDACTED]	[REDACTED]

25-03-048-49 26661 BP.pdf	Aug 25, 2025 10:37	[REDACTED]
25-03-050 25661 BP.jpeg	Aug 25, 2025 10:37	[REDACTED]
25-18-052 25661 BP.pdf	Aug 25, 2025 10:37	[REDACTED]
25-18-053 25661 BP.pdf	Aug 25, 2025 10:37	[REDACTED]
25-18-054 25661 BP.pdf	Aug 25, 2025 10:37	[REDACTED]
25-18-50 Juv-25661 BP.pdf	Aug 25, 2025 10:37	[REDACTED]
ABC Op Cites.pdf	Aug 9, 2025 22:48	[REDACTED]
Roberts Liquor 2024 REPT.pdf	Aug 25, 2025 10:40	[REDACTED]
Roberts cites-25662 BP-DIP.pdf	Aug 25, 2025 10:37	[REDACTED]

REPORTING OFFICER SIGNATURE / DATE

[REDACTED] Aug 25, 2025 10:41 (e-signature)

PRINT NAME

[REDACTED]

SUPERVISOR SIGNATURE / DATE

[REDACTED] Aug 25, 2025 14:37 (e-signature)

PRINT NAME

[REDACTED]



**INVESTIGATION REPORT**  
 State of California  
 Department of Alcoholic Beverage Control  
 LB/LAKEWOOD  
 3950 PARAMOUNT BLVD, STE 250  
 LAKEWOOD, CA 90712  
 (562) 982-1337



1. REPORT NUMBER 25-03-047	2. ASSIGNMENT NUMBER LB-10153996	3. PAGE 1 of 25
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4. CODE SECTIONS INVESTIGATED (Section number and title)  
 25658 (a) Business and Professions Code: Furnishing/Selling Alcohol to a Minor  
 25661 (a) Business and Professions Code: Possession of a False ID as a Minor  
 25662 (a) Business and Professions Code: Minor in Possession of Alcoholic Beverage

5. DAY/DATE/TIME OF INCIDENT Friday/August 8, 2025/Various times (see report)	6. LOCATION OF INCIDENT 74 Pier Avenue, Hermosa Beach, CA 90254
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CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE L	8. NAME (Last, first, middle) Tran, [REDACTED]	9. TELEPHONE NUMBER [REDACTED]
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10. HOME ADDRESS [REDACTED]	11. OTHER ADDRESS [REDACTED]
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12. RACE Asian	13. SEX Male	14. BIRTHDATE [REDACTED]	15. AGE 63	16. APPARENTAGE NA	17. HAIR Black	18. EYES Gray	19. HEIGHT 5-4	20. WEIGHT 116
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21. OPERATOR'S LICENSE NUMBER [REDACTED]	22. CLOTHING DESCRIPTION N/A
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23. MISCELLANEOUS INFORMATION  
 Licensee for Roberts Liquor

<b>VEHICLE</b>					
24. LICENSE N/A	25. STATE	26. YEAR	27. MAKE	28. MODEL	29. COLOR

30. REGISTERED OWNER	31. ADDRESS
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**32. SUMMARY OF REPORT**

On Friday, August 8, 2025, the Department of Alcoholic Beverage Control and the Hermosa Beach Police Department conducted an ABC enforcement/compliance in the city of Hermosa Beach.

During this operation, I (Agent Michael Connolly #1191) contacted a youthful appearing male, later identified as [REDACTED] 17-years-old. [REDACTED] exited Roberts Liquor carrying a 12-pack of Twisted Tea Hard Iced Tea. Based on his youthful appearance and possession of alcohol, I conducted an investigatory stop on [REDACTED] for the possible violation of 25662 (a) BPC: Minor in Possession of Alcoholic Beverage. [REDACTED] admitted to being underage and purchasing alcohol at Roberts Liquor using fraudulent identification. He was issued a citation and released to his Aunt, Caldwell, [REDACTED]

A backtrack investigation was initiated, which discovered that the clerk/cashier at Roberts Liquor, [REDACTED] Hung [REDACTED] did not complete an adequate check of [REDACTED] identification during the transaction.

<b>ABC USE ONLY</b>	
LICENSEE NAME Tran, [REDACTED]	DBA Roberts Liquor
PREMISES ADDRESS 74 Pier Avenue, Hermosa Beach, CA 90254	LICENSE NUMBER 21-318181

INVESTIGATOR # [REDACTED]	OFFICE/UNIT Lakewood
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**INVESTIGATION REPORT**  
 State of California  
 Department of Alcoholic Beverage Control  
 LB/LAKEWOOD  
 3950 PARAMOUNT BLVD, STE 250  
 LAKEWOOD, CA 90712  
 (562) 982-1337



1. REPORT NUMBER 25-03-047	2. ASSIGNMENT NUMBER LB-10153996	3 PAGE 2 of 25
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CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE S-1/E-1	8. NAME (Last, first, middle) [REDACTED] Hung [REDACTED]	9. TELEPHONE NUMBER [REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS [REDACTED]						
12. RACE Asian	13. SEX Male	14. BIRTHDATE [REDACTED] 1	15. AGE 33	16. APPARENTAGE N/A	17. HAIR Black	18. EYES Brown	19. HEIGHT 5-07	20. WEIGHT 135
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION (see video/pictures)						
23. MISCELLANEOUS INFORMATION Clerk/Cashier on-duty 08/08/2025								

CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE E-2	8. NAME (Last, first, middle) [REDACTED] Jan [REDACTED]	9. TELEPHONE NUMBER [REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS [REDACTED]						
12. RACE Asian	13. SEX Female	14. BIRTHDATE [REDACTED]	15. AGE 59	16. APPARENTAGE N/A	17. HAIR Black	18. EYES Black	19. HEIGHT 5-00	20. WEIGHT 220
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION (see video/pictures)						
23. MISCELLANEOUS INFORMATION Clerk/Cashier on-duty 08/08/2025								

CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE E-3	8. NAME (Last, first, middle) Ngo, [REDACTED]	9. TELEPHONE NUMBER [REDACTED] @ [REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS [REDACTED] 54						
12. RACE Asian	13. SEX Male	14. BIRTHDATE [REDACTED]	15. AGE 56	16. APPARENTAGE N/A	17. HAIR Black	18. EYES Brown	19. HEIGHT 5-08	20. WEIGHT 175
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION N/A						
23. MISCELLANEOUS INFORMATION Manager for Roberts Liquor								



**INVESTIGATION REPORT**  
 State of California  
 Department of Alcoholic Beverage Control  
 LB/LAKEWOOD  
 3950 PARAMOUNT BLVD, STE 250  
 LAKEWOOD, CA 90712  
 (562) 982-1337



1. REPORT NUMBER 25-03-047	2. ASSIGNMENT NUMBER LB-10153996	3. PAGE 3 of 25
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CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE S-2	8. NAME (Last, first, middle) Parker, [REDACTED]	9. TELEPHONE NUMBER [REDACTED] parker37@g[REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS N/A						
12. RACE White	13. SEX Male	14. BIRTHDATE [REDACTED]	15. AGE 21	16. APPARENTAGE 21	17. HAIR Brown	18. EYES Blue	19. HEIGHT 5-10	20. WEIGHT 160
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION Blue t-shirt and grey jeans						
23. MISCELLANEOUS INFORMATION Issued a citation #0208015 for 9.04.10 (a) Hermosa Beach Municipal Code: Drinking in Public								

CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE S-3	8. NAME (Last, first, middle) [REDACTED]	9. TELEPHONE NUMBER [REDACTED] @[REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS N/A						
12. RACE White	13. SEX Male	14. BIRTHDATE [REDACTED]	15. AGE 17	16. APPARENTAGE 17	17. HAIR Brown	18. EYES Hazel	19. HEIGHT 6-00	20. WEIGHT 155
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION Blue hoodie and black jeans						
23. MISCELLANEOUS INFORMATION Issued a citation #0208017 for violation of 25662 (a) BPC: Minor in Possession of Alcoholic Beverage								

CODE: L – Licensee; E – Employee; V – Victim; W – Witness; S – Suspect; O – Other

7. CODE W/O	8. NAME (Last, first, middle) [REDACTED] Lindsey [REDACTED]	9. TELEPHONE NUMBER [REDACTED]						
10. HOME ADDRESS [REDACTED]		11. OTHER ADDRESS N/A						
12. RACE White	13. SEX Female	14. BIRTHDATE [REDACTED]	15. AGE 54	16. APPARENTAGE N/A	17. HAIR Auburn	18. EYES Green	19. HEIGHT 5-05	20. WEIGHT 120
21. OPERATOR'S LICENSE NUMBER [REDACTED]		22. CLOTHING DESCRIPTION N/A						
23. MISCELLANEOUS INFORMATION Mother of [REDACTED]								

*Planning*

(REVISED)

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RESOLUTION NO. 90-5357

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, GRANTING A CONDITIONAL USE PERMIT ON APPEAL FOR 74 PIER AVENUE, ROBERT'S LIQUOR, AND LEGALLY DESCRIBED AS LOTS 14, BLOCK 12, HERMOSA BEACH TRACT

WHEREAS, the City Council held a public hearing on April 24, 1990 to receive oral and written testimony and made the following Findings:

- A. The sale of general alcoholic beverages is being conducted in an existing establishment already licensed by the Department of Alcoholic Beverage Control;
- B. The proposed use is compatible with surrounding uses;
- C. Strict compliance with the conditions of approval will mitigate any negative impact resulting from the issuance of the conditional use permit;

NOW, THEREFORE, the City Council of the City of Hermosa Beach, California, does hereby approve a Conditional Use Permit, to authorize the sale of general alcohol, at 74 Pier Avenue, subject to the following conditions:

- 1. The hours of operation shall be limited to 8:00 a.m. to 2:00 a.m. daily.
- 2. The establishment shall not adversely affect the welfare of residents, and/or commercial establishments nearby.
- \* 3. The business shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the business or in the immediate area.

*Post 7*  
~~Signs shall be posted conspicuously and prominently at all exits and all check-out stands warning patrons who purchase any and all types of alcoholic beverages that "possession and/or consumption of alcoholic beverages in any public sidewalk, parking lot, beach, and/or any public place is prohibited by law and subject to citation and fine. The City of Hermosa Beach vigorously enforces its liquor laws" Said signs shall be at least 12" X 14", shall be printed in a~~

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~~large type, permanently maintained, and shall be posted in visible locations. A minimum lettering size shall be established by the Planning Director and the Police Department and shall be utilized on the signs.~~

- 1
- 2 \*5. Individual containers of alcohol of 20 ounces or less shall
- 3 be packaged in clear bags or containers to make the contents
- 4 of the container visible.
- 5
- 6 \*6. An employee who is aware of the conditions of this
- 7 conditional use permit shall be on the premises during
- 8 business hours.
- 9
- 10 a. All employees shall be given a copy of the conditional use
- 11 permit and shall acknowledge by signature that the
- 12 conditional use permit has been read and understood.
- 13
- 14 7. Adult magazine "R-Rated" shelf shall be located behind the
- 15 counter, not accessible to minors.
- 16
- 17 8. There shall be no sale of sexually explicit "X-Rated"
- 18 magazines, unless a conditional use permit is obtained, as
- 19 required by the Zoning Ordinance.
- 20
- 21 9. There shall be no sale of sexually explicit "X-Rated" video
- 22 tapes, unless a conditional use permit is obtained, as
- 23 required by the Zoning Ordinance.
- 24
- 25 10. Clearly visible signs prohibiting loitering, littering,
- 26 consumption of alcohol on the premises shall be posted in
- 27 conspicuous locations.
- 28
- 11. Measures shall be taken to control loitering on the public
- sidewalk at all times.
- 12. The exterior of the premises shall be maintained in a neat
- and clean manner at all time.
- 13. The signs on the windows shall comply with the City Sign
- Ordinance.
- 14. Any violation of the conditions and/or violation of the
- Hermosa Beach Municipal Code shall be grounds for an
- immediate revocation hearing and/or citation.
- 15. The police chief may determine that a continuing police
- problem exists and may require the presence of a police
- approved doorman and/or security personnel paid by the
- business.
- 16. Any changes to the exterior or interior design shall be
- subject to review and approval by the Planning Director.
- \*17. Prior to the conditional use permit being in effect, the
- applicant shall submit to the planning department, a signed
- and notarized "Acceptance of Conditions" form.

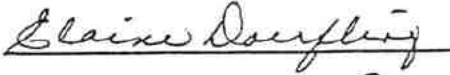
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- \* 18. A conditional use permit shall be recorded with the deed, and proof of recordation shall be submitted with the planning department. **DONE RECORD # 91-1570700**
  - 19. The Planning Commission may review the conditional use permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.
  - 20. This resolution supersedes P.C. Resolutions 90-2 and 90-20.

PASSED, APPROVED, and ADOPTED this 11th day of December, 1990.

  
\_\_\_\_\_  
PRESIDENT of the City Council and MAYOR of the City of  
Hermosa Beach, California

ATTEST:

 CITY CLERK

APPROVED AS TO FORM:  
 CITY ATTORNEY

p/ccrs74

## Chapter 17.70 Revocation and Expiration

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### Contents:

17.70.010 Permits or variances may be revoked or modified.

17.70.020 Expiration.

17.70.030 Abandonment of conditional use permit.

17.70.010 Permits or variances may be revoked or modified.

Planning commission may, after a public hearing held in the manner prescribed in Chapter 17.68 governing variances, conditional use permits, and other land use entitlement permits, revoke or modify any permit or variance if any one of the following findings can be made:

- A. That the approval was obtained by fraud;
- B. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
- C. That the use or activity for which such approval was granted has been suspended or dormant for longer than twelve (12) consecutive months, excluding time during which the property owner can demonstrate:
  1. The city had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or
  2. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
  3. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.
- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
- F. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
- G. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.
- H. For a restaurant with on-sale alcoholic beverages, the business is not operating as a restaurant because the primary function of the operation is the sale or offering for sale of alcoholic beverages and not the sale or offering for sale of food. A food to alcohol sales ratio provides a quantitative tool to help evaluate whether the business is operating as a restaurant whose primary function is the sale or offering for sale of food, as opposed to a business whose primary purpose is the sale of alcoholic beverages. For purposes of determining whether this finding can be made, an on-sale restaurant that maintains a minimum of fifty (50) percent of the total gross sales, computed monthly, from the sale of prepared food is presumed to be a restaurant. An on-sale restaurant that does not meet these percentages has the burden of demonstrating that it operates as a restaurant, as that term is defined in Section 17.04.050. Refusal to provide the information requested under this subsection within sixty (60) days shall be deemed prima facie evidence that the business is not operating as a restaurant. (Ord. 15-1350 §3, 2015; Ord. 10-1312 §1, 2010)