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Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: CODE ENFORCEMENT
PROACTIVE DOWNTOWN
INSPECTION PROGRAM

DATE: March 6, 2009

Approved

Paul Korth

Date

3/10/09

INFORMATION

On December 3, 2008, the Code Enforcement Division commenced the *Proactive Downtown Inspection Program* in an effort to determine whether nightclubs and bars were operating in compliance with approved Conditional Use Permits.

Outreach

On both July 15, 2008 and July 17, 2008, staff from the Code Enforcement and Planning Divisions, Police and Fire Departments and the California Department of Alcoholic Beverage Control (ABC) coordinated and conducted informational educational sessions with property and/or business owners of downtown nightclubs and bars. The property and/or business owners were advised that Code Enforcement Inspectors would begin performing proactive inspections of their businesses to ensure compliance with approved Planning permit conditions in support of the Mayor's June 2008 Budget Message. In addition, the property and/or business owners were advised that the initial inspections would be scheduled during the early evenings so as not to impact normal business operations. The initial inspections would afford the opportunity for Code Enforcement staff to review the current Conditional Use Permit and tour the business so as to highlight for the property and/or business owner what they could anticipate once the unannounced inspections commenced. Approximately 20 businesses were represented at these informational sessions.

Code Enforcement commenced initial introductory inspections on December 3, 2008. Code Enforcement Division staff began scheduling appointments for these initial inspections with the 65 businesses that possessed Conditional Use Permits for nightclub and bar uses in the downtown area. At these initial inspections, the Code Enforcement Inspector met with the business owner and outlined the scope of the Program. The Code Enforcement Inspector then reviewed the existing Permit conditions and toured the business, identifying any potential code violations observed, such as blocked exits, inadequate exit signage, or other conditions that would be deemed violations of the existing Permit. The business owner was afforded the opportunity to ask questions or to clarify Permit condition language. In addition, the initial inspections provided the business owner with an idea of what to expect for future unannounced monthly inspections. The results of these initial introductory inspections were positive as staff conveyed a cooperative tone and highlighted the benefits of compliance in establishing a business atmosphere that would contribute to the vitality of the downtown.

Implementation

The initial list of businesses included downtown restaurants that possessed a Conditional Use Permit and sold alcoholic beverages as an incidental use of the businesses. Staff has subsequently discontinued the inspection of these businesses recognizing that the focus of the inspections should be nightclubs and bars that provide entertainment and are open past midnight, reducing the number of businesses to be inspected from 65 to 39.

The unannounced monthly inspections commenced on January 7, 2009. Upon discovery that a business is in violation of their Conditional Use Permit, staff will issue a compliance order that provides the property and/or business owner with a reasonable time period to correct the violation(s). The case will remain active until the violation(s) is corrected. The following represents the most common types of violations:


- Conditional Use Permit violations: Nineteen businesses were discovered to be in violation of their approved Conditional Use Permit conditions, had allowed their Permit to expire, or did not possess a Permit. Of the original nineteen, eleven of the businesses have complied and the remaining eight are working towards compliance.
- Electrical violations: Eleven businesses were discovered to have electrical violations, which included missing electrical outlet cover plates, broken fixtures, and exposed wiring. These violations were corrected, generally with a verbal warning.
- Missing exit signs: Seven businesses were discovered to be missing required illuminated exit signs. These violations were corrected with verbal warnings.

In the majority of cases, a verbal warning is all that is necessary to correct the violation. In those cases where a compliance order has been issued 100% have been corrected within the time period proscribed.

Next Steps

Code Enforcement Division staff will continue to conduct monthly inspections of these businesses. The inspections will be conducted from Wednesday through Saturday evenings, between the hours of 8:00 PM and 12:01 AM, to ensure that the businesses are operating according to all of the permit regulations. In addition, Code Enforcement staff will continue to meet with Police, Fire and City Attorney staff to coordinate enforcements efforts in the downtown. Moving forward, the City Manager's Downtown Coordinator has formed an internal working group consisting of Planning, Code Enforcement, Police, Fire and the Redevelopment Agency to provide more oversight and communication among all departments working in the downtown area.

For additional questions regarding this memorandum, please contact Code Enforcement Official Michael Hannon at (408) 277-4703.



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