



City of Santa Barbara
Police Department

Memorandum

DATE: February 28, 2013

TO: Fire and Police Commission

FROM: Holly Perea, Police Technician

SUBJECT: Nightclub Dance Permit Review: "Whiskey Richards" 435 State St

DISCUSSION:

In January 2008, Council approved an update to the ordinance pertaining to Dance Permits (Santa Barbara Municipal Code Chapter 5.20). Per this ordinance, all dance permit holders are required to renew their dance permits annually with the Santa Barbara Police Department. This renewal process provides the City the opportunity to review each permitted premise annually to ensure that permit holders continue to operate responsibly, and to mitigate any concerns for public health, safety, and/or welfare which may arise. A Penalty Matrix was also created along with the updates to the ordinance, as a guideline for corrective action and/or the imposition of penalties on a premise found to be operating irresponsibly or in repeated violation of any local or state laws (Attachment 1).

In 2012, during the annual renewal process for the Nightclub Dance Permit at 435 State Street, dba "Whiskey Richards", Police Department staff discovered that during the prior year, in a period of 8 months, there were 4 citations involving minors gaining access into the premise, and 3 incidents in which cocaine was discovered in possession of patrons. It should be noted that Whiskey Richards holds a Type 48 ABC liquor license, which prohibits minors under the age of 21 years old on premise at any time. Due to the frequency of the aforementioned violations in such a condensed period of time, the Police Department imposed the following additional conditions on the premise's Nightclub Dance Permit:

- A restroom attendant must be stationed at the restroom area nightly from 9:00 pm until close. The restroom area must be checked often to ensure no illegal activity is occurring.
- All security guards must complete LEADS and Responsible Beverage Server (RBS) Training;
- All security guards must be currently licensed with the California Department of Consumer Affairs as a Proprietary Security Officer;
- The individual, partnership, corporation or LLC must possess a Proprietary Private Security Employer's License issued by the California Department of Consumer Affairs.

Additionally, in accordance with terms of the Penalty Matrix, the Police Department issued business owner William Clayton a warning letter informing Mr. Clayton of the newly imposed conditions, and offering Mr. Clayton the opportunity to take part in an "Intervention meeting" to identify ways to prevent future violations., Furthermore, the Police Department issued a warning to Mr. Clayton informing him that "should there be one more citation for drugs and/or patrons under the age of 21 years on premise within the next year, your Nightclub Dance Permit will be brought before the Fire and Police Commission with the recommendation that it be suspended and/or revoked." (Attachment 2)

The current Nightclub Dance Permit issued to Whiskey Richards has an expiration date of January 31, 2013. However, per SBMC §5.20.110(B), if a timely renewal application is filed, the expiration date of the current permit may be stayed until a decision on the renewal application is

rendered. Prior to the expiration of the current permit, a renewal application for the premise's dance permit was received at the Police Department.

In processing the current renewal application, Police Department staff discovered that during the past year there have been a total of 10 violations that apply to the warning issued to Mr. Clayton in 2012. In the past 12 months 3 citations were issued to patrons found to be in possession of drugs, and 8 citations were issued for minors on premise (double the number from the previous review period).

Despite multiple preventative measures by the Santa Barbara Police Department, including repercussions from phase 1 through 4 of the Penalty Matrix, the concerning trend of violations has increased in the past year. As a result, the Police Department believes that repercussions from the 5th and final phase of the Penalty Matrix are not only appropriate, but necessary to curb the trend of violations at this premise.

RECOMMENDATION:

It is the recommendation of the Police Department that the Nightclub Dance Permit held by William Clayton for the premise at 435 State Street, dba Whiskey Richards, be suspended for a period of six (6) months, effective immediately. It is further recommended that should there be even one citation issued within the next year for a violation of the dance permit or dance ordinance, for minors on premise, or for any drug-related offense, the nightclub dance permit will be brought before the Fire and Police Commission no later than the next annual review with a recommendation that the Whiskey Richards Nightclub Dance Permit be permanently revoked.

ATTACHMENTS:

1. Penalty Matrix
2. Letter to William Clayton dated April 25, 2012.