



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 Phone: 570.5237

June 27, 2016

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND U.S. MAIL

Miko's Sports Lounge
710 W. Willow Street
Long Beach, CA 90806

Ronald L. and Peggy C. Mackey Trust
10935 Darby Avenue
Porter Ranch, California 91326-2823

Re: 710 Willow Street (CUP 9505-01)

The property at the above referenced location was granted a Conditional Use Permit and a Standards Variance (Case No. 9505-01) on June 15, 1995. When this permit was granted, the property owner(s) agreed to a list of Conditions of Approval and signed a Conditions of Approval Acknowledgment form agreeing to the said conditions. The Department of Development Services, the Office of the City Attorney, as well as the Police Department have received numerous complaints and have determined that the property is in violation of the Conditions of Approval.

The Department did previously request on March 18, 2016, and received on May 13, 2016, responsive documents regarding the condition of compliance on this property. These documents are inadequate to demonstrate compliance with the conditions of approval. In addition, the establishment continues to operate as a public nuisance in detriment to the health, safety and general welfare of the surrounding community. Based on both the ongoing condition violations, as well as the public nuisance activity and resulting harm, the City has begun revocation proceedings for this property pursuant to Municipal Code Section 21.21.601. **A revocation of the Conditional Use Permit for the premises will result in the loss of your right to sell alcoholic beverages at the property. The City is in the process of scheduling a revocation hearing before the Planning Commission and will be providing you with notice of the hearing date shortly.**

The following Conditions of Approval remain out of compliance:

Condition #14 –The operator of the use shall provide security measures to the satisfaction of the Chief of Police.

The Long Beach Police Department received copies of the guard cards and security plan on May 9, 2016. This level of security is inadequate as evidenced by the Police Department comments, as well as the high number of calls for service, complaints and incidents in the surrounding neighborhoods. The current security plan calls for a single guard who monitors the front door, back parking, Maine Avenue, and works as a bar back clearing tables and maintaining ice and service items at the bar. On busier nights (not

defined in the response from Dede Yancy to Long Beach Police Department dated May 9, 2016) two security guards rotate between the front and rear doors.

The Long Beach Police Department requires, and the Planning Bureau concurs, that security guards should be employed only for security services and not involved in bar back duties, assistance to patrons or other non-security functions. A minimum of two security personnel during slower periods and three security personnel after 10 PM, as well as during all busier periods are necessary to control the front door, rear door and the exterior areas including parking, Maine Avenue and points between. The volume of complaints regarding patrons and noise in the parking area, as well as along Maine Avenue, indicate that the current security provided is both inadequate and ineffective. The number of altercations and other incidents of disruptive behavior related to Miko's patrons occurring in the surrounding community is particularly alarming and evidence of inadequate security and of the ongoing violation of Condition #14.

Condition # 20 – The applicant/developer shall be required to provide for and maintain five additional parking spaces from adjoining property owners by shared use agreement for the use of said parking after 5:00 P.M. seven days a week to the satisfaction of the Director of Development Services. Such agreement shall be recorded with the Los Angeles County Recorder's Office.

The parking agreement provided on May 13, 2016 is dated May 5, 2016, with "Five and Two Teriyaki" providing the parking. This agreement according to its own terms is specified to end that same day that it was issued. This document has not been recorded with the Los Angeles County Recorder as required by the condition. This arrangement is for the period of time from 9:00 P.M. to 2:00 A.M., whereas the condition requires parking beginning at 5:00 P.M. Additionally, customers of Miko's need to be informed of this parking opportunity through signage and the parking area must be secured in terms of noise and safety. This constitutes an ongoing violation of Condition #20.

Work without permits – On May 20, 2016, the subject property was served with a second notice of violation for work performed without permits. A previous stop work notice was issued on September 9, 2015. Please immediately cease all work at the premises and obtain the necessary permits prior to initiating work.

Public Nuisance – The continued operation of Miko's Sports Lounge has created a public nuisance with incidents of noise, crime and other disturbances which impact the health, safety and general welfare of the surrounding community at large. Evidenced by numerous noise complaints, police calls for service and the testimony of impacted residents, it is clear that the operation of Miko's Sports Lounge is not in due consideration to the health, safety and general welfare of the public. The Office of the City Attorney first opened a nuisance investigation for this property on March 18, 2014. Numerous meetings with residents and the business operator occurred in 2014 and both the property owner and proprietor made assurances that the business would operate in due consideration of the health, safety and general welfare of the community going forward. Unfortunately, the impacts to residents and incidents requiring a response from the Long Beach Police Department continued, and a new nuisance investigation was re-opened in December 2015.

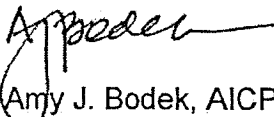
Frequent noise issues behind the establishment, as well as on Maine Avenue, Oregon Avenue and 25th Way were caused by Miko's customers traversing between the establishment and their parked cars. At times they are simply loud, while at other times they are engaged in arguing and belligerent conduct. Such conduct impacts both the sleep patterns and public health of the residents in the surrounding community. Such disturbances have also included Miko's customers drinking and playing loud music in their vehicles, all to the detriment of the homes and residents in the area. **In total, 248 calls for service since January 21, 2014 have occurred as a result of Miko's establishment.**

Staff is particularly concerned with violent incidents occurring involving Miko's customers. These documented incidents include fights, disputes, an attempted suicide and an assault with a deadly weapon (stabbing), as well as a second assault with a deadly weapon (shooting). Such incidents are beyond any reasonable annoyance and impact the overall safety of the surrounding community. These instances of an ongoing public nuisance have not been abated. In fact, despite previous warnings to both the business operator and property owner, a large number of complaints were received regarding activities on May 20, 2016. A special event was advertised for that evening despite the fact that the facility had not secured an Occasional Entertainment Permit (OEP) and does not hold an ongoing Entertainment Permit.

In addition to a violation of the Conditional Use Permit conditions and numerous calls for police service, the establishment's proprietor has been cited on at least two occasions for hosting special events without the required OEP, on January 7, 2016 and February 20, 2016, respectively. In summary, the establishment has been, and continues to be, detrimental to the public's health, safety and general welfare, negatively impacting a substantial number of people at the same time.

The continued violation of the conditions of this Conditional Use Permit (Case No. 9505-01), including the above said conditions, form the basis for the prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach. Please be advised that you will be notified of the date of the revocation hearing before the City's Planning Commission under separate cover and/or any other enforcement proceedings available to the City under law.

Sincerely,



Amy J. Bodek, AICP
Director of Development Services

cc: Michael Mais, Assistant City Attorney
Doug Haubert, Long Beach City Prosecutor
Deputy Chief Richard Conant, Long Beach Police Department
Vincent Cravens, Department of Alcoholic Beverage Control
Jason MacDonald, Purchasing and Business Services Manager
Tasha Day, Special Events Manager