



July 7, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Entertainment Permit, with conditions, on the application of Wokcano Long Beach, Inc., 199 The Promenade North, for Entertainment With Dancing by Patrons at an existing Restaurant. (District 2)

**DISCUSSION**

The Long Beach Municipal Code (LBMC) requires an application be filed and a hearing be held before the City Council whenever this type of activity is requested and before an entertainment permit is granted or denied.

The LBMC also requires that the City Council make a determination that the application is complete and truthful; the applicant, the person interested in the ownership and operation of the entity, and the officers and trustees of the entity are law-abiding persons who will operate and conduct the business activity in a lawful manner; and, that the public peace, welfare, and safety will not be impaired. If this is so, the application shall be approved, a short-term permit shall be approved, or the application shall be denied.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Entertainment Permit, with or without conditions; or, 3) deny the Permit on the application.

Attached for your review is the application from Wokcano Long Beach, Inc. Also attached are reports from various departments and a summary of those reports, as well as the license history of the establishment.

City departments have conducted their investigation in accordance with the LBMC. The following summarizes their findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved as a One-Year Short-Term Entertainment Permit subject to conditions.
- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved subject to conditions.

- The Health and Human Services Department finds that the building/location meets department requirements for the proposed use with the condition that the establishment remain in compliance with the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- The Development Services Department recommends that the permit for entertainment with dancing by patrons be approved.

The Department of Financial Management, Business Relations Bureau, has reviewed all submitted department documents and correspondence and, after a thorough investigative process, recommends that the permit for entertainment with dancing by patrons be approved as a One-Year Short-Term Entertainment Permit subject to the standard entertainment conditions of the Downtown Dining and Entertainment District.

In the event that any of the recommended conditions attached to any permit or license are in conflict, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a Restaurant with alcohol since August 2008.

This item was reviewed by Deputy City Attorney Cristyl Meyers on June 16, 2009.

#### TIMING CONSIDERATIONS

The hearing date of July 7, 2009, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

#### FISCAL IMPACT

The following fees were collected with the application: Building Review \$20 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,060 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$309.77 and Regulatory \$930 (Financial Management Department).

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
LORI ANN FARRELL  
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER



## **Recommended Conditions of Operation**

### **Wokcano Long Beach, Inc., 199 The Promenade North Application for Entertainment with Dancing**

- 1) Indoor entertainment and outdoor non-amplified entertainment that otherwise conforms with the requirements of state and local laws and regulations may be offered pursuant to permit until 2 a.m., seven days a week.
- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.
- 3) The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.

- 6) The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)
- 9) Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.

- 11) If an establishment is licensed as a restaurant, all entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a private function held at a bona fide eating-place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks and hors d'oeuvres shall not constitute a complete and substantial meal. Taverns are not subject to this requirement.
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
- 13) The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.
- 14) At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
- 15) The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
- 16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
- 17) When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the City of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

## **Attachment “B”**

### **Tiered Conditions**

**This page contains progressively more stringent regulations on entertainment and related activities in the Dining and Entertainment District. By applying for a permit, the applicant agrees to the conditions contained here and understands that he or she is not entitled to a public hearing if these conditions are applied. The City Council may add further conditions not listed here, or revoke the permit, if the permittee does not comply with the conditions imposed in this permit.**

**The conditions on this attachment do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.**

#### **Tier 1 Conditions:**

Permittee may have entertainment on the premises during the maximum hours permitted in the district, consistent with ABC requirements and conditions imposed under a Conditional Use Permit. As long as the primary requirements for safety and noise are met (Conditions 1-17), Permittee may choose the methods of meeting those requirements.

Noncompliance with Tier 1 conditions: when the Chief of Police determines that Permittee has violated the terms of the permit, including the Permittee’s obligation to comply with all other laws and regulations, but believes those violations can be remedied through education and/or minor modifications to Permittee’s operation, Permittee will be asked to attend a meeting with the involved departments, pilot program area residents and businesses, and other interested persons to address community concerns and discuss how the implementation of Tier 2 Conditions can be avoided.

#### **Tier 2 Conditions:**

##### **Noise:**

Following the receipt of 3 or more noise complaints that require a response by the Police Department within a 30-day period and which are found to violate the “middle of the street” standard for noise, Permittee will be notified that his or her premises must comply with those Tier 2 Noise Conditions which the Chief of Police determines are necessary to protect the public peace and to comply with the City’s noise ordinance, from among the following list:

---Permittee must keep all doors and windows closed except while patrons are entering or exiting.

---Meet with Health Department staff to discuss best practices to be implemented to mitigate noise.

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- No outdoor entertainment of any kind will be permitted after 10 p.m.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.

**Security/Public Safety:**

For the purposes of this section, an “incident” means a complaint or occurrence that requires a police or Fire Marshal response to Permittee's premises due to Permittee's noncompliance with the terms and conditions of the Entertainment Permit. Following 3 or more incidents within a 30-day period, the Chief of Police or Fire Marshal will notify Permittee of additional measures and conditions to be implemented. These additional measures will be some or all of the following:

- Additional security personnel at hours determined necessary by the Chief of Police to prevent Permittee's operations from creating a public nuisance.
- Additional security checks on incoming patrons.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.
- Any additional measures deemed necessary by the Chief of Police or the Fire Marshal to protect health and safety.

NOTE: upon the request of a permittee who has been required to implement Tier 2 conditions, the Chief of Police, in consultation with the Fire Marshal and the Health Department, shall review the permittee's recent compliance history and determine whether some or all conditions can be returned to Tier 1 levels consistent with the protection of public health and safety.

**Tier 3 Conditions:**

The failure of a permittee to resolve noise and/or security/public safety issues as directed by the Chief of Police or the Fire Marshal within a reasonable period, not to exceed 30 days in any case, shall result in the implementation of Tier 3 conditions:

**Noise:**

- No outdoor entertainment of any kind will be permitted at any time.
- Only non-amplified entertainment will be permitted at any time OR amplified entertainment will only be permitted until 10 p.m. any night.
- Contain all noise within the premises. No noise audible outside the establishment.
- Implement Health Department recommendations to mitigate noise. Provide pre- and post-implementation monitoring data collected by a certified noise expert approved by the Health Department.

**Security/Public Safety:**

- The establishment must cease entertainment not later than 10 p.m. on Sunday through Wednesday nights and no later than midnight on Thursday through Saturday nights. The Chief

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of Police is authorized to make adjustments of up to one hour in these times to protect the public peace.

---Permittee shall limit the queue outside the establishment to no more than 20 people. There shall be no queue within 2 hours of the lawful closing time. Any persons gathering outside the establishment shall be considered to be loitering.

---Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

If the City determines that Permittee has not modified his or her operations in compliance with Tier 3 conditions and Permittee continues to fail to comply with the terms and conditions of the Entertainment Permit, the City shall begin revocation or suspension proceedings. Permittee is entitled to a hearing to contest such revocation or suspension.





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Wokcano Long Beach, Inc. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

### SUBMITTED FOR CITY COUNCIL ACTION

	<u>Without Concern</u>	<u>With Conditions</u>	<u>With Concerns</u>
Police Department		X	
Fire Prevention Bureau		X	
Health and Human Services Department/Noise Control		X	
Development Services Department	X		

Questions concerning the above may be directed to the following:

Police Department, Chief of Police .....	570-7301
Fire Department, Fire Prevention Bureau .....	570-2500
Health and Human Services Department, Noise Control.....	570-4130
Development Services Department.....	570-6623

Compiled by: Department of Financial Management  
Business Relations Bureau



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802

BUSINESS RELATIONS BUREAU

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 199 The Promenade North

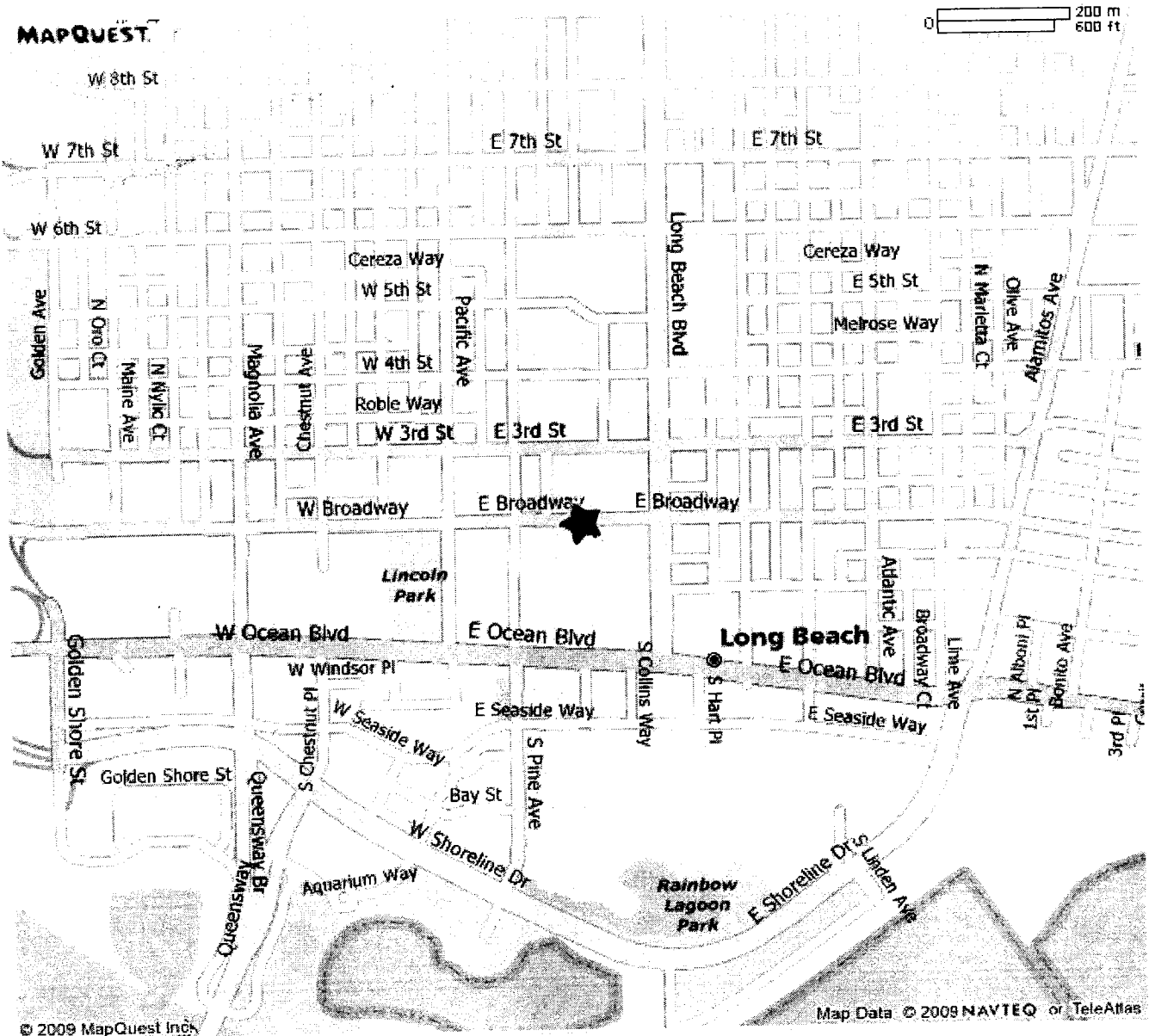
Wokcano Long Beach, Inc.  
Lic #20911960  
03/09 – Pending City Council approval

Entertainment With Dancing

Wokcano Long Beach, Inc.  
Lic #20837040  
08/08 – Active

Restaurant With Alcohol

# 199 The Promenade North Wokcano





**CITY OF LONG BEACH BUSINESS LICENSE APPLICATION**  
 Fourth Floor, City Hall  
 333 W. Ocean Boulevard, Long Beach, CA 90802

[www.longbeach.gov](http://www.longbeach.gov)  
 (562) 570-6211

<b>OWNER INFORMATION</b>			
OWNER'S NAME (or corporate name, partnership name, or partners) <u>KA WAI KWAN VOLCANO LONG BEACH INC</u>	DRIVER'S LICENSE NUMBER [REDACTED]	STATE [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]
BUSINESS NAME (D.B.A.) <u>KA WAI KWAN VOLCANO LONG BEACH INC</u>	TYPE OF BUSINESS (Be specific) <u>RESTAURANT ENTERTAINMENT</u>		HOME OCCUPATION <u>WI BANKING</u> <input checked="" type="checkbox"/>
BUSINESS ADDRESS <u>199 THE PROMENADE N LONG BEACH, CA 90802</u>	STREET	CITY	STATE ZIP AREA CODE/TELEPHONE <u>CA 90802 562</u>
BILLING ADDRESS (if different) <u>716 MONTEREY PASS ROAD MONTEREY PARK CA 91754</u>	STREET	CITY	STATE ZIP AREA CODE/TELEPHONE <u>CA 91754 323</u>
RESIDENCE ADDRESS (if different) [REDACTED]	STREET	CITY	STATE ZIP AREA CODE/TELEPHONE [REDACTED]
LIST OF PRINCIPAL OFFICERS OR PARTNERS' NAMES AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)			TITLE % OWNERSHIP
<u>KA WAI KWAN [REDACTED]</u>			<u>PRESIDENT 33.3%</u>
<u>SEE LIM LUM [REDACTED]</u>			<u>CHIEF FINANCIAL OFFICER 33.3%</u>
<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Address Change <input type="checkbox"/> Ownership Change <input checked="" type="checkbox"/> Secondary License <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> L.L.P. <input type="checkbox"/> L.L.C.			

<b>BUSINESS OPERATIONS INFORMATION</b>			
START DATE <u>SEP 28, 2008</u>	NO. OF EMPLOYEES <u>201</u>	NO. OF VEHICLES [REDACTED]	FEDERAL TAX ID. NUMBER [REDACTED]
SALES TAX (SELLER'S PERMIT) NUMBER <u>PENDING</u>		STATE LICENSE NUMBER	CLASSIFICATION(S)
RENEWAL DATE		Does your business have a Calif State Lic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	

<b>FOOD/ALCOHOL/TOBACCO/ENTERTAINMENT</b>	<b>SERVICES/FUND RAISING</b>
Do you plan to sell or serve food? (including pre-packaged) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If serving food, how many seats?: <u>385</u> <input checked="" type="checkbox"/> <input type="checkbox"/>	Will you offer massage, tanning, body-wrap, escort or other similar personal services? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you plan to sell wholesale food? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Will you provide a towing service? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you plan to sell or serve alcoholic beverages? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If yes, ABC License number: <u>469327</u>	Will you engage in fund raising? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N How many: _____ Type: _____ Owner: _____	Will you deal in coins, stamps, firearms, jewels, or second-hand property? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you plan to sell tobacco products or tobacco paraphernalia? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>BUILDING AND FACILITY INFORMATION</b>
Will you have: <input checked="" type="checkbox"/> Music <input checked="" type="checkbox"/> Dancing <input type="checkbox"/> Performers <input type="checkbox"/> Adult Entertainment	Property Owner's Name: <u>HILLCREST MONTEREY ASS. LP</u>
	Business sq. ft.: <u>8775</u> Warehouse on site? <input type="checkbox"/> Y <input type="checkbox"/> N
	Do you: <input type="checkbox"/> Own or <input checked="" type="checkbox"/> Rent/Lease your business property?
	Does your business require construction and/or remodeling? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	<b>HAZARDOUS MATERIALS/MEDICAL WASTE</b>
	Will you use, store, or transport chemicals (new or waste state)? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	Will you manage or produce bio-hazardous materials or waste? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

**ACKNOWLEDGMENT**

I understand that before I can operate my business in Long Beach, my establishment must comply with applicable City departmental laws and regulations completely and obtain a business license or I will be in violation of L. B. M. C., Section 3.80. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.

- SIGN and return this statement with your remittance.**
- Make checks payable to City of Long Beach**

<b>OWNER(S) OR AUTHORIZED AGENT</b>	
Signature <u>[Signature]</u>	Date <u>8/7/08</u> PRINT NAME/TITLE <u>KA WAI KWAN, PRESIDENT</u>
Signature _____	Date _____ PRINT NAME/TITLE _____

**DO NOT WRITE BELOW THIS LINE**

Inspection(s): <input type="checkbox"/> Bldg <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> HazMat <input type="checkbox"/> PD <input type="checkbox"/> Other <u>Test</u> Basic Tax \$ _____ Employees # _____ @ \$ _____ = _____ Vehicles # _____ @ \$ _____ = _____ Other # _____ @ \$ _____ = _____ PIA _____ PIA Employees # _____ @ \$ _____ = _____ Regulatory _____ Investigation _____ Misc. Fees _____ Sub Total _____ Zoning _____ Building Review _____ Total \$ _____	Prev Use: _____ Exp Date: _____ Prev Lic: _____ Exp Date: _____ District: <u>05</u> <u>900507</u> SIC: <u>5812</u> Entered by: _____ Date: <u>8/26/08</u> <u>20811960</u> BU: _____	<b>Zoning Review</b> <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A By: _____ Date: _____ <input type="checkbox"/> New construction <input type="checkbox"/> Reuse Zone: <u>PD-30</u> Comments: <u>Pic report on</u> <u>OK</u>
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**NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY CONTACTING (562) 570-6211**



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard, 4<sup>th</sup> Floor

Long Beach, CA 90802 333

(562) 570-6212

FAX (562) 570-6180

## ADVISORY FORM AND PROBATIONARY PERMIT

The following list of conditions must be met in full to operate under a probationary permit for entertainment. (Referred to as Temporary Permit in the Long Beach Municipal Code (LBMC) Chapter 5.72)

1. A completed application for a regular entertainment or pool hall must be submitted.
2. A complete interior floor plan with dimensions indicating exits and parking areas must be submitted and approved by the Department of Planning and Building.
3. Team Inspection by City Departments has been accomplished and no major health or safety conditions found.
4. Permittee must comply with all applicable federal, state, and local laws, including any conditions or restrictions placed upon any license issued to the permittee by the State of California Department of Alcoholic Beverage Control. If the issuance of this probationary Permit is in conflict with any other conditions or restrictions previously imposed on the activities of the business establishment by this or any other private or governmental body, this temporary permit shall be deemed void.
5. Any improvements made or any contractual agreements entered into by the permittee in anticipation of approval of a regular entertainment shall be at his/her own risk.
6. Unless specifically applied for, reviewed and approved, no adult entertainment, as defined by LBMC Sections 21.15.110 and 5.72.115 (B), shall be conducted on the premises.
7. Permittee shall exercise their own discretion in determining the level of security necessary to prevent violation of law and any other disturbances arising out of or in connection with their business operations. If there is a substantial increase in complaints/calls for service, the permittee shall increase security as directed by the Chief of Police.
8. The establishment must remain in compliance with all applicable sections of the Long Beach City Noise Ordinance (LBMC Chapter 8.80).

I have read the above stated conditions of operations under a probationary permit, and I agree to comply with these conditions.

If all conditions have been met, a probationary permit will be mailed in two (2) weeks.

BUSINESS NAME:

WOKCAWO LONG BEACH, INC

BUSINESS ADDRESS:

199 THE PROMENADE N LONG BEACH CA 90802

NAME:

KA WAI KWAN

TITLE:

PRESIDENT

SIGNATURE:

[Signature]

DATE:

8/7/08

OFFICE USE ONLY

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

### REGULAR PERMIT APPLICATION

### PROBATIONARY PERMIT

Application Complete?

YES

NO

Approved By: \_\_\_\_\_

Floor Plan Submitted?

YES

NO

Date Approved: \_\_\_\_\_

Zoning Approved?

YES

NO

PERMIT VALID FOR 120 DAYS OR UNTIL REGULAR PERMIT IS APPROVED OR DENIED BY CITY COUNCIL, WHICHEVER COMES FIRST.

Departmental Inspections?

YES

NO

Comments: \_\_\_\_\_



OFFICE USE ONLY

Accepted By: op [Signature] Date: 3/26/09  
 Zoning Approval By: Pre Approval of [Signature] Date: 3/26/09

**APPLICATION FOR ENTERTAINMENT PERMIT**

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): WOKCAWO LONG BEACH, INC  
 Business Name (DBA): \_\_\_\_\_ Business Phone: 562-951-9652  
 Business Site Address: 199 THE PROMENADE N LONG BEACH, CA 90802  
 Date Business Proposes To Open: SEP 28, 2008  
 Days & Time Premises Are Open For Inspection: OPEN

Proposed Use(s):

Entertainment/Restaurant With Dancing  Without Dancing   
 Entertainment/Tavern With Dancing  Without Dancing   
 Social Club  Pool or Billiard Hall  Other (explain)

Explain briefly the proposed use of the rooms within the building:  
ASIAN RESTAURANT WITH SUSHI BAR, TEPPANYAKI AND ENTERTAINMENT

Contact Person(s) Name (authorized agent, manager, etc.): KA WAI KWAN  
 Contact Person(s) Phone Number: (626) 374-0651

Type of Organization:

Corporation  Partnership  Individual  Unincorporated Association or Club  
 Trust  LLC  Other, explain: \_\_\_\_\_

**OFFICE USE ONLY**

Building  Fire  Health (Check Inspecting Department) Date Received: \_\_\_\_\_

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
 \_\_\_\_\_  
 \_\_\_\_\_

Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**

Police Department finds no for basis for denial  Police Department finds basis for denial  
 Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_  
 \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

GENERAL INFORMATION (All Applicants)

Principal place of business (if other than the address listed on page 1): 716 MONTEREY PASS ROAD  
MONTEREY PARK, CA 91754

Fictitious business names(s) or dba(s) used: NONE

Place and date of filing fictitious business name statement: NONE

County(ies) in which fictitious name statement is (are) filed: NONE

Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of Long Beach:

KA WAI KWAN, [REDACTED]

Name and address of person (agent) authorized to accept service of process in California:

KA WAI KWAN, [REDACTED]

State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which held, and expiration date thereof:

NO

Is this applicant a subsidiary of a present corporation or business?  
If yes, explain:

YES

NO

How long has the corporation or business been in operation?

3/26/09

Is the location: Owned?  Rented/Leased?

If Rented/Leased, state the name and address of property owners:

Name:

HILLCREST MONTEREY ASSOCIATES, LP

Address:

800 W SIXTH STREET, 5TH FLOOR

LOS ANGELES CA 90017 (213)534-3257

**IF APPLYING AS A CORPORATION**

Check One Box:      For-Profit Corporation                      Non-Profit Corporation

(If a Non-Profit Corporation, please attach copies of both State and federal Tax Exemption Certificates)

Name of Corporation: WOKCANO LONG BEACH, INC

Corporation Number: 2918431

Date and Place of Incorporation: May 9, 2007, LONG BEACH

Location Headquarters: 716 MONTEREY PASS ROAD, MONTEREY PARK, CA 91754

**Please attach certified copies of Articles of Incorporation and By-Laws, and all amendments thereto this application.**

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title	Address	Telephone
<u>KA WAI KWAN</u>	<u>PRESIDENT, SECRETARY</u>	<u>[REDACTED]</u>	<u>( )</u>
<u>SZE LIM LUM</u>	<u>CHIEF FINANCIAL OFFICER</u>	<u>[REDACTED]</u>	<u>( )</u>
			( )
			( )

Numbers of shares issued by Corporation: 500,000

Number of share retained by Corporation: 300,000

Name and addresses of shareholders, if ten (10) or less state also the number and type of shares:

VOLCANO GRILL, INC, 716 MONTEREY PASS ROAD, MONTEREY PARK, CA 91754  
STOCK CERTIFICATE #1, 300,000 SHARES

Name and address of agent for service of process designated by Corporation with the Secretary of State of California:

KA WAI KWAN 3046 PROSPECT AVE, PASADENA, CA 91770



# IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

### CORPORATE OFFICER I

Name: KA WAI KWAN Title: PRESIDENT, SECRETARY  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 199 THE PROMENADE N. LONG BEACH, CA 90802 Phone: [REDACTED]  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

### CORPORATE OFFICER II

Name: SZE LIM LAM Title: CHIEF FINANCIAL OFFICER  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 199 THE PROMENADE N. LONG BEACH, CA 90802 Phone: [REDACTED]  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

### CORPORATE OFFICER III

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Residence Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Date of Birth (mm/dd/yyyy): \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

### CORPORATE OFFICER IV

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Residence Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Date of Birth (mm/dd/yyyy): \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

# GENERAL OPERATING CONDITIONS

Complete Each Question

## ALCOHOL/FOOD/ADDITIONAL BUSINESSES

1. Will liquor be sold or consumed on the premises?  YES  NO

a. If Yes, complete the following box:

Check one box to indicate License Type

Alcohol Beverage Control License No.

Premises Type: (Club (restaurant) or Commercial (store))

On sale beer

On sale beer and wine

On sale distilled spirits

469327

2. Is a bonafide-eating place provided on the premises? (Bonafide eating place means a place which is regularly used for serving meals for compensation, which has suitable kitchen facilities containing conveniences for cooking an assortment of foods for ordinary meals other than fast foods, sandwiches or salads. The kitchen must contain proper refrigeration for food and must comply with all applicable regulations of the Health and Human Services Department.

YES  NO

a. If yes, list types of food sold: PAW ASIAN CUISINE WITH SUSHI BAR AND TEPPAN YAKI

b. If no, list any products (such as snacks sold): \_\_\_\_\_

3. Are non-alcoholic beverages sold?  YES  NO

4. How many tables for seating? 60 TABLES

5. Are other types of businesses conducted on the premises?  YES  NO

a. If yes, list type(s): \_\_\_\_\_

6. Are pool tables provided?  YES  NO

a. If yes, indicate number: \_\_\_\_\_

7. Is there a license for the pool table?  YES  NO

a. If yes, license number: \_\_\_\_\_

8. Are amusement machine(s) and/or jukebox(es) provided?  YES  NO

a. If yes, indicate number and type: \_\_\_\_\_ Amusement Machines \_\_\_\_\_ Jukebox(es)

9. Is there a license for the amusement machine(s) and/or jukebox(es)?  YES  NO

a. If yes, decal number(s): \_\_\_\_\_

10. Owner of machine(s) and/or jukebox(es):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

**GENERAL OPERATING CONDITIONS (continued)**

*Complete Each Question*

**SECURITY**

11. Will security officers be provided?  YES  NO
- a. If yes, number of security officers: \_\_\_\_\_
12. Is any other type of security provided?  YES  NO <sup>klc</sup>
- a. If yes, describe type of security: SECURITY PROVIDED BY THE BUILDING

Days and hours security officers or other security will be provided (fill out completely):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of							
Security							

13. Will a private security firm be used?  YES  NO
- a. If yes, provide the following information of the contracted security firm:
- Name: \_\_\_\_\_ City Business License No.: \_\_\_\_\_
- Address: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

**ADMISSION and/or MEMBERSHIP FEES CHARGED**

14. Will minors be allowed on the premises?  YES  NO
15. Will the premises be open to the general public?  YES  NO
16. Will an admission fee be charged?  YES  NO
- a. If yes, fee schedule: \_\_\_\_\_
- 
17. Is there a private area for exclusive use of members and their guests only?  YES  NO
- a. If yes, types of membership fees: \_\_\_\_\_
- 
18. Will guests of members pay an admission fee or other charges?  YES  NO
- a. If yes, describe the fee schedule and other charges: \_\_\_\_\_
-

**GENERAL OPERATING CONDITIONS (continued)**

Complete Each Question

**HOURS OF OPERATION**

Establishment hours of operation by day (fill out completely):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11 AM	11 AM	11 AM	11 AM	11 AM	11 AM	11 AM
Close	2 AM	2 AM	2 AM	2 AM	4 AM	4 AM	2 AM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO  
 a. What type? RESTAURANTS, NIGHT CLUBS, CONVENIENT STORES,

20. Are there surrounding residences?  YES  NO  
 a. Approximately how close? ABOVE

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO  
 a. If no, what is the street address of the off-premises parking facility? \_\_\_\_\_

b. Describe the business arrangement made with owner of the parking facility if not part of business premises. (Please attach a copy of parking contract or deed restriction) \_\_\_\_\_

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	<u>24 Hours</u>						
To							

d. How many individual parking spaces (approximately)? \_\_\_\_\_

**END OF GENERAL OPERATING CONDITIONS SECTION – PLEASE CONTINUE TO NEXT SECTION**

## ENTERTAINMENT FACILITY AND ACTIVITY

Entertainment - Restaurant  Entertainment - Tavern (bar)  Entertainment - Other

**Does the Proposed Activity have:**

- Outdoor Entertainment?  Y  N
- Dancing by patrons, guests, customers, participants, attendees?  Y  N
- Dancing by performers?  Y  N K
- Live music by more than two (2) performers?  Y  N K
- Amplified music (live)?  Y  N K
- Amplified music (recorded)?  Y  N
- Disc Jockey?  Y  N
- Karaoke?  Y  N K
- Adult Entertainment as defined by LBMC Section 21.15.110?  Y  N
- Adult Entertainment as defined by LBMC Section 5.72.115 (B)?  Y  N
- Will the establishment serve as a family pool/billiard hall as provided in Section 5.69.090 of the LBMC?  Y  N
- Any other type of entertainment not listed above?  Y  N

If yes, briefly describe the entertainment activity. LIVE BAND

Describe entertainment by performers: LIVE BAND

Dance Floor?  Y  N Stage?  Y  N

If yes, provide dimensions and type of material of dance floor. L 20 X W 20 = 400 sq ft.

If yes, provide dimensions and type of material of stage. L \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Describe floor material and surface type: HARD WOOD

Schedule of entertainment. Please provide days of the week and time of day. If entertainment is not provided the same days and times every week, please provide a detailed schedule of specific dates and times of entertainment. Attach an additional sheet if necessary: **(Fill Out Completely)**

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Entertainment Type	DJ KARAOKE DANCING	DJ KARAOKE DANCING	DJ KARAOKE DANCING	DJ KARAOKE DANCING	DJ DANCING KARAOKE	DJ DANCING KARAOKE	DANCING DJ KARAOKE
Start Time	11AM	11AM	11AM	11AM	11AM	11AM	11AM
End Time	2AM	2AM	2AM	2AM	4AM	4AM	2AM

**RELEASE FORM**

The undersigned, on behalf of (owner(s)) WOKCANO LONG BEACH, INC hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required by the City of Long Beach, its officers, agents and employees for the purpose of determining the capability, fitness and capacity of:



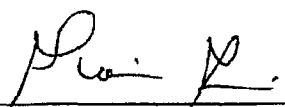
(DBA) \_\_\_\_\_

to obtain the (entertainment type) ENTERTAINMENT WITH DANCING permit/license.

The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. Any change in the person or the address listed in the application may be made only in writing to the Director of Financial Management.

The applicant consents and agrees full compliance will be made with all applicable State laws and City ordinances governing the conduct of the particular type of business activity for which a business license or permit is requested. **The applicant by signing this application understands any incomplete or false information may constitute grounds for denial.**

I swear under penalty of perjury I have read the forgoing application and all information and statements made by the undersigned/applicant regarding this applicant are true and correct.

 _____ (SIGNATURE OR AUTHORIZED AGENT)	<u>PRESIDENT</u> _____ (TITLE)	<u>3/26/09</u> _____ (DATE)
 _____ DRIVER'S LICENSE OR ID CARD NUMBER	<u>CA</u> _____ STATE	
 _____ ACCEPTED BY (CITY STAFF)	<u>CSRAE</u> _____ TITLE	<u>3/26/09</u> _____ DATE

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

## SELLER'S PERMIT



ACCOUNT NUMBER

████████████████████  
WOKCANO LONG BEACH, INC.  
199 THE PROMENADE N.  
LONG BEACH, CA 90802-4735

**NOTICE TO PERMITTEE:**  
You are required to obey all Federal and State laws that regulate or control your business. This permit does not allow you to do otherwise.

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION. THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWED BY THE NEW OPERATOR OF THE BUSINESS.

Not valid at any other address.

For general tax questions, please call our Information Center at 800-400-7115.

For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.

BOE 442-R REV. 15 (2-06)

### A MESSAGE TO OUR NEW PERMIT HOLDER

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at [www.boe.ca.gov](http://www.boe.ca.gov).
- Visiting a district office.
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices.
- Sending your questions in writing to any one of our offices.
- Calling our toll-free Information Center at 800-400-7115.

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer.
- You are responsible for filing and paying your sales and use tax returns timely.
- You have the right to be treated in a fair and equitable manner by the employees of the Board.
- You are responsible for following the regulations set forth by the Board.

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

STATE BOARD OF EQUALIZATION

Sales and Use Tax Department

This is the cached copy of <http://www.abc.ca.gov/datport/LQSDATA.asp?ID=2030196851>.

**California  
Department  
of Alcoholic  
Beverage  
Control  
License  
Query  
System  
Summary  
as of  
3/9/2009**



<b>License Information</b>	
<b>License Number:</b> 469327	<b>Status:</b> ISSUE AND HOLD
<b>Primary Owner:</b> WOKCANO LONG BEACH INC	
<b>ABC Office of Application:</b> LB/LAKEWOOD	

**Business Name**

**Doing Business As:** WOKCANO

**Business Address**

**Address:** 199 THE PROMENADE N    **Census Tract:** 5761.

**City:** LONG BEACH    **County:** LOS ANGELES

**State:** CA    **Zip Code:** 90802

**Licensee Information**

**Licensee:** WOKCANO LONG BEACH INC

*Company Officer Information*

**Officer:** LUM SZE LIM, CHIEF FINANCIAL OFFICER

**Officer:** KWAN KA WAI, PRESIDENT/SECRETARY

**License Types**

1) **License Type:** 47 - ON-SALE GENERAL EATING PLACE

**License Type Status:** ISSUE AND HOLD

**Status Date:** 20-OCT-2008    **Term:** Month(s)

**Original Issue Date:** 20-OCT-2008    **Expiration Date:** 30-SEP-2009

**Master:** Y    **Duplicate:** 1    **Fee Code:** P40



Application No. 15-000000-03/2008  
Date: 3/1/08

### APPLICATION FOR ENTERTAINMENT PERMIT

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): WOKCAVO LONG BEACH, INC  
Business Name (DBA): \_\_\_\_\_ Business Phone: 562-951-9652  
Business Site Address: 199 THE PROMENADE N LONG BEACH, CA 90802  
Date Business Proposes To Open: SEP 29, 2008  
Days & Time Premises Are Open For Inspection: OPEN

**Proposed Use(s):**

- Entertainment/Restaurant With Dancing  Without Dancing   
Entertainment/Tavern With Dancing  Without Dancing   
Social Club  Pool or Billiard Hall  Other (explain)

Explain briefly the proposed use of the rooms within the building:

ASIAN RESTAURANT WITH SUSHI BAR, TEPPANYAKI AND ENTERTAINMENT

Contact Person(s) Name (authorized agent, manager, etc.): KA WAI KWAN

Contact Person(s) Phone Number: (626) 374-0651

**Type of Organization:**

- Corporation  Partnership  Individual  Unincorporated Association or Club  
 Trust  LLC  Other, explain: \_\_\_\_\_

**OFFICE USE ONLY**

- Building  Fire  Health (Check Inspecting Department) Date Received: \_\_\_\_\_  
 Building/Location meets Department Requirements for the proposed use.  
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_

- Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**

- Police Department finds no for basis for denial  Police Department finds basis for denial  
 Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: Andrew Betts Title: CHIEF OF POLICE Date: 5.18.09



**Date:** May 20, 2009  
**To:** Erik Sund, Bureau Manager, Business Relations Bureau  
**From:** Anthony W. Batts, Chief of Police *AWB*  
**Subject:** APPLICATION FOR ENTERTAINMENT WITH DANCING AT WOKCANO  
199 THE PROMENADE NORTH

---

In response to your request for a recommendation regarding the above named permit application for Entertainment with Dancing, the Police Department recommends **approval** of a **One-Year Short-Term** permit, subject to the following seventeen (17) standard conditions of the Downtown Dining and Entertainment District:

Wokcano is located on the southwest corner of Broadway and The Promenade. The establishment serves an Asian food menu with a Sushi bar and Tepanyaki, and is open for lunch and dinner. Wokcano is a for-profit corporation, owned and operated by Ka Wai Kwan and Sze Lim Lum. Their family also owns five other Wokcano restaurants throughout Southern California. Based on the Long Beach Police Department's investigation, input from three police jurisdictions, opinions from nearby residents, and South Division Patrol Commander's concerns, the Long Beach Police Department believes a One-Year Short-Term Entertainment with Dancing Permit would be in the best interest of the surrounding community and the City of Long Beach.

#### CONDITIONS OF OPERATION

- 1) Indoor entertainment and outdoor non-amplified entertainment that otherwise conforms with the requirements of state and local laws and regulations may be offered pursuant to permit until 2 a.m., seven days a week.

Outdoor amplified entertainment is prohibited during the period of the pilot program, except for rooftop entertainment that was permitted at the time of the creation of this pilot program, or except in conjunction with a special events permit.

- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.

ENTERTAINMENT WITH DANCING AT WOKCANO  
199 THE PROMENADE NORTH  
Page 2

- 3) The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.
- 6) The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)

- 9) Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
  
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.  
  
The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.
  
- 11) If an establishment is licensed as a restaurant, all entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a private function held at a bona fide eating-place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks and hors d'oeuvres shall not constitute a complete and substantial meal. Taverns are not subject to this requirement.
  
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
  
- 13) The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.

ENTERTAINMENT WITH DANCING AT WOKCANO  
199 THE PROMENADE NORTH  
Page 4

- 14) At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
- 15) The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
- 16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
- 17) When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the City of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

AWB:CNA:cna  
AppvCondWokcano

Attachment

## **Attachment "B"**

### **Tiered Conditions**

**This page contains progressively more stringent regulations on entertainment and related activities in the Dining and Entertainment District. By applying for a permit, the applicant agrees to the conditions contained here and understands that he or she is not entitled to a public hearing if these conditions are applied. The City Council may add further conditions not listed here, or revoke the permit, if the permittee does not comply with the conditions imposed in this permit.**

**The conditions on this attachment do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.**

#### **Tier 1 Conditions:**

Permittee may have entertainment on the premises during the maximum hours permitted in the district, consistent with ABC requirements and conditions imposed under a Conditional Use Permit. As long as the primary requirements for safety and noise are met (Conditions 1-17), Permittee may choose the methods of meeting those requirements.

Noncompliance with Tier 1 conditions: when the Chief of Police determines that Permittee has violated the terms of the permit, including the Permittee's obligation to comply with all other laws and regulations, but believes those violations can be remedied through education and/or minor modifications to Permittee's operation, Permittee will be asked to attend a meeting with the involved departments, pilot program area residents and businesses, and other interested persons to address community concerns and discuss how the implementation of Tier 2 Conditions can be avoided.

#### **Tier 2 Conditions:**

##### **Noise:**

Following the receipt of 3 or more noise complaints that require a response by the Police Department within a 30-day period and which are found to violate the "middle of the street" standard for noise, Permittee will be notified that his or her premises must comply with those Tier 2 Noise Conditions which the Chief of Police determines are necessary to protect the public peace and to comply with the City's noise ordinance, from among the following list:

---Permittee must keep all doors and windows closed except while patrons are entering or exiting.

---Meet with Health Department staff to discuss best practices to be implemented to mitigate noise.

- No outdoor entertainment of any kind will be permitted after 10 p.m.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.

**Security/Public Safety:**

For the purposes of this section, an "incident" means a complaint or occurrence that requires a police or Fire Marshal response to Permittee's premises due to Permittee's noncompliance with the terms and conditions of the Entertainment Permit. Following 3 or more incidents within a 30-day period, the Chief of Police or Fire Marshal will notify Permittee of additional measures and conditions to be implemented. These additional measures will be some or all of the following:

- Additional security personnel at hours determined necessary by the Chief of Police to prevent Permittee's operations from creating a public nuisance.
- Additional security checks on incoming patrons.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.
- Any additional measures deemed necessary by the Chief of Police or the Fire Marshal to protect health and safety.

NOTE: upon the request of a permittee who has been required to implement Tier 2 conditions, the Chief of Police, in consultation with the Fire Marshal and the Health Department, shall review the permittee's recent compliance history and determine whether some or all conditions can be returned to Tier 1 levels consistent with the protection of public health and safety.

Tier 3 Conditions:

The failure of a permittee to resolve noise and/or security/public safety issues as directed by the Chief of Police or the Fire Marshal within a reasonable period, not to exceed 30 days in any case, shall result in the implementation of Tier 3 conditions:

**Noise:**

- No outdoor entertainment of any kind will be permitted at any time.
- Only non-amplified entertainment will be permitted at any time OR amplified entertainment will only be permitted until 10 p.m. any night.
- Contain all noise within the premises. No noise audible outside the establishment.
- Implement Health Department recommendations to mitigate noise. Provide pre- and post-implementation monitoring data collected by a certified noise expert approved by the Health Department.

**Security/Public Safety:**

- The establishment must cease entertainment not later than 10 p.m. on Sunday through Wednesday nights and no later than midnight on Thursday through Saturday nights. The Chief of Police is authorized to make adjustments of up to one hour in these times to protect the public peace.

---Permittee shall limit the queue outside the establishment to no more than 20 people. There shall be no queue within 2 hours of the lawful closing time. Any persons gathering outside the establishment shall be considered to be loitering.  
---Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

If the City determines that Permittee has not modified his or her operations in compliance with Tier 3 conditions and Permittee continues to fail to comply with the terms and conditions of the Entertainment Permit, the City shall begin revocation or suspension proceedings. Permittee is entitled to a hearing to contest such revocation or suspension.





Accepted By: QA [Signature] Date: 3/26/09  
 Zoning Approval By: QA [Signature] Date: 3/26/09

**APPLICATION FOR ENTERTAINMENT PERMIT**

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): WOKCAVO LONG BEACH, INC  
 Business Name (DBA): \_\_\_\_\_ Business Phone: 562-951-9652  
 Business Site Address: 199 THE PROMENADE N LONG BEACH, CA 90802  
 Date Business Proposes To Open: SEP 29 2008  
 Days & Time Premises Are Open For Inspection: OPEN

Proposed Use(s):

- Entertainment/Restaurant With Dancing  Without Dancing   
 Entertainment/Tavern With Dancing  Without Dancing   
 Social Club  Pool or Billiard Hall  Other (explain)

Explain briefly the proposed use of the rooms within the building:  
ASIAN RESTAURANT WITH SUSHI BAR, TEPPANYAKI AND ENTERTAINMENT

Contact Person(s) Name (authorized agent, manager, etc.): KA WAI KWAN  
 Contact Person(s) Phone Number: (626) 374-0651

Type of Organization:

- Corporation  Partnership  Individual  Unincorporated Association or Club  
 Trust  LLC  Other, explain: \_\_\_\_\_

**OFFICE USE ONLY**

Building  Fire  Health (Check Inspecting Department) Date Received: 4/2/09  
 Building/Location meets Department Requirements for the proposed use.  
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
THE BUSINESS OWNED MAINTAINS AN OCCUPANT LOAD OF 124 OCCUPANTS ON THE MEZZANINE LEVEL.  
 Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): 6/3/09 by: Wendy [Signature]

**POLICE DEPARTMENT**

Police Department finds no for basis for denial  Police Department finds basis for denial  
 Police Department finds no for basis for denial with conditions  
 Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

100 W BROADWAY STE 400 ! LONG BEACH, CA 90802 ! 562-570-6513 FAX 562-570-6930

ENVIRONMENTAL HEALTH  
NOISE OFFICE

## DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 3/20/09

Name of Business (DBA): WOKCANO LONG BEACH, INC

Name of Business Owner: KA WAI KWAN

Business Address: 199 THE PROMENADE N.  
LONG BEACH, CA 90802

Dear New Business Owners:

The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

You must make sure that the noise generating inside your business is not impacting adjacent residences.

If loud music is to be played as part of the entertainment permit, you must also post a sign in the customer area in a conspicuous location that states:

**Warning: Sound Levels Within May Cause Permanent Hearing Impairment.**

I understand that in order to provide Entertainment, my establishment must comply with the Long Beach Noise Ordinance (LBMC Chapter 8.80)

Owner or Authorized Agent Signature(s) 

Title PRESIDENT

Phone # 626-374-0651

FAX # 323-790-9700



Accepted By: [Signature] Date: 3/26/09  
 Zoning Approval By: [Signature] Date: 3/26/09

**APPLICATION FOR ENTERTAINMENT PERMIT**

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): WOKCAVO LONG BEACH, INC  
 Business Name (DBA): \_\_\_\_\_ Business Phone: 562-951-9652  
 Business Site Address: 1099 THE PROMENADE N LONG BEACH, CA 90802  
 Date Business Proposes To Open: SEP 28, 2008  
 Days & Time Premises Are Open For Inspection: OPEN

**Proposed Use(s):**

- Entertainment/Restaurant With Dancing  Without Dancing   
 Entertainment/Tavern With Dancing  Without Dancing   
 Social Club  Pool or Billiard Hall  Other (explain)

Explain briefly the proposed use of the rooms within the building:  
ASIAN RESTAURANT WITH SUSHI BAR, TERANYAKI AND ENTERTAINMENT

Contact Person(s) Name (authorized agent, manager, etc.): KA WAI KWAN  
 Contact Person(s) Phone Number: (626)374-0651

**Type of Organization:**

- Corporation  Partnership  Individual  Unincorporated Association or Club  
 Trust  LLC  Other, explain: \_\_\_\_\_

**OFFICE USE ONLY**

Building  Fire  Health (Check Inspecting Department) Date Received: 3-26-9 MAR 549002  
 Building/Location meets Department Requirements for the proposed use.  
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
 \_\_\_\_\_  
 Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**

Police Department finds no for basis for denial  Police Department finds basis for denial  
 Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_  
 \_\_\_\_\_  
 By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Date:** April 9, 2009  
**To:** Erick Sund, Manager of Business Relations Bureau  
**From:** Derek Burnham, Current Planning Officer ➡  
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 199 The Promenade North  
Long Beach, CA 90802

**Applicant:** Wokcano Long Beach, Inc.

**Zoning District:** PD-30 (Downtown Planned Development District)

**Proposed Use:** Entertainment with Dancing

The Community Design and Development Division of the Department of Planning and Building has the following comments:

No CUPs or AUPs were found for the subject site.

The subject site is located within PD-30, the Downtown Planned Development District. Entertainment, including dancing by patrons as an accessory use to a restaurant, is a permitted use in this zone. No extra parking is required since the restaurant use is parked at a ratio of 3 spaces per 1,000 square feet pursuant to the Downtown Parking Management Program that was in place when the building was constructed.

Planning Bureau recommends that the entertainment permit with dancing be approved.

If you have any questions regarding this response, please call Jorge Ramirez, Planner, at (562) 570-6952.

H-2  
7-7-09



Marhud@aol.com

06/26/2009 10:49 AM

To cityclerk@longbeach.gov

cc

Subject Wolkano Dance Permit

JULY 7TH, 5 PM. CITY COUNCIL MEETING:

ATTENTION TO MATTER - WOLKANO DANCE PERMIT

PLEASE NOTE THAT WE OBJECT TO THIS PERMIT SINCE WE RESIDE DIRECTLY ABOVE THE RESTAURANT IN UNIT 427. THERE ARE ONLY 3 FLOORS ABOVE THIS ESTABLISHMENT, 3, 4 AND 5. ALL OF US THAT WORK WILL HAVE TO BE SUBJECTED TO MUSIC UNTIL 4 AM. THIS IS NOT AMBIENT MUSIC IF THEY NEED A DANCE PERMIT. MANY ALREADY ARE SUFFERING FROM THE DECIBEL LEVEL FROM THE COHIBA BAR ON THE OTHER SIDE OF THE BUILDING. WE COLLECTIVELY AGREE THAT THIS WILL, IN TIME, AFFECT OUR RESALE PRICES. THANK YOU FOR CONSIDERING OUR OPINION SINCE WE ARE UNABLE TO ATTEND. WE RISE AT 4 AM TO GO TO WORK, THUS MAKING WEEK DAY ACTIVITIES DIFFICULT.

SINCERELY YOURS,

MARY & BONNIE HUDSON

Make your summer sizzle with fast and easy recipes for the grill.