




Date: December 16, 2008
To: Honorable Mayor Foster and Members of the City Council
From: Gary DeLong, Councilmember, Third District 
Subject: APPLICATION FOR ENTERTAINMENT WITH DANCING AT KHOURY'S RESTAURANT – 110 MARINA DRIVE

In response to your request for a recommendation regarding the above named permit application for Entertainment With Dancing, the office of Councilmember Gary DeLong recommends **approval** of a **one-year short-term** permit, subject to the following sixteen (15) conditions of operation:

Because of strong concern from Long Beach Police and corroborating calls-for-service, the Vice Investigations Section believes that a one-year short-term permit, with specific conditions to address documented problems, would better serve the community. After a year of operation with the below conditions, a new application may be submitted for evaluation.

CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval. In the event that the restaurant ceases operations, the entertainment permit becomes null and void.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) Entertainment activities indicated on page #7 of your entertainment application, (Dancing by patrons, dancing by performers, disc jockey, karaoke, live or recorded amplified music), shall be allowed **only** during pre-planned events such as weddings, banquets, receptions, and birthday parties, and shall be restricted to no later than 12 midnight seven days a week.
- 4) Due to the proximity of neighboring businesses and residences on the other side of the San Gabriel River, all door(s) and windows shall be kept closed at all times during any musical entertainment, except in cases of emergency and to permit deliveries. Said door(s) is not to consist solely of a screen or ventilated security door. **Sound shall not be audible within fifty feet (50') from the exterior of the premises in any direction.**

- 5) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10 p.m. and 7 a.m.
- 6) The permittee shall provide a minimum of one (1) licensed security guard during all times that the entertainment activities are being conducted for crowds up to fifty people. For crowds over fifty people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, 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.

- 7) In addition to the above security requirements, the permittee shall staff one (1) "Security guard" in the parking lot between the hours of 11 p.m. and ½ hour after closing. Security guards shall ensure that patrons do not loiter in the parking lot or the immediate area. They shall also ensure the patrons enter and leave the parking lot in a peaceful manner as not to disturb any neighboring businesses or residents who live on the other side of the San Gabriel River. Security guards must be identifiable as "Khoury's employees." The Chief of Police may increase or relax this condition, based on calls for service related to problems in the parking lot.
- 8) In addition to the above security requirements, the permittee shall staff one (1) "Security guard" on the boat dock between the hours of 11 p.m. and ½ hour after closing. Security guards assigned to the dock shall ensure that patrons do not loiter near the docks or the immediate area, and ensure that NO ALCOHOL is permitted on the boat dock. Security guards must be identifiable as "Khoury's employees."
- 9) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors and the parking lot, at all times while open for business. This should be done by use of security guards and signage indicating, words to the effect of, "Please respect our neighbors."
- 10) 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)
- 11) The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result

of any incident or nuisance arising out of or in connection with the permittee's operations.

- 12) Khoury's, its promoters, or agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
- 13) All independent contractors and promoters must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters or independent contractors.
- 14) The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- 15) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict with the requirements of this permit, the more stringent regulation shall apply.