



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

August 9, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Appoint the Planning Commission as the Hearing Officer, in accordance with Long Beach Municipal Code 2.93.050, for the purpose of conducting a revocation hearing for the revocation of a business license issued to Damitresse Yancey, DBA Miko's Sports Lounge, and for the commercial industrial business license issued to the Ronald L. and Peggy C. Mackey Trust for the operation of a business located at 710 W. Willow Street, as well as a hearing on the revocation of the Conditional Use Permit (CUP) for 701 W. Willow Street based upon violations of the Conditions of Approval associated with the CUP pursuant to Long Beach Municipal Code 21.21.601. (District 7)

DISCUSSION

The property at 710 W. Willow Street (Property) was granted a Conditional Use Permit (CUP) and a Standards Variance on June 15, 1995. When this permit was granted, the property owner(s) agreed to a list of Conditions of Approval and signed an Acknowledgement form agreeing to said conditions. Over the past few years, the Property has been subject to numerous complaints related to the Property itself, as well as the operation of a business associated with the property. The Department of Development Services has determined that the Property is in violation of the Conditions of Approval associated with its CUP. On June 27, 2016, the Department of Development Services issued a letter of non-compliance to the Property located at 710 W. Willow Street (Exhibit A – Letter of Non-compliance). Violations include lack of security, lack of parking, construction work without permits, and public nuisance activities. The Director of Development Services has the responsibility for monitoring compliance with conditions of approval under the provisions of the Long Beach Municipal Code (LBMC) 21.21.404. As the issuing authority for a CUP, the Planning Commission is the Hearing Officer for the revocation of a CUP pursuant to LBMC 21.21.601. Staff will schedule a public hearing for the proposed revocation of the CUP and Standards Variance for a Planning Commission meeting in the coming weeks.

In December 2013, Damitresse Yancey was issued a business license to operate a bar at the Property, DBA Miko's Sports Lounge. The owner of the business voluntarily agreed to additional conditions at the time of issuance that included additional signage and a requirement to keep the back door closed. This license was issued conditionally at the time for a period of six months and later the regular license was issued. Since

that time, the Police Department has responded to hundreds of calls for service regarding the business, including acts of violence that pose a continuing threat to the public at large. Although City representatives have met and spoken with the business owner on several occasions, the business owner is either unwilling or unable to abate the nuisance activities caused by the business. On June 20, 2016, the Chief of Police requested the Department of Financial Management revoke the business license for Miko's Sports Lounge (Exhibit B – Request for Business License Revocation). The Director of Financial Management is the issuing authority for business licenses issued pursuant to LBMC 3.80.410. The Director of Financial Management also has the authority to recommend revocation of a business license. The City Council is the authorized hearing entity for the revocation of a business license. Additionally, LBMC 2.93.050 provides the City Council discretion to either conduct the hearing itself or to appoint a Hearing Officer to conduct said hearing.

Many of the issues identified by the Department of Development Services related to the CUP are also causes of action for the revocation of the business license. These include the nuisance activities listed above, as well as approximately 250 calls for service between January 2014 and May 2016, and conducting entertainment activities without issuance of the required Entertainment Permits. City Council denied the application for an entertainment permit in March 2015 following a hearing. The continued violations of the terms of the CUP and business license form the basis for the revocation of the Property entitlements and the right to operate a business at the Property.

In order to address all nuisance issues associated with the Property and the operation of the business, a consolidated public hearing by the Planning Commission for both the CUP and the business license is recommended. Should the City Council appoint the Planning Commission as the Hearing Officer for the conduct of a public hearing on the business license, a single public hearing on both issues will be scheduled at a future date.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez and by Budget Analysis Officer Rhutu Amin Gharib on July 20, 2016.

TIMING CONSIDERATIONS

City Council action is requested on August 9, 2016, to ensure timely conduct of the necessary public hearings(s).

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

HONORABLE MAYOR AND CITY COUNCIL

August 9, 2016

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Respectfully submitted,

 for AJB

AMY J. BODEK, AICP

DIRECTOR OF DEVELOPMENT SERVICES



JOHN GROSS

DIRECTOR OF FINANCIAL MANAGEMENT

AJB:JG:LT:ck

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APPROVED:


PATRICK H. WEST
CITY MANAGER

Attachments:

Exhibit A – Letter of Non-compliance

Exhibit B – Request for Business License Revocation



CITY OF LONG BEACH

Exhibit A

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



City of Long Beach
Working Together to Serve

Memorandum

Date: June 20, 2016
To: Jason MacDonald, Bureau Manager, Business Services Bureau
From: Robert G. Luna, Chief of Police *R. Luna*
Subject: **REVOCATION OF BUSINESS LICENSE #BU21338610 DAMITRESSE YANCEY,
DBA MIKO'S SPORTS LOUNGE – 710 W. WILLOW STREET**

The Director of Financial Management is the issuing authority for business licenses issued pursuant to Long Beach Municipal Code Chapter 3.80. The Director is also empowered to suspend, deny, or revoke business licenses, pursuant to §3.80.429.1(A) LBMC, when a licensee has failed to comply with any applicable provision or requirement of law. Pursuant to this authority, the Police Department respectfully requests that you **REVOKE** the business license (BU21338610), issued to Damitresse Yancey, DBA Miko's Sports Lounge to operate a business at 710 W. Willow Street, for the following reason.

In December 2013, Damitresse Yancey was issued a business license to operate a bar at 710 W. Willow Street.

Since that time, the Police Department has had to respond to hundreds of calls for service regarding the business. In an attempt to mitigate the business' significant and negative impact our ability to provide law enforcement services to others, Long Beach Police Officers proactively conducted investigations at the business—some of which resulted in misdemeanor citations being issued. The respective Patrol Commander was forced to attend community meetings, along with his staff, to address concerns the bar's neighbor had. Additionally, the Patrol Commander and his staff were required to address the bar's continuing nuisance activity with other City Departments, impacting their workload in addition to his own. The following is a summary of the nuisance activity associated with the business. Though the city has met and spoken with the business owner, Damitresse Yancey, on several occasions, she is unwilling or unable to abate the nuisance her business has created:

- Approximately 250 Police Calls for Service between January 1, 2014 through May 25, 2016
- December 27, 2015 – Attempted murder / shooting
- January 7, 2016 – Citation for providing entertainment without the required Entertainment Permit
- February 20, 2016 – Citation for providing entertainment without the required Entertainment Permit
- March 27, 2016 – Subject attempted suicide outside, after drinking inside bar
- March 30, 2016 – Stabbing that occurred outside, involving a person that was just drinking inside, and who went back inside after being stabbed outside
- The business is, and has been, out of compliance with their Conditional Use Permit (Please contact Department of Development Services for further information)

REVOCATION OF BUSINESS LICENSE (BU21338610)
MIKO'S SPORTS LOUNGE – 710 W. WILLOW STREET
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It is the Police Department's responsibility to maintain law and order within the City of Long Beach and to ensure the public peace, safety, and welfare is maintained. Based on the above information and the business owner's inability or unwillingness to abate nuisance activity at this location, the Chief of Police respectfully requests that you **REVOKE** the business license (BU21338610) issued to Damitresse Yancey, DBA Miko's Sports Lounge, to operate a business at 710 W. Willow Street.

If you have any questions or require additional information, please contact me, or my Chief of Staff, Commander Wally Hebelsh, at extension 87301.

RGL:DH:dh
Rev.Mikos