

December 16, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of S.C. Fish Grill, LLC, DBA Khoury's Restaurant, 110 Marina Drive, for Entertainment With Dancing by Patrons at an existing Restaurant. (District 3)

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.

Attached for your review is the application from S.C. Fish Grill, LLC, DBA Khoury's Restaurant. 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 denied. Based on the Vice Section's investigation and East Division's recommendation, along with opposition from the Marine Department, the Police Department has found the public peace, safety and welfare would be impaired by the issuance of this permit.

HONORABLE MAYOR AND CITY COUNCIL

December 16, 2008

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- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved.
- 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.

In the event that any of the recommended conditions attached to any permit or licenses 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 March 1997.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on November 20, 2008.

TIMING CONSIDERATIONS

The hearing date of December 16, 2008 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 \$1,000 (Police Department), Temporary Permit \$300, Labels \$90 (Financial Management Department), and Health/Noise Control \$94 (Health and Human Services Department).

The following fees will be collected if the application is approved: Business License \$325.85 and Regulatory \$875 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF: RIB: JE
K:\Exec\Council Letters\Commercial Services\Hearing Letters\12-16-08 ccl - Khoury's.doc

APPROVED:


PATRICK H. WEST
CITY MANAGER

ATTACHMENTS



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 S C Fish Grill, LLC. 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	
Long Beach Development Services	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
Long Beach Development Services.....	570-6623

Compiled by: Department of Financial Management
Commercial Services Bureau



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5700 • Fax (562) 570-6867

COMMERCIAL SERVICES DIVISION

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 110 N Marina Dr.

S C Fish Grill, LLC Entertainment with Dancing
DBA: Khoury's Restaurant
Lic#20841450
09/08 – Pending City Council approval

S C Fish Grill, LLC Entertainment with Dancing
DBA: Khoury's Restaurant (1-Yr Short-Term Permit)
Lic#20719170
10/07 – 10/08

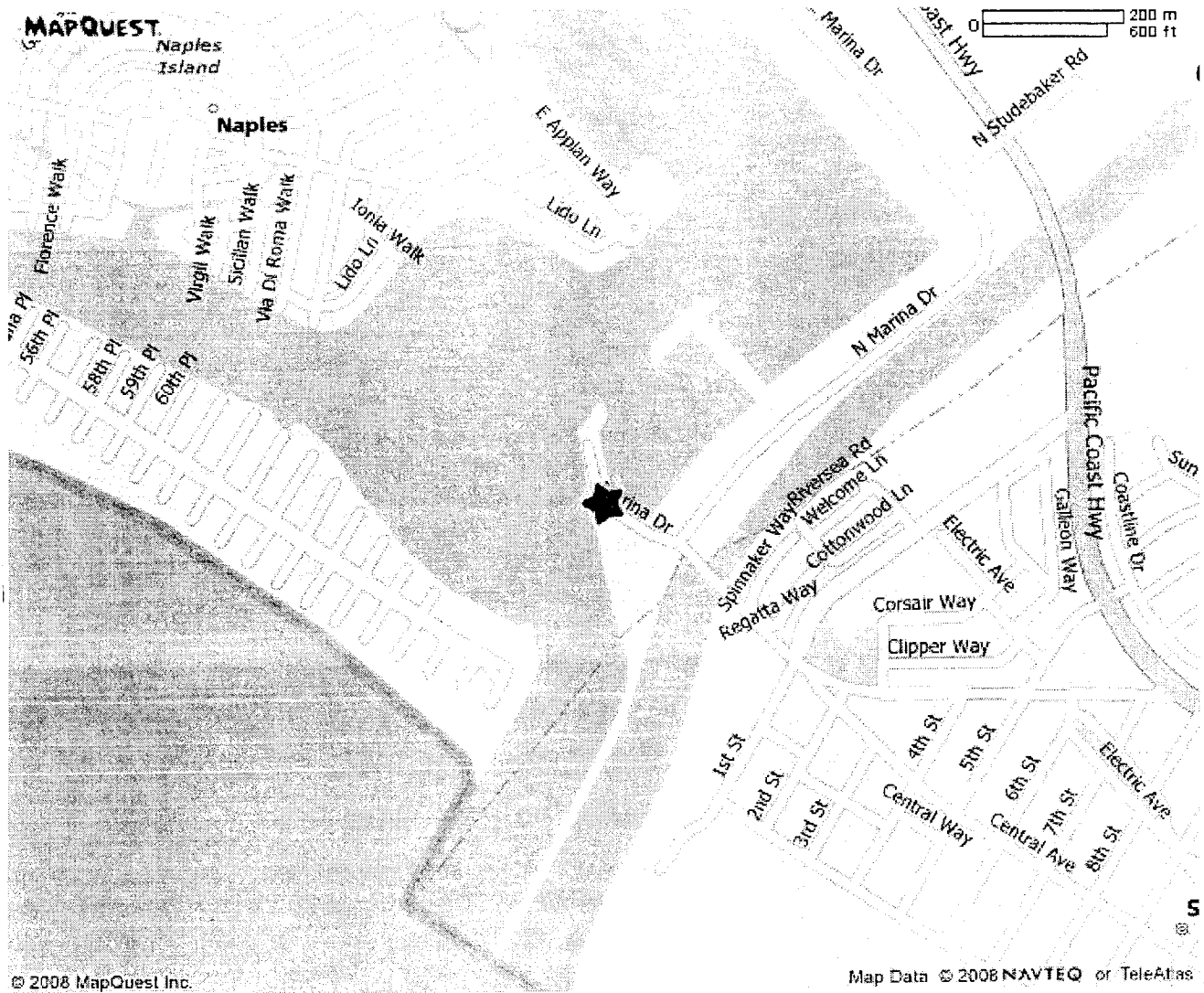
S C Fish Grill, LLC Restaurant without Alcohol
DBA: Khoury's Restaurant
Lic#20719150
05/07 - Active

Creative Cuisine Inc. Restaurant with Alcohol
DBA: Khoury's Restaurant
Lic#97008210
03/97 – 05/07

Creative Cuisine Inc. Entertainment with Dancing
DBA: Khoury's Restaurant
Lic#97012670
03/97 – 05/07

Creative Cuisine Inc. Instructor/Personal Trainer
DBA: Khoury's Restaurant (cooking classes)
Lic#20220950
05/02 – 05/07

Khourys Restaurant 110 Marina Dr.





OFFICE USE ONLY

Accepted By: [Signature] Date: 9/5/18
 Zoning Approval By: [Signature] Date: 9/5/18

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): S.C. Fish Grill, LLC
 Business Name (DBA): Khourys Restaurant Business Phone: (562) 598-6800
 Business Site Address: 110 N. MARINA DRIVE, LONG BEACH CA 90803
 Date Business Proposes To Open: _____

Days & Time Premises Are Open For Inspection: Tues - Fri 10 AM - 9 PM

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:

Contact Person(s) Name (authorized agent, manager, etc.): JAMES KIM

Contact Person(s) Phone Number: (562) 598-6800 / [REDACTED]

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): _____

Fictitious business names(s) or dba(s) used: Khourys Restaurant

Place and date of filing fictitious business name statement: 9/11/06 CA

County(ies) in which fictitious name statement is (are) filed: LA County

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:

JAMES KIM

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

JAMES KIM

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?

2 years 9 months

Is the location: Owned? Rented/Leased?

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

Name: Bancap

Address: 190 N. MARINA DRIVE

LONG BEACH CA 90803

IF APPLYING AS A PARTNERSHIP

Check One Box:

General Partnership

Limited Partnership

LLC (Limited Liability Co.)

Name of Partnership:

S. C. Fish Grill, LLC

Percentage of Partnership

Name and residence addresses of *General Partners*:

Interest:

JAMES KIM

100 %

[REDACTED]

%

[REDACTED]

%

%

Names and residence addresses of *Limited Partners*:

Interest:

%

[REDACTED]

%

%

%

Place and date of filing Articles or Certificate of Partnership or Limited Partnership:

12/12/05 CA

Please Note:

Attach certified copies of *Articles of Partnership or Limited Partnership*, or other written evidence of partnership status and all amendments thereto this application.

IF APPLYING AS A PARTNERSHIP

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

PRINCIPAL PARTNER I

Name: JAMES KIM Title: PRESIDENT

Residence Address: [REDACTED] Phone: [REDACTED]

Business Address: 110 N. MARINA DRIVE LBCA Phone: (562) 598-6800

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]

PRINCIPAL PARTNER II

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: _____

PRINCIPAL PARTNER 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: _____

PRINCIPAL PARTNER 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: _____

Attach a list for additional partners

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

47-328698

Restaurant

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: Seafood

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

3. Are non-alcoholic beverages sold?

YES NO gn

4. How many tables for seating? 80 gn

5. Are other types of businesses conducted on the premises?

YES NO gn

a. If yes, list type(s): Weddings & Banquets

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 *gn*

a. If yes, number of security officers: 1+

12. Is any other type of security provided? YES NO

a. If yes, describe type of security: Security provided for private events depending upon the size of event

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	10p-2am	10p-2am	10p-2am	10p-2am	10p-2am	10p-2am	10p-2am

13. Will a private security firm be used? YES NO

a. If yes, provide the following information of the contracted security firm:

Name: Paragon Protections, Inc City Business License No.: 20707640

Address: 15218 Shady Bend Dr #72 Telephone No.: ()
Hacienda Heights, CA 91745

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: Depending on event

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	10am	10am	10am	10am	10am	10am	10am
Close	2am	2am	2am	2am	2am	2am	2am

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses?

YES NO

a. What type? Restaurants

20. Are there surrounding residences?

YES NO

a. Approximately how close? _____

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) None

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	8am	8am	8am	8am	8am	8am	8am
To	4am	4am	4am	4am	9am	4am	8am

d. How many individual parking spaces (approximately)? 150

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
- Live music by more than two (2) performers? Y N
- Amplified music (live)? Y N
- Amplified music (recorded)? Y N
- Disc Jockey? Y N
- Karaoke? Y N
- 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. _____

Describe entertainment by performers: Dancing

Dance Floor? Y N

Stage? Y N
 L 14 X W 14 = 196 sq ft

If yes, provide dimensions and type of material of dance floor.

If yes, provide dimensions and type of material of stage.

L 14 W 8 H 112 sq ft

Describe floor material and surface type: wood flooring

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 or BAND	DJ or BAND	DJ or BAND	DJ or BAND	DJ or BAND	DJ or BAND	DJ or Band
Start Time	5 PM	5 PM	5 PM	5 PM	5 PM	5 PM	5 PM
End Time	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

RELEASE FORM




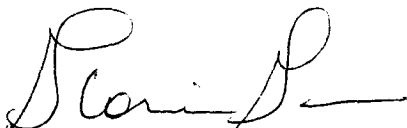
The undersigned, on behalf of (owner('s)) SC. Fish Gill, hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required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

(DBA) Thomas's
to obtain the (entertainment type) Entertainment w/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.

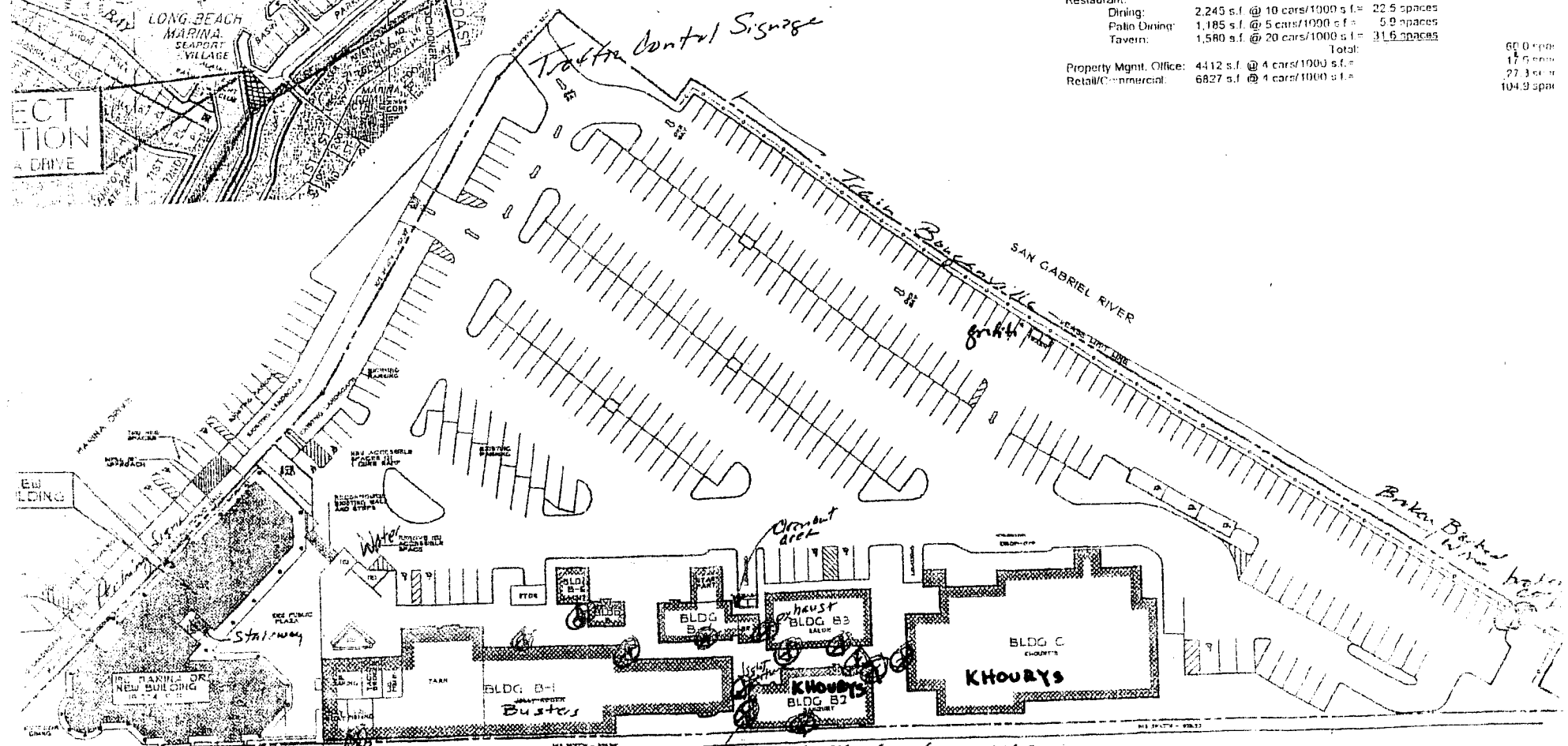
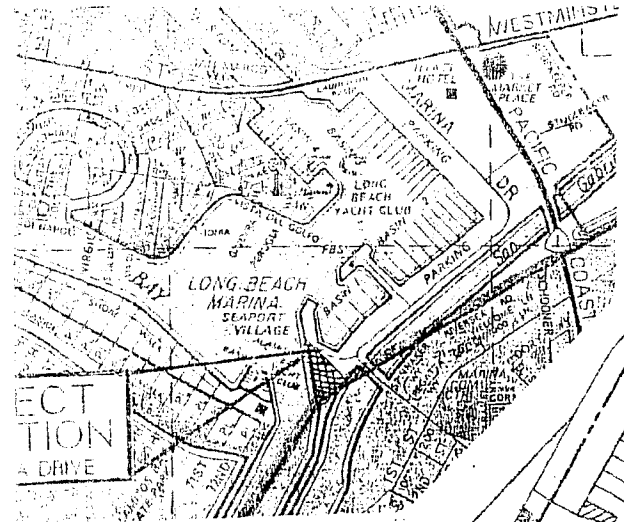
<u></u> (SIGNATURE OR AUTHORIZED AGENT)	<u>PRESIDENT</u> (TITLE)	<u>9/2/08</u> (DATE)
<u></u> DRIVER'S LICENSE OR ID CARD NUMBER	<u></u> STATE	
<u></u> ACCEPTED BY (CITY STAFF)	<u>CSR III</u> TITLE	<u>9/3/08</u> DATE

PARKING REQUIRED FOR EXISTING FIRE-DAMAGED RESTAURANT:

La Mirage	10,876 s.f.		
Dining	1,200 s.f.	@ 10 cars/1000 s.f.	= 12.0 spaces
Patio Dining	1,200 s.f.	@ 5 cars/1000 s.f.	= 6.0 spaces
Pool Billiards	200 s.f.	@ 5 cars/1000 s.f.	= 1.0 spaces
		Plus an additional 2 spaces	= 2.0 spaces
Tavern	3,500 s.f.	@ 20 cars/1000 s.f.	= 70.0 spaces
Dance Floor	540 s.f.	@ 25 cars/1000 s.f.	= 13.5 spaces
Office (2 nd floor)	740 s.f.	@ 4 cars/1000 s.f.	= 3.0 spaces
Total			107.5 spaces

PARKING REQUIRED WITH PROPOSED MIXED-USE BUILDING
NEW MIXED-USE BUILDING AT 190 MARINA DRIVE: 19,774 s.f.

Restaurant:			
Dining	2,245 s.f.	@ 10 cars/1000 s.f.	= 22.5 spaces
Patio Dining	1,185 s.f.	@ 5 cars/1000 s.f.	= 5.9 spaces
Tavern	1,580 s.f.	@ 20 cars/1000 s.f.	= 31.6 spaces
Total			60.0 spaces
Property Mgmt. Office:	4,412 s.f.	@ 4 cars/1000 s.f.	= 17.6 spaces
Retail/Commercial:	6,827 s.f.	@ 4 cars/1000 s.f.	= 27.3 spaces
Total			104.9 spaces



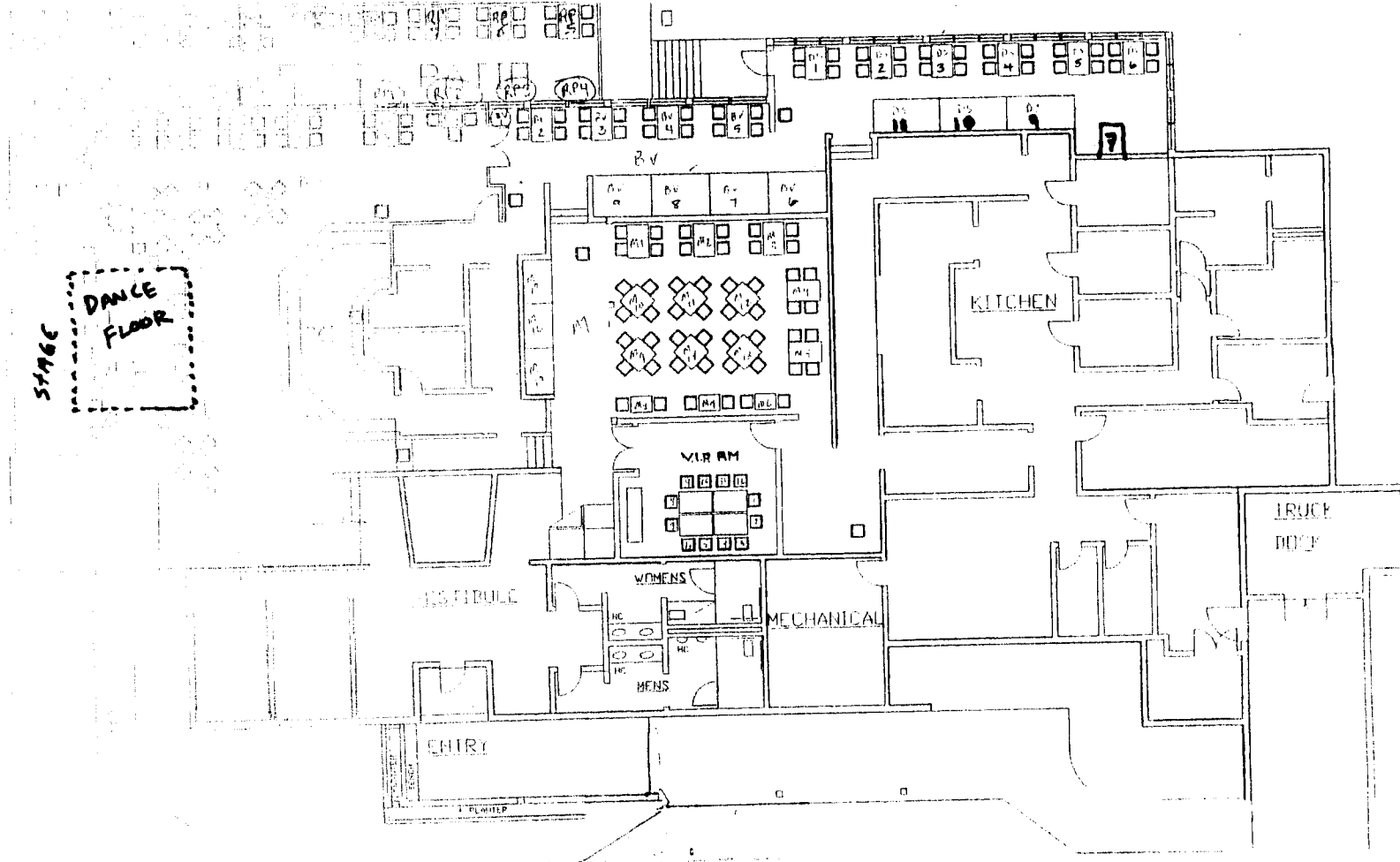
⊗ LANDSCAPING - Spotty areas

Rocks Cleaned ALAMITOS

⊗ DRY ROT, TERMITA - SIDING/DAM FROMET, ETC.

SITE PLAN

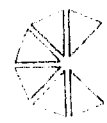
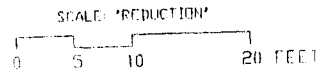




QUORRY'S RESTAURANT

1000 MARINA DEL REY BLVD., CA 90803

FIRST FLOOR PLAN



COLLABORATIVE GROUP
 COLLABORATIVE DESIGN
 ARCHITECTURAL AND PLANNING DIVISION
 P.O. BOX 9310 - MARINA DEL REY, CA 90803
 562 986 9044 FAX 562 986 9364

**State of California
Secretary of State**



I, **BRUCE McPHERSON**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

DEC 16 2005

BRUCE McPHERSON
Secretary of State



State of California Secretary of State

LIMITED LIABILITY COMPANY ARTICLES OF ORGANIZATION

File # 200534810028

ENDORSED - FILED in the office of the Secretary of State of the State of California

DEC 12 2005

A \$70.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")

1. NAME OF LIMITED LIABILITY COMPANY

S.C. FISH GRILL, LLC

PURPOSE (The following statement is required by statute and may not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE SEVERLY-JOLLA LIMITED LIABILITY COMPANY ACT.

INITIAL AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and both items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1506 and item 3 must be completed (leave item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS

JAMES J. KIM

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE

MANAGEMENT (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- ONE MANAGER (checked)
MORE THAN ONE MANAGER
ALL LIMITED LIABILITY COMPANY MEMBER(S)

ADDITIONAL INFORMATION

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

EXECUTION

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

Handwritten signature of Visola Wurzer

SIGNATURE OF ORGANIZER

DECEMBER 12, 2005

DATE

VISOLA WURZER

TYPE OR PRINT NAME OF ORGANIZER

RETURN TO (Enter the name and the address of the person or firm to whom a copy of the filed document should be returned.)

8. NAME

FIRM

ADDRESS

CITY/STATE/ZIP



FILED (REV 05/05)

APPROVED BY SECRETARY OF STATE


**STATEMENT OF AUTHORIZED FILER
IN LIEU OF MEMBERSHIP MEETING
OF
S.C. Fish Grill, LLC**

THE UNDERSIGNED, being the authorized filer of S.C. Fish Grill, LLC a Limited Liability Company of the State of California, does hereby adopt the following resolutions and takes the following action by written consent in lieu of a meeting pursuant to the provisions of Division 3, Title 2.5 of the California Corporations Code:

RESOLVED, that a copy of the Articles of Organization of S.C. Fish Grill, LLC as filed in the Office of the California Secretary of State on December 12, 2005 is ordered filed with the Operating Agreement of this Limited Liability Company; and

RESOLVED, that from this day henceforth, the undersigned, effective this date, has fulfilled the duties as the authorized filing person for S.C. Fish Grill, LLC and herewith relinquishes all further duties relating to the formation of this Limited Liability Company to its members/managers: James J. Kim

EXECUTED, by the authorized filing person on December 19, 2005



Visola Wurzer
Authorized Filing Person

Name: Lori M. Lofstrom
Address: 6621 E. Pacific Coast Highway
City: Long Beach State: CA Zip Code: 90803

COPY of Document Recorded
06 2017404
Has not been compared with original.
Original will be returned when
processing has been completed.
LOS ANGELES COUNTY REGISTRAR-RECORDER

1 First Filing Renewal Filing
Check one only

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS: (Attach additional pages if required)

2 Fictitious Business Name(s) 3
1. Khoury's Restaurant
2. _____
Articles of Incorporation or Organization Number (if applicable):
AI #/ON 200534810029

3 Street Address, City, State, and Zip Code of Principal Place of Business in California (P.O. Box alone not acceptable)
110 Marina Drive, Long Beach, CA 90803

4 Full name of Registrant / Corporation / Limited Liability Company (If corporation - incorporated in what state)
S.C. Fish Grill, LLC California
Residence Street Address (P.O. Box not accepted) City State Zip Code

4A Full name of Registrant / Corporation / Limited Liability Company (If corporation - incorporated in what state)
Residence Street Address (P.O. Box not accepted) City State Zip Code

4B Full name of Registrant / Corporation / Limited Liability Company (If corporation - incorporated in what state)
Residence Street Address (P.O. Box not accepted) City State Zip Code

5 This Business is conducted by: () an individual () a general partnership () joint venture () a business trust
() co-partners () husband and wife () a corporation () a limited partnership
(check one only) () an unincorporated association other than a partnership () a limited liability company () _____
None

6 Have you started doing business? If yes, insert the date on the line.
No _____
Yes Date 12/12/2005

7 I declare that all information in this statement is true and correct.
(A registrant who declares as true information which he or she knows to be false is guilty of a crime.)

8 Signature of Registrant(s)

Signature type/print name

Signature type/print name

Signature type/print name

Signature type/print name

8A If Registrant is a CORPORATION or LLC, sign below
S.C. Fish Grill, LLC

Corporation Name / Limited Liability Company
James J. Kim
Signature

Manager

Title
James J. Kim
Type or Print Name

This statement was filed with the County Clerk of LOS ANGELES County on date indicated by file stamp above.

NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (See Section 14411 et seq., Business and Professions Code)

This page is part of your document - DO NOT DISCARD

06 2017404

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

09/11/06 AT 08:01AM

TITLE(S) : FICTITIOUS NAME STATEMENT



LEAD SHEET

FEE

Code 11 - 23.00

Code F005 - 001

D.T.T.

CODE

20

CODE

19

CODE

9

Grand Total = \$23.00

Page Count = 1

Assessor's Identification Number (AIN)

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Operating Agreement

OF

S. C. FISHGRILL, LLC

A LIMITED LIABILITY COMPANY
ORGANIZED UNDER THE LAWS OF
THE STATE OF
CALIFORNIA

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1.11 **Initial Sharing Ratio.** The Initial Sharing Ratio set forth in Exhibit A.

1.12 **CA LLC Law.** The California Limited Liability Company Law and all amendments thereto.

1.13 **Organization.** A Person other than a natural person. Organization includes, without limitation, corporations (both non-profit and other corporations), partnerships (both limited and general), joint ventures, limited liability companies and unincorporated associations, but the term does not include joint tenancies and tenancies by the entirety.

1.14 **Person.** An individual, trust, estate or any Organization permitted to be a member of a limited liability company under the laws of the State of California.

1.15 **Section.** A Section of this Company Agreement, unless otherwise indicated.

ARTICLE II FORMATION

2.1 **Organization.** The Member hereby organizes the Company as a California limited liability company pursuant to the provisions of the CA LLC Law.

2.2 **Agreement.** For and in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Member hereby agrees to the terms and conditions of this Company Agreement, as it may from time to time be amended. It is the express intention of the Member that this Company Agreement shall be the sole source of agreement of the parties hereto as to the matters expressly set forth in this Company Agreement. Except to the extent a provision of this Company Agreement is expressly prohibited or ineffective under the CA LLC Law, this Company Agreement shall govern, even when inconsistent with, or different than, the provisions of the CA LLC Law or any other law or rule. To the extent any provision of this Company Agreement is prohibited or ineffective under the CA LLC Law, this Company Agreement shall be considered amended to the smallest degree possible in order to make this Company Agreement effective under the CA LLC Law. In the event the CA LLC Law is subsequently amended or interpreted in such a way to make any provision of this Company Agreement that was formerly invalid valid, such provision shall be considered to be valid from the effective date of such interpretation or amendment.

2.3 **Name.** The name of the Company is S. C. FISH GRILL, LLC, and all business of the Company shall be conducted under that name or under any other name but, in any case, only to the extent permitted by applicable law.

2.4 **Term.** The Company shall be dissolved and its affairs wound up in accordance with the CA LLC Law and this Company Agreement on Dec 31, 2035, unless the term shall be extended by amendment to this Company Agreement and the Articles of

Organization, or unless the Company shall be sooner dissolved and its affairs wound up in accordance with the LLC Law or this Company Agreement.

2.5 **Registered Agent and Office.** The registered agent for the service of process and the registered office shall be that Person and location reflected in the Articles of Organization as filed in the office of the Department of State of California. The Member may, from time to time, change the registered agent or office through appropriate filings with the Department of State of California. In the event the registered agent ceases to act as such for any reason or the registered office shall change, the Member shall promptly designate a replacement registered agent or file a notice of change of address as the case may be.

2.6 **Principal Office.** The principal office of the Company shall be located at 110 MARINA DR, LONG BEACH CA 90803.

2.7 **Publication.** Within 120 days after the effectiveness of the initial Articles of Organization, the Member shall cause a notice containing the substance of the Articles of Organization, in the form required by the CA LLC Law, to be published once in each week for six successive weeks in two newspapers of the county in which the Principal Office is located.

ARTICLE III PURPOSE; NATURE OF BUSINESS

The purposes of the Company are (1) Restaurant/Food and (2) to engage in any other lawful business. The Company shall have the authority to do all things necessary or convenient to accomplish its purposes and operate its business as described in this Article III.

ARTICLE IV INCOME TAX CHARACTERIZATION

Solely for federal, state and local income tax purposes, it is intended that the Company be treated, not as a separate taxpayer, but as an asset of the Member.

ARTICLE V LIABILITY OF THE MEMBER

The Member shall not be liable as such for the liabilities of the Company.

ARTICLE VI MANAGEMENT BY THE MEMBER

6.1 **Management by the Member.** The Member shall manage the Company, and all decisions concerning the business affairs of the Company shall be made by the Member. Only the Member and authorized agents of the Company shall have the authority to bind the Company. The Member has the power, on behalf of the Company, to do all things necessary or



OFFICE USE ONLY

Accepted By: _____	Date: _____
Zoning Approval By: _____	Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): S. C. Fish Grill, LLC
 Business Name (DBA): Khourys Restaurant Business Phone: (562) 598-6800
 Business Site Address: 110 N. MARINA DRIVE, LONG BEACH CA 90803

Date Business Proposes To Open: _____
 Days & Time Premises Are Open For Inspection: Tues - Fri 10 AM - 9 PM

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:

Contact Person(s) Name (authorized agent, manager, etc.): JAMES KIM

Contact Person(s) Phone Number: (562) 598-6800 / ~~XXXXXXXXXXXX~~

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: Anthony W Batts Title: COP Date: 10.29.08



Date: October 28, 2008
To: Pamela Horgan, Manager, Commercial Services Bureau
From: *AWB*
Anthony W. Batts, Chief of Police
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT KHOURY'S RESTURANT – 110 MARINA DRIVE**

The Police Department recommends **DENIAL** of this application for an Entertainment with Dancing Permit, by S.C. Fish Grill, LLC, dba Khoury's Restaurant, located at 110 Marina Drive. This recommendation is based on increased calls-for-service, incidents and arrests attributable to the business, a recommendation from the East Division Patrol Commander, objections from the Marine Department, and non-compliance by ownership to resolve issues of concern.

Background

Khoury's Restaurant is located at the south end of the Alamitos Bay Marina. The establishment serves a seafood menu for lunch and dinner. After food service ends, the business becomes a nightclub with limited food service. Khoury's is a for-profit corporation, owned and operated by James Kim. The business currently holds a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control license. On October 16, 2007, Long Beach City Council approved a one-year short-term entertainment permit. On September 3, 2008, Khoury's applied for a new Entertainment with Dancing permit, requesting live amplified music, a disc jockey and karaoke music.

Crime Analysis

As part of the investigation, Vice Detectives examined calls for service, crime reports, and arrests at the above location for a two-year period from May 2, 2005 to May 2, 2007. The report indicated fifty-one (51) calls for service, twenty-two (22) incidents, and nine (9) arrests, attributable to the business. Compared to the last analysis, during the previous entertainment application, the figures have doubled. Approximately half of the calls-for-service, incidents, and arrests are related to minors being present and underage drinking at the location.

Patrol Division

East Division Patrol Commander Cynthia Renaud was contacted for an opinion regarding the issuance of this permit. She said there have been numerous fights at the establishment over the last year, and the owner does not have control over his patrons. She said many of the problems have been related to minors being allowed to enter the location and consume alcohol. She said there is also a lack of security in the parking lot that has contributed to some of the problems. Commander Renaud is opposed to the issuance of an entertainment permit for Khoury's.

Vice Investigations

Entertainment Permit Inspection

On Tuesday, September 23, 2008, detectives responded to the business and observed no residences within 100 feet of the business. Detectives met with Salim Khoury, Khoury's manager, to discuss their current and approved conditions of operation. He was advised that calls-for-service and other incidents have doubled over the last year, and there appears to be an issue of non-compliance with the condition that excludes minors after 10 p.m. Mr. Khoury stated he was not aware of the restricted hours for minors and the additional security requirements. Mr. Khoury said he would make the necessary corrections and would abide by all approved conditions.

Marine Department Observations

Detectives spoke with Marine Department Officer Joe Johnson regarding the Khoury's business. He said over the past year that minors have been observed in the parking lot with alcohol. There have also been numerous fights in the parking lot at closing time. Many problems at the location appear to be related to minors being present and underage drinking.

Undercover Police Investigations

On Saturday, September 27, 2008, at approximately 2230 hours, detectives went to the location. Security guards were in the parking lot and at the front door checking identification. There were approximately 30 patrons inside the business drinking alcoholic beverages and listening to a live band. There did not appear to be anyone under 21 years of age inside the business.

On Thursday, October 9, 2008, at approximately 2230 hours, detectives went to the location. Security guards were in the parking lot and at the front door checking identification. There were security guards inside the business and at the back door as well. There were approximately 20 patrons inside the business listening to a live band, dancing, and drinking alcoholic beverages. There did not appear to be anyone under 21 years of age inside the business.

On Friday, October 10, 2008, at approximately 2300 hours, detectives went to the location. Security guards were in the parking lot and at the front door checking identification. There were security guards inside the business and at the back door as well. There were approximately 40 patrons inside the location listening to a live band, dancing, and drinking alcoholic beverages. Detectives also sent three minor decoys to the front door to see if they would be allowed to enter the business. The security guards checked their identification and noted they were under 21 years of age. A security guard inquired if they knew anyone inside the business and almost allowed them to enter. However, the minors were turned away when they did not provide security with proper information.

Recommendation

ENTERTAINMENT WITH DANCING AT KHOURYS RESTURANT

110 MARINA DRIVE

Page 3

Khoury's current one-year short-term entertainment permit was approved on October 15, 2007. The permit was approved with a condition that would exclude minors (anyone under 21 years of age) from being inside the business after 10 p.m. There were also conditions requiring security in the parking lot and on the boat dock located to the rear of the business. For unknown reasons, the ownership and management of Khoury's did not abide by these conditions. As a result, calls-for-service and other incidents have doubled over the last year, and the business has become a burden on Patrol Division resources. With or without specific conditions to mitigate problems, the ownership and management have been aware of the current problems related to minors, but have made no attempt to resolve these issues.

Based on the Vice Section's investigation and East Division's recommendation, along with opposition from the Marine Department, the Police Department has found the public peace, safety, and welfare would be impaired by the issuance of this permit. Therefore, the Police Department recommends **Denial** of the requested Entertainment Permit.

WSB:CNA:cna
DenialKhoury's



OFFICE USE ONLY

Accepted By: _____ Date: 7/12/10

Zoning Approval By: [Signature] Date: 6/21/18

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): S. C. Fish Grill, LLC

Business Name (DBA): Khourys Restaurant Business Phone: (562) 598-6800

Business Site Address: 110 N. MARINA DRIVE, LONG BEACH CA 90803

Date Business Proposes To Open: _____

Days & Time Premises Are Open For Inspection: Tues - Fri 10 AM - 9 PM

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:

Contact Person(s) Name (authorized agent, manager, etc.): JAMES KIM

Contact Person(s) Phone Number: (562) 598-6800 / ~~822-222-2222~~

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): 10/9/08 By: Parker, C. Zofryl

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: _____



OFFICE USE ONLY

Accepted By: _____ Date: 9/24/08
 Zoning Approval By: [Signature] Date: 9/24/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): S. C. Fish Grill, LLC
 Business Name (DBA): Khourys Restaurant Business Phone: (562) 598-6800
 Business Site Address: 110 N. MARINA DRIVE, LONG BEACH CA 90803
 Date Business Proposes To Open: _____
 Days & Time Premises Are Open For Inspection: Tues - Fri 10 AM - 9 PM

- 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:

Contact Person(s) Name (authorized agent, manager, etc.): JAMES KIM
 Contact Person(s) Phone Number: (562) 598-6800 / ~~(562) 598-6800~~

- 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: 9-24-08

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:
This establishment must remain in compliance with all applicable sections of the Long Beach City Noise Ordinance (L.B.M.C. Chapter 8.80)

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

Inspection Completed On (date): 9-24-08 By: [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: _____

Received by [Signature] 9-24-08



Accepted By: [Signature] Date: [Date]
 Zoning Approval By: [Signature] Date: [Date]

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): S. C. Fish Grill, LLC
 Business Name (DBA): Khourys Restaurant Business Phone: (562) 598-6800
 Business Site Address: 110 N. MARINA DRIVE, LONG BEACH CA 90803
 Date Business Proposes To Open: _____
 Days & Time Premises Are Open For Inspection: Tues - Fri 10 AM - 9 PM

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:

Contact Person(s) Name (authorized agent, manager, etc.): JAMES KIM

Contact Person(s) Phone Number: (562) 598-6800 / ~~XXXXXXXXXX~~

Type of Organization:

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

OFFICE USE ONLY

Building PJ# 539005 Fire Health (Check Inspecting Department) Date Received: 09-03-08

Building/Location meets Department Requirements for the proposed use. For Business License Renewal only.
 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): 09-03-08 By: E.R.

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: September 16, 2008
To: Richard I. Bartlett, Business Services Officer, Commercial Services Bureau
From: Derek Burnham, Current Planning Officer *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 110 N. Marina Drive
Long Beach, CA 90803

Applicant: S.C. Fish Grill, LLC
DBA Khoury's Restaurant

Zoning District: PD-4 (Long Beach Marina Planned Development District)

Proposed Use: Entertainment with Dancing

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

A review of the permit history for 110 N. Marina Drive, indicates that one Conditional Use Permit Exemption (Case No. 39-96) was approved for alcohol sales with meals only at an existing restaurant with a legal, non-conforming fixed bar. No CUPs or AUPs were found for the subject property.

The subject property is located within the Long Beach Marina Planned Development District (PD-4). Within PD-4, dancing by patrons is permitted as an accessory use for a restaurant.

The proposed dance floor will be located in the bar area of the restaurant. Per the Zoning Code, the parking requirement for a bar/tavern is 20 spaces per 1,000 square feet of gross floor area (GFA). The parking requirement for dancing by patrons is 25 spaces per 1,000 square feet GFA. The proposed dance floor measures 196 square feet. Given the difference in parking requirements, one additional parking space is required. The restaurant is located in a shopping center with nearly 400 on-site parking spaces available. In addition, the shopping center is immediately adjacent to public parking lots serving the marina and other coastal activities. As there is ample parking available for this use, the one additional required parking space can be accommodated and no additional parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Khoury's Restaurant" be approved.

If you have any questions regarding this response, please call Angie Zetterquist, Planner, at (562) 570-6553.