

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-1

333 West Ocean Blvd • Long Beach, California 90802

June 18, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Wokcano Long Beach, Inc., 199 The Promenade North, for Entertainment with Dancing by Patrons. (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 shall approve the issuance of the entertainment permit if they find that: the issuance of the permit at the proposed location is consistent with federal, state and local laws, rules, and regulations; it will not constitute an undue burden on the neighborhood; the applicant(s) or responsible persons have not been convicted of any misdemeanor involving moral turpitude or felony offense within the past five years; and, neither the applicant(s) or any responsible persons have a history of committing significant violations of the City code and have not provided false or misleading information on their application.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) deny the Permit on the application. Once the Permit is granted, pursuant to LBMC 5.72.120.5, the Permit will be subject to an administrative review by the Department of Financial Management every two years. This review process will consist of a multi-department analysis to determine compliance and identify if issues exist. This provision does not affect the City's ability to modify, revoke or suspend a permit at any time.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, history, entertainment permit application and floor plan. To review all supportive documents, as well as the documents included in this report, you may visit www.longbeach.gov/finance/business_relations/entertainment.asp.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved subject to the standard conditions of the Downtown Dining and Entertainment District.

HONORABLE MAYOR AND CITY COUNCIL

June 18, 2013

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- The Fire Department finds that the building/location meets department requirements for the proposed use.
- 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 finds that the building/location meets department requirements for the proposed use.

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 subject to conditions (attached).

In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a restaurant with alcohol since September 2008.

This matter was reviewed by Deputy City Attorney Amy R. Webber on May 30, 2013.

TIMING CONSIDERATIONS

The hearing date of June 18, 2013, 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 \$22 and Zoning Review \$16 (Development Services), Police Investigation \$663 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$330.57 and Regulatory \$1,025 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



PATRICK H. WEST
CITY MANAGER

JG:ES
K:\EXEC\COUNCIL LETTERS\BUSINESS RELATIONS\HEARING LETTERS\06-18-13 CCL - WOKCANO'S - ENTERTAINMENT WITH DANCING.DOC

ATTACHMENTS



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-6211

Recommended Conditions of Operation **Wokcano Long Beach, Inc., dba: Wokcano Long Beach** **199 The Promenade North** **Application for Entertainment with Dancing**

The Department of Financial Management recommends **approval** of the permit subject to the following conditions associated with the Downtown Dining and Entertainment District:

"Entertainment" as used here shall have the same definition as "entertainment activity" contained in LBMC Section 5.72.115:

- A. "Entertainment activity" means any activity conducted for the primary purpose of diverting or entertaining a clientele in a premises open to the general public. Said activity shall include, but shall not be limited to, dancing, whether by performers or patrons of the establishment, live musical performances, instrumental or vocal, when carried on by more than two (2) persons or whenever amplified; musical entertainment provided by a disc jockey or karaoke, or any similar entertainment activity involving amplified, reproduced music.

Permittee understands and agrees that the conditions attached here are in addition to the requirements of LBMC Sections 5.72 and 21.115.110. In the event of a conflict between the permittee's ABC license and this permit, or between a conditional use permit and this permit, the more stringent conditions shall apply.

Permittee understands and agrees that he or she is excused from complying with the Tiered Conditions so long as his or her operation complies with all of the conditions in this permit as well as all other applicable laws and regulations. Failure to comply will result in the enforcement of increasingly more stringent Tiered Conditions and may result in a decision to suspend or revoke the Entertainment Permit.

This permit does 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 entity, 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.

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, except for rooftop entertainment that was permitted on or before February 3, 2007, 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.
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 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 complaints/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. To operate a restaurant with alcohol and entertainment in the Downtown Dining and Entertainment District, the proprietor must operate and maintain the licensed premises as a bona fide eating place. He or she must make actual and substantial sales of meals, during at least one full normal mealtime, at least five days a week. Normal meal times are 6:00 a.m. – 9:00 a.m., 11:00 a.m. – 2:00 p.m., and 6:00 p.m. – 9:00 p.m. Minors are only allowed on the premises during mealtime hours.
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 cost 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."

ADDITIONAL CONDITION

18. The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.
19. If the permittee utilizes an independent third party event promoter to provide entertainment related services resulting in any public safety call for service, the City reserves the right to remove and/or restrict the use of independent third party promoters.

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.



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., DBA Wokcano Long Beach. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

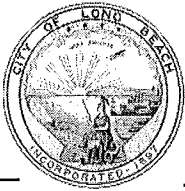
SUBMITTED FOR CITY COUNCIL ACTION

	<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	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.....	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 • (562) 570-5700 • Fax (562) 570-6867

BUSINESS RELATIONS BUREAU

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 199 The Promenade North

Wokcano Long Beach Inc.
Lic#21304930
02/13 – Pending

Entertainment With Dancing

Wokcano Long Beach Inc.
Lic#21116540
10/11 – Active

Entertainment With Dancing
(1 Year- Short Term)

Wokcano Long Beach Inc.
Lic#21007160
07/10 – 10/11 – Closed

Entertainment With Dancing

Wokcano Long Beach Inc.
Lic#20837040
09/08 – Active

Restaurant with Alcohol

Global Parking System
Lic#20913330
04/09 – Active

Valet Service

Wokcano Long Beach Inc.
Lic#20911960
07/09 – 07/10 - Closed

Entertainment With Dancing

199 The Promenade North





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): NOFCANO LONG BEACH INCBusiness Name (DBA): NOFCANO LONG BEACH Business Phone: (562) 951-9652Business Site Address: 199 THE PROMENADE NORTH LONG BEACH CA 90802Date Business Proposes To Open: OPENDays & Time Premises Are Open For Inspection: 11 AM - 2 AM / ANY DAY**Proposed Use(s):**Entertainment/Restaurant With Dancing ☒ Without Dancing ☐ Other (explain) ☐Entertainment/Tavern With Dancing ☐ Without Dancing ☐Entertainment/Retail ☐ Social Club ☐ Pool/Billiard Hall ☐Explain briefly the proposed use of the rooms within the building: RESTAURANT WITH DJ, DANCING, KARAOKEContact Person(s) Name (authorized agent, manager, etc.): MICHAEL KWAN

Contact Person(s) Phone Number: _____

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 basis for denial☐ Police Department finds basis for denial☐ Police Department finds no 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): - SAME -

Fictitious business names(s) or dba(s) used: n/a

Place and date of filing fictitious business name statement: n/a

County(ies) in which fictitious name statement is (are) filed: n/a

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:

MICHAEL KWAN [REDACTED]

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

MICHAEL 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:

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?

5 yrs

Is the location: Owned? ☐ Rented/Leased? ☒

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

Name: c/o CHARLEY DUNN REV INC

Address: [REDACTED]

IF APPLYING AS A CORPORATION

☐ Non-Profit Corporation

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

Name of Corporation: WOKCAVO LONG BEACH FNC

Corporation Number: C2918431

Date and Place of Incorporation: 5/10/2007 Long Beach, California

Location Headquarters: 199 THE PROMENADE NORTH LONG BEACH CA 90802

Federal Tax ID Number:

Seller's Permit Number:

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
MICHAEL KUAN	PRESIDENT	[REDACTED]	[REDACTED]
		[REDACTED]	()
			()
			()

Numbers of shares issued by Corporation:

Number of share retained by Corporation:

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

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

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: MICHAEL KWAN Title: President
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 199 7th Promenade N, Long Beach Phone: 562-951-9652
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: _____ 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 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 ☒

47-469327-1

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: ASIAN FUSION MEALS (DINE IN & TAKEOUT)

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

3. Are non-alcoholic beverages sold? ☒ YES ☐ NO

4. How many tables for seating? _____

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
- a. If yes, describe type of security: _____

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	11Am-2Am	11Am-2Am	11Am-2Am	11Am-2Am	11Am-2Am	11Am-2Am	11Am-2Am
Security	0	0	0	0	2	2	0

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: \$10 / Per Person

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	11AM	5AM	5AM	5AM	5AM	5AM	5AM
Close	2AM						

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses?

☒

YES

☐

NO

a. What type?

RESTAURANT, BARS

20. Are there surrounding residences?

☒

YES

☐

NO

a. Approximately how close?

ABOUT

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							
To	24 HOURS						

d. How many individual parking spaces (approximately)?

300

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: SINGING, PATTEN SHOWS

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: 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							
Start Time	<u>11Am</u> 11Am	<u>11Am</u> 11Am	<u>11Am</u> 11Am	<u>11Am</u>	<u>11Am</u>	<u>11Am</u>	<u>11Am</u>
End Time	<u>2Am</u>	<u>2Am</u>	<u>2Am</u>	<u>2Am</u>	<u>2Am</u>	<u>2Am</u>	<u>2Am</u>

RELEASE FORM

The undersigned, on behalf of (owner('s)) WOKCANIO 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:

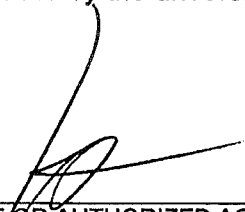


(DBA) WOKCANIO LONG BEACH INC,


to obtain the (entertainment type) _____ permit/license.

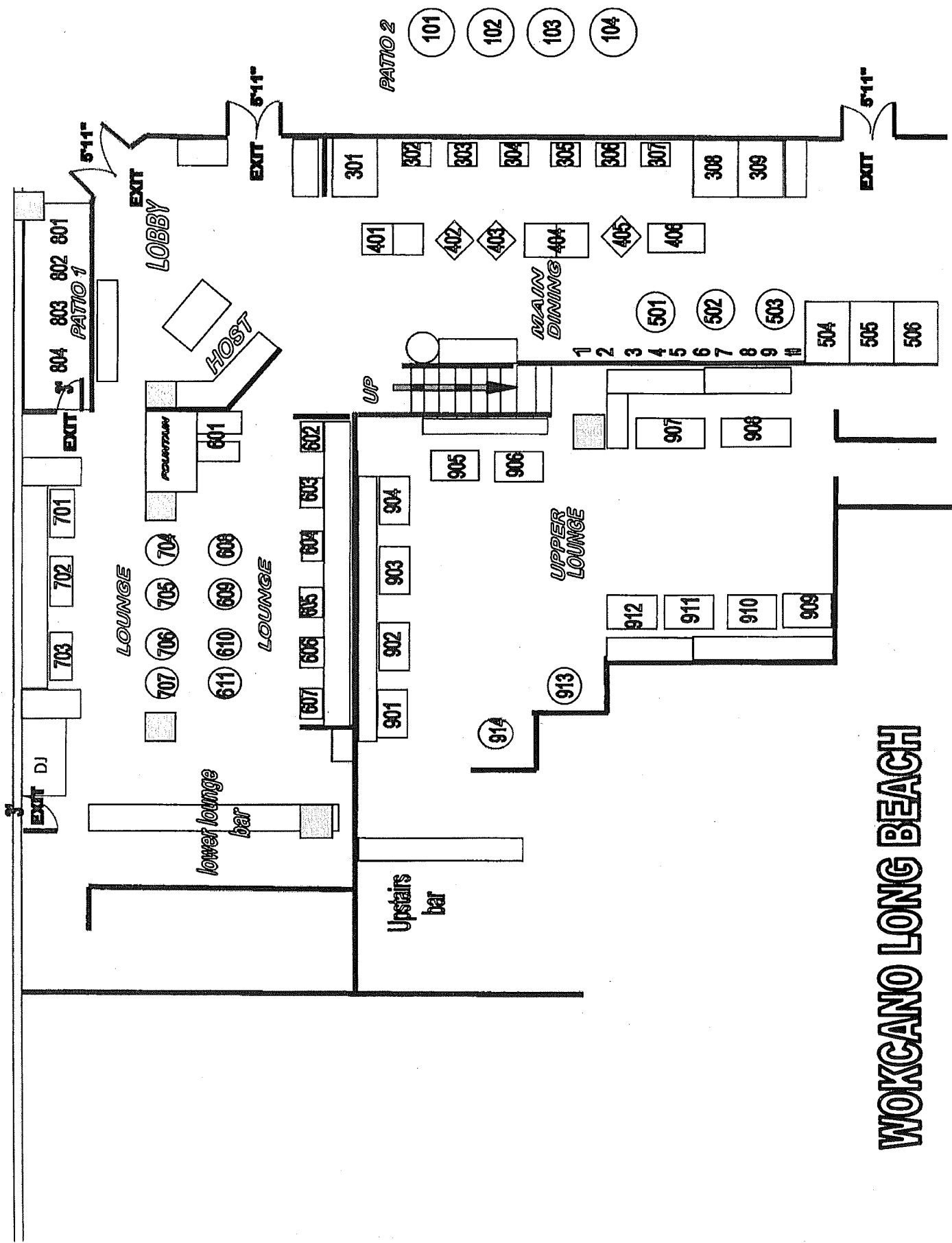
The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. 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 OF AUTHORIZED AGENT)	<u>President</u> _____ (TITLE)	<u>8/16/12</u> _____ (DATE)
 _____ DRIVER'S LICENSE OR ID CARD NUMBER	 _____ STATE	

 _____ ACCEPTED BY (CITY STAFF)	<u>AAA</u> _____ TITLE	<u>01/31/13</u> _____ DATE
--	------------------------------	----------------------------------



WOKCANO LONG BEACH



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): NOF CANO LONG BEACH INC

Business Name (DBA): NOF CANO LONG BEACH Business Phone: (562) 951-9652

Business Site Address: 199 THE PROMENADE NORTH LONG BEACH CA 90802

Date Business Proposes To Open: OPEN

Days & Time Premises Are Open For Inspection: 11 AM - 2 AM / ANY DAY

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐ Other (explain) ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Entertainment/Retail ☐ Social Club ☐ Pool/Billiard Hall ☐

Explain briefly the proposed use of the rooms within the building: RESTAURANT WITH DJ DANCING, KARAOKE

Contact Person(s) Name (authorized agent, manager, etc.): MICHAEL KLAN

Contact Person(s) Phone Number: _____

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 basis for denial

☐ Police Department finds basis for denial

☒ Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____


Title: CHIEF OF POLICE

Date: 4-2-13



City of Long Beach
Working Together to Serve

Memorandum

Date: April 1, 2013
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Jim McDonnell, Chief of Police 
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING PERMIT AT WOKCANO
199 THE PROMENADE NORTH**

In response to your request for a recommendation regarding the above named permit application for an Entertainment with Dancing Permit, the Police Department recommends **approval** of an **Entertainment with Dancing Permit**, subject to the following (17) standard conditions of the Downtown Dining and Entertainment District, and an additional condition regarding the installation of surveillance cameras (18):

Wokcano is a restaurant located on the southwest corner of Broadway and The Promenade. The establishment serves Asian cuisine for lunch and dinner, and offers entertainment during the evening hours. The business is owned and operated by Ka Wai Kwan who also holds a Type 47 (On-Sale General Eating Place) Alcoholic Beverage Control license. The business has been operating on a One-Year Short-Term Entertainment with Dancing Permit. On January 31, 2013, Wokcano applied for a new Entertainment with Dancing Permit requesting live and recorded amplified music, dancing by patrons and performers, a disc jockey, and karaoke music.

Based upon the Vice Section's investigation, and the West Division Patrol Commander's recommendation, the Long Beach Police Department has determined the public peace, safety, and welfare would not be adversely impacted by the issuance of this permit provided the appropriate conditions are imposed and observed by the applicant. The Police Department recommends approval of an Entertainment with Dancing Permit.

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.

March 28, 2013

Erik Sund, Bureau Manager, Business Relations Bureau

Page 2

- 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 section 8.80 LBMC (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.

March 28, 2013

Erik Sund, Bureau Manager, Business Relations Bureau

Page 3

- 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. (18.48.200 LBMC)
- 9) Should the permittee's operations give rise to a substantial increase in complaints/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.

March 28, 2013

Erik Sund, Bureau Manager, Business Relations Bureau

Page 4

- 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, fire, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

March 28, 2013

Erik Sund, Bureau Manager, Business Relations Bureau

Page 5

- 18) The permittee shall be responsible for installing and maintaining a video surveillance system that monitors no less than the front and rear of the business, with full view of the public right-of-ways, and any parking lot under the control of the permittee. These cameras shall record video for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras

JM:LBB:lb
AppvlCondWokcano



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): WOFCANO LONG BEACH INC

Business Name (DBA): WOFCANO LONG BEACH Business Phone: (562) 951-9652

Business Site Address: 199 THE PROMENADE NORTH LONG BEACH CA 90802

Date Business Proposes To Open: OPEN

Days & Time Premises Are Open For Inspection: 11 AM - 2 AM / ANY DAY

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐ Other (explain) ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Entertainment/Retail ☐ Social Club ☐ Pool/Billiard Hall ☐

Explain briefly the proposed use of the rooms within the building: RESTAURANT WITH DJ, DANCING, KARAOKE

Contact Person(s) Name (authorized agent, manager, etc.): MICHAEL KLAN

Contact Person(s) Phone Number: _____

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): 4/16/13 By: J. Bergman

POLICE DEPARTMENT

☐ Police Department finds no basis for denial

☐ Police Department finds basis for denial

☐ Police Department finds no 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: 2/10/12

Name of Business (DBA): WOKANO LONG BEACH INC

Name of Business Owner: WOKANO LONG BEACH INC

Business Address: 199 THE PROMENADE NORTH
LONG BEACH CA 90802

Dear New Business Owners:

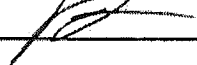
The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

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 # [REDACTED]

FAX # [REDACTED]



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): NOFCANO LONG BEACH INC

Business Name (DBA): NOFCANO LONG BEACH Business Phone: (562) 951-9652

Business Site Address: 199 THE PROMENADE NORTH LONG BEACH CA 90802

Date Business Proposes To Open: OPEN

Days & Time Premises Are Open For Inspection: 11 AM - 2 AM / ANY DAY

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐ Other (explain) ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Entertainment/Retail ☐ Social Club ☐ Pool/Billiard Hall ☐

Explain briefly the proposed use of the rooms within the building: RESTAURANT WITH DJ, DANCING, KARAOKE

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

Contact Person(s) Phone Number: [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: 2-15-13

☒ 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): 3-18-13 By: Dale Muein

POLICE DEPARTMENT

☐ Police Department finds no basis for denial ☐ Police Department finds basis for denial

☐ Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



Date: February 26, 2013
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Planning Administrator *DB*
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 Planning Bureau of the Department of Development Services has the following comments:

No CUPs or AUPs were found for the subject site.

The subject site was previously approved for an entertainment permit with dancing in July 2012. Based on floor plans submitted with the previous application and the current application, there have been no significant changes made to the floor plan.

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. Based on the submitted floor plan no extra parking is required.

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

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