



Legislation Text

File #: 21-0690, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the public hearing, and modify the conditions to the existing Entertainment Permit without dancing issued to Lona Marie Lee, dba Lona's City Limits Cantina, at 1174 East Wardlow Road. (District 7)

The Long Beach Municipal Code (LBMC) requires a hearing be held before the City Council whenever there is any change to the conditions or activity of an existing entertainment permit.

The LBMC also requires the City Council to approve the modification of the 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) nor 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 modified conditions; or (2) deny the modified conditions and keep the existing conditions. Per the LBMC 5.72.120.5, the Permit will be subject to an administrative review by the Financial Management Department every two years. This review process consists 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.

Attached for your review are the modifications of the conditions to the existing Entertainment without Dancing Permit. These modifications are in response to community concerns, higher volume of calls for service, and the severity of the type of incidents and violations articulated by the Department of Alcoholic Beverage Control (ABC) and Long Beach Police Department. Additionally, these modifications will better align the previous conditions with today's standards for new entertainment permits. City departments have conducted their investigations in accordance with the LBMC. Attached are the departmental investigative reports, history, and original entertainment permit application.

The following summarizes departmental findings:

- The Police Department recommends the existing permit for entertainment without dancing be approved with the recommended modified conditions.
- The Fire Department finds the building/location meets Department requirements for the

proposed use.

- The Health and Human Services Department finds the building/location meets Department requirements for the proposed use.
- The Development Services Department finds the building/location meets Department requirements for the proposed use.

The Financial Management Department, Business Services Bureau, has thoroughly reviewed all submitted Department documents and correspondence, and recommends the existing permit for entertainment without dancing be approved with the modified conditions (attached). In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee must adhere to the strictest of the applicable conditions.

This matter was reviewed by Deputy City Attorney Amy R. Webber on June 25, 2021.

The July 20, 2021 hearing date has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

The following fees were collected with the application: Building Review \$23.30 and Zoning Review \$33.00 (Development Services), Police Investigation \$1,442.00 (Police Department), Mailing List \$90.00 and Temporary Entertainment Permit \$441.00 (Financial Management Department).

The following fees will be collected if the application is approved: Business License Annual Tax \$390.69, Employee Rate \$20.29 per employee, and Annual Entertainment Regulatory Fee \$1,188.00 (Financial Management Department).

Approve recommendation.

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JOHN GROSS
INTERIM DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

THOMAS B. MODICA
CITY MANAGER