



Legislation Text

File #: 19-1093, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the public hearing and approve an amendment to the conditions of the Entertainment without Dancing Permit issued to Relevant, Inc., dba Marina Wine, at 194 Marina Drive, Suite 101. (District 3)

At its October 15, 2019 meeting, the City Council granted an entertainment without dancing permit to Relevant, Inc., dba Marina Wine, subject to approved permit conditions. The permit conditions included authorization of entertainment activities occurring inside the establishment, as defined on Page 9 of the Entertainment Permit Application within Attachment B, from 7:00 p.m. to 10:00 p.m. on Mondays through Thursdays, 8:00 p.m. to 11:00 p.m. on Fridays and Saturdays, and 2:00 p.m. to 6:00 p.m. on Sundays, when all doors and windows, including the roll-up door facing the patio area, are closed.

After approval of the entertainment permit, it was discovered that the conditions were not approved as intended in the entertainment permit. As a result, staff recommends amending the conditions as follows:

- Authorized entertainment activities occurring inside the establishment, as defined on Page 9 of the Entertainment Permit Application within Attachment B, are restricted to 10:00 p.m. on Mondays through Saturdays, and 6:00 p.m. on Sundays, when the roll-up door facing the patio area is open. All other doors and windows shall remain closed during entertainment.
- The permittee must provide signage directing customers to use restrooms within the business complex and discourage the use of neighboring businesses restrooms if they are not patronizing the businesses.

The Long Beach Municipal Code (LBMC) requires a hearing be held before the City Council whenever an entertainment permit is amended. The revised entertainment without dancing permit conditions recommended for approval are attached (Attachment A).

The LBMC also requires the City Council to approve the issuance of the amended 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) nor any responsible persons have a history of committing significant violations of the LBMC, 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 amendment to the entertainment permit; or (2) deny the amendment to the permit. Once the entertainment permit is granted, pursuant to 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 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.

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 location has been licensed as a Food Retail Store with Alcohol since January 2005. The business changed ownership to Relevant, Inc., in November 2018.

This matter was reviewed by Deputy City Attorney Amy R. Webber on October 21, 2019.

The hearing date of November 5, 2019 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 entertainment permit application: Building Review \$22.45 and Zoning Review \$33.00 (Development Services Department), Police Investigation \$1,359.00 (Police Department), and Mailing List \$90.00 (Financial Management Department).

The following fees will be collected if the application is approved: Business License Annual Tax \$379.07, Employee Rate \$19.68 per employee, and Annual Entertainment Regulatory Fee \$322.00 (Financial Management Department).

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER