



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7th Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

May 05, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant an Entertainment Permit with conditions on the application of Mario L. Miramontes, DBA Rincon Chico Grill, 2476 Santa Fe Avenue, for entertainment with dancing by patrons and performers. (District 7)

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 and performers be approved subject to the conditions.
- 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 subject to conditions.

The Department of Financial Management, Business Services 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 and performers 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 was licensed as a bar/tavern/lounge business category and has held an entertainment permit since August 1999. The business category was changed to a restaurant with alcohol in November 2014. A new Entertainment Permit is required due to a change in owner status, from Partnership to Sole Owner.

This matter was reviewed by Deputy City Attorney Amy R. Webber on April 24, 2015.

TIMING CONSIDERATIONS

The hearing date of May 5, 2015, 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 \$1,240 (Police Department), and Mailing List \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$340.95 and Regulatory \$1,035 (Financial Management Department).

HONORABLE MAYOR AND CITY COUNCIL
May 5, 2015
Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

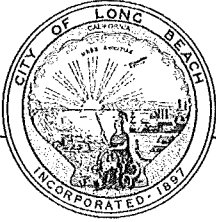
JG/smc
K:\Exec\Council Letters\Business Services\Hearing Letters\05-05-15 Ccl - Rincon Chilco Grill - Entertainment With Dancing.Docx

ATTACHMENTS

APPROVED:



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7th Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

Recommended Conditions of Operation

Mario L. Miramontes, DBA: Rincon Chico Grill

2476 Santa Fe Avenue

Application for Entertainment With Dancing

The Department of Financial Management recommends **approval** of the Permit subject to the following conditions:

I. STANDARD CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LMBC Chapter 8.80).
- 4) Due to the proximity of neighboring businesses and residences, all door(s) and windows shall be kept closed at all times during any entertainment, except in cases of emergency and to permit deliveries. Said door(s) is not to consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty feet (50') from the exterior of the premises in any direction.** Outdoor amplified entertainment is prohibited.
- 5) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10:00 P.M. and 7:00 A.M.
- 6) Deliveries to and from the premises shall be limited to the hours of 8:00 A.M. to 10:00 P.M.
- 7) The permittee shall provide a minimum of one (1) licensed uniformed security guard anytime that entertainment activities are being conducted. For crowds up to fifty (50) people, the permittee shall provide a minimum of one (1) security guard. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, 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.

- 8) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors and the parking lot, at all times while open for business. This should be done by use of security guards and signage indicating words to the effect of, "Please respect our neighbors" or something similar.
- 9) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the front of the establishment, the parking lot or the immediate area.
- 10) The permittee agrees to reimburse the City for all costs associated with excessive police services, as determined by the Chief of Police, required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
- 11) 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).
- 12) Any graffiti painted or marked upon the premises, or on any adjacent area under the control of the licensee, shall be removed or painted over within 24 hours of being applied.
- 13) All promoters must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the locations, including those conducted by promoters.
- 14) The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation. The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.

- 15) The business, or agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter.
- 16) 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.
- 17) The permittee shall maintain full compliance with all applicable laws, ordinances, and stated conditions. In the event of a conflict between the requirements for this permit, and your Alcoholic Beverage Control (ABC) license, the more stringent regulation shall apply.
- 18) The permittee shall ensure that all employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. The permittee shall keep employee's proof of completion on file and available for inspection at any time.
- 19) 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.

II. **ADDITIONAL CONDITIONS OF OPERATION**

- 1) Entertainment activities indicated on page #9 of your entertainment application shall be restricted from 5:00 PM to 10:00 PM on Thursdays, and from 8:00 PM to 1:00 AM Fridays and Saturdays.
- 2) Entertainment on the following holidays is permitted until 1:30 AM: New Year's Eve, New Year's Day, St. Patrick's Day, Cinco de Mayo, July 4th, and Halloween night.

- 3) Patrons under the age of twenty-one (21) years of age shall not be permitted to enter nor remain on the premises after the restaurant (food service) portion of the establishment has closed. Private functions not open to the public are exempt from this condition.
- 4) The permittee shall not advertise, procure, nor allow any person, performance, show, wet t-shirt contest, or any other event or entertainment that exposes or promotes, encourages, or allows the exposure of the 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.
- 5) In addition to the above security requirements, the permittee shall staff one (1) security guard in the parking lot between the hours of 8:00 PM and ½ hour after closing. The security guard shall ensure that patrons do not loiter in the parking lot or the immediate area.

The permittee shall also ensure that the patrons enter and leave the parking lot in a peaceful manner so as not to disturb any neighboring residents who live nearby. The Chief of Police may modify this condition, based on calls-for-service related to problems in the parking lot.

- 6) The permittee shall be responsible for any and all activities conducted on the property. The permittee shall understand that excessive police services may result in the revocation of the business licenses and/or permits.
- 7) This entertainment permit is an accessory to the primary business, which is a restaurant. The authorization to provide entertainment on site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.

“Meals” means the usual assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads shall not be deemed compliant with this requirement. Meals must consist of food prepared on the premises. Hours of sales of alcohol shall be limited to the hours when meals are available.

In the event the primary business ceases operations, fails to operate as a bona fide eating place, fails to serve actual and substantial meals, or otherwise fails to comply with this condition, the entertainment permit becomes null and void.

RECOMMENDED CONDITIONS OF OPERATION
APPLICATION FOR ENTERTAINMENT WITH DANCING
MARIO L. MIRAMONTES, DBA: RINCON CHICO GRILL
2476 SANTA FE AVENUE

- 8) The permittee shall not convert the restaurant, or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with **regular dining and pre-planned banquet activities**. A banquet is defined as a function held at a bona fide eating place wherein complete and substantial meals are provide 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.
- 9) The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with night club entertainment.

JM:smc



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SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Mario L Miramontes, DBA Rincon Chico Grill. 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 Department		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 Department.....	570-6623

Compiled by: Department of Financial Management
Business Services Bureau



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FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 2476 Santa Fe Avenue

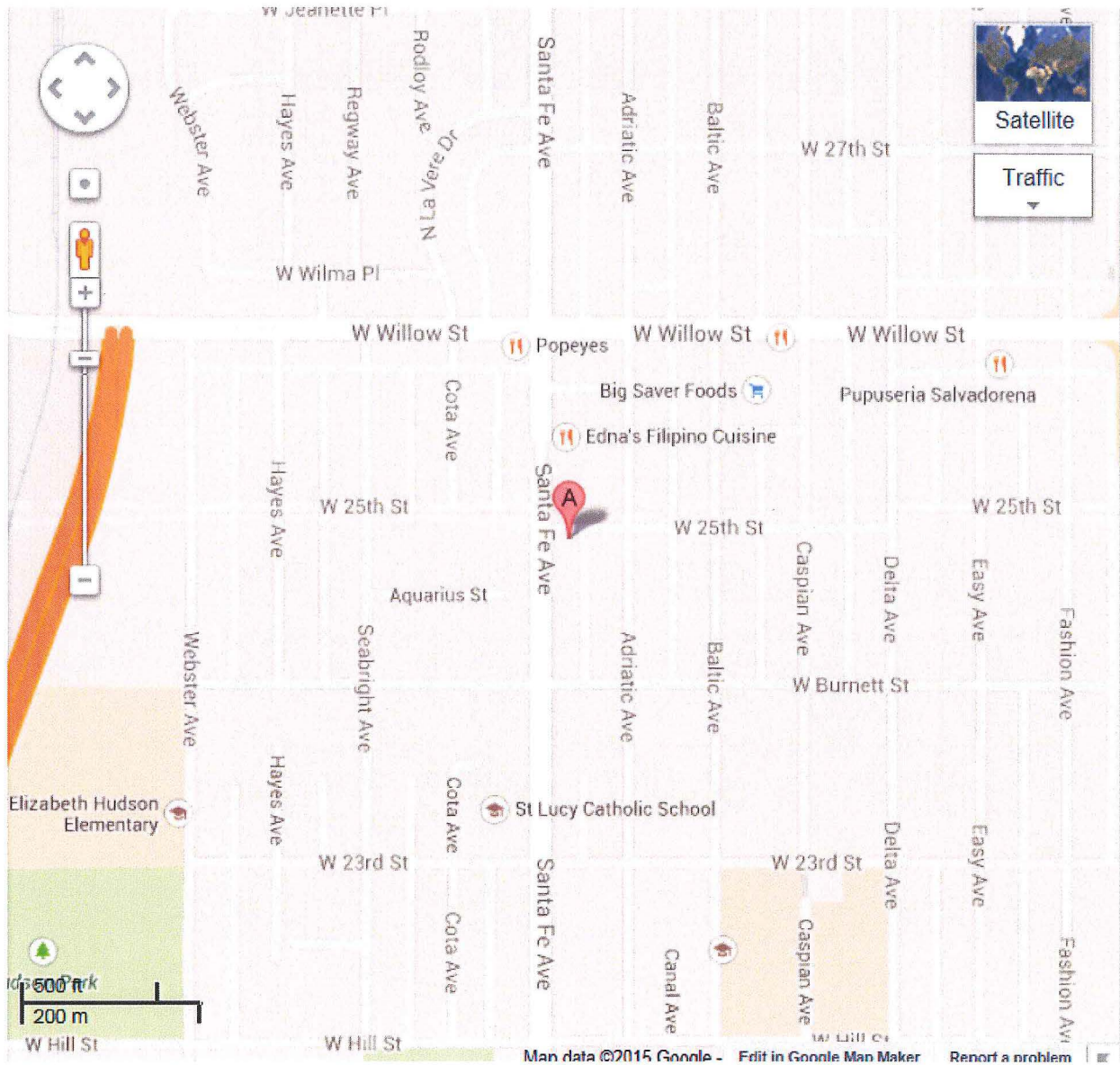
Mario L Miramontes Entertainment with Dancing
DBA: Rincon Chico Grill
Lic#21436800
12/14 – Pending

Mario L Miramontes Restaurant with Alcohol
DBA: Rincon Chico Grill
Lic#21436240
11/14 – Current

Mario L Miramontes and Maria E Miramontes Entertainment with Dancing
DBA: Rincon Chico Grill
Lic#99032510
08/99 – 09/15

Mario L Miramontes and Maria E Miramontes Bar/Lounge/Tavern
DBA: Rincon Chico Grill
Lic#99032480
08/99 – 09/15

Mario L Miramontes
Db: Rincon Chico Grill
2476 Santa Fe Avenue





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): MARIO LINO MIRAMONTES
 Business Name (DBA): RIVERO CHICO GRILL Business Phone: (562) 981-9773
 Business Site Address: 2476 SANFE AVE LONG BEACH CA 90810
 Date Business Proposes To Open: OPEN ALREADY
 Days & Time Premises Are Open For Inspection: ON call [REDACTED]

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:

Contact Person(s) Name (authorized agent, manager, etc.): STEPHANIE MIRAMONTES

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: _____
 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): _____

Fictitious business names(s) or dba(s) used: _____

Place and date of filing fictitious business name statement: _____

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

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:

STEPHANIE MIRAMONTES [REDACTED]
FRANCISCO MIRAMONTES [REDACTED]

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

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? YES NO
If yes, explain: _____

How long has the corporation or business been in operation? 22 years

Is the location: Owned? Rented/Leased?

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

Name: _____

Address: _____

IF APPLYING AS AN INDIVIDUAL

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

Name: MARIO L MIRAMONTES
Last: MIRAMONTES
First: MARIO
Middle: LISO
Title(s) or AKA(s):

Residence address:

Residence telephone number(s) (including area code):
_____ OR CELL _____

Business address:
2476 SANTA FE AVE LONG BEACH CA. 90810

Business telephone number(s) (including area code):
562 981-9773

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License or Identification Card Number: _____

State of Issue: _____

Federal Tax ID Number: _____

Seller's Permit Number: _____

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

CP 392290

RESTAURANT

On sale beer and wine

On sale distilled spirits

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:

MEXICAN AMERICAN & SEA FOOD

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: 2

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

a. If yes, describe type of security: VIDEO CAMERA ALARM & BISTABLE

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	<u>close</u>	<u>9 AM</u>	<u>"</u>	<u>"</u>	<u>9 AM</u>	<u>9 AM</u>	<u>close</u>
Security		<u>9 PM</u>	<u>"</u>	<u>"</u>	<u>2 AM</u>	<u>2 AM</u>	

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: _____

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	Closed	9 AM	9 AM	9 AM	9 AM	9 AM	Closed
Close		9 PM	9 PM	9 PM	2 AM	2 AM	

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? 99 & STORES & Large SUPER MARKET
and some HOUSES

20. Are there surrounding residences? YES NO

a. Approximately how close? 2 TO 3 HOURS 100 FT

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							

d. How many individual parking spaces (approximately)? 9

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: Singers

Dance Floor? Y N Stage? Y N

If yes, provide dimensions and type of material of dance floor. L 30 X W 10 = 300 sq ft.

If yes, provide dimensions and type of material of stage. L 17 W 9 H 153"

Describe floor material and surface type: COMMERCIAL TILE

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	NA	NA	NA	GRIM PROYON	LIVE BRUFS	LIVE BRUFS	CHURCH
Start Time	—	—	—	5 PM	8 PM	8 PM	—
End Time	—	—	—	9 PM	2 AM	2 AM	—

RELEASE FORM

MARCO LINO MIRAMONTE



The undersigned, on behalf of (applicant) _____, 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) RINCON CHICO GRILL RESTAURANT to obtain the entertainment permit.

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 OR AUTHORIZED AGENT)

OWNER

(TITLE)

11-20/14

(DATE)



DRIVER'S LICENSE OR ID CARD NUMBER

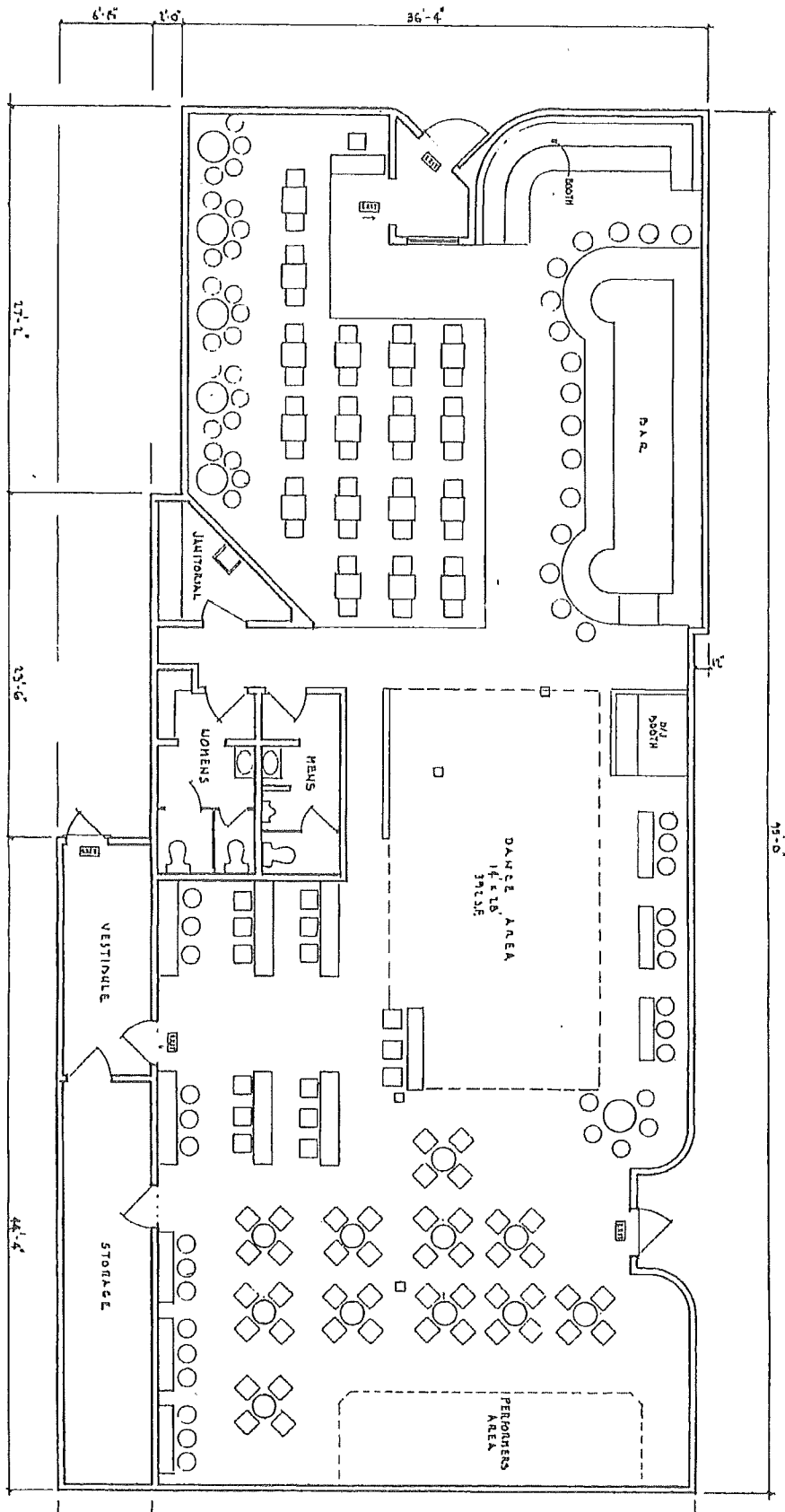


STATE

ACCEPTED BY (CITY STAFF)

TITLE

DATE





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): MARIO LINO MIRAMONTES
 Business Name (DBA): RIVERO CHICO GRILL Business Phone: (562) 981-9773
 Business Site Address: 2476 SANTE AV, LONG BEACH CA. 90810
 Date Business Proposes To Open: OPEN ALREADY
 Days & Time Premises Are Open For Inspection: on call

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:

Contact Person(s) Name (authorized agent, manager, etc.): STEFANIE MIRAMONTES

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: SEE ATTACHMENT

By: R. Luna Title: Chief of Police Date: 2.17.15



Date: January 30, 2015
To: Jason MacDonald, Bureau Manager, Business Relations Bureau
From: Robert G. Luna, Chief of Police *R. Luna*
Subject: APPLICATION FOR ENTERTAINMENT WITH DANCING PERMIT AT
RINCON CHICO GRILL – 2476 SANTA FE AVENUE

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 this application for an **Entertainment with Dancing Permit**, by Mario Lino Miramontes, dba Rincon Chico Grill, located at 2476 Santa Fe Avenue, subject to the 23 conditions provided below.

Rincon Chico Grill is located on the northeast corner of Santa Fe Avenue and 25th Street. The establishment serves Mexican-American and seafood cuisine for breakfast, lunch, and dinner. This establishment was previously Ms. Whis Cocktail Lounge, and has been owned and operated by Mario Lino Miramontes since 1999. The establishment currently has a Type 48 (On-Sale General Public Premise) Alcoholic Beverage Control (ABC) license. In August 2013, the owners applied to exchange their ABC license from a Type 48 to a Type 47 (On-Sale General Eating Place). This application is in a pending status with ABC due to a protest. Mario Lino Miramontes was issued an entertainment with dancing permit for this location in 1999. Mr. Miramontes has recently reapplied because he changed the name of the business. On November 26, 2014, Mr. Miramontes applied for an Entertainment with Dancing Permit to include dancing by patrons and performers, live music by more than two (2) performers, live and recorded amplified music, a disc jockey and karaoke on Thursday from 5:00 PM to 9:00 PM and Friday and Saturday from 8:00 PM to 2:00 AM.

Based upon the crime analysis, Vice Section's investigation, the West Division Patrol Commander's recommendation, and input from neighborhood residents, 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 an Entertainment with Dancing Permit would be in the best interest of the surrounding community and the City of Long Beach.

CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.

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RINCON CHICO GRILL – 2476 SANTA FE AVENUE

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- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 21.15.110 LBMC shall be conducted on the premises at any time.
- 3) Rincon Chico Grill shall not advertise, procure, nor allow any person, performance, show, wet t-shirt contest, promotion or any other event or entertainment that exposes or promotes, encourages, or allows the exposure of the 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.
- 4) Entertainment activities indicated on page #9 of your entertainment application shall be restricted to 5:00 PM to 10:00 PM on Thursday, and 8:00 PM to 1:00 AM Friday and Saturday.
- 5) Entertainment on the following holidays is permitted until 1:30 AM: New Year's Eve, New Year's Day, St. Patrick's Day, Cinco de Mayo, July 4th, and Halloween night.
- 6) This Entertainment Permit is an accessory to the primary business, which is a restaurant. The authorization to provide entertainment on site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of only such food as sandwiches or salads shall not be deemed compliant with this requirement. Meals must consist of food prepared on the premises. Hours of sales of alcohol shall be limited to the hours when meals are available.

In the event the primary business ceases operations, fails to operate as a bona fide eating place, fails to serve actual and substantial meals, or otherwise fails to comply with this condition, the Entertainment Permit becomes null and void.

- 7) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- 8) Due to the proximity of neighboring businesses and residences, all door(s) and window(s) shall be kept closed at all times during any entertainment, except in cases of emergency and to permit deliveries. Said door(s) shall not consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty (50) feet from the exterior of the premises in any direction.**
- 9) The permittee shall provide a minimum of one (1) licensed uniformed security guard anytime that entertainment activities are being conducted for crowds up to fifty (50) people. For crowds over fifty people the permittee shall provide a minimum of one (1) additional licensed uniformed security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted towards the calculation of required security staffing levels.

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Security guards must be identifiable as "Rincon Chico Grill" employees. Should the permittee's operations give rise to a substantial increase in complaints/calls for police service, the permittee may be required to 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 necessary.

- 10) In addition to the above security requirements, the permittee shall staff one (1) security guard in the parking lot between the hours of 8:00 PM and ½ an hour after closing. The security guard shall ensure that patrons do not loiter in the parking lot or the immediate area.

They shall also ensure the patrons enter and leave the parking lot in a peaceful manner so as not to disturb any neighboring residents who live nearby. The Chief of Police may modify this condition, based on calls-for-service related to problems in the parking lot.

- 11) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors and the parking lot at all times while open for business. This should be done by use of security guards and signage indicating, words to the effect of, "Please respect our neighbors."
- 12) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the parking lot or the immediate area.
- 13) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10:00 PM and 7:00 AM.
- 14) 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. This information shall be provided to public safety personnel upon request.
- 15) The permittee shall not convert the restaurant, or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with **regular dining** or **pre-planned banquet activities**. A banquet is defined as a function held at a bonafide 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.
- 16) The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with night club entertainment.

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- 17) Rincon Chico Grill, it's promoters, or agents, shall not distribute any advertising matter in or upon any public property or vehicle in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: by placing the same matter in a receptacle, clip or other device designed or intended to receive advertising matter.
- 18) Patrons under the age of twenty-one (21) years of age shall not be permitted to enter nor remain on the premises after the restaurant (food service) portion of the establishment has closed. Private functions not open to the public are exempt from this condition.
- 19) The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
- 20) The permittee shall maintain full compliance with all applicable laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, and your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 21) The permittee shall ensure that **all** employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. The permittee shall keep employee's proof of completion on file and available for inspection at any time.
- 22) 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 persons and areas indicated. 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.



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): MARIO LINO MIRAMONTES
 Business Name (DBA): RIVCON CHICO GRILL Business Phone: USED 981-9773
 Business Site Address: 2476 SANFE AVE LONG BEACH CA. 90810
 Date Business Proposes To Open: OPEN ALREADY
 Days & Time Premises Are Open For Inspection: ON call

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:

Contact Person(s) Name (authorized agent, manager, etc.): STEPHANIE MIRAMONTES

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): 3-3-15 By: Jay Martinez

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 | 562-570-8513 FAX 562-570-8930

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 01/17/15

Name of Business (DBA): Pincon Chico Grill

Name of Business Owner: MARIO L. MIRAMONTES

Business Address: 2476 SANTA FE AVE
LONG BEACH CA. 90810

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) [Redacted Signature]

Title owner

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): MARIO LINO MIRAMONTES
 Business Name (DBA): RINCON CHICO GUIL Business Phone: (562) 981-9773
 Business Site Address: 2476 SAN FE AVE LONG BEACH CA. 90810
 Date Business Proposes To Open: OPEN ALREADY
 Days & Time Premises Are Open For Inspection: ON CALL

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:

Contact Person(s) Name (authorized agent, manager, etc.): STEPHANIE MIRAMONTES

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: 12-314
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:
Plans must be submitted for approval and permit obtained for stage.
 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): 3-12-15 By: DXN

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: _____

BBUS174692



Date: December 10, 2014
To: Jason MacDonald, Manager of Business Relations Bureau
From: Jeff Winklepleck, Planning Administrator JW
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 2476 Santa Fe Avenue
Long Beach, Ca 90810

Applicant: Mario Lino MiraMontes,
DBA Rincon Chico Grill

Zoning District: CNR (Neighborhood Commercial and Residential) zone

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 applicant is seeking to obtain a permit for entertainment with dancing. An entertainment permit with dancing is allowed as an accessory use at a restaurant and or bar in the CNR zone.

Planning Bureau recommends that the entertainment permit with dancing for "Rincon Chico Grill" be approved.

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