

# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

# H-3

333 West Ocean Blvd • Long Beach, California 90802

December 18, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions, or deny the Permit on the application of Wasabi Grill, Inc., DBA Wasabi Grill, 200 Pine Avenue, Suite C, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (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 a license or permit is granted or denied.

The LBMC also requires that the City Council make a determination that the application is complete and truthful; the applicant, the person interested in the ownership and operation of the entity, and the officers and trustees of the entity are law-abiding persons who will operate and conduct the business activity in a lawful manner; and, that the public peace, welfare, and safety will not be impaired. If this is so, the application shall be approved; if not, it shall be denied.

Attached for your review is the application from Wasabi Grill, Inc., DBA Wasabi Grill. Also attached are reports from various departments and a summary of those reports, as well as the license history of the establishment.

City departments have conducted their investigation in accordance with the LBMC. The following summarizes their findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved as a One-Year Short-Term Permit with conditions.
- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved.

- The Health and Human Services Department finds that the building/location meets department requirements for the proposed use with the condition that the establishment remain in compliance with the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- The Planning and Building Department recommends that the permit for entertainment with dancing by patrons be approved.

In the event that any of the recommended conditions attached to any permit or licenses are in conflict, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a restaurant since March 2000.

#### TIMING CONSIDERATIONS

The hearing date of December 18, 2007, has been posted on the business location with the applicant and property owners within 300 feet notified by mail.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on December 4, 2007.

#### FISCAL IMPACT

The following fees were collected with the application: Building Inspection \$300 and Zoning Review \$14 (Planning and Building Department), Police Investigation \$1,000 (Police Department), Temporary Permit \$300, Labels \$90 (Financial Management Department), and Health/Noise Control \$94 (Health and Human Services Department).

The following fees will be collected if the application is approved: Business License \$299.88 and Regulatory \$825 (Financial Management Department).

#### SUGGESTED ACTION:

Receive the supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit for Entertainment with Dancing by Patrons at an existing restaurant.

Respectfully submitted,



LORI ANN FARRELL  
DIRECTOR OF FINANCIAL MANAGEMENT

K:\Exec\Council Letters\Commercial Services\Hearing Letters\12-18-07 ccl - Wasabi.doc

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER

ATTACHMENTS



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Wasabi Grill, Inc., DBA Wasabi Grill. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

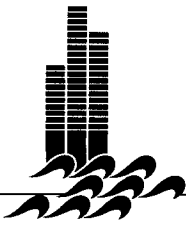
### SUBMITTED FOR CITY COUNCIL ACTION

	<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	
Planning and Building 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
Planning and Building Department, Director of Planning and Building .....	570-6623

Compiled by: Department of Financial Management  
Commercial Services Bureau



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
COMMERCIAL SERVICES BUREAU

333 West Ocean Boulevard • Long Beach, CA 90802

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 200 Pine Avenue, C

Wasabi Grill, Inc.  
DBA Wasabi Grill  
Lic#20732820  
08/07 – Pending

Restaurant With Alcohol

Wasabi Grill, Inc.  
DBA Wasabi Grill  
Lic#20732830  
08/07 - Pending

Entertainment With Dancing

Fusion Nutrition Inc.  
DBA: Wasabi  
Lic#20403300  
01/04 – 08/07

Restaurant With Alcohol

Fusion Nutrition Inc.  
DBA: Wasabi  
Lic#20511570  
08/06 – 08/07

Entertainment With Dancing  
(1 Yr. Short-Term Permit)

Fusion Nutrition Inc.  
DBA: Wasabi  
Lic#20406470  
02/04 – 08/06

Entertainment Without Dancing

SBV Inc.  
DBA: Wasabi  
Lic#20012210  
03/00 – 01/04

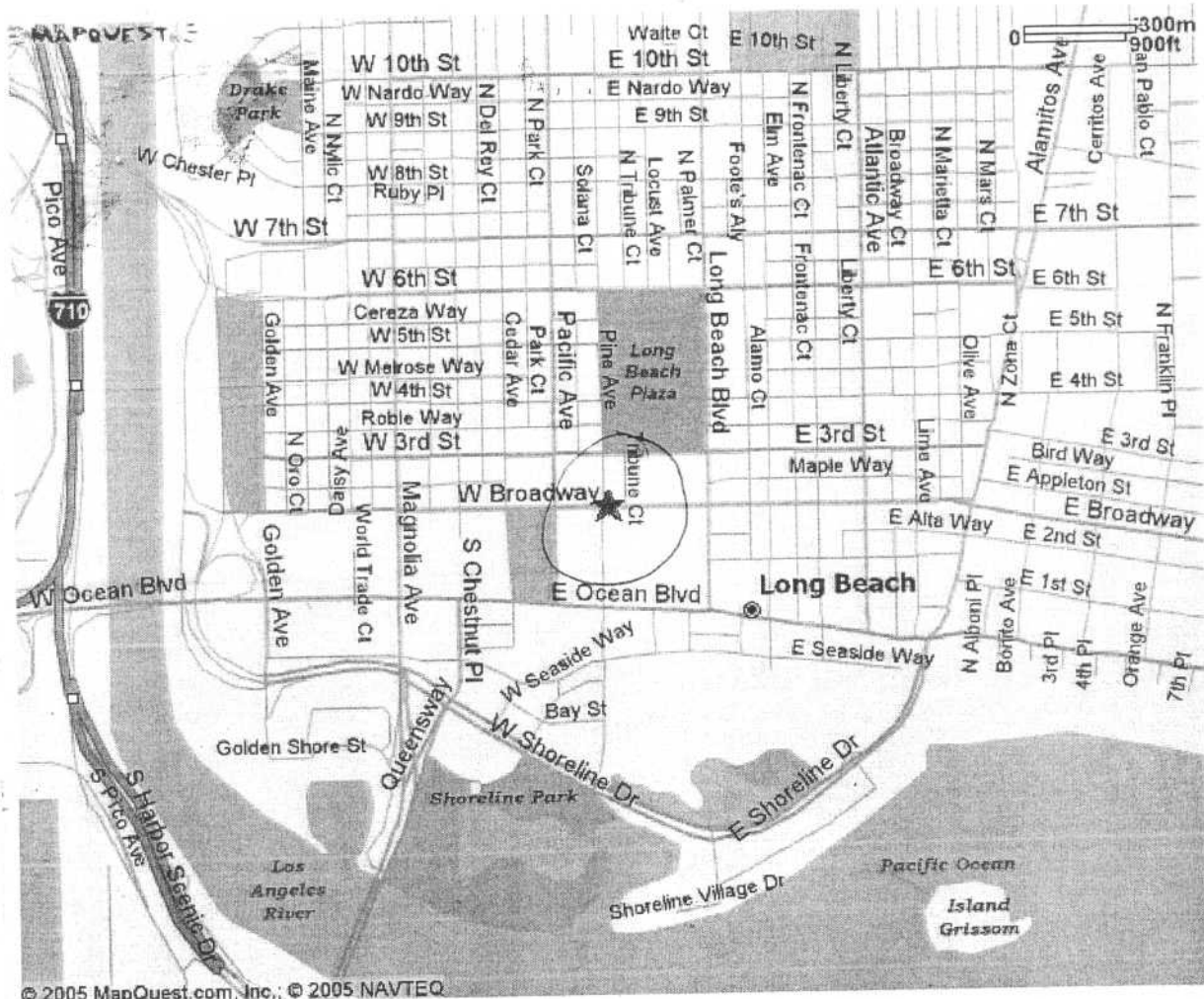
Restaurant With Alcohol

SBV Inc.  
DBA: Wasabi  
Lic#20204340  
01/02 – 01/04

Entertainment No Dancing

# Wasabi

## 200 Pine Avenue, C





OFFICE USE ONLY

Accepted By: [Signature]Date: 08/02/07

Zoning Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure):

Wasabi Grill inc

Business Name (DBA):

Wasabi Grill

Business Phone:

562 901-0300

Business Site Address:

200 Pine Ave Ste C Long Beach CA 90802

Date Business Proposes To Open:

Aug-15th-07 (Date that expected change ownership)

Days &amp; Time Premises Are Open For Inspection:

Mon-Sun 11am-10pm

Proposed Use(s):

Entertainment/Restaurant

With Dancing ☒Without Dancing ☐

Entertainment/Tavern

With Dancing ☐Without Dancing ☐Social Club ☐Pool or Billiard Hall ☐Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

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

Song Chin PAK (President)

Contact Person(s) Phone Number:

213 273-5563

Type of Organization:

☒ Corporation☐ Partnership☐ Individual☐ Unincorporated Association or Club☐ Trust☐ LLC☐ Other, explain: \_\_\_\_\_**OFFICE USE ONLY**☐ Building☐ Fire☐ Health

(Check Inspecting Department)

Date Received: \_\_\_\_\_

☐ Building/Location meets Department Requirements for the proposed use.☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): \_\_\_\_\_

By: \_\_\_\_\_

**POLICE DEPARTMENT**☐ Police Department finds no for basis for denial☐ Police Department finds basis for denial☐ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

GENERAL INFORMATION (All Applicants)

Principal place of business (if other than the address listed on page 1):

Same 200 Pine Ave Ste Long Beach CA 90802

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

Wasabi Grill

Place and date of filing fictitious business name statement:

Los Angeles, CA

July-31-07

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

Los Angeles CA

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:

PAK, Song chin (President)

PAK, Tong il (Secretary)

PAK, Song Chun (Vice President)

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

Song Chin PAK 154 S New Hampshire Ave LA CA 90004

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?

new corporation

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

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

Name:

Kambiz Babaroff

Address:

444 W Ocean Bl

Long Beach CA 90802

## IF APPLYING AS A CORPORATION

Check One Box:

☒ For-Profit Corporation

☐ Non-Profit Corporation

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

Name of Corporation: Wasabi Grill inc

Corporation Number: 2976524

Date and Place of Incorporation: July-26-07 Los Angeles, CA

Location Headquarters: Los Angeles CA

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
PAK, Song chin	President	LA CA 90004 154 S New Hampshire Ave	213 273-1563
PAK, Tong il	Secretary	LA CA 90004 154 S New Hampshire Ave	213 215-6771
PAK, Song Chun	Vice president	LA CA 90019 114 1/2 S Bronson Ave	213 700-6401
			( )

Numbers of shares issued by Corporation:

100,000

Number of share retained by Corporation:

100,000

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

PAK, Song chin	- 154 S New Hampshire Ave	LA CA 90004	80,000
PAK, Tong il	- 154 S New Hampshire Ave	LA CA 90004	20,000

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

PAK, Song chin 154 S New Hampshire Ave LA CA 90004



## IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

### CORPORATE OFFICER I

Name: PAK, Song chin Title: PRESIDENT  
Residence Address: 1521 S New Hampshire Ave LA CA 90004 Phone: 213 273-1763  
Business Address: 200 Pine Ave Ste Long Beach CA 90802 Phone: 762-901-0300  
Race: A Sex: M Hair: Blk Eyes: Brown Height: 5'6 Weight: 130  
Date of Birth (mm/dd/yyyy): 12/29/1975 Place of Birth: Seoul, Korea  
Driver's License Number: DA652573 Issuing State: CA

### CORPORATE OFFICER II

Name: PAK, Song Chun Title: Vice President  
Residence Address: 1194 1/2 S Bronson Ave LA CA 90019 Phone: 213 700-6401  
Business Address: 200 Pine Ave Ste Long Beach CA 90802 Phone: 762 901-0300  
Race: A Sex: M Hair: BLK Eyes: Brown Height: 6' Weight: 160'  
Date of Birth (mm/dd/yyyy): 1/28/1975 Place of Birth: Seoul Korea  
Driver's License Number: B3280801 Issuing State: CA

### CORPORATE OFFICER III

Name: Pak, Tong il Title: Secretary  
Residence Address: 1521 S New Hampshire Ave LA CA 90004 Phone: 213 215-1771  
Business Address: 200 Pine Ave Ste Long Beach CA 90802 Phone: 762-901-0300  
Race: A Sex: M Hair: Blk Eyes: Brown Height: 5'7" Weight: 160  
Date of Birth (mm/dd/yyyy): 9/15/1942 Place of Birth: Seoul Korea  
Driver's License Number: D3440429 Issuing State: CA

### 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 ☒

47-452781

Club (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:

Sushi, Japanese 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?

20

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

### HOURS OF OPERATION

Establishment hours of operation by day (fill out completely):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:30am	11:30am	11:30am	11:30am	11:30am	11:30am	11:30am
Close	1:30am	1:30am	1:30am	1:30am	1:30am	1:30am	1:30am

### PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses?

☒ YES ☐ NO

a. What type?

Restaurants (clubs)

20. Are there surrounding residences?

☒ YES ☐ NO

a. Approximately how close?

1/2 City blocks away

### 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)

City owned lots free with 2 hours validation from restaurants

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs
To							

d. How many individual parking spaces (approximately)? 1000

END OF GENERAL OPERATING CONDITIONS SECTION - PLEASE CONTINUE TO NEXT SECTION

## ENTERTAINMENT FACILITY AND ACTIVITY

☒

5

11

**Does the Proposed Activity have:**

☐ Y ☒ N

☒ Y ☐ N

☒ Y ☐ N

☐ Y ☒ N

☐ Y ☒ N

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

☐ Y ☒ N

☐ Y ☒ N

☐ Y ☒ N

☐ Y ☒ N

If yes, briefly describe the entertainment activity. \_\_\_\_\_

Describe entertainment by performers:

(2 Floors)

☐ Y ☒ N

$$L \text{ 15 feet } \times W \text{ 20 feet } = 300 \text{ sq ft.}$$

L                      W                      H

Describe floor material and surface type: Concrete tile, slip resistant

\* 2nd Floor is Carpet with L 10 Feet x W 15 Feet = 150 sqft

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	$\longleftrightarrow$ all the Entertainment $\longleftrightarrow$						
Start Time	10 am	10 pm	10 am	10 am	10 am	10 am	10 am



OFFICE USE ONLY

Accepted By: [Signature]Date: 08/02/07

Zoning Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): Wasabi Grill incBusiness Name (DBA): Wasabi GrillBusiness Phone: 562 901-0300Business Site Address: 200 Pine Ave Ste C Long Beach CA 90802Date Business Proposes To Open: Aug-15th-07

(Date that expected change ownership)

Days & Time Premises Are Open For Inspection: Mon-Sun 11am-10pm**Proposed Use(s):**Entertainment/Restaurant With Dancing ☒ Without Dancing ☐Entertainment/Tavern With Dancing ☐ Without Dancing ☐Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): Song Chin PAK (President)Contact Person(s) Phone Number: 213 273-5563**Type of Organization:**☒ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club☐ Trust ☐ LLC ☐ Other, explain: \_\_\_\_\_**OFFICE USE ONLY**☐ Building ☐ Fire ☐ Health (Check Inspecting Department) Date Received: \_\_\_\_\_☐ Building/Location meets Department Requirements for the proposed use.☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**☐ Police Department finds no for basis for denial☐ Police Department finds basis for denial☒ Police Department finds no for basis for denial with conditions

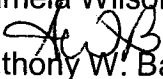
Conditions or Basis for Denial: \_\_\_\_\_

By: [Signature]Title: COPDate: 10/7/07



**Date:** October 15, 2007

**To:** Pamela Wilson-Horgan, Manager, Commercial Services Bureau

**From:**   
Anthony W. Batts, Chief of Police

**Subject:** **APPLICATION FOR ENTERTAINMENT WITH DANCING AT WASABI – 200 PINE AVENUE #C**

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In response to your request for a recommendation regarding the above named permit application for Entertainment With Dancing, the Police Department recommends **approval** of a one-year short-term permit subject to the following seventeen (17) standard conditions of the Downtown Dining and Entertainment District:

**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.

- 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 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. (LBMC section 18.48.320)
- 9) Should the permittee's operations give rise to a substantial increase in complaint/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) 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, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

AWB:CNA:cna  
AppvlCondWasabi

Attachment

## **Attachment "B"**

### **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.



OFFICE USE ONLY

Accepted By: [Signature]Date: 08/02/07

Zoning Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): Wasabi Grill incBusiness Name (DBA): Wasabi GrillBusiness Phone: 562 901-0300Business Site Address: 200 Pine Ave ste C Long Beach CA 90802Date Business Proposes To Open: Aug-15th-07 (Date that expected change ownership)Days & Time Premises Are Open For Inspection: Mon-Sun 11am-10pm

Proposed Use(s):

Entertainment/Restaurant

With Dancing ☒Without Dancing ☐

Entertainment/Tavern

With Dancing ☐Without Dancing ☐Social Club ☐Pool or Billiard Hall ☐Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): Song Chin PAK (President)Contact Person(s) Phone Number: 213 273-5563

Type of Organization:

☒ Corporation☐ Partnership☐ Individual☐ Unincorporated Association or Club☐ Trust☐ LLC☐ Other, explain: \_\_\_\_\_

OFFICE USE ONLY

☐ Building☒ Fire☐ Health

(Check Inspecting Department)

Date Received: \_\_\_\_\_

☒ Building/Location meets Department Requirements for the proposed use.☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:☐ Building/Location does not meet Department requirements for the proposed use.Inspection Completed On (date): 10/18/07By: Wendy Goetz/Chris Parker

POLICE DEPARTMENT

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

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE USE ONLY

Accepted By: [Signature]Date: 08/02/07

Zoning Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): Wasabi Grill incBusiness Name (DBA): Wasabi GrillBusiness Phone: 555 901-0300Business Site Address: 200 Pine Ave Ste C Long Beach CA 90802Date Business Proposes To Open: Aug-15th-07

(Date first expected change ownership)

Days & Time Premises Are Open For Inspection: Mon-Sun 11am-10pm

Proposed Use(s):

Entertainment/Restaurant

With Dancing ☒Without Dancing ☐

Entertainment/Tavern

With Dancing ☐Without Dancing ☐Social Club ☐Pool or Billiard Hall ☐Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): Song Chin PAK (President)Contact Person(s) Phone Number: 213 273-5563

or Sean 213 675-7785

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: 8/16/07☒

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): 8/16/07By: Wendy D...

## POLICE DEPARTMENT

☐

Police Department finds no for basis for denial

☐

Police Department finds basis for denial

☐

Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE USE ONLY

Accepted By: [Signature]Date: 08/02/07

Zoning Approval By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): Wasabi Grill incBusiness Name (DBA): Wasabi GrillBusiness Phone: 901-0300Business Site Address: 200 Pine Ave Ste C Long Beach CA 90802Date Business Proposes To Open: Aug-17-07

(Date that expected change ownership)

Days & Time Premises Are Open For Inspection: Mon-Sun 11PM-10PM

Proposed Use(s):

Entertainment/Restaurant

With Dancing ☒Without Dancing ☐

Entertainment/Tavern

With Dancing ☐Without Dancing ☐Social Club ☐Pool or Billiard Hall ☐Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): Song Chin PAK (President)Contact Person(s) Phone Number: 213-273-5563

(or) Sean 213 677-7785

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: 8/16/07☐ Building/Location meets Department Requirements for the proposed use.☒ Building/Location meets Department Requirements for the proposed use subject to the following conditions:

Post a legible sign in a conspicuous place near business entry stating "WARNING: Sound levels within may cause permanent hearing impairment" and be in compliance with LPMC 8.80

☐ Building/Location does not meet Department requirements for the proposed use.Inspection Completed On (date): 8/16/07By: [Signature]

## POLICE DEPARTMENT

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

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**City of Long Beach**  
**Working Together to Serve**

**Memorandum**

**Date:** September 20, 2007

**To:** Richard Bartlett, Business Services Officer, Commercial Services Bureau

**From:** Carolyn Bihn, Zoning Officer *CB*

**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

This is in response to your request regarding the following site:

**Site Address:** 200 Pine Avenue  
Long Beach, CA 90802

**Applicant:** Wasabi

**Zoning District:** PD-30 (Downtown Planned Development Ordinance)

**Proposed Use:** Entertainment with Dancing

Wasabi has previously been approved for an entertainment permit based on arrangements with the Redevelopment Agency Parking Management Program. Although the Parking Management Program has been suspended by the Redevelopment Agency, the new owners of Wasabi have obtained a separate agreement to fulfill their parking requirements. The Redevelopment Agency has provided the new owners of Wasabi with two (2) parking spaces, as needed for their proposed dance floors. Entertainment with dancing is allowed as an accessory to a restaurant in PD-30. Staff recommends approval, subject to the approval by the Agency of the agreement.

If you have any questions regarding this response, please call Cuentin Jackson, Planner, at (562) 570-6345.



Date: December 3, 2007  
To: Lori Ann Ferrell, Director of Financial Management  
From: Richard Bartlett, Business Services Officer  
Subject: **ENTERTAINMENT HEARING – December 18, 2007**

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**Wasabi Grill, Inc., DBA Wasabi Grill, 200 Pine Ave. Ste C**

**Hearing Date:** December 18, 2007

**Type:** Entertainment with Dancing By Patrons

**History:** **Wasabi Grill, Inc.**  
**DBA Wasabi Grill**  
Restaurant with Alcohol- 08/07 – Pending  
Entertainment with Dancing – 08/07 – Pending City Council Approval

**Fusion Nutrition Inc.**  
**DBA Wasabi**  
Restaurant with Alcohol – 01/04 – 08/07  
Entertainment with Dancing – One-Yr Short-Term permit -08/06 – 08/07  
Entertainment Without Dancing – 02/04 – 08/06

**SBV Inc.**  
**DBA Wasabi**  
Restaurant with Alcohol – 3/00 – 01/04  
Entertainment Without Dancing – 01/02 – 01/04

**Inspections:** Zoning: Approved.

Fire Department: Approved.

Health Department: Approved with standard conditions.

Planning and Building Department: Approved.

Police Department: Recommends approval for a One-Year Short-Term permit with the 17 standard conditions of the Downtown Dining and Entertainment District.

**Per Broc of Councilmember Suja Lowenthal's Office – No concerns.**

RIB,JEM:jem

cc: Pamela Horgan, Manager Commercial Services Bureau  
Cheat Sheet