



## Legislation Text

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**File #:** 08-0522, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the hearing and deny the Permit application for Entertainment Without Dancing by Patrons for Smelly Kat, Inc., dba Smelly Kat, 1739 E. Artesia Boulevard. (District 9)

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 make a determination that the permit application is complete and truthful; the applicant 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 public peace, welfare and safety will not be impaired. If this is so, the application shall either be approved for a long-term or short-term entertainment permit. Otherwise, the permit application shall be denied.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, the business ownership and permit history, and the entertainment permit application.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment without dancing by patrons be denied. Based on the Vice Section's investigation, along with opposition from local residents, the Police Department is unable to find that the public peace, safety, and welfare will not be impaired if this permit is granted.

- 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 Long Beach Development Services Department finds that the building/location meets department requirements for the proposed use.

In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a Bar/Tavern/Lounge since April 1998.

The hearing date of June 10, 2008, 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 May 19, 2008.

The following fees were collected with the application: Team Inspection \$300 and Zoning Review \$14 (Long Beach Development Services), 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 \$250 (Financial Management Department).

Approve recommendation.

Lori Ann Farrell  
Director of Financial Management/CFO

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER