



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Blvd • Long Beach, California 90802

~~CH-1~~

~~H-2~~

**CH-1**

December 5, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Hush On Pine, Inc., DBA Hush, 217 Pine Avenue, 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 persons 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 Hush On Pine, Inc., DBA Hush. 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 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 with conditions.

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 with alcohol since October 1998 and has been authorized entertainment with dancing since July 2000.

TIMING CONSIDERATIONS

The hearing date of December 5, 2006, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail. Hush On Pine, Inc., DBA Hush is operating on a temporary permit that expires on December 5, 2006.

FISCAL IMPACT

The following fees were collected with the application: Building Inspection \$194 and Zoning Review \$14 (Planning and Building Department), Police Investigations \$750 (Police Department), Temporary Permit \$225, 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 \$287.63 and Regulatory \$825 (Financial Management Department).

SUGGESTED ACTION:

Approve with or without conditions, or deny.

Respectfully submitted,



MICHAEL A. KILLEBREW  
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



GERALD R. MILLER  
CITY MANAGER



# 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 217 Pine Avenue

Hush on Pine Inc.  
DBA: Hush  
Lic#20621710  
04/06 – Pending

Restaurant With Alcohol

Hush on Pine Inc.  
DBA: Hush  
Lic#20626220  
05/06 – Pending

Entertainment With Dancing

Perlman Inc.  
DBA: Hush Restaurant & Banquet Facility  
Lic# 20528760  
05/05 – 05/06

Restaurant With Alcohol

Perlman Inc.  
DBA: Hush Restaurant & Banquet Facility  
Lic# 20529020  
05/05 – 05/06

Entertainment With Dancing

Setab Inc.  
DBA: Cousin Jack's  
Lic# 20224710  
03/01 – 06/05

Restaurant With Alcohol

Setab Inc.  
DBA: Cousin Jack's  
Lic# 20224730  
05/02 – Denied

Entertainment With Dancing

Setab Inc.  
DBA: Cousin Jack's  
Lic# 20224740  
05/02 – 06/05

2 Pool Tables

Setab Inc.  
DBA: Cousin Jack's  
Lic# 20251140  
11/02 – 06/05

Entertainment With Dancing

Mayan Empire Inc.  
DBA: Tikal Restaurant  
Lic# 98040850  
10/98 – 07/00

Restaurant With Alcohol

Mayan Empire Inc.  
DBA: Tikal Restaurant  
Lic# 98044110  
11/98 – 05/00

Entertainment No Dancing

Mayan Empire Inc.  
DBA: Tikal Restaurant  
Lic# 20031050  
07/00 – 02/01

Entertainment With Dancing



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard Long Beach, CA 90802

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Hush on Pine Inc., DBA Hush. 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	

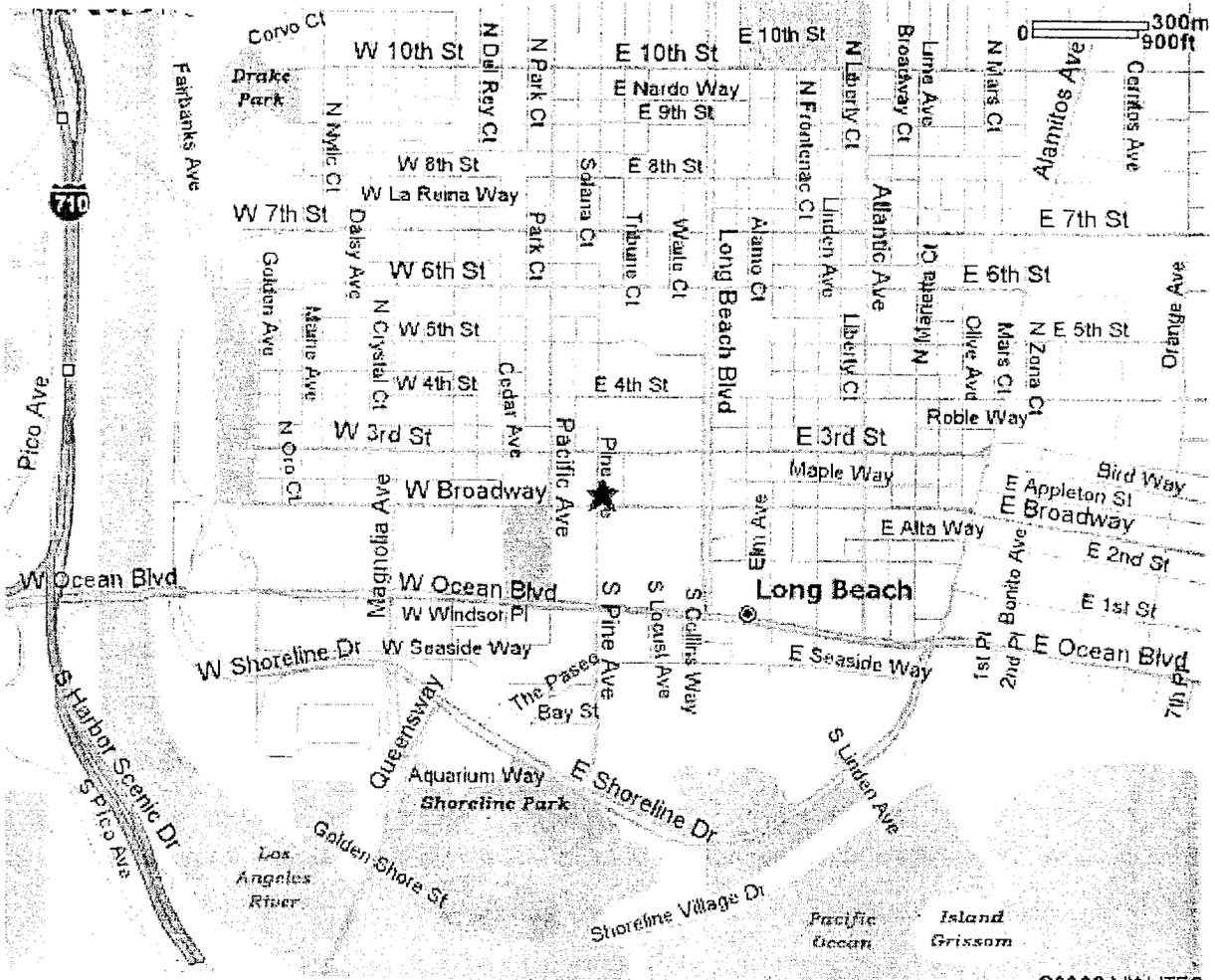
Questions concerning the above may be directed to the following:

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

# Hush

## 217 Pine Avenue





OFFICE USE ONLY

Accepted By: Chris Franz

Date: 05/23/06

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

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

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): HUSH AT PINE INC

Business Name (DBA): HUSH Business Phone: (562) 495-3473

Business Site Address: 207 N. PINE AVE. LONG BEACH, CA 90802

Date Business Proposes To Open: \_\_\_\_\_

Days & Time Premises Are Open For Inspection: \_\_\_\_\_

**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:

RESTAURANT - CLUB - LOUNGE

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

Contact Person(s) Phone Number: (714) 337-4400

**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): \_\_\_\_\_

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

Place and date of filing fictitious business name statement: 4-24-06, LONG BEACH

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

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:

OFELIA CASTELLANOS 1009 N. SHAFER ST. ORANGE, CA 92867

JOSE MARCO CASTELLANOS 791 N. HANCOY ST. ORANGE, CA 92867

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

THOMAS J. BORCHARD 25909 PALA, SUITE 300, MISSION VIEJO CA. 92691

JOSE MARCO CASTELLANOS 791 N. HANCOY ST. ORANGE, CA. 92867

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:

The Taco Company in Orange @ I-84664-L exp date 02/28/07 / JC FANTANERO in ANAHEIM @ BULF1998-011133 exp 04/28/07  
CALIFORNIA - ANAHEIM + ORANGE

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? \_\_\_\_\_

Is the location: Owned?  Rented/Leased?

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

Name: JAMES P. BRADLEY

Address: 215 N. PINE AVE. LONG BEACH, CA 90802

**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 <input type="checkbox"/>	_____	_____
On sale beer and wine <input type="checkbox"/>	_____	_____
On sale distilled spirits <input checked="" type="checkbox"/>	_____	<u>RESTAURANT + CLUB</u>

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 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? 30

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: N/A

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: \_\_\_\_\_

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

a. If yes, describe type of security: IN-HOUSE - employees

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	9 PM	9 PM	9 PM	9 PM	9 PM	9 PM	9 PM
Security	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

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	11 AM	11 AM	11 AM	11 AM	11 AM	11 AM	11 AM
Close	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? RESTAURANTS, NIGHT CLUBS, THEATERS, RETAIL.

20. Are there surrounding residences?  YES  NO

a. Approximately how close? \_\_\_\_\_

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO

a. If no, what is the street address of the off-premises parking facility? CITY PARKING

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	24hrs						
To							

d. How many individual parking spaces (approximately)? 2

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: MUSIC

Dance Floor?  Y  N      Stage?  Y  N

If yes, provide dimensions and type of material of dance floor.      L 12 X W 37 = 444 sq ft.

If yes, provide dimensions and type of material of stage.      L \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Describe floor material and surface type: concrete/painted top.

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	DJ	DJ	DJ	DJ	DJ	DJ	DJ
Start Time	12pm	12pm	12pm	12pm	12pm	12pm	12pm
End Time	2AM	2AM	2AM	2AM	2AM	2AM	2AM



**Date:** August 11, 2006  
**To:** Pamela Wilson-Horgan, Manager, Commercial Services Bureau  
**From:** <sup>AWB</sup> Anthony W. Batts, Chief of Police  
**Subject:** **APPLICATION FOR ENTERTAINMENT WITH DANCING AT HUSH  
217 PINE AVENUE**

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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**, 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  
AppvlCondHush

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: Chai Sany

Date: 05/23/06

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

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

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure):

HUSH OF PINE LLC

Business Name (DBA):

HUSH

Business Phone: (647) 495-3473

Business Site Address:

207 N. PINE AVE. LONG BEACH, CA 90802

Date Business Proposes To Open: \_\_\_\_\_

Days & Time Premises Are Open For Inspection: \_\_\_\_\_

**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:

RESTAURANT - CLUB - LOUNGE

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

JOSE MARCO CASTELLANOS

Contact Person(s) Phone Number:

(714) 337-4400 CELL

**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: Am Batts

Title: CHIEF OF POLICE

Date: 8-8-06



OFFICE USE ONLY

Accepted By: Chris Franz

Date: 05/23/06

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

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

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure):

HUSH AT PINE INC

Business Name (DBA):

HUSH

Business Phone: (562) 495-3473

Business Site Address:

207 N. PINE AVE. LONG BEACH, CA 90802

Date Business Proposes To Open: \_\_\_\_\_

Days & Time Premises Are Open For Inspection: \_\_\_\_\_

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:

RESTAURANT - CLUB - LOUNGE

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

JOSE MARCO CASTELLANOS

Contact Person(s) Phone Number:

(714) 337-4400

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: 5-31-06

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:

THIS ESTABLISHMENT MUST REMAIN IN COMPLIANCE WITH ALL APPLICABLE SECTIONS OF THE LB CITY NOISE ORDINANCE (LONG BEACH MUNICIPAL CODE, CHAPTER 8.80)

Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): 6-8-2006 By: ROBERT HUNT

POLICE DEPARTMENT

for Chief P. Ponder 10-30-06

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: \_\_\_\_\_

Oct 12 06 10:18a



OFFICE USE ONLY

Accepted By: Bob Spang Date: 10/12/06  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): HUSH ON PINE INC

Business Name (DBA): HUSH Business Phone: 649 495-3473

Business Site Address: 207 N. PINE AVE. LONG BEACH, CA 90802

Date Business Proposes To Open: \_\_\_\_\_

Days & Time Promises Are Open For Inspection: \_\_\_\_\_

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:

RESTAURANT - CLUB - LANCE

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

Contact Person(s) Phone Number: (714) 337-4400

Type of Organization:

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

**INSPECTION 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): 10-17-06 By: J. SCOTT LBFD

**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: \_\_\_\_\_



USE ONLY

Accepted By: Chris Franz Date: 05/23/06  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): HUSH @ PINE INC

Business Name (DBA): HUSH Business Phone: (562) 495-3473

Business Site Address: 207 N. PINE AVE. LONG BEACH, CA 90802

Date Business Proposes To Open: \_\_\_\_\_

Days & Time Premises Are Open For Inspection: \_\_\_\_\_

#### 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:  
RESTAURANT - CLUB - LOUNGE

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

Contact Person(s) Phone Number: (714) 337-4400

#### 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: 5/26/06

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:

THEY OBTAIN PERMITS, INSPECTION AND APPROVALS FOR NEW ELECTRICAL; CONDUIT, OUTLETS, AND SWITCH ON 2ND FLOOR NEXT TO THE D.I. AREA, NEW ELECTRICAL CONDUIT + WIRING 2ND FLOOR LOUNGE AREA, NEW WATER HEATER + FOR NEW 3-COMPARTMENT SINK AND HANDWASH SINK REQUIRED PER THE HEALTH DEPT. REPAIR LEAK @ 2ND FLOOR.

Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): 6/8/06 By: Wendy [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: \_\_\_\_\_



**Date:** November 22, 2006  
**To:** Jim Goodin, Business Services Officer  
**From:** Carolyne Bihn, Zoning Officer *CB*  
**Subject:** **REVIEW OF ENTERTAINMENT LICENSE REQUEST**

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

**Site Address:** 217 Pine Avenue  
Long Beach, CA 90802

**Applicant:** Hush on Pine Inc.

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

**Proposed Use:** Entertainment with Dancing

The Zoning Division of the Department of Planning and Building has the following comments:

Regarding Club Hush located at 217 Pine Avenue, dancing is allowed as an accessory to a restaurant in the PD-30. However, plans show that a 444 square foot dance floor will be used. The parking requirement for a dance floor is 25 spaces per 1,000 square feet of area. Previous owners of 217 Pine have had Entertainment Permits granted based on arrangements with the Redevelopment Agency Parking Management Program. However, this parking agreement has been voided with the current owners, Club Hush. Therefore, nonconforming parking requirements must be taken from the original construction of the building. Official building records indicate that the proposed 444 square foot dance floor is in a location that was originally bar area. The parking requirement for bar area is 20 spaces per 1,000 square feet. Therefore, the net increase in required parking for the proposed dance floor is 3 addition spaces. Staff recommends that the applicant provide 3 designated parking spaces for the dance floor.

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



H-2

**Date:** October 20, 2006

**To:** Gerald R. Miller, City Manager

**From:** James Goodin, Business Services Officer /s/

**Subject:** **Proposed Hearing Date for Hush on Pine Inc., DBA Hush, for a Permit for Entertainment With Dancing at an existing restaurant. (District 2)**

**DISCUSSION**

The Municipal Code 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 hearing is proposed to be on ~~November 21,~~ **December 5,** 2006 at 5:00 p.m.

The Municipal Code also requires that the City Council make the determination that the application is complete and truthful and that the applicant, the persons 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. The Commercial Services Bureau Manager will notify the applicant of the time and place of the hearing and post the premises in accordance with the Municipal Code.

**TIMING CONSIDERATIONS**

The business known as Hush on Pine Inc., DBA Hush, has been providing entertainment with dancing by patrons on a temporary entertainment permit that will expire on December 14, 2006. The hearing date must be set at least two weeks prior to hearing for proper applicant and public notification.

**ISSUES/CONCERNS**

No issues/concerns at this time.

APPROVED:

*for* *C. J. Shupp*  
 GERALD R. MILLER  
 CITY MANAGER