

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-1

333 West Ocean Blvd

Long Beach, California 90802

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 Borders Inc., DBA Borders Books, Music and Cafe, 101 S. Pine Avenue, for a Permit for Entertainment Without Dancing by Patrons at an existing retail store. (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 Borders Inc., DBA Borders Books, Music and Cafe. 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 without dancing by patrons be approved with conditions.
- The Fire Department recommends that the permit for entertainment without 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 without 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 retail store since February 2006.

TIMING CONSIDERATIONS

The hearing date of December 5, 2006 has been posted on the business location, with the applicant and property owners and occupants within 300 feet notified by mail. Borders Inc., DBA Borders Books, Music and Cafe, is operating on a temporary permit that expires on January 16, 2007.

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 \$8.40 (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 \$765.00 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve with or without conditions, or deny.

Respectfully submitted,

Jan' Our Danell

MICHAEL A. KILLEBREW DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

MAK:PH:JAG:BCV

ATTACHMENTS

racada **GERALD R. MILLER**

CITY MANAGER



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 Border Inc., DBA Borders Books, Music, and Café. 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

	Without Concern	With Conditions	With Concerns
Police Department		Х	
Fire Prevention Bureau	х		
Health and Human Services Department/Noise Control		Х	
Planning and Building Department		Х	

Questions concerning the above may be directed to the following:

Police Department, Chief of Police	570-7301
Fire Department, Fire Prevention Bureau	
Health and Human Services Department, Noise Control	
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

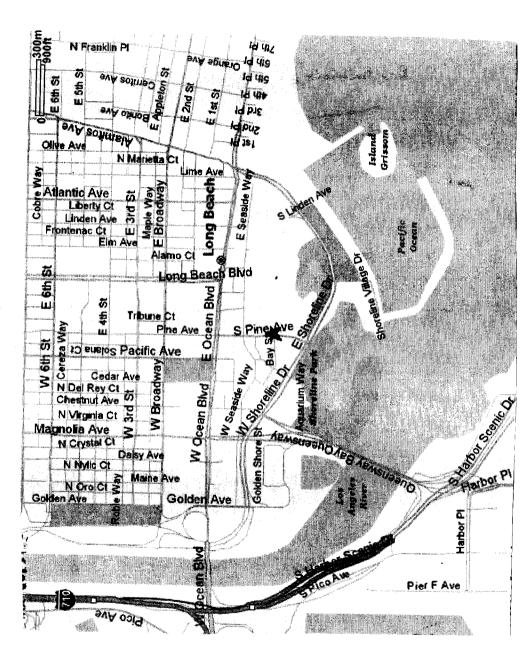
FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 101 South Pine Avenue

Borders Inc. DBA: Borders Books, Music & Cafe Lic# 20608920 02/06 – Active

Retail Sales

Borders Inc. DBA: Borders Books, Music & Cafe Lic# 20635490 07/06 - Pending Entertainment/No Dancing/No Alcohol

Borders 101 South Pine Avenue



	APPLICATION FOR ENTERTAINMENT PERMIT (Please Print All Information – Incomplete Applications Will Not Be Accepted)
Applicant's Name	e (Legal Ownership Structure): Borders Enc
Business Name ([DBA): Borders Books Musicy Cafe Business Phone: 50 491-0558
Business Site Add	
Date Business Pro	pposes To Open: <u>3/10/06</u>
Days & Time Pren	nises Are Open For Inspection: <u>Sunday - Thursday 10 Am- 10 Pm</u> Friday & Saturday 10 Am-11 PM
Proposed Use(s):	Friday & Saturday 10Am-11 PM
Entertainment/Res	staurant With Dancing 🗌 Without Dancing 🗌
Entertainment/Tav	ern With Dancing 🔲 Without Dancing 🛄
Social Club	Pool or Billiard Hall] Other (explain) X Retail Salus of Book, music
Explain briefly the	proposed use of the rooms within the building: Small cafe - without dancing
October 19	Name (authorized agent, manager, etc.): Angela Stinaly, Vax Smilling
Type of Organizat	Partnership Individual Unincorporated Association or Club
Corporation	Partnership Individual Unincorporated Association or Club LLC Other, explain:
Corporation	Partnership Individual Unincorporated Association or Club LLC Other, explain:
Corporation Trust Constructed ONE	Partnership Individual Unincorporated Association or Club LLC Other, explain:
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Principal place of business (if other than the address listed on page 1):

Borders Books Movies Y/ ty Reci I-Fictitious business names(s) or dba(s) used: Place and date of filing fictitious business name statement: earder, date 5/6/2003 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: attached Name and address of person (agent) authorized to accept service of process in California: Vonine Mar a بالتعماري والدبارين بأبلط موترين 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: an an anns 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? Rented/Leased? Is the location: Owned? If Rented/Leased, state the name and address of property owners: Name: Address:

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: (Club (restaurant) or commercial (store) On sale beer		Complete Each Question	n
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Indicate License Type Accord Beverage Control License No. Commercial (store) On sale beer	a an	a. If Yes, complete the following box:	
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 serving meaks for compensation, which has suitable kitchen facilities containing conveniences for cooking assortment of foods for ordinary meaks other than fast foods, sandwhoes or saleds. The kitchen must contain progretifigeration for food and must comply with all applicable regulations of the Health and Human Services Department of provided of the single services Department of the single services (such as snacks sold): 3. Are non-alcoholic beverages sold?		Alcobol Boyorada L'optrol Licobo No	
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Telephone No. ()			- manufacture in the action of the second system

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

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11. Will security officers be provided?

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12. Is any other type of security provided?

a. If yes, describe type of security:

NO YES Security A Sys)en

NNO

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YES

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

	Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	Hours of							
. //	Security							
3.	Will a private s	security firm t	be used?		YES			
	a. If yes, pr	ovide the folle	owing informa	ation of the contra	acted security fi	rm:		
، در این مطلح مالا را در این ا	Name:			Ci	y Business Lice	ense No	· · · · · · · · · · · · · · · · ·	
ار مدرد. رومد زم	Address:			Te	lephone No.:		. ()	
		ADI	MISSION and	l/or MEMBERSH	IIP FEES CHAP	<u>RGED</u>		
4.	Will minors be	allowed on t	he premises?		YES	NO		
5.	Will the premis	ses be open	to the genera	l public?	YES			المانية محالية مانية موركة عام مانية
6.	Will an admiss	sion fee be ch	narged?		YES	NO		
	a. If yes, fe	e schedule:						-
	n Senten and Senten and S			-				
				-f	their musets on			
7.			1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 -	of members and	their guests on	IY?	SEINO	
	a. If yes, typ	pes of memb	ership fees:					
	· <u></u>				· · · · · · · · · · · · · · · · · · ·			
8.	Will guests of	members pa	y an admissio	on fee or other ch	arges?	YE	s 🖉 NO	
	a. If yes, de	escribe the fe	e schedule a	nd other charges	·	· · · · · · · · · · · · · · · · · · ·		

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

HOURS OF OPERATION

	Day		Monday	Tuesday	Wednes	day Thurso	lay Friday	Saturday	Sunday
- y	Open	a an	10 AM	IDAM	10 AM	. IOAn	n 10Am	IDAM	10 AM
	Close		10 PM	10 pm	IOPM	IOPM	L IIPM	11 Pm	10,0m
				PROXIMITY	OF BUSINE		ESIDENCES		
19.	Δre ft	are su	irrounding bu				YES	NO	· · · · · · · · · · · · · · · · · · ·
	а.	What type?	_Se	e atta	ched .	ite pla	~. <u>R</u> ·		
							/5		
20.	Are th	nere su	rrounding res	sidences?			YES [NO NO	
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		facility				r emi ses parkir	Ig 		na spañse.
									-
	b.	Descrit	be the busine	ss arrangeme	ent made wit	h owner of the j	parking facility i	f not part of busi	ness premise
		(Pleas restric		copy of p	arking cor	ntract or dee	ed		· · · · ·
			•	andi Alahar Satur Satur Matana Satur			· .	. ·	· · · · · · · · · · · · · · · · · · ·
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	C.		ind hours pa						
Fre	om	Mon	day Tues	sday We	dnesday 	Thursday HOURS	Friday	Saturday	Sunday
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					· · · · · · · · · · · · · · · · · · ·	ravimatal 12	3,879		•
	d.	How m	nany individu	al parking s	spaces (app	oximatery)?	5,817		

n na sense and a sense of the ENTERTAINMENT FACILITY AND ACTIVITY

3.7

Entertainment - Restaurant Entertainment - Tavern (bar) Entertainment - Other	X
Does the Proposed Activity have:		
Outdoor Entertainment?		□ Y 🔀 N
Dancing by patrons, guests, customers, participants, attendees?	a da anti-artes. 1995 - Santa Angela, angela ang 1996 - Santa Angela	
Dancing by performers?		
Live music by more than two (2) performers?	n an tha an	
Amplified music (live)?		
Amplified music (recorded)?		
Disc Jockey?		□ YX N
Karaoke?		 □Y∑N
Adult Entertainment as defined by LBMC Section 21.15.110?		
Adult Entertainment as defined by LBMC Section 5.72.115 (B)?		N
Will the establishment serve as a family pool/billiard hall as provided	d in Section 5.69.090 of the LBMC?	
Any other type of rentertainment not listed above?		
If yes, briefly describe the entertainment activity.		
Describe entertainment by performers:		
사람이 가지 않는 것 같은 것 같	Stage? 🔲 Y 🔀 N	l
Dance Floor?		
Dance Floor? Y N N If yes, provide dimensions and type of material of dance floor.	LX W =	sq
		sq1 H
If yes, provide dimensions and type of material of dance floor.		

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Entertainment Type	E		Live mi ampli	usic by m performe fied mus	esi	2	
Start Time	10am	10 am	10 am	loam	10am	10 am	10am
End Time	10 pm	10pm	10pm	10pm	llpm	llpm	10pm

RELEASE FORM

The undersigned, on behalf of (owner('s)) <u><u>Bolouls</u> <u>Enc.</u>, 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:</u>

porders Booky Music (DBA)

to obtain the (entertainment type) LIVE music

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 RIZED AGE

<u>U250 189 552 744</u> DRIVER'S LICENSE OR ID CARD NUMBER

permit/license.

CITY STAFF)

TITLE



Date: September 19, 2006

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

From: Anthony W. Batts, Chief of Police

Subject: APPLICATION FOR ENTERTAINMENT WITHOUT DANCING AT BORDERS BOOKS, MUSIC & CAFÉ - 101 SOUTH PINE AVENUE

In response to your request for a recommendation regarding the above named permit application for Entertainment <u>Without</u> Dancing, the Police Department recommends **approval**, subject to the following ten (10) conditions of operation:

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 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
- 4) The permittee shall employ his/her own discretion in determining the level of security necessary to prevent violations of law and any other disturbances arising out of or in connection with business operations. 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.

Pamela Wilson-Horgan, Manager, Commercial Services Bureau September 19, 2006 Page 2

- 5) Noise emanating from the permittee's premises shall not be audible 50 feet or more from the property line of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows shut, limiting hours of entertainment or by offering non-amplified entertainment.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) Borders, its promoters, or agents, shall not distribute any advertising matter 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.
- 10) 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, your conditional use permit, or any laws, the more stringent regulation shall apply.

If you have further questions, please contact, Detective Chris Anderson, at extension 85706.

AWB:CNA:cna AppvlCondBorders

	Zoning Approval Date: 0/19/06 By: Goi Incom
	(Please Print All Information – Incomplete Applications Will Not Be Accepted)
Applic	ant's Name (Legal Ownership Structure): Borders Enc.
Busiae	ss Name (DBA): Booders Books Music Business Phone: 512) 491-0558
Busine	ss Site Address: 101 South Pine Avenue DI - 130
Date B	usiness Proposes To Open: 3/10/06
Days 8	Time Premises Are Open For Inspection: Sunday - Thursday 10Am - 10Pm Friday & Saturday 10Am - 11PM
Propo	sed Use(s): Friday I Jaturday IDAM-11 PM
Enterta	inment/Restaurant With Dancing Without Dancing
Enterta	inment/Tavern With Dancing 🗍 Without Dancing 🗍
Social	
Explair	briefly the proposed use of the rooms within the building:
Contac	Person(s) Name (authorized agent, manager, etc.): Angela Stingly, Vax Singly
	t Person(s) Phone Number: (134) 477-2104
Гуре о	f Organization:
Cor	poration Partnership Individual Unincorporated Association or Club
] Trus	t LLC Other, explain:
ÓFFIC	EUSEONLY
	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:
<u></u>	
	Building/Location does not meet Department requirements for the proposed use.
	Inspection Completed On (date): By:
POLIC	E DEPARTMENT
$\mathbf{\Sigma}$	Police Department finds no for basis for denial Police Department finds basis for denial
	Police Department finds no for basis for denial with conditions
	ons or Basis for Denial:
Conditi	

	Entertainment Application – Page 1

OFFICE USE ONLY
Date 2/19/0 C
Zoning Approval Date: 01/19/06 By: Roi Fram
(Please Print All Information – Incomplete Applications Will Not Be Accepted).
Applicant's Name (Legal Ownership Structure): Borders Zre
Business Name (DBA): Broders Rooks Music & Cafe Business Phone: 52 491-0558
Business Site Address: 101 South Pine Avenue DI-130
Date Business Proposes To Open. 3/10/06
Days & Time Premises Are Open For Inspection: Sunday - Thursday 10Am - 10Pm Friday & Saturday 10Am - 11Pm
Proposed Use(s): Friday & Saturday 10 Am - 11 PM
Entertainment/Restaurant With Dancing Without Dancing
Entertainment/Tavern With Dancing Without Dancing
Social Club Pool or Billiard Hall Other (explain) & Refail Sales of Book, music with
Explain briefly the proposed use of the rooms within the building:
Contac Person(s) Name (authorized agent, manager, etc.): Angela Stingly, Var Linguitier
Contact Person(s) Phone Number: (734) 477-2184
Type of Organization:
Corporation Partnership Individual Unincorporated Association or Club
Trust LLC Other, explain:
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): 8-3-0 6 By: J. Scoll
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 of Basis for Denial
By: Date:

OFFICE USE OF LONG BEACH Zoning	
	APPLICATION FOR ENTERTAINMENT PERMIT (Please Print All Information – Incomplete Applications Will Not Be Accepted)
Applicant's Name (Legal O	R
Business Name (DBA): 굳	orders Booksy Musical Cafe Business Phone: 512 491-0558
Business Site Address:	101 South Pine Avenue DI-130
Date Business Proposes To	
Days & Time Premises Are C	
Proposed Use(s):	Friday & Saturday 10Am-11 PM
Entertainment/Restaurant	With Dancing Without Dancing
Entertainment/Tavern	With Dancing Without Dancing
Social Club Po	ool or Billiard Hall [] Other (explain) X Retail Sales of Book, Imusic w
Explain briefly the proposed (use of the rooms within the building: Small cafe - without dancing
Contact Person(s) Phone Nu Type of Organization:	mber: (134) 477-2104
Trust LLC	Other, explain:
DEFICE USE ONLY	
🗌 Building 🗌 F	ire Health (Check Inspecting Department) Date Received:
Building/Location me	ets Department Requirements for the proposed use.
Building/Location me	ets Department Requirements for the proposed use subject to the following conditions:
This busin	en must stavia compliance with
The Long	Beach Noire Ordinance Chapter 8-80.
Building/Location doe	as not meet Department requirements for the proposed use. d On (date): <u>8-306</u> By: <u>Notsert</u> Heat
POLICE DEPARTMENT	
Police Department fir	nds no for basis for denial Police Department finds basis for denial
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Conditions or Basis for Denial	
Ву:	Title: Date:

LONG	Accepted By: Date:
BEACH	Zoning Approval Date: 01/19/06 By: Goi Gram
Jan's T	
	APPLICATION FOR ENTERTAINMENT PERMIT (Please Print All Information – Incomplete Applications Will Not Be Accepted)
Applicant's Name	e (Legal Ownership Structure): Borders Enc
Business Name (D	DBA): Booders Books Music + Cafe Business Phone: 512 491-0558
Business Site Add	
Date Business Pro	
Proposed Use(s):	Epident & Saturday IDAm - 11 PM.
• • • •	\sim \sim
Entertainment/Res	
Entertainment/Tav	
Social Club	Pool or Billiard Hall Other (explain) Republication of Book, Invision
Explain briefly the	proposed use of the rooms within the building:
	Name (authorized agent, manager, etc.): <u>Angela</u> Stingley, Vax Segurits
	Phone Number: (734) 477-2104
Type of Organizat	tion:
Type of Organizat ∑ Corporation	tion:
Type of Organizat	tion:
Type of Organizat ∑ Corporation	tion: Partnership Individual Unincorporated Association or Club LLC Other, explain:
Type of Organizat ✓ Corporation Trust	tion: Partnership Individual Unincorporated Association or Club LLC Other, explain:
Type of Organizat Corporation Trust OFFICE USE ONL Building	tion: Partnership Individual Unincorporated Association or Club LLC Other, explain: Y
Type of Organizat Corporation Trust OFFICE USE ONL Building Building/L	tion: Partnership Individual Unincorporated Association or Club LLC Other, explain: Fire Health (Check Inspecting Department) Date Received: $\frac{g/z}{0.4}$ cocation meets Department Requirements for the proposed use.
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Type of Organizat Corporation Trust OFFICE USE ONL Building/L THEY OB TO MCLUD BORDERS, MD # 4571	tion: Partnership Individual Unincorporated Association or Club LLC Other, explain: Fire Health (Check Inspecting Department) Date Received: $\frac{3}{2}/\frac{0}{0}$ Location meets Department Requirements for the proposed use. Location meets Departm
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City of Long Beach Working Together to Serve

Date: August 8, 2006

To: Jim Goodin, Business Services Officer

From: Carolyne Bihn, Zoning Officer

Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

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

Site Address:	101 S. Pine Avenue Long Beach, CA 90802
Applicant:	Borders Books, Music, & Cafe
Zoning District:	PD-6 (Downtown Shoreline Planned Development Ordinance)
Proposed Use:	Entertainment without Dancing

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

The proposed entertainment permit without dancing is allowed as an accessory structure in PD-6. No extra parking is required and planning has no objection to granting this entertainment license.

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