

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-1

333 West Ocean Blvd • Long Beach, California 90802

March 11, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a permit with conditions on the application of Mary's Long Beach, Inc., DBA Hamburger Mary's, 330 Pine Avenue, for Entertainment with Dancing by Patrons. (District 1)

DISCUSSION

The Long Beach Municipal Code (LBMC) requires an application be filed and a hearing be held before the City Council whenever this type of activity is requested and before an entertainment permit is granted or denied.

The LBMC also requires that the City Council shall approve the issuance of the entertainment permit if they find that: the issuance of the permit at the proposed location is consistent with federal, state and local laws, rules, and regulations; it will not constitute an undue burden on the neighborhood; the applicant(s) or responsible persons have not been convicted of any misdemeanor involving moral turpitude or felony offense within the past five years; and, neither the applicant(s) or any responsible persons have a history of committing significant violations of the City code and have not provided false or misleading information on their application.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) deny the Permit on the application. Once the Permit is granted, pursuant to LBMC 5.72.120.5, the Permit will be subject to an administrative review by the Department of Financial Management every two years. This review process will consist of a multi-department analysis to determine compliance and identify if issues exist. This provision does not affect the City's ability to modify, revoke or suspend a permit at any time.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, history, entertainment permit application and floor plan. To review all supportive documents, as well as the documents included in this report, you may visit www.longbeach.gov/finance/business_relations/entertainment.asp.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved subject to the conditions.

HONORABLE MAYOR AND CITY COUNCIL

March 11, 2014

Page 2

- The Fire Department finds that the building/location meets department requirements for the proposed use.
- The Health and Human Services Department finds that the building/location meets department requirements for the proposed use with the condition that the establishment remain in compliance with the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- The Development Services Department finds that the building/location meets department requirements for the proposed use.

The Department of Financial Management, Business Relations Bureau, has reviewed all submitted department documents and correspondence and, after a thorough investigative process, recommends that the permit for entertainment with dancing by patrons be approved subject to conditions (attached).

In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a restaurant with alcohol since June 2013.

This matter was reviewed by Deputy City Attorney Amy R. Webber on February 14, 2014.

TIMING CONSIDERATIONS

The hearing date of March 11, 2014, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

FISCAL IMPACT

The following fees were collected with the application: Building Review \$22 and Zoning Review \$16 (Development Services), Police Investigation \$1,240 (Police Department), and Mailing List \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$337.30 and Regulatory \$1,025 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

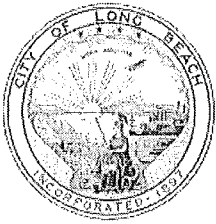


JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-6211

Recommended Conditions of Operation

Mary's Long Beach, Inc., DBA Hamburger Mary's

330 Pine Avenue

Application for Entertainment With Dancing

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

I. STANDARD CONDITIONS OF OPERATION

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

- The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public.
- 8) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors and the parking lot, at all times while open for business. This should be done by use of security guards and signage indicating words to the effect of, "Please respect our neighbors" or something similar.
 - 9) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the front of the establishment, the parking lot or the immediate area.
 - 10) The permittee agrees to reimburse the City for all costs associated with excessive police services, as determined by the Chief of Police, required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
 - 11) The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.
 - 12) 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).
 - 13) Any graffiti painted or marked upon the premises, or on any adjacent area under the control of the licensee, shall be removed or painted over within 24 hours of being applied.

- 14) All promoters must have or obtain a City of Long Beach Business License **prior to** conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters.
- 15) The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation. The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.
- 16) The business, its promoters, or agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all agent and promoter's contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
- 17) If the permittee utilizes an independent third party event promoter to provide entertainment related services resulting in any public safety call for service, the City reserves the right to remove and/or restrict the use of independent third party promoters.
- 18) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict with the requirements of this permit, the more stringent regulation shall apply.
- 19) The permittee, shall, within ninety (90) days of an approved entertainment permit, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control. In the event that the LEAD program class is not offered within this ninety-day period, the permittee shall attend the next available class. Proof of completion shall be submitted to the Long Beach Police Department Vice Investigations Section.

II. ADDITIONAL CONDITIONS OF OPERATION

- 1) Entertainment activities indicated on page 7 of your entertainment application **shall be restricted Monday through Friday 8:00PM to 2:00AM and Saturday through Sunday 11:00AM to 2:00AM.**
- 2) The use of speakers to provide amplified sound on the patio shall be prohibited at all times. This restriction shall not apply to a self contained unit, such as a portable radio, so long as the speaker size does not exceed six (6) inches, and the sound cannot be heard more than fifty (50) feet from the patio.

- 3) Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food service) portion of the establishment has closed, or **10:00PM**, whichever comes first. Private functions not open to the public are exempt from this condition.
- 4) This Entertainment Permit is accessory to the primary business, which is a restaurant. The authorization to provide entertainment on-site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.

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

The premises must be equipped and maintained in good faith. The premises must possess working refrigeration, cooking equipment, utensils, menus, and enough food to make substantial meals.

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



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 Mary's Long Beach, Inc., DBA Hamburger Mary's. 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	
Long Beach Development Services	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
Long Beach Development Services.....	570-6623

Compiled by: Department of Financial Management
Commercial Services Bureau



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5700 • Fax (562) 570-6867

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 330 Pine Avenue

Mary's Long Beach, Inc.
DBA: Hamburger Mary's
Lic#21320270
11/13 – Pending City Council approval

Entertainment With Dancing

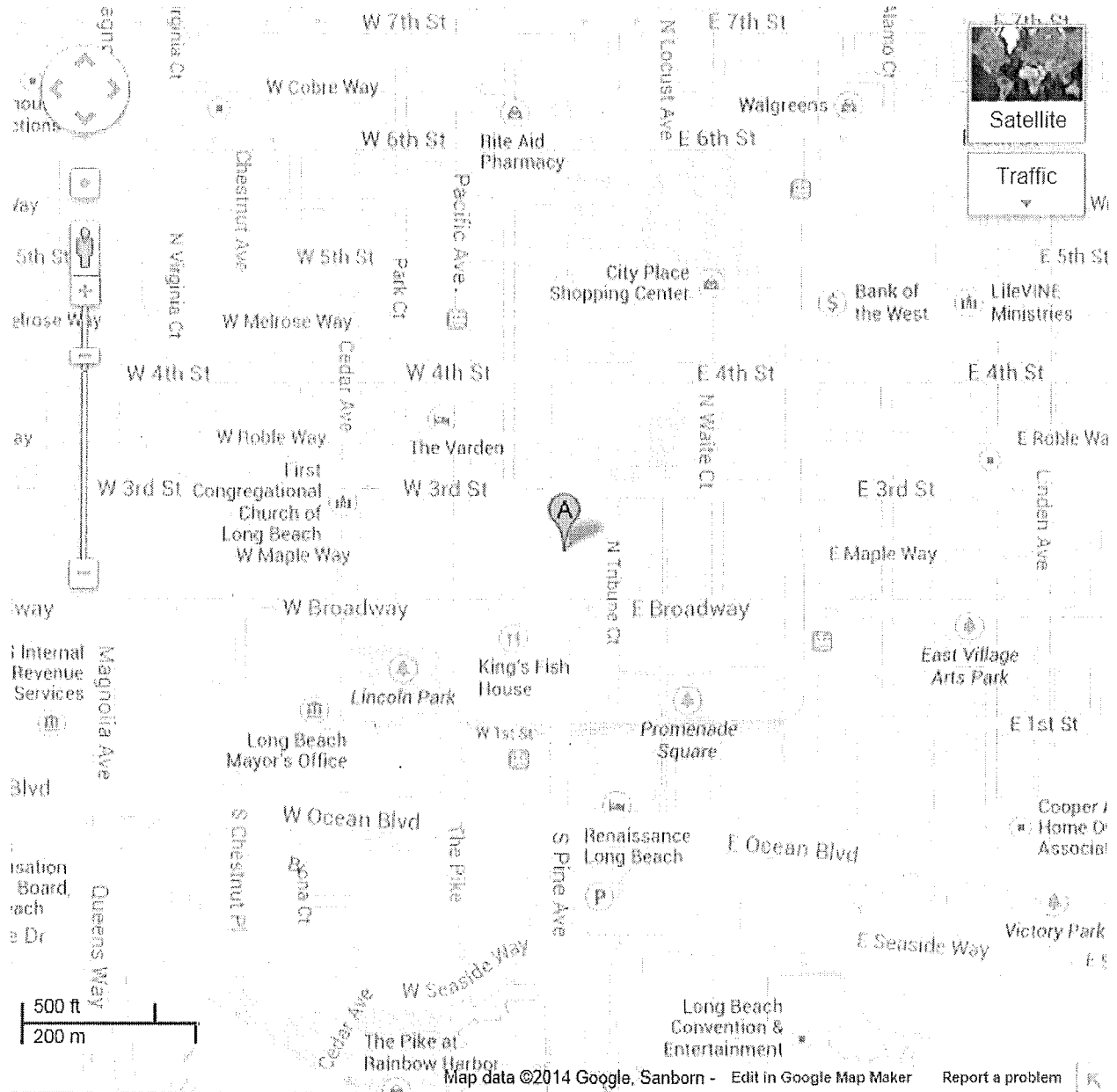
Mary's Long Beach, Inc.
DBA: Hamburger Mary's
Lic#21335830
06/13 – Active

Restaurant With Alcohol

Mary's Long Beach, Inc.
DBA: La Lune Restaurant
Lic#20811110
11/13 – Pending

One Pool Table

Mary's Long Beach, Inc.
Db: Hamburger Mary's
230 Pine Avenue





Accepted By: _____ Date: _____
 Zoning Approval By: _____ Date: _____

RECEIVED
 PURCHASING
 NOV - 1 11:25

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Mary's Long Beach INC

Business Name (DBA): Hamburger Mary's Business Phone: (562) 436-7900

Business Site Address: 330 - 340 Pine Ave

Date Business Proposes To Open: 11/11/13

Days & Time Premises Are Open For Inspection: By Appointment

Proposed Use(s):

- Entertainment/Restaurant With Dancing Without Dancing Other (explain) _____
 Entertainment/Tavern With Dancing Without Dancing
 Entertainment/Retail Social Club Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building: Restaurant With Entertainment & Dancing

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

Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: _____
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____

GENERAL INFORMATION (All Applicants)

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

Fictitious business names(s) or dba(s) used: Hamburger Mary's

Place and date of filing fictitious business name statement: 7/1/13 RushFiling.com

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:

Dale Warner [REDACTED]

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

Dale Warner [REDACTED]

State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which held, and expiration date thereof:

Is this applicant a subsidiary of a present corporation or business? YES NO

If yes, explain: Warne 20 22c

How long has the corporation or business been in operation? 10 years

Is the location: Owned? Rented/Leased?

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

Name: _____

Address: _____

IF APPLYING AS AN INDIVIDUAL

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

Name:

Last:

WARNER II

First:

Deke

Middle:

Pleasant

Title(s) or AKA(s):

Residence address:

[REDACTED]

Residence telephone number(s) (including area code):

[REDACTED]

Business address:

330 - 340 Pine Ave

Business telephone number(s) (including area code):

(562) 436 - 7900

Race:

[REDACTED]

Sex:

[REDACTED]

Hair:

[REDACTED]

Ey es:

[REDACTED]

Height:

[REDACTED]

Weight:

[REDACTED]

Date of Birth (mm/dd/yyyy):

[REDACTED]

Place of Birth:

[REDACTED]

Driver's License or Identification Card Number:

[REDACTED]

State of Issue:

[REDACTED]

Federal Tax ID Number:

[REDACTED]

Seller's Permit Number:

[REDACTED]

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: Mary's Tony Beach

Corporation Number: 354 90 57

Date and Place of Incorporation: 4/10/13 Los Angeles

Location Headquarters: 8288 Santa Monica Blvd W Hollywood CA 90046

Federal Tax ID Number: [REDACTED]

Seller's Permit Number: _____

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
<u>Dale Warner</u>	<u>Director</u>	[REDACTED]	[REDACTED]
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()

Numbers of shares issued by Corporation: 1500

Number of share retained by Corporation: 1500

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

Dale Warner [REDACTED]

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

[REDACTED]

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Dale Warner Title: Director
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: [REDACTED] Phone: [REDACTED]
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

CORPORATE OFFICER II

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: _____

CORPORATE OFFICER III

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: _____

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 <input type="checkbox"/>	_____	_____
On sale beer and wine <input type="checkbox"/>	_____	_____
On sale distilled spirits <input checked="" type="checkbox"/>	<u>47-537791</u>	<u>Restaurant</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: American / Hamburgers

b. If no, list any products (such as snacks sold): _____

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 85

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: 1

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: 2 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: Dale Warner

Address: 

Telephone No. _____

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided? YES NO

a. If yes, number of security officers: 2-4

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

a. If yes, describe type of security: _____

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	6pm-2am	6pm-2am	6pm-2am	6pm-2am	6pm-2am	6pm-2am	11am-2am
Security							

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: Special Events only

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: Special Events only

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	9am	9am	9am	9am	9am	9am	9am
Close	2am	2am	2am	2am	2am	2am	2am

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? Omaha Inn - Restaurant, The Vault - Concert Hall, Gold's Gym

20. Are there surrounding residences? YES NO

a. Approximately how close? Above

PARKING FACILITIES AND ARRANGEMENTS

21. Is parking available? YES NO

a. If no, what is the street address of the off-premises parking facility? Behind, City Lot

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	24 hours →						
To							

d. How many individual parking spaces (approximately)? 350

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

Del

If yes, briefly describe the entertainment activity. Drag Shows

Describe entertainment by performers: Drag Shows

Dance Floor? Y N

Stage? Y N

If yes, provide dimensions and type of material of dance floor.

L 37' X W 20' = 740 sq ft.

If yes, provide dimensions and type of material of stage.

L _____ W _____ H _____

Describe floor material and surface type: wood

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	Drag Show/ Dancing	Karoke/ Dancing	Drag Show/ Dancing	Drag Show/ Dancing	Drag Show/ Dancing	Drag Show/ Dancing	Drag Show/ Dancing
Start Time	8pm	8pm	8pm	8pm	8pm	11am	11am
End Time	2am	2am	2am	2am	2am	2am	2am

RELEASE FORM

The undersigned, on behalf of (applicant) Mary's Long Beach, hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required by the City of Long Beach, its officers, agents and employees for the purpose of determining the capability, fitness and capacity of:

(DBA) Hamburger Mary's to obtain the entertainment permit.

The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. Any change in the person or the address listed in the application may be made only in writing to the Director of Financial Management.

The applicant consents and agrees full compliance will be made with all applicable State laws and City ordinances governing the conduct of the particular type of business activity for which a business license or permit is requested. **The applicant by signing this application understands any incomplete or false information may constitute grounds for denial.**

I swear under penalty of perjury I have read the forgoing application and all information and statements made by the undersigned/applicant regarding this applicant are true and correct.

[Redacted Signature]

(SIGNATURE OR AUTHORIZED AGENT)

Owner

(TITLE)

7/11/13

(DATE)

[Redacted License Number]

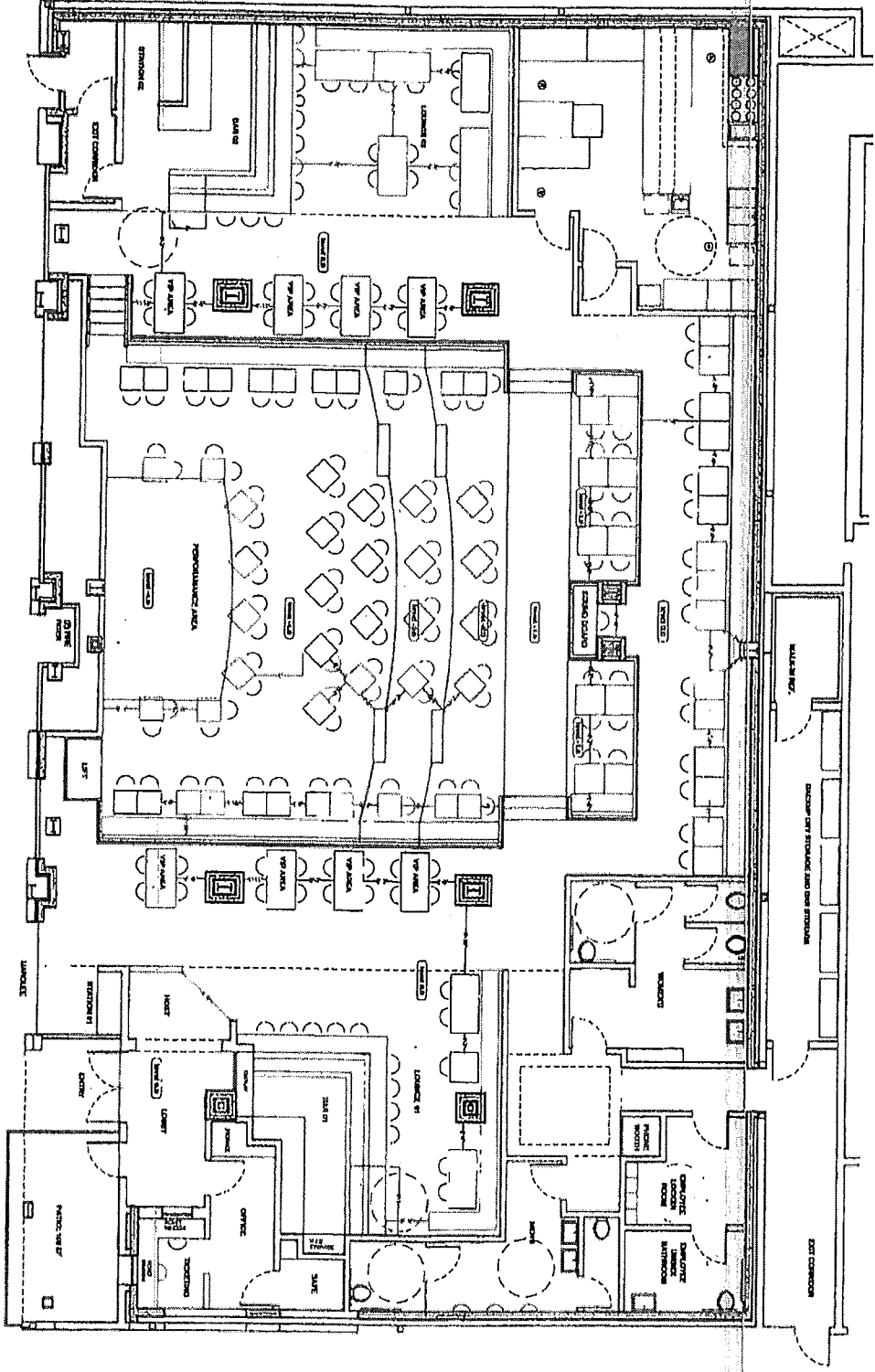
DRIVER'S LICENSE OR ID CARD NUMBER

STATE

ACCEPTED BY (CITY STAFF)

TITLE

DATE



1 FURNITURE FLOOR PLAN

A2.002

REPAIRING AREA
 OFFICE
 SALES
 STORAGE
 RESTROOMS
 JANETTES
 WAITING AREA
 SERVICE AREA
 CONFERENCE ROOM
 BREAK ROOM
 STORAGE ROOM
 OFFICE
 SALES
 RESTROOMS
 JANETTES
 WAITING AREA
 SERVICE AREA
 CONFERENCE ROOM
 BREAK ROOM
 STORAGE ROOM

REVISIONS:
 DATE: 8/2000
 BY: J. J. JONES

OWNER:
 JAMES W. JONES
 JAMES W. JONES, LTD.
 1000 W. 10TH ST.
 OMAHA, NE 68104

ARCHITECT:
 JAMES W. JONES
 JAMES W. JONES, LTD.
 1000 W. 10TH ST.
 OMAHA, NE 68104



Accepted By: _____ Date: _____
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Mary's Long Beach INC
 Business Name (DBA): Hamburger Mary's Business Phone: (562) 436-7900
 Business Site Address: 330 - 340 Pine Ave
 Date Business Proposes To Open: 11/11/13
 Days & Time Premises Are Open For Inspection: By Appointment

Proposed Use(s):

- Entertainment/Restaurant With Dancing Without Dancing Other (explain) _____
 Entertainment/Tavern With Dancing Without Dancing
 Entertainment/Retail Social Club Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building: Restaurant With Entertainment & Dancing

Contact Person(s) Name (authorized agent, manager, etc.): Dale Warner
 Contact Person(s) Phone Number: _____

Type of Organization:

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

OFFICE USE ONLY

- Building Fire Health (Check Inspecting Department) Date Received: _____
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): _____ By: _____

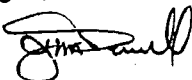
POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: [Signature] Title: CHIEF OF POLICE Date: 1-23-14



Date: January 31, 2014
To: Dennis Strachota, Bureau Manager, Business Relations Bureau
From: Jim McDonnell, Chief of Police 
Subject: **APPLICATION FOR AN ENTERTAINMENT WITH DANCING PERMIT AT
HAMBURGER MARY'S – 330-340 PINE AVENUE**

In response to your request for a recommendation regarding the above named permit application for an Entertainment with Dancing Permit, the Police Department recommends **approval** of an **Entertainment with Dancing Permit**, subject to the conditions that follow.

Hamburger Mary's is a restaurant/club that was previously located at 740 East Broadway. The establishment had been at this location since 2008. On December 9, 2013, the restaurant/club relocated to the east side of Pine Avenue south of 4th Street. The corporation is owned and operated by Dale Warner, and currently holds a Type 47 (On-Sale General Eating Place) Alcoholic Beverage Control License. On December 24, 2013, Hamburger Mary's applied for an Entertainment with Dancing Permit, requesting dancing by performers and patrons, live and recorded amplified music, a disc jockey, karaoke, and drag shows every day of the week until 2:00 AM.

Based upon the Vice Section's investigation, West Division Patrol Commander's recommendation, residential contacts, and the crime analysis, the Long Beach Police Department has determined the public's peace, safety, and welfare would not be adversely impacted by the issuance of this permit, provided the appropriate conditions are imposed and observed by the applicant. The Police Department recommends approval of an Entertainment with Dancing Permit.

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) Entertainment activities indicated on page #7 of your entertainment application shall be restricted Monday through Friday 8:00 P.M. to 2:00 A.M. and Saturday through Sunday 11:00 A.M. to 2:00 A.M.

- 4) Due to the proximity of neighboring residences, all door(s) and window(s) shall be kept closed at all times during any entertainment, except in cases of emergency, and to permit deliveries. Said door(s) and window(s) shall not consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty feet (50') from the exterior of the premises in any direction.**
- 5) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance. (LBM Chapter 8.80)
- 6) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors at all times while open for business. This should be done by utilizing security guards and signage with verbiage such as, "Please respect our neighbors," or something similar.
- 7) The use of speakers to provide amplified sound on the patio shall be prohibited at all times. This restriction shall not apply to a self contained unit, such as a portable radio, so long as the speaker size does not exceed six (6) inches, and the sound cannot be heard more than 50 feet from the patio.
- 8) Hamburger Mary's, or its agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, any vehicle, or in any other such place in the City of Long Beach. 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. The permittee shall keep all agent contracts, including names, addresses, and phone numbers, on file at all times, and have this information available for inspection at any time.
- 9) Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food service) portion of the establishment has closed, or **10:00 P.M., whichever comes first.** Private functions not open to the public are exempt from this condition.
- 10) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10:00 P.M. and 7:00 A.M.
- 11) During any entertainment activity listed on page #7 of the applications, the permittee shall be responsible for maintaining an adequate security staff to supervise patrons inside the establishment. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels.

For crowds up to fifty (50) people the permittee shall provide a minimum of one (1) security guard. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Security guards must be identifiable as "Hamburger Mary's" employees. Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the area surrounding the establishment, the permittee shall increase staff, or employee uniformed licensed security guards, as directed by the Chief of Police.

- 12) At the conclusion of each night, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles and not loiter in front of the establishment, in the parking structure or the immediate area.
- 13) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request.
- 14) The permittee agrees to reimburse the City of Long Beach 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.
- 15) Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons inside the business.
- 16) This Entertainment Permit is accessory to the primary business, which is a restaurant. The premises must possess working refrigeration, cooking equipment, utensils, menus, and enough food to make substantial meals. The business must offer substantial sales of meals, during the normal meal hours that the business is open. Fast food, snacks, and hors d'oeuvres shall not constitute a substantial meal. Normal meal hours are: Breakfast 6:00 a.m. – 9:00 a.m., Lunch 11:00 a.m. – 2:00 p.m., and dinner 6:00 p.m. – 9:00 p.m.

If the business does not open by 6:00 p.m., complete and substantial meals shall be offered the entire time the business is open, or for a minimum of three hours. In the event the primary business ceases operations or fails to comply with this condition, the entertainment permit becomes null and void.

- 17) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee, independent contractor, and promoter conducting business within the

City of Long Beach must have, or obtain a valid City of Long Beach Business License, prior to 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.

- 18) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your ABC license, the more stringent regulation shall apply.
- 19) Any graffiti painted or marked upon the premises, or on any adjacent area shall be removed within 24 hours of being applied.
- 20) The permittee shall be responsible for installing and maintaining a video surveillance system that monitors no less than the front and rear of the business, with full view of the public right-of-ways, and any parking lot under the control of the permittee. These cameras shall record video for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet.

All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.

- 21) The permittee shall ensure that all employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. The permittee shall keep employee's proof of completion on file, and be available for inspection at any time.



Accepted By: _____ Date: _____
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT
 (Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): Mary's Long Beach INC
 Business Name (DBA): Hamburger Mary's Business Phone: (562) 436-7900
 Business Site Address: 330 - 370 Pine Ave
 Date Business Proposes To Open: 11/1/13
 Days & Time Premises Are Open For Inspection: By Appointment

- Proposed Use(s):
- Entertainment/Restaurant With Dancing Without Dancing Other (explain) _____
 Entertainment/Tavern With Dancing Without Dancing
 Entertainment/Retail Social Club Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building: Restaurant With Entertainment & Dancing

Contact Person(s) Name (authorized agent, manager, etc.): Dale Warner
 Contact Person(s) Phone Number: [REDACTED]

- Type of Organization:
- Corporation Partnership Individual Unincorporated Association or Club
 Trust LLC Other, explain: _____

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: _____
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): 11-12-13 By: [Signature]

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

100 W BROADWAY STE 400 | LONG BEACH, CA 90802 | 562-570-6513 FAX 562-570-6930

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 7/11/13

Name of Business (DBA): Mary's Long Beach inc DBA Hamburger Mary's

Name of Business Owner: Dale Warner

Business Address: 330-340 Pine Ave
Long Beach CA 90802

Dear New Business Owners:

The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

You must make sure that the noise generating inside your business is not impacting adjacent residences.

If loud music is to be played as part of the entertainment permit, you must also post a sign in the customer area in a conspicuous location that states:

Warning: Sound Levels Within May Cause Permanent Hearing Impairment.

I understand that in order to provide Entertainment, my establishment must comply with the Long Beach Noise Ordinance (LBMC Chapter 8.80)

Owner or Authorized Agent Signature(s) Dale Warner

Title Owner

Phone # 

FAX # 

BBUS160165



Accepted By: _____	Date: _____
Zoning Approval By: _____	Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Mary's Long Beach INC

Business Name (DBA): Hamburger Mary's Business Phone: (562) 436-7900

Business Site Address: 330 - 370 Pine Ave

Date Business Proposes To Open: 11/11/13

Days & Time Premises Are Open For Inspection: By Appointment

Proposed Use(s):

Entertainment/Restaurant With Dancing Without Dancing Other (explain)

Entertainment/Tavern With Dancing Without Dancing

Entertainment/Retail Social Club Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building: Restaurant With Entertainment & Dancing

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

Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

OFFICE USE ONLY	
<input checked="" type="checkbox"/> Building <input type="checkbox"/> Fire <input type="checkbox"/> Health (Check Inspecting Department)	Date Received: <u>12-12-13</u>
<input checked="" type="checkbox"/> Building/Location meets Department Requirements for the proposed use.	
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use subject to the following conditions: <u>IF completed on projects BRMD155428 + BRMD159311</u>	
<input type="checkbox"/> Building/Location does not meet Department requirements for the proposed use.	
Inspection Completed On (date): <u>12-12-13</u> By: <u>DXW</u>	
POLICE DEPARTMENT	
<input type="checkbox"/> Police Department finds no basis for denial	<input type="checkbox"/> Police Department finds basis for denial
<input type="checkbox"/> Police Department finds no basis for denial with conditions	
Conditions or Basis for Denial: _____	
By: _____	Title: _____ Date: _____



City of Long Beach
Working Together to Serve

Memorandum

Date: January 30, 2014
To: Dennis Strachota, Manager of Business Relations Bureau
From: Jeff Winklepleck, Planning Administrator *JW*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 330-340 Pine Avenue
Long Beach, Ca 90802

Applicant: Mary's Long Beach Inc., DBA Hamburger Mary's

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

Proposed Use: Entertainment with Dancing

The Planning Bureau of the Department of Development Services has the following comments:

No CUPs or AUPs were found for the subject site.

The subject site is located within PD-30, the Downtown Planned Development District. Entertainment, including dancing by patrons as an accessory use to a restaurant is a permitted use in this zone. Based on the submitted floor plan no extra parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Hamburger Mary's" be approved.

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