

# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

# H-2

333 West Ocean Boulevard 7<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

August 11, 2015

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant an Entertainment Permit with conditions on the application of James Shepherd, DBA Tailgate Bar, 2503 Santa Fe Avenue, for entertainment without dancing. (District 7)

## 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 <http://www.longbeach.gov/finance/services-and-permits/entertainment-permit/>

HONORABLE MAYOR AND CITY COUNCIL

August 11, 2015

Page 2

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment without dancing be approved subject to the conditions.
- 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 Services Bureau, has reviewed all submitted department documents and correspondence and, after a thorough investigative process, recommends that the permit for entertainment without dancing 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 had been licensed as a bar/tavern/lounge business category since September 2002.

This matter was reviewed by Deputy City Attorney Amy R. Webber on May 19, 2015.

TIMING CONSIDERATIONS

The hearing date of August 11, 2015, 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 \$340.95 and Regulatory \$300 (Financial Management Department).

HONORABLE MAYOR AND CITY COUNCIL  
August 11, 2015  
Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

JG/smc  
K:\Exec\Council Letters\Business Services\Hearing Letters\08-11-15 Ccl - Tailgate Bar - Entertainment Without Dancing.Docx

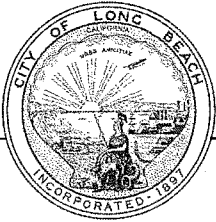
ATTACHMENTS

APPROVED:



---

PATRICK H. WEST  
CITY MANAGER



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

## Recommended Conditions of Operation

**James Shepherd, DBA: Tailgate Bar**

**2503 Santa Fe Avenue**

**Application for Entertainment Without 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 21.15.110 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 uniformed security guard anytime that entertainment activities are being conducted. 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. 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) 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).
- 12) 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.
- 13) 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 locations, including those conducted by promoters.
- 14) 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.
- 15) The business, 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.

- 16) The permittee shall maintain full compliance with all applicable laws, ordinances, and stated conditions. In the event of a conflict between the requirements for this permit, and your Alcoholic Beverage Control (ABC) license, the more stringent regulation shall apply.
- 17) 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 available for inspection at any time.
- 18) 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 persons 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.

## II. **ADDITIONAL CONDITIONS OF OPERATION**

- 1) Entertainment activities indicated on page #9 of your entertainment application shall be restricted to karaoke on Tuesday from 7:00 PM to 10:00 PM, and a disc jockey on Thursday from 8:00 PM to 10:00 PM, Friday and Saturday from 9:00 PM to 12:00 Midnight, and Sunday from 4:00 PM to 10:00 PM.
- 2) Entertainment on the following holidays is permitted until 1:30 AM: New Year's Eve, New Year's Day, St. Patrick's Day, Cinco de Mayo, July 4<sup>th</sup>, and Halloween night.
- 3) No owner, operator, or manager shall permit any person under the age of twenty-one (21) years within the premises, at any time, during the hours of operation.
- 4) The permittee shall not advertise, procure, nor allow any person, performance, show, wet t-shirt contest, or any other event or entertainment that exposes or promotes, encourages, or allows the exposure of the 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.

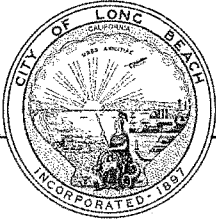
RECOMMENDED CONDITIONS OF OPERATION  
APPLICATION FOR ENTERTAINMENT WITHOUT DANCING  
JAMES SHEPHERD, DBA: TAILGATE BAR  
2503 SANTA FE AVENUE

- 5) In addition to the above security requirements, the permittee shall staff one (1) security guard in the parking lot during hours of entertainment through ½ hour after close of business. The security guard shall ensure that patrons do not loiter in the parking lot or the immediate area.

The permittee shall also ensure that the patrons enter and leave the parking lot in a peaceful manner so as not to disturb any neighboring residents who live nearby. The Chief of Police may modify this condition, based on calls-for-service related to problems in the parking lot.

- 6) The parking lot shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. The position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- 7) Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all person and patrons inside the business.

JM:smc



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for James Shepherd, DBA Tailgate Bar. 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

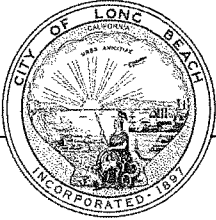
	<u>Without Concern</u>	<u>With Conditions</u>	<u>With Concerns</u>
Police Department		X	
Fire Prevention Bureau	X		
Health and Human Services Department/Noise Control		X	
Development Services Department	X		

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
Development Services Department.....	570-6623

Compiled by: Department of Financial Management  
Business Services Bureau





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 2503 Santa Fe Avenue

James Shepherd DBA: Tailgate Bar Lic#21502910 01/15 – Pending	Entertainment without Dancing
James Shepherd DBA: Tailgate Bar Lic#21407120 02/14 - Current	Bar/Lounge/Tavern
James Shepherd DBA: Tailgate Bar Lic#21407130 02/14 - Current	Pool Table (1)
John Gilbert Rael and Linda Ray Rael DBA: Tootie's Bar Lic#20413050 03/04 – 02/15	Bar/Lounge/Tavern
John Gilbert Rael and Linda Ray Rael DBA: Tootie's Bar Lic#20413060 03/04 – 02/15	Pool Table (1)
Mike Christensen DBA: Overtime Sports Lounge Lic#20242090 09/02 – 09/04	Bar/Lounge/Tavern
Mike Christensen DBA: Overtime Sports Lounge Lic#20236150 09/02 – 09/04	Pool Table (1)

**James Shepherd  
Db: Tailgate Bar  
2503 Santa Fe Avenue**

2503 Santa Fe Ave

2503 Santa Fe Ave  
Long Beach, CA 90810

Directions

Street View

Map showing the location of 2503 Santa Fe Ave in Long Beach, CA. The map includes street names like Santa Fe Ave, W Willow St, W 25th St, and W 27th St. Landmarks such as Popeyes, Edna's Filipino Cuisine, and St. Lucy Catholic School are also visible.

Map data ©2015 Google



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): James S Shepherd - Owner  
 Business Name (DBA): Tailgate Bar Business Phone: (562) 424-0500  
 Business Site Address: 2503 Santa Fe Ave, Long Beach CA 90810  
 Date Business Proposes To Open: Presently Open  
 Days & Time Premises Are Open For Inspection: 10:00 AM - 2:00 PM

**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: Bar/Tavern/Cocktail Lounge

Contact Person(s) Name (authorized agent, manager, etc.): James S Shepherd  
 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: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

GENERAL INFORMATION (All Applicants)

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

2503 Santa Fe Ave, Long Beach CA 90810

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

Place and date of filing fictitious business name statement: Norwalk, CA

Filed 3 Mar 2014

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

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:

James S Shepherd



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

Same as Above

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:

BU21407120 Long Beach - 4/15/15

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? 9 Months

Is the location: Owned?  Rented/Leased?

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

Name: Michael V. and Jocelyn C. Thav

Address: 1617 E. Anaheim St.  
Long Beach CA 90813

**IF APPLYING AS AN INDIVIDUAL**

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

Name:

Last: Shepherd

First: James

Middle: Scott

Title(s) or AKA(s):

None

Residence address:

[REDACTED]

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

[REDACTED]

Business address:

2503 Santa Fe Ave, Long Beach CA 90810

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

(562) 424-0500

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 or Identification Card Number: [REDACTED]

State of Issue: [REDACTED]

Federal Tax ID Number: [REDACTED]

Seller's Permit Number: [REDACTED]

**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>48-542377</u>	<u>Bar/Tavern/Lounge</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: \_\_\_\_\_

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

3. Are non-alcoholic beverages sold?  YES  NO

4. How many tables for seating? 7

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: BU21407130

8. Are amusement machine(s) and/or jukebox(es) provided?  YES  NO

a. If yes, indicate number and type: \_\_\_\_\_ Amusement Machines 1 Jukebox(es)

9. Is there a license for the amusement machine(s) and/or jukebox(es)?  YES  NO

a. If yes, decal number(s): 005230

10. Owner of machine(s) and/or jukebox(es):

Name: Starlite Vending

Address: 1214 N. Parker St, Unit 1, Orange CA 92867

Telephone No. (949) 442-9389

# GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

## SECURITY

11. Will security officers be provided?  YES  NO

a. If yes, number of security officers: 2/3

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

a. If yes, describe type of security: Parking Lot 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					9PM	9PM	
Security					2AM	2AM	

13. Will a private security firm be used?  YES  NO

a. If yes, provide the following information of the contracted security firm:

Name: Big E / Eric Mitchell City Business License No.: G1477428

Address: P.O. BOX 244, Simi Valley Telephone No.: (562) 719-6999  
CA 93062

## 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	10AM	10AM	10AM	10AM	10AM	10AM	10AM
Close	2AM	2AM	2AM	2AM	2AM	2AM	2AM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? Retail

20. Are there surrounding residences?  YES  NO

a. Approximately how close? 10-20 ft

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO

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

b. Describe the business arrangement made with owner of the parking facility if not part of business premises. (Please attach a copy of parking contract or deed restriction) \_\_\_\_\_

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	10AM	10AM	10AM	10AM	10AM	10AM	10AM
To	2AM	2AM	2AM	2AM	2AM	2AM	2AM

d. How many individual parking spaces (approximately)? 8/10

**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: None

Dance Floor?  Y  N      Stage?  Y  N

If yes, provide dimensions and type of material of dance floor.      L \_\_\_\_\_ X W \_\_\_\_\_ = \_\_\_\_\_ sq ft.

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

Describe floor material and surface type: Cement/Tile

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		Karaoke		DJ	DJ	DJ	DJ
Start Time		7 PM		8 PM	9 PM	9 PM	4 PM
End Time		11 PM		1 AM	2 AM	2 AM	9 PM

RELEASE FORM

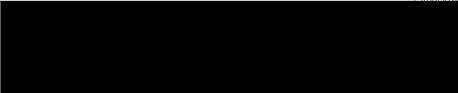


The undersigned, on behalf of (applicant) James S Shepherd, hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required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

(DBA) Tailgate Bar 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.

 _____ (SIGNATURE OR AUTHORIZED AGENT)	<u>Owner</u> _____ (TITLE)	<u>1/20/15</u> _____ (DATE)
 _____ DRIVER'S LICENSE OR ID CARD NUMBER	 _____ STATE	
_____ ACCEPTED BY (CITY STAFF)	_____ TITLE	_____ DATE



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): James S Shepherd - Owner  
 Business Name (DBA): Tailgate Bar Business Phone: (562) 424-0500  
 Business Site Address: 2503 Santa Fe Ave, Long Beach CA 90810  
 Date Business Proposes To Open: Presently Open  
 Days & Time Premises Are Open For Inspection: 10:00 AM - 2:00 PM

**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: Bar/Tavern/Cocktail Lounge

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

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: SEE ATTACHMENT

By: R. Luna Title: Police Chief Date: 3-31-15



**Date:** March 28, 2015  
**To:** Jason MacDonald, Bureau Manager, Business Relations Bureau  
**From:** Robert G. Luna, Chief of Police *R. Luna*  
**Subject:** APPLICATION FOR ENTERTAINMENT WITHOUT DANCING PERMIT AT  
TAILGATE BAR – 2503 SANTA FE AVENUE

---

In response to your request for a recommendation regarding the above named permit application for an Entertainment without Dancing Permit, the Police Department recommends **approval** of this application for an **Entertainment without Dancing Permit**, by James S. Shepherd, dba Tailgate Bar, located at 2503 Santa Fe Avenue, subject to the 23 conditions provided below.

Tailgate Bar is located on the northwest corner of Santa Fe Avenue and 25<sup>th</sup> Street. This establishment was previously Tootie's Bar, and had been owned and operated by John Real since 2002. In February 2014, James S. Shepherd purchased the business and renamed it Tailgate Bar. The establishment currently has an active Type 48 (On-Sale General Public Premise) Alcoholic Beverage Control (ABC) license with no conditions. This is the first time an entertainment permit has been applied for at this establishment. On January 28, 2015, Vice Investigations received Mr. Shepherd's application for an Entertainment without Dancing Permit requesting recorded amplified music, a disc jockey, and karaoke on Tuesday from 7:00 PM to 11:00 PM, Thursday from 8:00 PM to 1:00 AM, Friday and Saturday from 9:00 PM to 2:00 AM, and Sunday from 4:00 PM to 9:00 PM.

Based upon the crime analysis, Vice Section's investigation, the West Division Patrol Commander's recommendation, and input from neighborhood residents, the Long Beach Police Department has determined the public 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 without 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 21.15.110 LBMC shall be conducted on the premises at any time.

ENTERTAINMENT WITHOUT DANCING PERMIT  
TAILGATE BAR – 2503 SANTA FE AVENUE  
Page 2

- 3) Tailgate Bar shall not advertise, procure, nor allow any person, performance, show, wet t-shirt contest, promotion or any other event or entertainment that exposes or promotes, encourages, or allows the exposure of the 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.
- 4) Entertainment activities indicated on page #9 of your entertainment application shall be restricted to karaoke on Tuesday from 7:00 PM to 10:00 PM, and a disc jockey on Thursday from 8:00 PM to 10:00 PM, Friday and Saturday from 9:00 PM to 12:00 midnight, and Sunday from 4:00 PM to 10:00 PM.
- 5) Entertainment on the following holidays is permitted until 1:00 AM on New Year's Eve, New Year's Day, St. Patrick's Day, Cinco de Mayo, July 4<sup>th</sup>, and Halloween night.
- 6) No owner, operator, or manager shall permit any person under the age of twenty-one (21) years within the premises, at any time, during the hours of operation.
- 7) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- 8) Due to the proximity of neighboring businesses and 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) shall not consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty (50) feet from the exterior of the premises in any direction.**
- 9) The permittee shall provide a minimum of one (1) licensed uniformed security guard anytime that entertainment activities are being conducted for crowds up to fifty (50) people. For crowds over fifty people the permittee shall provide a minimum of one (1) additional licensed uniformed security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted towards the calculation of required security staffing levels.

Security guards must be identifiable as "Tailgate Bar" employees. Should the permittee's operations give rise to a substantial increase in complaints/calls for police service, the permittee may be required to 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 necessary.

- 10) In addition to the above security requirements, the permittee shall staff one (1) security guard in the parking lot during hours of entertainment through ½ hour after close of business. The security guard shall ensure that patrons do not loiter in the parking lot or the immediate area.

ENTERTANMENT WITHOUT DANCING PERMIT  
TAILGATE BAR – 2503 SANTA FE AVENUE  
Page 3

They shall also ensure the patrons enter and leave the parking lot in a peaceful manner so as not to disturb any neighboring residents who live nearby. The Chief of Police may modify this condition, based on calls-for-service related to problems in the parking lot.

- 11) The parking lot shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. The position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- 12) Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons inside the business.
- 13) 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."
- 14) 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 parking lot or the immediate area.
- 15) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10:00 PM and 7:00 AM.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) Tailgate Bar, it's promoters, or agents, shall not distribute any advertising matter in or upon any public property or vehicle 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.

ENTERTANMENT WITHOUT DANCING PERMIT  
TAILGATE BAR – 2503 SANTA FE AVENUE  
Page 4

- 20) 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.
- 21) 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 and your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 22) 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 available for inspection at any time.
- 23) 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 persons and areas indicated. 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.



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): James S. Shepherd - Owner  
 Business Name (DBA): Tailgate Bar Business Phone: (563) 424-0500  
 Business Site Address: 2503 Santa Fe Ave, Long Beach CA 90810  
 Date Business Proposes To Open: Presently Open  
 Days & Time Premises Are Open For Inspection: 10:00 AM - 2:00 PM

- 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: Bar / Tavern / Cocktail Lounge

Contact Person(s) Name (authorized agent, manager, etc.): James S. Shepherd  
 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): 2-12-15 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 562-570-8930

ENVIRONMENTAL HEALTH  
NOISE OFFICE

## DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 1/20/15

Name of Business (DBA): Tailgate Bar

Name of Business Owner: James Shepherd

Business Address: 2503 Santa Fe Ave  
Long Beach, CA 90810

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) [Redacted]

Title Owner

Phone # [Redacted]

FAX # None



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): James S. Shepherd - Owner  
 Business Name (DBA): Tailgate Bar Business Phone: (562) 424-0500  
 Business Site Address: 2503 Santa Fe Ave, Long Beach CA 90810  
 Date Business Proposes To Open: Presently Open  
 Days & Time Premises Are Open For Inspection: 10:00 AM - 2:00 PM

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: Bar/Tavern/Cocktail Lounge

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

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: 1-28-15  
 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): 2-10-15 By: DJW

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

BBUS173514



**Date:** February 10, 2015  
**To:** Jason MacDonald, Manager of Business Relations Bureau  
**From:** Jeff Winklepleck, Planning Administrator *JWA*  
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 2503 Santa Fe Avenue  
Long Beach, Ca 90810

**Applicant:** James S. Shepherd,  
DBA Tailgate Bar

**Zoning District:** CNR (Neighborhood Commercial and Residential) zone

**Proposed Use:** Entertainment without 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 applicant is seeking to obtain a permit for entertainment without dancing. An entertainment permit without dancing is allowed as an accessory use at a restaurant and or bar in the CNR zone.

Planning Bureau recommends that the entertainment permit without dancing for "Tailgate Bar" be approved.

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