

# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

# H-2

333 West Ocean Blvd • Long Beach, California 90802

November 12, 2013

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 Tupelo Restaurants, Inc., DBA Bo-Beau Kitchen & Tap, 144 Pine Avenue, for Entertainment without Dancing by Patrons. (District 2)

## DISCUSSION

The Long Beach Municipal Code (LBMC) requires an application be filed and a hearing be held before the City Council whenever this type of activity is requested and before 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](http://www.longbeach.gov/finance/business_relations/entertainment.asp).

NOV 15 10 57 AM '13  
CITY OF LONG BEACH  
DEPARTMENT OF FINANCIAL MANAGEMENT

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved subject to the standard conditions of the Downtown Dining and Entertainment District.
- The Fire Department finds that the building/location meets department requirements for the proposed use with conditions.
- 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 with conditions.

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).

Pursuant to the Downtown Dining and Entertainment District moratorium issued by the City Council on August 13, 2013, completed applications received prior to August 13, 2013 will be reviewed and eligible for an entertainment permit hearing. This application was received on March 22, 2013.

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 January 1988.

This matter was reviewed by Deputy City Attorney Kendra Carney on October 25, 2013.

#### TIMING CONSIDERATIONS

The hearing date of November 12, 2013, 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,

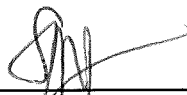


JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

JG:ES:smc  
K:\Exec\Council Letters\Business Relations\Hearing Letters\11-12-13 ccl -Bo-Beau Kitchen & Tap - Entertainment without Dancing.doc

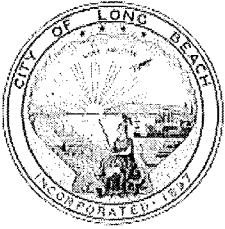
ATTACHMENTS

APPROVED:



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PATRICK H. WEST  
CITY MANAGER



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
BUSINESS RELATIONS BUREAU

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

## **Recommended Conditions of Operation** **Tupelo Restaurants, Inc., dba: Bo-Beau Kitchen & Tap** **144 Pine Avenue** **Application for Entertainment without Dancing**

The Department of Financial Management recommends **approval** of the permit subject to the following conditions associated with the Downtown Dining and Entertainment District:

“Entertainment” as used here shall have the same definition as “entertainment activity” contained in LBMC Section 5.72.115:

- A. “Entertainment activity” means any activity conducted for the primary purpose of diverting or entertaining a clientele in a premises open to the general public. Said activity shall include, but shall not be limited to, dancing, whether by performers or patrons of the establishment, live musical performances, instrumental or vocal, when carried on by more than two (2) persons or whenever amplified; musical entertainment provided by a disc jockey or karaoke, or any similar entertainment activity involving amplified, reproduced music.

Permittee understands and agrees that the conditions attached here are in addition to the requirements of LBMC Sections 5.72 and 21.115.110. In the event of a conflict between the permittee’s ABC license and this permit, or between a conditional use permit and this permit, the more stringent conditions shall apply.

Permittee understands and agrees that he or she is excused from complying with the Tiered Conditions so long as his or her operation complies with all of the conditions in this permit as well as all other applicable laws and regulations. Failure to comply will result in the enforcement of increasingly more stringent Tiered Conditions and may result in a decision to suspend or revoke the Entertainment Permit.

This permit does not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person or entity, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.

### **CONDITIONS OF OPERATION**

1. Indoor entertainment and outdoor non-amplified entertainment that otherwise conforms with the requirements of state and local laws and regulations may be offered pursuant to permit until 2 a.m., seven days a week.

Outdoor amplified entertainment is prohibited, except for rooftop entertainment that was permitted on or before February 3, 2007, or except in conjunction with a special events permit.

2. Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.
3. The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
4. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
5. The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.
6. The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before- and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
7. No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while or inside the business.

8. Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)
9. Should the permittee's operations give rise to a substantial increase in complaints/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
10. The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.

11. To operate a restaurant with alcohol and entertainment in the Downtown Dining and Entertainment District, the proprietor must operate and maintain the licensed premises as a bona fide eating place. He or she must make actual and substantial sales of meals, during at least one full normal mealtime, at least five days a week. Normal meal times are 6:00 a.m. – 9:00 a.m., 11:00 a.m. – 2:00 p.m., and 6:00 p.m. – 9:00 p.m. Minors are only allowed on the premises during mealtime hours.
12. Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
13. The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.

14. At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
15. The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
16. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
17. When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the city of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the cost of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

### **ADDITIONAL CONDITIONS**

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.
19. 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.

## **TIERED CONDITIONS**

**This page contains progressively more stringent regulations on entertainment and related activities in the Dining and Entertainment District. By applying for a permit, the applicant agrees to the conditions contained here and understands that he or she is not entitled to a public hearing if these conditions are applied. The City Council may add further conditions not listed here, or revoke the permit, if the permittee does not comply with the conditions imposed in this permit.**

**The conditions on this attachment do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.**

### Tier 1 Conditions:

Permittee may have entertainment on the premises during the maximum hours permitted in the district, consistent with ABC requirements and conditions imposed under a Conditional Use Permit. As long as the primary requirements for safety and noise are met (Conditions 1-17), Permittee may choose the methods of meeting those requirements.

Noncompliance with Tier 1 conditions: when the Chief of Police determines that Permittee has violated the terms of the permit, including the Permittee's obligation to comply with all other laws and regulations, but believes those violations can be remedied through education and/or minor modifications to Permittee's operation, Permittee will be asked to attend a meeting with the involved departments, pilot program area residents and businesses, and other interested persons to address community concerns and discuss how the implementation of Tier 2 Conditions can be avoided.

### Tier 2 Conditions:

#### Noise:

Following the receipt of 3 or more noise complaints that require a response by the Police Department within a 30-day period and which are found to violate the "middle of the street" standard for noise, Permittee will be notified that his or her premises must comply with those Tier 2 Noise Conditions which the Chief of Police determines are necessary to protect the public peace and to comply with the City's noise ordinance, from among the following list:

- Permittee must keep all doors and windows closed except while patrons are entering or exiting.
- Meet with Health Department staff to discuss best practices to be implemented to mitigate noise.
- No outdoor entertainment of any kind will be permitted after 10 p.m.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.



**Security/Public Safety:**

For the purposes of this section, an "incident" means a complaint or occurrence that requires a police or Fire Marshal response to Permittee's premises due to Permittee's noncompliance with the terms and conditions of the Entertainment Permit. Following 3 or more incidents within a 30-day period, the Chief of Police or Fire Marshal will notify Permittee of additional measures and conditions to be implemented. These additional measures will be some or all of the following:

- Additional security personnel at hours determined necessary by the Chief of Police to prevent Permittee's operations from creating a public nuisance.
- Additional security checks on incoming patrons.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.
- Any additional measures deemed necessary by the Chief of Police or the Fire Marshal to protect health and safety.

NOTE: upon the request of a permittee who has been required to implement Tier 2 conditions, the Chief of Police, in consultation with the Fire Marshal and the Health Department, shall review the permittee's recent compliance history and determine whether some or all conditions can be returned to Tier 1 levels consistent with the protection of public health and safety.

**Tier 3 Conditions:**

The failure of a permittee to resolve noise and/or security/public safety issues as directed by the Chief of Police or the Fire Marshal within a reasonable period, not to exceed 30 days in any case, shall result in the implementation of Tier 3 conditions:

**Noise:**

- No outdoor entertainment of any kind will be permitted at any time.
- Only non-amplified entertainment will be permitted at any time OR amplified entertainment will only be permitted until 10 p.m. any night.
- Contain all noise within the premises. No noise audible outside the establishment.
- Implement Health Department recommendations to mitigate noise. Provide pre- and post-implementation monitoring data collected by a certified noise expert approved by the Health Department.

**Security/Public Safety:**

- The establishment must cease entertainment not later than 10 p.m. on Sunday through Wednesday nights and no later than midnight on Thursday through Saturday nights. The Chief of Police is authorized to make adjustments of up to one hour in these times to protect the public peace.
- Permittee shall limit the queue outside the establishment to no more than 20 people. There shall be no queue within 2 hours of the lawful closing time. Any persons gathering outside the establishment shall be considered to be loitering.
- Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

If the City determines that Permittee has not modified his or her operations in compliance with Tier 3 conditions and Permittee continues to fail to comply with the terms and conditions of the Entertainment Permit, the City shall begin revocation or suspension proceedings. Permittee is entitled to a hearing to contest such revocation or suspension.

ES:smc



# 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 Tupelo Restaurants, Inc., DBA Bo-Beau Kitchen & Tap. 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 Relations Bureau



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 570-5099

BUSINESS RELATIONS BUREAU

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 144 The Promenade North

Tupelo Restaurants, Inc.  
DBA: Bo-Beau Kitchen & Tap  
Lic# 21309020  
03/13 – Pending

Entertainment Without Dancing

Pine Avenue S&G  
DBA: Smooths Sports Grille  
Lic# 20459380  
12/04 – 11/10

Entertainment with Dancing

Pine Avenue S&G  
DBA: Smooths Sports Grille  
Lic# 20430090  
07/04 – 07/10

Restaurant with Alcohol

Widnes, Inc.  
DBA: Mum's  
Lic#90059740  
10/90-07/04

Entertainment with Dancing

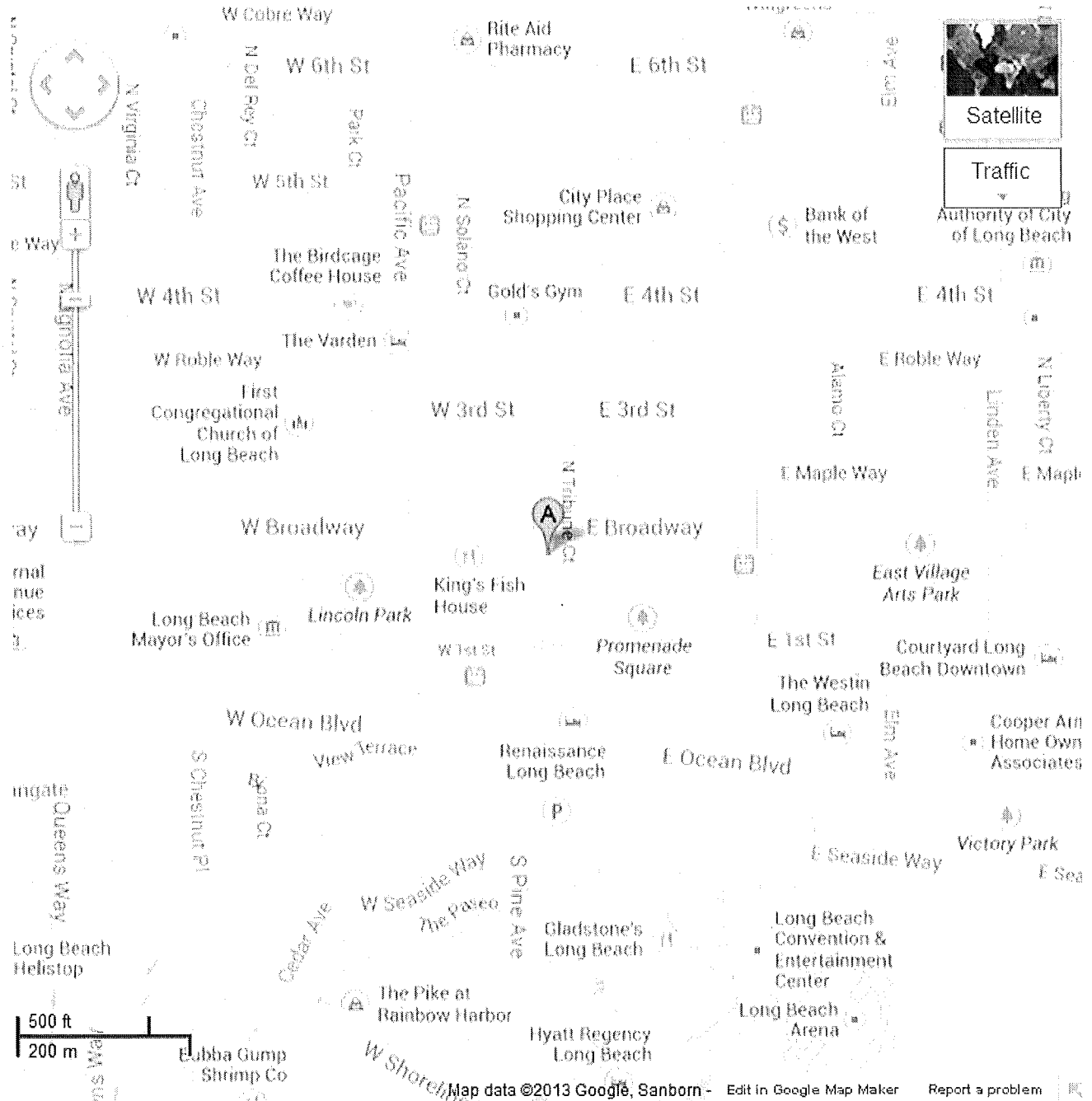
Widnes, Inc.  
DBA: Mum's  
Lic#87069260  
01/88 – 07/04

Restaurant with Alcohol

Widnes, Inc.  
Lic#20347760  
04/98 – 07/04

Pool Hall

**Tupelo Restaurants, Inc.**  
**Db: Bo-Beau Kitchen & Tap**  
**144 Pine Avenue**





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): TUPELO RESTAURANTS, INC.  
 Business Name (DBA): BO-BEAU KITCHEN + TAP Business Phone: [REDACTED]  
 Business Site Address: 144 PINE AVENUE  
 Date Business Proposes To Open: SUMMER 2013  
 Days & Time Premises Are Open For Inspection: MONDAY - FRIDAY 8AM - 2PM

**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: DINING WITH LIMITED ENTERTAINMENT

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

Contact Person(s) Phone Number: [REDACTED]

**Type of Organization:**

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

*\* NO PROMOTERS  
NO DANCING  
NO ADMITTANCE  
LIMITED HOURS*

**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):

[REDACTED]

[REDACTED]

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

BO-BEAU KITCHEN + TAP

Place and date of filing fictitious business name statement:

SAN DIEGO, CA 2/28/13

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

SAN DIEGO

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:

DAVID COHN

MICHAEL WILSON, ATTY.

[REDACTED]

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

DAVID COHN

[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:

SEE ATTACHMENT

Is this applicant a subsidiary of a present corporation or business?

YES

NO

If yes, explain:

EXISTING CORPORATION WITH 2 ADDITIONAL RESTAURANTS

How long has the corporation or business been in operation?

1997

AND PART OF THE COHN FAMILY OF RESTAUR

Is the location: Owned?

Rented/Leased?

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

Name:

DAVLES, LLC

Address:

[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:     TUPELO RESTAURANTS, INC.  
Corporation Number:     1909275  
Date and Place of Incorporation:     JULY 18, 1997     SAN DIEGO, CA  
Location Headquarters:     SAN DIEGO, CA  
Federal Tax ID Number:     [REDACTED]  
Seller's Permit Number:     PENDING

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>DAVID COHN</u>	<u>PRESIDENT</u>	[REDACTED]	[REDACTED]
<u>LESLIE COHN</u>	<u>SECRETARY</u> <u>C.F.O.</u>	[REDACTED]	[REDACTED]

Numbers of shares issued by Corporation:     10,000  
Number of share retained by Corporation:     9,000

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

DAVID COHN     [REDACTED]  
COMMON STOCK  
LESLIE COHN     [REDACTED]  
COMMON STOCK

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

MICHAEL WILSON     [REDACTED]



**IF APPLYING AS A CORPORATION**

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

**CORPORATE OFFICER I**

Name: DAVID COHN Title: PRESIDENT  
Residence Address: [REDACTED]  
Business Address: [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: LESLIE COHN Title: SECRETARY & C.F.O.  
Residence Address: [REDACTED]  
Business Address: [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 III**

Name: NONE 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: NONE 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>47-527989</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: FULL MENUS INCLUDING APPETIZERS, ENTREES & DESSERTS

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

3. Are non-alcoholic beverages sold?  YES  NO FROM 2 COMPLETE KITCHENS

4. How many tables for seating? APPROX. 50

5. Are other types of businesses conducted on the premises?  YES  NO

a. If yes, list type(s): \_\_\_\_\_

6. Are pool tables provided?  YES  NO

a. If yes, indicate number: \_\_\_\_\_

7. Is there a license for the pool table? N/A  YES  NO

a. If yes, license number: \_\_\_\_\_

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

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

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

a. If yes, decal number(s): \_\_\_\_\_

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

Name: N/A

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: \_\_\_\_\_
12. Is any other type of security provided?  YES  NO  
 a. If yes, describe type of security: \_\_\_\_\_

NO ADMISSION  
 NO DANCING  
 OR PROMOTERS

NO DANCING  
 OR PROMOTERS  
 NO ADMISSION

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

NONE

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of							
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: \_\_\_\_\_

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	4PM	4PM	4PM	4PM	4PM	4PM	4PM
Close	12AM	12AM	12AM	1AM	1AM	1AM	12AM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?

YES     NO

a. What type?

VARIOUS COMMERCIAL INCLUDING OFFICE, RETAIL & RESTAURANT

20. Are there surrounding residences?

YES     NO

a. Approximately how close?

ACROSS ALLEY FROM REAR OF BUILDING

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?

YES     NO

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

NONE

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)

NONE

c. Days and hours parking facility will be available:

NONE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To							

d. How many individual parking spaces (approximately)?

NONE

**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. \_\_\_\_\_

*OK KARAOKE*

Describe entertainment by performers: AMPLIFIED MUSIC + DJ WITHOUT DANCING

Dance Floor?  Y  N Stage?  Y  N *ADMISSION OR PROMOTERS*

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: N/A

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	SPECIAL EVENTS *	SPECIAL EVENTS *	SPECIAL EVENTS *	DJ OR MUSICIANS	DJ OR MUSICIANS	DJ OR MUSICIANS	SPECIAL EVENTS *
Start Time	4 PM	4 PM	4 PM	4 PM	4 PM	4 PM	4 PM
End Time	12 AM	12 AM	12 AM	1 AM	1 AM	1 AM	12 AM

*\* CONVENTION GROUP CORPORATE EVENTS*

**RELEASE FORM**

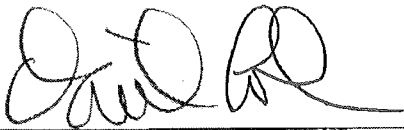
The undersigned, on behalf of (applicant) TOPELO RESTAURANTS, INC., hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably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

(DBA) BO-BEAU KITCHEN & TAP 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)

PRESIDENT

(TITLE)

FEBRUARY 18, 2013

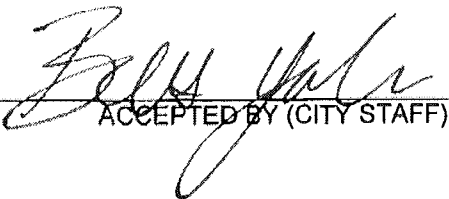
(DATE)



DRIVER'S LICENSE OR ID CARD NUMBER



STATE



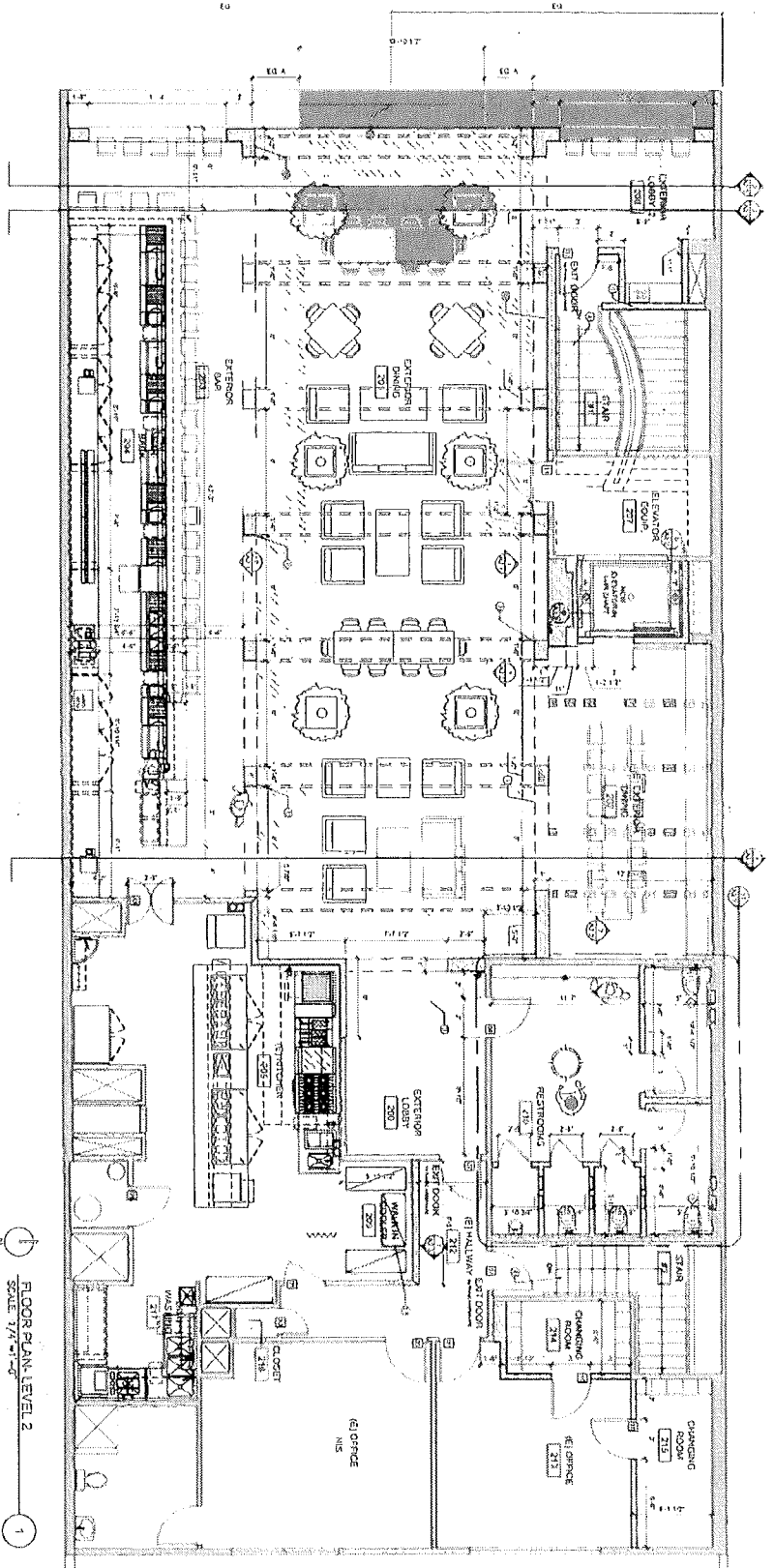
ACCEPTED BY (CITY STAFF)

Business Relations Lead.

TITLE

3/22/13

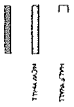
DATE



**RESTROOM FIXTURE SCHEDULE**

NO.	DESCRIPTION	WIDTH	DEPTH	HICHT	COLOR	MODEL
1	FLOOR MOUNT TOILET	14-3/8"	25-1/4"	15"	WHITE	TOTO 1605F/805P
2	FLOOR MOUNT TOILET ACCESSIBLE	14-3/8"	25-3/4"	15"	WHITE	TOTO 1605F/805P
2A	SENDER FLUSH VALVE	14"	12"	-	ST. STL.	TOTO 1605F
3	WALL HUNG TOILET CANS (ACCESSIBLE)	7-1/2"	14-1/2"	-	COPPER	CUSTOM FABRICATION
4	WALL HUNG PAPER	-	-	-	BROWN	TOTO ACCESSORY COMPANION PAPER 1.000P
5	URINAL, LOW FLOW	12-1/4"	21-3/4"	21-1/4"	WHITE	TOTO 1605F/SLUP
5A	SCISSOR FLUSH VALVE	14"	14"	21-1/2"	ST. STL.	TOTO 1605F/SLUP

- NOTES:**
1. NEW ROOM FINISHES SHALL BE PERFORMED BY OTHERS.
  2. FINISHES SHALL BE AS SHOWN.
  3. FINISHES SHALL BE AS SHOWN.
  4. FINISHES SHALL BE AS SHOWN.
  5. FINISHES SHALL BE AS SHOWN.
  6. FINISHES SHALL BE AS SHOWN.
  7. FINISHES SHALL BE AS SHOWN.
  8. FINISHES SHALL BE AS SHOWN.
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  10. FINISHES SHALL BE AS SHOWN.
  11. FINISHES SHALL BE AS SHOWN.
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  13. FINISHES SHALL BE AS SHOWN.
  14. FINISHES SHALL BE AS SHOWN.
  15. FINISHES SHALL BE AS SHOWN.
  16. FINISHES SHALL BE AS SHOWN.
  17. FINISHES SHALL BE AS SHOWN.
  18. FINISHES SHALL BE AS SHOWN.
  19. FINISHES SHALL BE AS SHOWN.
  20. FINISHES SHALL BE AS SHOWN.



**REVISION DATE BY**

**PROJECT #**

**SHEET NUMBER**

**A1.2**

**SCALE**

**3/8" = 1'-0"**

**TITLE**

**FLOOR PLAN - LEVEL 2**

**OWNER:**

**DATE:**

**ISSUE AND DATE:**

**PROJECT NAME:**

**RESTAURANT**

**141 Park Avenue**

**Long Beach, CA 90802**

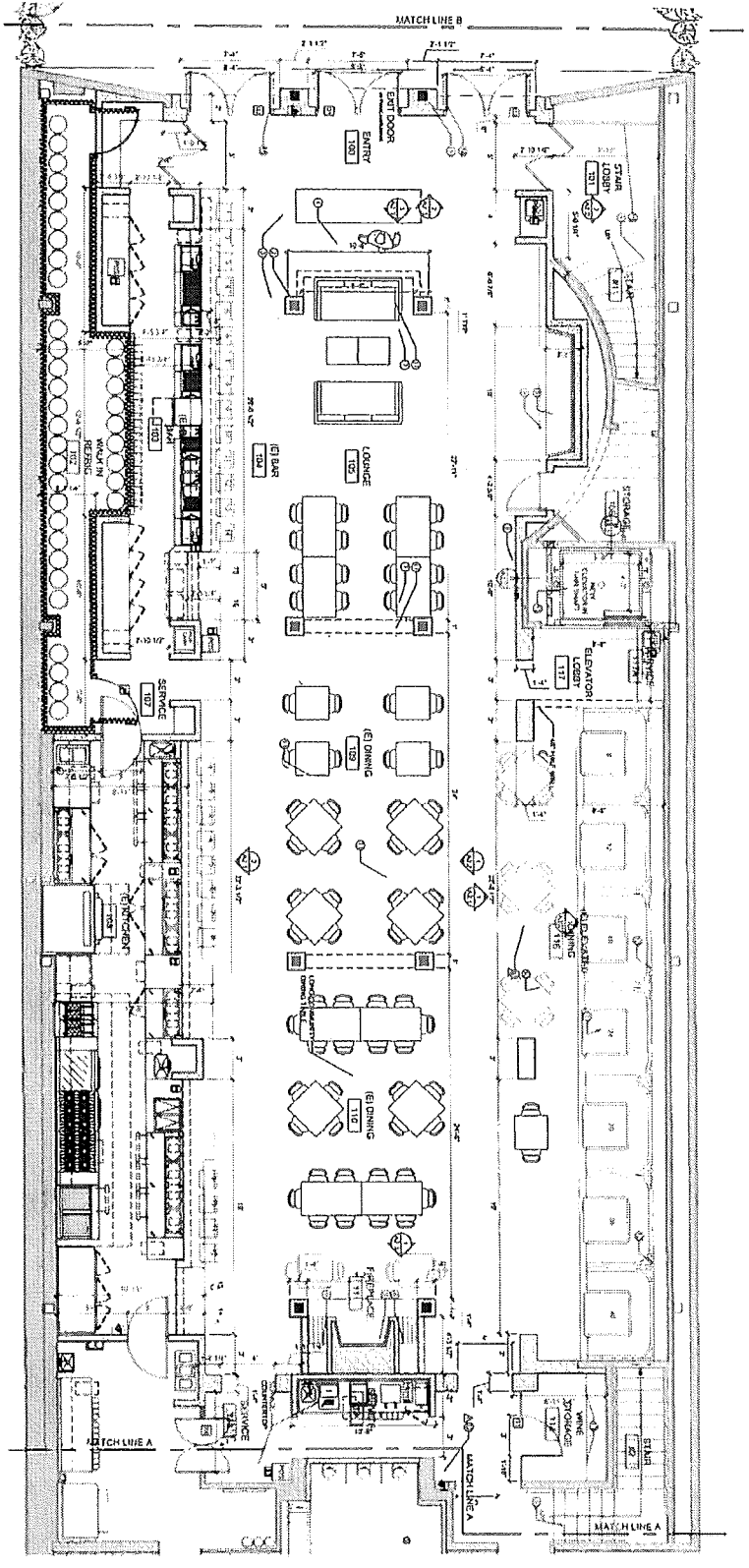
**PLANNING & DESIGN**

**NOTES**

**spacecraft**

6408 Selma Ave. Los Angeles, CA. 90028

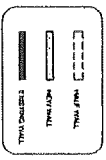
p. (323)469.9029 f. (323)389.0770



**NOTES:**

- 1 NEW FLOOR FINISHES LAMINATE AND NEW STONE TILE/SLAB FINISH SET IN PLACE
- 2 REFINISH EXISTING FLOORING AT EXISTING SET BACKS AND EXISTING
- 3 PAINTED FINISH - ALL WALL
- 4 EXISTING STAIRS TO REMAIN
- 5 FINISHED FLOOR
- 6 LAMINATE FLOOR FINISH
- 7 GAS FIREPLACE
- 8 BOOTH FINISH
- 9 FLOOR UP TO EXISTING CEILING
- 10 NEW FINISH FOR EXISTING "HIDDEN" STAIRS
- 11 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 12 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 13 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 14 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 15 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 16 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 17 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 18 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 19 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 20 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 21 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 22 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 23 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 24 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 25 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 26 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 27 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 28 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 29 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE
- 30 NEW FINISH FOR EXISTING SERVICE COUNTER STRUCTURAL GRADE

FLOOR PLAN - LEVEL 1  
SCALE: 1/8" = 1'-0"



**spacecraft**  
6408 Selma Ave. Los Angeles, CA. 90028  
p.(323)469.9029 f.(323)389.0770

**NOTES:**

**PROJECT NAME:**  
RESTAURANT  
141 Pine Avenue  
Long Beach, CA 90802  
A. MARCHETTI ARCHITECTS

**OWNER:**  
DAVID LEE  
141 PINE AVENUE, SUITE 100  
LONG BEACH, CA 90802  
TEL: (562) 591-1111  
WWW.DAVIDLEEARCHITECTS.COM

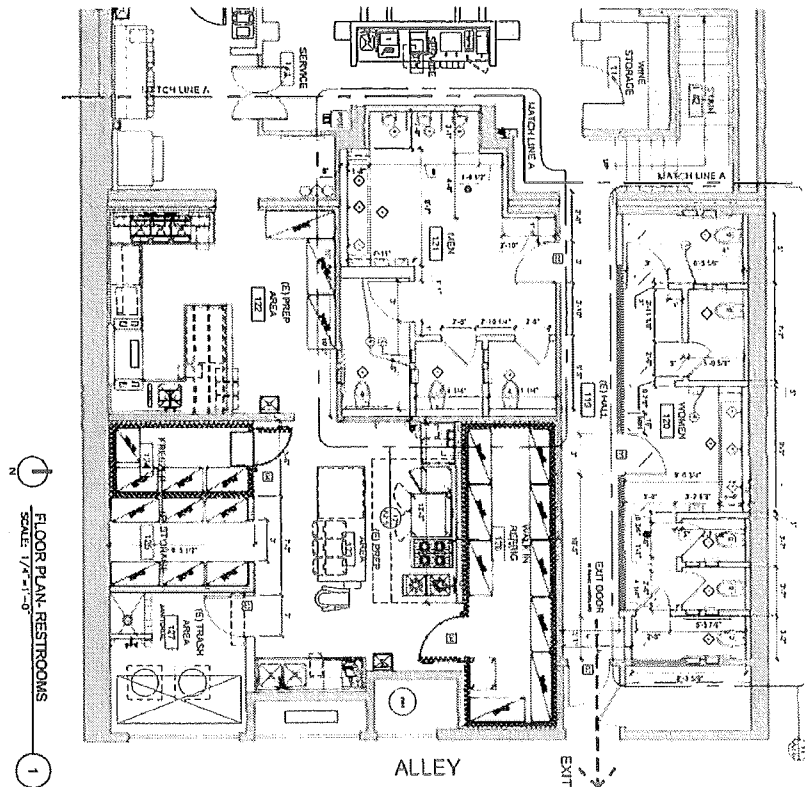
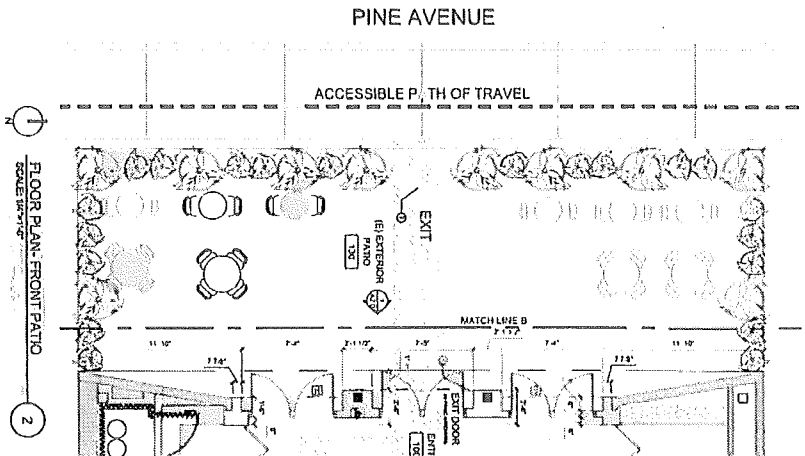
**TITLE:**  
FLOOR PLAN -  
LEVEL 1

**REVISION DATE BY:**  
PROJECT #123  
SHEET NUMBER

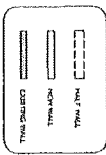
**SCALE:**  
A1.0  
SCALE  
1/8" = 1'-0"



RESTROOM FIXTURE SCHEDULE						
NO.	DESCRIPTION	WIDTH	DEPTH	HEIGHT	COLOR	MODEL
1	FLOOR MOUNT TOILET	14-3/8"	25-1/4"	15"	WHITE	TOTO LEGATOALPF
2	FLOOR MOUNT TOILET ACCESSIBLE	14-3/8"	25-1/4"	15"	WHITE	TOTO LEGATOALPF
2A	SENSOR FLUSH VALVE	14"	12"	-	ST. STL.	TOTO 1669PF
3	WALL MOUNT THROUGH SINK (ACCESSIBLE)	7-4"	15"	-	COPPER	CUSTOM FABRICATION
4	WALL MOUNT FAUCET	-	-	-	BRONZE	TOTO GOODENICK-LEGONOVER FAUCET 1.607PM
5	UNIMAL LOW FLOW	12-1/4"	21-3/4"	21-1/4"	WHITE	TOTO 1669VALBPF
6A	SENSOR FLUSH VALVE	14"	12"	14.5"	ST. STL.	TOTO 1669VALBPF



- NOTES:
- 1 NON-WOOD FINISH FLOORING IN EXTERIOR STAIRS AND 122 DECKING
  - 2 1/2\"/>



**spacecraft**  
 6408 Selma Ave. Los Angeles, CA. 90028  
 p.(323)469.9029 f.(323)389.0770

**PROJECT NAME:** RESTAURANT  
**OWNER:** SPACECRAFT  
**DATE:** 1/15/2020  
**ISSUE AND DATE:** 1/15/2020

**TITLE:** FLOOR PLAN - LEVEL 1

**SCALE:** 1/4\"/>



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): TUPELO RESTAURANTS, INC.

Business Name (DBA): BO-BEAU KITCHEN + TAP Business Phone: [REDACTED]

Business Site Address: 144 PINE AVENUE

Date Business Proposes To Open: SUMMER 2013

Days & Time Premises Are Open For Inspection: MONDAY - FRIDAY 8AM - 2PM

**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: DINING WITH LIMITED ENTERTAINMENT

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

Contact Person(s) Phone Number: [REDACTED]

**Type of Organization:**

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

*\* NO PROMOTERS  
NO DANCING  
NO ADMISSION  
LIMITED HOURS*

**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**

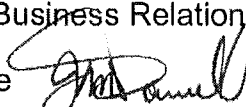
Police Department finds no basis for denial  Police Department finds basis for denial

Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: [Signature] Title: CHIEF OF POLICE Date: 5-29-13



**Date:** June 1, 2013  
**To:** Erik Sund, Bureau Manager, Business Relations Bureau  
**From:** Jim McDonnell, Chief of Police   
**Subject:** **APPLICATION FOR ENTERTAINMENT WITHOUT DANCING PERMIT AT  
BO-BEAU KITCHEN AND TAP – 144 PINE 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 an **Entertainment without Dancing Permit**, subject to the following (17) standard conditions of the Downtown Dining and Entertainment District, and an additional condition regarding the installation of surveillance cameras (18):

Bo-Beau Kitchen and Tap is a restaurant/bar located on the east side of Pine Avenue in between 1<sup>st</sup> Street and Broadway. Bo-Beau Kitchen and Tap is a for-profit corporation owned by Tupelo Restaurants, Inc. This corporation owns a variety of restaurants in the San Diego area. The restaurant is scheduled to open in Fall 2013, and will serve French Mediterranean cuisine for lunch and dinner. The business currently holds a Type 47 (On-Sale General Eating Place) Alcoholic Beverage Control license, which was issued in March 2013. On March 22, 2013, Bo-Beau Kitchen and Tap applied for an Entertainment without Dancing Permit, requesting outdoor entertainment, live and recorded amplified music, a disc jockey, and karaoke.

Based upon the Vice Section's investigation, West Division Patrol Commander's recommendation, resident contact, 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 without Dancing Permit.

**CONDITIONS OF OPERATION**

- 1) Indoor entertainment and outdoor non-amplified entertainment that otherwise conforms with the requirements of state and local laws and regulations may be offered pursuant to permit until 2 a.m., seven days a week.

Outdoor amplified entertainment is prohibited except for rooftop entertainment that was permitted on or before February 3, 2007, or except in conjunction with a special events permit.

- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.
- 3) The permittee shall comply with all applicable laws, regulations, ordinances, and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.
- 6) The permittee shall comply with the requirements of LBMC 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (Disturbing the Peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.

- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (18.48.320 LBMC)
- 9) Should the permittee's operations give rise to a substantial increase in complaints/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.

- 11) To operate a restaurant with alcohol and entertainment in the Downtown Dining and Entertainment District, the proprietor must operate and maintain the licensed premises as a bona fide eating place. He or she must make actual and substantial sales of meals, during at least one full normal mealtime, at least five days a week. Normal mealtimes are 6:00 a.m. – 9:00 p.m. Minors are only allowed on the premises during mealtime hours.
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
- 13) The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.
- 14) At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
- 15) The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
- 16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
- 17) When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the City of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, fire, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

- 18) 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



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): TUPELO RESTAURANTS, INC.  
 Business Name (DBA): BO-BEAU KITCHEN + TAP Business Phone: [REDACTED]  
 Business Site Address: 144 PINE AVENUE  
 Date Business Proposes To Open: SUMMER 2013  
 Days & Time Premises Are Open For Inspection: MONDAY - FRIDAY 8AM - 2PM

**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: DINING WITH LIMITED ENTERTAINMENT

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

Contact Person(s) Phone Number: [REDACTED]

**Type of Organization:**

- Corporation  Partnership  Individual  Unincorporated Association or Club  Trust  LLC  Other, explain: \_\_\_\_\_
- \* NO PROMOTERS  
NO DANCING  
NO ADMITS  
LIMITED HOURS*

**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:  
Final Inspection & Certificate of Occupancy For  
Tenant Improvement work

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

Inspection Completed On (date): 10-2-13 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 562-570-6830

ENVIRONMENTAL HEALTH  
NOISE OFFICE

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

Date: FEBRUARY 18, 2013

Name of Business (DBA): BO-BEAU KITCHEN + TAP

Name of Business Owner: TUPELO RESTAURANTS, INC

Business Address: 144 PINE AVENUE  
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) David Cohn  
DAVID COHN

Title PRESIDENT

Phone #

FAX #



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): TUPELO RESTAURANTS, INC.  
 Business Name (DBA): BO-BEAU KITCHEN + TAP Business Phone: [REDACTED]  
 Business Site Address: 144 PINE AVENUE  
 Date Business Proposes To Open: SUMMER 2013  
 Days & Time Premises Are Open For Inspection: MONDAY - FRIDAY 8AM - 2PM

**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: DINING WITH LIMITED ENTERTAINMENT

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

Contact Person(s) Phone Number: [REDACTED]  
 \* NO PROMOTERS  
 NO DANCING  
 NO ADMISSION  
 LIMITED HOURS

**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: 4-8-13

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
Needs to complete tenant improvement work started on project  
BRMD141411

Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): 5-28-13 By: DXW

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



**Date:** April 16, 2013  
**To:** Erik Sund, Manager of Business Relations Bureau  
**From:** Derek Burnham, Planning Administrator *DB*  
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 144 Pine Ave  
Long Beach, Ca 90802

**Applicant:** Tupelo Restaurants, Inc.,  
DBA Bo- Beau Kitchen and Tap

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

**Proposed Use:** Entertainment without Dancing

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

A review of the permit history for 144 Pine Ave, indicates there have been no CUPs or AUPs approved for the subject property.

The applicant is seeking to obtain a permit for entertainment without dancing. An entertainment permit without dancing is allowed as an accessory use to a restaurant. No extra parking is required.

Planning Bureau recommends that the entertainment permit without dancing for "Bo- Beau Kitchen and Tap" be approved.

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