

June 21, 2022

H-22

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and grant an Entertainment Permit with conditions for entertainment with dancing to House of Pain INC, dba The Bird, at 1253 E. 4th Street. (District 2)

DISCUSSION

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

The LBMC also requires the City Council to approve the issuance of the 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) nor any responsible persons have a history of committing significant violations of the City of Long Beach (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 Financial Management Department 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 are the departmental investigative reports, history, entertainment permit application, and floor plan.

The following summarizes departmental findings:

- The Police Department recommends that the Permit for entertainment with dancing be approved, subject to conditions.
- The Fire Department finds the building/location meets department requirements for the proposed use.
- The Health and Human Services Department finds the building/location meets department requirements for the proposed use.

HONORABLE MAYOR AND CITY COUNCIL

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- The Development Services Department finds the building/location meets department requirements for the proposed use.

The Financial Management Department, Business Services Bureau, has thoroughly reviewed all submitted department documents and correspondence and recommends the Permit for entertainment with dancing be approved subject to conditions (Attached).

In the event that any of the recommended conditions conflict with other permits or licenses, the permittee must adhere to the strictest of the applicable conditions. This location has been licensed as a Bar, Tavern, Lounge since May 2021.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on June 1, 2022.

TIMING CONSIDERATIONS

The hearing date of June 21, 2022, has been posted at the business location, with the applicant and property owners within 300 feet notified by mail.

FISCAL IMPACT

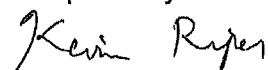
The following fees were collected with the application: Building Review \$23.30 and Zoning Review \$33.00 (Development Services Department), Police Investigation \$1,483.00 (Police Department), and Mailing List \$90.00 and Temporary Entertainment Permit Fee \$454.00 (Financial Management Department).

The following fees will be collected if the application is approved: Business License Annual Tax \$397.04, Employee Rate \$20.62 per employee and Annual Entertainment Regulatory Fee \$352.00 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KEVIN RIPER
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS:

- A – FM CONDITIONS
- B – SUMMARY OF APPLICATION
- C – FIVE YEAR HISTORY
- D – MAP
- E – BUSINESS LICENSE APPLICATION
- F – ENTERTAINMENT PERMIT APPLICATION
- G – INFOR PRINT OUT
- H – PD CONDITIONS

HOUSE OF PAIN INC dba THE BIRD
1253 East 4th Street, Long Beach, CA 90802

Attachments Summary:

Attachment A	FM Conditions
Attachment B	Summary of Application for Entertainment Permit
Attachment C	Five Year History of Business Establishment
Attachment D	Map
Attachment E	Business License Application
Attachment F	Entertainment Application Packet
Attachment G	INFOR print out
Attachment H	PD Conditions



Recommended Conditions of Operation
House of Pain INC dba The Bird
1253 East 4th Street, Long Beach, CA 90802
Application for Entertainment With Dancing

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

I. **STANDARD CONDITIONS OF OPERATION**

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LMBC Chapter 8.80). 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.
- 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 fifty feet (50') from the exterior of the premises in any direction.**
- 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) During all times that the entertainment activities are being conducted, the permittee shall provide an adequate security staff to supervise patrons inside the establishment. For crowds up to fifty (50) people, the permittee shall provide a minimum of one (1)

uniformed security guard. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people.

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) The Bird, or its agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses, and phone numbers, on file at all times, and be available for inspection at any time.
- 14) The permittee shall be responsible for maintaining free of litter the premises and the area adjacent to the licensed premises over which they have control.
- 15) The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas



within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.

- 16) 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. In the event that the LEAD program class is not offered within this ninety-day period, the permittee shall attend the next available class. Proof of completion shall be kept on file at the business and shall be available for inspection at any time.
- 17) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict with the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 18) An identification card scanner shall be used for all patrons entering the establishment at the start and during entertainment activities for the sole purpose of verifying patron age and/or authenticity of a patron's driver license or identification card.

II. ADDITIONAL CONDITIONS OF OPERATION

- 1) Entertainment activities indicated on your entertainment application shall be restricted to no later than **11:00 PM Monday through Wednesday and 12:00 AM Thursday through Sunday**. Entertainment can begin at 6:00 PM Monday through Wednesday and 12:00 PM Thursday through Sunday.
- 2) The permittee is required to monitor the outside patio area for any nuisance activity that could disturb the surrounding neighbors. This shall be done by utilizing security guards or employees.
- 3) 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.
- 4) The permittee shall develop and maintain a plan to address neighborhood concerns, related to the operation of the establishment. (i.e. newsletter, meetings, etc.)
- 5) The permittee and/or security shall also ensure that no employee, patron, or entertainer loiters in the parking lot at any time during the operation of the business.

The permittee shall not allow any employee, patron or entertainer, to exit and loiter near the side or rear doors leading to the alley or adjacent building not in the control of the business.



- 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) 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.
 - 8) Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons inside the business.
 - 9) Entertainment shall not be offered on any day that the bar/nightclub is closed.
 - 10) Patrons awaiting entry in a defined "queue" shall be restricted to 4th Street and the line must extend in safe manner of the business. There shall be no "queue" allowed after 11:00 PM, Monday through Wednesday nights and 12:00 AM Thursday through Sunday nights. All persons gathering outside after the allowed hours shall be considered to be loitering. The public right of way (sidewalk), or an entrance to any business shall not be blocked at any time.
- III. In the event that any of the recommended conditions attached to any permit or license is in conflict, the permittee shall adhere to the strictest of the applicable conditions. In addition, please be advised that your permit is subject to administrative review every two years from the date this permit is issued. If grounds exist for modification, revocation, or suspension of the permit, a hearing will be held.



SUMMARY OF APPLICATION FOR ENTERTAINMENT PERMIT

Attached for your review and action is an application for House of Pain INC dba The Bird. 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

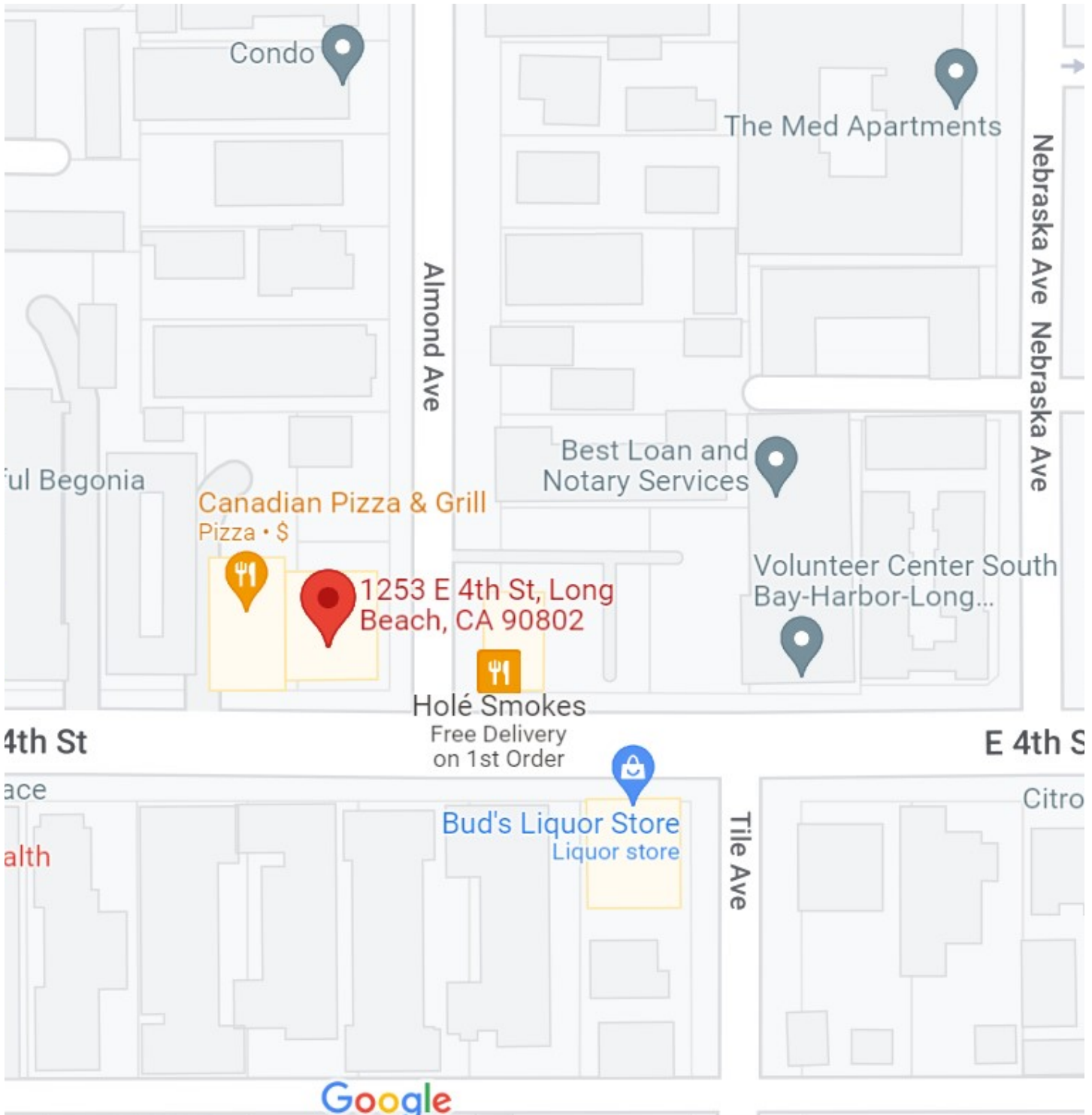
Compiled by: Department of Financial Management
Business Services Bureau

**FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT
1253 E 4TH STREET**

House of Pain INC dba The Bird Lic # BS22116172 10/2021 – Pending	Entertainment With Dancing (Alcohol)
House of Pain INC dba The Bird Lic # BS22116172 10/2021 – Current	Pool Tables (2 or less)
House of Pain INC dba The Bird Lic # BU22107468 5/2021 – Current	Bar, Tavern, Lounge
Sharp Beach INC Fern's Cocktails Lic # BS20434830 07/2004 – 07/2021	Amusement Machines
Sharp Beach INC Fern's Cocktails Lic # BS20434840 07/2004 – 11/2020	Pool Hall (3+ tables)
Sharp Beach INC Fern's Cocktails Lic # BS20434860 07/2004 – 11/2020	Entertainment Without Dancing (Alcohol)
Sharp Beach INC Fern's Cocktails Lic # BU20434820 07/2004 – 11/2020	Bar, Tavern, Lounge
Elsie Burwell Lee Trust Lic # BU07029370 08/1985 – Present	Commercial/Industrial Space Rental

House of Pain INC dba The Bird

1253 E 4th Street, Long Beach, CA 90802





Second Floor, City Hall
411 W. Ocean Boulevard, Long Beach, CA 90802

ATTACHMENT E
LBBIZ@LongBeach.gov
(562) 570-6211

GENERAL INFORMATION

OWNER/ENTITY NAME House of Pain Inc.	FEDERAL TAX ID NO. [REDACTED]	STATE Ca	SOCIAL SECURITY NO. [REDACTED]	HOME OCCUPATION <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
BUSINESS NAME (D.B.A) The Bird	TYPE OF BUSINESS (BE SPECIFIC) Dancing		EMAIL: [REDACTED]	
BUSINESS ADDRESS 1253 E 4th St.	STREET	CITY Long Beach	STATE Ca	ZIP 90802
BILLING ADDRESS (if same write SAME)** SAME	STREET	CITY	STATE	ZIP
AREA CODE/TELEPHONE 562-317-5125				

LIST OF PRINCIPAL OFFICERS, MEMBERS, PARTNERS AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)	TITLE	% OWNERSHIP
Tracy Glass	President	100
	TITLE	% OWNERSHIP

New Business Address Change Ownership Change Secondary License Sole Owner Partnership Corporation L.L.P. L.L.C.

BUSINESS OPERATIONS INFORMATION

START DATE 7/2/2021	NO. OF EMPLOYEES 10	NO. OF VEHICLES 0	FEDERAL TAX ID NUMBER [REDACTED]	STATE LICENSE/PERMIT NO. [REDACTED]
DOES YOUR BUSINESS HAVE A CALIFORNIA STATE LICENSE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	CLASSIFICATION(S) alcohol	RENEWAL DATE 4/30/2022		
HAVE YOU EVER HAD A BUSINESS LICENSE//PERMIT REVOKED OR SUSPENDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LICENSE/PERMIT NO.	ISSUING AGENCY	CLASSIFICATION & DATE OF SUSPENSION/REVOCATION	

FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT

Do you plan to sell or serve food? (Includes pre-packaged) Y N
If serving food, how many seats? 40

Do you plan to sell or serve alcoholic beverages? Y N

ABC License number: [REDACTED] Type: 48
Conditions Included: (If yes, please attach to application)

Does your business have amusement machines, video games, vending machines, jukebox and/or pool tables? Y N
How many: 2 Type: pool tab Owner: N2 Indl

Do you plan to sell tobacco products/paraphernalia? Y N

Do you plan to operate a Smoking Lounge? Y N

Will you deal with, use, store or transport cannabis? Y N

Will you have Music Dancing Performers Adult Entertainment? Y N

SERVICES / FUND RAISING

Will you offer massage, tanning, herbal therapy, escort or any other services that improve the health or well being of another? Y N

Will you engage in fund raising? Y N

Will you deal in coins, firearms, jewels or second-hand property? Y N

Will you perform Parking Management? If so, please attach a detailed list of all activities? Y N

BUILDING AND FACILITY INFORMATION

Property Owner's Name: Jaqueline Deamer Trust
Business sq. ft.: 3000 Warehouse on site? Y N

Do you: Own or Rent/Lease your business property?

HAZARDOUS MATERIALS / MEDICAL WASTE

Will you manage or produce bio-hazardous materials or waste? Y N

Will you use, store, or transport chemicals (new or waste state)? Y N

ACKNOWLEDGMENT TO BE COMPLETED BY SOLE OWNER, PRINCIPAL OFFICERS, MEMBERS OR PARTNERS

I understand that before I can operate my business in Long Beach, my establishment must comply with applicable City departmental laws and regulations completely and I must obtain a business license and all necessary Federal State and local permits or I will be in violation of L. B. M. C. Chapter 3.80. I declare that I am authorized to complete this application and that the information and statements provided are true and correct. SIGN and return this statement with your remittance. Make checks payable to City of Long Beach.

Signature: Tracy Glass Date: 10/25/21 PRINT NAME/TITLE: Tracy Glass President

Signature: _____ Date: _____ PRINT NAME/TITLE: _____

DO NOT WRITE BELOW THIS LINE

Inspection(s): <input type="checkbox"/> Bldg <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> HazMat <input type="checkbox"/> PD <input type="checkbox"/> Other	Prev Use: _____	Exp. Date: _____
Basic Tax	Prev Lic: _____	
Employees # _____ @ \$ _____ = _____	Exp Date: _____	
Vehicles # _____ @ \$ _____ = _____	District: _____	
Other # _____ @ \$ _____ = _____	CRT: _____	
PIA _____	SIC: _____	
PIA Employees # _____ @ \$ _____ = _____	NAICS: _____	
Regulatory	Entered by: <u>CPV</u>	
Investigation	Date: _____	
Misc. Fees		
Sub Total		
Zoning		
Building Review		
Total \$ _____		

Zoning Review

Y N N/A

By: _____

Date: _____

New construction Reuse

Zone: _____

Comments: _____

Annual Entertainment Permit Application

(Print all information in blue or black ink)

Application Instructions

Complete the application and all accompanying forms legibly in black or dark blue ink. Forms completed in pencil will be returned. All authorized individuals must sign and date the forms, where applicable. Incomplete applications will not be accepted.

Submit your application along with the non-refundable application fee in person to the City of Long Beach Business License Division, 411 W. Ocean Blvd., 2nd Floor, Long Beach, CA 90802. Applications will be accepted Monday through Friday from 7:30 a.m. to 4:00 p.m.

Type of Entertainment Permit	Application Fees (Total)
Entertainment with/without Dancing	\$1,504.45
Pool/Billiard Hall (3 or more tables)	\$1,654.45
Entertainment Retail Business	\$793.45
Temporary Entertainment Permit	\$415

The application will be reviewed by Business License, Planning, Building, Fire, Health, and PD. After the departments have reviewed, a City Council hearing will be held. For the complete application process, visit www.longbeach.gov/entertainmentpermit.

Section A – Entertainment Type

<input checked="" type="checkbox"/> Entertainment with Dancing (Bar)	<input type="checkbox"/> Entertainment without Dancing (Bar)
<input type="checkbox"/> Entertainment with Dancing (Restaurant)	<input type="checkbox"/> Entertainment without Dancing (Restaurant)
<input type="checkbox"/> Entertainment (Retail)	<input type="checkbox"/> Social Club
<input type="checkbox"/> Pool/Billiard Hall	<input type="checkbox"/> Other _____

Section B – Business Information

<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company (LLC)	<input type="checkbox"/> General Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Limited Liability Partnership (LLP)	<input type="checkbox"/> Sole Proprietorship

APPLICANT NAME (LEGAL OWNERSHIP STRUCTURE):

HOUSE OF PINE INC.

BUSINESS NAME (DBA):

THE BIRD

PLACE AND DATE OF FILING OF DBA:

NORWALK CA. 6-18-21

BUSINESS SITE ADDRESS:

1253 E. 4TH ST LONG BEACH CA. 90802

TAXPAYER IDENTIFICATION NUMBER:

SECRETARY OF STATE REGISTRATION ENTITY ID (IF APPLICABLE):

TYPE: SSN/TIN EIN NIN

APPLICANT/BUSINESS PHONE:

562-317-5125

APPLICANT/BUSINESS EMAIL ADDRESS:

MAILING ADDRESS:

1253 E. 4TH ST. LONG BEACH CA. 90802

Section C – Owner(s) Information	
LAST NAME: <i>Glass</i>	FIRST NAME: <i>TRACY</i>
HOME ADDRESS: [REDACTED]	
PHONE: [REDACTED]	EMAIL: [REDACTED]
BUSINESS TITLE: <i>President</i>	PERCENTAGE OWNED: <i>100%</i>
DATE OF BIRTH: [REDACTED]	PLACE OF BIRTH: [REDACTED]
GOVERNMENT ISSUED ID NUMBER: [REDACTED]	ISSUING STATE: [REDACTED]
LAST NAME:	FIRST NAME:
HOME ADDRESS:	
PHONE:	EMAIL:
BUSINESS TITLE:	PERCENTAGE OWNED:
DATE OF BIRTH:	PLACE OF BIRTH:
GOVERNMENT ISSUED ID NUMBER:	ISSUING STATE:
LAST NAME:	FIRST NAME:
HOME ADDRESS:	
PHONE:	EMAIL:
BUSINESS TITLE:	PERCENTAGE OWNED:
DATE OF BIRTH:	PLACE OF BIRTH:
GOVERNMENT ISSUED ID NUMBER:	ISSUING STATE:
LAST NAME:	FIRST NAME:
HOME ADDRESS:	
PHONE:	EMAIL:
BUSINESS TITLE:	PERCENTAGE OWNED:
DATE OF BIRTH:	PLACE OF BIRTH:
GOVERNMENT ISSUED ID NUMBER:	ISSUING STATE:

***Attach additional pages if necessary**

Section D – Agent for Service of Process
(Not required for sole owners or partnerships)

LEGAL LAST NAME:		LEGAL FIRST NAME:	
MAILING ADDRESS:		CITY:	
STATE:	ZIP CODE:	COUNTY:	
PHONE NUMBER:	EMAIL ADDRESS:		

Section E – Owner Disclosures

	Yes	No
1. Has any owner ever been convicted of a misdemeanor involving moral turpitude, or entered into a plea of guilty or nolo contendere to, any felony in the United States or a foreign country within the past 5 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Has any owner ever had a City of Long Beach license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has any owner ever been denied a business license by the City of Long Beach?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered "Yes" to any of the questions above, please provide a written statement detailing the date(s) and circumstances of such convictions, pleas of guilty or nolo contendere, sanctions, fines, denials, suspensions, or revocations, including, but not limited to, specific offenses and/or violations, agency involved, name of any business names, and account numbers.

Section F – Property Information

Is the business located in the Downtown Dining and Entertainment District (DDED)**?


Yes No


If yes, there may be additional requirements your business must meet in order to obtain an entertainment permit. For a map of the DDED boundaries and the DDED requirements, please see **Attachment A.

Is the location: Owned? Rented/Leased?

If rented/leased, state the name and contact information of the property owner(s) below.

PROPERTY OWNER NAME: JARQUELINE D-AMEE TRUSTEE

PROPERTY OWNER PHONE: 

PROPERTY OWNER EMAIL ADDRESS: 

Section G – General Operating Conditions

Note: Attach additional pages if necessary

Alcohol/Food/Additional Businesses

1. Will liquor be sold on the premises? Yes No

If yes, complete the following for each license you hold:

License Type	Alcohol Beverage Control License No.	Premises Type (Club, restaurant, or commercial store)
On sale beer	[REDACTED]	_____
On sale beer and wine	[REDACTED]	_____
On sale distilled spirits	[REDACTED]	_____

2. Is food being sold on the premises? Yes No

a. If yes, list types of food sold: Pretzels Nuts & Chips

3. Is a bonafide-eating place provided on the premises? Yes No

(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.)

4. Are non-alcoholic beverages sold? Yes No

5. How many tables for seating? 5

6. Are other types of businesses conducted on the premises? Yes No

a. If yes, list type(s): _____

7. Are pool tables provided? Yes No

a. If yes, indicate how many: 2

b. If yes, license number for pool tables: [REDACTED]

8. Are amusement machines or jukeboxes provided? Yes No

a. If yes, indicate how many: _____ Amusement machines 1 Jukeboxes

b. If yes, decal number(s): [REDACTED]

9. Owner of the machines and/or jukeboxes:

Name: [REDACTED] Phone Number: [REDACTED]

Address: _____

Security

19. Will security guards be provided? Yes No

a. If yes, number of security guards: 2

20. Is there any other type of security provided? Yes No

a. If yes, describe type of security: 24 Hour Cameras And Alarm

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start Time (AM/PM)	3PM	3PM	3PM	3PM	3PM	11AM	11AM
End Time (AM/PM)	2AM	2AM	2AM	2AM	2AM	2AM	2AM

21. Will a private security firm be used? Yes No

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

Name: Confusion Protection City Business License No.: _____

Address: _____

Thomas Rogers

Phone: _____ Email: _____

Provide a list of all members with access to the surveillance camera system to be used:

- Tracy Glass
- Too Hipster
- JCK Security

Provide a detailed description of the security plan for the proposed business during the scheduled hours of entertainment (Attach additional pages if necessary):

ATTACHED TO OTHER APPLICATION

Section I – Declarations

1. I hereby declare that I am authorized to submit this application on behalf of the entity listed on the application because I am an owner of the entity or because I have authority from the owner.
2. I acknowledge that any false, misleading, or fraudulent statement of material fact in this application by an agent of an owner, or an owner, will be held against the owner and is grounds for denial of this application, or suspension or revocation of the license and permit associated with this application.
3. I hereby declare that I have read and understand all the laws, rules and regulations, and policies and procedures associated with my application; and that I fully understand the nature, meaning, and content of such laws, rules, and policies. I warrant and represent that I will abide by such laws, rules, and policies during the application process after my license is issued by the City.
4. I hereby declare that I have conducted my own research and investigation regarding the compliance of my proposed location with state and local laws, including, but not limited to, location requirements, zoning regulations, and address requirements. I further declare that the proposed location of the entertainment permit fully complies with applicable state and local law.
5. I acknowledge that any promise, representation, or any other statement made to me by any agent or employee of the City that is not contained within this application is null, void, and unenforceable and that I am not relying on any such promise, representation, or statement.
6. I acknowledge the City will review this application for compliance with applicable laws, regulations, and ordinances, and that my application may be denied as allowed by laws, rule, or policies of the City.
7. I acknowledge that this application does not confer an entitlement or a vested right to receive a license and/or permit, and I acknowledge that I must qualify for, and obtain, a license or license status that I am seeking prior to operating or otherwise claiming that I have any such right to a license or to operate.
8. I hereby declare that I have read this acknowledgement and advisement, that I have had the opportunity to consult with, and be represented by, legal counsel of my own choice prior to the execution and submission of this application, and that I am knowingly and voluntarily submitting my application in compliance with this acknowledgement and advisement and all applicable laws.
9. I acknowledge that I am jointly and severally liable for any and all taxes, fees, and charges associated with the license.
10. I hereby declare the information contained within and attached to this application is complete, true, and accurate. I understand any false, misleading or fraudulent statement of material fact is cause for rejection of this application, denial of the license, or revocation of an issued license.
11. I consent for 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 the applicant to obtain the entertainment permit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Print Name: <u>Tracy Glass</u>	Signature: <u>Tracy Glass</u>	Date: <u>7/12/21</u>
Print Name:	Signature:	Date:
Print Name:	Signature:	Date:

Section J – Application Attachments

Staff Only	All Applications
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Department of Health and Human Services Entertainment Permit Application Requirements Form
	Corporation, Limited Liability Companies, Limited Liability Partnerships:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of your Articles of Incorporation/ Organization; and
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of your Statement of Information
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of CA Seller's Permit
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of Alcoholic Beverage Control License with conditions
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of Fictitious Business Name Filing, if applicable.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Property Owner Authorization of Entertainment Activities If the applicant is the owner of the property, please include a copy of the title or deed to the property.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of Property Owner's City of Long Beach Commercial/Industrial Business License, if applicable.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Interior Floor Plan to include: <ol style="list-style-type: none"> Dimensions of interior floor plan Location inside the establishment where entertainment activities will be taking place Indicate locations of all exit doors, widths of doors, and panic hardware. All fixed seating throughout Dance floor dimensions and type of flooring materials used If a stage is to be added, give exact measurements including height, location, and materials used
<input type="checkbox"/>	<input checked="" type="checkbox"/> Parking Agreement/Parking Plan (if using a parking facility that is not part of the business premises)

If you have any questions as to your occupant load, or if your business will change because of a change in use from a B occupancy with an occupant load less than fifty (50) persons to an A occupancy, (usually an A-3) fifty (50) persons or more but less than 300, a floor plan with the above requirements must be submitted to the 4th floor Planning and Building Department, Plan Check Engineer. For more information, please contact the Planning and Building Department at (562) 570-6651.

These additional requirements may be applicable:

1. Handicapped requirements may apply.
2. All Fire Department approvals to be obtained.
3. Electrical plan check and permit may be required for exit path illumination.



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

100 W BROADWAY STE 400 | LONG BEACH, CA 90802 | 562-570-8513 FAX 562-570-6930

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 7/12/21

Name of Business (DBA): THE BIRD

Name of Business Owner: TRACY GLASS

Business Address: 1253 E 4th ST
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) Tracy Glass

Title OWNER / PRESIDENT

Phone # [REDACTED]

FAX # _____



CITY OF LONG BEACH
 DEPARTMENT OF FINANCIAL MANAGEMENT
 BUSINESS SERVICES BUREAU
 BUSINESS LICENSE SECTION

411 W. Ocean Boulevard, 2nd Floor • Long Beach, CA 90802 • (562) 570-8211 FAX (562) 499-1097 • Email: LBBIZ@LongBeach.Gov

PROPERTY OWNER CONSENT AND AUTHORIZATION
OF ENTERTAINMENT ACTIVITIES

I, JACQUELINE L. DEAMER, declare under penalty of perjury that:
 (Name of Property Owner/ Authorized Representative)

1. I am the Property Owner of record, or the duly authorized representative of the Property Owner, for the real Property located at 1253 4TH ST, LONG BEACH, CA ("the Property").
2. The Property Owner acknowledges and consents to the business, HOUSE OF PAIN INC. DBA The Bird, conducting the proposed Tenant Applicant (Corporation/LLC/Partnership/Sole Owner) entertainment activities as indicated on Page 7 of the City of Long Beach Annual Entertainment Permit Application at the Property.
3. No person shall engage in any entertainment activities on the proposed Property without all licenses and permits required by the Long Beach Municipal Code (LBMC) while an entertainment application is pending.
4. The City of Long Beach may enter the property to conduct inspections of the Property during the application process in order to thoroughly investigate whether an entertainment permit should be granted.
5. I have read, understand, and will ensure compliance with the terms of LBMC Chapter 5.72 ("Entertainment and Similar Activities"), as applicable. I further understand that as the legal owner of the property, I am responsible for any violation and nuisance activity which may occur at the above-mentioned property.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Jacqueline Lee Deamer Elsie Lee Burwell Investments LLC
 (Signature of legal owner/ owner representative) (Printed Name & Title) member July 12, 2021
 (Date)

 (Signature of legal owner/ owner representative) (Printed Name & Title) (Date)

 (Signature of legal owner/ owner representative) (Printed Name & Title) (Date)

***This authorization form will not be valid without notarization. The authorization form automatically expires upon sale or transfer of the property to a new legal owner. If sale or transfer of the property occurs prior to the applicant obtaining an entertainment permit, the applicant must resubmit this notarized form with approval of the new legal owner of the property.**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

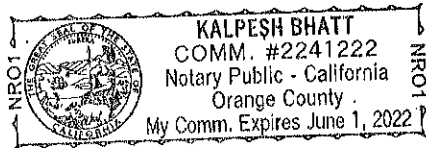
State of California)
County of ORANGE)

On 07/12/2021 before me, KALPESH BHATT (NOTARY PUBLIC)
Date Here Insert Name and Title of the Officer
personally appeared SACOURINE LEE DEANER
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: CITY OF LONG BEACH Document Date: 07/12/2021
Number of Pages: 1 Signer(s) Other Than Named Above: SELF

Capacity(ies) Claimed by Signer(s)

Signer's Name:
[] Corporate Officer -- Title(s):
[] Partner -- [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

Signer's Name:
[] Corporate Officer -- Title(s):
[] Partner -- [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:



California Secretary of State
Electronic Filing



Corporation - Statement of Information

Entity Name: HOUSE OF PAIN, INC.

Entity (File) Number: [REDACTED]

File Date: 07/12/2021

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: [REDACTED]

Detailed Filing Information

- 1. Entity Name: HOUSE OF PAIN, INC.

- 2. Business Addresses:
 - a. Street Address of Principal Office in California: 1253 E. 4th St.
Long Beach, California 90802
United States of America

 - b. Mailing Address: 1253 E. 4th St.
Long Beach, California 90802
United States of America

 - c. Street Address of Principal Executive Office: 1253 E. 4th St.
Long Beach, California 90802
United States of America

- 3. Officers:
 - a. Chief Executive Officer: Tracy Glass
1253 E. 4th St.
Long Beach, California 90802
United States of America

 - b. Secretary: Tracy Glass
1253 E. 4th St.
Long Beach, California 90802
United States of America

Document ID: [REDACTED]



California Secretary of State Electronic Filing

Officers (cont'd):

c. Chief Financial Officer:

Tracy Glass
1253 E. 4th St.
Long Beach, California 90802
United States of America

4. Director:

Tracy Glass
1253 E. 4th St.
Long Beach, California 90802
United States of America

Number of Vacancies on the Board of
Directors:

0

5. Agent for Service of Process:

Tracy Glass
1253 E. 4th St.
Long Beach, California 90802
United States of America

6. Type of Business:

Cocktail Bar

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

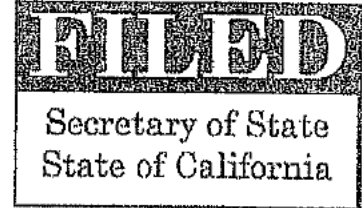
Electronic Signature: Tracy Glass

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

Document ID: [REDACTED]



California Secretary of State
Electronic Filing



General Stock Corporation - Articles of Incorporation

Entity Name: HOUSE OF PAIN, INC.
Entity (File) Number: [REDACTED]
File Date: 01/15/2021
Entity Type: General Stock Corporation
Jurisdiction: California

Detailed Filing Information

- 1. Corporate Name: HOUSE OF PAIN, INC.
- 2. Business Addresses:
 - a. Initial Street Address of Corporation: 1253 E. 4TH ST.
LONG BEACH, California, 90802
United States of America
 - b. Initial Mailing Address of Corporation: 1253 E. 4TH ST.
LONG BEACH, California, 90802
United States of America
- 3. Agent for Service of Process:
 - Individual Agent: DAVID BAUMANN
1253 E. 4TH STREET
LONG BEACH, California, 90802
United States of America
- 4. Shares: 100,000
- 5. Purpose Statement: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

The incorporator affirms the information contained herein is true and correct.

Incorporator: DAVID BAUMANN

Certificate Verification Number: [REDACTED]

Use bizfile.sos.ca.gov to verify the certified copy.



California Secretary of State
Electronic Certified Copy

I, SHIRLEY N. WEBER, Ph.D., Secretary of State of the State of California, hereby certify that the attached transcript of 1 page is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California on this day of February 02, 2021

SHIRLEY N. WEBER, Ph.D.
Secretary of State

Verification Number: [REDACTED]
Entity (File) Number: [REDACTED]

To verify the issuance of this certificate, use the Verification Number above with the Secretary of State Electronic Verification Search available at bizfile.sos.ca.gov

NAME: HOUSE OF PAIN INC.
ADDRESS: 119 STEPPING STONE
CITY: IRVINE

STATE: CA ZIP CODE: 92603

2021 136405
FILED JUN 18 2021 EXPIRES JUN 18 2026
Dear C. Logan, Registrar - Recorder/County Clerk
Electronically signed by DEAN C. LOGAN

FICTITIOUS BUSINESS NAME STATEMENT

TYPE OF FILING AND FILING FEE (Check one)

- Original- \$26.00 (FOR ORIGINAL FILING WITH ONE BUSINESS NAME ON STATEMENT)
- Amended Filing- \$26.00 (CHANGES IN FACTS FROM ORIGINAL FILING- REQUIRES PUBLICATION)
- Rolloff- \$26.00 (NO CHANGES IN THE FACTS FROM ORIGINAL FILING)

\$5.00 - FOR EACH ADDITIONAL BUSINESS NAME FILED ON SAME STATEMENT, DOING BUSINESS AT THE SAME LOCATION \$5.00- FOR EACH ADDITIONAL OWNER IN EXCESS OF ONE OWNER

The following person(s) is (are) doing business as:

1. THE BIRD
1253 E. 4TH STREET
LONG BEACH
City State /Country Zip COUNTY City State /Country Zip

Articles of Incorporation or Organization Number (if applicable): AI #ON Verification #

**REGISTERED OWNER(S):

1. HOUSE OF PAIN INC.
Full Name/Corp/LLC (P.O. Box not accepted)
119 STEPPING STONE, 1253 E 4TH ST
Residence Address IRVINE CA 92603
City State/Country Zip
If Corporation or LLC - Print State of Incorporation/Organization

2. _____
Full Name/Corp/LLC (P.O. Box not accepted)
Residence Address
City State/Country Zip
If Corporation or LLC - Print State of Incorporation/Organization

3. _____
Full Name/Corp/LLC (P.O. Box not accepted)
Residence Address
City State/Country Zip
If Corporation or LLC - Print State of Incorporation/Organization

4. _____
Full Name/Corp/LLC (P.O. Box not accepted)
Residence Address
City State/Country Zip
If Corporation or LLC - Print State of Incorporation/Organization

IF MORE THAN FOUR REGISTRANTS, ATTACH ADDITIONAL SHEET SHOWING OWNER INFORMATION

***THIS BUSINESS IS CONDUCTED BY: (Check one)

- an Individual
- a General Partnership
- a Limited Partnership
- a Limited Liability Company
- an Unincorporated Association other than a Partnership
- a Corporation
- a Trust
- Copartners
- a Married Couple
- Joint Venture
- State or Local Registered Domestic Partners
- a Limited Liability Partnership

****The date registrant started to transact business under the fictitious business name or names listed above: 05/2021
(Insert N/A above if you haven't started to transact business)

I declare that all information in this statement is true and correct.
(A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)

REGISTRANT(S)/CORP/LLC NAME (PRINT) HOUSE OF PAIN INC. TITLE President

REGISTRANT SIGNATURE [Signature] IF CORP OR LLC, PRINT NAME DAVID BAUMANN
If corporation, also print corporate title of officer. If LLC, also print title of officer or manager.

This statement was filed with the County Clerk of LOS ANGELES on the date indicated by the filed stamp in the upper right corner.
NOTICE - IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THE EXPIRATION. EFFECTIVE JANUARY 1, 2014, THE FICTITIOUS BUSINESS NAME STATEMENT MUST BE ACCOMPANIED BY THE AFFIDAVIT OF IDENTITY FORM.

THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE SECTION 14411 ET SEQ., BUSINESS AND PROFESSIONS CODE).

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.
BY: [Signature] Deputy
Rev. 01/2014 P.O. BOX 1208, NORWALK, CA 90651-1208 PH: (562) 462-2177 WEB ADDRESS: LAVOTE.NET

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

SELLER'S PERMIT

May 7, 2021

ACCOUNT NUMBER



THE BIRD
HOUSE OF PAIN INC.
1253 E 4TH ST
LONG BEACH CA 90802-1832



Office of Control:
Cerritos Office

NOTICE TO PERMITTEE:
You are required to obey all Federal and State laws that regulate or control your business. This permit does not allow you to do otherwise.

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION. THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWED BY THE NEW OPERATOR OF THE BUSINESS.

Not valid at any other address

**For general tax questions, please call our Customer Service Center at 1-800-400-7115 (TTY:711).
For information on your rights, contact the Taxpayers' Rights Advocate Office at 1-888-324-2798 or 1-916-324-2798.**

CDTFA-442-R REV. 18 (6-18)

A MESSAGE TO OUR NEW PERMIT HOLDER

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at www.cdfa.ca.gov
- Visiting an office
- Attending a Basic Sales and Use Tax Law class offered at one of our offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Customer Service Center at 1-800-400-7115 (TTY:711)

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. You also have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the California Department of Tax and Fee Administration (CDTFA)
- You are responsible for following the regulations set forth by the CDTFA

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a CDTFA representative when requested. You are also required to know and charge the correct sales or use tax rate, including any local and district taxes. The tax rate applicable to your sales or use may not necessarily correspond to the tax rate of your business address displayed on this permit. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a CDTFA office, or giving it to a CDTFA representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with CDTFA, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 1-888-324-2798 or 1-916-324-2798. Their fax number is 1-916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

California Department of Tax and Fee Administration

Business Tax and Fee Division

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

ON-SALE GENERAL PUBLIC PREMISES

VALID FROM

May 04, 2021

HOUSE OF PAIN, INC.
1253 E 4TH ST
LONG BEACH, CA 90802

EXPIRES

Apr 30, 2022

TYPE NUMBER DUP

AREA CODE

1932 03

BUSINESS ADDRESS DBA: BIRD, THE
(IF DIFFERENT)

PER From:

[REDACTED]

CONDITIONS

OWNERS: HOUSE OF PAIN, INC.



IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMENU.html>.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/dlistmap.html>.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

<http://www.abc.ca.gov>



@ca_abc



CaliforniaABC



Alcoholic Beverage Control

Report Date: Friday, October 29, 2021

LICENSE INFORMATION

License Number: [REDACTED] **Primary Owner:** HOUSE OF PAIN, INC. **Office of Application:**
03 - LB/LAKEWOOD

BUSINESS NAME

BIRD, THE

BUSINESS ADDRESS

1253 E 4TH ST , LONG BEACH, CA, 90802

County: LOS ANGELES **Census Tract:** 5765.02

LICENSEE INFORMATION

Licensee: HOUSE OF PAIN, INC.

Company Information

OFFICER: GLASS, TRACY (PRESIDENT)

OFFICER: GLASS, TRACY (DIRECTOR)

OFFICER: GLASS, TRACY (CHIEF FINANCIAL OFFICER)

OFFICER: GLASS, TRACY (SECRETARY/ASST SEC)

STOCKHOLDER: GLASS, TRACY

LICENSE TYPES

48 - ON-SALE GENERAL PUBLIC PREMISES

Security Post Orders

Re: "The Bird" 1253 E. 4th st. Long Beach Ca. 90208 Occupancy 130

Management: Owner: Tracy Glass. Manager: Ted

Security Plan: The first line of defense is the doorman(s)/security personnel

- **Entrances:** Doorman must be stationed at the front door opening or just inside the front door where the bar and the entrance are clearly visible.
- **ID's:** ID checks and capacity counts at the entrance are required. Only official hard copy driver's licenses or passports are to be accepted as identification. No other forms of ID, paper printouts etc. should be accepted or used. This is a must!
- **Flashlights:** All doorman and or guards should always have a small / medium tactical flashlight on their person as well as a working cell phone. The flashlight should be used when checking ID's, moving crowds or hailing the attention of other staff when needed. This is a must!
- **Bathroom / Smoke Breaks:** If a bathroom or smoke break is needed the doorman should request the bar back come to the front door and maintain the entrance while the break is being taken or the second doorman if one is available. You should never ask a patron to watch the door for you unless it's an absolute emergency and should only be done until the bar back or another employee of the bar can take over.
- **Picking up bottles and glasses:** This should be done whenever possible in order to assist the bar staff during slow times as long as it does not pose an issue in securing the entrance of the establishment. Once it's determined that it's busy, the doorman should refrain from picking up bottles and glasses and should solely focus on the entrance and surrounding areas. Once things slow down, the doorman should resume assisting the bar staff in picking up bottles and glasses if possible.
- **Bag Checks:** All backpacks and large tote style purses should be checked if suspicion the person or people could possibly be bringing in alcohol from the outside. You would notice this by the look and weight of the bag the person is carrying. Simply explain to the patron that you would like them to open their bag From you to confirm there are no alcoholic beverages or weapons being brought in. Make sure to ask them to move the contents around in the bag as needed and you should never put your hands inside of the bags or touch their property. Use your flashlight to see what is in there and decide if the bag is free of these items. Again, do not put your hands in the bags or touch their property. If you find contents that are not allowed, simply ask them to take them out to their car and re-enter the establishment. If it becomes an issue and they do not want to

show you their bag, you have the authority per the owner to reject them from entering the establishment. This goes for regulars as well.

-

- **Interaction with Patrons:**

- ~ Treat all patrons with respect, always.

- ~ You should be greeting people and opening the door for them whenever possible.

- ~ Use good eye contact always

- ~ Thank them for coming to the establishment and have a good night etc.

- ~ Make them feel comfortable.

- ~ Never intimidate

- ~ Build rapport with patrons wherever possible, you may need their assistance later

- **Crowd Control:**

- ~ Crowd control as needed with the right approach.

- ~ Request all patrons lingering in front of the businesses in the immediate area of the bar entrance to move back in front of the bar or back inside if possible. We do not want large crowds of people hanging out in front of these businesses talking loud or smoking.

- ~ Do not push people or yell profanities at people to get them to comply, maintain respectful communication and composure at all times.

- **Dealing with or Encountering Unruly Individuals:**

- If there is a situation and you need to eject someone from the establishment:

- ~ Stay calm and talk them through the process more than you might feel is necessary, give them the benefit of the doubt unless the situation is clear.

- ~ Use your flashlight and cell phone to request backup or call the police if needed. Flag down the nearest person or patron to go get someone.

- ~ Additional backup should be used for crowd control if needed.

- ~ Be polite, firm and respectful regardless of how the person may act or what they may say.

- ~ Allow them to walk out of the establishment on their own accord with you in support.

- ~ If they refuse to leave, encircle them and do your best to remove them from the establishment, it's the establishments right to refuse service to anyone they choose,

especially if they are acting unruly. If needed, detain them and call PD to have them removed and cited for trespassing. Usually they will get it and decide to leave of which you let them.

- **Use of Force**

~ Reasonable or rational force is that amount of force necessary to defend oneself, and defend others, and to control a potentially violent situation. It is excessive only if it is not necessary. Fear by itself is not justification for using force or being threatening in any manner. Should force be needed to make a citizen's arrest or defend oneself, use only the amount of force that is reasonable to stop the actions of the adversary.

~ You are only allowed to use force when necessary to defend yourself or a team member/patron. If you reasonably believe that an attack upon another would result in great bodily injury, the person may use force reasonably necessary to repel the attack or assault.

~ Make sure your backup is your witness and make sure that an incident report is filed with Sam William and charges are made against the individual in the altercation to protect yourself and the company.

~ You must use good judgement of a reasonable person always.

~ Handcuffs should never be used unless you have been qualified through the appropriate training. Using them without training and certification could result in a liability situation for the establishment and the company.

The second line of defense, for The Bird, are its bartenders. They are trained to identify patrons who are or becoming intoxicated and/or causing disturbances. They are trained in non confrontational methods to cut such patrons off from further drinking and to alert the doormen/security of such action.

- **Emergency**

~ Assess the situation

~ Call your supervisor on the radio or cell phone, communicate with bar staff.

~ Determine if PD or FD are needed

~ Call 911

- When in doubt, follow POST orders

End of Night "Last Call"

- 1:30am Last Call

- 1:40am -- All entertainment is terminated and all house lights are turned up
- 1:45 am -- All remaining patrons are asked to leave through the exit doors and vacate premises
- 1:50 am -- All alcoholic beverages are cleared off of the floor, bar, tables

Surveillance/Security

The Bird shall maintain and operate interior and exterior surveillance (security) cameras and retain footage for a minimum of 7 Days. The footage shall be provided upon request of the Long Beach Police Department.

The Bird

Manager: Tod Hipsher [REDACTED]

Security Director: [REDACTED]



5/27/2022 09:09

INFORMATION - LICENSE # [REDACTED]

License Type BS
Application Type Secondary Business License
Description
Primary Applicant
Primary Applicant Last Name HOUSE OF PAIN INC
Address Location 1253 E 4TH ST LONG BEACH CA 90802

 License is Pending.
 Current milestone is Pending.
 Current unpaid amount of \$0.00.
 Account: [REDACTED]

License Description

Status Dates

Processed Date 10/25/2021 10:15
by Lori Voss
Start Date 10/25/2021 00:00
by Lori Voss
Inactive Date
by
Last Renewal
by
Next Renewal
Expires
Grace Exp
End Date
by JYGONZA
Last Modified 3/17/2022 10:26

License Description

Property Type COM
License Category 300507
Business Name HOUSE OF PAIN INC
DBA Name THE BIRD
 Detailed Description of Business Activities
 ENTERTAINMENT WITH DANCING (ALCOHOL)
Application Reason NEWLICENSE
Description Entertainment With Dancing (Alcohol)
HH/MH: Total # Units 0
Census Tract 0
Council District 2

License Details

Application Details

Description Log
 Application Information Log
 GIS Log
 Conditions of Approval Log

Endorsements

(Tab Not Loaded)

Reviews

(Tab Not Loaded)

Inspections

(Tab Not Loaded)

Conditions
(Tab Not Loaded)

Fees
(Tab Not Loaded)

Applicants

Contact Information

Name HOUSE OF PAIN INC
First Name,

MI

Middle Initial

Contact Type MAILING

Address 1253 E 4TH ST

Address Line 2

City LONG BEACH

State/Province CA

ZIP/PC 90802

Country

Title

Expiration Date

Day Phone (562)317-5125

Mobile Number [REDACTED]

E-Mail [REDACTED]

Foreign no

Corr. Delivery Mail

Company Name [REDACTED]

Internet ID Type 1

ID 1

Internet ID Type 2

ID 2

Last 4 Digits [REDACTED]

Customer# [REDACTED]

(No Data)

Additional Applicants

Applicant Type	Capacity	Last Name	First Name	Professional ID	Primary DBA	Effective	Expire	Comments
OtherContact	OFFICER	GLASS	TRACY					president

Sites
(Tab Not Loaded)

Employees
(Tab Not Loaded)


Related Records
(Tab Not Loaded)

Logs
(Tab Not Loaded)

Attachments
(Tab Not Loaded)

Date: March 3, 2022

To: Tara Mortensen, Bureau Manager, Business Relations Bureau

From: Wally Hebeish, Chief of Police 

Subject: **APPLICATION FOR AN ENTERTAINMENT WITH DANCING PERMIT AT THE BIRD – 1253 EAST 4TH STREET**

In response to your request for a recommendation regarding the above-named permit application for Entertainment with Dancing, the Police Department recommends **approval**, subject to the following standard conditions of operation.

The Bird is a local bar and nightclub that offers alcoholic beverages, beer, wine and distilled spirits. The Bird showcases a variety of events and entertainment events. The establishment is located in the 1200 block of East 4th Street, on the northside of the street. The current owner for the business is House of Pain, Incorporated. The Bird has a valid Type 48 (On-Sale General Public Premises) Alcoholic Beverage Control License. This is a new application for the ownership.

The Bird applied for an Entertainment with Dancing Permit requesting dancing by patrons, guests, customers, participants and attendees, live music by more than two (2) performers, live and recorded amplified music, a disc jockey and karaoke. They requested to provide entertainment from 6:00 PM to 1:00 AM, Monday through Wednesday and 9:00 AM to 1:00 AM, Thursday through Sunday.

The Police Department is recommending entertainment activities shall be restricted to no later than **11:00 PM Monday through Wednesday and 12:00 AM Thursday through Sunday**. Entertainment can begin at 6:00 PM Monday through Wednesday and 12:00 PM Thursday through Sunday.

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

CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.

- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 21.15.110 LBMC shall be conducted on the permitted premises.
- 3) Entertainment activities indicated on your entertainment application shall be restricted to no later than **11:00 PM Monday through Wednesday and 12:00 AM Thursday through Sunday**. Entertainment can begin at 6:00 PM Monday through Wednesday and 12:00 PM Thursday through Sunday.
- 4) 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.
- 5) An identification card scanner shall be used for all patrons entering the establishment at the start and during entertainment activities for the sole purpose of verifying patron age and/or authenticity of a patron's driver license or identification card.
- 6) 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
- 7) 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-way's and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and username/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
- 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.
- 9) 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.
- 10) 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 employees' proof of completion on file and have it available for inspection at any time.

- 11) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict with the requirements of this permit, the more stringent regulation shall apply.
- 12) The permittee is required to monitor the outside patio area for any nuisance activity that could disturb the surrounding neighbors. This shall be done by utilizing security guards or employees.
- 13) The permittee shall provide a minimum of one (1) licensed security guard during all times that the entertainment activities are being conducted for crowds up to fifty (50) people. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operation give rise to a substantial increase in complaint/calls for 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 premise or operation as the Chief of Police determines are necessary to protect the safety of the public.

- 14) 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 utilizing security guards and signage with verbiage such as, "Please respect our neighbors," or something similar.
- 15) The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- 16) The Bird, or its agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, any vehicle, or in any other such place in the City of Long Beach. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all agent contracts, including names, addresses, and phone numbers, on file at all times, and be available for inspection at any time.
- 17) 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 neighboring area.
- 18) Deliveries to and from the premises shall be limited to the hours of 8:00 a.m. to 10:00 p.m.

- 19) The permittee shall develop and maintain a plan to address neighborhood concerns, related to the operation of the establishment. (i.e. newsletter, meetings, etc.)
- 20) 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.

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 fifty feet (50') from the exterior of the premises in any direction.**

- 21) The permittee and/or security shall also ensure that no employee, patron, or entertainer loiters in the parking lot at any time during the operation of the business.

The permittee shall not allow any employee, patron or entertainer, to exit and loiter near the side or rear doors leading to the alley or adjacent building not in the control of the business.

- 22) 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.
- 23) 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.
- 24) Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons inside the business.
- 25) Entertainment shall not be offered on any day that the bar/nightclub is closed.
- 26) Patrons awaiting entry in a defined "queue" shall be restricted to 4th Street and the line must extend in safe manner of the business. There shall be no "queue" allowed after 11:00 PM, Monday through Wednesday nights and 12:00 AM Thursday through Sunday nights. All persons gathering outside after the allowed hours shall be considered to be loitering. The public right of way (sidewalk), or an entrance to any business shall not be blocked at any time.