

## **H-2**

October 15, 2019

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 on the application of FM Restaurants Acapulco Opco, LLC, dba Acapulco Restaurant y Cantina, at 6270 E. Pacific Coast Hwy., Suite A, for entertainment without dancing. (District 3)

### **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 (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 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 the permit for entertainment without 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 subject to conditions.
- 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 without dancing be approved subject to conditions (attached).

In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee must adhere to the strictest of the applicable conditions. This location has been licensed as a Restaurant with Alcohol since January 1988. The business changed ownership to FM Restaurants Acapulco Opco, LLC., in April 2019.

This matter was reviewed by Deputy City Attorney Amy R. Webber on September 16, 2019.

#### TIMING CONSIDERATIONS

The hearing date of October 15, 2019 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 \$22.45 and Zoning Review \$33.00 (Development Services Department), Police Investigation \$1,359.00 (Police Department), and Mailing List \$90.00 (Financial Management Department).

The following fees will be collected if the application is approved: Business License Annual Tax \$379.07, Employee Rate \$19.68 per employee, and Annual Entertainment Regulatory Fee \$322.00 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

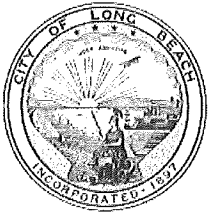


---

THOMAS B. MODICA  
ACTING CITY MANAGER

ATTACHMENTS





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
BUSINESS SERVICES BUREAU

411 WEST OCEAN BOULEVARD 6<sup>TH</sup> FLOOR • LONG BEACH, CA 90802 • (562) 570-6211

## Recommended Conditions of Operation

**FM Restaurants Acapulco Opco LLC DBA Acapulco Restaurant y Cantina**  
**6270 E. Pacific Coast Hwy Suite A**  
**Application for Entertainment Without Dancing**

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

### I. STANDARD CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LMBC Chapter 8.80).
- 4) This Entertainment Permit is accessory to the primary business. The authorization to provide entertainment on-site is subject to the use remaining a bona fide eating place serving actual and substantial meals.

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

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

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

- 5) Due to the proximity of neighboring businesses and residences, all door(s) and windows shall be kept closed at all times during any entertainment, except in cases of emergency and to permit deliveries. Said door(s) is not to consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty feet (50') from the exterior of the premises in any direction.** Outdoor amplified entertainment is prohibited.

- 6) 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.
- 7) Deliveries to and from the premises shall be limited to the hours of 8:00 A.M. to 10:00 P.M.
- 8) The permittee shall provide a minimum of one (1) uniformed 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 uniformed security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public.

- 9) 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.
- 10) 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.
- 11) 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.
- 12) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320).
- 13) Any graffiti painted or marked upon the premises, or on any adjacent area under the control of the licensee, shall be removed or painted over within 24 hours of being applied.
- 14) The business, or agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter.

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.

- 15) 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.
- 16) 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.
- 17) The permittee shall ensure that all employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. 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.
- 18) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict with the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.

## II. ADDITIONAL CONDITIONS OF OPERATION

- 1) Entertainment activities indicated on Page 9 of your entertainment application **shall be restricted from 11:00 AM to 10:00 PM, Sunday through Thursday, and 11:00 AM to 11:00 PM, Friday and Saturday.**
- 2) The permittee shall not convert the restaurant, or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a function held at a bona fide eating place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks, and hors d'oeuvres shall not constitute a complete and substantial meal. The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub activities.

- 3) Entertainment activities on the patio shall not be amplified with any portable speakers. Any live or recorded music shall only be played through the existing speakers throughout the patio area.
- 4) The permittee must provide any independent contractors hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.

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.



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

411 West Ocean Boulevard 6<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

## SUMMARY OF APPLICATION FOR ENTERTAINMENT PERMIT

Attached for your review and action is an application for FM Restaurants Acapulco Opco, LLC., DBA Acapulco Restaurant y Cantina. Also, attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

### SUBMITTED FOR CITY COUNCIL ACTION

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

Questions concerning the above may be directed to the following:

Police Department, Chief of Police .....	570-7301
Fire Department, Fire Prevention Bureau .....	570-2500
Health and Human Services Department, Noise Control.....	570-4130
Development Services Department.....	570-6623

Compiled by: Department of Financial Management  
Business Services Bureau





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

411 West Ocean Boulevard 6<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 6270 E. PACIFIC COAST HWY SUITE A

FM Restaurants Acapulco Opco, LLC.  
DBA: Acapulco Restaurant y Cantina  
Lic # BS21906011  
05/19 – Pending

Entertainment without Dancing (Alcohol)

FM Restaurants Acapulco Opco, LLC.  
DBA: Acapulco Restaurant y Cantina  
Lic # BU21904065  
04/19 – Current

Restaurant & Ready to Eat Foods (Alcohol)

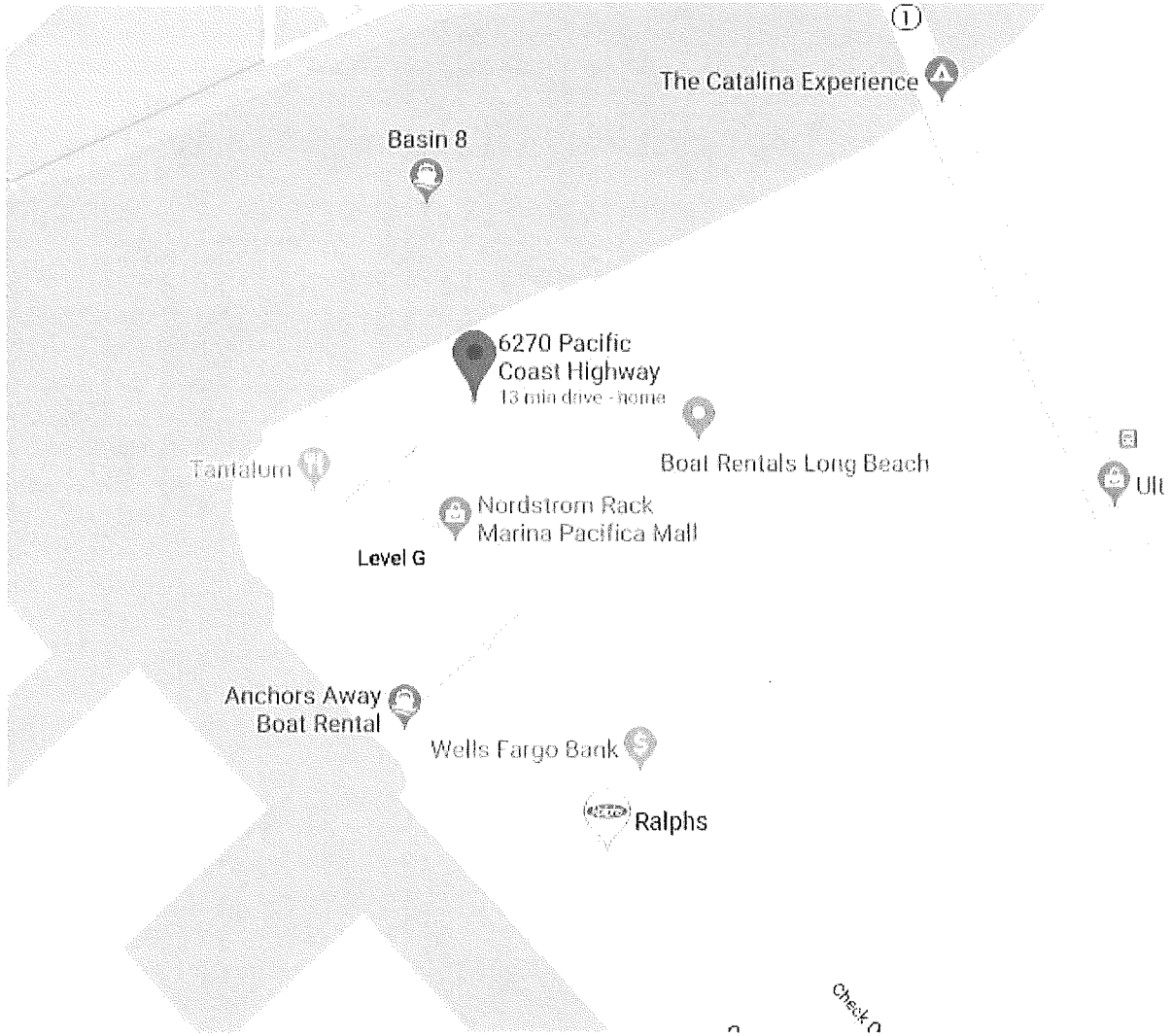
RM Acapulco, LLC.  
DBA: Acapulco #52  
Lic # BS21208800  
03/12 – 04/19

Entertainment with Dancing (Alcohol)

RM Acapulco, LLC.  
DBA: Acapulco #52  
Lic # BU21904065  
03/12 – 04/19

Restaurant & Ready to Eat Foods (Alcohol)

**FM Restaurants Acapulco Opco, LLC.**  
**DBA: Acapulco Restaurant y Cantina**  
**6270 E. Pacific Coast Hwy. Suite A**





**CITY OF LONG BEACH BUSINESS LICENSE APPLICATION**  
 Fourth Floor, City Hall  
 333 W. Ocean Boulevard, Long Beach, CA 90802

www.longbeach.gov  
LBBIZ@LongBeach.gov  
 (562) 570-6211

**GENERAL INFORMATION**

OWNER/ENTITY NAME FM Restaurants Acapulco OpCo, LLC		DRIVER'S LICENSE NO.	STATE	SOCIAL SECURITY NO.	HOME OCCUPATION <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
BUSINESS NAME (D.B.A.) Acapulco Restaurant y Cantina		TYPE OF BUSINESS (BE SPECIFIC) Operation of restaurant		EMAIL: ACA0052@XperienceRG.com	
BUSINESS ADDRESS	STREET 6270 E. Pacific Coast Hwy.	CITY Long Beach	STATE CA	ZIP 90803	AREA CODE/TELEPHONE 562-596-3371
BILLING ADDRESS (if same write SAME)	STREET 11065 Knott Avenue, Suite A	CITY Cypress	STATE CA	ZIP 90630	AREA CODE/TELEPHONE 562-346-1264
RESIDENCE ADDRESS (if same write SAME)	STREET	CITY	STATE	ZIP	AREA CODE/TELEPHONE
LIST OF PRINCIPAL OFFICERS, MEMBERS, PARTNERS AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST) James J. Zennl, Jr.				TITLE President, Secretary	% OWNERSHIP 0
				TITLE Treasurer	% OWNERSHIP
<input type="checkbox"/> New Business <input type="checkbox"/> Address Change <input checked="" type="checkbox"/> Ownership Change <input type="checkbox"/> Secondary License <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLP. <input checked="" type="checkbox"/> LLC					

**BUSINESS OPERATIONS INFORMATION**

START DATE 5/23/2019	NO. OF EMPLOYEES 55	NO. OF VEHICLES 0	FEDERAL TAX ID. NUMBER	SALES & USE TAX (SELLER'S PERMIT) NO. 261716992-0003
DOES YOUR BUSINESS HAVE A CALIFORNIA STATE LICENSE? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	STATE LICENSE NO.	CLASSIFICATION(S)	RENEWAL DATE	
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/REVOCAION	

**FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT**

Do you plan to sell or serve food? (Includes pre-packaged)  Y  N  
 If serving food, how many seats?: \_\_\_\_\_  
 Do you plan to sell or serve alcoholic beverages?  Y  N  
 ABC License number: 600853 Type: 47-On Sale General Eating  
 Conditions Included: (If yes, please attach to application) 58-Portable Bar  Y  N

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

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 Medical Marijuana?  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: Marina Pacifica LLC  
 Business sq. ft.: 12560 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: Date: 4/5/19 PRINT NAME/TITLE: NEW MGR, CO, CFO  
 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: Restaurant w/ale Exp. Date: _____	<b>Zoning Review</b> <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A By: _____ Date: _____ <input type="checkbox"/> New construction <input type="checkbox"/> Reuse Zone: _____ Comments: _____
Basic Tax _____	Prev Lic: _____	
Employees # _____ @ \$ _____ = _____	Exp Date: _____	
Vehicles # _____ @ \$ _____ = _____	District: _____	
Other # _____ @ \$ _____ = _____	CRT: _____	
PIA _____	SIC: _____	
PIA Employees # _____ @ \$ _____ = _____	NAICS: _____	
Regulatory Investigation 1,359.00	Entered by: CH	
Misc. Fees 70	Date: 5/23/19	
Sub Total 33	BB 21906011	
Zoning 27.45		
Building Review		
Total \$ 1,504.45		



Accepted By: Emily Armstrong Date: 5/23/19  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): FM Restaurants Acapulco OpCo, LLC

Business Name (DBA): Acapulco Restaurant y Cantina Business Phone: ( 562 ) 596-3371

Business Site Address: 6270 E. Pacific Coast Hwy., Long Beach, CA 90803

Date Business Proposes To Open: 11/5/2018

Days & Time Premises Are Open For Inspection: M-Th: 11AM-10PM; F-Sa: 11AM-11PM; Su: 8AM-10PM

**Proposed Use(s):**

Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_

Entertainment/Tavern With Dancing  Without Dancing

Entertainment/Retail  Social Club  Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building:  
Restaurant

Contact Person(s) Name (authorized agent, manager, etc.): Gustavo Plascencia

Contact Person(s) Phone Number: ( 619 ) 823-6756 Contact Person(s) Email: ACA0052@XperienceRG.com

**Type of Organization:**

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

**OFFICE USE ONLY**

Building  Fire  Health (Check Inspecting Department) Date Received: \_\_\_\_\_

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**

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

Police Department finds no basis for denial with conditions

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

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**GENERAL INFORMATION (All Applicants)**

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

6270 E. Pacific Coast Hwy., Long Beach, CA 90803

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

Acapulco Restaurant y Cantina

Place and date of filing fictitious business name statement: Los Angeles County CA, 3/22/2019

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

Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of Long Beach:

Ned Algeo, 11065 Knott Avenue Suite A, Cypress, CA 90630

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

C T Corporation

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:

600653, 47-On-Sale General Eating Place, 58-Portable Bar

Is this applicant a subsidiary of a present corporation or business?  YES  NO  
If yes, explain:

FM Restaurants Chevys Finance, LLC

How long has the corporation or business been in operation? 11/5/2018

Is the location: Owned?  Rented/Leased?

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

Name: Marina Pacifica LLC

Address: 6272 E Pacific Coast Hwy, Long Beach, CA 90803

**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 checked="" type="checkbox"/>	600653	47-On-Sale General Eating Place, 58-Portable Bar
On sale distilled spirits <input type="checkbox"/>	_____	_____

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: Mexican food

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

3. Are non-alcoholic beverages sold?  YES  NO

4. How many **tables** for seating? 83

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?  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: \_\_\_\_\_

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: Alarm

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of							
Security							

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	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Open	11AM	11AM	11AM	11AM	11AM	11AM	8AM
Close	10PM	10PM	10PM	10PM	11PM	11PM	10PM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? Retail

20. Are there surrounding residences?  YES  NO

a. Approximately how close? \_\_\_\_\_

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO

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

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

c. Days and hours parking facility will be available:

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
From	11AM	11AM	11AM	11AM	11AM	11AM	8AM
To	10PM	10PM	10PM	10PM	11PM	11PM	10PM

d. How many individual parking spaces (approximately)? 1,300

**END OF GENERAL OPERATING CONDITIONS SECTION – PLEASE CONTINUE TO NEXT SECTION**



## ENTERTAINMENT FACILITY AND ACTIVITY

Entertainment - *Restaurant*  Entertainment - *Tavern (bar)*  Entertainment - *Other*

Does the Proposed Activity have:

- Outdoor Entertainment?  Y  N
- Dancing by patrons, guests, customers, participants, attendees?  Y  N
- Dancing by performers?  Y  N
- Live music by more than two (2) performers?  Y  N
- Amplified music (live)?  Y  N
- Amplified music (recorded)?  Y  N
- Disc Jockey?  Y  N
- Karaoke?  Y  N
- Adult Entertainment as defined by LBMC Section 21.15.110?  Y  N
- Adult Entertainment as defined by LBMC Section 5.72.115 (B)?  Y  N
- Will the establishment serve as a family pool/billiard hall as provided in Section 5.69.090 of the LBMC?  Y  N
- Any other type of entertainment not listed above?  Y  N

If yes, briefly describe the entertainment activity. \_\_\_\_\_

Describe entertainment by performers: \_\_\_\_\_

Dance Floor?  Y  N Stage?  Y  N

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

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

Describe floor material and surface type: \_\_\_\_\_

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	Music	Music	Music	Music	Music	Music	Music
Start Time	11AM	11AM	11AM	11AM	11AM	11AM	8AM
End Time	10PM	10PM	10PM	10PM	11PM	11PM	10PM

**RELEASE FORM**

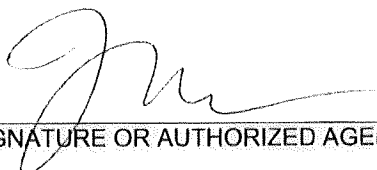


The undersigned, on behalf of (applicant) James J. Zenni, Jr., hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required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

(DBA) Acapulco Restaurant y Cantina 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)  
Chief Financial Officer  
(TITLE)  
05/02/19  
(DATE)  
  
DRIVER'S LICENSE OR ID CARD NUMBER  
  
STATE

Emily Armstrong  
ACCEPTED BY (CITY STAFF)  
Administrative Analyst  
TITLE  
5/23/19  
DATE

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

SELLER'S PERMIT

October 29, 2018

ACCOUNT NUMBER

261716992 - 00003

FM RESTAURANTS ACAPULCO OPCO, LLC  
FM RESTAURANTS ACAPULCO OPCO, LLC  
6270 E PACIFIC COAST HWY  
LONG BEACH CA 90803-4801



Office of Control:  
Irvine 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 (5-18)

**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.cdtfa.ca.gov](http://www.cdtfa.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

YOUR RETURN MAILING ADDRESS

NAME: JAMIE REINAH

ADDRESS: ONE LIBERTY PLAZA, FLOOR 41

CITY: NEW YORK

STATE: NY ZIP CODE: 10006

2019 074940

FILED Mar 22 2019 EXPIRES Mar 22 2024

Devo C. Logan, Registrar - Recorder/County Clerk

Electronically signed by ANNA MOVSISTAN

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)
Refile - \$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. ACAPULCO RESTAURANT Y CANTINA
\*\* 6270 E. PACIFIC COAST HWY.
5660 KATELLA AVENUE
LONG BEACH CA 90803 LA COUNTY Cypress CA 90630

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

\*\*\*REGISTERED OWNER(S):

1. FM RESTAURANTS ACAPULCO OPCO, LLC
2.
3.
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 [x] 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: 10/2018
(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) FM RESTAURANTS ACAPULCO OPCO, LLC TITLE President

REGISTRANT SIGNATURE IF CORP OR LLC, PRINT NAME JAMES J. ZENNI, JR.

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.
DEAN C. LOGAN, LOS ANGELES COUNTY CLERK BY: A. MOVSISTAN, Deputy



# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

ENVIRONMENTAL HEALTH  
NOISE OFFICE

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

Date: \_\_\_\_\_

Name of Business (DBA): Acapulco Restaurant y Cantina

Name of Business Owner: FM Restaurants Acapulco OpCo, LLC

Business Address: 6270 E. Pacific Coast Hwy., Long Beach, CA 90803

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) 

Title Chief Financial Officer

Phone # (562) 346-1274

FAX # \_\_\_\_\_

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "FM RESTAURANTS ACAPULCO OPCO, LLC", FILED IN THIS OFFICE ON THE TWELFTH DAY OF OCTOBER, A.D. 2018, AT 1:34 O`CLOCK P.M.



  
Jeffrey W. Bullock, Secretary of State

7098531 8100  
SR# 20187116326

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 203601385  
Date: 10-12-18

**CERTIFICATE OF FORMATION**  
**OF**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 01:34 PM 10/12/2018  
FILED 01:34 PM 10/12/2018  
SR 20187116326 - FileNumber 7098531

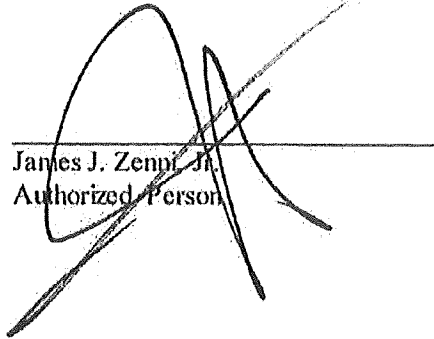
**FM RESTAURANTS ACAPULCO OPCO, LLC**

This Certificate of Formation of FM Restaurants Acapulco OpCo, LLC (the "Company"), dated October 12, 2018, is being duly executed and filed by James J. Zenni, Jr., as an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the Delaware Limited Liability Company Act (6 Del. C. §18-101, *et. seq.*).

FIRST, the name of the limited liability company formed hereby is FM Restaurants Acapulco OpCo, LLC.

SECOND, the name and address of the registered agent for service of process on the Company in the State of Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, New Castle County, Wilmington, Delaware 19801.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation as of the date first above written and submits it for filing in accordance with Section 18-201 of the Delaware Limited Liability Company Act.

  
\_\_\_\_\_  
James J. Zenni, Jr.  
Authorized Person



201829110383



Secretary of State  
Application to Register a Foreign Limited Liability Company (LLC)

LLC-5

FILED LIA  
Secretary of State  
State of California PSI  
OCT 18 2018

**IMPORTANT** — Read Instructions before completing this form.  
Must be submitted with a current Certificate of Good Standing issued by the government agency where the LLC was formed. See Instructions.  
Filing Fee — \$70.00  
Copy Fees — First page \$1.00, each attachment page \$0.50;  
Certification Fee — \$5.00  
Note: Registered LLCs in California may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

lcc This Space For Office Use Only

**1a. LLC Name** (Enter the exact name of the LLC as listed on your attached Certificate of Good Standing.)  
FM Restaurants Acapulco OpCo, LLC

**1b. California Alternate Name, If Required** (See Instructions — Only enter an alternate name if the LLC name in 1a not available in California.)

**2. LLC History** (See Instructions — Ensure that the formation date and jurisdiction match the attached Certificate of Good Standing.)  
a. Date LLC was formed in home jurisdiction (MM/DD/YYYY) 10 / 12 / 2018  
b. Jurisdiction (State, foreign country or place where this LLC is formed.) Delaware

c. Authority Statement (Do not alter Authority Statement)  
This LLC currently has powers and privileges to conduct business in the state, foreign country or place entered in Item 2b.

**3. Business Addresses** (Enter the complete business addresses. Items 3a and 3b cannot be a P.O. Box or "in care of" an individual or entity.)

a. Street Address of Principal Executive Office - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
Two Conway Park, 150 Field Drive, Suite 300	Lake Forest	IL	60045
b. Street Address of Principal Office in California, if any - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
		CA	
c. Mailing Address of Principal Executive Office, if different than item 3a	City (no abbreviations)	State	Zip Code

**4. Service of Process** (Must provide either Individual OR Corporation.)  
INDIVIDUAL — Complete Items 4a and 4b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
		CA	

CORPORATION — Complete Item 4c only. Only include the name of the registered agent Corporation.  
c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Items 4a or 4b  
CT Corporation System

**5. Read and Sign Below** (See Instructions. Title not required.)  
I am authorized to sign on behalf of the foreign LLC.

Signature

James J. Zenni, Jr.  
Type or Print Name

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FM RESTAURANTS ACAPULCO OPCO, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF OCTOBER, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7098531 8300

SR# 20187200893

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 203635234

Date: 10-18-18

201829110383



Secretary of State  
Statement of Information  
(Limited Liability Company)

LLC-12

141

18-324043

FILED  
Secretary of State  
State of California

OCT 19 2018

IMPORTANT — This form can be filed online at [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov).

Read instructions before completing this form.

Filing Fee — \$20.00

Copy Fees — First page \$1.00; each attachment page \$0.50;  
Certification Fee — \$5.00 plus copy fees

Above Space For Office Use Only

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

FM Restaurants Acapulco OpCo, LLC

2. 12-Digit Secretary of State Entity (File) Number

201829110383

3. State, Foreign Country or Place of Organization (only if formed outside of California)

Delaware

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
Two Conway Park, 150 Field Drive, Suite 300	Lake Forest	IL	60045
b. Mailing Address of LLC, if different than Item 4a	City (no abbreviations)	State	Zip Code
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
5660 Katella Avenue, Suite 200	Cypress	CA	90630

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and address(es) on Form LLC-12A.

a. First Name, if an individual - Do not complete item 5b	Middle Name	Last Name	Suffix
b. Entity Name - Do not complete Item 5a	FM Restaurants Acapulco Finance, LLC		
c. Address	City (no abbreviations)	State	Zip Code
Two Conway Park, 150 Field Drive, Suite 300	Lake Forest	IL	60045

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL — Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
		CA	

CORPORATION — Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 6a or 6b
CT Corporation System (20168406)

7. Type of Business

Describe the type of business or services of the Limited Liability Company

Operation of Restaurant

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. The information contained herein, including any attachments made part of this document, is true and correct.

10/17/2018

James J. Zenni, Jr.

President

Date

Type or Print Name of Person Completing the Form

Title

Signature

LLC-12 (REV 01/2018)

2018 California Secretary of State  
[bizfile.sos.ca.gov](http://bizfile.sos.ca.gov)

Handwritten notes at the top right of the page.

Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.

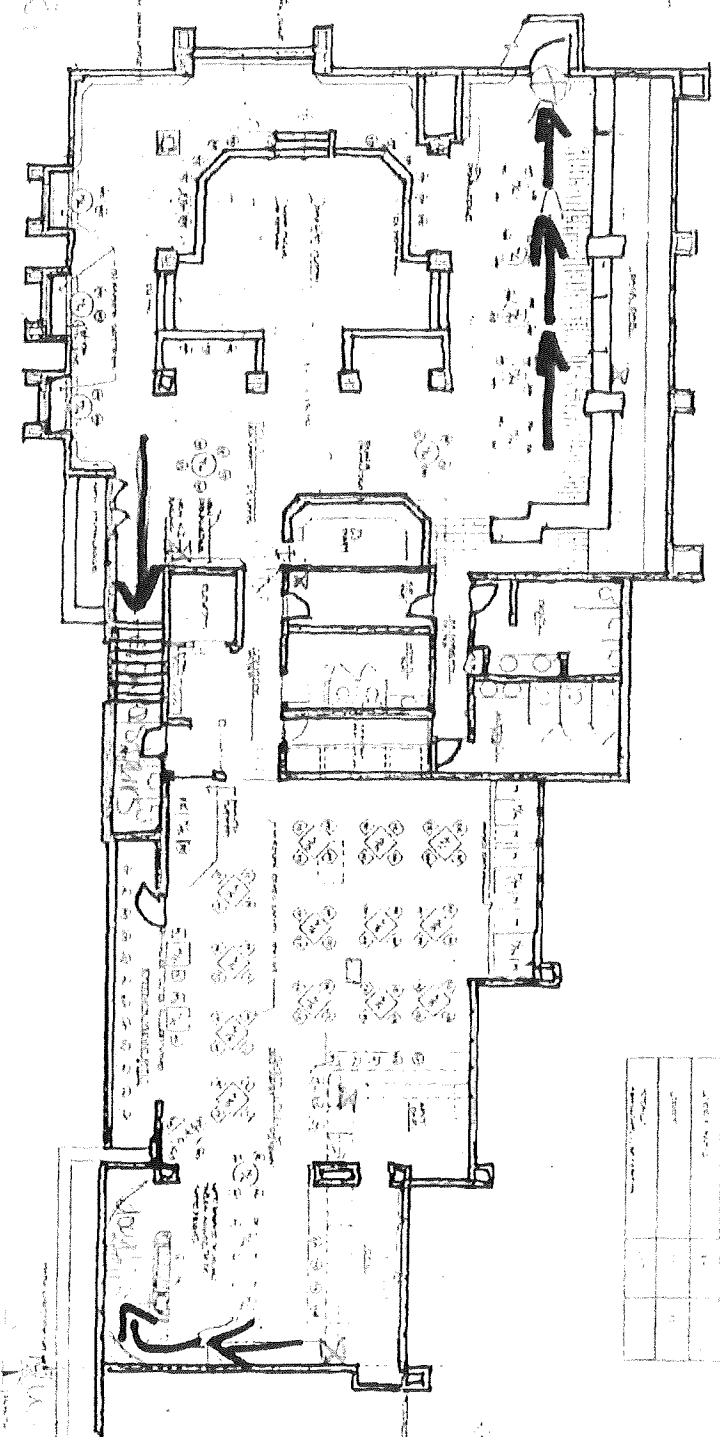
Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.

Handwritten notes on the right side of the page.




NO.	DESCRIPTION	QTY.	UNIT	PRICE	TOTAL
1	...	...	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
6	...	...	...	...	...
7	...	...	...	...	...
8	...	...	...	...	...
9	...	...	...	...	...
10	...	...	...	...	...
11	...	...	...	...	...
12	...	...	...	...	...
13	...	...	...	...	...
14	...	...	...	...	...
15	...	...	...	...	...
16	...	...	...	...	...
17	...	...	...	...	...
18	...	...	...	...	...
19	...	...	...	...	...
20	...	...	...	...	...
21	...	...	...	...	...
22	...	...	...	...	...
23	...	...	...	...	...
24	...	...	...	...	...
25	...	...	...	...	...
26	...	...	...	...	...
27	...	...	...	...	...
28	...	...	...	...	...
29	...	...	...	...	...
30	...	...	...	...	...
31	...	...	...	...	...
32	...	...	...	...	...
33	...	...	...	...	...
34	...	...	...	...	...
35	...	...	...	...	...
36	...	...	...	...	...
37	...	...	...	...	...
38	...	...	...	...	...
39	...	...	...	...	...
40	...	...	...	...	...
41	...	...	...	...	...
42	...	...	...	...	...
43	...	...	...	...	...
44	...	...	...	...	...
45	...	...	...	...	...
46	...	...	...	...	...
47	...	...	...	...	...
48	...	...	...	...	...
49	...	...	...	...	...
50	...	...	...	...	...

ACAPULCO RESTAURANTS, INC.

MARINA PACIFICA  
6270 E. Pacific Coast Hwy.  
Lana Beach, CA 90301

SECOND FLOOR  
FURNITURE PLAN

**TEMPORARY PERMIT (Non-Transferable)**

Fee:	<b>\$300.00</b>
Receipt Number:	
Geo Code:	<b>1932</b>
License Number:	<b>600653</b>

**APPLICATION:**

The undersigned hereby applies for a Temporary Permit, as described above, to be issued in the following name for the premises described below:

**FM RESTAURANTS ACAPULCO OPCO, LLC**

Premises Address:

**6270 E PACIFIC COAST HWY  
LONG BEACH, CA 90803**

Type of License:

**47 - On-Sale General Eating Place  
47-On Sale General Eating Place duplicate  
68-Portable Bar**

The applicant, on **October 30, 2018**, filed an application for transfer of the license presently issued for the above-described which license No. **521484** was surrendered to the Department on **March 1, 2019**.

**DECLARATION:**

Should this permit be issued, the undersigned declares that all obligations in connection with the purchase of alcoholic beverages under this Temporary Permit will be discharged, and that all checks issued in payment for alcoholic beverages purchased while holding the Temporary Permit will be honored on presentation.

*I declare under penalty of perjury that the foregoing is true and correct.*

Declaration Previously Executed  
(Applicant's Signature)

Executed at Sacramento, Ca, this 1 day of March, 2019

**PERMIT:**

The above-named applicant and the above-named premises are hereby temporarily permitted to engage in the purchase and sale of alcoholic beverages, in accordance with the provisions of Section 24045.5 of the Alcoholic Beverage Control Act as it appears on this permit.

*Director of Alcoholic Beverage Control*

Effective March 1, 2019 to June 28, 2019.

By 

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
**TEMPORARY PERMIT (Non-Transferable)**

STATE OF CALIFORNIA

Fee: \$300.00  
Receipt Number:  
Geo Code: 1921  
License Number: 600653

**APPLICATION:**

The undersigned hereby applies for a Temporary Permit, as described above, to be issued in the following name for the premises described below:

**FM RESTAURANTS ACAPULCO OPCO, LLC**

Premises Address:

**6270 E PACIFIC COAST HWY  
LONG BEACH, CA 90803**

Type of License:

**47 - On-Sale General Eating Place  
47 - On-Sale General Eating Place (Duplicate)  
68 - Portable Bar**

The applicant, on **October 30, 2018**, filed an application for transfer of the license presently issued for the above-described which license No. **521484** was surrendered to the Department on October 30, 2018.

**DECLARATION:**

Should this permit be issued, the undersigned declares that all obligations in connection with the purchase of alcoholic beverages under this Temporary Permit will be discharged, and that all checks issued in payment for alcoholic beverages purchased while holding the Temporary Permit will be honored on presentation.

*I declare under penalty of perjury that the foregoing is true and correct.*

Declaration Previously Executed  
(Applicant's Signature)

Executed at Sacramento, CA, this 30th day of October, 2018.

**PERMIT:**

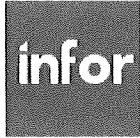
The above named applicant and the above named premises are hereby temporarily permitted to engage in the purchase and sale of alcoholic beverages, in accordance with the provisions of Section 24015.5 of the Alcoholic Beverage Control Act as it appears on this permit.

*Director of Alcoholic Beverage Control*

Effective November 1, 2018 to February 28, 2019 .

By





9/10/2019 13:39

**INFORMATION - LICENSE # BS21906011**

*License Type* BS  
*Application Type* Secondary Business License  
*Description*  
*Primary Applicant*  
*Primary Applicant Last Name* FM RESTAURANTS ACAPULCO OPCO  
*Address* 6270 E PACIFIC COAST HWY A LONG BEACH CA 90803  
*Location*  
 License is Pending.  
 Current milestone is Council Approval.  
 Current unpaid amount of \$0.00.  
 Account: BS21906011

**License Description**

**Status Dates**

*Processed Date* 5/23/2019 09:00  
*by* Cory Kyle  
*Start Date* 5/23/2019 00:00  
*by* Cory Kyle  
*Inactive Date*  
*by*  
*Last Renewal*  
*by*  
*Next Renewal*  
*Expires*  
*Grace Exp*  
*End Date*  
*by* EMARMST  
*Last Modified* 8/23/2019 11:17

**License Description**

*Property Type* COM  
*License Category* 300508  
*Business Name* FM RESTAURANTS ACAPULCO OPCO  
*DBA Name* ACAPULCO RESTAURANT Y CANTINA  
 Detailed Description of Business Activities  
 ENTERTAINMENT W/O DANCING  
*Application Reason* NEWLICENSE  
*Description* Entertainment Without Dancing (Alcohol)  
*HH/MH: Total #*  
*Units* 0  
*Census Tract* 0  
*Council District* 3

**License Details**  
(Tab Not Loaded)

**Endorsements**  
(Tab Not Loaded)

**Reviews**

Record Results

Reviews	#	Result	Comments	Completed	Started
---------	---	--------	----------	-----------	---------

Review #	Review Type	Add Date	Result By	Completed By	Review Description	Star By	
65192	BUSLIC	1 5/23/2019	APPROVED	EMARMST 8/23/2019 11:17	EMARMST	Business License	
65193	BUILDING	1 5/23/2019	APPROVED	TAVU 8/21/2019 14:47	TAVU	Building Dept Review	
65194	FIRE	1 5/23/2019	APPROVED	SYSTEM 6/5/2019 09:15	brweidm	Fire Dept Review	
<p><b>ENTERTAINMENT LICENSE APPROVED PROVIDED ALL PROVISIONS OF THE CITY'S NOISE ORDINANCE, LONG BEACH MUNICIPAL CODE 8.80, ARE ABIDED BY.</b></p>							
65195	HEALTH	1 5/23/2019	APPROVED	SYSTEM 6/4/2019 11:05	MIYAMAD	Health Dept Review	
65196	POLICE	1 5/23/2019	APPRWCOND	See Attachments	SYSTEM 8/5/2019 07:31	JEARZOL	Police Dept Review
65197	PLANNING	1 5/23/2019	APPROVED	JORAMIR 6/4/2019 11:30	JORAMIR	Planning Dept Review	
68139	COUNCIL	1 8/23/2019				Council	
68140	HEARINGPRE	1 8/23/2019				Hearing Prep	

**Inspections**

(Tab Not Loaded)

**Conditions**

(Tab Not Loaded)

**Fees**

(Tab Not Loaded)

**Applicants**

(Tab Not Loaded)

**Sites**

(Tab Not Loaded)

**Employees**

(Tab Not Loaded)

**Related Records**

(Tab Not Loaded)

**Logs**

(Tab Not Loaded)

**Attachments**

(Tab Not Loaded)





**Date:** August 3, 2019  
**To:** Sandy Palmer, Bureau Manager, Business Relations Bureau  
**From:** Robert G. Luna, Chief of Police  
**Subject:** **APPLICATION FOR AN ENTERTAINMENT PERMIT WITHOUT DANCING FOR ACAPULCO RESTAURANT – 6270 EAST PACIFIC COAST HIGHWAY**

---

In response to your request for a recommendation regarding the above named permit application for Entertainment without Dancing, the Police Department recommends **approval**, subject to the following conditions below:

The Acapulco Restaurant is located in the southwest corner of the Marina Pacifica Mall and borders the Los Cerritos Channel. The business serves Mexican cuisine for breakfast, lunch, and dinner. The business had a valid entertainment for the last 30 years and was required to reapply because of new ownership. The business currently holds a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control license. On June 4, 2019, the Police Department received an application for an Entertainment without Dancing Permit requesting live amplified and recorded music.

Based upon the Police Department's investigation, the East Division Patrol Commander's recommendation, and the crime analysis, the Long Beach Police Department has determined the public peace, safety, and welfare would not be adversely impacted by the issuance of this permit, provided the appropriate conditions are imposed and observed by the applicant. The Police Department recommends approval of an Entertainment Permit without Dancing by Patrons.

**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 page #9 of your entertainment application shall be restricted from 11:00 AM to 10:00 PM, Sunday through Thursday, 11:00 AM to 11:00 PM, Friday and Saturday.

ENTERTAINMENT WITHOUT DANCING PERMIT  
ACAPULCO RESTAURANT  
Page 2

- 4) This Entertainment Permit is accessory to the primary business, which is a restaurant. The authorization to provide entertainment on-site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.
- 5) "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food only as sandwiches or salads shall not be deemed compliant with this requirement. Meals must consist of food prepared on the premises. Hours of sales of alcohol shall be limited to the hours when meals are available.

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

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

- 6) The permittee shall not convert the restaurant, or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with **regular dining** or **pre-planned banquet activities**. A banquet is defined as a function held at a bona fide eating place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks, and hors d-oeuvres shall not constitute a complete and substantial meal.
- 7) 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.
- 8) Noise emanating from the permittee's premises shall not be audible beyond fifty feet (50') from the property line of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows closed, limiting hours of entertainment, or by offering non-amplified entertainment.

ENTERTAINMENT WITHOUT DANCING PERMIT  
ACAPULCO RESTAURANT  
Page 3

- 9) Entertainment activities shall not be amplified with any portable speakers. Any live or recorded music shall only be played through the existing speakers throughout the restaurant and patio area. No additional speakers or amplifiers may be used at any time
- 10) 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
- 11) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10 P.M. and 7 A.M...
- 12) 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.
- 13) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors at all times while open for business. This should be done by utilizing security guards and signage with verbiage such as, "Please respect our neighbors", or something similar.
- 14) At the conclusion of each night, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles and not loiter in the parking lot or the immediate area.
- 15) Deliveries to and from the premises shall be limited to the hours of 8:00 a.m. to 10:00 p.m.
- 16) 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.
- 17) The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.
- 18) The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.

ENTERTAINMENT WITHOUT DANCING PERMIT  
ACAPULCO RESTAURANT

Page 4

- 19) Acapulco Restaurant, 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 promoter contracts, including names, addresses, and phone numbers, on file at all times, and be available for inspection at any time.
- 20) The permittee shall provide a minimum of one (1) licensed security guard during all times that the entertainment activities are being conducted for crowds up to fifty (50) people. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.  
  
The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public
- 21) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request.
- 22) 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.
- 23) The permittee shall maintain full compliance with all applicable laws, ordinances, and stated conditions. In the event of a conflict with the requirements of this permit, the more stringent regulation shall apply.
- 24) 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 available for inspection at any time.

ENTERTAINMENT WITHOUT DANCING PERMIT  
ACAPULCO RESTAURANT  
Page 5

- 25) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.
  
- 26) 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 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.

RL:JA:ja  
AppvlCond.Acapulco