



December 15, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions on the application of Keller Enterprises LLC, DBA Kavikas, 95 Aquarium Way, for Entertainment with Dancing by Patrons. (District 2)

DISCUSSION

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

The LBMC also requires that the City Council make a determination that the permit application is complete and truthful; the applicant and the officers and trustees of the entity are law-abiding persons who will operate and conduct the business activity in a lawful manner; and that public peace, welfare and safety will not be impaired. If this is so, the application shall be approved, a short-term entertainment permit shall be approved, or the application shall be denied.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Entertainment Permit, with or without conditions; or, 3) deny the Permit on the application.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, the business ownership and permit history, and the entertainment permit application.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved with conditions.
- The Fire Department finds that the building/location meets department requirements for the proposed use.

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

The Department of Financial Management, Business Relations Bureau, has reviewed all submitted department documents and correspondence and, after a thorough investigative process, recommends that the permit for entertainment with dancing by patrons be approved as a One-Year Short-Term Permit subject to the standard entertainment conditions of the Downtown Dining and Entertainment District (attached).

In the event that any of the recommended conditions are in conflict with other permits or licenses, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a restaurant since August 2008.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on November 23, 2009.

TIMING CONSIDERATIONS

The hearing date of December 15, 2009, 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 \$20 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,125 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$320.70 and Regulatory \$265 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

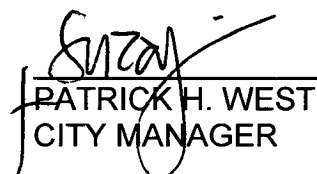


LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT

LAF: ES: JEM
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ATTACHMENTS

APPROVED:


PATRICK H. WEST
CITY MANAGER



Recommended Conditions of Operation
Keller Enterprises LLC, DBA Kavikas, 95 Aquarium Way
Application for Entertainment with Dancing

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

Outdoor amplified entertainment is prohibited during the period of the pilot program, except for rooftop entertainment that was permitted at the time of the creation of this pilot program, or except in conjunction with a special events permit.

- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.
- 3) The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.

- 6) The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)
- 9) Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

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

- 11) If an establishment is licensed as a restaurant, all entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a private 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. Taverns are not subject to this requirement.
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
- 13) The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.
- 14) At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
- 15) The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
- 16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
- 17) When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the City of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

Tiered Conditions

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

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

Tier 1 Conditions:

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

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

Tier 2 Conditions:

Noise:

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

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

Security/Public Safety:

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

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

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

Tier 3 Conditions:

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

Noise:

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

Security/Public Safety:

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

---Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

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



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

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

BUSINESS RELATIONS BUREAU

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 95 Aquarium Way

Keller Enterprises LLC
DBA Kavikas
Lic #20937470
08/09 – Pending Council approval

Entertainment With Dancing

Keller Enterprises LLC
DBA Kavikas
Lic #20914290
04/09 - Active

Restaurant with Alcohol



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Keller Enterprises LLC, DBA Kavikas. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

SUBMITTED FOR CITY COUNCIL ACTION

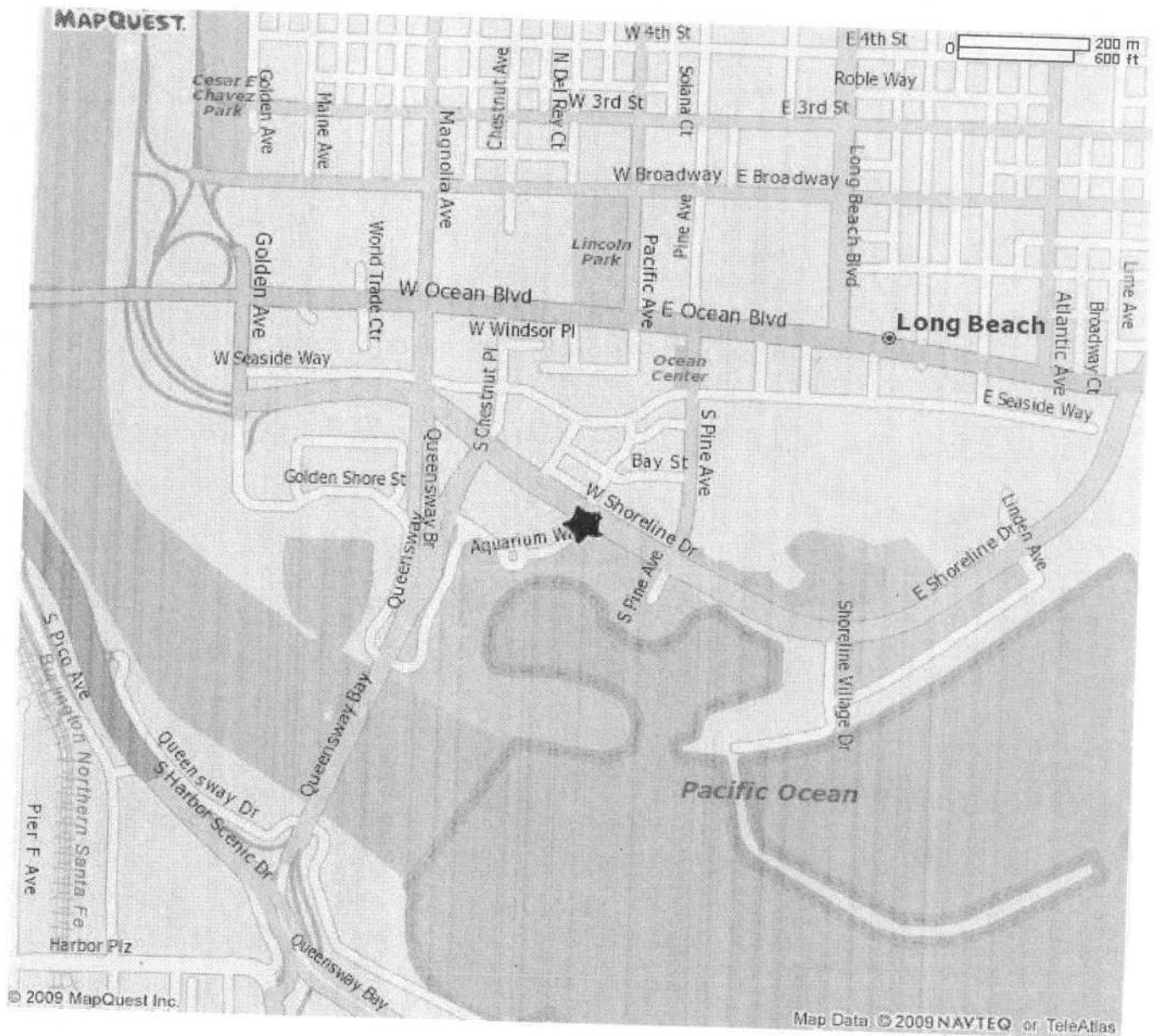
	<u>Without Concern</u>	<u>With Conditions</u>	<u>With Concerns</u>
Police Department		X	
Fire Prevention Bureau	X		
Health and Human Services Department/Noise Control		X	
Development Services Department	X		

Questions concerning the above may be directed to the following:

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

Compiled by: Department of Financial Management
 Business Relations Bureau

Kavika's 95 Aquarium Way





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

www.longbeach.gov
(562) 570-6211

GENERAL INFORMATION

OWNER'S NAME (or corporate name, partnership name, or partners) Keller Enterprises LLC	DRIVER'S LICENSE NUMBER [REDACTED]	STATE [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]
BUSINESS NAME (O.B.A.) KAVIKAS RESTAURANT Bar	TYPE OF BUSINESS (Be specific) Restaurant - Entertainment w/ dancing		
BUSINESS ADDRESS 95 Aquarium Way	STREET LB	CITY CA	STATE 90802
BILLING ADDRESS (if different) SAME	STREET	CITY	STATE
RESIDENCE ADDRESS (if different) [REDACTED]	STREET	CITY	STATE
LIST OF PRINCIPAL OFFICERS' OR PARTNERS' NAMES AND RESIDENTIAL ADDRESS (If more than one, please attach a list)		TITLE	% OWNERSHIP
David Keller		Member	10%
Michael Keller		Managing Member	90%
<input type="checkbox"/> New Business <input type="checkbox"/> Address Change <input type="checkbox"/> Ownership Change <input checked="" type="checkbox"/> Secondary License <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> L.L.P. <input checked="" type="checkbox"/> LLC			

BUSINESS OPERATIONS INFORMATION

START DATE 04/15/2009	NO. OF EMPLOYEES 2	NO. OF VEHICLES 0	SALES TAX (SELLER'S PERMIT) NUMBER [REDACTED]
Does your business have a Calif State Lic? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		STATE LICENSE NUMBER BU 20914290	RENEWAL DATE 04/13/2009

FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT

Do you plan to sell or serve food? (including pre-packaged)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
If serving food, how many seats?: 200	
Do you plan to sell wholesale food?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you plan to sell or serve alcoholic beverages	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
If yes, ABC License number: 47-414601	
Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
How many: _____ Type: _____ Owner: _____	
Do you plan to sell tobacco products or tobacco paraphernalia?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Will you have:	
<input checked="" type="checkbox"/> Music <input checked="" type="checkbox"/> Dancing <input checked="" type="checkbox"/> Performers <input type="checkbox"/> Adult Entertainment	

SERVICES / FUND RAISING

Will you offer massage, tanning, body-wrap, escort or other similar personal services?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Will you provide a towing service?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Will you engage in fund raising?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Will you deal in coins, stamps, firearms, jewels, or second-hand property?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N

BUILDING AND FACILITY INFORMATION

Property Owner's Name: DDR	
Business sq. ft.: 8300	Warehouse on site? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you: <input type="checkbox"/> Own or <input checked="" type="checkbox"/> Rent/Lease your business property?	
Does your business require construction and/or remodeling?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N

HAZARDOUS MATERIALS / MEDICAL WASTE

Will you use, store, or transport chemicals (new or waste state)?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Will you manage or produce bio-hazardous materials or waste?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N

ACKNOWLEDGEMENT

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 obtain a business license or I will be in violation of L. B. M. C., Section 3.80. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.

- ☒ SIGN and return this statement with your remittance.
- ☒ Make checks payable to City of Long Beach

OWNER(S) OR AUTHORIZED AGENT

Signature [Signature]	Date 07/22/09	PRINT NAME/TITLE Member David Keller
Signature [Signature]	Date 11/5/09	PRINT NAME/TITLE Michael W. Keller

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	Exp Date: _____
Basic Tax	Prev Lic: _____	
Employees # _____ @ \$ _____ =	Exp Date: _____	
Vehicles # _____ @ \$ _____ =	District: 813	
Other # _____ @ \$ _____ =	SIC: 5813	
PIA # _____ @ \$ _____ =	Enclosed by: [Signature]	
PIA Employees # _____ @ \$ _____ =	Date: 07/22/09	
Regulatory	20937970	
Investigation		
Misc. Fees		
Sub Total		
Zoning		
Building Review		
Total		

Zoning Review
☐ Y ☐ N ☐ N/A
By: _____
Date: _____
☐ New construction ☐ Reuse
Zone: **PD-6**
Comments: **Need to check permits**

NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY CONTACTING (562) 570-6211



Accepted By: [Signature] Date: 8/5/09
Zoning Approval By: Plc 04 Need so if Date: 8-5-09
Club parking

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Keller Enterprises LLC
Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: 662 432.8700
Business Site Address: 95 Aquarium Way Long Beach, CA 90802
Date Business Proposes To Open: Opened 04/15/2009
Days & Time Premises Are Open For Inspection: Sun - Thurs 10a - 10p Fri/Sat - 10a - 12a

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building: Entertainment/Dancing in bar area

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

Contact Person(s) Phone Number: (562) 833-6565

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 for basis for denial

☐ Police Department finds basis for denial

☐ Police Department finds no for 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):

N/A

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

DBA - KAVIKAS Grill & Bar

Place and date of filing fictitious business name statement:

Orange County Clerk - Recorder
02/08/2008

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:

DAVID KELLER -

MICHAEL KELLER -

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

Stephen H. Marcus ESQ 10537 Santa Monica Blvd LA, CA 90025

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:

Bus. License - Long Beach - 4/13/2010

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

If yes, explain:

Kavikas Grill & Bar

☒ YES

☐ NO

How long has the corporation or business been in operation?

< 1 year

Is the location: Owned? ☐ Rented/Leased? ☒

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

Name:

DDR

Address:

95 South Pine Ave.

Long Beach, CA 90802

IF APPLYING AS A PARTNERSHIP

Check One Box:

☐ General Partnership

☐ Limited Partnership

☒ LLC (Limited Liability Co.)

Name of Partnership:

Keller Enterprises

Percentage of Partnership

Name and residence addresses of *General Partners*:

Interest:

Michael Keller -

90 %

David Keller -

10 %

%

%

Names and residence addresses of *Limited Partners*:

Interest:

%

%

%

%

Place and date of filing Articles or Certificate of Partnership or Limited Partnership:

Orange County Clerk - Recorder

02/08/2008

Please Note:

Attach certified copies of *Articles of Partnership* or *Limited Partnership*, or other written evidence of partnership status and all amendments thereto this application.

IF APPLYING AS A PARTNERSHIP

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

PRINCIPAL PARTNER I

Name: DAVID KELLER Title: Member
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 95 Aquarium Way LB, CA 90802 Phone: 562.432.8700
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

PRINCIPAL PARTNER II

Name: Michael Keller Title: Managing Member
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 95 Aquarium Way LB, CA 90802 Phone: 562.432.8700
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

PRINCIPAL PARTNER III

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

PRINCIPAL PARTNER IV

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

Attach a list for additional partners

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 ☐

On sale beer and wine ☐

On sale distilled spirits ☒

47-464601

Restaurant

2. Is a bonafide-eating place provided on the premises? (Bonafide eating place means a place which is regularly used for serving meals for compensation, which has suitable kitchen facilities containing conveniences for cooking an assortment of foods for ordinary meals other than fast foods, sandwiches or salads. The kitchen must contain proper refrigeration for food and must comply with all applicable regulations of the Health and Human Services Department.

☒ YES ☐ NO

a. If yes, list types of food sold:

Full Restaurant Service - Lunch, Dinner

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

3. Are non-alcoholic beverages sold?

☒ YES ☐ NO

4. How many tables for seating?

Approx. 67

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.

N/A

N/A

()

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided?

☒ YES ☐ NO

a. If yes, number of security officers:

1-4

12. Is any other type of security provided?

☐ YES ☒ NO

a. If yes, describe type of security:

N/A

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>9h</u>	<u>9h</u>	<u>N/A</u>
Security	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1h</u>	<u>1h</u>	<u>N/A</u>

13. Will a private security firm be used?

☐ YES ☒ NO

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

Name:

N/A

City Business License No.:

N/A

Address:

Telephone No.:

()

ADMISSION and/or MEMBERSHIP FEES CHARGED

14. Will minors be allowed on the premises?

☒ YES ☒ NO

15. Will the premises be open to the general public?

☒ YES ☐ NO

16. Will an admission fee be charged?

☐ YES ☒ NO

a. If yes, fee schedule:

17. Is there a private area for exclusive use of members and their guests only? ☐ YES ☒ NO

a. If yes, types of membership fees:

18. Will guests of members pay an admission fee or other charges?

☐ YES ☒ NO

a. If yes, describe the fee schedule and other charges:

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

HOURS OF OPERATION

Establishment hours of operation by day (fill out completely):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10a	10a	10a	10a	10a	10a	10a
Close	10p	10p	10p	10p	1a	1a	12p

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? ☒ YES ☐ NO

a. What type?

Bar / Nightclub

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)

N/A

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	24/7						
To							

d. How many individual parking spaces (approximately)? 1400

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. N/A

Describe entertainment by performers: Singing, Dancing

Dance Floor? ☒ Y ☐ N

Stage? ☐ Y ☒ N

If yes, provide dimensions and type of material of dance floor. L 31 X W 16 = 496 sq ft.

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

Describe floor material and surface type: Cork Flooring

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	All listed above						→
Start Time	10a	10a	10a	10a	10a	10a	10a
End Time	10p	10p	10p	10p	1a	1a	10p

RELEASE FORM

The undersigned, on behalf of (owner('s)) Keller Enterprises, 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) Kavvas Grill & Bar

to obtain the (entertainment type) ENTERTAINMENT WITH DANCING permit/license.

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]

(SIGNATURE OR AUTHORIZED AGENT)

Member

(TITLE)

01/22/2009

(DATE)

[Redacted]

DRIVER'S LICENSE OR ID CARD NUMBER

[Redacted]

STATE

[Signature]

ACCEPTED BY (CITY STAFF)

CSR III

TITLE

10/5/09

DATE

State of California
Secretary of State

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of _____ page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



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

JUN 1 2 2005

A handwritten signature in black ink, appearing to read "Bruce McPherson", written over a horizontal line.

BRUCE McPHERSON
Secretary of State

0708029MU

KAVIKAS
93 Aquarium Way
Long Beach, CA 90802

04/02/08



20080569798

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

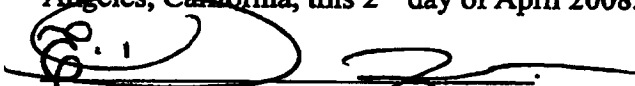
I'm a legal resident of the United States and a resident of the County of aforesaid; I'm over the age of eighteen years and not a party to or interested in the above-entitled matter. I'm an authorized signatory for the AZUZA

HERALD, a newspaper of general circulation, printed and published WEEKLY in the city of West Covina County of Los Angeles and which paper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of: October 6th, 1988 Case Number C 695 704; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/21; 02/28 03/06 and 03/13, 2008

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

Executed at Santa Fe Springs, County of Los Angeles, California, this 2nd day of April 2008.


California New Business Bureau
12631 E. Imperial Hwy. #A-219
Santa Fe Springs, CA 90670

0708029MU File No. 20080239708
FICTITIOUS BUSINESS NAME
STATEMENT
The following person (s) is (are) doing business as: KAVIKAS 93 Aquarium Way Long Beach, CA 90802 Full name of registrant (s) is (are) KELLER ENTERPRISES, LLC 22 Golden Eagle Irvine, CA 92614 The business is conducted as: A LIMITED LIABILITY COMPANY. I declare that all information in this statement is true and correct. (A registrant who declares as true information, which he or she knows to be false, is guilty of a crime.) This statement was filed with the County Clerk of Los Angeles County on Feb 08, 2008. The registrant (s) has (have) not commenced to transact business under the fictitious business name or names listed above. NOTICE-The Fictitious Name Statement expires five years from the date it was filed in the office of the County Clerk. A new Fictitious Business Name Statement must be filed before that time. 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 of the Business and Professions Code) First filing: 02/21; 02/28; 03/06 and 03/13, 2008 Azusa Herald 0708029MU

CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT



ACCOUNT NUMBER

11/17/2008 SR [REDACTED]

KAVIKAS
KELLER ENTERPRISES LLC
95 AQUARIUM WAY
LONG BEACH, CA 90802-8139

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 Information Center at 800-400-7115.

For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.

BOE-442-H (R) V. 15 (7-08)

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.boe.ca.gov
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you 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 Board
- You are responsible for following the regulations set forth by the Board

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 Board representative when requested. 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 Board office, or giving it to a Board representative.

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

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

STATE BOARD OF EQUALIZATION

Sales and Use Tax Department



Accepted By: [Signature] Date: 8/5/09
Zoning Approval By: Pls. OK need so ff Date: 8-5-09
Club parking

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Keller Enterprises LLC
Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: 662 432.8700
Business Site Address: 95 Aquarium Way Long Beach, CA 90802
Date Business Proposes To Open: Opened 04/15/2009
Days & Time Premises Are Open For Inspection: Sun - Thurs 10a - 10p Fri/Sat - 10a - 12a

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building: Entertainment/Dancing in bar area

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

Contact Person(s) Phone Number: (562) 833-6565

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 for basis for denial

☐ Police Department finds basis for denial

☒ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: _____

By: [Signature]

Title: CHIEF OF POLICE

Date: 11-11-09



Date: November 13, 2009
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Billy B. Quach, Chief of Police *BQ*
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT KAVIKAS GRILL & BAR - 95 AQUARIUM WAY**

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 seventeen (17) standard conditions of the Downtown Dining and Entertainment District:

Kavikas Grill & Bar is a restaurant located north of the Aquarium just above V2O. The business is a for-profit corporation, Keller Enterprises, LLC, dba Kavikas Grill & Bar. The corporation is owned by Michael and David Keller and currently holds a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control license. The establishment serves domestic food and will provide live entertainment during the evening hours. Based on the Police Department's investigation, and the South Division Patrol Commander's recommendation, the Long Beach Police Department does not believe the issuance of an Entertainment Permit with Dancing will have an adverse impact on Patrol Division resources.

CONDITIONS OF OPERATION

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

Outdoor amplified entertainment is prohibited during the period of the pilot program, except for rooftop entertainment that was permitted at the time of the creation of this pilot program, or except in conjunction with a special events permit.

- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.

ENTERTAINMENT WITH DANCING AT KAVIKAS GRILL & BAR
95 AQUARIUM WAY
Page 2

- 3) The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.
- 6) The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)

ENTERTAINMENT WITH DANCING AT KAVIKAS GRILL & BAR
95 AQUARIUM WAY
Page 3

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

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

- 11) If an establishment is licensed as a restaurant, all entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a private 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. Taverns are not subject to this requirement.
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.

ENTERTAINMENT WITH DANCING AT KAVIKAS GRILL & BAR
95 AQUARIUM WAY
Page 4

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

BBQ:CNA:cna
AppvCondKavikas

Attachment

Attachment "B"

Tiered Conditions

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

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

Tier 1 Conditions:

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

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

Tier 2 Conditions:

Noise:

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

---Permittee must keep all doors and windows closed except while patrons are entering or exiting.

---Meet with Health Department staff to discuss best practices to be implemented to mitigate noise.

- No outdoor entertainment of any kind will be permitted after 10 p.m.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.

Security/Public Safety:

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

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

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

Tier 3 Conditions:

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

Noise:

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

Security/Public Safety:

- The establishment must cease entertainment not later than 10 p.m. on Sunday through Wednesday nights and no later than midnight on Thursday through Saturday nights. The Chief of Police is authorized to make adjustments of up to one hour in these times to protect the public peace.

---Permittee shall limit the queue outside the establishment to no more than 20 people. There shall be no queue within 2 hours of the lawful closing time. Any persons gathering outside the establishment shall be considered to be loitering.

---Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

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



Accepted By: Miguel Garcia Date: 8/5/09
Zoning Approval By: Heidi Need so jr Date: 8-5-09
Club parking

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Keller Enterprises LLC
Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: 909 432.8700
Business Site Address: 95 Aquarium Way Long Beach, CA 90802
Date Business Proposes To Open: Opened 04/13/2009
Days & Time Premises Are Open For Inspection: Sun - Thurs 10a - 10p Fri/Sat - 10a - 12a

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building: Entertainment/Dancing in bar area

Contact Person(s) Name (authorized agent, manager, etc.): DAMO KELLER Eddie

Contact Person(s) Phone Number: (562) 833-6565

Type of Organization:

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

☐ Building ☒ Fire ☐ Health (Check Inspecting Department) Date Received: 10/9/09

☒ 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): 10/28/09 By: Wendy Goetz

POLICE DEPARTMENT

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

☐ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 07/23/2009

Name of Business (DBA): KANUKAS Grill + Bar

Name of Business Owner: David Keller

Business Address: 45 Aquarium Way
Long Beach, CA 90802

Dear New Business Owners:

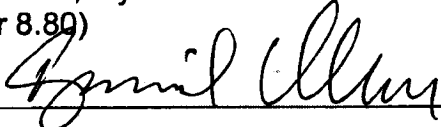
The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

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) 

Title EXECUTIVE CHEF / MEMBER

Phone # (562) 833-6565

FAX # (562) 432-2411



Accepted By: [Signature] Date: 8/5/09
Zoning Approval By: Plz. or need so if Date: 8-5-09
check printing

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Keller Enterprises LLC
Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: 662 432.8700
Business Site Address: 95 Aquarium Way Long Beach, CA 90802
Date Business Proposes To Open: Opened 04/15/2009
Days & Time Premises Are Open For Inspection: Sun - Thurs 10a - 10p Fri/Sat - 10a - 12a

Proposed Use(s):

Entertainment/Restaurant With Dancing ☒ Without Dancing ☐

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building: Entertainment/Dancing in bar area

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

Contact Person(s) Phone Number: (662) 833-6565

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: 10/5/09
☒ Building/Location meets Department Requirements for the proposed use. AZ
☒ Building/Location meets Department Requirements for the proposed use subject to the following conditions:
SEE FIRE CONDITIONS

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

Inspection Completed On (date): _____ By: _____


POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



Date: October 12, 2009
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Current Planning Officer 
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 95 Aquarium Way
Long Beach, CA 90802

Applicant: Keller Enterprises, LLC, DBA Kavikas

Zoning District: PD-6 (Downtown Shoreline Planned Development District)

Proposed Use: Entertainment with Dancing

The Current Planning Division of the Department of Development Services has the following comments:

No CUPs or AUPs were found for the subject site.

The subject site is located within PD-6, the Downtown Shoreline Planned Development District. Entertainment, including dancing by patrons as an accessory use to a restaurant, is a permitted use in this zone. Based on the submitted floor plan no extra parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Kavikas" be approved.

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