

# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

# H-1

333 West Ocean Blvd • Long Beach, California 90802

November 1, 2011

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 HEC Entertainment of Long Beach, Inc., DBA Harvelle's, 206 The Promenade North, 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 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 the 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 as a One-Year Short-Term Entertainment Permit subject to the standard conditions of the Downtown Dining and Entertainment District.
- The Fire Department finds that the building/location meets department requirements for the proposed use.

HONORABLE MAYOR AND CITY COUNCIL

November 1, 2011

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- 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 Entertainment 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 bar/tavern/lounge since July of 2011.

This matter was reviewed by Deputy City Attorney Amy R. Webber on October 3, 2011.

#### TIMING CONSIDERATIONS

The hearing date of November 1, 2011 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 \$15 (Development Services Department), Police Investigation \$1,183 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$321.97 and Regulatory \$1,006 (Financial Management Department).

#### SUGGESTED ACTION:

Approve recommendation.

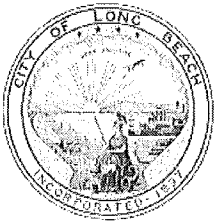
Respectfully submitted,

  
JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

JG: ES: AMK  
ATTACHMENTS

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
BUSINESS RELATIONS BUREAU

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

**Recommended Conditions of Operation**  
**HEC Entertainment of Long Beach, Inc., DBA Harvelle's**  
**206 The Promenade North**  
**Application for Entertainment with Dancing**

In regards to the above named permit application for Entertainment with Dancing, the Department of Financial Management recommends **approval subject to the following conditions of the Downtown Dining and Entertainment District:**

## 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 this program, except for rooftop entertainment that was permitted at the time of the creation of this 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."

#### **Additional Conditions**

- 18) The permittee must submit an application for the renewal of the entertainment with dancing permit no later than July 1, 2011 to continue to provide entertainment without a break.

## **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, 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, CALIFORNIA 90802

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for HEC Entertainment of Long Beach, Inc., DBA Harvelle's. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

### SUBMITTED FOR CITY COUNCIL ACTION

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

Questions concerning the above may be directed to the following:

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

Compiled by: Department of Financial Management  
Business Relations Bureau





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

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

BUSINESS RELATIONS BUREAU

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 206 The Promenade North

HEC Entertainment of Long Beach, Inc. Entertainment With Dancing  
DBA: Harvelle's  
Lic# 21120080  
07/11 – Pending

HEC Entertainment of Long Beach, Inc. Bar/Tavern/Lounge  
DBA: Harvelle's  
Lic# 21120090  
07/11 – Current

Armadillo Properties, Inc. Entertainment With Dancing  
DBA: The Cellar & Quentons (Temporary Permit)  
Lic#20923150  
01/10 – 05/10

Armadillo Properties, Inc. Entertainment With Dancing  
DBA: The Cellar & Quentons  
Lic#20733880  
07/08 – 07/09

Armadillo Properties, Inc. Restaurant With Alcohol  
DBA: The Cellar & Quentons  
Lic#20733860  
03/08 – 03/11





**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

OWNER/ENTITY NAME (e.g., Sole Owner, Corporation, LLP, LLC, Partnership) <b>HEC Entertainment of Long Beach, Inc.</b>		DRIVER'S LICENSE NO. [REDACTED]	STATE <b>CA</b>	SOCIAL SECURITY NO. [REDACTED]	HOME OCCUPATION <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
BUSINESS NAME (D.B.A.) <b>Harvelle's</b>		TYPE OF BUSINESS (Be specific) <b>ENTERTAINMENT</b>			
BUSINESS ADDRESS <b>203 The Promenade North</b>	STREET <b>Long Beach</b>	CITY <b>CA</b>	STATE <b>CA</b>	ZIP <b>90802</b>	AREA CODE/TELEPHONE <b>310-995-1676</b>
BILLING ADDRESS (if different) <b>1424 4th #217</b>	STREET	CITY <b>Santa Monica</b>	STATE <b>CA</b>	ZIP <b>90401</b>	AREA CODE/TELEPHONE <b>310-395-1676</b>
RESIDENCE ADDRESS (if different)	STREET	CITY	STATE	ZIP	AREA CODE/TELEPHONE

LIST OF PRINCIPAL OFFICERS, MEMBERS, PARTNERS AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)	TITLE	% OWNERSHIP
<b>Christopher Clark</b>	<b>President</b>	
<b>Ed Field</b>	<b>Board member</b>	
<b>David Ormesher</b>	<b>Secretary</b>	

New Business  Address Change  Ownership Change  Secondary License  Sole Owner  Partnership  Corporation  LLP  LLC

START DATE <b>8-1-11</b>	NO. OF EMPLOYEES <b>9</b>	NO. OF VEHICLES	FEDERAL TAX ID. NUMBER [REDACTED]	SALES & USE TAX (SELLER'S PERMIT) NO. [REDACTED]
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	

Do you plan to sell or serve food? (Includes pre-packaged) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If serving food, how many seats?: _____	Will you offer massage, tanning, herbal therapy, escort or any other services that improve the health or well being of another? <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	Will you engage in fund raising? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
ABC License number: <b>430740</b> Type: <b>48</b>	Will you deal in coins, firearms, jewels or second-hand property? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Does your business have amusement machines, video games, vending machines, jukebox and/or pool tables? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Property Owner's Name: <b>DAN PETERSON</b>
How many: _____ Type: _____ Owner: _____	Business sq. ft.: <b>4000</b> Warehouse on site? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Do you plan to sell tobacco products/paraphernalia? <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?
Do you plan to operate a Smoking Lounge? <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
Will you deal with, use, store or transport Medical Marijuana? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Will you use, store, or transport chemicals (new or waste state)? <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?	

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, 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.**

Signature: \_\_\_\_\_ Date: **6-16-11** PRINT NAME/TITLE: **Christopher Clark President**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ PRINT NAME/TITLE: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Inspection(s): <input type="checkbox"/> Bldg <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> HazMat <input type="checkbox"/> PD <input type="checkbox"/> Other	Prev Use: <b>Same/Bar</b> Exp. Date: _____
Basic Tax	Prev Lic: _____
Employees # _____ @ \$ _____ = _____	Exp Date: _____
Vehicles # _____ @ \$ _____ = _____	District: <b>05</b>
Other # _____ @ \$ _____ = _____	CRT: <b>300507</b>
PIA _____	SIC: <b>5813</b>
PIA Employees # _____ @ \$ _____ = _____	Entered by: <b>AK</b>
Regulatory	Date: <b>06/16/11</b>
Investigation	BU <b>211200800</b>
Misc. Fees	
Sub Total	
Zoning	
Building Review	
Total \$ _____	

**Zoning Review**

Y  N  N/A

By: \_\_\_\_\_

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

New construction  Reuse

Zone: \_\_\_\_\_

Comments: \_\_\_\_\_

**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: \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): HEC Entertainment of Long Beach INC.  
 Business Name (DBA): Harvelle's Business Phone: (310) 995-1676  
 Business Site Address: 206 The Promenade North, Long Beach, CA 90801  
 Date Business Proposes To Open: 8/1/11  
 Days & Time Premises Are Open For Inspection: week days - 8AM to 5PM  
 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:

Contact Person(s) Name (authorized agent, manager, etc.): Christopher Clark  
 Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

OFFICE USE ONLY

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

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

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

Harvelles

Place and date of filing fictitious business name statement:

Los Angeles

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:

Christopher Clark



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

Christopher Clark



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:

NONE

Is this applicant a subsidiary of a present corporation or business?  YES  NO

If yes, explain:

How long has the corporation or business been in operation?

April 2011

Is the location: Owned?  Rented/Leased?

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

Name:

Inex LLC. (DAN Peterson)

Address:

207 E Broadway #801

Long Beach, CA 90802

IF APPLYING AS A CORPORATION

Check One Box:       For-Profit Corporation                       Non-Profit Corporation

(If a Non-Profit Corporation, please attach copies of both State and federal Tax Exemption Certificates)

Name of Corporation: HEC Entertainment of Long Beach, Inc.

Corporation Number: C8373744

Date and Place of Incorporation: 4/29/11 Los Angeles

Location Headquarters: 206 The Promenade North Long Beach, CA 90802

Please attach certified copies of *Articles of Incorporation and By-Laws*, and all amendments thereto this application.

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title	Address	Telephone
<u>Christopher Clark</u>	<u>President</u>		
<u>Ed Field</u>	<u>Board Member</u>		
<u>David Ormesher</u>	<u>Secretary</u>		

Numbers of shares issued by Corporation: 5,900

Number of share retained by Corporation: 14,100

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

<u>Christopher Clark</u>	
<u>Ed Field</u>	
<u>David Ormesher</u>	

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

Christopher Clark -

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Christopher Clark Title: President  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 1432 4th St. Santa Monica, CA Phone: 310-395-1676  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

CORPORATE OFFICER II

Name: David Ormesher Title: Secretary  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 1432 4th St. Santa Monica, CA Phone: 310-395-1676  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

CORPORATE OFFICER III

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

CORPORATE OFFICER IV

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

# GENERAL OPERATING CONDITIONS

Complete Each Question

## ALCOHOL/FOOD/ADDITIONAL BUSINESSES

1. Will liquor be sold or consumed on the premises?  YES  NO

a. If Yes, complete the following box:

Check one box to indicate License Type

Alcohol Beverage Control License No.

Premises Type: (Club (restaurant) or Commercial (store))

On sale beer

On sale beer and wine

On sale distilled spirits

48-430740

Club

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

YES  NO

a. If yes, list types of food sold: \_\_\_\_\_

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

3. Are non-alcoholic beverages sold?

YES  NO

4. How many tables for seating? 10

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: 4
12. Is any other type of security provided?  YES  NO  
 a. If yes, describe type of security: Electronic

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	8 PM	8 PM	8 PM	8 PM	8 PM	8 PM	8 PM
Security	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

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: Cover charge on nights Live Entertainment is provided 5.00 - 25.00
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 ?	8 AM	8 AM	8 AM	8 AM	8 AM	8 AM	8 AM
Close	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? Art Gallery, Restaurant

20. Are there surrounding residences?  YES  NO

a. Approximately how close? within the same building

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO

a. If no, what is the street address of the off-premises parking facility? N/A Building is a historical landmark. Please refer to case No. 0203-04 Planning Com. July 18 2002

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) Planning Commission 'grand fathered' parking. Please see page 6 of recommendation end page 23 of negative Declaration (Approved 4-18-02)

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To							

d. How many individual parking spaces (approximately)? \_\_\_\_\_

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: Jazz, Blues, B&B, Funk, Soul

Dance Floor?  Y  N

Stage?  Y  N

If yes, provide dimensions and type of material of dance floor. L 28' X W 17' = 478 sq ft.

If yes, provide dimensions and type of material of stage. L 20' W 11' H 16"

Describe floor material and surface type: wood & carpet

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	Live Music	Live Music	Live Music	Live music	Live music	Live MUSIC	Live Music
Start Time	8 PM	8 PM	8 PM	8 PM	8 PM	10 AM	10 AM
End Time	1:30 AM	1:31 AM	1:30 AM	1:30 AM	1:30 AM	1:30 AM	1:30 AM

RELEASE FORM

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

(DBA) Haavelle's


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 OR AUTHORIZED AGENT)

  
DRIVER'S LICENSE OR ID CARD NUMBER

President  
(TITLE)

  
STATE

06-14-11  
(DATE)

  
ACCEPTED BY (CITY STAFF)

AAA  
TITLE

06/15/11  
DATE



5373744

ARTICLES OF INCORPORATION  
OF

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

HEC ENTERTAINMENT OF LONG BEACH, INC.

APR 29 2011

I

The name of this corporation is HEC Entertainment of Long Beach, Inc.

II

The purpose of this corporation is to engage in any other lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in this state of the corporation's initial agent for service of process is: Christopher Clark, 1424 4th Street, Suite 217, Santa Monica, CA 90401.

IV

This corporation is authorized to issue only one class of shares of stock, which shall be designated Common Stock. The total number of shares it is authorized to issue is twenty-thousand (20,000) shares.

V

All of this corporation's issued shares shall be held of record by not more than 35 persons, and this corporation is a close corporation.

*Kevin Harr*

DATED: April 26, 2011

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Kevin M. Harr, Esq.  
Incorporator

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

**SELLER'S PERMIT**



ACCOUNT NUMBER

8/1/2011 SR AS [REDACTED]

HEC ENTERTAINMENT OF LONG BEACH  
206 THE PROMENADE N  
LONG BEACH, CA 90802-3143

*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-R REV. 15 (2-06)

**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](http://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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
3950 PARAMOUNT BLVD
STE 250
LAKEWOOD, CA 90712
(562) 982-1337

File Number: 511229
Receipt Number: 2057117
Geographical Code: 1932
Copies Mailed Date: May 26, 2011
Issued Date:

DISTRICT SERVING LOCATION: LB/LAKEWOOD

First Owner: HEC ENTERTAINMENT OF LONG BEACH INC
Name of Business: HARVELLES
Location of Business: 206 PROMENADE
LONG BEACH, CA 90802-3143

County: LOS ANGELES

Is Premise inside city limits? Yes Census Tract 5762.00

Mailing Address: 1424 4TH ST
STE 217
SANTA MONICA, CA 90401-2373

Type of license(s): 48

Transferor's license/name: 430740 / IRWIN, JOSEPH MACLEOD Dropping Partner: Yes No

Table with columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include ANNUAL FEE, PERSON-TO-PERSON TRANSFER, FEDERAL FINGERPRINTS, STATE FINGERPRINTS, and a Total row.

Have you ever been convicted of a felony? No

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of LOS ANGELES

Date: May 26, 2011

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Applicant Name(s)

Applicant Signature(s)

HEC ENTERTAINMENT OF LONG BEACH INC

See 211 Signature Page

Handwritten signature/initials





Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): HEC Entertainment of Long Beach, INC  
 Business Name (DBA): Harvelles Business Phone: ( ) 310-995-1676  
 Business Site Address: 206 The Promenade North, Long Beach, CA 9080  
 Date Business Proposes To Open: 8/1/11  
 Days & Time Premises Are Open For Inspection: week days - 8AM to 5pm  
 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:

Contact Person(s) Name (authorized agent, manager, etc.): Christopher Clark  
 Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

**OFFICE USE ONLY**

- Building  Fire  Health (Check Inspecting Department) Date Received: \_\_\_\_\_  
 Building/Location meets Department Requirements for the proposed use.  
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:  
 \_\_\_\_\_  
 Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

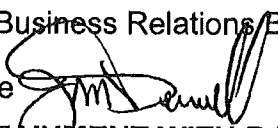
**POLICE DEPARTMENT**

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

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

By: [Signature] Title: POLICE CHIEF Date: 8-16-11



**Date:** August 18, 2011  
**To:** Erik Sund, Bureau Manager, Business Relations Bureau  
**From:** Jim McDonnell, Chief of Police   
**Subject:** **APPLICATION FOR ENTERTAINMENT WITH DANCING AT HARVELLE'S  
206 THE PROMENADE**

---

In response to your request for a recommendation regarding the above named permit application for Entertainment With Dancing, the Police Department recommends **approval** of a **One-Year Short-Term** Permit, subject to the following (17) standard conditions of the Downtown Dining and Entertainment District:

Harvelle's is a bar and nightclub located in the basement of the Insurance Exchange Building on the northeast corner of Broadway Avenue and The Promenade North. The business is owned and operated by Christopher Clark, who also owns another Harvelle's in the City of Santa Monica. On June 16, 2011, Harvelle's applied for an Entertainment with Dancing Permit, requesting live amplified music, a disc jockey, and karaoke music. On July 21, 2011, Harvelle's was issued a Type 48 (On Sale General Public Premise) Alcoholic Beverage Control license.

Based upon the Vice Section's investigation, and the South Division Patrol Commander's recommendation, and input from neighborhood residents, the Long Beach Police Department has determined the public peace, safety, and welfare would not be adversely impacted by the issuance of this permit provided the appropriate conditions are imposed and observed by the applicant. The Police Department recommends that a One-Year Short-Term Entertainment with Dancing Permit would be in the best interests of the surrounding community and the City of Long Beach.

#### **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 the 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.

ENTERTAINMENT PERMIT WITH DANCING  
HARVELLE'S – 206 THE PROMENADE  
Page 2

- 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 section 8.80 LBMC (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.

ENTERTAINMENT PERMIT WITH DANCING  
HARVELLE'S – 206 THE PROMENADE  
Page 3

- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (18.48.200 LBMC)
- 9) Should the permittee's operations give rise to a substantial increase in complaints/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

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

- 11) 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 PERMIT WITH DANCING  
HARVELLE'S – 206 THE PROMENADE  
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.

## **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: \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): HEC Entertainment of Long Beach, INC  
 Business Name (DBA): Harvelles Business Phone: (714) 310-995-1676  
 Business Site Address: 2046 The Promenade North, Long Beach, CA 90801  
 Date Business Proposes To Open: 8/1/11  
 Days & Time Premises Are Open For Inspection: week days - 8AM to 5PM

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:

Contact Person(s) Name (authorized agent, manager, etc.): Christopher Clark  
 Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

**OFFICE USE ONLY**

Building  Fire  Health (Check Inspecting Department) Date Received: 6/25/11

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): 7/21/11 By: [Signature]

**POLICE DEPARTMENT**

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

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

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



# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

ENVIRONMENTAL HEALTH  
NOISE OFFICE

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

Date: 6-16-11

Name of Business (DBA): Harvelle's

Name of Business Owner: HEC Entertainment of Long Beach, Inc.

Business Address: 206 The Promenade North, 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 President

Phone # \_\_\_\_\_

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



Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): HEC Entertainment of Long Beach, INC  
 Business Name (DBA): Harvelle's Business Phone: (310) 995-1676  
 Business Site Address: 206 The Promenade North, Long Beach, CA 9080  
 Date Business Proposes To Open: 8/1/11  
 Days & Time Premises Are Open For Inspection: week days - 8AM to 5pm

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:

Contact Person(s) Name (authorized agent, manager, etc.): Christopher Clark  
 Contact Person(s) Phone Number: [REDACTED]

Type of Organization:

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

**OFFICE USE ONLY**


Building  Fire  Health (Check Inspecting Department) Date Received: 6-27-11  
 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): 6-27-11 By: [Signature]

**POLICE DEPARTMENT**

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

Conditions or Basis for Denial: \_\_\_\_\_  
 By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Date:** June 29, 2011  
**To:** Erik Sund, Manager of Business Relations Bureau  
**From:** Derek Burnham, Planning Administrator   
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 206 The Promenade North  
Long Beach, Ca 90802

**Applicant:** HEC Entertainment of Long Beach, Inc., DBA Harvelle's

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

**Proposed Use:** Entertainment with Dancing

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

A review of the permit history for 201 East Broadway, indicates that a Conditional Use Permit, Site Plan Review, and a Standards Variance (Case No. 0203-04) was approved by the Planning Commission to convert the building to residential condominiums along with a tavern and a restaurant.

The subject property was previously approved for an entertainment permit with dancing in March of 2010. Based on the floor plans submitted for the previous application and the current application there have been no significant changes to the floor plan

Planning Bureau recommends that the entertainment permit with dancing for "Harvelle's" be approved.

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