

April 3, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, conclude the hearing and approve a One-Year Short-Term Permit 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 as a One-Year Short-Term permit subject to recommended conditions.
- The Fire Department finds that the building/location meets department requirements for the proposed use.

HONORABLE MAYOR AND CITY COUNCIL

April 3, 2012

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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 conditions (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 with alcohol since August of 2008.

This matter was reviewed by Deputy City Attorney Amy R. Webber on February 27, 2012.

#### TIMING CONSIDERATIONS

The hearing date of April 3, 2012, 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), Police Investigation \$1,218 (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

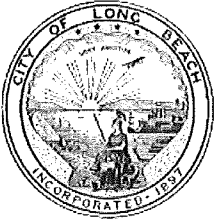
APPROVED:



PATRICK H. WEST  
CITY MANAGER

ES: AK  
K:\Exec\Council Letters\Business Relations\Hearing Letters\04-j03-12 ccl - Kavikas - 1-Yr Short-Term Pmt.doc

ATTACHMENTS



# 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) 570-5596

## Recommended Conditions of Operation

Keller Enterprises LLC, DBA Kavikas

95 Aquarium Way

Application for Entertainment With Dancing

In response to your request for a recommendation regarding the above named permit application for Entertainment with Dancing, the Department of Financial Management recommends **approval** of a **One-Year Short Term Permit** subject to the following conditions:

### 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.
- 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 shall be responsible for installing and maintaining a video surveillance system that monitors no less than the front and rear of the business, with full view of the public right-of-ways and any parking lot under the control of the permittee. These cameras shall record video for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services.
- 19) The permittee must submit an application for the renewal of the entertainment with dancing permit no later than November 20, 2012 or four (4) months prior to the One-Year Short-Term permit expiration date to continue to provide entertainment without a break.

### 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, 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





# 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 #20914290  
12/11 - pending

Entertainment With Dancing

Keller Enterprises LLC  
DBA Kavikas  
Lic #20937470  
12/09 – 12/11

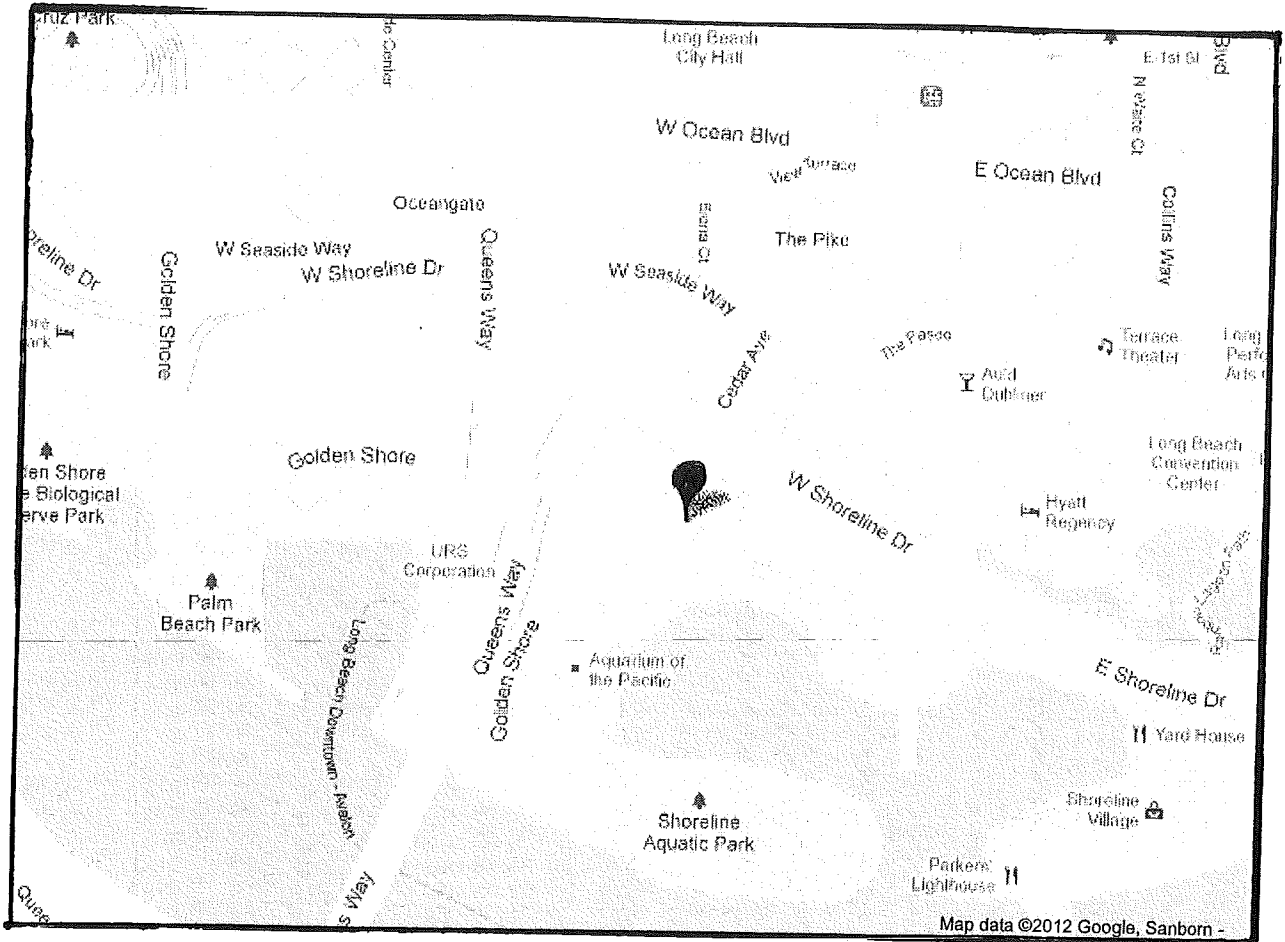
Entertainment With Dancing

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

Restaurant with Alcohol

# Kavikas

95 Aquarium Way





Accepted By: 21132250 Date: 10/06/11  
 Zoning Approval By: [Signature] Date: 10/6/11

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): KELLER ENT. LLC  
 Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: (562) 432-8700  
 Business Site Address: 95 AQUARIUM WAY LONG BEACH, CA. 90802  
 Date Business Proposes To Open: OPENED 4/09  
 Days & Time Premises Are Open For Inspection: 11:00 AM - 5:00 PM

**Proposed Use(s):**

Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)   
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building:  
RESTAURANT WITH LIVE ENTERTAINMENT, DJ, & DANCING

Contact Person(s) Name (authorized agent, manager, etc.): DAVID KELLER  
 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: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**GENERAL INFORMATION (All Applicants)**

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

Fictitious business names(s) or dba(s) used: KAVIKAS GRILL & BAR

Place and date of filing fictitious business name statement: GRANDE COUNTY RECORDER  
2/8/08

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:

MICHAEL KEWER : [REDACTED]

DAVID KEWER : [REDACTED]

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

DAVID KEWER : [REDACTED]

State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which held, and expiration date thereof:

TYPE 47 , LONG BEACH

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? 2.5 YEARS

Is the location: Owned?  Rented/Leased?

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

Name: DDR

Address: HOOD BL 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 ENT. LLC

Federal Tax ID Number:

[REDACTED]

Seller's Permit Number:

[REDACTED]

**Percentage of Partnership**

Name and residence addresses of **General Partners:**

Interest:

MICHAEL KELLER:

[REDACTED]

[REDACTED] %

DAVID KELLER:

[REDACTED]

[REDACTED] %

%

%

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 02/08/08

**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: 915 AQUARIUM WAY LB 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: 915 AQUARIUM 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 <input type="checkbox"/>	_____	_____
On sale beer and wine <input type="checkbox"/>	_____	_____
On sale distilled spirits <input checked="" type="checkbox"/>	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: SALADS, APPETIZERS, PIZZA, SANDWICH, STEAKS, SEAFOOD.

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

3. Are non-alcoholic beverages sold?  YES  NO

4. How many tables for seating? 60 3341 occ.

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: 6

12. Is any other type of security provided?  YES  NO

a. If yes, describe type of security: PIKE COMPLEX HAS THEIR OWN

SECURITY AS WELL.

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	N/A	N/A	N/A	10 <sup>PM</sup> 2 AM	10:00 PM	10:00 PM	N/A
Security		NOT			2:00 AM	2:00 AM	

\*NOTE: SECURITY AVAILABLE ON DAYS AS SCHEDULED (ON CALL)

13. Will a private security firm be used?  YES  NO

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

Name: \_\_\_\_\_ City Business License No.: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

### ADMISSION and/or MEMBERSHIP FEES CHARGED

14. Will minors be allowed on the premises?  YES  NO

15. Will the premises be open to the general public?  YES  NO

16. Will an admission fee be charged?  YES  NO

a. If yes, fee schedule: \_\_\_\_\_

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

a. If yes, types of membership fees: \_\_\_\_\_

18. Will guests of members pay an admission fee or other charges?  YES  NO

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



**GENERAL OPERATING CONDITIONS (continued)**

Complete Each Question

**HOURS OF OPERATION**

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	9-10 PM	9-10 PM	9-10 PM	9 PM 2 AM	2:AM	2 AM	9-10 PM

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? RESTAURANTS & BARS

20. Are there surrounding residences?  YES  NO

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

**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?  YES  NO

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

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

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To		24		1 HOUR			

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. \_\_\_\_\_

Describe entertainment by performers: MUSICIANS PERFORMING MUSIC

Dance Floor?  Y  N Stage?  Y  N

If yes, provide dimensions and type of material of dance floor. L 20' X W 12' = 240 sq ft.

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

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 / DJ	LIVE MUSIC / DJ	LIVE MUSIC / DJ	LIVE MUSIC / DJ	LIVE MUSIC / DJ	LIVE MUSIC / DJ	LIVE MUSIC / DJ
Start Time	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
End Time	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

**RELEASE FORM**

The undersigned, on behalf of (owner('s)) KELLER ENT. LLC, 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) KAVIKAS GUILD & BAR

to obtain the (entertainment type) ENTERTAINMENT w/ 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)

MEMBER  
\_\_\_\_\_  
(TITLE)

10/06/11  
\_\_\_\_\_  
(DATE)

  
\_\_\_\_\_  
DRIVER'S LICENSE OR ID CARD NUMBER

  
\_\_\_\_\_  
STATE

  
\_\_\_\_\_  
ACCEPTED BY (CITY STAFF)

AAA  
\_\_\_\_\_  
TITLE

10/06/11  
\_\_\_\_\_  
DATE

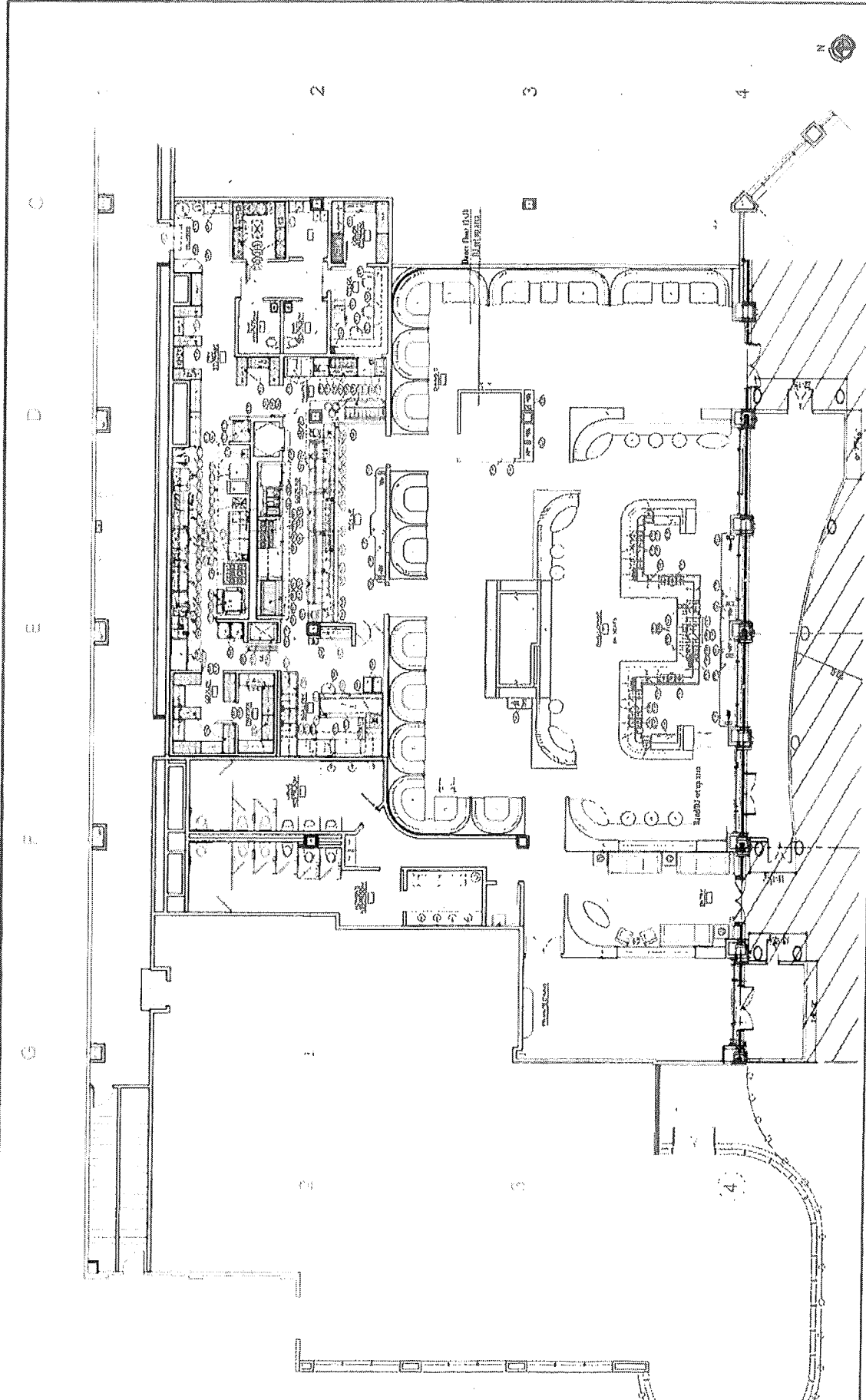


TOTAL  
CONCEPT  
DESIGNS

3055 W. 10th Ave. #200  
Denver, CO 80202  
Tel: (303) 733-8800  
Fax: (303) 733-8800

KAVIKAS  
RESTAURANT & BAR  
11345958 REV. 10/25/2010 (SHEET 1 OF 1)

EQUIPMENT FLOOR PLAN



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

**SYMBOL LEGEND**

- 1/2" DIA. SCHED. 40 PIPE
- 1/2" DIA. SCHED. 40 PIPE
- 1/2" DIA. SCHED. 40 PIPE
- 1/2" DIA. SCHED. 40 PIPE

**GENERAL NOTES:**

1. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE NATIONAL ELECTRICAL CODE (NEC).
2. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
3. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
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9. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
10. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

**REPLACE EXISTING NOTES:**

1. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).
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10. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

**State of California**  
**Secretary of State**

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

That the attached transcript of 3 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

JUNE 27 2007

A handwritten signature in cursive script, appearing to read 'Bruce McPherson', is written over a horizontal line.

BRUCE McPHERSON  
Secretary of State



**State of California  
Secretary of State**

**LIMITED LIABILITY COMPANY  
ARTICLES OF ORGANIZATION**

File # 200616410125

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

JUN 09 2006

A \$70.00 filing fee must accompany this form.

**IMPORTANT - Read instructions before completing this form.**

This Space For Filing Use Only

**ENTITY NAME** (End the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")

1. NAME OF LIMITED LIABILITY COMPANY  
**KELLER ENTERPRISES LLC**

**PURPOSE** (The following statement is required by statute and may not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

**INITIAL AGENT FOR SERVICE OF PROCESS** (If the agent is an individual, the agent must reside in California and both Items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 3 must be completed (leave Item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS  
**STEPHEN H. MARCUS, ESQ.**

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE  
**10537 SANTA MONICA BOULEVARD, THIRD FLOOR LOS ANGELES CA 90025**

**MANAGEMENT** (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:  
 ONE MANAGER  
 MORE THAN ONE MANAGER  
 ALL LIMITED LIABILITY COMPANY MEMBER(S)

**ADDITIONAL INFORMATION**

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

**EXECUTION**

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

*Stephen H. Marcus*  
SIGNATURE OF ORGANIZER

*June 9, 2006*  
DATE

**STEPHEN H. MARCUS**  
TYPE OR PRINT NAME OF ORGANIZER

**RETURN TO** (Enter the name and the address of the person or firm to whom a copy of the filed document should be returned.)

8. NAME [ **STEPHEN H. MARCUS, ESQ.** ]  
FIRM **GITTLER & BRADFORD**  
ADDRESS **10537 SANTA MONICA BOULEVARD, 3RD FLOOR**  
CITY/STATE/ZIP [ **LOS ANGELES, CA 90025** ]

**ATTACHMENT TO LIMITED LIABILITY COMPANY  
ARTICLES OF KELLER ENTERPRISES LLC**

**7A. Restrictions on Transfer and Admission of a New Member.**

The members may admit to the limited liability company one or more additional members who will participate in the profits, losses, available cash flow, and ownership of the assets of the limited liability company on such terms as are in accordance with the Operating Agreement. Notwithstanding the foregoing, the admission of any such additional member or members shall require the consent of members then having a majority of the non-transferred profits of the limited liability company. The transfer of any membership interest shall require the approval of the members having a majority of the non-transferred profits.

**7B. Dissolution and Continuity.**

The limited liability company shall be dissolved upon the occurrence of any of the following events:

- a. By the unanimous written agreement of all members;  
or
- b. Upon the death, withdrawal, resignation, expulsion, bankruptcy, or dissolution of a member or occurrence of any other event which terminates the continued membership of a member in the limited liability company, unless the business of the limited liability company is continued by the consent of the remaining members (if more than one) holding a majority-in-interest as provided in Sub-Article 7C below, or
- c. By entry of a decree of judicial dissolution pursuant to California Corporate Code 17351.

**7C. Right to Continue Business by Consent of Majority-In-Interest.**

Upon the death, withdrawal, resignation, withdrawal, expulsion or dissolution of a member, adjudication of a member as a bankrupt or incompetent or occurrence of any other event which terminates the continued membership of a member in this limited liability company, the remaining members (if more than one) holding a majority-in-interest shall have the right to continue the business of the limited liability company.

**7D. Nature of Membership Interest.**

The interest of each member of this limited liability company constitutes the personal estate of that member, and may be transferred or assigned as provided in the Operating Agreement. However, if all of the other members of this limited liability company, other than the member proposing to dispose of his, her or its interest, do not approve of the proposed transfer or assignment by unanimous written consent, the transferee of the member's interest shall have no right to participate in the management of the business and affairs of this limited liability company or to become a member. The transferee shall be entitled to receive only the share of profits or other compensation by way of income and the return of contributions to which that member would otherwise be entitled and shall hold only an economic interest.

**7E. Regulation of Business and Affairs.**

The business and affairs of this limited liability company shall be regulated by an Operating Agreement between the limited liability company and its members, which agreement shall in writing and consistent with the legal requirements and provisions of the Beverly-Killea Limited Liability Company Act and these Articles of Organization including all amendments thereto.

**7F. Indemnifications.**

The limited liability company may indemnify an individual made a party to a proceeding because he or she is or was a manager, member, officer, employee or agent of the limited liability company against judgments, settlements, penalties, or expenses of any kind incurred as result of action in that capacity if, acting as a manager, he or she has fulfilled all fiduciary duties owed to the limited liability company and to its members, and regardless of the position held, he or she conducted himself or herself in good faith, he or she reasonably believed that his or her conduct was in or at least not opposed to the best interests of the limited liability company and, in the case of any criminal proceeding, he or she had not reasonable cause to believe his or her conduct was unlawful.

The limited liability company may also provide indemnification for an individual with respect to his or her conduct as an administrator or advisor to an employee benefit plan maintained by the limited liability company if the individual reasonably believed his or her conduct to be in the interests of the participants in and beneficiaries of the plan.

The indemnification of expenses permitted herein shall only be authorized if at all by written Operating Agreement and any other agreements approved by all of the members. The Articles of Organization shall not be interpreted to limit in any manner the right to the indemnification, the power of the limited liability company to purchase any insurance or to provide for the advancement of expenses of an individual who would otherwise be entitled thereto.

In addition to the foregoing, the limited liability company shall indemnify and save the organizer harmless for all acts taken by him as organizer of the limited liability company, and shall pay all costs and expenses incurred by or imposed upon him as a result of the same, including compensation based upon the usual charges for any time expenditures required of him in pursuit of the defense against any liability arising on the account of acting as organizer or arising on the account of enforcing the indemnification right hereunder, and the limited liability company releases him from all liability or any such act as organizer not involving willful or grossly negligent misconduct.

**7G. Amendments.**

Amendments to the Articles of Organization of the limited liability company shall be adopted in accordance with the Operating Agreement or with the consent of all the members but in no event shall the Articles of Organization be amended by a vote of less than a majority in interest of the members.

\*\*\* \*\*



DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

**SELLER'S PERMIT**



ACCOUNT NUMBER

11/17/2008 SR EA [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-442-111 V. 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

This page is part of your document - DO NOT DISCARD



20080569798

Pages:  
002



Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

04/02/08 AT 03:12PM

Fee:  
Tax:  
Other  
Total:

1812114 200804020480004 Mail

TITLE(S) : PROOF OF PUBLICATION OF FICTITIOUS NAME



L E A D S H E E T

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

0708029MU

KAVIKAS  
93 Aquarium Way  
Long Beach, CA 90802

04/02/08



20080569798

2

**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 6<sup>th</sup>, 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 2<sup>nd</sup> 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: KAVIKAS 93 Aquarium Way Long Beach, CA 90802 Full name of registrant (s) is (are) KELLER ENTERPRISES LLC 22 Golden Eagle Irvine, CA 92603 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 Profession Code) First filing: 02/21; 02/28; 03/06 and 03/13, 2008  
Azusa Herald: 0708029MU



Accepted By: 21132250 Date: 10/06/11  
 Zoning Approval By: [Signature] Date: 10/6/11

**APPLICATION FOR ENTERTAINMENT PERMIT**  
 (Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): KELLER ENT. LLC  
 Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: (562) 432-8700  
 Business Site Address: 95 AQUARIUM WAY LONG BEACH, CA. 90802  
 Date Business Proposes To Open: OPENED 4/09  
 Days & Time Premises Are Open For Inspection: 11:00 AM - 5:00 PM

Proposed Use(s):  
 Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)   
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building:  
RESTAURANT WITH LIVE ENTERTAINMENT, DJ, & DANCING

Contact Person(s) Name (authorized agent, manager, etc.): DAVID KELLER  
 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: DEPUTY CHIEF OF POLICE Date: 12-22-11



**Date:** December 22, 2011  
**To:** Erik Sund, Bureau Manager, Business Relations Bureau  
**From:** Jim McDonnell, Chief of Police *R. Luna For JMcD.*  
**Subject:** **APPLICATION FOR ENTERTAINMENT WITH DANCING PERMIT  
KAVIKAS GRILL AND BAR – 95 AQUARIUM WAY**

---

In response to your request for a recommendation regarding the above named permit application for Entertainment With Dancing Permit, 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.

Kavikas Grill & Bar is a restaurant located north of the Aquarium and next to the Mai Tai Bar. The establishment is open for lunch and dinner and provides live entertainment during the evening hours. 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 business has been operating on a One-Year Short-Term Entertainment with Dancing Permit. On October 6, 2011, Kavikas Grill and Bar applied for a new Entertainment with Dancing Permit, requesting live amplified music, a disc jockey, and karaoke music.

As part of the review process by the Police Department, calls for service, crime reports, and arrests were evaluated between October 6, 2009, and October 6, 2011. There were 16 calls for service, 9 incident reports, and 2 arrests attributable to the business. Most of the incidents were fights between customers that appeared to be alcohol related.

Based upon the Vice Section's investigation and the South Division Patrol Commander's recommendation, 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. Due to the number of calls-for-service and arrests determined to be attributable to the business, the Police Department recommends 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 permit until 2 a.m., seven days a week.

ENTERTAINMENT WITH DANCING PERMIT  
KAVIKAS GRILL AND BAR – 95 AQUARIUM WAY

Page 2

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 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.

ENTERTAINMENT WITH DANCING PERMIT  
KAVIKAS GRILL AND BAR – 95 AQUARIUM WAY

Page 3

- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC, shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola, or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (18.48.200 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.

ENTERTAINMENT WITH DANCING PERMIT  
KAVIKAS GRILL AND BAR – 95 AQUARIUM WAY

Page 4

- 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.”



## **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: 21132250 Date: 10/06/11  
 Zoning Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): KELLER ENT. LLC  
 Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: (562) 432-8700  
 Business Site Address: 95 AQUARIUM WAY LOWER BEACH, CA. 90802  
 Date Business Proposes To Open: OPENED 4/09  
 Days & Time Premises Are Open For Inspection: 11:00 AM - 5:00 PM

**Proposed Use(s):**

- Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_  
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building:  
RESTAURANT WITH LIVE ENTERTAINMENT, DJ, & DANCING

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

Contact Person(s) Phone Number: \_\_\_\_\_

**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: 1/13/12

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions.

PLEASE APPROVE AND INSPECTION APPROVAL FOR # FMSC128930 TO REVISE OCCUPANT LOAD.

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

Inspection Completed On (date): 1/24/12 By: \_\_\_\_\_

**POLICE DEPARTMENT**

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

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

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



# 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: 10/06/11

Name of Business (DBA): KAYIKAS GRILL & BAR  
KEUER ENT. LLC

Name of Business Owner: KEUER ENT. LLC

Business Address: 95 AQUARIUM WAY, LONG BEACH  
CA. 90802

Dear New Business Owners:

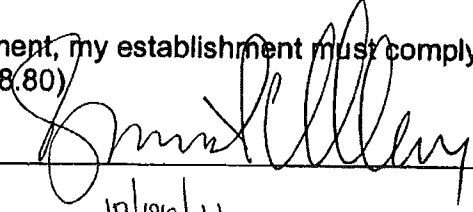
The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

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)   
10/06/11

Title MEMBER

Phone # [REDACTED]

FAX # [REDACTED]



Accepted By: 21132250 Date: 10/06/11  
 Zoning Approval By: [Signature] Date: 10/6/11

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): KELLER ENT LLC  
 Business Name (DBA): KAVIKAS GRILL & BAR Business Phone: 562, 432-8760  
 Business Site Address: 95 AQUARIUM WAY LOWER BEACH, CA. 90802  
 Date Business Proposes To Open: OPENED 4/09  
 Days & Time Premises Are Open For Inspection: 11:00 AM - 5:00 PM

**Proposed Use(s):**

Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)   
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

Explain briefly the proposed use of the rooms within the building:  
RESTAURANT WITH LIVE ENTERTAINMENT, DJ, & DANCING

Contact Person(s) Name (authorized agent, manager, etc.): DAVID KELLER  
 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: 12-2-11

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): 12-2-11 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:** November 1, 2011  
**To:** Erik Sund, Manager of Business Relations Bureau  
**From:** Derek Burnham, Planning Administrator *DB*  
**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 Planning Bureau 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.