



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-2

333 West Ocean Blvd • Long Beach, California 90802

August 10, 2010

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 DDRRC Pike Entertainment, LLC, DBA KDB Long Beach, 10 Aquarium Way, for Entertainment with Dancing by Patrons, Bowling Alley and Pool Hall. (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; 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, bowling alley and pool hall, be approved subject to 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

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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 restaurant with alcohol, arcade, entertainment with dancing, bowling alley and pool hall since October 2003.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on July 29, 2010.

TIMING CONSIDERATIONS

The hearing date of August 10, 2010, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

FISCAL IMPACT

The following fees were collected with the application: Building Review \$20 and Zoning Review \$14 (Development Services), Police Investigation \$1,125 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$320.70, Regulatory \$958, Bowling Alley \$1187.70 and Pool Hall permit \$356.31 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:


PATRICK H. WEST
CITY MANAGER



Recommended Conditions of Operation
DDRC Pike Entertainment, LLC, DBA KDB Long Beach
10 Aquarium Way
Application for Entertainment with Dancing

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 except for rooftop entertainment, 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, and 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."

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.

RECOMMENDED CONDITIONS OF OPERATION

APPLICATION FOR ENTERTAINMENT WITH DANCING—DDRC PIKE ENTERTAINMENT, LLC, DBA KDB LONG BEACH
10 AQUARIUM WAY

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---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.

LAF:ES:JEM:act



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 DDRC Pike Entertainment LLC., DBA KDB Long Beach. 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

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 10 Aquarium Way

DDRC Pike Entertainment LLC
DBA: KDB Long Beach
Lic#21024040
07/10 – Pending City Council approval

Entertainment With Dancing, Bowling Alley & Pool Hall

DDRC Pike Entertainment LLC
DBA: KDB Long Beach
Lic#21024020
07/10 – Pending

Restaurant With Alcohol

DDRC Pike Entertainment LLC
DBA: KDB Long Beach
Lic#21024030
07/10 - Pending

Arcade

Sega Entertainment USA Inc.
DBA: Gameworks
Lic#20822410
10/08 – 10/09

Entertainment Without Dancing, Bowling Alley & Pool Hall
(1-Yr Short-Term permit)

Sega Entertainment USA Inc.
DBA: Gameworks
Lic#20811660
05/08 – 05/10

Restaurant With Alcohol

Sega Entertainment USA Inc.
DBA: Gameworks
Lic#20822070
05/08 – 05/10

Arcade

DDRC Pike Entertainment LLC
DBA: Gameworks
Lic#20349490
10/03 – 05/08

Entertainment With Dancing, Bowling Alley & Pool Hall

DDRC Pike Entertainment LLC
DBA: Gameworks
Lic#20349440
10/03 – 05/08

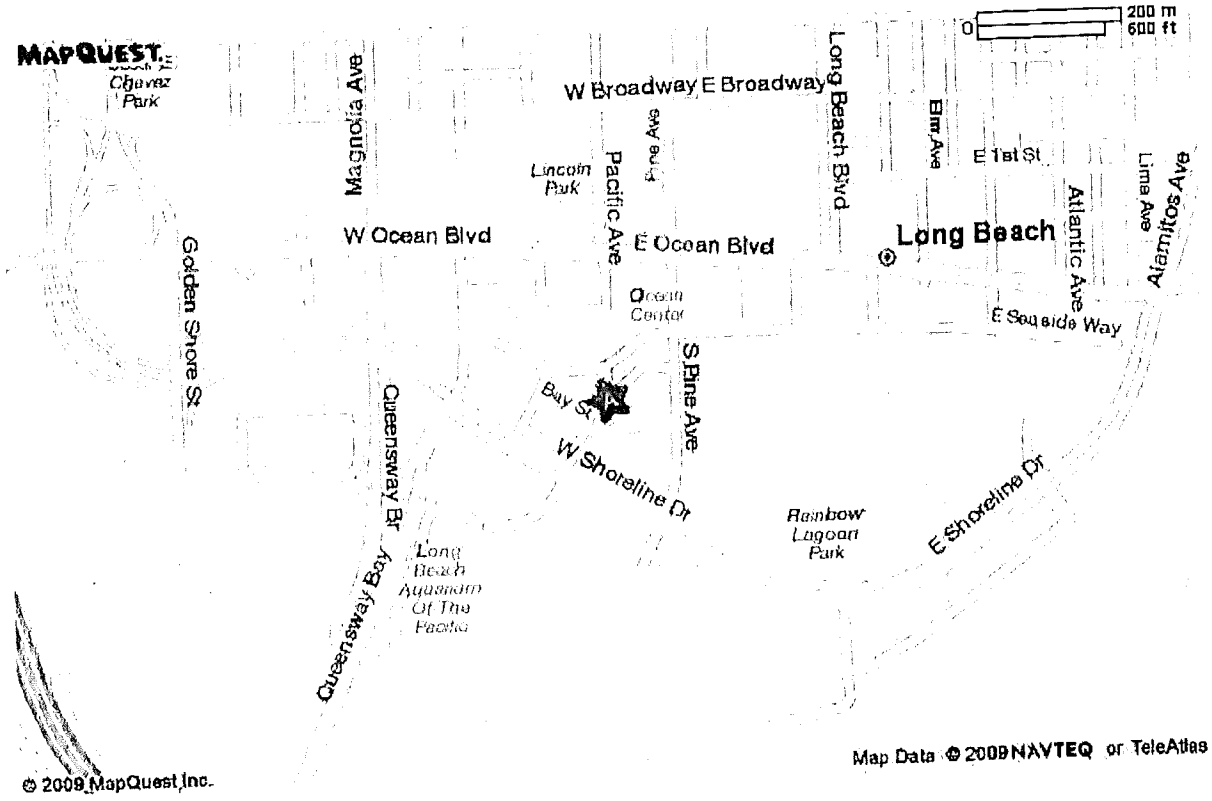
Restaurant with Alcohol

DDRC Pike Entertainment LLC
DBA: Gameworks
Lic#20349460
10/03 – 05/08

Arcade

DDRC Pike Entertainment, LLC, DBA KDB Long Beach

10 Aquarium Way





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

www.longbeach.gov
 (562) 570-6211

| | | | | | |
|---|--------|---|---------------------|-----------------------------------|---|
| OWNER/ENTITY NAME (e.g., Sole Owner, Corporation, LLP, LLC, Partnership) DDR PIKE ENTERTAINMENT LLC | | DRIVER'S LICENSE NO. [REDACTED] | STATE [REDACTED] | SOCIAL SECURITY NO. [REDACTED] | HOME OCCUPATION <input type="checkbox"/> Y <input checked="" type="checkbox"/> N |
| BUSINESS NAME (D.B.A.) KDB Long Beach | | TYPE OF BUSINESS (Be specific) Entertainment with Dancing | | | |
| BUSINESS ADDRESS 10 AQUARIUM WAY | STREET | CITY Long Beach | STATE CA | ZIP 90802 | AREA CODE/TELEPHONE 562-508-7529 |
| BILLING ADDRESS (if different) 3300 ENTERPRISE PARKWAY | STREET | CITY BEACHWOOD | STATE OH | ZIP 44122 | AREA CODE/TELEPHONE 216-755-5655 |
| RESIDENCE ADDRESS (if different) [REDACTED] | STREET | CITY [REDACTED] | STATE [REDACTED] | ZIP [REDACTED] | AREA CODE/TELEPHONE [REDACTED] |

| | | | |
|---|--|------------------|-------------|
| LIST OF PRINCIPAL OFFICERS, MEMBERS, PARTNERS AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST) | | TITLE | % OWNERSHIP |
| JOAN ALLGOOD | | SECRETARY | |
| DAN HURWITZ | | PRESIDENT | |

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

| | | | | |
|---|------------------------------|--------------------|--------------------------------------|---|
| START DATE 7/9/10 | NO. OF EMPLOYEES 5 | NO. OF VEHICLES | FEDERAL TAX ID. NUMBER [REDACTED] | SALES & USE TAX (SELLER'S PERMIT) NO. |
| 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 S'PENSION/REVOCATION |

| | |
|--|---|
| Do you plan to sell or serve food? (Includes pre-packaged) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If serving food, how many seats?: 100 | 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 ABC License number: 47-449270 Type: _____ | Will you engage in fund raising? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N 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 checked="" type="checkbox"/> Y <input type="checkbox"/> N How many: 120 Type: Video/Pool Owner: NA | Property Owner's Name: DDR URBAN LP Business sq. ft.: 40,000 Warehouse on site? <input type="checkbox"/> Y <input type="checkbox"/> N |
| Do you plan to sell tobacco products/paraphernalia? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Do you: <input checked="" type="checkbox"/> Own or <input 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 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 *Joan U. Allgood* Date 7/21/10 PRINT NAME/TITLE JOAN U. ALLGOOD/SECRETARY
 Signature _____ Date _____ PRINT NAME/TITLE _____

DO NOT WRITE BELOW THIS LINE

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

Zoning Review

Y N N/A

By: *JA*

Date: _____

New-construction Reuse

Zone: _____

Comments: *see DR*

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



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) DDRC PIKE ENTERTAINMENT LLC | | DRIVER'S LICENSE NO. | STATE | SOCIAL SECURITY NO. | HOME OCCUPATION <input type="checkbox"/> Y <input checked="" type="checkbox"/> N |
| BUSINESS NAME (D.B.A.) K DB Long Beach | | TYPE OF BUSINESS (Be specific) ARTIST BOWLING - 10 Lanes | | | |
| BUSINESS ADDRESS 10 AQUARIUM Way | STREET | CITY Long Beach | STATE CA | ZIP 90802 | AREA CODE/TELEPHONE 562-308-7529 |
| BILLING ADDRESS (if different) 3300 ENTERPRISE PARKWAY | STREET | CITY BEACHWOOD | STATE OH | ZIP 44108 | AREA CODE/TELEPHONE 216-755-5655 |
| 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) | | | | | |
| JOAN ALLGOOD | | SECRETARY | | % OWNERSHIP | |
| DAN HURWITZ | | PRESIDENT | | % OWNERSHIP | |

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

| | | | | |
|---|------------------------------|-------------------|--|---------------------------------------|
| START DATE 7/9/10 | NO. OF EMPLOYEES 2 | NO. OF VEHICLES | FEDERAL TAX ID. NUMBER | SALES & USE TAX (SELLER'S PERMIT) NO. |
| 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/REVOCATION | |

Do you plan to sell or serve food? (Includes pre-packaged) Y N
 If serving food, how many seats?: **100**

Do you plan to sell or serve alcoholic beverages? Y N
 ABC License number: **47-449270** Type: _____

Does your business have amusement machines, video games, vending machines, jukebox and/or pool tables? Y N
 How many: **120** Type: **Video/Pool** Owner: **NA**

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

Do you plan to operate a Smoking Lounge? Y N

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

Will you have Music Dancing Performers Adult Entertainment? Y N

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

Will you engage in fund raising? Y N

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

Property Owner's Name: **DDR URBAN LP**

Business sq. ft.: **40,000** Warehouse on site? Y N

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

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

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

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 *Joan U Allgood* Date 7/21/10 PRINT NAME/TITLE JOAN U. ALLGOOD/SECRETARY

Signature _____ Date _____ PRINT NAME/TITLE _____

DO NOT WRITE BELOW THIS LINE

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

Zoning Review

Y N N/A

By: *M/SK*

Date: 7/22/10

New construction Reuse

Zone: PD-6

Comments: Same as previous use.

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: Jen Date: 7-21-10
 Zoning Approval By: PIKE on 9/10 Date: 7/21/10

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): DDRC PIKE ENTERTAINMENT LLC

Business Name (DBA): KDB Long Beach Business Phone: (562) 308-7529

Business Site Address: 10 Aquarium Way.

Date Business Proposes To Open: 8-9-10.

Days & Time Premises Are Open For Inspection: 11am - 12am

Proposed Use(s):

- Entertainment/Restaurant With Dancing Without Dancing
 Entertainment/Tavern With Dancing Without Dancing
 Social Club Pool or Billiard Hall Other (explain) Amusement Machines, VIDEO GAMES, BOWLING 10 LANES

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

Contact Person(s) Name (authorized agent, manager, etc.): PAT HART

Contact Person(s) Phone Number: (562) 308-7529.

Type of Organization:

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

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: _____

Building/Location meets Department Requirements for the proposed use.

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

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

Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

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

Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____

GENERAL INFORMATION (All Applicants)

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

Fictitious business names(s) or dba(s) used: KOB LONG BEACH

Place and date of filing fictitious business name statement: _____

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

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:

PAT HART 10 AQUARIUM WAY LONG BEACH, CA 90802
BRUCE NUSSBAUM 28035 DOROTHY DR. #240 AGORA HILLS, CA 91301

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

CT CORPORATION SYSTEM 818 SEVENTH ST. LOS ANGELES, CA 90017

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:

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

If yes, explain:

DDR LONG BEACH LLC, A DELAWARE LLC - A MEMBER OF DDR L PINE ENTERTAINMENT LLC.

How long has the corporation or business been in operation? 2003

Is the location: Owned? Rented/Leased?

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

Name: _____

Address: _____

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: DDRC PIKE ENTERTAINMENT LLC





Corporation Number: 03 3442722

Date and Place of Incorporation: Nov 14 2003
3300 ENTERPRISE PARKWAY

Location Headquarters: BEACHWOOD, OH 44122

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>DAN HURWITZ</u> | <u>PRESIDENT</u> |  |  () |
| <u>JOAN ALLGOOD</u> | <u>SECRETARY</u> |  |  () |

Numbers of shares issued by Corporation: 0 (LLC)

Number of share retained by Corporation: 0 (LLC)

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

DDRC LONG BEACH LLC, A DELAWARE LLC

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

CT CORPORATION SYSTEM 818 SEVENTH ST. LOS ANGELES, CA 90017

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: DAN HURWITZ Title: PRESIDENT
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 3300 ENTERPRISE PRKWAY BEACHWOOD OH 44122 Phone: 216 755-5530
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: _____
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

CORPORATE OFFICER II

Name: JOAN ALLGOOD Title: SECRETARY
Residence Address: [REDACTED] Phone: _____
Business Address: 3300 ENTERPRISE PRKWAY BEACHWOOD OH 44122 Phone: (216) 755-5655
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: _____
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

47-449270

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: Appetizers - Entrees - Sandwich - Dessert

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

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 180

5. Are other types of businesses conducted on the premises? YES NO

a. If yes, list type(s): Amusement Machines

6. Are pool tables provided? YES NO

a. If yes, indicate number: 3

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: 120 Amusement Machines Amusement 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: DOR ENTERTAINMENT LLC

Address: 3300 ENTERPRISE PARKWAY BEACHWOOD, OH

Telephone No. (216) 755-5655

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided? YES NO

a. If yes, number of security officers: _____

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

a. If yes, describe type of security: _____

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

| Day | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|----------|-----------|-----------|---------|----------|----------|
| Hours of | 7pm-12am | 7pm-12am | 7pm-12am | 7-9m 12am | 6pm-1am | 6pm-1am | 2pm-12am |
| Security | | | | | | | |

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

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

Name: _____ City Business License No.: _____

Address: _____ Telephone No.: () _____

ADMISSION and/or MEMBERSHIP FEES CHARGED

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

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

16. Will an admission fee be charged? YES NO

a. If yes, fee schedule: _____

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

a. If yes, types of membership fees: _____

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

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

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

HOURS OF OPERATION

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

| Day | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------|--------|---------|-----------|----------|--------|----------|--------|
| Open | 11 Am | 11 Am | 11 Am | 11 Am | 11 Am | 11 Am | 11 Am |
| Close | 12 Am | 12 Am | 12 Am | 12 Am | 1 Am | 1 Am | 12 Am |

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? Food service - Hotel.

20. Are there surrounding residences? YES NO

a. Approximately how close? 2 blocks

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 | 24 HRS → | | | | | | |
| To | | | | | | | |

d. How many individual parking spaces (approximately)? 2186 plus barozz

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. Amusement machines, Bowling

Describe entertainment by performers: _____

Dance Floor? Y N Stage? Y N

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

If yes, provide dimensions and type of material of stage. L 24' W 16' H 2'

Describe floor material and surface type: _____

Schedule of entertainment. Please provide days of the week and time of day. If entertainment is not provided the same days and times every week, please provide a detailed schedule of specific dates and times of entertainment. Attach an additional sheet if necessary: **(Fill Out Completely)**

| Day | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------------------|--------|---------|-----------|----------|--------|----------|--------|
| Entertainment Type | DJ | DJ | Karaoke | DJ | BAND | BAND | DJ |
| Start Time | 8pm | 8pm | 8pm | 8pm | 8pm | 8pm | 8pm |
| End Time | 12 Am | 12 Am | 12 Am | 12 Am | 1 Am | 1 Am | 12 Am |

RELEASE FORM

The undersigned, on behalf of (owner('s)) DDRC PIKE ENTERTAINMENT 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) KOB LONG BEACH

to obtain the (entertainment type) _____ 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.

| | | |
|--|-----------------------------|--------------------------|
| <u>Jan A Allegood</u> (SIGNATURE OR AUTHORIZED AGENT) | <u>SECRETARY</u> (TITLE) | <u>7/21/10</u> (DATE) |
| <u>[REDACTED]</u> DRIVER'S LICENSE OR ID CARD NUMBER | <u>[REDACTED]</u> STATE | |

| | | |
|---|------------------------|------------------------|
| <u>Jeanine M. Entoy</u> ACCEPTED BY (CITY STAFF) | <u>SPVSR.</u> TITLE | <u>7/21/10</u> DATE |
|---|------------------------|------------------------|

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
PORTABLE BAR

VALID FROM

JAN 01, 2010

DDRC PIKE ENTERTAINMENT LLC
350 RHODE ISLAND ST
STE 400
SAN FRANCISCO, CA 94103

EXPIRES

DEC 31, 2010

TYPE NUMBER DUP

68-449270 -1

RENEWAL

1932-03

AREA CODE

BUSINESS ADDRESS
(IF DIFFERENT)

DBA: GAMEWORKS
10 AQUARIUM WAY
LONG BEACH, CA 90802-8138

OWNERS:

DDRC PIKE ENTERTAINMENT LLC

SEGA ENTERTAINMENT U S A INC

CONDITIONS

7



IMPORTANT INFORMATION

EFFECTIVE PERIOD This license is effective only for the operating period shown above. A new license will be sent to you within 30 days of the expiration date on your license if payment is timely.

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

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

RENEWAL DATES It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

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

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

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

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

If you have any questions regarding this license, contact your local ABC office.

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

YOUR RETURN MAILING ADDRESS

NAME: Tri-Fecta Long Beach I, Inc.
ADDRESS: 28035 Dorothy Drive Suite 240
CITY: Agoura Hills STATE: CA ZIP CODE: 91301

07/23/2010



20101011829

FICTITIOUS BUSINESS NAME STATEMENT

TYPE OF FILING AND FILING FEE (Check one)

- Original- \$23.00 (FOR ORIGINAL FILING WITH ONE BUSINESS NAME ON STATEMENT) New Filings- \$23.00 (CHANGES IN FACTS FROM ORIGINAL FILING- REQUIRES PUBLICATION)
- Refile- \$18.00 (NO CHANGES IN THE FACTS FROM ORIGINAL FILING)
- \$4.00- FOR EACH ADDITIONAL BUSINESS NAME FILED ON SAME STATEMENT, DOING BUSINESS AT THE SAME LOCATION \$4.00- FOR EACH ADDITIONAL OWNER IN EXCESS OF TWO OWNERS

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

*1. KDB _____ 2. _____
 ** 10 Aquarium Way _____ 28035 Dorothy Drive Suite 240
Street address of principal place of business | Mailing address if different
Long Beach CA 91301 Los Angeles Agoura Hills, CA 91301
City State Zip COUNTY City State Zip
 Articles of Incorporation or Organization Number (if applicable): AI #/ON 3302427

*** REGISTERED OWNER(S):

| | |
|--|--|
| <p>1. <u>Tri-Fecta Long Beach I, Inc.</u> <small>Full Name/Corp/LLC</small> <u>28035 Dorothy Drive Suite 240</u> <small>Residence Address</small> <u>Agoura Hills CA 91301</u> <small>City State Zip</small> <u>Delaware</u> <small>If Corporation or LLC - Print State of Incorporation/Organization</small></p> | <p>2. <u>DDRC Pike Entertainment LLC</u> <small>Full Name/Corp/LLC</small> <u>3300 Enterprise Parkway</u> <small>Residence Address</small> <u>Beachwood OH 44122</u> <small>City State Zip</small> <u>California</u> <small>If Corporation or LLC - Print State of Incorporation/Organization</small></p> |
| <p>3. _____ <small>Full Name/Corp/LLC</small> <small>Residence Address</small> <small>City State Zip</small> <small>If Corporation or LLC - Print State of Incorporation/Organization</small></p> | <p>4. _____ <small>Full Name/Corp/LLC</small> <small>Residence Address</small> <small>City State Zip</small> <small>If Corporation or LLC - Print State of Incorporation/Organization</small></p> |

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

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

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

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

I declare that all information in this statement is true and correct.
(A registrant who declares as true information which he or she knows to be false is guilty of a crime.)

REGISTRANTS /CORP/LLC NAME (PRINT) Tri-Fecta Long Beach I, Inc. TITLE Co-President
REGISTRANT SIGNATURE [Signature]

If corporation, also print corporate title of officer. If LLC, also print title of officer or manager.

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

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

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

DEAN C. LOGAN, LOS ANGELES COUNTY CLERK

BY: M. BARON Deputy

**GOVERNING DOCUMENT AND OPERATING AGREEMENT
OF
DDRC PIKE ENTERTAINMENT, LLC**

The undersigned, as the sole member of DDRC Pike Entertainment, LLC, a California limited liability company (the ACompany@), does hereby execute this Governing Document and Operating Agreement of the Company effective the 7th day of March, 2002.

ARTICLE 1 - OFFICE

The principal office of the Company is in the State of Ohio, and shall be located at 3300 Enterprise Parkway, Beechwood, Ohio 44122 (the APrincipal Office@). The Company may have such other offices, either within or without the State of California, as the Member (as set forth in Article 4) may designate or as the business of the Company may require. The name of the initial registered agent of the Company in the State of California is CT Corporation System and the initial registered office of the Company in the State of California is 818 Seventh Street, Los Angeles, CA 90017, and such agent and address of agent may be changed from time to time by the Member.

ARTICLE 2 - PURPOSE AND QUALIFICATION

The sole purpose for which the Company is organized is to conduct any lawful activities for which a limited liability company may be organized under the provisions of the California Beverly-Killea Limited Liability Company Act (the "Act"), which the Member deems to be appropriate. The Member shall cause the Company to obtain all licenses, permits, and qualifications as may be necessary to lawfully conduct the Company's business.

ARTICLE 3 - DURATION OF THE COMPANY

The Company shall continue in perpetuity unless terminated sooner by operation of law or by decision of the Member or later if reestablished after such initial term for such additional period as determined by the Member.

ARTICLE 4 - MEMBER

DDR Long Beach LLC, a Delaware limited liability company, shall be, and is, hereby admitted to the Company as the sole member of the Company (the AMember@).

ARTICLE 5 - CAPITAL CONTRIBUTIONS

The Member has contributed all of the capital of the Company and may in the future contribute any additional capital deemed necessary by the Member for the operation of the Company. The Member owns a 100% undivided interest in the business and the Company.

ARTICLE 6 - ALLOCATION OF PROFITS AND LOSSES

The Member shall own the interest in the Company as set forth in Article 5, entitled "Capital Contributions," and the Company's profits and losses shall be allocated accordingly.

ARTICLE 7 - MANAGEMENT

Company decisions and actions shall be decided by the Member. The Member may appoint and remove officers of the Company at any time. The officers of the Company, if deemed desirable by the Member, may include, among others, a chief executive officer, a president, a chief operating officer, one or more vice-presidents, a secretary, and a chief financial officer. The officers shall serve at the pleasure of the Member, subject to all rights, if any, of an officer under any contract of employment. Any individual may hold any number of offices and no officer need be a resident of the State of California or a citizen of the United States. The officers may exercise such powers and perform such duties as are determined from time to time by the Member.

ARTICLE EIGHT - BANKING

All funds of the Company shall be deposited in one or more Company checking accounts or other accounts (of any kind or nature, such as certificates of deposit) located at federally insured financial institutions, as shall be designated by the Member.

ARTICLE NINE - BOOKS

The Company books shall be maintained at the Principal Office. The books shall be kept on a calendar year basis, and shall be closed and balanced at the end of each such calendar year. The Member hereby covenants and agrees to cause all known business transactions pertaining to the purpose of the Company to be entered properly and completely into said books. The Member will prepare and file on behalf of the Company all tax returns in a timely manner.

ARTICLE TEN - INSURANCE

During the course of the term for which this Company is formed, the Company shall carry liability and other insurance in such amounts as are deemed appropriate by the Member.

ARTICLE ELEVEN - VOLUNTARY TERMINATION

The Company may be dissolved at any time by decision of the Member, in which event the Member shall proceed with reasonable promptness to liquidate the Company.

ARTICLE TWELVE - AMENDMENTS

This Governing Document and Operating Agreement may be amended at any time, for any purpose, at the sole discretion of the Member.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand effective the day and year first above written.

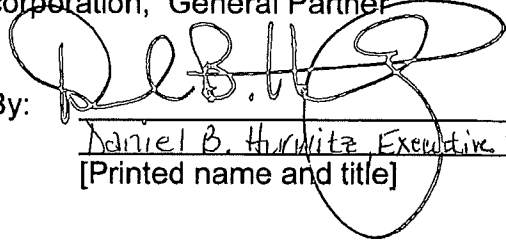
DDRC Pike Entertainment, LLC, a California limited liability company

By: DDR Long Beach LLC, a Delaware limited liability company

By: DDR Urban LP, a Delaware limited partnership
Its Sole Member

By: DDR Urban Inc., a Delaware corporation, General Partner

By:


Daniel B. Horwitz Executive Vice Pres.
[Printed name and title]



State of California
 Bill Jones
 Secretary of State

File# **200206910080**

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

MAR 7 2002

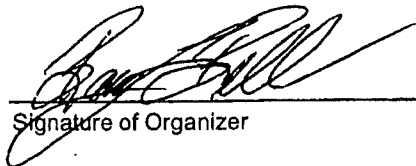
BILL JONES, Secretary of State

**LIMITED LIABILITY COMPANY
 ARTICLES OF ORGANIZATION**

A \$70.00 filing fee must accompany this form.
IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

1. Name of the limited liability company (end the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")
 DDRC PIKE ENTERTAINMENT, LLC
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.
3. Name the agent for service of process and check the appropriate provision below:
 CT CORPORATION SYSTEM _____ which is
 an individual residing in California. Proceed to item 4.
 a corporation which has filed a certificate pursuant to section 1505. Proceed to item 5.
4. If an individual, California address of the agent for service of process:
 Address:
 City: _____ State: **CA** Zip Code: _____
5. The limited liability company will be managed by: (check one)
 one manager more than one manager single member limited liability company all limited liability company members
6. Other matters to be included in this certificate may be set forth on separate attached pages and are made a part of this certificate. Other matters may include the latest date on which the limited liability company is to dissolve.
7. Number of pages attached, if any: **NONE**
8. Type of business of the limited liability company. (For informational purposes only)
REAL ESTATE HOLDING
9. **DECLARATION:** It is hereby declared that I am the person who executed this instrument, which execution is my act and deed.


 Signature of Organizer



BARRY L. BELL
 Type or Print Name of Organizer

MARCH 5, 2002
 Date

10. RETURN TO:

NAME **BARRY L. BELL**
 FIRM **ATTORNEY AT LAW**
 ADDRESS **4350 EXECUTIVE DRIVE, SUITE 255**
 CITY/STATE **SAN DIEGO, CALIFORNIA**
 ZIP CODE **92122**



**State of California
Bill Jones
Secretary of State**

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

AUG 02 2002

BILL JONES, Secretary of State

LIMITED LIABILITY COMPANY - STATEMENT OF INFORMATION

Filing Fee \$20.00 - If Amendment, See Instructions

IMPORTANT - Read Instructions Before Completing This Form

This Space For Filing Use Only

| | |
|---|--|
| 1. LIMITED LIABILITY COMPANY NAME: (Do not alter if name is preprinted.) DDRC PIKE ENTERTAINMENT, LLC | |
| 2. SECRETARY OF STATE FILE NUMBER 200206910080 | 3. STATE OR PLACE OF ORGANIZATION CALIFORNIA |
| 4. PRINCIPAL EXECUTIVE OFFICE STREET ADDRESS 3300 ENTERPRISE PARKWAY CITY BEECHWOOD STATE OH ZIP CODE 44122 | |
| 5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (FOR DOMESTIC ONLY) STREET ADDRESS 15250 VENTURA BOULEVARD, SUITE 1220 CITY SHERMAN OAKS STATE CA ZIP CODE 91403 | |
| 6. CHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS <input type="checkbox"/> AN INDIVIDUAL RESIDING IN CALIFORNIA. <input checked="" type="checkbox"/> A CORPORATION WHICH HAS FILED A CERTIFICATE PURSUANT TO CALIFORNIA CORPORATIONS CODE SECTION 1505. AGENT'S NAME: <u>CT CORPORATION SYSTEM</u> | |
| 7. ADDRESS OF THE AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL ADDRESS NOT APPLICABLE CITY STATE CA ZIP CODE | |
| 8. DESCRIBE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY. REAL ESTATE INVESTMENT AND DEVELOPMENT | |
| 9. LIST THE NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER. ATTACH ADDITIONAL PAGES, IF NECESSARY. | |
| 9a. NAME DDR LONG BEACH LLC ADDRESS 3300 ENTERPRISE PARKWAY CITY BEECHWOOD STATE OH ZIP CODE 44122 | |
| 9b. NAME ADDRESS CITY STATE ZIP CODE | |
| 9c. NAME ADDRESS CITY STATE ZIP CODE | |
| 10. CHIEF EXECUTIVE OFFICER (CEO), IF ANY NAME SCOTT A. WOLSTEIN ADDRESS 3300 ENTERPRISE PARKWAY CITY BEECHWOOD STATE OH ZIP CODE 44122 | |
| 11. NUMBER OF PAGES ATTACHED, IF ANY: ONE | |
| 12. THIS STATEMENT IS TRUE, CORRECT, AND COMPLETE. | |
| SEE ATTACHED SIGNATURE PAGE TYPE OR PRINT NAME OF PERSON COMPLETING FORM SIGNATURE TITLE DATE | |

DUE DATE:

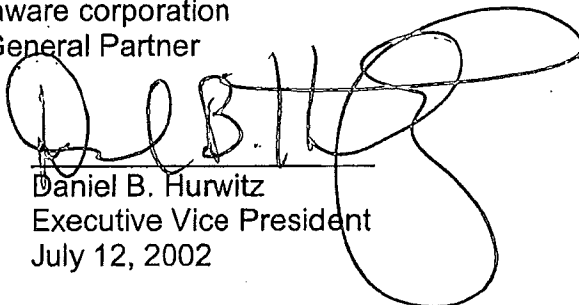
**ATTACHMENT TO
LIMITED LIABILITY COMPANY – STATEMENT OF INFORMATION
DDRC PIKE ENTERTAINMENT, LLC**

12. DDR Long Beach LLC
a Delaware limited liability company
Sole Member of DDRC Pike Entertainment, LLC

By: DDR Urban LP, a
Delaware limited partnership
Its Sole Member

By: DDR Urban Inc., a
Delaware corporation
Its General Partner

By:



Daniel B. Hurwitz
Executive Vice President
July 12, 2002

This page is part of your document - DO NOT DISCARD



20101011829



Pages:
0002

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

07/23/10 AT 10:31AM

| | |
|--------|-------|
| FEES: | 23.00 |
| TAXES: | 0.00 |
| OTHER: | 0.00 |
| PAID: | 23.00 |



LEADSHEET



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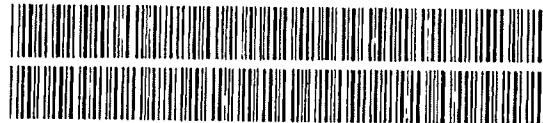
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THIS FORM IS NOT TO BE DUPLICATED

CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT



ACCOUNT NUMBER

8/1/2010 SR EA [REDACTED]

KDB
 DDRC PIKE ENTERTAINMENT LLC
 10 AQUARIUM WAY
 LONG BEACH, CA 90802-8138

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
- 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

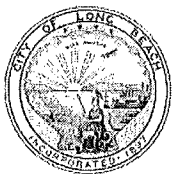
As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- 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.



Date: August 3, 2010

To: Erik Sund, Bureau Manager, Business Relations Bureau

From: Jim McDonnell, Chief of Police 

Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT KDB LONG BEACH
10 AQUARIUM WAY**

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

KDB Long Beach is an entertainment facility with approximately 125 video game units, a 10-lane bowling alley, three pool tables, two bars, and a restaurant located within the Downtown Pike area. The business has been in operation since 2003 and was formally known as Gameworks. DDRC Pike Entertainment was the original owner, but partnered with SEGA Entertainment for the past several years. DDRC Pike Entertainment recently became the sole owner, and on July 21, 2010, completed an application for an Entertainment with Dancing Permit requesting live amplified music, karaoke, and a disc jockey.

The business currently holds a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control license. DDRC Pike Entertainment is in the process of completing the proper paperwork, with the Department of Alcoholic Beverage Control, to reflect the change of ownership. Based upon the Police Department's investigation, and the South Division Patrol Commander's recommendation, the Long Beach Police Department does not believe the issuance of an Entertainment Permit with Dancing will have an adverse impact on Patrol Division resources.

CONDITIONS OF OPERATION

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

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

ENTERTAINMENT WITH DANCING AT KDB LONG BEACH

10 AQUARIUM WAY

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 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.

ENTERTAINMENT WITH DANCING AT KDB LONG BEACH

10 AQUARIUM WAY

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. (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.

ENTERTAINMENT WITH DANCING AT KDB LONG BEACH

10 AQUARIUM WAY

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- 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."

JM:CNA:cna
AppvCondKDB

Attachment

Attachment "B"

Tiered Conditions

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

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

Tier 1 Conditions:

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

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

Tier 2 Conditions:

Noise:

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

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

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

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

Security/Public Safety:

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

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

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

Tier 3 Conditions:

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

Noise:

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

Security/Public Safety:

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

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

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

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



Accepted By: [Signature] Date: 7-28-10
 Zoning Approval By: [Signature] Date: 7/29/10

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): DDRC PIKE ENTERTAINMENT LLC
 Business Name (DBA): KDB Long Beach Business Phone: (562) 308-7529
 Business Site Address: 10 Aquarium Way.
 Date Business Proposes To Open: 8-9-10.
 Days & Time Premises Are Open For Inspection: 11am - 12am

Proposed Use(s):

Entertainment/Restaurant With Dancing Without Dancing
 Entertainment/Tavern With Dancing Without Dancing
 Social Club Pool or Billiard Hall Other (explain) Amusement Machines, VIDEO GAMES, BOWLING 10 LANES
 Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): PAT HART
 Contact Person(s) Phone Number: (562) 308-7529.

Type of Organization:

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

OFFICE USE ONLY

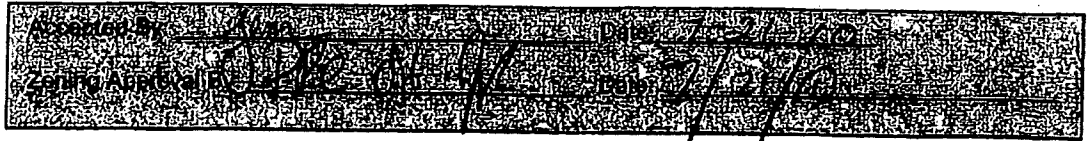
Building Fire Health (Check Inspecting Department) Date Received: _____
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____
 By: [Signature] Title: POLICE CHIEF Date: 7-29-10



APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): DDRC PIKE ENTERTAINMENT LLC

Business Name (DBA): KIDB Long Beach Business Phone: (562) 308-7529

Business Site Address: 10 Aquarium Way.

Date Business Proposes To Open: 8-9-10.

Days & Time Premises Are Open For Inspection: 11am - 12am

Proposed Use(s):

Entertainment/Restaurant With Dancing Without Dancing

Entertainment/Tavern With Dancing Without Dancing

Social Club Pool or Billiard Hall Other (explain) Amusement Machines, VIDEO GAMES

Explain briefly the proposed use of the rooms within the building: BOWLING 10 LANES

Contact Person(s) Name (authorized agent, manager, etc.): PAT HART JEFF

Contact Person(s) Phone Number: (562) 308-7529 5) 432-8325 ex 232

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: 7/23/2010

Building/Location meets Department Requirements for the proposed use.

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

COMPLETELY SET UP FURNITURE LAYOUT AND GAMES
REPAIR LOCK SET FOR EXIT DOOR ON ELECTRICAL ROOM REINSPECTION
SCHEDULED FOR 8/10/2010

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

Inspection Completed On (date): 8/2/2010 By: WENDY

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 7/29/10

Name of Business (DBA): KDB

Name of Business Owner: DDRC Pike Entertainment LLC

Business Address: 10 Aquarium Way Long Beach, CA 90802

Dear New Business Owners:

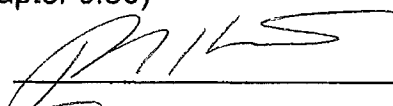
The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

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) 
PAT HART

Title Director operations

Phone # 562-308-7529

FAX # 562-308-7538



Accepted By: Jem Date: 7-21-10
 Zoning Approval By: JPR on 9/1 Date: 7/21/10

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): DDRC PIKE ENTERTAINMENT LLC
 Business Name (DBA): KDB Long Beach Business Phone: (562) 308-7529
 Business Site Address: 10 Aquarium Way.
 Date Business Proposes To Open: 8-9-10.
 Days & Time Premises Are Open For Inspection: 11am - 12am

Proposed Use(s):

Entertainment/Restaurant With Dancing Without Dancing
 Entertainment/Tavern With Dancing Without Dancing
 Social Club Pool or Billiard Hall Other (explain) AMUSEMENT MACHINES, VIDEO GAMES, BOWLING 10 LANES
 Explain briefly the proposed use of the rooms within the building:

Contact Person(s) Name (authorized agent, manager, etc.): PAT HART
 Contact Person(s) Phone Number: (562) 308-7529

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): 7.21.2010 By: [Signature]

POLICE DEPARTMENT

Police Department finds no for basis for denial Police Department finds basis for denial
 Police Department finds no for basis for denial with conditions
 Conditions or Basis for Denial: _____
 By: _____ Title: _____ Date: _____



City of Long Beach
Working Together to Serve

Memorandum

Date: July 26, 2010
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Current Planning Officer *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 10 Aquarium Way
Long Beach, CA 90802

Applicant: DDRC Pike Entertainment LLC., DBA KDB Long Beach

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

Proposed Use: Entertainment with Dancing

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

A review of the permit history for 10 Aquarium Way, indicates there have been no CUPs or AUPs approved for the subject property.

The applicant is seeking to obtain a permit for entertainment with dancing. An entertainment permit with dancing is allowed as an accessory use to a restaurant and or bowling alley in PD-6 zone. No extra parking is required.

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

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