

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3950 Paramount Blvd., Ste 250
Lakewood, CA 90712
(562) 982-1337

3



August 27, 2004

Bill & Laura Brecht
6207 Marina Pacifica North
Long Beach, CA 90803

Re: BAYPOINTE ENTERPRISES LLC
dba: Tantalum
6272 E. Pacific Coast Hwy A
Long Beach, CA 90803

Dear Mr. & Mrs. Brecht,

Attached please find the conditions that Mr. Lund has agreed upon and signed in regards to his licensed premises.

If these conditions satisfy you and you would like to withdraw your protest, I would need a letter with both signatures indicating you would like to withdraw your protests.

Thank you for your time regarding this matter, if you should have any questions please contact me at (562) 982-1337.

Respectfully,

Jeannine L. Peregrina
Investigator II

Jlp;
Enclosures

**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of:

BAYPOINTE ENTERPRISES LLC
dba: Tantalum
6272 E. Pacific Coast Hwy A
Long Beach, CA 90803

File: 47-410808

Reg:

**PETITION FOR
CONDITIONAL
LICENSE**

For issuance of an On-Sale General Eating Place License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 5760.01 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the privilege conveyed with the applied-for license requires that the petitioner(s) operate(s) the premises, in good faith, as a Bona Fide Public Eating Place; and,

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for license; and,

WHEREAS, the protest(s) deal(s) with the proposed operation of the applied-for premises; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare or morals;

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1. Sales, service and consumption of alcoholic beverages shall be permitted **only** between the hours of 6:00 a.m. to 11:30 p.m. Sunday through Thursday and 6:00 a.m. to 1:00 a.m. Friday, Saturday and New Year's Eve.
2. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.

3. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
4. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
5. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated 6-17-04 and ABC-253 dated 2-11-04.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated 6-17-04 and ABC-253 dated 2-11-04.
7. There shall be no amplified music on the premises at any time.
8. There shall be no live entertainment of any type, Sunday through Thursday after 10:00 p.m.
9. Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 6-17-04 and ABC-253 dated 2-11-04.
10. Petitioner(s) shall not share any profits or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or the sale of drinks.
11. Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 6-17-04 and ABC-253 dated 2-11-04.
12. There shall be no requirement for patrons to purchase a minimum number of drinks.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 13TH DAY OF JULY, 2004

DENNIS LLOYD LUND
Applicant/Petitioner

Dennis Lloyd Lund
Applicant/Petitioner

RECEIVED
JUL 14 2004

DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL
LONG BEACH/LAKEWOOD

BAYPOINTE ENTERPRISES, LLC
PATIO DESCRIPTIONS

Pending #410808

PATIO 1

The outer portion of the patio is surrounded by a 84" Steel frame and Glass Wall. The remainder of the patio is attached to the premises and manageable by the interior of the restaurant. There roof structure over the patio is made up of Canvas Awning Material.

There are 3 Door/Windows windows looking from the inside of the Bar onto the Patio.

There is one door for entry/exit to/from the patio to the interior of the premises out onto. There is an alarmed gate for means of emergency egress.

The Patio is an irregular in shape. The approximate dimensions are 26 1/2' at its widest part by 40' at its longest point.

PATIO 2

The outer portion of the patio is surrounded by a 84" Steel frame and Glass Wall. The remainder of the patio is attached to the premises and manageable by the interior of the restaurant. There roof structure over the patio is made up of Canvas Awning material.

There are 3 Door/window windows looking from the inside of the Bar onto the Patio.

There is one door for entry/exit to/from the patio to the interior of the premises out onto. There is an alarmed gate for means of emergency egress.

The Patio is an irregular in shape. The approximate dimensions are 20' at its widest part by 40' at its longest point.

RECEIVED
MAY 25 2004

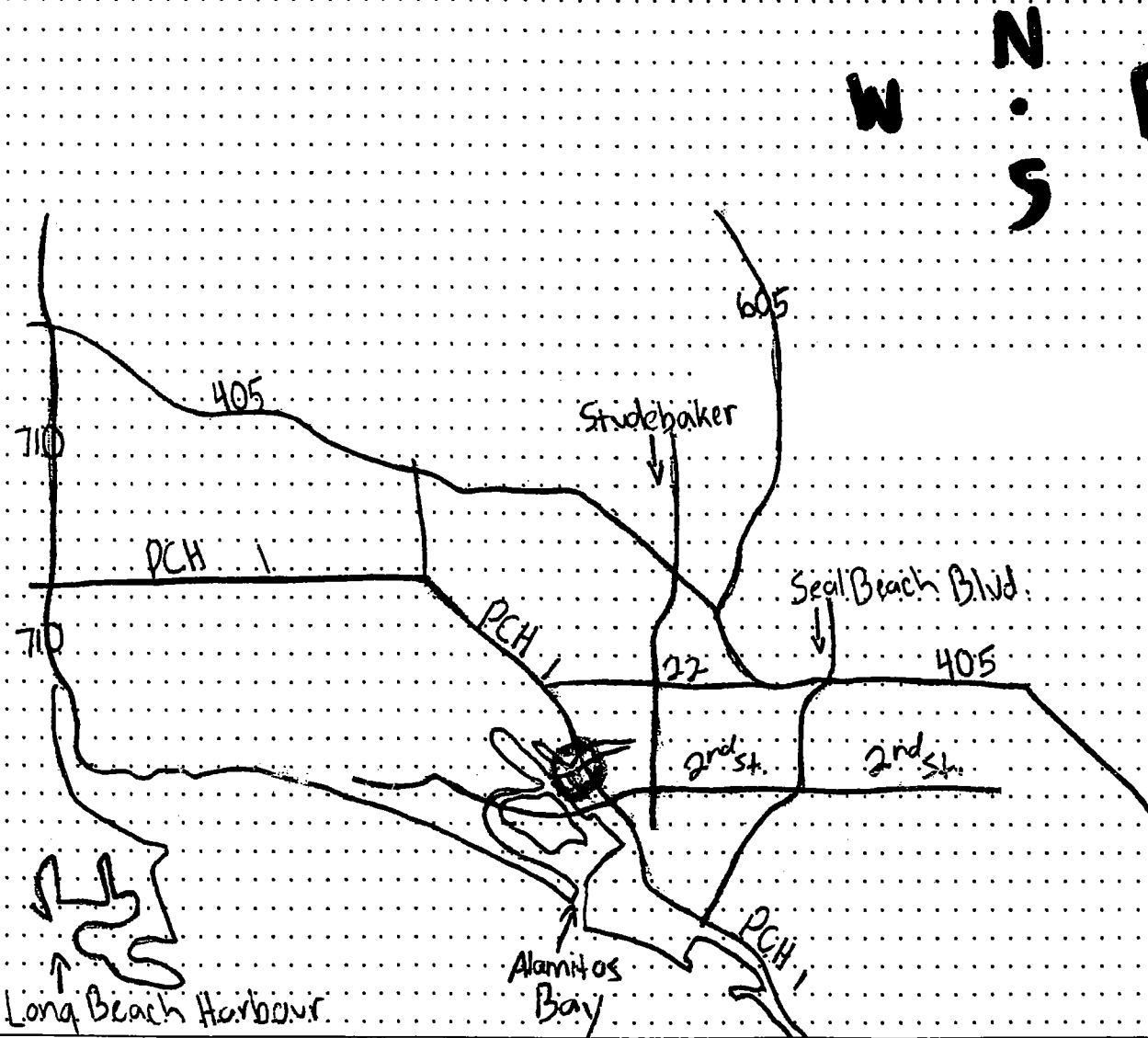
DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL
LONG BEACH/LAKEWOOD

Instructions to Applicant:

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. *If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.*

1. APPLICANT NAME (Last, first, middle) BAYPOINTE ENTERPRISES, LLC	2. LICENSE TYPE Type 47
3. PREMISES ADDRESS (Street number and name, city, zip code) 6272 E. Pacific Coast Highway, A, Long Beach, CA 90803	4. NEAREST CROSS STREET Pacific Coast Highway & 2 ⁿ

DIAGRAM



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE <i>Dennis Lloyd Lind</i>	DATE SIGNED 2-11-04
FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature) <i>S. Peregino</i>	INSPECTION DATE 3-25-04 2004

1. APPLICANT NAME (Last, first, middle)

Dennis Loyd Lund

2. LICENSE TYPE

47

3. PREMISES ADDRESS (Street number and name, city, zip code)

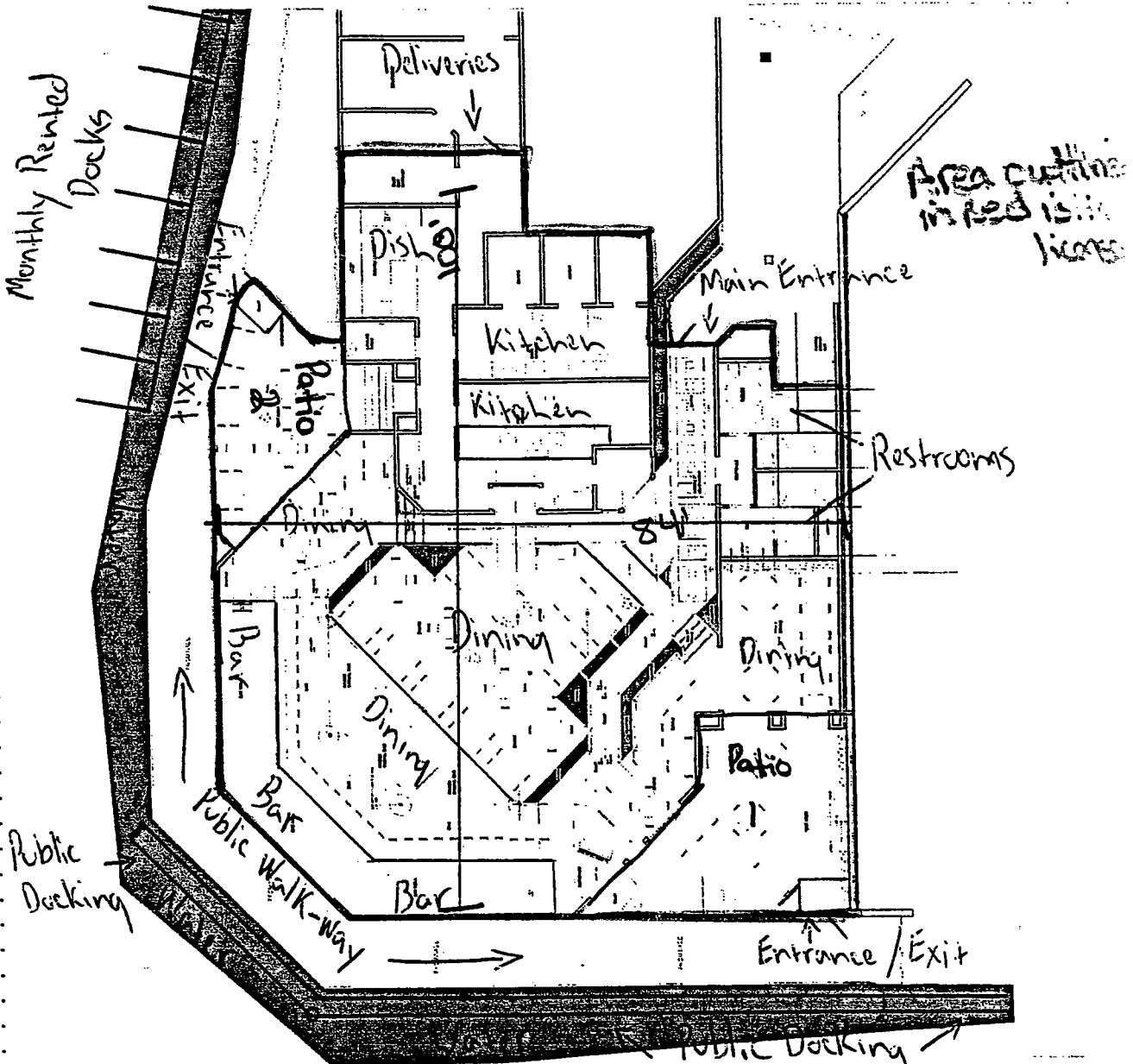
6272 E. PCH Suite A Long Beach CA 90803

4. NEAREST CROSS STREET

2nd St.

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions.

DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

Dennis Loyd Lund

6/17/04

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

S Perogina

S Perogina

10-17-04

ABC-257 (12/03)

RECEIVED
 JUN 17 2004
 DEPARTMENT OF
 ALCOHOLIC BEVERAGE CONTROL
 LONG BEACH/LAKEWOOD