

**CITY OF LONG BEACH**

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

December 13, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Perlman Inc., DBA Hush Restaurant and Banquet Facility, 217 Pine Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (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 a license or permit is granted or denied.

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

Attached for your review is the application from Hush Restaurant and Banquet Facility. Also attached are reports from various departments and a summary of those reports, as well as the license history of the establishment.

City departments have conducted their investigation in accordance with the LBMC. The following summarizes their findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved with the standard conditions of the Downtown Dining and Entertainment District.
- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved.
- 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).

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- The Planning and Building Department recommends that the permit for entertainment with dancing by patrons be approved with conditions that the permitting process for a tenant improvement be completed and a parking agreement for two parking spaces is obtained.

In the event that any of the recommended conditions attached to any permit or licenses are in conflict, the permittee shall adhere to the strictest of the applicable conditions.

This location was licensed as a restaurant with alcohol and permitted for entertainment with dancing under the ownership of Setab, Inc., DBA Cousin Jack's. When the business was transferred to a new owner, Perlman, Inc., DBA Hush Restaurant and Banquet Facility, a new business license application and a new entertainment permit application were required, since a business license or an entertainment permit is not transferable pursuant to the LBMC.

TIMING CONSIDERATIONS

The City Council extended the temporary entertainment permit on November 15, 2005. Without City Council action, the entertainment permit will expire on December 13, 2005.

FISCAL IMPACT

The following fees were collected with the application: Building Inspection \$194 and Zoning Review \$14 (Planning and Building Department), Police Investigations \$750 (Police Department), Temporary Permit \$225, Labels \$48.72 (Financial Management Department), and Health/Noise Control \$94 (Health and Human Services Department).

The following fees will be collected if the application is approved: Business License \$275.37 and Regulatory \$765 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve with or without conditions, or deny.

Respectfully submitted,


MICHAEL A. KILLBREW
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:


GERALD R. MILLER
CITY MANAGER

MAK:PW:H:JAG:bcv
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ATTACHMENTS