



Legislation Details (With Text)

File #: 08-1206 **Version:** 1 **Name:** FM-HEARING-Hush on Pine D2
Type: Public Hearing **Status:** Concluded
File created: 11/17/2008 **In control:** City Council
On agenda: 12/2/2008 **Final action:** 12/2/2008
Title: Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Hush on Pine, Inc., dba JC Mayazteca, 217 Pine Avenue, for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)
Sponsors: Financial Management
Indexes: Permit for Entertainment
Code sections:
Attachments: 1. 120208-H-4sr&att.pdf

Date	Ver.	Action By	Action	Result
12/2/2008	1	City Council	approve recommendation	Pass

Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Hush on Pine, Inc., dba JC Mayazteca, 217 Pine Avenue, for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)

The Long Beach Municipal Code (LBMC) requires an application be filed and a hearing be held before the City Council whenever this type of activity is requested and before an entertainment permit is granted or denied.

The LBMC also requires that the City Council make a determination that the application is complete and truthful; the applicant, the person 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, a short-term permit shall be approved, or the application shall be denied.

Attached for your review is the application from Hush on Pine, Inc., DBA JC Mayazteca. 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 subject to conditions.

- 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).
- The Development Services Department recommends that the permit for entertainment with dancing by patrons be approved.

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 has been licensed as a restaurant with alcohol since May 2002.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on November 3, 2008.

The hearing date of December 2, 2008, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

The following fees were collected with the application: Building Review \$20 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,000 (Police Department), Temporary Permit \$300, Labels \$90 (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 \$325.85 and Regulatory \$875 (Financial Management Department).

Approve recommendation.

LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

NAME
TITLE

APPROVED:

PATRICK H. WEST
CITY MANAGER