



August 4, 2009

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 Entertainment Permit, with conditions on the application of The Beach Club Sports Bar & Grill, LLC, 5755 E. Pacific Coast Hwy, for Entertainment Without Dancing by Patrons at an existing Restaurant. (District 3)

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 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.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Entertainment Permit, with or without conditions; or, 3) deny the Permit on the application.

Attached for your review is the application from The Beach Club Sports Bar & Grill, LLC. 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 without dancing by patrons be approved subject to conditions.
- The Fire Department recommends that the permit for entertainment without dancing by patrons be approved.

HONORABLE MAYOR AND CITY COUNCIL

August 4, 2009

Page 2

- 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 without dancing by patrons be approved.

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 without dancing by patrons be approved as a One-Year Short-Term Entertainment Permit subject to conditions (attached).

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 2003.

This item was reviewed by Deputy City Attorney Cristyl Meyers on July 16, 2009.

TIMING CONSIDERATIONS

The hearing date of August 4, 2009, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

FISCAL IMPACT

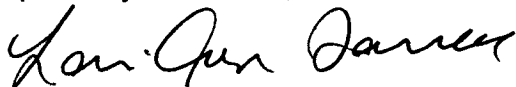
The following fees were collected with the application: Building Review \$20 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,125 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$337.35 and Regulatory \$265 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF:ES: JEM
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APPROVED:


PATRICK H. WEST
CITY MANAGER

ATTACHMENTS



Recommended Conditions of Operation

The Beach Club Sports Bar & Grill, LLC, 5755 E. Pacific Coast Hwy Application for Entertainment without Dancing

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed and approved, no adult entertainment, as defined by section 21.15.110 LBMC for "Adult Entertainment Business" and by section 5.72.115(B) for "Adult Entertainment Activity" shall be conducted on the permitted premises.
- 3) The Beach Club Sports Bar & Grill, LLC shall not advertise, procure, nor allow any person, performance, show, wet t-shirt contest, promotion, or any other event or entertainment that exposes or promotes, encourages, or allows the exposure of the 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.
- 4) Entertainment activities indicated on page #7 of your entertainment application shall be restricted to the hours of starting at **10:00 AM** and closing at **12:30 AM** each day of the week.
- 5) Current occupancy loads shall be posted at all times, and the licensee shall have an effective system to keep count of the number of occupants present at any given time. (LBMC section 18.48.320)
- 6) Persons under eighteen (18) years of age shall not be permitted to enter nor to remain on the premises after 10 PM, unless accompanied by a parent or legal guardian. On duty employees and functions with adequate adult supervision are exempt from this condition.
- 7) There shall be no outdoor entertainment allowed at any time.
- 8) Noise emanating from the Permittee's premises shall not be audible 50 feet or more from the exterior of the premises. The Permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows shut, limiting hours of entertainment or by offering non-amplified entertainment.
- 9) During any entertainment activity listed on page #7 of the application, the permittee shall be responsible for maintaining an adequate security staff to supervise patrons inside the establishment and the parking lot. For crowds up to fifty (50) people, the

permittee shall provide a minimum of one (1) security guard. For crowds over (50) fifty people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Security guards must be identifiable as "Beach Club Sports Bar & Grill employees." Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the parking lot, the permittee shall increase staff, or employee uniformed licensed security guards, as directed by the Chief of Police.

- 10) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the parking lot or the immediate area.
- 11) The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
- 12) All promoters must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters.
- 13) The permittee must provide all promoters hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- 14) The Beach Club Sports Bar & Grill, LLC its promoters, or agents, shall not distribute any advertising matter, such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
- 15) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict with the requirements of this permit, the more stringent regulation shall apply.
- 16) The permittee, shall, within ninety (90) days of an approved entertainment permit, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control. In the event that the LEAD program class is not offered within this ninety day period, the permittee shall attend the next available class. Proof of completion shall be submitted to the Long Beach Police Department Vice Investigations Section.

RECOMMENDED CONDITIONS OF OPERATION

APPLICATION FOR ENTERTAINMENT WITHOUT DANCING— THE BEACH CLUB SPORTS BAR & GRILL, LLC

5755 E. PACIFIC COAST HWY

PAGE 3

- 17) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 24 hours of being applied.
- 18) The licensee shall ensure that shipping and/or receiving activities occur only between 8 AM and 10 PM.
- 19) The licensee shall ensure that outside trash and refuse containers are serviced by sanitation companies only between 8 AM and 10 PM.
- 20) The permittee shall not allow employees to discard trash or bottles into the outside dumpster between the hours of 8 AM and 10 PM.
- 21) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance. (LBMC Chapter 8.80)
- 22) The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 23) The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
- 24) No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
- 25) There shall be no exterior advertising promoting or indicating the availability of alcoholic beverages.
- 26) The permittee shall not allow any employee, patron or entertainer, to exit or loiter in the rear of the business or in the parking lot adjacent to Channel Dr. after 10 PM, with exception of an emergency. The permittee and/or security shall also ensure that no employee, patron, or entertainer loiters in the parking lots adjacent to the business (both sides of East Pacific Coast Highway and Channel Dr.), ensuring that exiting patrons walk directly to their vehicles and not loiter in the parking lots or the immediate area.
- 27) Between the hours of 8 PM. and a half hour after closing on Thursdays, Fridays, Saturdays and as needed, the petitioner(s) shall provide one (1) security guard in the parking lots adjacent to the business and shall maintain order therein and prevent any activity, which would interfere with the quiet enjoyment of their property by nearby residents. Said personnel shall be clothed in such a manner as to be readily identifiable as security.
- 28) The permittee, shall maintain security cameras at all entrances and facades of the building. Recorded video shall be viewable upon request.



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 The Beach Club Sports Bar & Grill, LLC. 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	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.....	570-6623

Compiled by: Department of Financial Management
Business Relations Bureau



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5700 • Fax (562) 570-6867

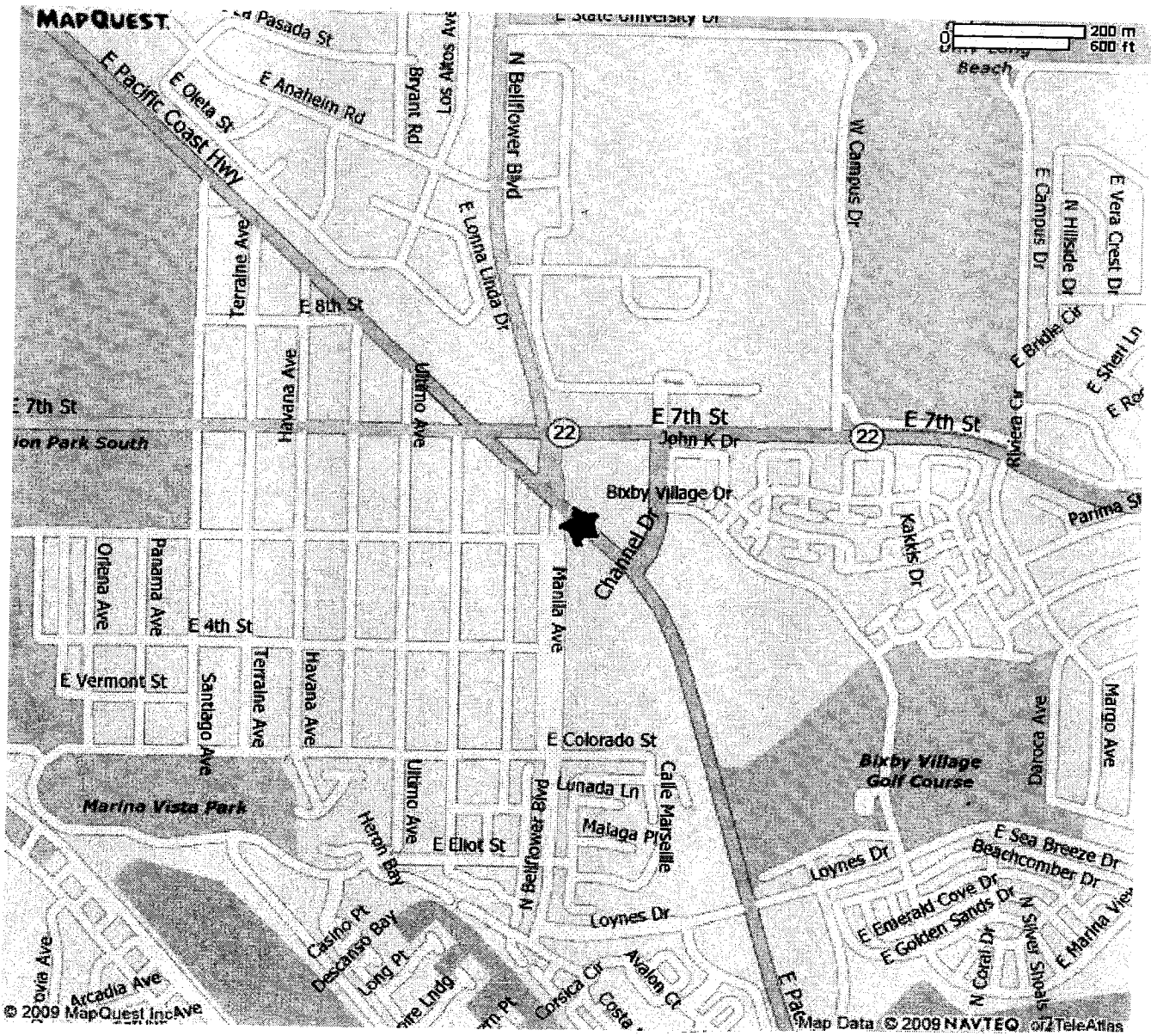
BUSINESS RELATIONS BUREAU

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 5755 E. Pacific Coast Hwy

The Beach Club Sports Bar & Grill, LLC Lic#20917590 05/09 – Pending City Council approval	Entertainment Without Dancing
The Beach Club Sports Bar & Grill, LLC Lic#20916660 05/09 – Pending City approvals	Restaurant With Alcohol
The Beach Club Sports Bar & Grill, LLC Lic#20917600 05/09 – Pending City approvals	Pool Tables (1)
Beach Foods & Spirits, Inc. DBA Pete's at the Beach Lic#20525180 05/05 – 05/09	Restaurant With Alcohol
Beach Foods & Spirits, Inc. DBA Pete's at the Beach Lic#20525190 10/05 – 05/09	Entertainment With Dancing
Danjo Enterprises DBA Buon Gusto Trattoria Lic #20325060 05/03 – 08/04	Restaurant With Alcohol
Buon Gusto Trattoria, Inc. Lic#90068290 11/90 – 05/03	Restaurant With Alcohol

The Beach Club Sports Bar & Grill

5755 E. Pacific Coast Highway





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

GENERAL INFORMATION

OWNER'S NAME (or corporate name, partnership name, or partners) The Beach Club Sports Bar & Grill DRIVER'S LICENSE NUMBER [REDACTED] STATE [REDACTED] SOCIAL SECURITY NUMBER [REDACTED]

BUSINESS NAME (D.B.A.) Same TYPE OF BUSINESS (be specific) Entertainment - No Alcohol HOME OCCUPATION

BUSINESS ADDRESS STREET CITY STATE ZIP AREA CODE/TELEPHONE
5755 E. Pacific Coast Hwy Long Beach Ca. 90803 562-494-9873

BILLING ADDRESS (if different) STREET CITY STATE ZIP AREA CODE/TELEPHONE [REDACTED]

RESIDENCE ADDRESS (if different) STREET CITY STATE ZIP AREA CODE/TELEPHONE [REDACTED]

LIST OF PRINCIPAL OFFICERS OR PARTNERS' NAMES AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST) TITLE % OWNERSHIP
Benjamin Goldberg [REDACTED] Owner 40%
Stephen Hoy [REDACTED] Owner 40%

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

BUSINESS OPERATIONS INFORMATION

START DATE 5/6/19 NO. OF EMPLOYEES 15 NO. OF VEHICLES 1 FEDERAL TAX ID. NUMBER [REDACTED] SALES TAX (SELLER'S PERMIT) NUMBER [REDACTED]

STATE LICENSE NUMBER [REDACTED] CLASSIFICATION(S) [REDACTED] RENEWAL DATE [REDACTED]

Does your business have a Calif State Lic? Y N

FOOD AND BEVERAGE / TOBACCO / GAMING / HAZARDOUS WASTE

Do you plan to sell or serve food? (including pre-packaged) Y N
If serving food, how many seats? 120

Do you plan to sell wholesale food? Y N

Do you plan to sell or serve alcoholic beverages? Y N
If yes, ABC License number: 47-478318

Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables? Y N
How many: 1 Amusement Owner

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

Will you have: Music Dancing Performers Adult Entertainment

SERVICES / FUND RAISING

Will you offer massage, tanning, body-wrap, escort or other similar personal services? Y N

Will you provide a towing service? Y N

Will you engage in fund raising? Y N

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

BUILDING AND FACILITY INFORMATION

Property Owner's Name: Vector Leasing

Business sq. ft.: 3700 Warehouse on site? Y N

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

Does your business require construction and/or remodeling? Y N

HAZARDOUS WASTE / CHEMICALS / MEDICAL WASTE

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

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

ACKNOWLEDGMENT

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 obtain a business license or I will be in violation of L. B. M. C., Section 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

OWNER(S) OR AUTHORIZED AGENT

Signature [Signature] Date 5/6/19 PRINT NAME/TITLE Benjamin A. Goldberg

Signature _____ Date _____ PRINT NAME/TITLE _____

DO NOT WRITE BELOW THIS LINE

Inspection(s): Bldg Fire Health HazMat PD Other

Basic Tax \$ _____ Prev Use: Restaurant Exp Date: _____

Employees # _____ @ \$ _____ = _____ Prev Lic: _____

Vehicles # _____ @ \$ _____ = _____ Exp Date: _____

Other # _____ @ \$ _____ = _____

PIA # _____ @ \$ _____ = _____ District: 20

PIA Employees # _____ @ \$ _____ = _____ CRE0523

Regulatory SICS: 813

Investigation _____ Entered by: [Signature]

Misc. Fees _____ Date: 5/16/19

Sub Total _____ 209175.90

Zoning Building Review _____

Total \$ _____

Zoning Review
 Y N N/A

By: _____
Date: _____
 New construction Reuse
Zone: _____
Comments: _____

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: [Signature] Date: 5/6/09
 Zoning Approval By: [Signature] Date: 5-6-09

PD-1
13

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): The Beach Club Sports Bar & Grill, LLC
 Business Name (DBA): Sam Business Phone: 562-494-7593
 Business Site Address: 5755 E. Pacific Coast Hwy Long Beach, Ca. 90803
 Date Business Proposes To Open: 4/30/09
 Days & Time Premises Are Open For Inspection: 11 am to 12:30 am. Month on Sunday

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

Explain briefly the proposed use of the rooms within the building:
Casual Night, Karaoke & Bar on occasion

Contact Person(s) Name (authorized agent, manager, etc.): Benjamin A. Goldberg
 Contact Person(s) Phone Number: (562) 212-6053

Type of Organization:
 Corporation Partnership Individual Unincorporated Association or Club*
 Trust LLC Other, explain: _____

OFFICE USE ONLY	
<input type="checkbox"/> Building <input type="checkbox"/> Fire <input type="checkbox"/> Health (Check Inspecting Department)	Date Received: _____
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use.	
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use subject to the following conditions: _____ _____	
<input type="checkbox"/> Building/Location does not meet Department requirements for the proposed use. Inspection Completed On (date): _____ By: _____	
POLICE DEPARTMENT	
<input type="checkbox"/> Police Department finds no for basis for denial	<input type="checkbox"/> Police Department finds basis for denial
<input type="checkbox"/> 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): Same

Fictitious business names(s) or dba(s) used: None

Place and date of filing fictitious business name statement: N/A

County(ies) in which fictitious name statement is (are) filed: N/A

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:

Steve Hoy

David Sissons

Benjamin A. Goldberg

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

Benjamin A. Goldberg

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:

How long has the corporation or business been in operation?

4/2010

Is the location: Owned? Rented/Leased?

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

Name: Westar Leasing

Address: Costa Mesa, Ca. 92626

IF APPLYING AS A PARTNERSHIP

Check One Box:

General Partnership

Limited Partnership

LLC (Limited Liability Co.)

Name of Partnership:

The Beach Club Sports Bar & Grill, LLC

Percentage of Partnership

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

Interest:

_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Names and residence addresses of **Limited Partners**:

Interest:

<u>Benjamin A. Goldberg</u>	<u>[REDACTED]</u>	<u>40</u> %
<u>Stephen A. Hoy</u>	<u>[REDACTED]</u>	<u>40</u> %
<u>David Sissons</u>	<u>[REDACTED]</u>	<u>20</u> %
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u> %

Place and date of filing Articles or Certificate of Partnership or Limited Partnership:

Long Beach, Ca. 4/23/09

Please Note:

Attach certified copies of Articles of Partnership or Limited Partnership, or other written evidence of partnership status and all amendments thereto this application.

IF APPLYING AS A PARTNERSHIP

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

PRINCIPAL PARTNER I

Name: Benjamin A. Goldberg Title: owner
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 5755 E. PCH, L.B. Ca. 90803 Phone: [REDACTED]
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

PRINCIPAL PARTNER II

Name: Stephen Hoy Title: Owner-Manager
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 5755 E. PCH, L.B. Ca. 90803 Phone: 562-430-6893
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

PRINCIPAL PARTNER III

Name: David Sissons Title: owner
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 5755 E PCH, L.B. Ca. 90803 Phone: 562-818-3091
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

PRINCIPAL PARTNER IV

Name: _____ Title: _____
Residence Address: _____ Phone: _____
Business Address: _____ Phone: _____
Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____
Driver's License Number: _____ Issuing State: _____

Attach a list for additional partners

GENERAL OPERATING CONDITIONS

Complete Each Question

ALCOHOL/FOOD/ADDITIONAL BUSINESSES

1. Will liquor be sold or consumed on the premises? YES NO

a. If Yes, complete the following box:

Check one box to indicate License Type	Alcohol Beverage Control License No.	Premises Type: (Club (restaurant) or Commercial (store))
On sale beer <input checked="" type="checkbox"/>	#47-478318	restaurant
On sale beer and wine <input checked="" type="checkbox"/>		restaurant
On sale distilled spirits <input checked="" type="checkbox"/>		restaurant

2. Is a bonafide-eating place provided on the premises? (Bonafide eating place means a place which is regularly used for serving meals for compensation, which has suitable kitchen facilities containing conveniences for cooking an assortment of foods for ordinary meals other than fast foods, sandwiches or salads. The kitchen must contain proper refrigeration for food and must comply with all applicable regulations of the Health and Human Services Department.

YES NO

a. If yes, list types of food sold: Salads, Soup, Burgers, Sandwiches, Pizza, Fries

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

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 20

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

a. If yes, list type(s): _____

6. Are pool tables provided? YES NO

a. If yes, indicate number: 1

7. Is there a license for the pool table? YES NO

a. If yes, license number: 003456-Vendor not ours

8. Are amusement machine(s) and/or jukebox(es) provided? YES NO

a. If yes, indicate number and type: 4 Amusement Machines 1 Jukebox(es)

9. Is there a license for the amusement machine(s) and/or jukebox(es)? YES NO

a. If yes, decal number(s): 003456-Vendor not ours

10. Owner of machine(s) and/or jukebox(es):

Name: Ply Time Amusement, Inc

Address: _____

Telephone No. (310) 376-7923

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided? YES NO
- a. If yes, number of security officers: _____ *only on occasion at night*
12. Is any other type of security provided? YES NO
- a. If yes, describe type of security: Center has night time security guard.

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of	<i>Ralphs Center 24hr Security</i>						
Security	<i>for Center B</i>						

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	11:00am	11am	11am	11am	11am	8am	8am
Close	12:30	12:30	12:30	12:30	12:30	12:30	12:30

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? Retail shops

20. Are there surrounding residences? YES NO

a. Approximately how close? 300 ft off patio - 500 ft off front of business center

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) N/A

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To	<u>Same as Center Hours</u>						

d. How many individual parking spaces (approximately)? 150

END OF GENERAL OPERATING CONDITIONS SECTION - PLEASE CONTINUE TO NEXT SECTION

ENTERTAINMENT FACILITY AND ACTIVITY

Entertainment - Restaurant Entertainment - Tavern (bar) Entertainment - Other

Does the Proposed Activity have:

- Outdoor Entertainment? Y N
- Dancing by patrons, guests, customers, participants, attendees? Y N
- Dancing by performers? Y N
- Live music by more than two (2) performers? Y N
- Amplified music (live)? Y N
- Amplified music (recorded)? Y N
- Disc Jockey? Y N
- Karaoke? Y N
- Adult Entertainment as defined by LBMC Section 21.15.110? Y N
- Adult Entertainment as defined by LBMC Section 5.72.115 (B)? Y N
- Will the establishment serve as a family pool/billiard hall as provided in Section 5.69.090 of the LBMC? Y N
- Any other type of entertainment not listed above? Y N

If yes, briefly describe the entertainment activity. _____

Describe entertainment by performers: Band, Musicians, Karaoke

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 _____ W _____ H _____

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	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band	Karaoke Trivia Comedy Band
Start Time	8 a.m.	8 a.m.	8 a.m.	8 a.m.	8 a.m.	8 a.m.	8 a.m.
End Time	12:30 AM	12:30 AM	12:30 AM	12:30 AM	12:30 AM	12:30 AM	12:30 AM

RELEASE FORM

The undersigned, on behalf of (owner(s)) Benjamin A. Goldberg 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) The Beach Club Sports Bar & Grill, LLC

to obtain the (entertainment type) Bar Entertainment with Dancing permit/license.

The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. Any change in the person or the address listed in the application may be made only in writing to the Director of Financial Management.

The applicant consents and agrees full compliance will be made with all applicable State laws and City ordinances governing the conduct of the particular type of business activity for which a business license or permit is requested. **The applicant by signing this application understands any incomplete or false information may constitute grounds for denial.**

I swear under penalty of perjury I have read the forgoing application and all information and statements made by the undersigned/applicant regarding this applicant are true and correct.

[Signature]
(SIGNATURE OR AUTHORIZED AGENT)
[Redacted]
DRIVER'S LICENSE OR ID CARD NUMBER

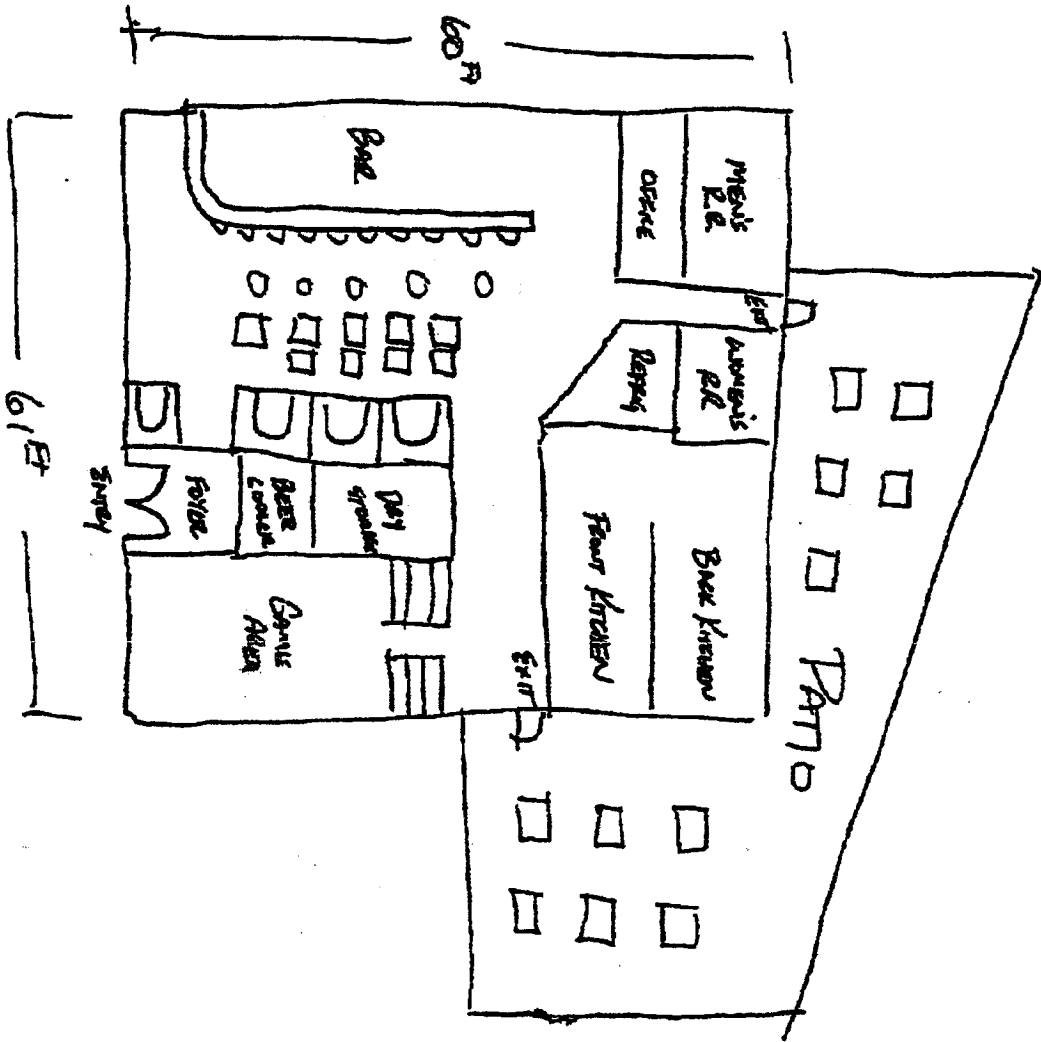
Owner
(TITLE)
[Redacted]
STATE

5/5/09
(DATE)

[Signature]
ACCEPTED BY (CITY STAFF)

CSRE
TITLE

5/6/09
DATE



State of California
Secretary of State



I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

APR 28 2009

Debra Bowen

DEBRA BOWEN
Secretary of State



State of California Secretary of State

LLC-1

File # 200911410210

LIMITED LIABILITY COMPANY ARTICLES OF ORGANIZATION

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

APR 23 2009

A \$70.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," or the abbreviations "LLC" or "L.L.C." The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co.," respectively.)

1. NAME OF LIMITED LIABILITY COMPANY
BEACH CLUB SPORTS BAR & GRILL LLC

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

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

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

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS
THOMAS A. RAMSEY

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE
NINETEENTH FLOOR, 111 WEST OCEAN BLVD. LONG BEACH CA 90802

MANAGEMENT (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- ONE MANAGER (checked)
MORE THAN ONE MANAGER
ALL LIMITED LIABILITY COMPANY MEMBER(S)

ADDITIONAL INFORMATION

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

EXECUTION

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

APRIL 20, 2009
DATE

SIGNATURE OF ORGANIZER

BENJAMIN GOLDBERG
TYPE OR PRINT NAME OF ORGANIZER



LLC-1 (REV 04/2007)

APPROVED BY SECRETARY OF STATE

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

In the Matter of the Application of:

BEACH CLUB SPORTS BAR & GRILL LLC
Db: The Beach Club Sports Bar & Grill
5755 E Pacific Coast Hwy
Long Beach, CA 90803

File: 47-413962

Reg:

**PETITION FOR
CONDITIONAL
LICENSE RECEIVED**
MAY - 5 2009

DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL
LONG BEACH/LAGA WOOD

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 5776.02 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 required that the petitioner(s) operate(s) the premises, in good faith, as a Bona Fide Public Eating Place; and,

WHEREAS, petitioner(s) intend to exercise privileges of the license in an exterior patio area; 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. The use of any amplifying system or device is prohibited on the patio as shown in the ABC-257 dated 5/1/09 after 6:00 p.m. The use of any such system or device inside the premises shall not be audible outside the premises.
2. Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 5/1/09 and ABC-253 dated 5/1/09.
3. Live entertainment should be limited to no more than four (4) live musicians. No noise from said entertainment shall be heard beyond the exterior of the premises in any direction.

Page 2

#47-478318

BEACH CLUB SPORTS BAR & GRILL LLC

- 4. 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 a quarterly basis and shall be made available to the Department on demand.
- 5. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 6. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. to 12:30 a.m. each day of the week.
- 7. Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of 6:00 a.m. to 10:30 p.m. each day of the week.
- 8. Petitioner shall not acquire the service of promoters at any time.

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 May 5 DAY OF May, 2009.

[Signature]
Applicant/Petitioner

[Signature]
Applicant/Petitioner

RECEIVED
MAY - 5 2009
DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL
LONG BEACH/RAKEWOOD



Accepted By: M. Long Date: 5/6/09
 Zoning Approval By: Pre of Yt Date: 5-6-09

PO-1
13

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

Applicant's Name (Legal Ownership Structure): The Beach Club Sports Bar & Grill, LLC
 Business Name (DBA): Same Business Phone: 562 494-7593
 Business Site Address: 5755 F. Pacific Coast Hwy Long Beach, Ca. 90803
 Date Business Proposes To Open: 4/30/09
 Days & Time Premises Are Open For Inspection: 11 a.m. to 12:30 a.m. Mon thru Sunday

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

Explain briefly the proposed use of the rooms within the building:
Comedy Night, Karaoke & Bands on occasion

Contact Person(s) Name (authorized agent, manager, etc.): Benjamin A. Goldberg
 Contact Person(s) Phone Number: (562) 212-6053

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: AW Batt Title: CHIEF OF POLICE Date: 6-25-09



Date: July 3, 2009
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Anthony W. Batts, Chief of Police *AWB*
Subject: **APPLICATION FOR ENTERTAINMENT WITHOUT DANCING AT THE BEACH CLUB SPORTS BAR & GRILL – 5755 EAST PACIFIC COAST HIGHWAY**

In response to your request for a recommendation regarding the above named permit application for Entertainment without Dancing, the Police Department recommends **approval**, subject to the following seventeen (17) conditions of operation:

The Beach Club Sports Bar & Grill is a restaurant located on the northwest corner of Pacific Coast Highway and Channel Drive. The establishment serves an American style food menu and is open for lunch and dinner during the week and breakfast, lunch, and dinner on the weekends. The business will provide entertainment in conjunction with regular dining. Based on the Police Department's investigation, and the East Division Patrol Commander's recommendation, the Long Beach Police Department does not believe the issuance of an Entertainment Permit without Dancing will have an adverse impact on Patrol Division resources.

CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) Entertainment activities indicated on page #7 of your entertainment application shall be restricted to no later than **12:30 AM** each night of the week.
- 4) Noise emanating from the permittee's premises shall not be audible 50 feet or more from the exterior of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows shut, limiting hours of entertainment or by offering non-amplified entertainment.

- 5) Persons under eighteen (18) years of age shall not be permitted to enter nor to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian. On duty employees and functions with adequate adult supervision are exempt from this condition.
- 6) The permittee shall employ his/her own discretion in determining the level of security necessary to prevent violations of law and any other disturbances arising out of or in connection with business operations. Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the parking lot, the permittee shall increase security as directed by the Chief of Police.
- 7) The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside any of the entrance/exit doors and the parking lot, at all times, open for business. This should be done by use of security guards and/or signage indicating, words to the effect of, "Please respect our neighbors."
- 8) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles and not loiter in the parking lot or the immediate area.
- 9) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10 p.m. and 7 a.m.
- 10) 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)
- 11) The permittee agrees to reimburse the City of Long Beach whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of, or in connection with the permittee's operations.
- 12) This entertainment permit is accessory to the primary business, which is a restaurant. In the event the primary business ceases operation on a permanent basis, meaning meals are no longer offered at the location, then the entertainment permit becomes null and void.
- 13) The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment. Comedy nights shall not be considered nightclub entertainment.

- 14) The permittee shall notify neighboring businesses prior to any special events that may impact parking within the shopping center.
- 15) The Beach Club Sports Bar & Grill, or agents, shall not distribute any advertising matter, such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City of Long Beach. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all agent contracts, including names, addresses, and phone numbers, on file at all times, and be available for inspection at anytime.
- 16) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 17) The permittee, shall, within ninety (90) days of an approved entertainment permit, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control. In the event that the LEAD program is not offered within this ninety-day period, the permittee shall attend the next available class. Proof of completion shall be submitted to the Long Beach Police Department Vice Investigations Section.



Accepted By: [Signature] Date: 5/6/09
 Zoning Approval By: [Signature] Date: 5/6/09

APPLICATION FOR ENTERTAINMENT PERMIT

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

PO-1
13

Applicant's Name (Legal Ownership Structure): The Beach Club Sports Bar & Grill, LLC
 Business Name (DBA): Same Business Phone: 562 494-7593
 Business Site Address: 5755 E. Pacific Coast Hwy Long Beach, Ca. 90803
 Date Business Proposes To Open: 4/30/09
 Days & Time Premises Are Open For Inspection: 11 am to 12:30 a.m. Mon thru Sunday

Proposed Use(s):

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

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

Comedy Night, Karaoke & Bands on occasion

Contact Person(s) Name (authorized agent, manager, etc.): Benjamin A. Goldberg

Contact Person(s) Phone Number: (562) 212-6053

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: 5/16/09

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): 6/19/09 By: NENDY GOETZ

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: _____



To: Gloria Garcia *Faded*
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

7/14/09

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS**

Date: 7/14/09

Name of Business (DBA): The Beach Club Sports Bar & Grill, LLC

Name of Business Owner: The Beach Club Sports Bar & Grill, LLC

Business Address: 5755 E. Pacific Coast Hwy
Long Beach, Ca. 90803

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) *[Signature]*
Benjamin A. Goldberg

Title Owner

Phone # 562-494-7593

FAX # 562-986-7263



Accepted By: M. Long Date: 5/6/09
 Zoning Approval By: Pre of YK Date: 5-6-09

PD-1
13

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): The Beach Club Sports Bar & Grill, LLC

Business Name (DBA): Same Business Phone: 562 494-7593

Business Site Address: 5755 E. Pacific Coast Hwy Long Beach, Ca. 90803

Date Business Proposes To Open: 4/30/09

Days & Time Premises Are Open For Inspection: 11 am to 12:30 a.m. Mon thru Sunday

Proposed Use(s):
 Entertainment/Restaurant With Dancing Without Dancing B

Entertainment/Tavern With Dancing Without Dancing

Social Club Pool or Billiard Hall Other (explain)

Explain briefly the proposed use of the rooms within the building:
Comedy Night, Karaoke & Bands on occasion

Contact Person(s) Name (authorized agent, manager, etc.): Benjamin A. Goldberg

Contact Person(s) Phone Number: (562) 212-6253

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: 5-6-9

Building/Location meets Department Requirements for the proposed use. LNA

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: _____



Date: May 19, 2009
To: Erick Sund, Manager of Business Relations Bureau
From: Derek Burnham, Current Planning Officer *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 5755 E. Pacific Coast Highway
Long Beach, CA 90802

Applicant: The Beach Club Sports Bar and Grill

Zoning District: PD-1 (South East Area Development Improvement Plan)

Proposed Use: Entertainment without Dancing

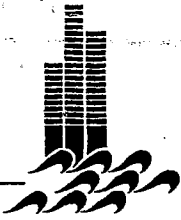
The Community Design and Development Division of the Department of Planning and Building has the following comments:

A review of the permit history indicates that a Conditional Use Permit was approved for the subject site in July of 2004. The Conditional Use Permit was an alcohol related case that allowed the establishment of a restaurant with a fixed bar.

The subject site was previously approved for an entertainment permit with dancing in October of 2008. The applicant is now seeking to obtain an entertainment permit without dancing. An entertainment permit without dancing is allowed as an accessory use to a restaurant. No extra parking is required.

Planning Bureau recommends that the entertainment permit without dancing for "The Beach Club Sports Bar and Grill" be approved with the following condition that the hours of operation shall be from 6:00 a.m. to 12:30 a.m. Monday through Friday as per Conditional Use Permit No. 0405-25.

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



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

FAX (562)570-6068

NOTICE OF FINAL LOCAL ACTION

Case No.: 0405-25

Project Location: 5755 East Pacific Coast Highway

Applicant: Peter Kourkoulis for Beach Foods and Spirits, Inc.
5755 E. Pacific Coast Highway
Long Beach, California 90803

Permit(s) Requested: Conditional Use Permit

Project Description: Request to establish and operate a restaurant with full bar in an existing commercial retail center.


Local action was taken by the: Planning Commission on July 15, 2004


Decision: Approved Subject to Conditions

This project is NOT in the Coastal Zone and IS NOT appealable to the Coastal Commission.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


Greg Carpenter
Zoning Administrator


Jayme Mekis, Planner
Phone No.: (562)570-6943

Attachments

Council District: 3

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

Case No. 0405-25
Date: July 15, 2004

1. The use permitted hereby on the site, in addition to other uses permitted in the PD-1 Zone District, shall be a restaurant with a full service bar. The establishments hours of operation shall be:
 - a. Monday through Sunday: 6:00 AM until 12:30 PM
2. This permit and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
5. In the event of **transfer of ownership** of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
6. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow **periodic re-inspections**, at the discretion of city officials, to verify compliance. The property owner shall

reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).

7. All operational conditions of approval of this permit **must be posted** in a location visible to the public, in such a manner as to be readable when the use is open for business.
8. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
9. The Director of Planning and Building is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project and if no detrimental effects to neighboring properties are caused by said modifications. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
10. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
11. Prior to the issuance of a building permit, the applicant must depict all **utility apparatus**, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Planning and Building.
12. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of city officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
13. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

CUP Conditions
Case No. 0405-25
July 15, 2004

14. Any graffiti found on site must be removed within 24 hours of its appearance.
15. **Energy conserving equipment**, lighting and construction features shall be utilized on the building.
16. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
17. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole mounted yard lighting foundations and planters.
18. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Planning and Building prior to the issuance of a building permit.
19. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
20. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
22. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
23. Compliance is required with these Conditions of Approval as long as this use is on-site. As such, the site shall be available for periodic reinspection conducted at the discretion of City officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by the City Council.
24. Exterior public telephones are prohibited on-site.
25. If loitering, security or nuisance issues arise as a result of the operations of the facility, the Director of Planning and Building shall have the authority to require security guards at the facility as per the requirements of the Long Beach Police.