



July 13, 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 Beachside Blue Café, Inc., DBA Mariposa on Pine, 217 Pine Avenue, 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 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, 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 One-Year 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.

Attached for your review is the application from Beachside Blue Café, Inc., DBA Mariposa on Pine. 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. 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 be approved subject to the standard conditions of the Downtown Dining and Entertainment District.
- The Fire Department finds that the building/location meets department requirements for the proposed use.

- 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 matter was reviewed by Deputy City Attorney Cristyl Meyers on June 24, 2010.

TIMING CONSIDERATIONS

The hearing date of July 13, 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 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 \$320.70 and Regulatory \$958 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF: ES: JEM
K:\Exec\Council Letters\Business Relations\Hearing Letters\07-13-10 ccl - Mariposa on Pine.doc

APPROVED:



PATRICK H. WEST
CITY MANAGER

ATTACHMENTS



Recommended Conditions of Operation
Beachside Blue Café, Inc., DBA Mariposa On Pine
217 Pine Avenue
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 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.

- 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, 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.
- 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.

---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.



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 Beachside Blue Café, Inc., DBA Mariposa On Pine. 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

BUSINESS RELATIONS BUREAU

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 217 Pine Avenue

Beachside Blue Café Inc. DBA: Mariposa on Pine Lic#21002590 01/10 – Pending City Council approval	Entertainment With Dancing
Beachside Blue Café Inc. DBA: Mariposa on Pine Lic#20943640 11/09 – Active	Restaurant With Alcohol
Hush On Pine, Inc. DBA: JC Mayazteca Lic#20811870 12/08 – 05/09 (No Permit Issued)	Entertainment With Dancing
Hush On Pine, Inc. DBA: Hush Lic#20626220 03/07 – 03/08	Entertainment With Dancing (1-yr Short-Term permit)
Hush On Pine, Inc. DBA: JC Mayazteca Lic#20621710 04/06 – 05/09	Restaurant With Alcohol
Perlman Inc. DBA: Hush Restaurant & Banquet Facility Lic#20528760 06/05 – 04/06	Restaurant With Alcohol
Perlman Inc. DBA: Hush Restaurant & Banquet Facility Lic#20529020 06/05 – 04/06	Entertainment With Dancing

Beachside Blue Café Inc.
217 Pine Ave.





CITY OF LONG BEACH BUSINESS LICENSE APPLICATION

4th Floor, City Hall

333 W. Ocean Boulevard, Long Beach, CA 90802

www.longbeach.gov

(562) 570-6211

TDD (562) 570-6793

GENERAL INFORMATION

OWNER'S NAME (If corporation, use corporate name. If partnership - principal) BEACHSIDE BLUE CAFE, INC. DRIVER'S LICENSE NUMBER STATE SOCIAL SECURITY NUMBER BUSINESS NAME (D.B.A) MARIOSA ON PINE TYPE OF BUSINESS (Be specific) RESTAURANT, ENTERTAINMENT w/ DANCING HOME OCCUPATION BUSINESS ADDRESS 217-223 PINE AVE LONG BEACH CA 90802 AREA CODE/TELEPHONE 562-436-3600 MAILING ADDRESS (if different) RESIDENCE ADDRESS (if different) LIST OF PRINCIPAL OFFICERS' OR PARTNERS' NAMES AND ADDRESSES STEPHEN NIKLYEN PRES/SEC 100% TITLE PERCENT OWNERSHIP

New Business Address Change Ownership Change Secondary License Sole Owner Partnership Corporation L.L.P. L.L.C.

BUSINESS OPERATIONS INFORMATION

START DATE 1/26/10 NO. OF EMPLOYEES 3 NO. OF VEHICLES 0 FEDERAL TAX ID NUMBER SALES TAX (SELLER'S PERMIT) NUMBER Does your business have a Calif State Lic? Y N STATE LICENSE NUMBER CLASSIFICATION(S) RENEWAL DATE

FOOD / ALCOHOL / ENTERTAINMENT SERVICES / FUND RAISING HAZARDOUS MATERIALS / MEDICAL WASTE BUILDING AND FACILITY INFORMATION Do you plan to sell or serve food? Will you provide a towing service? Will you offer massage, bodywrap, escort or other similar personal services? Will you engage in fund raising? Will you deal in coins, stamps, firearms, jewels, or second-hand property? Will you use, store, or transport chemicals (new or waste state)? Will you manage or produce biohazardous materials or waste? Business sq. ft.: 14,200

ACKNOWLEDGMENT

I have received a copy of "OPERATING A BUSINESS IN LONG BEACH". I understand that before I can operate my business in Long Beach, my establishment must comply completely or I will be in violation of the L. B. M. C., Section 3.80.421.5. 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 or Authorized Agent: Stephen Niklyen, 1/26/10, SIGNATURE, DATE, PRINT NAME/TITLE

DO NOT WRITE BELOW THIS LINE

Review Path: Min Mod Com Inspection(s): Bldg Fire Hlth PD Oth Date/time: Prev Use: Restaurant Exp Date: 2/20/10 Employees Vehicles Other DPJA, BSPA, BKBA base PIA Employees Regulatory Investigation Misc. Fees Sub Total Zoning Building Inspection Total Zoning Review By: Date: 1/26/10 New construction Reuse Zone: Comments: Intake pending larger floor plan

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: _____ Date: _____
 Zoning Approval By: Mark Miller Date: 1/26/10
need larger floor plan

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

Applicant's Name (Legal Ownership Structure): Beach Side Blue Cafe, Inc.
 Business Name (DBA): Blue Cafe / Restaurant Business Phone: (310) 748-3848
Mariposa on Pine
 Business Site Address: 217 Pine Avenue Long Beach CA 90802
 Date Business Proposes To Open: January 1, 2010
 Days & Time Premises Are Open For Inspection: Monday - Friday 7AM - 7pm

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:

Dining, Entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Stephen Nguyen

Contact Person(s) Phone Number: (310) 748 3848

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): 217-223
Pine Avenue Long Beach CA 90802

Fictitious business names(s) or dba(s) used: Mariposa on Pine

Place and date of filing fictitious business name statement: Recorder's Office, LA
2/22/07

County(ies) in which fictitious name statement is (are) filed: Los Angeles Co.

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:

- Bruce Karey 217 Pine Ave Long Beach CA 90802
- William BRAMBLE 217 Pine Ave Long Beach CA 90802
- LISA TORRES 217 PINE AVE. LONG BEACH CA 90802

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

Stephen Nguyen 217 Pine Ave Long Beach CA 90802

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:

N/A

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? 3 years

Is the location: Owned? Rented/Leased?

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

Name: Bradley Trust / Beach Enterprises

Address: 209B Pine Ave Long Beach CA 90802

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: Beach Side Blue Cafe, Inc.

Corporation Number: [REDACTED] TAX ID 2794519 (CORP ID)

Date and Place of Incorporation: January 9, 2007

Location Headquarters: Long Beach

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>Stephen Nguyen</u>	<u>President</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()

Numbers of shares issued by Corporation: 100

Number of share retained by Corporation: 100

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

Stephen Nguyen [REDACTED]

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

Stephen Nguyen 29216 Firthbridge Rd, Rancho PV CA 90275

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Stephen Nguyen Title: President
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 217 Pine Ave Long Beach 90802 Phone: (310) 748 3848
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]

CORPORATE OFFICER II

Name: N/A 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 III

Name: N/A 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: N/A 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

47-485366

Restaurant with Entertainment

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: American & Mexican FUSION

b. If no, list any products (such as snacks sold): N/A

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 50

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: 0

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: To be determined Amusement Machines _____ Jukebox(es) _____

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

a. If yes, decal number(s): will be provided by outside vendors

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

Name: To be Determined

Address: _____

Telephone No. () _____

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

- 11. Will security officers be provided? YES NO
 - a. If yes, number of security officers: 1-12
- 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	11 AM - 2 AM	11 AM - 2 AM	11 AM - 2 AM	11 AM - 2 AM	11 AM - 2 AM	11 AM - 2 AM	11 AM - 2 AM
Security	1	1	1-2	2-6	7-10	7-12	2

- 13. Will a private security firm be used? YES NO
 - a. If yes, provide the following information of the contracted security firm:
 - Name: Langner Security City Business License No.: B420725411
 - Address: 245 W BROADWAY Telephone No.: (562) 590 5232

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: Fee to be determined dependent upon market price & on value of entertainment
- 17. Is there a private area for exclusive use of members and their guests only? YES NO
 - a. If yes, types of membership fees: N/A
- 18. Will guests of members pay an admission fee or other charges? YES NO
 - a. If yes, describe the fee schedule and other charges: NO MEMBERSHIP
Dependent on market price & on contract

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	7 AM	7 AM	7 AM	7 AM	7 AM	7 AM	7 AM
Close	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? Restaurant & Retail

20. Are there surrounding residences? YES NO

a. Approximately how close? 75 yards

PARKING FACILITIES AND ARRANGEMENTS

21. Is parking available? YES NO

a. If no, what is the street address of the off-premises parking facility? N/A

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) NA

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	9 AM	"	"	9 AM	"	"	9 AM
To	2 AM	"	"	2 AM	"	"	2 AM

d. How many individual parking spaces (approximately)? 70 or so

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. Comedy, Magic shows, Fashion shows, Sport Viewing

Describe entertainment by performers: PLEASE, SEE REVERSE SIDE

Dance Floor? Y N

(MAIN FLOOR)

If yes, provide dimensions and type of material of dance floor.

Stage? Y N
 L 12' X W 27' = 324 sq ft.

If yes, provide dimensions and type of material of stage.

L 16'-3" W 12'-2" H 17 3/4"

Describe floor material and surface type: Wood & Metal

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	See above list	See above list	See above list	See above list	see above list	see above list	see above list
Start Time	6 PM	6 PM	6 PM	6 PM	6 PM	6 PM	11 AM
End Time	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

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. Comedy, Magic shows, Fashion shows, Sport Viewing

Describe entertainment by performers: PLEASE SEE REVERSE SIDE

Dance Floor? Y N

If yes, provide dimensions and type of material of dance floor.

Stage? Y N
 L 15' X W 11.67' = 175 sq ft.

If yes, provide dimensions and type of material of stage.

L 15' W 15' H 17 3/4'

Describe floor material and surface type: Wood & Metal

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	See above list	See above list	See above list	See above list	See above list	See above list	See above list
Start Time	6 PM	6 PM	6 PM	6 PM	6 PM	6 PM	11 AM
End Time	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

RELEASE FORM

The undersigned, on behalf of (owner('s)) BEACHSIDE BLUE CAFE INC., 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) MARIPOSA ON PINE

to obtain the (entertainment type) ENTERTAINMENT W/ 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.

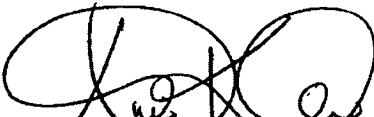

(SIGNATURE OF AUTHORIZED AGENT)

PRES / SEC
(TITLE)

11/25/09
(DATE)

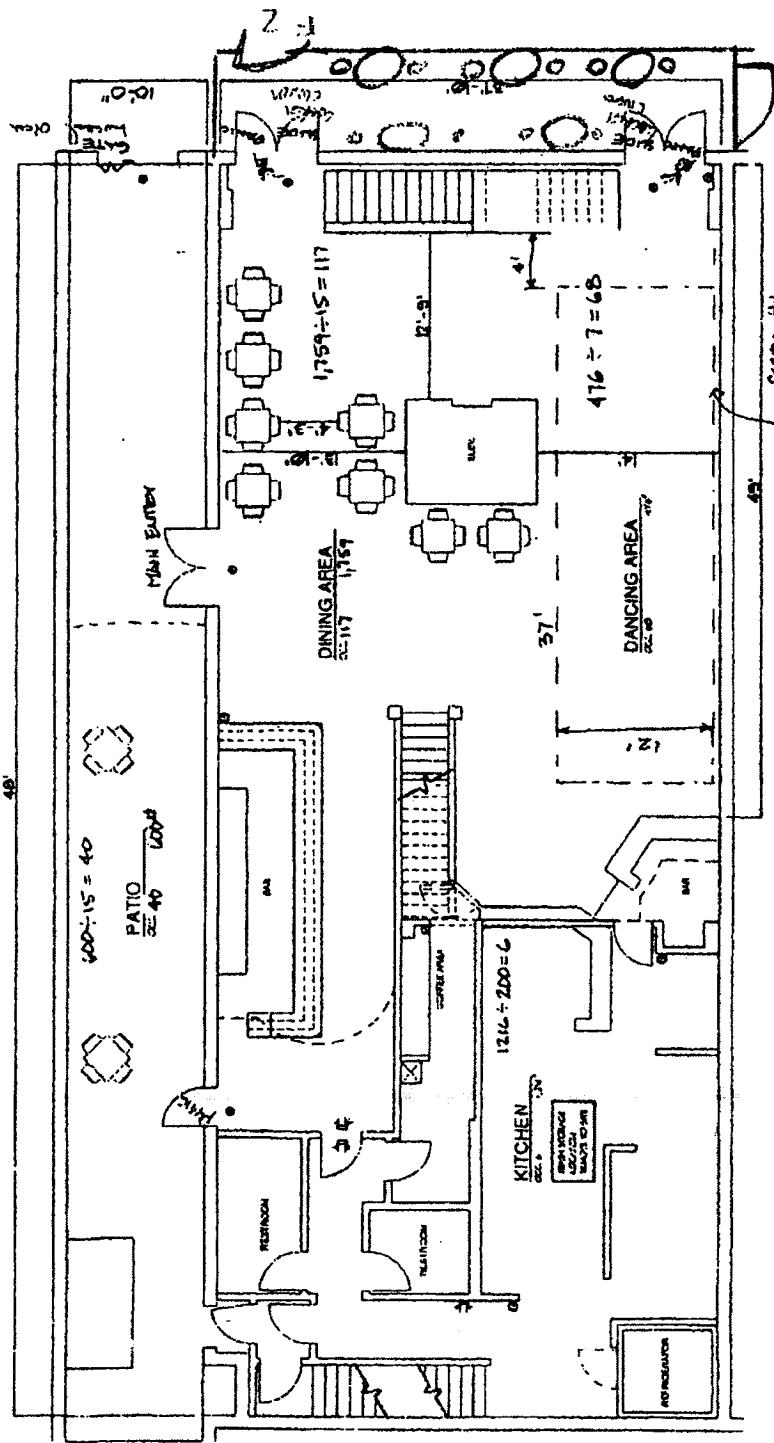

DRIVER'S LICENSE OR ID CARD NUMBER


STATE


ACCEPTED BY (CITY STAFF)

CSR III
TITLE

01/26/10
DATE

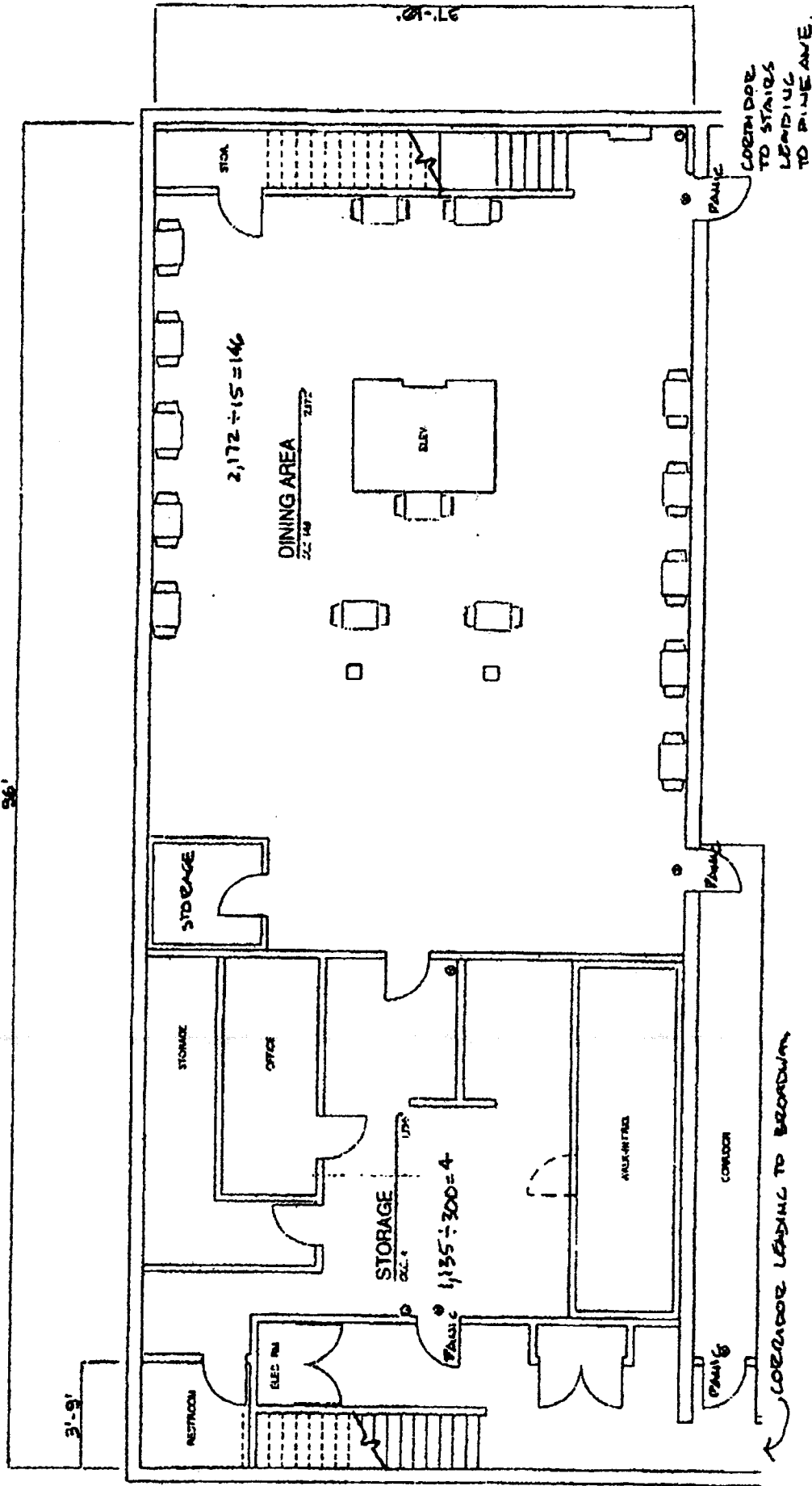


1ST. FLOOR (ST. LEVEL) OCC. 231
 1/8" = 1'-0"

TABLES
 36 & 2 W.C.
 241 MEN = 6 TABLES

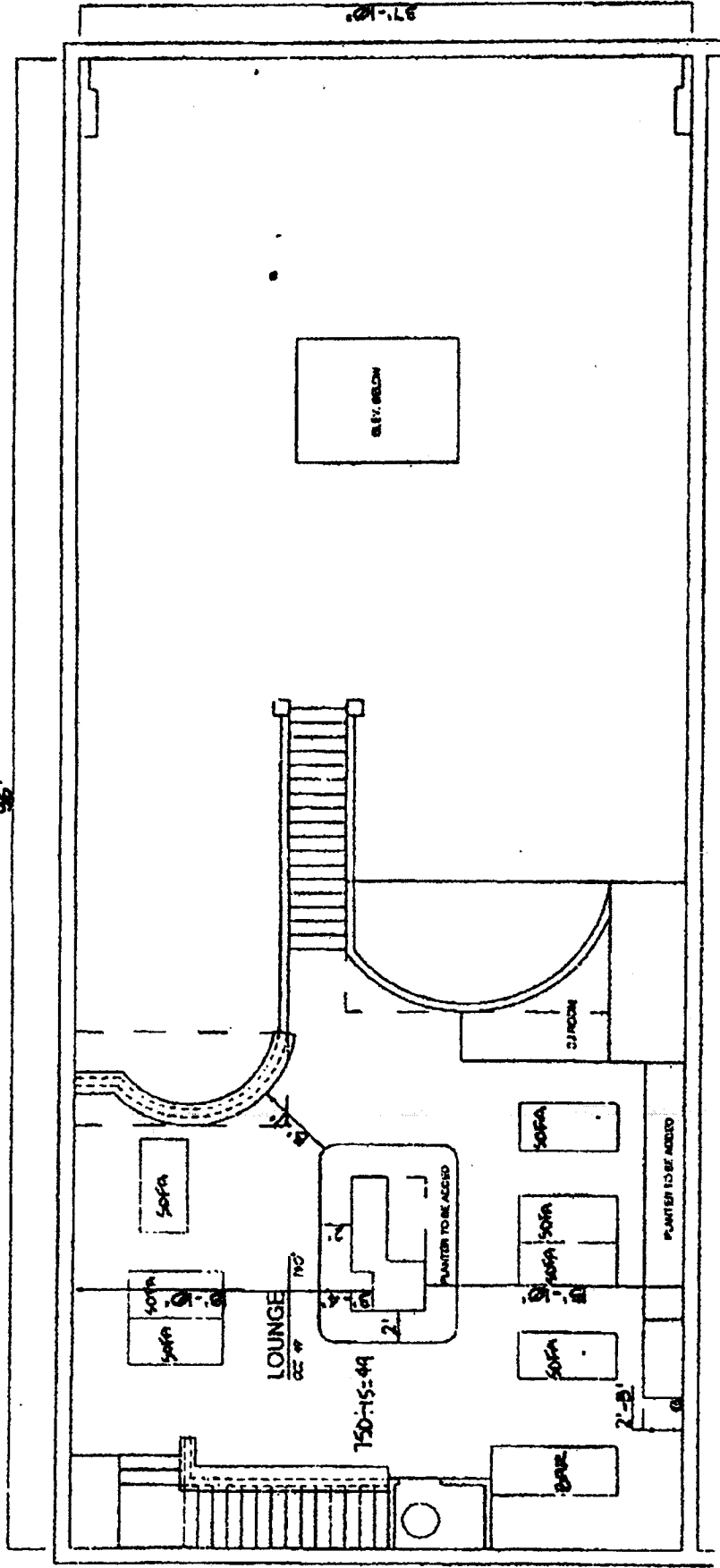
primarily
 MAKE-UP
 ON FLOOR
 AREA FOR
 DANCE

Reviewed
 1-15-50



BASEMENT OCC. 150
1:8" = 1'-0"

Reviewed
6-18-10
MVM



MEZZANINE

1/8" = 1'-0"

OCC. 49

Reviewed
1-10-10 NXW



State of California
Secretary of State

I, BRUCE McPHERSON, 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

JAN 03 2007

BRUCE McPHERSON
Secretary of State

2794519

**ARTICLES OF INCORPORATION
OF
BEACHSIDE BLUE CAFE INC.**

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

JAN 03 2007

Article I

The name of this corporation is BEACHSIDE BLUE CAFE INC.

Article II

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

Article III

The name and address of this corporation's initial agent for service of process in the State of California is:

Stephen Nguyen
29216 Firstridge Rd.
Rancho Palos Verdes, California 90275

Article IV

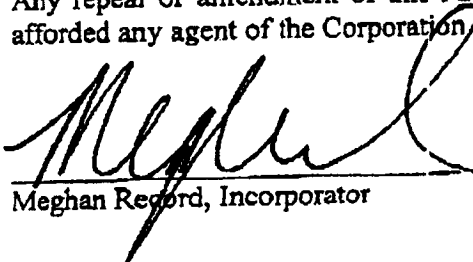
The corporation is authorized to issue only one class of shares of stock; and the total number of shares of stock which this corporation is authorized to issue is 1,500.

Article V

The liability of the directors of the Corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

The Corporation is authorized to indemnify the "Agents" (as defined in Section 317 of the California Corporations Code) of the Corporation to the fullest extent permissible under California law.

Any repeal or amendment of this Article shall not adversely affect any right of or protection afforded any agent of the Corporation in effect at the time of the repeal or amendment.


Meghan Record, Incorporator



Incorporator's Certificate
of
BEACHSIDE BLUE CAFE INC.

I, Meghan Record, the sole Incorporator of BEACHSIDE BLUE CAFE INC., a(n) California corporation formed in accordance with the laws of that state, sign this statement to set forth action taken as follows:

FIRST: I state that the Certificate of Incorporation of BEACHSIDE BLUE CAFE INC., a true copy of which is annexed to this statement, was filed with the Department of State of California on 01/02/2007.

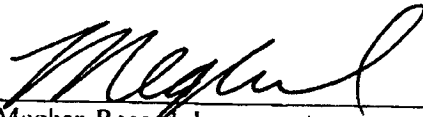
SECOND: The by-laws annexed to this statement have been adopted by me as the bylaws of BEACHSIDE BLUE CAFE INC.

THIRD: The following persons have been nominated and elected by me as directors of BEACHSIDE BLUE CAFE INC. to hold office until the first annual meeting of shareholders and until their successors are elected and qualify:

Stephen Nguyen

FOURTH: I hereby assign all my rights, responsibilities, and duties as incorporator of BEACHSIDE BLUE CAFE INC. to the above-named Directors. After execution of this Certificate, the Incorporator named herein shall have no rights, responsibilities, or duties in regards to this corporation.

The foregoing is established by my signature on this instrument at 26520 Agoura Road, Calabasas, California 91302, on 01/02/2007.



Meghan Record, Incorporator

This page is part of your document - DO NOT DISCARD



20070386243

Pages:
0002



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

Fees \$23.00

Taxes \$0.00

Other \$0.00

Paid \$23.00

02/22/07 AT 10:43AM

0000269625

200702220490012

Counter

TITLE(S) : FICTITIOUS NAME STATEMENT



LEAD SHEET

FEE

D.T.T.

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

Your Return Mailing Address

STEPHEN NGUYEN

ess: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

REGISTRAR - RECORDER / COUNTY CLERK'S FILING STAMP

02/22/07



20070386243

1 First Filing Renewal Filing
Check one only

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS: (Attach additional pages if required)

2 Fictitious Business Name(s) 3.
1. MARIPOSA ON PINE
2. Articles of Incorporation or Organization Number (if applicable)
AI #/ON 2794519

3 Street Address, City & State of Principal Place of Business in California (P.O. Box alone not acceptable)
100 W BROADWAY #1200 LONG BEACH, CALIFORNIA

4 Full name of Registrant / Corporation / Limited Liability Company (if corporation - incorporated in what state)
BEACHSIDE BLUE CAFE, INC. CA
Residence Street Address (P.O. Box not accepted) City State Zip Code
[REDACTED] [REDACTED] 90

4A Full name of Registrant / Corporation / Limited Liability Company (if corporation - incorporated in what state)
Residence Street Address (P.O. Box not accepted) City State Zip Code

4B Full name of Registrant / Corporation / Limited Liability Company (if corporation - incorporated in what state)
Residence Street Address (P.O. Box not accepted) City State Zip Code

5 This Business is conducted by: () an individual () a general partnership () joint venture () a business trust
(check one only) () co-partners () husband and wife (X) a corporation () a limited partnership
() an unincorporated association other than a partnership () a limited liability company () Other

6 Have you started doing business? If yes, insert the date on the line.
No _____
Yes X Date 2/21/07

7 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.)

8 Signature of Registrant(s)
Signature: [Handwritten Signature] type/print name: STEPHEN NGUYEN
Signature: _____ type/print name: _____
Signature: _____ type/print name: _____
Signature: _____ type/print name: _____

8A If Registrant is a CORPORATION or LLC, sign below
BEACHSIDE BLUE CAFE, INC
Corporation Name / Limited Liability Company
Signature: [Handwritten Signature] signature
PRESIDENT Title
STEPHEN NGUYEN Type or Print Name

This statement was filed with the County Clerk of LOS ANGELES County on date indicated by file stamp above.

NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. 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)

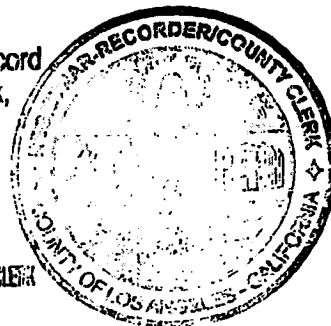
REGISTRAR - RECORDER/COUNTY CLERK
BUSINESS FILING AND REGISTRATION
P.O. BOX 53592, LOS ANGELES, CA 90053-0592
PH (562) 462-2177

FILING FEE: \$23.00 for 1 FBN and 2 registrants plus \$4.00 for each additional FBN/registrant
RENEWAL FEE: \$18.00 for 1 FBN and 2 registrants plus \$4.00 for each additional FBN/registrant
REFER TO THE BACK OF THE FORM FOR INSTRUCTIONS

This is a true and certified copy of the record
if it bears the seal, imprinted in purple ink,
of the Registrar-Recorder/County Clerk

FEB 28 2007

Angela Williams REGISTRAR-RECORDER/COUNTY CLERK
LOS ANGELES COUNTY, CALIFORNIA



DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT



ACCOUNT NUMBER

2/21/2007 SR EAB [REDACTED]

MARIPOSA ON PINE
BEACHSIDE BLUE CAFE, INC.
100 W BROADWAY # 1200
LONG BEACH, CA 90802-4431

*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

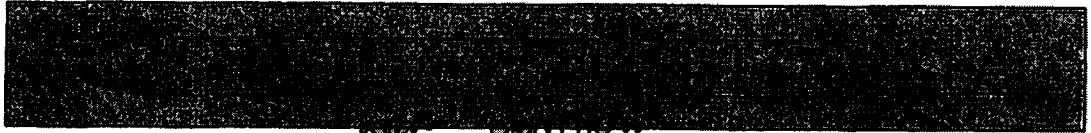
As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if 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.

STATE BOARD OF EQUALIZATION

Sales and Use Tax Department



APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Beach Side Blue Cafe, Inc.

Business Name (DBA): Blue Cafe / Restaurant Business Phone: (310) 748-3848

Business Site Address: 217 Pine Avenue Long Beach CA 90802

Date Business Proposes To Open: January 1, 2010

Days & Time Premises Are Open For Inspection: Monday - Friday 7AM - 7pm

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:

Dining, Entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Stephen Nguyen

Contact Person(s) Phone Number: (310) 748-3848

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: CHIEF OF POLICE Date: 5/28/10



Date: May 28, 2010
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Jim McDonnell, Chief of Police 
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT MARIPOSA ON PINE – 217 PINE AVENUE**

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

Mariposa on Pine is a restaurant/nightclub located on the west side of Pine Avenue between Broadway Avenue and 3rd Street. The business is owned and operated by Steven Nguyen and currently holds a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control license. The establishment serves Mexican and American cuisine. The restaurant will be open for lunch and dinner. After the food service ends, the business will become a nightclub with limited food service.

Steven Nguyen previously owned and operated The Blue Café located at 210 The Promenade since 2004. Due to accidental water damage to his business, he was forced to close this location. Mr. Nguyen has owned and operated Mariposa on Pine since 2007. The business was previously located at 135 Pine Avenue and operated at that location since 2007. Mr. Nguyen's previous lease agreement at 135 Pine Avenue was terminated. As a result, he was forced to cease operating the business at 135 Pine Avenue. Mr. Nguyen has now moved business operations to 217 Pine Avenue.

Based on 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 MARIPOSA ON PINE
217 PINE AVENUE
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.

ENTERTAINMENT WITH DANCING AT MARIPOSA ON PINE
217 PINE AVENUE
Page 3

- 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, 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.

ENTERTAINMENT WITH DANCING AT MARIPOSA ON PINE
217 PINE AVENUE

Page 4

- 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."

JM:CNA:cna
AppvCondMariposa

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.

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Beach Side Blue Cafe, Inc.

Business Name (DBA): Blue Cafe / Restaurant Business Phone: (310) 748-3848

Business Site Address: 217 Pine Avenue Long Beach CA 90802

Date Business Proposes To Open: January 1, 2010

Days & Time Premises Are Open For Inspection: Monday - Friday 7AM - 7PM

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:

Dining, Entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Stephen Nguyen

Contact Person(s) Phone Number: (310) 748-3848

Type of Organization:

Corporation Partnership Individual Unincorporated Association or Club

Trust LLC Other, explain: _____

Building Fire Health (Check Inspecting Department) Date Received: 3/11/2010

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): 5/25/2010 By: VALERIE HAUGPIAN

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: 11/25/09

Name of Business (DBA): Blue Cafe / Mariposa Restaurant

Name of Business Owner: Stephen Nguyen

Business Address: 217 Pine Avenue
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) 

Title President / Sec

Phone # (310) 748-3848

FAX # _____



Accepted By: _____ Date: _____
 Zoning Approval By: Stephan Nguyen Date: 1/26/10
red line floor plan

APPLICATION FOR ENTERTAINMENT PERMIT

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Proposed Use(s):

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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:

Dining, Entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Stephen Nguyen

Contact Person(s) Phone Number: (310) 748 3848

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: 6-18-10

Building/Location meets Department Requirements for the proposed use.

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

Based on submitted floor plans

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

Inspection Completed On (date): 6-18-10 By: PXW

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: March 25, 2010
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Current Planning Officer *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 217 Pine Avenue
Long Beach, Ca 90802

Applicant: Beachside Blue Café Inc., DBA Mariposa on Pine

Zoning District: PD-30 (Downtown Planned Development District)

Proposed Use: Entertainment with Dancing

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

No CUPs or AUPs were found for the subject site.

The subject site was previously approved for an entertainment permit with dancing in November 2008. Based on floor plans submitted with the previous application and the current application, there have been no significant changes made to the floor plan.

The subject site is located within PD-30, the Downtown Planned Development District. Entertainment, including dancing by patrons as an accessory use to a restaurant, is a permitted use in this zone. Based on the submitted floor plan no extra parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Mariposa on Pine" be approved.

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