

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-4

333 West Ocean Blvd • Long Beach, California 90802

February 5, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a permit with conditions on the application of J.M. Johnston & Associates, Inc., DBA 49rs Tavern, 5660 East Pacific Coast Hwy. #A, for Entertainment without Dancing by Patrons. (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 shall approve the issuance of the entertainment permit if they find that: the issuance of the permit at the proposed location is consistent with federal, state and local laws, rules, and regulations; it will not constitute an undue burden on the neighborhood; the applicant(s) or responsible persons have not been convicted of any misdemeanor involving moral turpitude or felony offense within the past five years; and, neither the applicant(s) or any responsible persons have a history of committing significant violations of the City code and have not provided false or misleading information on their application.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) deny the Permit on the application. Once the Permit is granted, pursuant to LBMC 5.72.120.5, the Permit will be subject to an administrative review by the Department of Financial Management every two years. This review process will consist of a multi-department analysis to determine compliance and identify if issues exist. This provision does not affect the City's ability to modify, revoke or suspend a permit at any time.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, history, entertainment permit application and floor plan. To review all supportive documents, as well as the documents included in this report, you may visit www.longbeach.gov/finance/business_relations/entertainment.asp.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment without dancing by patrons be approved subject to the conditions.

- 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 without dancing by patrons be approved subject to conditions (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 location has been licensed as a restaurant with alcohol since August of 2010.

This matter was reviewed by Deputy City Attorney Amy R. Webber on January 17, 2013.

TIMING CONSIDERATIONS

The hearing date of February 5, 2013, 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 \$22 and Zoning Review \$16 (Development Services), Police Investigation \$1,218 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$330.57 and Regulatory \$287 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



PATRICK H. WEST
CITY MANAGER

ES: AKK

ATTACHMENTS



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-5596

Recommended Conditions of Operation J.M. Johnston & Associates, Inc., DBA 49rs Tavern 5660 East Pacific Coast Hwy. #A Application for Entertainment without Dancing

The Department of Financial Management recommends **approval** of the Permit subject to the following conditions:

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 21.15.110 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 **10:00 P.M. Sunday through Wednesday, and 12:00 A.M. Thursday through Saturday, Grand Prix weekend, Christmas, and New Years.**
4. Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food services) portion of the establishment has closed, or **10 p.m., whichever comes first.** Private functions not open to the public are exempt from this condition.
5. This Entertainment Permit is accessory to the primary business, which is a restaurant. The authorization to provide entertainment on-site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food only as sandwiches or salads shall not be deemed compliant with this requirement. Meals must consist of food prepared on the premises. Hours of sales of alcohol shall be limited to the hours when meals are available.

The premises must be equipped and maintained in good faith. The premises must possess working refrigeration, cooking equipment, utensils, menus, and enough food to make substantial meals.

In the event the primary business ceases operations, fails to operate as a bona fide eating place, fails to serve actual and substantial meals or otherwise fails to comply with this condition, the Entertainment Permit become null and void.

6. The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LMBC Chapter 8.80).
7. Noise emanating from the permittee's premises shall not be audible beyond fifty feet (50') from the property line of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows closed, limiting hours of entertainment, or by offering non-amplified entertainment.
8. Deliveries to and from the premises shall be limited to the hours of 8:00 A.M. to 10:00 P.M.
9. The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10:00 P.M. and 7:00 A.M.
10. 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 police service, or trash left in the parking lot, 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.
11. 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 while open for business. This should be done by use of security guards and signage indicating words to the effect of, "Please respect our neighbors" or something similar.
12. 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.
13. 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.
14. The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.

15. 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.
16. Any graffiti painted or marked upon the premises, or on any adjacent area under the control of the licensee, shall be removed or painted over within 24 hours of being applied.
17. The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.
18. 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.
19. The business, 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 agent and promoter's contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
20. If the permittee utilizes an independent third party event promoter to provide entertainment related services resulting in any public safety call for service, the City reserves the right to remove and/or restrict the use of independent third party promoters.
21. 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.
22. 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.



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 J.M. Johnston & Associates, Inc., DBA 49rs Tavern. 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) 570-6211 • Fax (562) 570-5099

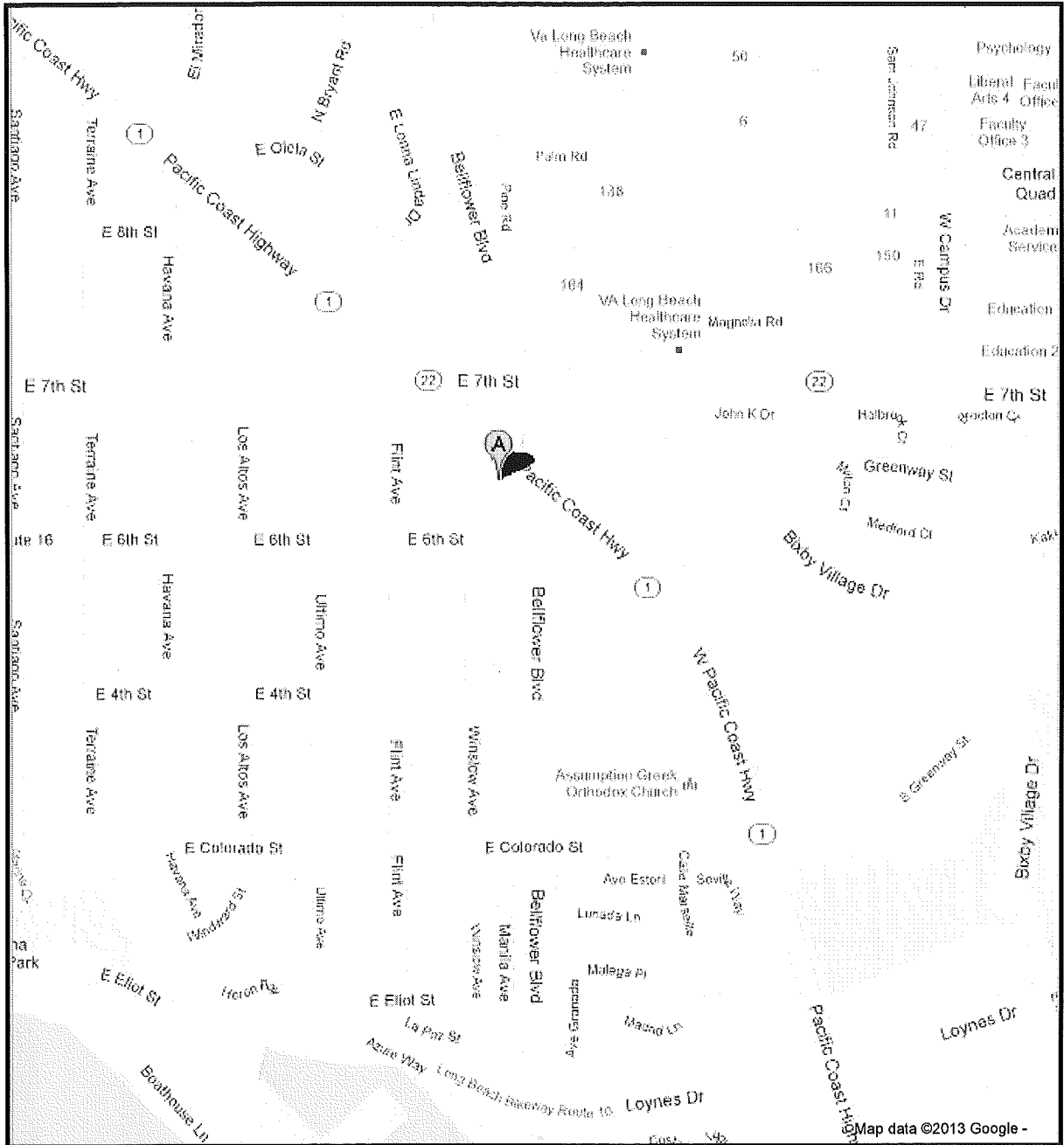
BUSINESS RELATIONS BUREAU

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 5660 E. Pacific Coast Hwy. #A

J.M. Johnston & Associates, Inc. DBA: 49rs Tavern Lic#2121350 08/10 – Pending	Entertainment without Dancing
J.M. Johnston & Associates, Inc. DBA: 49rs Tavern Lic#21026060 08/10 – Current	Pool Tables (2)
J.M. Johnston & Associates, Inc. DBA: 49rs Tavern Lic#21221330 08/10 – Current	Restaurant with Alcohol
Tavern Partners LLC DBA: 49rs Tavern Lic#20623730 05/06 – 04/10	Bar /Tavern/Lounge

49rs Tavern

5660 E. Pacific Coast Hwy. #A





Accepted By: 2/22/250 [Signature] Date: 06/29/12
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): J. M. Johnston & Assoc, INC, Tracy Kittinger

Business Name (DBA): 49RS TAVERN Business Phone: 562 494-4449

Business Site Address: 5660 E. Pacific Coast Hwy, Ste A+B, Long Beach, CA 90814

Date Business Proposes To Open: Open Now

Days & Time Premises Are Open For Inspection: 11AM - 12 midnight or 2AM depending on how busy we are.

Proposed Use(s): License for Beer, Wine & Food. type 41

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:
Small Bands/Belly Dancer/Karaoke

Contact Person(s) Name (authorized agent, manager, etc.): Tracy Kittinger

Contact Person(s) Phone Number: [Redacted]

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): SAME

Fictitious business names(s) or dba(s) used: YGRS TAVERN

Place and date of filing fictitious business name statement: Long Beach, CA
1 1/2 years ago.

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

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:

Tracy Kittinger / only 211 Prospect Ave, Long Beach
CA 90803

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

Tracy Kittinger, 211 Prospect Ave, Long Beach, CA 90803

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? Approx 1 1/2 years.

Is the location: Owned? Rented/Leased?

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

Name: Tracy Kittinger & Family

Address: 

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:

J. M. Johnston & Assoc, INC

Corporation Number:

C 3298061

Date and Place of Incorporation:

Long Beach CA Los Angeles County

Location Headquarters:

5660 E. Pacific Coast Hwy, Ste A10,
Long Beach, CA 90803

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>Tracy Kittingen</u>	<u>Pres.</u>	[REDACTED]	[REDACTED]
_____	_____	_____	() _____
_____	_____	_____	() _____

Numbers of shares issued by Corporation:

[REDACTED]

Number of share retained by Corporation:

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

[REDACTED]

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

Tracy Kittingen, 211 Prospect Ave, Long Beach, CA
90803

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Tracy Kittinger Title: President/Sec
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 5660 E Pacific Coast Hwy Phone: (562) 494-4449
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: 5'11" 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: Tracy Kittinger Title: Pres
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: _____ 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: _____ 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

502 406

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: burgers/dogs etc.

b. If no, list any products (such as snacks sold): Chips/Peanuts etc.

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 5

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: 2

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

a. If yes, license number: BU21026060
~~XXXXXXXXXX~~

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

a. If yes, indicate number and type: yes 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): 002689

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

Name: Brian Travis
Address: P.O. Box 724, Sunset Beach, CA 90742
Telephone No.: (514) 598-8948

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided?

YES NO

only if needed.
quiet type music.

a. If yes, number of security officers:

_____ Plan is to

12. Is any other type of security provided?

YES NO

a. If yes, describe type of security:

Cameras & Video & Alarm System

With PANIC Button

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

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of							
Security							

13. Will a private security firm be used?

YES NO

NOT unless a large crowd expected

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 AM	11 AM	11 AM	11 AM	11 AM	11 AM	10 AM
Close	12 mid. +?	12 mid +	2 AM	2 AM	2 AM	2 AM	12 mid +

+ if Busy we will stay open until 2 AM

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses?

YES NO

a. What type?

Boxing, Smoke Shop, restaurant, Nail Shop.
Health Care Office / Jitty Lube / Car Wash / gas station
Shopping Center.

20. Are there surrounding residences?

YES NO

a. Approximately how close?

one next door duplex NO windows
on our side neighbor 3 support us.
Behind us 50 feet 3 triplexes. 4 homes 4 homes
on Winslow - 4 3-4 homes on Manila.

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)

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To	Same as operating hours						

d. How many individual parking spaces (approximately)?

12 + Parking on Street behind Winslow #

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? *if Allowed* Y N *JK*

Dancing by performers? *one belly dancer* Y N

Live music by more than two (2) performers? *yes but limited to three* Y N

Amplified music (live)? *but quieter than any juke box* Y N

Amplified music (recorded)? *yes for belly dancer on Karaoke* Y N

Disc Jockey? *maybe* Y N

Karaoke? *yes* Y N

Adult Entertainment as defined by LBMC Section 21.15.110? *No This establishment serves children* 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: *one belly dancer "Atlantis" sings + dances family style - so children aren't offend*

Dance Floor? Y N *Small area when pool tables removed* Stage? Y N

If yes, provide dimensions and type of material of dance floor. *36' x 21 1/2' = 774 sq ft*

If yes, provide dimensions and type of material of stage. *NONE*

Describe floor material and surface type: *concrete/grey epoxy painted.*

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	<i>will vary</i>	<i>will vary</i>	<i>will vary</i>	<i>will vary</i>	<i>will vary</i>	<i>will vary</i>	<i>will vary.</i>
Start Time	<i>8 PM</i>	<i>8 PM</i>	<i>8 PM</i>	<i>8 PM</i>	<i>8 PM</i>	<i>8 PM</i>	<i>8 PM</i>
End Time	<i>12 AM</i>	<i>12 AM</i>	<i>12 AM</i>	<i>12 AM</i>	<i>12 AM</i>	<i>12 AM</i>	<i>12 PM</i>

The entertainment is not lined up as yet. Entertainment Application - Page 7

RELEASE FORM

J.M. Johnston & Assoc, Inc.

The undersigned, on behalf of (owner('s)) Tracy Kittinger 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) 49RS TAVERN

to obtain the (entertainment type) ENTERTAINMENT w/o 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)

President/Secretary 3-21-2012
(TITLE) (DATE)

[Redacted]
DRIVER'S LICENSE OR ID CARD NUMBER

[Redacted]
STATE

[Signature]
ACCEPTED BY (CITY STAFF)

AAA 06/20/12
TITLE DATE

Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

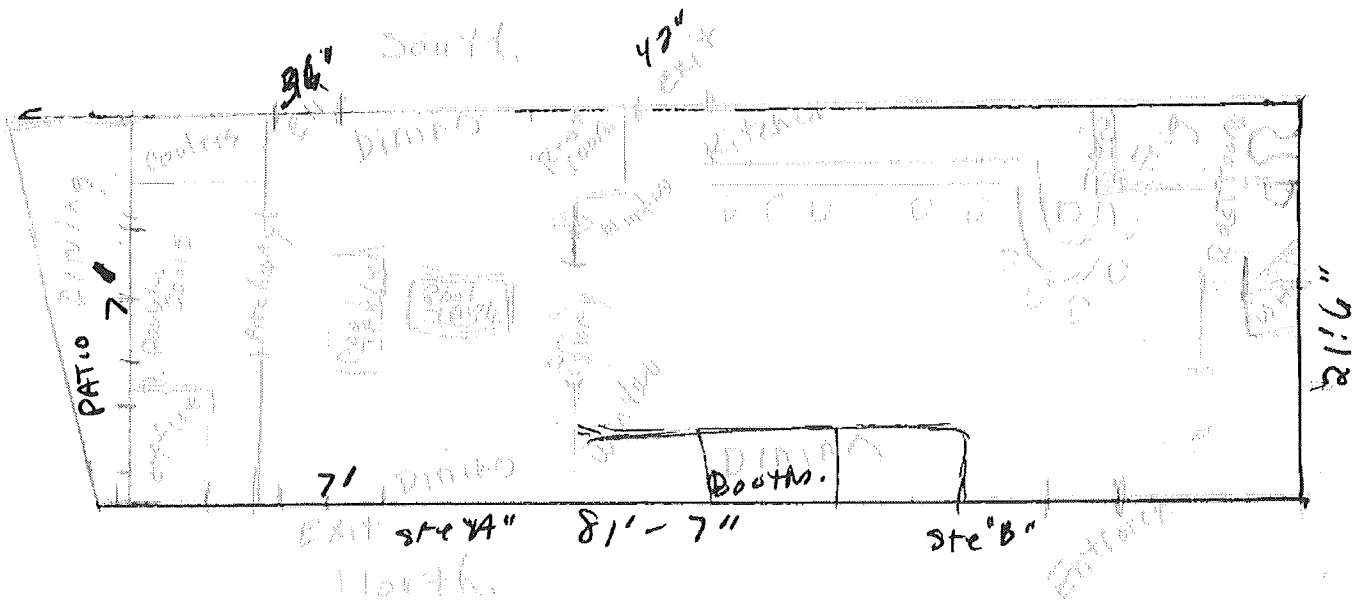
State of California
 ARNOLD SCHWARZENEGGER, Governor

1. APPLICANT NAME (If individual: Last, first, middle) **JM Johnston and Associates, Inc.** 12. LICENSE TYPE **41**

3. PREMISES ADDRESS (Street number and name, city, zip code) **5660 E. P.C.H., Long Beach, CA 90814** 14. NEAREST CROSS STREET **Bellflower**

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM



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

APPLICANT SIGNATURE (Only one signature required) *[Signature]* DATE SIGNED **6-29-2012**
~~10-20-2010~~

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature) *[Signature]* PRINTED NAME **William Still** INSPECTION DATE **Waived - Comparison to Seller's**



Accepted By: 21221250 [Signature] Date: 06/29/12
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): J. M. Johnston & Assoc, INC; Tracy Kittinger

Business Name (DBA): 49RS TAVERN Business Phone: 562 494-4449

Business Site Address: 5660 E. Pacific Coast Hwy, Ste A+B, Long Beach, CA 90814

Date Business Proposes To Open: Open Now

Days & Time Premises Are Open For Inspection: 11AM - 12 midnight or 2AM

Proposed Use(s): License for Beer, Wine & Food type 41 depending on how busy we are.

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:
Small Bands/Belly Dancer/Karaoke

Contact Person(s) Name (authorized agent, manager, etc.): Tracy Kittinger

Contact Person(s) Phone Number: [Redacted]

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: DEPUTY CHIEF OF POLICE Date: 9-28-12



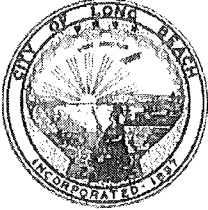
Date: January 22, 2013
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Jim McDonnell, Chief of Police *Jim McDonnell*
Subject: **APPLICATION FOR ENTERTAINMENT WITHOUT DANCING PERMIT
49RS TAVERN – 5660 EAST PACIFIC COAST HIGHWAY**

The Police Department recommends **approval** of this application for an Entertainment without Dancing Permit, by J.M. Johnston & Associates, Incorporated, dba 49rs Tavern, located at 5660 East Pacific Coast Highway, subject to the previously submitted conditions.

The 49rs Tavern is located on the southeast corner of Pacific Coast Highway and Bellflower Boulevard. The establishment serves American cuisine for lunch and dinner, and will provide live music during the evening hours. The business is owned and operated by Tracy Kittinger who also holds a Type 47 (On-Sale General Eating Place) Alcoholic Beverage Control license. On June 29, 2012, the 49rs Tavern applied for an Entertainment Permit Without Dancing by Patrons requesting live amplified music, a disc jockey, karaoke music, and **dancing by performers only**.

Based upon the Vice Section's investigation and the East Division Patrol Commander's recommendation, the Long Beach Police Department has determined the public peace, safety, and welfare would not be adversely impacted by the issuance of this permit provided the appropriate conditions are imposed and observed by the applicant. The Police Department recommends **approval** of the requested permit, subject to the conditions provided in the attached memorandum.

JM:CNA:cna
Appv49rsTavern



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-6211

Recommended Conditions of Operation J.M. Johnston & Associates, Incorporated, DBA 49rs Tavern 5660 East Pacific Coast Highway, Long Beach, CA 90803

The above named permit applicant has applied for Entertainment with dancing for a Restaurant. Based upon your review of this location, please indicate which recommendations the Police Department feels are appropriate:

RECOMMENDATION

√ Approve

— One-Year Short Term

— Deny

CONDITIONS OF OPERATION

- (17) Downtown Dining & Entertainment District Conditions
- 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.
- Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 21.15.110 LBMC shall be conducted on the permitted premises.
- Entertainment activities indicated on page #7 of your entertainment application shall be restricted to no later than **10 PM Sunday through Wednesday, and 12 Midnight Thursday through Saturday and on Grand Prix weekend, Christmas and New Years holidays.**
(time and days)
- Entertainment is permitted until _____ on holidays that fall on a Sunday through Thursday.
(time)
- Entertainment on the following holidays is permitted until _____ A.M.:
New Year's Eve, New Year's Day, St. Patrick's Day, Cinco De Mayo, Memorial Day Eve, July 3rd, Labor Day Eve, and Halloween Night.
- Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food services) portion of the establishment has closed, or **10:00 P.M., whichever comes first.** Private functions not open to the public are exempt from this condition.
- No owner, operator or manager shall permit any person under the age of twenty-one (21) years within the premises, at any time, during the hours of operation.

- √ This Entertainment Permit is accessory to the primary business, which is a restaurant. The authorization to provide entertainment on-site is subject to the use remaining as a restaurant, meaning a bona fide eating place serving actual and substantial meals.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food only as sandwiches or salads shall not be deemed compliant with this requirement. Meals must consist of food prepared on the premises. Hours of sales of alcohol shall be limited to the hours when meals are available.

The premises must be equipped and maintained in good faith. The premises must possess working refrigeration, cooking equipment, utensils, menus, and enough food to make substantial meals.

In the event the primary business ceases operations, fails to operate as a bona fide eating place, fails to serve actual and substantial meals or otherwise fails to comply with this condition, the Entertainment Permit becomes null and void.

- The permittee shall not convert the restaurant, or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a function held at a bonafide 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.
- √ The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- √ Noise emanating from the permittee's premises shall not be audible beyond fifty feet (50') from the property line of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows closed, limiting hours of entertainment, or by offering non-amplified entertainment.
- 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.
- Due to the proximity of neighboring businesses and residences, all door(s) and windows shall be kept closed at all times during any entertainment, except in cases of emergency and to permit deliveries. Said door(s) is not to consist solely of a screen or ventilated security door. **Sound shall not be audible beyond fifty feet (50') from the exterior of the premises in any direction.**
- Outdoor amplified entertainment is prohibited.
- There shall be no live entertainment or dancing permitted on the patio at any time.

- The use of any amplifying system or device is prohibited on the patio, and the use of any such system or device inside the premises shall not be audible outside the premises.
- There shall be no amusement machines, video game devices, dart games or pool tables maintained upon the patio at any time.
- Deliveries to and from the premises shall be limited to the hours of 8:00 a.m. to 10:00 PM.
- √ 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.
- Interior lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons inside the business.
- The permittee shall provide a minimum of one (1) licensed security guard during all times that the entertainment activities are being conducted for crowds up to fifty (50) people. For crowds over fifty (50) people, the permittee shall provide a minimum of one (1) additional security guard per fifty (50) people. Patrons awaiting entry in a defined queue shall be counted toward the calculation of required security staffing levels.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other visible form of identification. Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, or trash left in the parking lot, 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 addition to the above security requirements, the permittee shall staff one (1) "Security guard" on the boat dock anytime the banquet hall is used for entertainment purposes. Security guards assigned to the dock shall ensure that patrons do not loiter near the docks or the immediate area, and ensure that NO ALCOHOL is permitted on the boat dock. Security guards must be identifiable. The Chief of Police may increase or relax this condition, based upon calls for service related to problems on the boat dock.
- In addition to the above security requirements, the permittee shall staff one (1) security guard in the parking lot between the hours of 10 p.m. and ½ hour after closing. The security guard shall ensure that patrons do not loiter in the parking lot or the immediate area. They shall also ensure the patrons enter and leave the parking lot in a peaceful manner as not to disturb any neighboring businesses or residents who live nearby. The Chief of Police may increase or relax this condition, based on calls-for-service related to problems in the parking lot.
- √ 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 police service, or trash left in the parking lot, 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.

- √ 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 while open for business. This should be done by use of security guards and signage indicating words to the effect of, "Please respect our neighbors" or something similar.
- √ 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.
- √ The permittee agrees to reimburse the City for all costs associated with excessive police services, as determined by the Chief of Police, required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
- √ The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.
- An identification card scanner shall be used for all patrons entering the establishment after 10:00 PM for the sole purposes of verifying patron age and/or authenticity of a patron's driver's license or identification card.
- √ 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.
- √ Any graffiti painted or marked upon the premises, or on any adjacent area under the control of the licensee, shall be removed or painted over within 24 hours of being applied.
- Promoters/Disc Jockeys/Contractors: In addition to the requirement that business owners obtain business licenses, entertainment promoters, disc jockeys or other contractors who have been engaged to market, advertise, conduct or otherwise perform services at an event, must obtain a separate city business license. [The promoter may obtain a temporary license for a single event for a period of three days or less pursuant to LBMC § 5.____]

Any monies collected as a door charge or other admission charge, including minimum drink orders, must be solely for the profit of the business owner.

[The failure of a promoter to obtain a business license for an event or location may be grounds for revocation of the business license of the facility where the event took place and denial of any future business license sought by the promoter.]

If the event is a charitable event, then the promoter must also comply with all applicable requirements of Chapter 5.28.

- √ The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.
- 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.
- The permittee must provide all promoters, independent contractors, and dancers, hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- √ The business, 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 agent and promoter's contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
- √ 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.
- The permittee must submit an application for the renewal of the entertainment with dancing permit not later than _____ 2011 or four (4) months prior to the One-Year Short-Term permit expiration date to continue to provide entertainment without a break.
- √ 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.



Accepted By: 2/22/250 AK Date: 06/29/12
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): J. M. Johnston & Assoc, INC, Tracy Kittinger

Business Name (DBA): 49RS TAVERN Business Phone: 562 494-4449

Business Site Address: 5660 E. Pacific Coast Hwy, Ste A+B, Long Beach, CA 90814

Date Business Proposes To Open: Open Now

Days & Time Premises Are Open For Inspection: 11AM - 12 midnight or 2AM

Proposed Use(s): License for Beer, Wine & Food type 41 depending on how busy we are.

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:

Small Bands/Belly Dancer/Karaoke

Contact Person(s) Name (authorized agent, manager, etc.): Tracy Kittinger

Contact Person(s) Phone Number: [REDACTED]

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): 8/2/12 By: O. Haggopian

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: 3-21-2012

Name of Business (DBA): 49RS TAVERN

Name of Business Owner: Tracy Kittingen / J.M. Johnston's Assoc
INC

Business Address: 5660 E. Pacific Coast Hwy, Ste A+B,
Long Beach, CA 90814

Dear New Business Owners:

The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80. JK

You must make sure that the noise generating inside your business is not impacting adjacent residences. understood. JK

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) Tracy Kittingen
President/Secretary

Title President/Secretary

Phone # [REDACTED]

FAX # none



Accepted By: 2/22/250 AK Date: 06/29/12
 Zoning Approval By: _____ Date: _____

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): J.M. Johnston & Assoc, INC, Tracy Kittinger

Business Name (DBA): 49RS TAVERN Business Phone: 562 494-4449

Business Site Address: 5660 E. Pacific Coast Hwy, Ste A+B, Long Beach, CA 90814

Date Business Proposes To Open: Open Now

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Proposed Use(s): License for Beer, Wine & Food type 41 depending on how busy we are.

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:
Small Bands/Belly Dancer/Karaoke

Contact Person(s) Name (authorized agent, manager, etc.): Tracy Kittinger

Contact Person(s) Phone Number: [REDACTED]

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: 7-23-12

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): 7-31-12 By: DXN

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: July 24, 2012
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Planning Administrator *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 5660 E. Pacific Coast Hwy
Long Beach, Ca 90814

Applicant: J.M. Johnston and Associates, Inc.
DBA 49rs Tavern

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

Proposed Use: Entertainment without Dancing

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

A review of the permit history for 5660 E. Pacific Coast Hwy, indicates that there have been no CUPs or AUPs approved for the subject property.

The applicant is seeking to obtain a permit for entertainment without dancing. An entertainment permit without dancing is allowed as an accessory use at a tavern and or lounge in the PD -1 zone. No extra parking is required.

Planning Bureau recommends that the entertainment permit without dancing for "49rs Tavern" be approved.

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