

# CITY OF LONG BEACH

H-1

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard 7<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6200 • Fax (562) 499-1097

March 3, 2015

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant an Entertainment Permit with conditions on the application of Naples Restaurant Group, LLC, DBA The Boathouse on the Bay, 190 Marina Drive, for entertainment with 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](http://www.longbeach.gov/finance/business_relations/entertainment.asp).

HONORABLE MAYOR AND CITY COUNCIL

March 3, 2015

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The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved subject to the conditions.
- The Fire Department finds that the building/location meets department requirements for the proposed use with conditions.
- 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 Services 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 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 business category since November 2002.

This matter was reviewed by Deputy City Attorney Amy R. Webber on February 5, 2015.

#### TIMING CONSIDERATIONS

The hearing date of March 3, 2015, 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 \$1,240 (Police Department), and Mailing List \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$340.95 and Regulatory \$1,035 (Financial Management Department).

HONORABLE MAYOR AND CITY COUNCIL  
March 3, 2015  
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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

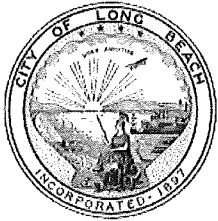
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K:\Exec\Council Letters\Business Services\Hearing Letters\03-03-15 Ccl - The Boathouse On The Bay - Entertainment With Dancing.Docx

ATTACHMENTS

APPROVED:



PATRICK H. WEST  
CITY MANAGER



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
BUSINESS SERVICES BUREAU

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

## **Recommended Conditions of Operation** **Naples Restaurant Group, LLC, DBA The Boathouse on the Bay** **190 N. Marina Drive** **Application for Entertainment With Dancing**

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

### **I. STANDARD CONDITIONS OF OPERATION**

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LMBC Chapter 8.80).
- 4) 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.**
- 5) 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.
- 6) Deliveries to and from the premises shall be limited to the hours of 8:00 A.M. to 10:00 P.M.
- 7) The permittee shall employ his/her own discretion in determining the level of security necessary to prevent violations of the 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 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.

- 8) 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.
- 9) At the conclusion of each night when entertainment activities take place, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the front of the establishment, the parking lot or the immediate area.
- 10) 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.
- 11) 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).
- 12) 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.
- 13) The permittee shall not hire any promoters with the intention of holding nightclub activities.
- 14) This entertainment permit is an accessory to the primary business, which is a restaurant, the proprietor must operate and maintain the licensed premises as a bona fide eating place. He or she must make actual and substantial sales of meals, during at least one full normal mealtime, at least five days a week. Normal meal times are: Breakfast 6:00 a.m. – 9:00 a.m., Lunch 11:00 a.m. – 2:00 p.m., and Dinner 6:00 p.m. – 9:00 p.m.
- 15) Patrons under twenty-one (21) years of age shall not be permitted to enter, nor to remain on the premises after the restaurant (food service) portion of the establishment has closed, unless accompanied by a parent or legal guardian. Private functions not open to the public are exempt from this condition.
- 16) All independent contractors and 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 or independent contractors.
- 17) 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.

- 18) The business, or agents, shall not distribute any advertising matter such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses, and phone numbers, on file at all times, and be available for inspection at any time.
- 19) 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.
- 20) 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.

- 21) The permittee shall ensure that all employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. The permittee shall keep employee's proof of completion on file, and be available for inspection at any time.
- 22) 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.

## II. ADDITIONAL CONDITIONS OF OPERATION

- 1) Entertainment activities indicated on page 9 of your entertainment application **shall be restricted to Sunday through Thursday until 9:00 P.M., and Friday and Saturday until 1:00 A.M.**
- 2) **Outdoor entertainment shall be restricted to no more than three (3) live performers, and must cease at 10:00 P.M. every night of the week.**

- 3) On nights when a portion of the restaurant is rented out for a special event, the permittee shall have an employee or security guard monitor the boat dock to ensure patrons are not loitering.
- 4) The permittee is required to monitor the outdoor entertainment area for any nuisance activity that could disturb the surrounding neighbors. This shall be done by utilizing security guards or employees.

JM:smc



# 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 Naples Restaurant Group, LLC., DBA The Boathouse on the Bay. 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 Services Bureau





# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

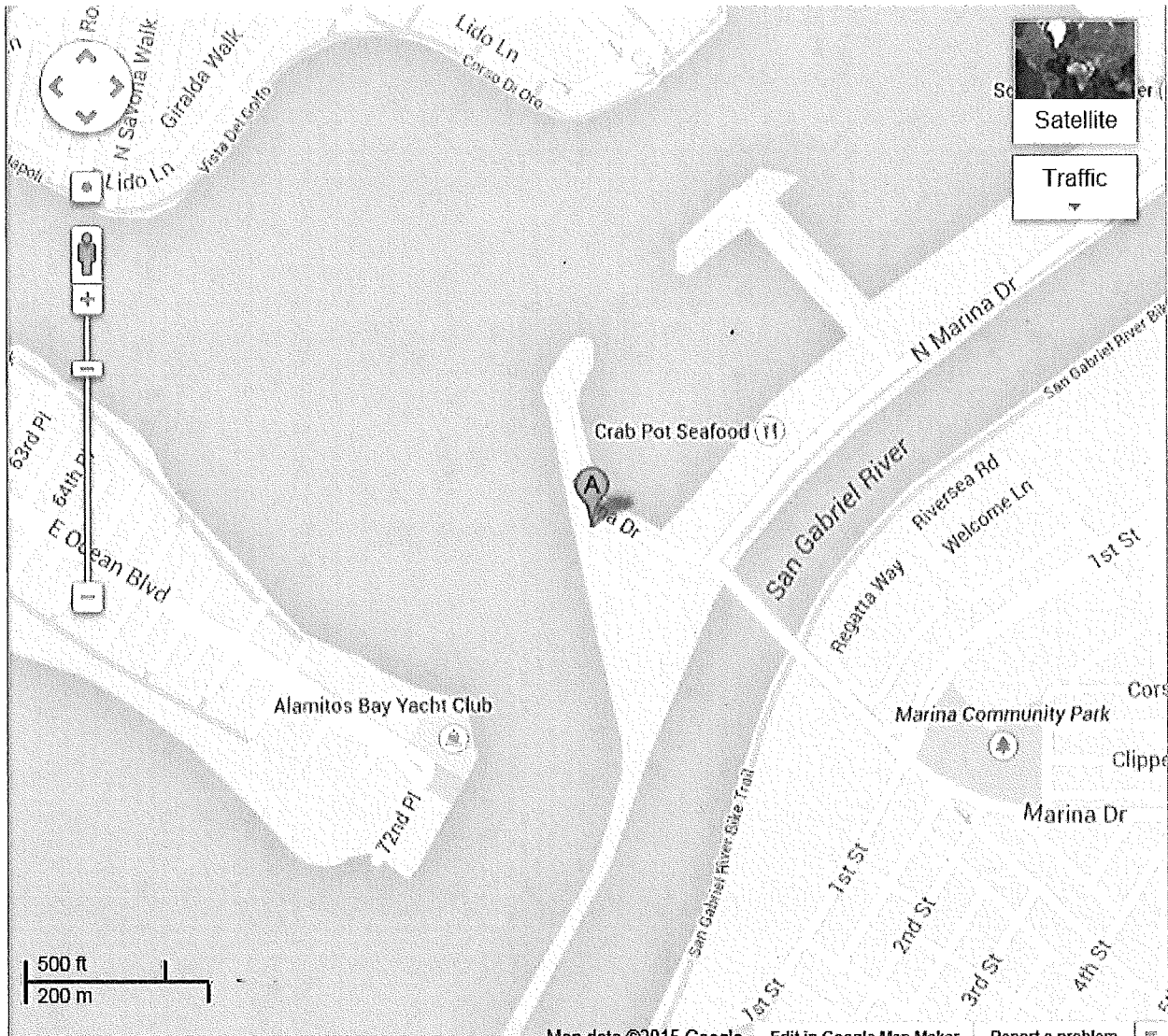
333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5596 • Fax (562) 570-5099

BUSINESS SERVICES BUREAU

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 190 N Marina Drive

Naples Restaurant Group, LLC DBA: The Boathouse on the Bay Lic#21433910 10/14 – Pending	Entertainment With Dancing
Naples Restaurant Group, LLC DBA: The Boathouse on the Bay Lic#21401940 01/14 – Active	Restaurant With Alcohol
McKenna's on the Bay, LLC DBA: McKenna's on the Bay Lic#21115170 11/11 – Closed	Entertainment With Dancing (One (1) -Year Short Term)
McKenna's on the Bay, LLC DBA: McKenna's on the Bay Lic#20250920 11/02 – Closed	Restaurant With Alcohol

**Naples Restaurant Goup, LLC.**  
**Db: The Boathouse on the Bay**  
190 N. Marina Drive





Accepted By: \_\_\_\_\_ Date: 10/22/14  
Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): NAPLES RESTAURANT GROUP LLC  
Business Name (DBA): BONTHOUSE ON THE BAY Business Phone: (562) 493 1100  
Business Site Address: 190 N. MARINA DR. LB. 90803  
Date Business Proposes To Open: FEB 1<sup>ST</sup> 2014  
Days & Time Premises Are Open For Inspection: 10AM 7 days a week

**Proposed Use(s):**

Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_  
Entertainment/Tavern With Dancing  Without Dancing   
Entertainment/Retail  Social Club  Pool/Billiard Hall

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

Contact Person(s) Name (authorized agent, manager, etc.): John Morris  
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 basis for denial  Police Department finds basis for denial  
 Police Department finds no 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): \_\_\_\_\_

Fictitious business names(s) or dba(s) used: BOATHOUSE on the Bay

Place and date of filing fictitious business name statement: Los Angeles County Clerk  
1-6-14

County(ies) in which fictitious name statement is (are) filed: L.A. County

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:

Eric Johnson [Redacted]  
David Copely [Redacted]

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

State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which held, and expiration date thereof:

Is this applicant a subsidiary of a present corporation or business?  YES  NO  
If yes, explain:

How long has the corporation or business been in operation? FEB 1ST 2014

Is the location: Owned?  Rented/Leased?

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

Name: BANCAP

Address: 192 N. MARINA DR. L.B. 90803

**IF APPLYING AS A CORPORATION**

Check One Box:  <sup>N/A</sup> For-Profit Corporation  LLC  Non-Profit Corporation

(If a Non-Profit Corporation, please attach copies of both State and federal Tax Exemption Certificates)

Name of Corporation: Naples Restaurant Group, LLC  
Corporation Number: Secretary of State # 201311510120  
Date and Place of Incorporation: L.A. County 2013  
Location Headquarters: 190 N. Marina Drive Long Beach CA 90803  
Federal Tax ID Number: [REDACTED]  
Seller's Permit Number: [REDACTED]

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>Eric Johnson</u>	<u>Managing Member</u>	<u>[REDACTED]</u>	<u>50807</u>
<u>David Copley</u>	<u>Managing Member</u>	<u>[REDACTED]</u>	<u>( )</u>
			<u>( )</u>

Numbers of shares issued by Corporation: N/A

Number of share retained by Corporation: N/A

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

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Eric La Bonty [REDACTED]

**IF APPLYING AS A CORPORATION**

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

**CORPORATE OFFICER I**

Name: Eric Johnson Title: Managing Member

Residence Address: [REDACTED]

Business Address: [REDACTED] Phone: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]

Driver's License Number: [REDACTED] Issuing State: [REDACTED]

**CORPORATE OFFICER II**

Name: David Copley Title: Managing Member

Residence Address: [REDACTED]

Business Address: [REDACTED] Phone: [REDACTED]

Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]

Driver's License Number: [REDACTED] Issuing State: [REDACTED]

**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



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: Full menu, Steaks, Seafood, Salads etc

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

3. Are non-alcoholic beverages sold?  YES  NO

4. How many tables for seating? 40

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: \_\_\_\_\_

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: \_\_\_\_\_ 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): N/A

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

Name: N/A

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: \_\_\_\_\_

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					8 PM	8 PM	
Security					Midnight	Midnight	

13. Will a private security firm be used?  YES  NO

a. If yes, provide the following information of the contracted security firm:

Name: \_\_\_\_\_ City Business License No.: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

**ADMISSION and/or MEMBERSHIP FEES CHARGED**

14. Will minors be allowed on the premises?  YES  NO

15. Will the premises be open to the general public?  YES  NO

16. Will an admission fee be charged?  YES  NO

a. If yes, fee schedule: \_\_\_\_\_

17. Is there a private area for exclusive use of members and their guests only?  YES  NO

a. If yes, types of membership fees: \_\_\_\_\_

18. Will guests of members pay an admission fee or other charges?  YES  NO

a. If yes, describe the fee schedule and other charges: N/A



**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	11am	11am	11am	11am	11am	9am	9am
Close	2am	2am	2am	2am	2am	2am	2am

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?  YES  NO

a. What type? Restaurants and retail

20. Are there surrounding residences?  YES  NO

a. Approximately how close? \_\_\_\_\_

**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) Private parking lot

300 spaces

c. Days and hours parking facility will be available: 24/7

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To							

d. How many individual parking spaces (approximately)? 300

**END OF GENERAL OPERATING CONDITIONS SECTION – PLEASE CONTINUE TO NEXT SECTION**

## ENTERTAINMENT FACILITY AND ACTIVITY

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

**Does the Proposed Activity have:**

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

If yes, briefly describe the entertainment activity. \_\_\_\_\_

Describe entertainment by performers: Live performers playing musical instruments singing

Dance Floor?  Y  N Stage?  Y  N

If yes, provide dimensions and type of material of dance floor. L 20ft x W 20ft = 400 sq ft.

If yes, provide dimensions and type of material of stage. L \_\_\_\_\_ W \_\_\_\_\_, H \_\_\_\_\_

Describe floor material and surface type: Wood floor

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	<del>Solo</del> Solo	Solo	Solo	Solo	Solo + Band	Solo + Band	Solo + Band
Start Time	6-9pm	6-9pm	6-9	6-9	6 til close	6- close	10-9pm
End Time	9pm	9pm	9pm	9pm	1am	1am	9pm

**RELEASE FORM**

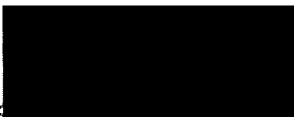


The undersigned, on behalf of (applicant) Eric Johnson, hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required by the City of Long Beach, its officers, agents and employees for the purpose of determining the capability, fitness and capacity of:

(DBA) Boathouse on the Bay to obtain the entertainment permit.

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)	<u>Managing Member</u> _____ (TITLE)	<u>10-22-14</u> _____ (DATE)
 _____ DRIVER'S LICENSE OR ID CARD NUMBER	 _____ STATE	
_____ ACCEPTED BY (CITY STAFF)	_____ TITLE	_____ DATE

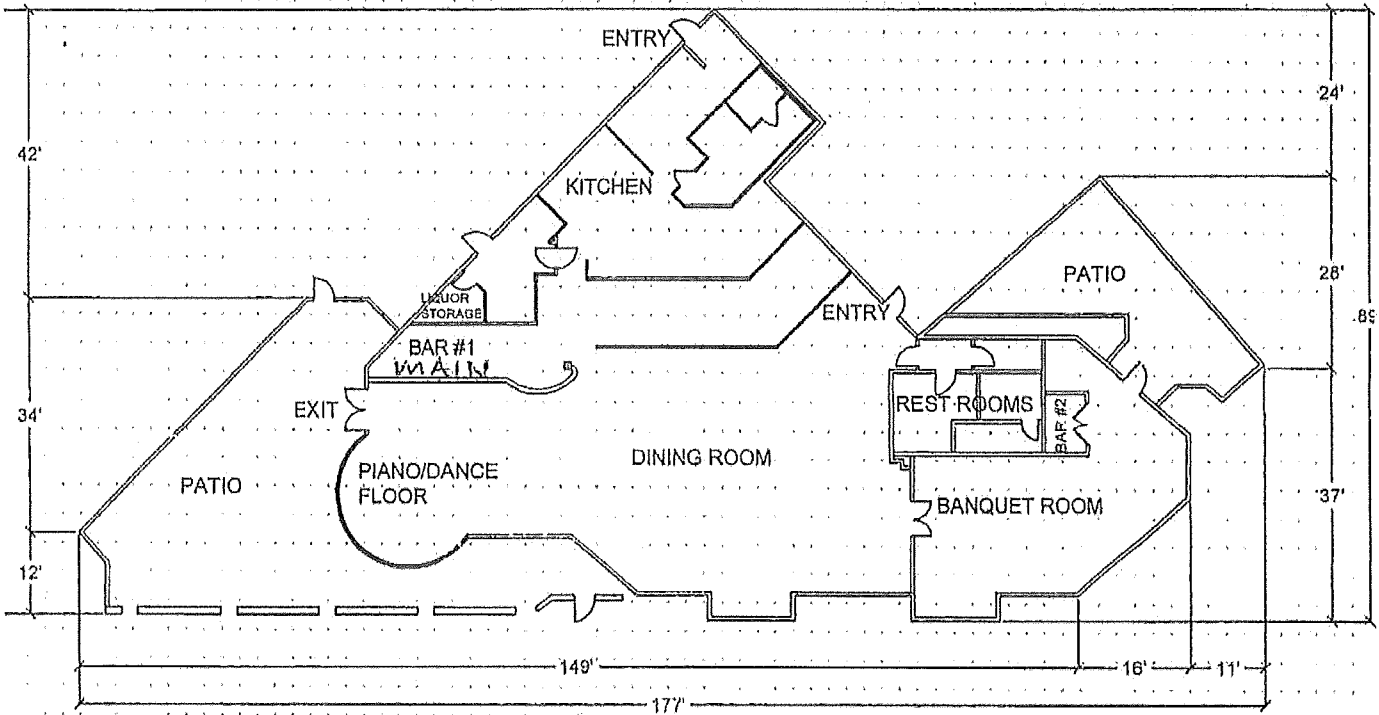
Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle) Naples Restaurant Group LLC	2. LICENSE TYPE Type 47 & 58
3. PREMISES ADDRESS (Street number and name, city, zip code) 190 Marina Drive, Long Beach, California 90803	4. NEAREST CROSS STREET North Marina Drive

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**



Prepared by  
 Amlex-The American  
 Liquor License Exchange  
 tel: 888-679-6669  
 www.Amlex.com



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) <i>[Signature]</i>	DATE SIGNED 1-23-14
CERTIFIED CORRECT (Signature) <i>[Signature]</i>	INSPECTION DATE 2/19/14

FOR ABC USE ONLY  
 PRINTED NAME: **Sharonda Harden**



Accepted By: \_\_\_\_\_ Date: 10/22/14  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): NADLES Restaurant group LLC  
 Business Name (DBA): Bonhouse on the Bay Business Phone (562) 493 1100  
 Business Site Address: 190 N. MARINA DR. LB. 90803  
 Date Business Proposes To Open: FEB 1ST 2014  
 Days & Time Premises Are Open For Inspection: 10AM 7 days a week

Proposed Use(s):

- Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_  
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

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

Contact Person(s) Name (authorized agent, manager, etc.): John Morris  
 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 basis for denial  Police Department finds basis for denial  
 Police Department finds basis for denial subject to  
 conditions or Basis for Denial: SEE ATTACHMENT

By: R. Luna Title: COP Date: 12-15-14



**Date:** December 19, 2014  
**To:** Jason MacDonald, Bureau Manager, Business Services Bureau  
**From:** Robert G. Luna, Chief of Police *R. Luna*  
**Subject:** ENTERTAINMENT WITH DANCING PERMIT  
BOATHOUSE ON THE BAY – 190 NORTH MARINA DRIVE

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In response to your request for a recommendation regarding the above named permit application for Entertainment with Dancing Permit, the Police Department recommends **approval** of an **Entertainment with Dancing Permit**, subject to the following twenty-one (21) conditions below:

Boathouse on the Bay is located in the Alamitos Bay Landing center at the southern dead-end of Marina Drive. The establishment is owned by Naples Restaurant Group, LL, and currently holds a Type 47 (On-Sale General Eating Place) Alcoholic Beverage Control License. Boathouse on the Bay took over ownership in January 1, 2014. The location was previously McKenna's on the Bay and had a valid Entertainment with Dancing Permit. Boathouse on the Bay has applied for a new Entertainment with Dancing Permit requesting outdoor entertainment, dancing by patrons, live music by more than two performers, live and recorded amplified music, and a disc jockey.

Based upon the Vice Section's investigation, crime analysis, and East Division Patrol Commander Lebaron'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 an Entertainment with Dancing Permit.

#### **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 a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) Entertainment activities indicated on page #9 of your entertainment permit application shall be allowed Sunday through Thursday until 9:00 P.M., and Friday and Saturday until 1:00 A.M.
- 4) Outdoor entertainment shall be restricted to no more than three live performers, and must cease at 10:00 P.M. every night of the week.

ENTERTAINMENT WITH DANCING PERMIT  
BOATHOUSE ON THE BAY – 190 NORTH MARINA DRIVE  
Page 2

- 5) 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, unless accompanied by a parent or legal guardian. Private functions not open to the public are exempt from this condition.
- 6) This Entertainment Permit is accessory to the primary business, which is a restaurant. The premises must possess working refrigeration, cooking equipment, utensils, menus, and enough food to make substantial meals. The business must offer substantial sales of meals, during the normal meal hours that the business is open. Fast food, snacks, and hors d'oeuvres shall not constitute a substantial meal. Normal meal hours are: Breakfast 6:00 A.M. – 9:00 A.M., Lunch 11:00 A.M. – 2:00 P.M., and Dinner 6:00 P.M. – 9:00 P.M.

If the business does not open by 6:00 P.M., complete and substantial meals shall be offered the entire time the business is open, or for a minimum of three hours. In the event the primary business ceases operations or fails to comply with this condition, the entertainment permit becomes null and void.

- 7) Due to the proximity of neighboring businesses, all door(s) and window(s) shall be kept closed at all times during any musical entertainment, except in cases of emergency, and to permit deliveries. Said door(s) and window(s) are 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.**
- 8) 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.
- 9) 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 services, 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.
- 10) On nights when a portion of the restaurant is rented out for a special event, the permittee shall have an employee or security guard monitor the boat dock to ensure patrons are not loitering.

ENTERTAINMENT WITH DANCING PERMIT  
BOATHOUSE ON THE BAY – 190 NORTH MARINA DRIVE  
Page 3

- 11) 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 18.48.200)
- 12) 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 utilizing employees and signage with verbiage such as, "Please respect our neighbors," or something similar.
- 13) At the conclusion of each night when entertainment activities take place, 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.
- 14) 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.
- 15) 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.
- 16) The permittee shall not hire any promoters with the intention of holding nightclub activities.
- 17) The permittee must provide all promoters hired to conduct non-nightclub activities with a copy of the approved permit and conditions. The permittee shall ensure the promoter has a City of Long Beach Business License **prior to** conducting entertainment activities governed by this permit.
- 18) Boathouse on the Bay, or its agents, shall not distribute any advertising matter 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.
- 19) The permittee shall be responsible for installing and maintaining 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.



ENTERTAINMENT WITH DANCING PERMIT  
BOATHOUSE ON THE BAY – 190 NORTH MARINA DRIVE  
Page 4

These cameras shall record video 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.

- 20) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 21) The permittee shall ensure that all employees attend an alcohol awareness class such as TIPS or LEAD, within the first ninety (90) days of employment. The permittee shall keep employee's proof of completion on file, and be available for inspection at any time.



Accepted By: \_\_\_\_\_ Date: 10/22/14  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): NAPLES RESTAURANT GROUP LLC  
 Business Name (DBA): Bonithouse on the Bay Business Phone: (562) 493 1100  
 Business Site Address: 190 N. MARINA DR. LB. 90803  
 Date Business Proposes To Open: FEB 1ST 2014  
 Days & Time Premises Are Open For Inspection: 10AM 7 days a week

**Proposed Use(s):**

Entertainment/Restaurant. With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_  
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

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

Contact Person(s) Name (authorized agent, manager, etc.): John Morris  
 Contact Person(s) Phone Number: \_\_\_\_\_

**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:  
MAXIMUM DANCE FLOOR SIZE 16x16  
DANCE FLOOR DELINEATED ON FLOOR TO 16x16  
 Building/Location does not meet Department requirements for the proposed use.  
 Inspection Completed On (date): 1-16-15 By: [Signature]

**POLICE DEPARTMENT**

Police Department finds no basis for denial  Police Department finds basis for denial  
 Police Department finds no 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: 10-22-14

Name of Business (DBA): BonTHOUSE on the Bay

Name of Business Owner: Eric Johnson

Business Address: 190 W. MARINA DRIVE LB 90803

Dear New Business Owners:

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

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

If loud music is to be played as part of the entertainment permit, you must also post a sign in the customer area in a conspicuous location that states:

**Warning: Sound Levels Within May Cause Permanent Hearing Impairment.**

I understand that in order to provide Entertainment, my establishment must comply with the Long Beach Noise Ordinance (LBMC Chapter 8.80)

Owner or Authorized Agent Signature(s) 

Title Managing Member

Phone # 

FAX # \_\_\_\_\_



Accepted By: \_\_\_\_\_ Date: 10/22/14  
 Zoning Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FOR ENTERTAINMENT PERMIT**

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

Applicant's Name (Legal Ownership Structure): NAPLES RESTAURANT GROUP LLC  
 Business Name (DBA): BONTHOUSE ON THE BAY Business Phone: (562) 493 1100  
 Business Site Address: 190 N. MARINA DR. LB. 90803  
 Date Business Proposes To Open: FEB 1ST 2014  
 Days & Time Premises Are Open For Inspection: 10AM 7 days a week

**Proposed Use(s):**

- Entertainment/Restaurant With Dancing  Without Dancing  Other (explain)  \_\_\_\_\_  
 Entertainment/Tavern With Dancing  Without Dancing   
 Entertainment/Retail  Social Club  Pool/Billiard Hall

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

Contact Person(s) Name (authorized agent, manager, etc.): John Morris

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: 10-29-14  
 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): 12-2-14 By: DXK

**POLICE DEPARTMENT**

Police Department finds no basis for denial  Police Department finds basis for denial  
 Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_  
 \_\_\_\_\_  
 By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

BBUS 171472



**Date:** December 10, 2014  
**To:** Jason MacDonald, Manager of Business Relations Bureau  
**From:** Jeff Winklepleck, Planning Administrator *JW*  
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 190 Marina Drive  
Long Beach, Ca 90803

**Applicant:** Naples restaurant group, LLC  
DBA Boathouse on the Bay

**Zoning District:** PD-4 (Long Beach Marina Planned Development District)

**Proposed Use:** Entertainment with Dancing

The Planning Bureau of the Department of Development Services has the following comments:

No CUPs or AUPs were found for the subject site.

The subject property is located within the Long Beach Marina Planned Development District (PD-4). Entertainment, including dancing by patrons is permitted in this zone as an accessory use to a restaurant. Based on the submitted floor plan no extra parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Boathouse on the Bay" be approved.

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

## H-1 CORRESPONDENCE – Michael Lesner

**From:** Mike Lesner [mailto:copyvessel@aol.com]  
**Sent:** Tuesday, February 10, 2015 2:33 PM  
**To:** Jason MacDonald  
**Subject:** RE: The Boathouse Restaurant

Dear Mr. MacDonald,

I'm one of six yacht owners along the first gangway opposite the new patio of THE Boathouse Restaurant.

As we both know the application for and assumed issuance of an outdoor entertainment license will be reviewed sometime in March.

Our complaint dates back to August of 2014 and involves outdoor amplified music. In the 30 years I've been in this marina as a live aboard (10% of the Alamitos Bay Marina is live aboard), I've seen quite a few businesses occupy this location. The Hop, Moose McGillicuddy, The Eclipse, McKennas have all occupied the space.

However, our issue is narrowly defined and applies specifically to the use by The Boathouse Restaurant of their new outdoor patio for live amplified entertainment.

This restaurant allows musicians to sing or play instruments until 10 pm every night. The patio itself is a rather small footprint, probably less than 35' square. The problem for us is it has no sound-proofing at all...no walls, no roof. My yacht is over 100 feet away from the outdoor music stand and one of our petitioners is actually at the end of another gangway over 1000 feet away.

It is very disturbing to be onboard our pleasure craft while listening to amplified music.

**First**, there is no necessity for amplification at all in an area so small.

**Second**, the use of amplifiers drives the music directly OUR ears, ears that would prefer to listen to TV, friends, birds, etc.

It appears unlikely the City will deny an entertainment license. However, we would ask that you make the following conditions to any license you may grant. We believe these conditions/requests are **abundantly fair** and **do not** impact the ability of The Boathouse to serve its customers at all.

We ask that, as a measure of compromise and to ensure that those of us who are in the marina for the "quality of life" aspects it affords, that you restrict the **live outdoor** entertainment to *non-amplified* venue, single musician/singer. We ask that the level of the noise generated by this activity be confined inside a 50 foot perimeter of the patio. If the noise can be contained within this area, the boat owners and live aboards will be able to enjoy a restful evening on board without having to hear a band or hear disruptive noise.

Should the Boathouse decide it must have amplification, and should they then move the musicians **INDOORS**, we ask that they abide by the same standard requirement other businesses do. The door should be closed except for patrons coming in and out and again, the noise limit should not travel beyond the 50 foot perimeter of the restaurant and/or patio.

We aren't the only ones who are complaining about this. As you know, noise travels quickly and loudly across the water. My yacht is well over 100 feet away. And I have to turn my tv up to cover the noise.

However, I will tell you...if the noise is held inside the 50 foot perimeter, the problem will likely be resolved. As a matter of common sense, we believe holding back amplification is vital to making this noise reduction happen.

We also ask you to consider an abbreviated schedule for entertainment. As weekends are important to the business, we will understand allowing the current timeframes. However, during the week the customers are very sparse. There are actually times when there are no customers on the patio...just somebody singing to himself over an amplifier! If we could curtail during the week it would also be helpful. However, the time issue is moot if we eliminate the **noise**. Nobody objects to a business operating profitably.

Thank you for anything you can do to represent our interests in this matter. Some of us have been here for decades, are older, retired and we have chosen the City of Long Beach to be our landlord.

Sincerely,

Michael Lesner



**Michael Lesner**

Sent via Iridium  
TransOceanic SatNav