

**CITY OF LONG BEACH**

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

June 21, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, continue the hearing until September 20, 2005 and extend the Temporary Entertainment Permit, with conditions, or deny the Permit on the application of Pine Avenue S&G, DBA Smooths Sports Grille, 144 Pine Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant with alcohol. (District 2)

**DISCUSSION**

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

The LBMC also requires that the City Council make a determination that the application is complete and truthful; the applicant, the persons interested in the ownership and operation of the entity, and the officers and trustees of the entity are law-abiding persons who will operate and conduct the business activity in a lawful manner; and, that the public peace, welfare, and safety will not be impaired. If this is so, the application shall be approved; if not, it shall be denied.

Attached for your review is the application from Pine Avenue S&G, DBA Smooths Sports Grille (Smooths). Also attached are reports from various departments and a summary of those reports, as well as the license history of the establishment.

This location was licensed as a restaurant with alcohol and permitted for entertainment with dancing under the ownership of Widnes, Inc., DBA Mums Restaurant. When the business was transferred to a new owner Pine Avenue S&G, DBA Smooths, a new business license application and a new entertainment permit application were required, since a business license or an entertainment permit is not transferable pursuant to the LBMC. The new owner has installed an unpermitted canopy across the restaurant entrance that does not meet California Building Code. The application for an entertainment permit with dancing includes plans that would increase occupancy beyond that presently permitted and beyond that allowed unless the building is protected throughout with an automatic sprinkler system.

City departments have conducted their investigation in accordance with the LBMC. The following summarizes their findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved with conditions.
- The Health and Human Services Department recommends that the permit for entertainment with dancing by patrons be approved with conditions.

Both the Planning and Building Department and Fire Department have agreed to recommend a three-month extension to the temporary entertainment permit provided that the applicant amends the application to delete the request for dancing inside the restaurant, limiting the dancing to the rooftop terrace, such that the occupancy remains 296 occupants downstairs and 177 occupants upstairs. In addition, in order to recommend the extension, the Planning and Building Department requires the applicant to agree to install an automatic sprinkler system under the canopy by September 20, 2005, which will ensure the safety and welfare of the public. Entertainment during the three-month extension shall conform to the conditions recommended by the Police Department and the Health and Human Services Department.

Should the owner not agree to the above conditions, the Planning and Building and Fire Departments recommend as follows:

- The Fire Department recommends denial of the application. The Fire Department believes the safety and welfare of the public will be impaired if this permit is granted pursuant to *California Health and Safety Code* 13145 and 13143, *2001 California Fire Code* 101.2.2.1, and *2001 California Building Code* 3405.1, due to increasing the occupancy above that which is currently permitted for entertainment with dancing, resulting from dancing inside the restaurant as requested by the application.
- The Planning and Building Department recommends denial of the application, because the building is required to be protected throughout with an automatic sprinkler system, due to increasing the occupancy above that which is currently permitted for entertainment with dancing, resulting from dancing inside the restaurant as requested by the application; and due to changes made by the applicant including a canopy across the entrance that does not have a sprinkler system. The canopy is in violation of Chapters 5 and 32 of the *2001 California Building Code*.

In the event that any of the recommended conditions attached to any permit or licenses are in conflict, the permittee shall adhere to the strictest of the applicable conditions.

TIMING CONSIDERATIONS

On June 7, 2005, the City Council extended the temporary entertainment permit to June 21, 2005. Without City Council action, the entertainment permit will expire on June 21, 2005.

FISCAL IMPACT

The following fees were collected with the application: Building Inspection \$194 and Zoning Review \$14 (Planning and Building Department), Police Investigations \$750 (Police Department), Temporary Permit \$225, Labels \$33 (Financial Management Department), and Health/Noise Control \$94 (Health and Human Services Department).

The following fees will be collected if the application is approved: Business License \$268.32 and Regulatory \$765 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve recommendation with or without conditions, or deny.

Respectfully submitted,



MICHAEL A. KILLEBREW  
DIRECTOR OF FINANCIAL MANAGEMENT

MAK:PW-H,JAG:bcv  
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ATTACHMENTS

APPROVED:

*for*   
GERALD R. MILLER  
CITY MANAGER