



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

October 18, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Beach Foods and Spirit Inc., DBA Pete's at the Beach, 5755 E. Pacific Coast Highway, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 3)

DISCUSSION

The Long Beach Municipal Code (LBMC) requires an application be filed and a hearing be held before the City Council whenever this type of activity is requested and before 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 Beach Foods and Spirits Inc., DBA Pete's at the Beach. Also attached are reports from various departments and a summary of those reports, as well as the license history of the establishment.

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

- The Police Department recommends that the permit for entertainment with dancing by patrons be approved with conditions.
- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved.
- 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 Planning and Building Department recommends that the permit for entertainment without dancing by patrons be approved. The Conditional Use Permit restricts business operating hours from 6:00 AM to 12:30 AM.

In the event that any of the recommended conditions attached to any permit or licenses are in conflict, the permittee shall adhere to the strictest of the applicable conditions. This location has been licensed as a restaurant with alcohol since November of 1990.

TIMING CONSIDERATIONS

The hearing date of October 18, 2005, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail. Beach Foods and Spirit Inc., DBA Pete's at the Beach, is operating on a temporary permit that expires on November 18, 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 \$221.76 (Financial Management Department), and Health/Noise Control \$94 (Health and Human Services Department).

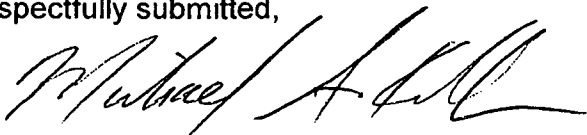
The following fees will be collected if the application is approved: Business License \$275.37 and Regulatory \$765 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve with or without conditions, or deny.

Respectfully submitted,



MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

MAK:PW-HJAG:bcv
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ATTACHMENTS

APPROVED:



GERALD R. MILLER
CITY MANAGER