



April 21, 2009

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 conditions, on the application of Club Investment LP, DBA Ice Bar, 49 South Pine Avenue, for Entertainment With Dancing by Patrons at an existing Restaurant. (District 2)

DISCUSSION

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

The LBMC also requires that the City Council make a determination that the application is complete and truthful; the applicant, the person 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.

The City Council has the authority to approve the following options: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or, 3) deny the Permit on the application.

Attached for your review is the application from Club Investments LP, DBA Ice Bar. 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 subject to conditions.
- The Fire Department recommends that the permit for entertainment with dancing by patrons be approved subject to 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 recommends that the permit for entertainment with dancing by patrons be approved.

The Department of Financial Management, Business Relations Bureau, has reviewed all submitted department documents and correspondence and, after a thorough investigative process, recommends that the permit for entertainment with dancing by patrons be approved as a permit subject to the standard conditions of the Downtown Dining and Entertainment District.

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 July 2002.

This item was reviewed by Deputy City Attorney Cristyl Meyers on March 30, 2009.

TIMING CONSIDERATIONS

The hearing date of April 21, 2009, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

FISCAL IMPACT

The following fees were collected with the application: Building Review \$20 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,000 (Police Department), Temporary Permit \$300, and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$309.77 and Regulatory \$930 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF:ES: JEM
ATTACHMENTS

APPROVED:


PATRICK H. WEST
CITY MANAGER



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 Club Investments LP, DBA Ice Bar. 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	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.....	570-6623

Compiled by: Department of Financial Management
Business Relations Bureau



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5700 • Fax (562) 570-6867

COMMERCIAL SERVICES DIVISION

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 49 S. Pine Avenue

Club Investments LP
DBA: Ice Bar
Lic#20848190
10/08 – Pending City Council approvals
Entertainment With Dancing

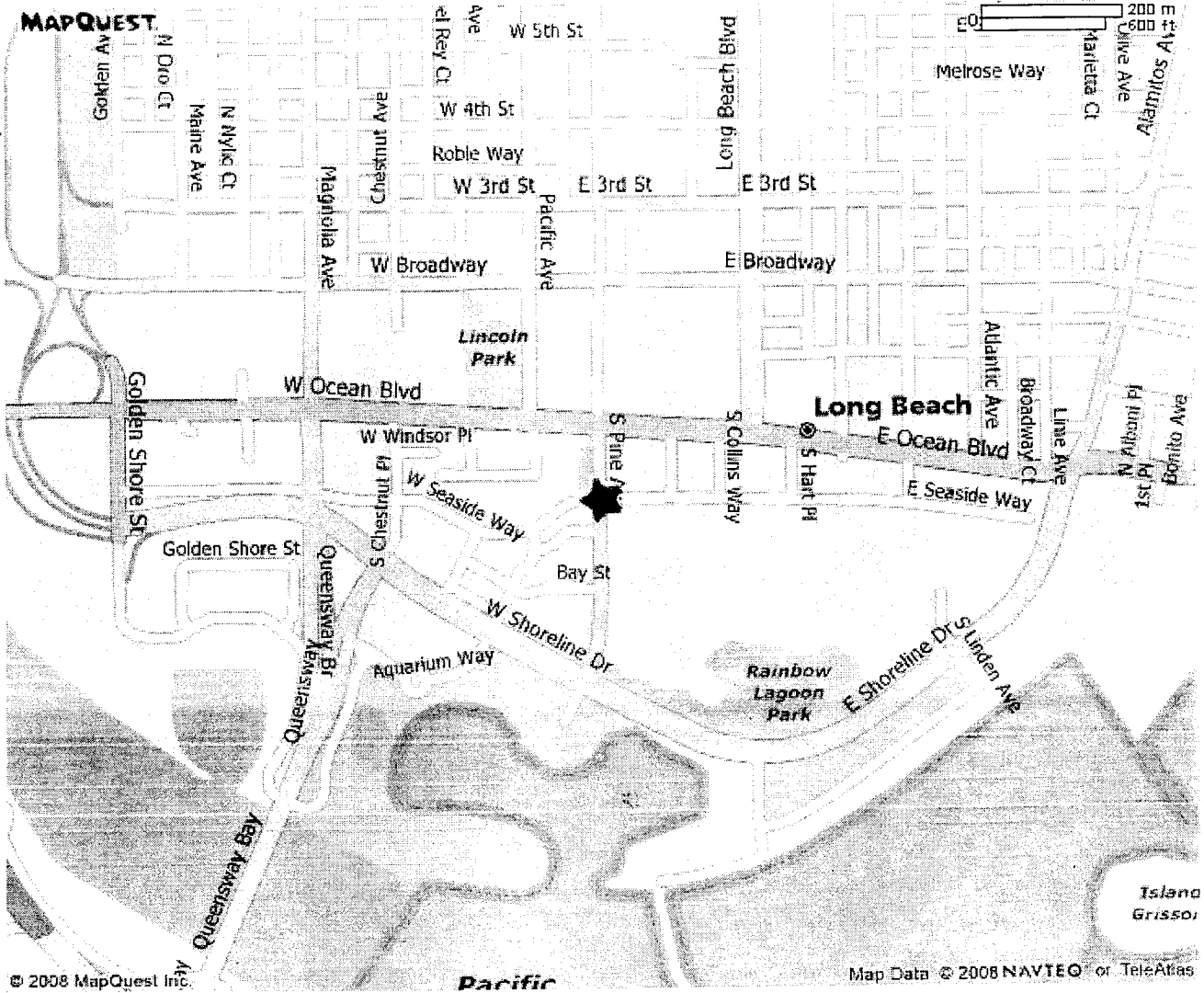
Club Investments LP
DBA: Ice Bar
Lic#20845920
09/08 – Pending City approvals
Restaurant With Alcohol

Gourmet Properties
DBA: Cave 49
Lic#20419590
08/04 – 08/08
Entertainment With Dancing

Gourmet Properties
DBA: Cave 49
Lic#20418290
04/04 – 08/08
Restaurant With Alcohol

Gourmet Properties
DBA: Club 49
Lic#20418300
04/04 – 05/05
Hall Rental

Ice Bar 49 S. Pine Avenue



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CITY OF LONG BEACH BUSINESS LICENSE APPLICATION
 Fourth Floor, City Hall
 333 W. Ocean Boulevard, Long Beach, CA 90802

www.longbeach.gov
 (562) 570-6211

GENERAL INFORMATION

OWNER'S NAME (or corporate name, partnership name, or partners) <u>club investment LP</u>		DRIVER'S LICENSE NUMBER [REDACTED]	STATE <u>CA</u>	SOCIAL SECURITY NUMBER [REDACTED]	
BUSINESS NAME (D.B.A.) <u>club investment LP DBA Ice Bar</u>		TYPE OF BUSINESS (Be specific) <u>club, entertainment w/ Alchole</u>		HOME OCCUPATION <input type="checkbox"/>	
BUSINESS ADDRESS <u>49 Pine Ave Long Beach, Ca 92802</u>		STREET	CITY	STATE	ZIP
BILLING ADDRESS (if different) <u>49 Pine Ave Long Beach, Ca 92802</u>		STREET	CITY	STATE	ZIP
RESIDENCE ADDRESS (if different) [REDACTED]		STREET	CITY	STATE	ZIP
LIST OF PRINCIPAL OFFICERS' OR PARTNERS' NAMES AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)				TITLE	% OWNERSHIP
[REDACTED]				[REDACTED]	[REDACTED]
[REDACTED]				[REDACTED]	[REDACTED]

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

BUSINESS OPERATIONS INFORMATION

START DATE <u>A.S.A.P</u>	NO. OF EMPLOYEES <u>3</u>	NO. OF VEHICLES	FEDERAL TAX ID. NUMBER	SALES TAX (SELLER'S PERMIT) NUMBER
Does your business have a Calif State Lic? <input type="checkbox"/> Y <input type="checkbox"/> N		STATE LICENSE NUMBER	CLASSIFICATION(S)	RENEWAL DATE

FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT

Do you plan to sell or serve food? (including pre-packaged) Y N
 If serving food, how many seats?: 300 in site, outside

Do you plan to sell wholesale food? Y N

Do you plan to sell or serve alcoholic beverages Y N
 If yes, ABC License number: 471483

Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables? Y N
 How many: _____ Type: _____ Owner: _____

Do you plan to sell tobacco products or tobacco paraphernalia? Y N

Will you have:
 Music Dancing Performers Adult Entertainment

SERVICES / FUND RAISING

Will you offer massage, tanning, body-wrap, escort or other similar personal services? Y N

Will you provide a towing service? Y N

Will you engage in fund raising? Y N

Will you deal in coins, stamps, firearms, jewels, or second-hand property? Y N

BUILDING AND FACILITY INFORMATION

Property Owner's Name: Ocean Center 4

Business sq. ft.: 7500 Warehouse on site? Y N

Do you: Own or Rent/Lease your business property?

Does your business require construction and/or remodeling? Y N

HAZARDOUS MATERIALS / MEDICAL WASTE

Will you use, store, or transport chemicals (new or waste state)? Y N

Will you manage or produce bio-hazardous materials or waste? Y N

ACKNOWLEDGMENT

I understand that before I can operate my business in Long Beach, my establishment must comply with applicable City departmental laws and regulations completely and obtain a business license or I will be in violation of L. B. M. C., Section 3.80. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.

- SIGN and return this statement with your remittance.
- Make checks payable to City of Long Beach

OWNER(S) OR AUTHORIZED AGENT

Signature: [Signature] Date: 10/09/08 PRINT NAME/TITLE: Bruce Alavi Owner

Signature: _____ Date: _____ PRINT NAME/TITLE: _____

DO NOT WRITE BELOW THIS LINE

Inspection(s):	<input type="checkbox"/> Bldg	<input type="checkbox"/> Fire	<input type="checkbox"/> Health	<input type="checkbox"/> HazMat	<input type="checkbox"/> PD	<input checked="" type="checkbox"/> Other	Prev Use: <u>Restaurant w</u> Exp Date: _____
Basic Tax	#	@	\$	=			Prev Lic: _____
Employees	#	@	\$	=			Exp Date: _____
Vehicles	#	@	\$	=			District: <u>10</u>
Other	#	@	\$	=			SIC: <u>5813</u>
PIA	#	@	\$	=			Entered by: <u>80</u>
PIA Employees	#	@	\$	=			Date: <u>10/14/08</u>
Regulatory Investigation							BU <u>20848190</u>
Misc. Fees							
Sub Total							
Zoning							
Building Review							
Total							

Zoning Review

Y N N/A

By: DS

Date: 10/14/08

New construction Reuse

Zone: PD-6

Comments: _____

NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY CONTACTING (562) 570-6211



OFFICE USE ONLY

Accepted By: [Signature] Date: 10/14/08
 Zoning Approval By: [Signature] Date: 10/14/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BA ~~BRICE~~ Club investment LP
 Business Name (DBA): Ice Bay BA ~~Club investment LP~~ Business Phone: (949) 735-8267
 Business Site Address: 49 Pine Ave, Long Beach, Ca. 90802

Date Business Proposes To Open: Dec 1
 Days & Time Premises Are Open For Inspection: M-T 10 to 2

Proposed Use(s):

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

Explain briefly the proposed use of the rooms within the building:
offices storage Entertainment, dancing

Contact Person(s) Name (authorized agent, manager, etc.): Bruce Alavi
 Contact Person(s) Phone Number: [Redacted]

Type of Organization:

- Corporation Partnership Individual Unincorporated Association or Club
- Trust LLC Other, explain: L.P.

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):

49 Pine Ave, Long Beach, Ca 90802

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

Club Investment LP (Ice Bar, Sushi)

Place and date of filing fictitious business name statement:

NOYwalk/LA 10/9/08

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:

Mark Akhavan / Jimmy

1100 Wilshire Blvd, #2050, Santa Monica, Ca

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

Mark Akhavan

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? If yes, explain:

YES

NO

How long has the corporation or business been in operation?

July 12th 4 months

Is the location: Owned? Rented/Leased?

Owned?

Rented/Leased?

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

Name: Ocean center LP

Address: 110 W Ocean Blvd Long beach, Ca. 90802

IF APPLYING AS A CORPORATION

Check One Box:

For-Profit Corporation

Non-Profit Corporation

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

Name of Corporation: Club investment LP

Corporation Number: 26-2932781 (EIN)

Date and Place of Incorporation: 12/ July/08 Los Angeles

Location Headquarters: 49 pine Ave Long beach ca 90802

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
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	()
		[REDACTED]	()
			()

Numbers of shares issued by Corporation: [REDACTED]

Number of share retained by Corporation: [REDACTED]

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:
Jaimy. Santian 310 458-2002
100 wilshire Blvd #2080
Santa Monica. ca.

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Bruce Behrooz Alavi Title: Owner
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 49 Pine Ave, Long Beach, CA 92802 Phone: 562-436-2470
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: _____ Title: _____
Residence Address: _____ Phone: _____
Business Address: _____ Phone: _____
Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____
Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER III

Name: _____ 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

471483

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: sushi

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

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 67

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): _____

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

Name: _____

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:

6 (Employees)

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				9-2	9-2	9-2	.
Security				4	6	6	

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:

Thursday - Fri - Sat

depends of the Activity

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	11:am
Close	2:am	2:am	2:am	2:am	2:am	2:am	2:am

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses?

YES NO

a. What type?

Restaurant, Convention Center, Bars
clubs

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)

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	11:am	11:am	11:am	11:am	11:am	11:am	11:am
To	2:am	2:am	2:am	2:am	2:am	2:am	2:am

d. How many individual parking spaces (approximately)? 50

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? ~~BA~~ 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: _____

Dance Floor? Y N Stage? Y N

If yes, provide dimensions and type of material of dance floor. L 22 X W 27 = 594 sq ft.

If yes, provide dimensions and type of material of stage. L 10 W 18 H 180

Describe floor material and surface type: concrete

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	Live Band	live band	Band live, Band	band	band	band	live band
Start Time	6:PM	6:PM	6:PM	6:PM	6:PM	6:PM	6:PM
End Time	2:am	2:am	2:am	2:am	2:am	2:am	2:am

RELEASE FORM

club investment LP

The undersigned, on behalf of (owner('s)) _____, 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:

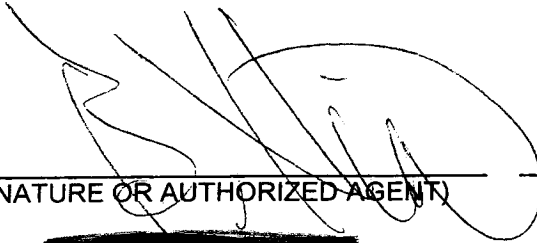

(DBA) ~~club investment LP~~ (Ice Bar ~~Sushi~~)

to obtain the (entertainment type) ~~Entertainment w/ dancing~~ permit/license.

The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. Any change in the person or the address listed in the application may be made only in writing to the Director of Financial Management.

The applicant consents and agrees full compliance will be made with all applicable State laws and City ordinances governing the conduct of the particular type of business activity for which a business license or permit is requested. **The applicant by signing this application understands any incomplete or false information may constitute grounds for denial.**

I swear under penalty of perjury I have read the forgoing application and all information and statements made by the undersigned/applicant regarding this applicant are true and correct.

 _____ (SIGNATURE OR AUTHORIZED AGENT)	<i>Owner</i> _____ (TITLE)	<i>09/30/08</i> _____ (DATE)
 _____ DRIVER'S LICENSE OR ID CARD NUMBER	<i>CA</i> _____ STATE	
<i>Storia Garcia</i> _____ ACCEPTED BY (CITY STAFF)	<i>CSR III</i> _____ TITLE	<i>10/21/08</i> _____ DATE

SELLER'S PERMIT



ACCOUNT NUMBER

11/1/2008 SR [REDACTED]

CLUB INVESTMENTS LP
BRUCE BEHROZ ALAVI
49 PINE AVE
LONG BEACH, CA 90802-4718

NOTICE TO PERMITTEE:
You are required to obey all Federal and State laws that regulate or control your business. This permit does not allow you to do otherwise.

IS HEREBY AUTHORIZED PURSUANT TO **SALES AND USE TAX LAW** TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION. THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWED BY THE NEW OPERATOR OF THE BUSINESS.

Not valid at any other address

**For general tax questions, please call our Information Center at 800-400-7115.
For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.**

BOE-442-R REV. 15 (2-06)

A MESSAGE TO OUR NEW PERMIT HOLDER

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at www.boe.ca.gov
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the Board
- You are responsible for following the regulations set forth by the Board

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

STATE BOARD OF EQUALIZATION
Sales and Use Tax Department



Date: April 3, 2009
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Anthony W. Batts, Chief of Police
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT THE ICE BAR –
49 SOUTH PINE AVENUE**

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

The Ice Bar is located on Pine Avenue south of Ocean Boulevard. The establishment serves a Japanese food menu with Sushi, and will be open for lunch and dinner. After the food service ends, the business will become a nightclub with limited food service. Based on the Police Department's investigation, and the South Division Patrol Commander's recommendation, the Long Beach Police Department does not believe the issuance of an Entertainment Permit with Dancing will have an adverse impact on Patrol Division resources.

CONDITIONS OF OPERATION

- 1) Indoor entertainment and outdoor non-amplified entertainment that otherwise conforms with the requirements of state and local laws and regulations may be offered pursuant to permit until 2 a.m., seven days a week.

Outdoor amplified entertainment is prohibited during the period of the pilot program, except for rooftop entertainment that was permitted at the time of the creation of this pilot program, or except in conjunction with a special events permit.

- 2) Each holder of an existing entertainment permit within the entertainment district and each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, attend a permit orientation session conducted by or at the direction of the City. Each new applicant for a downtown area entertainment permit, including an applicant who acquires an existing business through a change of ownership, shall, within ninety (90) days of application, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control.

- 3) The permittee shall comply with all applicable laws, regulations, ordinances and stated conditions. It is the intent of the City that each permittee make his or her own business decisions as to how to implement compliance; however, if the permittee fails to comply with the conditions of this permit, or if his or her operations result in excessive police service as defined below, the permittee will be required to operate under the more restrictive conditions described in Attachment "B" and made a permanent part of this permit without further hearing.
- 4) The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters. Each permittee and promoter conducting business within the City of Long Beach must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall provide all promoters and agents hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation
- 5) The operation of the establishment shall be limited to those activities expressly indicated on the entertainment permit application and approved by the City Council. Any change in the operation that exceeds the conditions of the approved permit will require approval by City Council.
- 6) The permittee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." Permittee shall conduct all aspects of his or her operation, including before- and after-hours deliveries and maintenance, in consideration of residences located nearby. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises.
- 7) No adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises. The permittee shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
- 8) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)

ENTERTAINMENT WITH DANCING AT THE ICE BAR

49 SOUTH PINE AVENUE

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- 9) Should the permittee's operations give rise to a substantial increase in complaint/calls for police service, the permittee shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
- 10) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the permittee shall provide a minimum of one (1) uniformed licensed security guard per floor. There shall be one additional guard for each subsequent increment or each partial increment of 50, plus one guard per each additional floor. (Example: a one-story establishment with 75 patrons present must have two guards. A two-story establishment with 75 patrons present must have three guards.) Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.

The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.

- 11) If an establishment is licensed as a restaurant, all entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a private function held at a bona fide eating-place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks and hors d'oeuvres shall not constitute a complete and substantial meal. Taverns are not subject to this requirement.
- 12) Persons under eighteen (18) years of age shall not be permitted to enter nor permitted to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian.
- 13) The permittee shall establish a program to discourage loitering and littering outside any of the entrance/exit doors at all times open for business. This should be done by use of security guards and/or signs near all exits that encourage patrons to "respect our neighbors" and the provision of trash receptacles.

ENTERTAINMENT WITH DANCING AT THE ICE BAR
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- 14) At the conclusion of each event and at closing time, the permittee's staff shall remind patrons to refrain from loitering in the immediate area, littering or making excessive noise. Patrons should be reminded to use trash receptacles and to walk directly and quietly to their cars or other transportation.
- 15) The permittee shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public property or on any vehicle on public property.
- 16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.
- 17) When the Chief of Police determines that excessive police services are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations, the cost of such services shall be billed to the permittee as an expense of an emergency response. "Expense of an emergency response" means those costs incurred by the city of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

AWB:CNA:cna
AppvCondIceBar

Attachment

Attachment "B"

Tiered Conditions

This page contains progressively more stringent regulations on entertainment and related activities in the Dining and Entertainment District. By applying for a permit, the applicant agrees to the conditions contained here and understands that he or she is not entitled to a public hearing if these conditions are applied. The City Council may add further conditions not listed here, or revoke the permit, if the permittee does not comply with the conditions imposed in this permit.

The conditions on this attachment do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.

Tier 1 Conditions:

Permittee may have entertainment on the premises during the maximum hours permitted in the district, consistent with ABC requirements and conditions imposed under a Conditional Use Permit. As long as the primary requirements for safety and noise are met (Conditions 1-17), Permittee may choose the methods of meeting those requirements.

Noncompliance with Tier 1 conditions: when the Chief of Police determines that Permittee has violated the terms of the permit, including the Permittee's obligation to comply with all other laws and regulations, but believes those violations can be remedied through education and/or minor modifications to Permittee's operation, Permittee will be asked to attend a meeting with the involved departments, pilot program area residents and businesses, and other interested persons to address community concerns and discuss how the implementation of Tier 2 Conditions can be avoided.

Tier 2 Conditions:

Noise:

Following the receipt of 3 or more noise complaints that require a response by the Police Department within a 30-day period and which are found to violate the "middle of the street" standard for noise, Permittee will be notified that his or her premises must comply with those Tier 2 Noise Conditions which the Chief of Police determines are necessary to protect the public peace and to comply with the City's noise ordinance, from among the following list:

---Permittee must keep all doors and windows closed except while patrons are entering or exiting.

---Meet with Health Department staff to discuss best practices to be implemented to mitigate noise.

- No outdoor entertainment of any kind will be permitted after 10 p.m.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.

Security/Public Safety:

For the purposes of this section, an "incident" means a complaint or occurrence that requires a police or Fire Marshal response to Permittee's premises due to Permittee's noncompliance with the terms and conditions of the Entertainment Permit. Following 3 or more incidents within a 30-day period, the Chief of Police or Fire Marshal will notify Permittee of additional measures and conditions to be implemented. These additional measures will be some or all of the following:

- Additional security personnel at hours determined necessary by the Chief of Police to prevent Permittee's operations from creating a public nuisance.
- Additional security checks on incoming patrons.
- No queue after midnight. Any persons gathering outside the establishment shall be considered to be loitering.
- Any additional measures deemed necessary by the Chief of Police or the Fire Marshal to protect health and safety.

NOTE: upon the request of a permittee who has been required to implement Tier 2 conditions, the Chief of Police, in consultation with the Fire Marshal and the Health Department, shall review the permittee's recent compliance history and determine whether some or all conditions can be returned to Tier 1 levels consistent with the protection of public health and safety.

Tier 3 Conditions:

The failure of a permittee to resolve noise and/or security/public safety issues as directed by the Chief of Police or the Fire Marshal within a reasonable period, not to exceed 30 days in any case, shall result in the implementation of Tier 3 conditions:

Noise:

- No outdoor entertainment of any kind will be permitted at any time.
- Only non-amplified entertainment will be permitted at any time OR amplified entertainment will only be permitted until 10 p.m. any night.
- Contain all noise within the premises. No noise audible outside the establishment.
- Implement Health Department recommendations to mitigate noise. Provide pre- and post-implementation monitoring data collected by a certified noise expert approved by the Health Department.

Security/Public Safety:

- The establishment must cease entertainment not later than 10 p.m. on Sunday through Wednesday nights and no later than midnight on Thursday through Saturday nights. The Chief of Police is authorized to make adjustments of up to one hour in these times to protect the public peace.

---Permittee shall limit the queue outside the establishment to no more than 20 people. There shall be no queue within 2 hours of the lawful closing time. Any persons gathering outside the establishment shall be considered to be loitering.

---Any additional measures determined necessary by the Chief of Police or the Fire Marshal to protect health and safety.

If the City determines that Permittee has not modified his or her operations in compliance with Tier 3 conditions and Permittee continues to fail to comply with the terms and conditions of the Entertainment Permit, the City shall begin revocation or suspension proceedings. Permittee is entitled to a hearing to contest such revocation or suspension.



OFFICE USE ONLY

Accepted By: [Signature] Date: 10/14/08
 Zoning Approval By: [Signature] Date: 10/14/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BT Club investment LP
 Business Name (DBA): Ice Bay BA Business Phone: (949) 735-8267
 Business Site Address: 49 Pine Ave Long Beach, Ca 90802
 Date Business Proposes To Open: Dec 1
 Days & Time Premises Are Open For Inspection: 10-11 10-12 10

Proposed Use(s):

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

Explain briefly the proposed use of the rooms within the building:
offices storage Entertainment dancing

Contact Person(s) Name (authorized agent, manager, etc.): Bruce Alavi
 Contact Person(s) Phone Number: (949) 735-8267

Type of Organization:

Corporation Partnership Individual Unincorporated Association or Club
 Trust LLC Other, explain: L.P.

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: 11/3/08

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:
PLANS ARE SUBMITTED TO THE LONG BEACH FIRE DEPARTMENT TO ESTABLISH OCCUPANT LOADS FOR DINING AND DANCE FLOOR AREAS AND NEW HOOD SUPPRESSION SYSTEM.

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

Inspection Completed On (date): 12/10/08 By: WENDY GOETZ

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: 12/18/2008

Name of Business (DBA): Ice Bar

Name of Business Owner: Bruce Alavi

Business Address: 49 S. pine Ave
Long Beach, Ca. 90802

Dear New Business Owners:

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

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

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

Warning: Sound Levels Within May Cause Permanent Hearing Impairment.

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


Owner or Authorized Agent Signature(s) Bruce Alavi

Title Owner

Phone # 949) 735-8267

FAX # _____



Date: November 10, 2008
To: Richard I. Bartlett, Business Services Officer, Commercial Services Bureau
From: Derek Burnham, Current Planning Officer 
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 49 S. Pine Avenue
Long Beach, CA 90802

Applicant: Club Investment LP, DBA Ice Bar

Zoning District: PD-6
(Downtown Shoreline Planned Development District)

Proposed Use: Entertainment with Dancing

The Community Design and Development Division of the Department of Planning and Building has the following comments:

No CUPs or AUPs were found for the subject site.

The subject site was previously approved for an entertainment permit with dancing in May 2000. Based on the floor plans submitted for the previous application and the current application, there have been no significant changes made to the floor plan.

The subject site is located within PD-6, the Downtown Shoreline Planned Development District. Entertainment, including dancing by patrons as an accessory use to a restaurant, is a permitted use in this zone. As entertainment with dancing by patrons was previously permitted and the dance floor has not been increased in size, no additional parking is required.

Planning Bureau recommends that the entertainment permit with dancing for "Ice Bar" be approved.

If you have any questions regarding this response, please call Angie Zetterquist, Planner, at (562) 570-6553.



OFFICE USE ONLY

Accepted By: [Signature] Date: 10/14/08
 Zoning Approval By: [Signature] Date: 10/14/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BA ~~BRUCE~~ Club investment LP
 Business Name (DBA): club investment LP Business Phone: (949) 735-8267
 Business Site Address: 49 Pine Ave, Long Beach, Ca. 90802
 Date Business Proposes To Open: DEC 1
 Days & Time Premises Are Open For Inspection: 11-7 10 to 2

Proposed Use(s):

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

Explain briefly the proposed use of the rooms within the building:
offices storage Entertainment, dancing

Contact Person(s) Name (authorized agent, manager, etc.): Bruce Alavi
 Contact Person(s) Phone Number: (949) 735-5267

Type of Organization:

Corporation Partnership Individual Unincorporated Association or Club
 Trust LLC Other, explain: L.P.

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: 10-21-08
 Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

PROJECT 43815
 Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): 10-21-08 By: [Signature]

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: _____