



July 1, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term permit with conditions for an entertainment permit with dancing by patrons at Armadillo Properties, Inc., DBA The Cellar & Quentons, 201 E. Broadway. (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. If this is so, the application shall be approved; if not, it shall be denied.

Attached for your review is the application from Armadillo Properties, Inc., DBA The Cellar & Quentons. 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 Long Beach Development Services Department recommends that the permit for entertainment with dancing by patrons be approved.

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 March 2008.

TIMING CONSIDERATIONS

The hearing date of July 1, 2008, has been posted on the business location, with the applicant and property owners within 300 feet notified by mail.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on June 3, 2008.

FISCAL IMPACT

The following fees were collected with the application: Building Inspection \$300 and Zoning Review \$14 (Development Services Department), Police Investigation \$1,000 (Police Department), Labels \$90 (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 \$299.88 and Regulatory \$825 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF: RIB: JEM
K:\Exec\Council Letters\Commercial Services\Hearing Letters\07-01-08 ccl - The Cellar.doc

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 Armadillo Properties, Inc., DBA The Cellar & Quentons. 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 | |
| Long Beach 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 |
| Long Beach Development Services Department | 570-6623 |

Compiled by: Department of Financial Management
Commercial Services 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 201 E Broadway

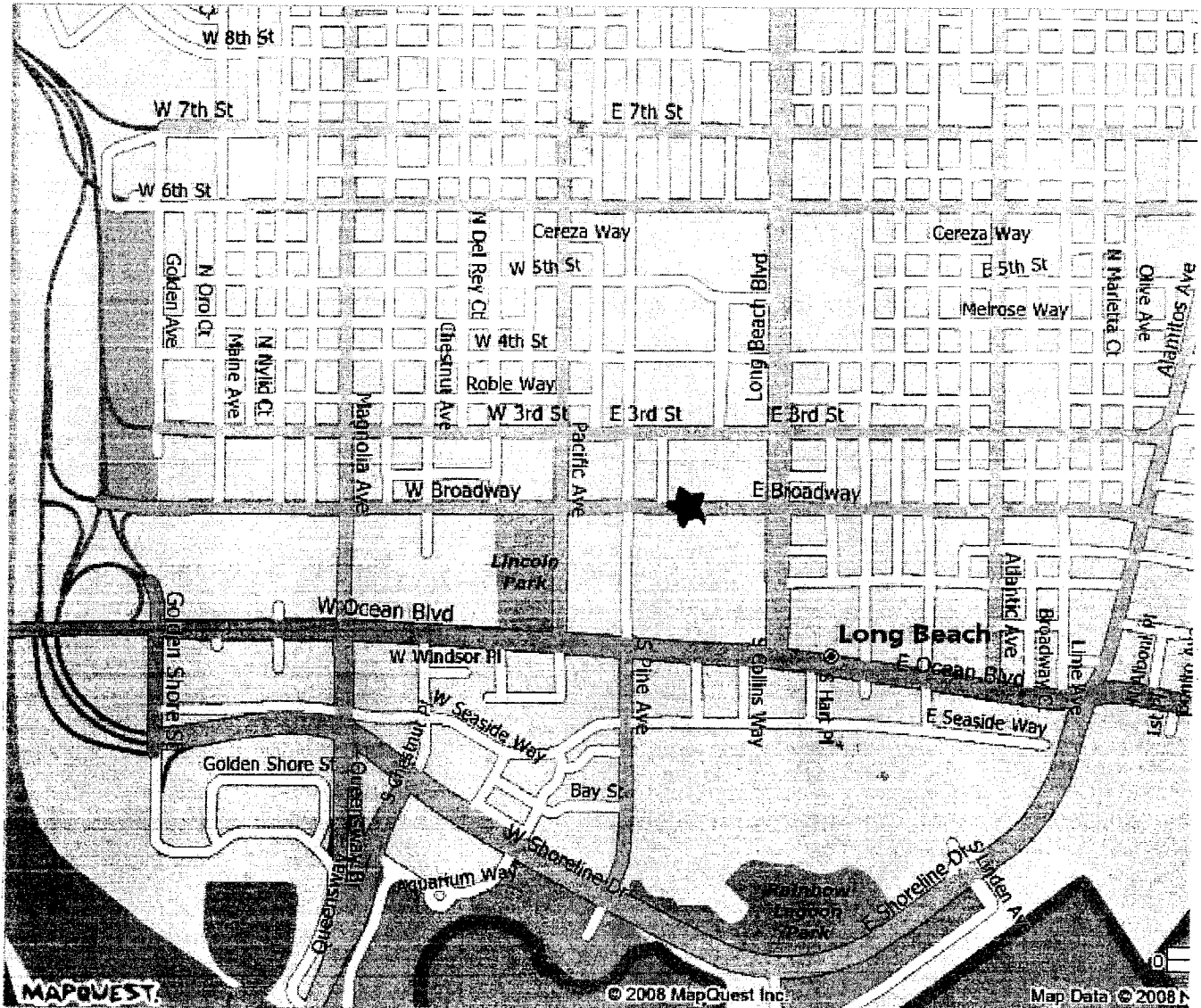
Armadillo Properties, Inc.
DBA: The Cellar & Quentons
Lic#20733860
03/08 – Active

Restaurant With Alcohol

Armadillo Properties, Inc.
DBA: The Cellar & Quentons
Lic#20733880
03/08- Pending City Council approval

Entertainment With Dancing

The Cellar & Quentons 201 E. Broadway





OFFICE USE ONLY

| | |
|-----------------------------------|---------------------|
| Accepted By _____ | Date: _____ |
| Zoning Approval By <u>Opinion</u> | Date: <u>8/2/07</u> |
| <u>Opinion</u> | <u>2/29/08</u> |

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Armadillo Properties, Inc.
 Business Name (DBA): The Cellar 3 Quentons Business Phone: () 818-519-9421
 Business Site Address: 201 E Broadway, Long Beach, CA 90802
 Date Business Proposes To Open: 9-15-2007
 Days & Time Premises Are Open For Inspection: Week days - 7 AM to 5 pm

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:

Contact Person(s) Name (authorized agent, manager, etc.): Joseph M. Irwin
 Contact Person(s) Phone Number: (818) 519-9421

Type of Organization:

- Corporation Partnership Individual Unincorporated Association or Club
 Trust LLC Other, explain: _____

OFFICE USE ONLY

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

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

Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____

GENERAL INFORMATION (All Applicants)

Principal place of business (if other than the address listed on page 1): _____

Fictitious business names(s) or dba(s) used: The Cellar, Quentons

Place and date of filing fictitious business name statement: Los Angeles County
9-15-2005

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:

Joseph M. Irwin
4639 Coldbrook Ave
Lakewood CA 90713

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

Joseph M. Irwin, 4639 Coldbrook Ave, Lakewood, CA, 90713

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:

NONE

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? 2 years - 1 month

Is the location: Owned? Rented/Leased?

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

Name: Inex LLC (Dan G. Peterson)
Address: 207 E Broadway #801
Long Beach CA 90802

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 <input type="checkbox"/> | _____ | _____ |
| On sale beer and wine <input type="checkbox"/> | _____ | _____ |
| On sale distilled spirits <input checked="" type="checkbox"/> | <u>47-430740</u> | <u>Restaurant / Club</u> |

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: Southern Style - Breakfast - Lunch - Dinner

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

3. Are non-alcoholic beverages sold? YES NO

4. How many tables for seating? 30

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: 4
12. Is any other type of security provided? YES NO
 a. If yes, describe type of security: Electronic

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

| Day | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Hours of | <u>NONE</u> | <u>7 PM</u> | <u>7 PM</u> | <u>7 PM</u> | <u>7 PM</u> | <u>7 PM</u> | <u>7 PM</u> |
| Security | <u>NONE</u> | <u>2 AM</u> | <u>2 AM</u> | <u>2 AM</u> | <u>2 AM</u> | <u>2 AM</u> | <u>2 AM</u> |

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: Cover charge on nights with live music. Between \$5.00 to \$25.00 depending on

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

the Band

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 | 7 AM | 7 AM | 7 AM | 7 AM | 7 AM | 7 AM | 7 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?

Club, Real Estate Sales Office

20. Are there surrounding residences?

YES NO

a. Approximately how close?

Within the same building
(12 units)

PARKING FACILITIES AND ARRANGEMENTS

21. Is parking available?

YES NO

a. If no, what is the street address of the off-premises parking facility?

N/A Building is a Historical Landmark. Please refer to Case No 0203-04 Planning Com. July 18 2002 Copy Attached

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)

Planning Commission 'grand fathered' parking. Please see page 6 of recommendation and page 23 of Negative Det. Declaration (Approved 4-18-02)

c. Days and hours parking facility will be available:

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|------|--------|---------|-----------|----------|--------|----------|--------|
| From | | | | | | | |
| To | | | | | | | |

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

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: Classic Jazz, Blues & Rock

Dance Floor? Y N Stage? Y N

If yes, provide dimensions and type of material of dance floor. L 28' X W 17' = 476 sq ft.

If yes, provide dimensions and type of material of stage. L 20' W 10' H 12"

Describe floor material and surface type: Stage = wood

Dance floor = 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 | None Live Music | Live Music | Live Music | Live Music | Live Music | Live Music | Live Music |
| Start Time | 7 PM | 7 PM | 7 PM | 7 PM | 7 PM | 7 PM | 7 PM |
| End Time | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM |



OFFICE USE ONLY

Accepted By: _____ Date: _____
 Zoning Approval By: C. Jackson Date: 8/29/07
C. Jackson 8/29/07

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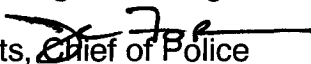
POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: [Signature] Title: Acting Chief of Police Date: 4-25-08



Date: April 29, 2008
To: Pamela Wilson-Horgan, Manager, Commercial Services Bureau
From: Anthony W. Batts,  Chief of Police
Subject: **APPLICATION FOR ENTERTAINMENT WITH DANCING AT THE CELLAR & QUINTONS – 201 EAST BROADWAY 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 Cellar & Quintons is a restaurant/nightclub located on the northeast corner of Broadway and The Promenade. The restaurant is located on the first floor of the business and is currently under construction. The restaurant will serve southern style food and will be open for breakfast, lunch, and dinner. The nightclub area is located in the basement below the restaurant. The recommendation for approval is based on Vice Detectives' investigations, recommendations from the Patrol Commander and nearby residents.

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.

ENTERTAINMENT WITH DANCING AT THE CELLAR & QUENTONS
201 EAST BROADWAY AVENUE

Page 2

- 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 CELLAR & QUENTONS
201 EAST BROADWAY AVENUE

Page 3

- 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 CELLAR & QUENTONS
201 EAST BROADWAY AVENUE

Page 4

- 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."

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: _____ Date: _____
 Zoning Approval By: C. Jackson Date: 2/29/07
 _____ Date: 2/29/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

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Proposed Use(s):

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 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:

Contact Person(s) Name (authorized agent, manager, etc.): Joseph M. Irwin
 Contact Person(s) Phone Number: (818) 519-9421

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: 3/14/08

- 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): 3/14/08 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: [Signature] Title: _____ Date: _____



OFFICE USE ONLY

| | |
|------------------------------------|----------------------|
| Accepted By: _____ | Date: _____ |
| Zoning Approval By: <u>Jackman</u> | Date: <u>4/10/07</u> |
| <u>Jackman</u> | <u>2/29/08</u> |

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Armadillo Properties, Inc.
 Business Name (DBA): The Cellar 3 Quantons Business Phone: () 818-519-9421
 Business Site Address: 201 E Broadway, Long Beach, CA 90802
 Date Business Proposes To Open: 9-15-2007
 Days & Time Premises Are Open For Inspection: Week days - 7 AM to 5 pm

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:

Contact Person(s) Name (authorized agent, manager, etc.): Joseph M. Irwin
 Contact Person(s) Phone Number: (818) 519-9421

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: 3/4/08

- Building/Location meets Department Requirements for the proposed use.
 Building/Location meets Department Requirements for the proposed use subject to the following conditions:

THIS ESTABLISHMENT MUST REMAIN IN COMPLIANCE WITH ALL APPLICABLE SECTIONS OF THE LONG BEACH CITY NOISE ORDINANCE (LBMC, CHAPTER 8.80)

Building/Location does not meet Department requirements for the proposed use.
 Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

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

Conditions or Basis for Denial: _____

By: [Signature] DIANA STANW Title: HAZARDOUS MATERIALS SPECIALIST Date: 3/6/08



OFFICE USE ONLY

Accepted By: _____ Date: _____
 Zoning Approval By: [Signature] Date: 2/12/07
[Signature] 2/27/08

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): Armadillo Properties, Inc.
 Business Name (DBA): The Cellar 3 Quentons Business Phone: () 818-519-9421
 Business Site Address: 201 E Broadway, Long Beach, CA 90802
 Date Business Proposes To Open: 9-15-2007
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 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:

Contact Person(s) Name (authorized agent, manager, etc.): Joseph M. Irwin
 Contact Person(s) Phone Number: (818) 519-9421

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: 03-06-08

Building/Location meets Department Requirements for the proposed use.

Building/Location meets Department Requirements for the proposed use subject to the following conditions:

BUILDING APPEAL FOR BUS. LLC FOR CELLAR ONLY.

ENTERTAINMENT.

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

Inspection Completed On (date): 03-08-07 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: _____



Date: March 12, 2008
To: Richard I. Bartlett, Business Services Officer, Commercial Services Bureau
From: Carolyne Bihn, Zoning Officer *CB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

This is in response to your request regarding the following site:

Site Address: 201 East Broadway
Long Beach, CA 90802

Applicant: Armadillo Properties, Inc. DBA The Cellar & Quentons

Zoning District: PD-30 (Downtown Planned Development District)

Proposed Use: Entertainment with Dancing

The Community Design and Development Division of Long Beach Development Services has the following comments:

The initial application submitted on October 25, 2007, did not show the location of the dance floor. The Planning Department requested a revised floor plan showing the exact location of the dance floor area. A revised plan was submitted March 11, 2008 showing a 476 square foot (17' x 28') dance floor.

The subject site is located in the Downtown Planned Development District (PD-30), Promenade District subarea. PD-30 allows entertainment, and dancing as an accessory use in the Promenade District subarea.

Case No. 0203-04 for a Site Plan Review, Conditional Use Permit, Standards Variance and Tentative Tract Map was approved by the City Planning Commission to convert the Insurance Exchange building to residential condominiums and develop the basement, first and second floors into a tavern and restaurant. A modification to the original entitlements was submitted to increase the density to 12 residential units (instead of 11) by converting the mezzanine to a dwelling unit. The Zoning Administrator approved this request on February 17, 2005.

Parking for the basement, which was previously a tavern, is grandfathered therefore no additional parking is required for the 476 square foot dance floor.

If you have any questions regarding this response please call Lynette Ferenczy at (562) 570-6273.