

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-1

333 West Ocean Blvd • Long Beach, California 90802

March 6, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing, and deny the permit on the application of Bubba Gump Shrimp Company Restaurant, Inc., DBA Mai Tai Bar, 97 Aquarium Way, for Entertainment with Dancing by Patrons. (District 2)

DISCUSSION

Bubba Gump Shrimp Company Restaurants, Inc., DBA Mai Tai Bar (Mai Tai) was granted a permit for entertainment with dancing on September 20, 2005. At that time, Mai Tai's entertainment permit did not include disc jockey (DJ) and karaoke as a conditioned activity. The business is requesting to add DJ and karaoke to their existing permitted conditions. If the staff recommendation to deny the new permit and conditions is approved, the existing entertainment permit and conditions granted September, 20 2005 would remain in effect. This location has been licensed as a bar/lounge/tavern since June of 2005.

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 permit application is complete and truthful; the applicant 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 public peace, welfare and safety will not be impaired. If this is so, the application shall be approved, a short-term entertainment permit shall be approved, or the application shall be denied.

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 Entertainment Permit, with or without conditions; or, 3) deny the Permit on the application.

City departments have conducted their investigations in accordance with the LBMC. Attached for your review are the departmental investigative reports, the business ownership and permit history, and the entertainment permit application.

The following summarizes departmental findings:

- The Police Department recommends that the permit for entertainment with dancing by patrons be denied. Based on the Vice Section's investigation, the Police

HONORABLE MAYOR AND CITY COUNCIL

March 6, 2012

Page 2

Department has determined that the public peace, safety and welfare of the general area would be impaired if this permit is granted.

- The Fire Department finds that the building/location meets department requirements for the proposed use.
- The Health and Human Services Department finds that the building/location meets department requirements for the proposed use with the condition that the establishment remain in compliance with the Long Beach Noise Ordinance (LBMC Chapter 8.80).
- The Development Services Department finds that the building/location meets department requirements for the proposed use.

The Department of Financial Management, Business 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 denied.

This matter was reviewed by Deputy City Attorney Amy R. Webber on February 8, 2012.

TIMING CONSIDERATIONS

The hearing date of March 6, 2012, 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 \$15 (Development Services), Police Investigation \$1,183 (Police Department), and Labels \$90 (Financial Management Department).

The following fees will be collected if the application is approved: Business License \$321.97 and Regulatory \$1,006 (Financial Management Department).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

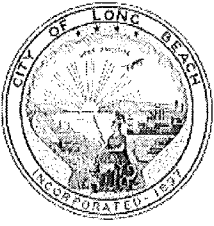


JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-5596

Existing Conditions of Operation

**Bubba Gump Shrimp Company Restaurants, Inc., DBA Mai Tai Bar
97 Aquarium Way**

Bubba Gump Shrimp Company Restaurants, Inc., DBA Mai Tai Bar, has been operating under the following conditions of the Downtown Dining and Entertainment District since the implementation of their Entertainment with Dancing Permit on September 20, 2005:

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 this program, except for rooftop entertainment that was permitted at the time of the creation of this 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)
- 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.
- 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, 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.



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 Bubba Gump Shrimp Company Restaurants, Inc., DBA Mai Tai 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	X
Fire Prevention Bureau	X		
Health and Human Services Department/Noise Control		X	
Development Services Department	X		

Questions concerning the above may be directed to the following:

Police Department, Chief of Police	570-7301
Fire Department, Fire Prevention Bureau	570-2500
Health and Human Services Department, Noise Control.....	570-4130
Development Services Department.....	570-6623

Compiled by: Department of Financial Management
Business 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

FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 97 Aquarium Way

Bubba Gump Shrimp Company Restaurant, Inc.
DBA: Mai Tai Bar
Lic#21132660
10/11 – Pending

Entertainment with Dancing
(adding karaoke & DJ)

Bubba Gump Shrimp Company Restaurant, Inc.
DBA: Mai Tai Bar
Lic#20529440
09/05 – Current

Entertainment with Dancing

Bubba Gump Shrimp Company Restaurant, Inc.
DBA: Mai Tai Bar
Lic#20529410
06/05 – Current

Bar



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/ENTITY NAME (e.g., Solo Owner, Corporation, LLP, LLC, Partnership) Bubba Gump Shrimp Co. Restaurants, Inc.		DRIVER'S LICENSE NO.	STATE	SOCIAL SECURITY NO.	HOME OCCUPATION <input type="radio"/> Y <input checked="" type="radio"/> N
BUSINESS NAME (D.B.A.) Mai Tai Bar		TYPE OF BUSINESS (Be specific) ENTERTAINMENT w/ DANCING			
BUSINESS ADDRESS		STREET	CITY	STATE	ZIP
97 Aquarium Way			Long Beach	CA	90802
BILLING ADDRESS (if different)		STREET	CITY	STATE	ZIP
1510 West Loop South; Attn: Licensing Dept.			Houston	TX	77027
RESIDENCE ADDRESS (if different)		STREET	CITY	STATE	ZIP
LIST OF PRINCIPAL OFFICERS, MEMBERS, PARTNERS AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)					TITLE
Tilman J. Fertitta					President
					% OWNERSHIP
					% OWNERSHIP
<input type="radio"/> New Business <input type="radio"/> Address Change <input type="radio"/> Ownership Change <input checked="" type="radio"/> Secondary License			<input type="radio"/> Sole Owner <input type="radio"/> Partnership <input checked="" type="radio"/> Corporation <input type="radio"/> LLP <input type="radio"/> LLC		
BUSINESS OPERATIONS INFORMATION					
START DATE JULY 5, 2005	NO. OF EMPLOYEES	NO. OF VEHICLES	FEDERAL TAX ID. NUMBER	SALES & USE TAX (SELLER'S PERMIT) NO.	
		0			
DOES YOUR BUSINESS HAVE A CALIFORNIA STATE LICENSE?		STATE LICENSE NO.	CLASSIFICATION(S)	RENEWAL DATE	
<input checked="" type="radio"/> Y <input type="radio"/> N		417024	On-Sale General Public Premises	12/31/2011	
HAVE YOU EVER HAD A BUSINESS LICENSE/PERMIT REVOKED OR SUSPENDED?		LICENSE/PERMIT NO.	ISSUING AGENCY	CLASSIFICATION & DATE OF SUSPENSION/REVOCATION	
<input checked="" type="radio"/> Y <input type="radio"/> N					
FOOD/ALCOHOL/AMUSEMENT/ENTERTAINMENT			SERVICES/FUNDRISING		
Do you plan to sell or serve food? (Includes pre-packaged) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If serving food, how many seats?: <u>152</u>			Will you offer massage, tanning, herbal therapy, escort or any other services that improve the health or well being of another? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Do you plan to sell or serve alcoholic beverages? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N ABC License number: <u>417024</u> Type: <u>48</u>			Will you engage in fund raising? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Does your business have amusement machines, video games, vending machines, jukebox and/or pool tables? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N How many: _____ Type: _____ Owner: _____			Will you deal in coins, firearms, jewels or second-hand property? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Do you plan to sell tobacco products/paraphernalia? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			BUILDING AND PROPERTY INFORMATION		
Do you plan to operate a Smoking Lounge? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			Property Owner's Name: _____		
Will you deal with, use, store or transport Medical Marijuana? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			Business sq. ft.: _____ Warehouse on site? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Will you have <input checked="" type="checkbox"/> Music <input checked="" type="checkbox"/> Dancing <input checked="" type="checkbox"/> Performers <input type="checkbox"/> Adult Entertainment?			Do you: <input type="checkbox"/> Own or <input checked="" type="checkbox"/> Rent/Lease your business property?		
			HAZARDOUS MATERIALS/MEDICAL WASTE		
			Will you manage or produce bio-hazardous materials or waste? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
			Will you use, store, or transport chemicals (new or waste state)? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
ACKNOWLEDGMENT TO BE COMPLETED BY SOLE OWNER, PRINCIPAL OFFICERS, MEMBER OR PARTNERS					
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 I must obtain a business license and all necessary Federal State and local permits or I will be in violation of L. B. M. C. Chapter 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.					
Signature <u>B. A. Agung</u>		Date <u>1-14-11</u>	PRINT NAME/TITLE <u>BAGUS ANAK-AGUNG- BEDE/GM</u>		
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 type="checkbox"/> Other		Prev Use: <u>Same</u>		Exp. Date: _____	
Basic Tax		Prev Lic: <u>20529440</u>		Zoning Review <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A By: <u>[Signature]</u> <u>2/16/11</u> Date: <u>1/19/2011</u> <input type="checkbox"/> New construction <input type="checkbox"/> Reuse Zone: <u>PD-6</u> Comments: <u>Adding indoor</u> <u>DB & bands on open</u> <u>patio covered w/ roof</u>	
Employees # _____ @ _____ \$ _____ = _____		Exp Date: <u>1/1/12</u>			
Vehicles # _____ @ _____ \$ _____ = _____		District: <u>10</u>			
Other # _____ @ _____ \$ _____ = _____		CRT: <u>300507</u>			
PIA _____		SIC: <u>5823</u>			
PIA Employees # _____ @ _____ \$ _____ = _____		Entered by: <u>AK</u>			
Regulatory		Date: <u>2/10/11</u>			
Investigation		BU <u>21132060</u>			
Misc. Fees					
Sub Total					
Zoning					
Building Review					
Total \$ _____					

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



Accepted By: _____ Date: _____
 Zoning Approval By: [Signature] Date: 1/19/2011

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BUBBA GUMP SHRIMP Co. RESTAURANTS, INC.
 Business Name (DBA): MAI TAI BAR Business Phone: () 562-435-1200
 Business Site Address: 97 AQUARIUM WAY, LONG BEACH, CA 90802
 Date Business Proposes To Open: JULY 5, 2005
 Days & Time Premises Are Open For Inspection: EVERYDAY AFTER 10:00AM

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:
TO ENTERTAIN & PROVIDE FAST & FRIENDLY SERVICE

Contact Person(s) Name (authorized agent, manager, etc.): BAGUS ANAK-AGUNG-GEDE, GENERAL MANAGER
 Contact Person(s) Phone Number: [Redacted]

Type of Organization:

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

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: _____

Building/Location meets Department Requirements for the proposed use.

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

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

POLICE DEPARTMENT

Police Department finds no basis for denial Police Department finds basis for denial

Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____

GENERAL INFORMATION (All Applicants)

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

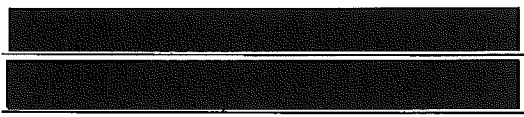
Fictitious business names(s) or dba(s) used: MAI TAI BAR

Place and date of filing fictitious business name statement: LA COUNTY CLERK - APRIL 2010

County(ies) in which fictitious name statement is (are) filed: LA COUNTY

Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of Long Beach:

BAGUS ANAK-AGUNG-GEDE, GENERAL MANAGER



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

NATIONAL REGISTERED AGENTS, INC. 2875 MICHELLE DR., IRVINE, CA 92606

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:

YES NO

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? SINCE 2-13-96

Is the location: Owned? Rented/Leased?

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

Name: DDR URBAN, L.P.

Address: 3500 ENTERPRISE RD.
BEACHWOOD, OH 44122

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: BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.

Corporation Number: 2592525

Date and Place of Incorporation: DELAWARE

Location Headquarters: HOUSTON, TX

Please attach certified copies of Articles of Incorporation and By-Laws, and all amendments thereto this application.

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title	Address	Telephone
<u>ILMAN J. FERTITA</u>	<u>PRESIDENT/DIRECTOR</u>	[REDACTED]	[REDACTED]
<u>STEVEN L. SCHEINTHAL</u>	<u>VP: SECRETARY</u>	[REDACTED]	[REDACTED]
<u>RICHARD H. LIEM</u>	<u>VP: TREASURER</u>	[REDACTED]	[REDACTED]
			()

Numbers of shares issued by Corporation: 1,000

Number of share retained by Corporation: 9,000

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

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

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

NATIONAL REGISTERED AGENTS, INC, 2875 MICHELLE DR, STE. 100
IRVINE, CA 92606

IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

CORPORATE OFFICER I

Name: Tilman J. Fertitta Title: President & Director
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 1510 West Loop South, Houston, TX 77027 Phone: _____
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: Steven L. Scheinthal Title: Vice President & Secretary
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 1510 West Loop South, Houston, TX 77027 Phone: _____
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

CORPORATE OFFICER III

Name: Richard H. Liem Title: Vice President & Treasurer
Residence Address: [REDACTED] Phone: [REDACTED]
Business Address: 1510 West Loop South, Houston, TX 77027 Phone: _____
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 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 <input type="checkbox"/>	_____	_____
On sale beer and wine <input type="checkbox"/>	_____	_____
On sale distilled spirits <input checked="" type="checkbox"/>	<u>417024</u>	<u>ON-SALE GENERAL PUBLIC PREMISE</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: SEALED AMI, FLATBREAD, SLIDERS, SKEWERS

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: N/A

Address: _____

Telephone No. () _____

GENERAL OPERATING CONDITIONS (continued)

Complete Each Question

SECURITY

11. Will security officers be provided? YES NO

a. If yes, number of security officers: 8

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	AFTER	AFTER	AFTER	AFTER	AFTER	AFTER	AFTER
Security	7 PM 2 AM	7 PM 2 AM	7 PM 2 AM	7 PM 2 AM	7 PM 2 AM	7 PM 2 AM	7 PM 2 AM

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

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

Name: PLATINUM PROTECTION GROUP, INC City Business License No.: 15430

Address: 8018 E. SANTA ANA CANYON Telephone No.: (800) 824-1097
SUITE 100-162
ANAHEIM HILLS, CA 92808-1102

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: \$5.00 ON FRI & SAT AFTER 9 PM

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	4:00 PM	4:00 PM	4:00 PM	4:00 PM	4:00 PM	NOON	NOON
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

PROXIMITY OF BUSINESSES AND RESIDENCES

19. Are there surrounding businesses? YES NO

a. What type? RESTAURANTS

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) _____

90 MINUTES VALIDATION

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	24 HRS	24 HRS	24 HRS	24 HRS	24 HRS	24 HRS	24 HRS
To							

d. How many individual parking spaces (approximately)? 2,200 / 1,400

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

If yes, briefly describe the entertainment activity. _____

Describe entertainment by performers: LIVE MUSIC BY 2 OR MORE PERFORMERS

Dance Floor? Y N Stage? Y N

If yes, provide dimensions and type of material of dance floor. L 15 X W 9 = _____ sq ft.

If yes, provide dimensions and type of material of stage. L 15 1/2 W 3 1/2 H 8 1/2

Describe floor material and surface type: RAISED STAGE W/CARPET

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	BAND	BAND	BAND / DJ	BAND / DJ	BAND / DJ	BAND / DJ	BAND
Start Time	4:00 PM	4:00 PM	4:00 PM	4:00 PM	4:00 PM	4:00 PM	4:00 PM
End Time	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

RELEASE FORM

The undersigned, on behalf of (owner(s)) BUBBA GUMP SHRIMP Co., 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) MAI TAI BAR

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.

B. Gump
(SIGNATURE OR AUTHORIZED AGENT)

GENERAL MANAGER
(TITLE)

1-14-11
(DATE)


DRIVER'S LICENSE OR ID CARD NUMBER

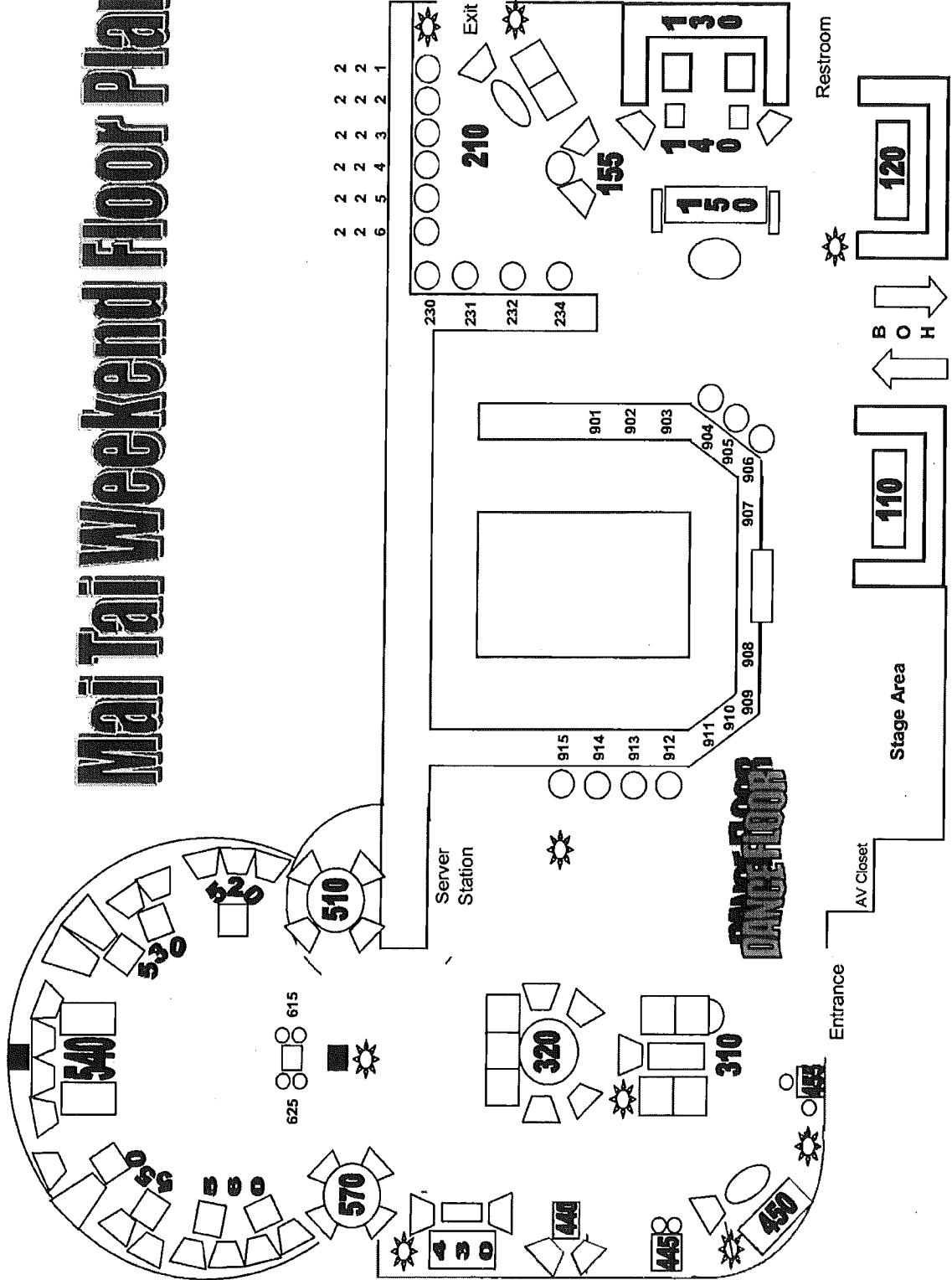

STATE

[Signature]
ACCEPTED BY (CITY STAFF)

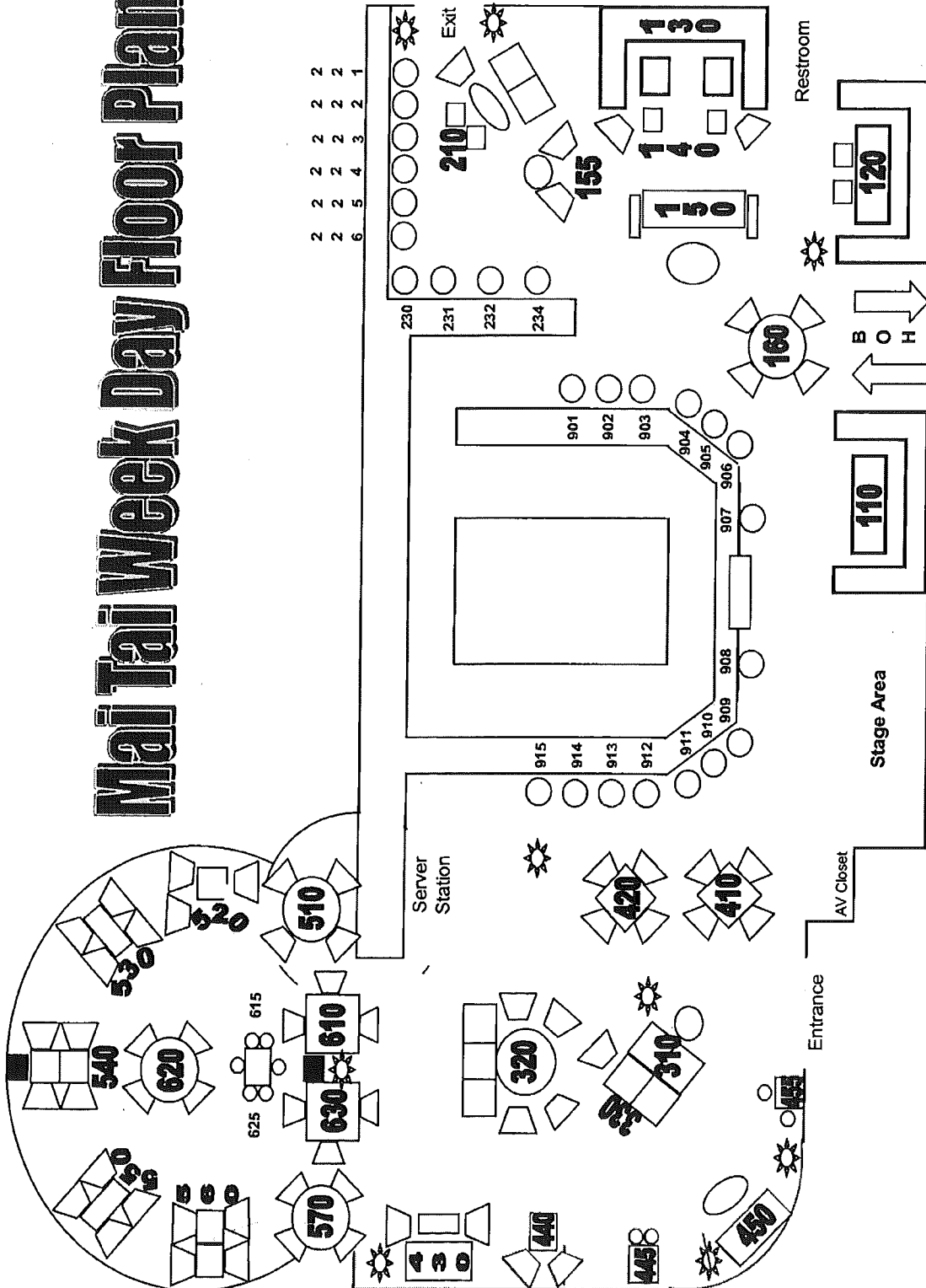
AAA
TITLE

01/12/11
DATE

Mai Tai Weekend Floor Plan



Mai Tai Week Day Floor Plan



Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"BGSC ACQUISITION, INC.", A DELAWARE CORPORATION,
WITH AND INTO "BUBBA GUMP SHRIMP CO. RESTAURANTS, INC."
UNDER THE NAME OF "BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTIETH DAY OF DECEMBER, A.D. 2010, AT 12:44 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.

2592525 8100M

101209518

You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 8440315

DATE: 12-20-10

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:44 PM 12/20/2010
FILED 12:44 PM 12/20/2010
SRV 101209318 - 2592525 FILE

CERTIFICATE OF MERGER OF

BGSC ACQUISITION, INC.

WITH AND INTO

BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.

To the Secretary of State
State of Delaware

The undersigned, Bubba Gump Shrimp Co. Restaurants, Inc., a Delaware corporation, does hereby certify:

FIRST. That the name and jurisdiction of formation or organization of each of the constituent entities of the merger is as follows:

NAME	JURISDICTION OF FORMATION OR ORGANIZATION
Bubba Gump Shrimp Co. Restaurants, Inc.	Delaware
BGSC Acquisition, Inc.	Delaware

SECOND. That an agreement and plan of merger between the constituent entities has been approved, adopted, executed and acknowledged by each of the constituent entities in accordance with the requirements of Section 251 and 228 of the Delaware General Corporation Law.

THIRD. That the name of the surviving entity of the merger is Bubba Gump Shrimp Co. Restaurants, Inc. (the "Surviving Entity").

FOURTH. That the certificate of incorporation of Bubba Gump Shrimp Co. Restaurants, Inc., amended and restated as attached hereto, shall be the certificate of incorporation of the Surviving Entity.

FIFTH. That the executed agreement and plan of merger is on file at the principal place of business of the Surviving Entity located at 209 Avenida Fabricante, San Clemente, CA 92672.

SIXTH. That a copy of the agreement and plan of merger will be furnished by the Surviving Entity, on request and without cost, to any stockholder of or person holding an interest in any constituent entity of the merger.

SEVENTH. That this Certificate of Merger, and the merger provided for herein, shall become effective at the time this Certificate of Merger is filed with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, Bubba Gump Shrimp Co. Restaurants, Inc. has caused this Certificate of Merger to be executed by a duly authorized officer on its behalf.

**BUBBA GUMP SHRIMP CO. RESTAURANTS,
INC.**

By: *Gordon H. Miles*
Gordon Miles, Chairman of the Board

AMENDED AND RESTATED CERTIFICATE OF INCORPORATION

OF

BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.

ARTICLE I

NAME

The name of the corporation is Bubba Gump Shrimp Co. Restaurants, Inc. (the "Corporation").

ARTICLE II

ADDRESS

The address of the registered office of the Corporation in the State of Delaware is 160 Greentree Drive, Suite 101, Dover, County of Kent, Delaware 19904. The name of the registered agent at such registered office is National Registered Agents, Inc.

ARTICLE III

PURPOSE

The purpose for which the Corporation is organized is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of the State of Delaware.

ARTICLE IV

CAPITAL STOCK

A. The aggregate number of shares of capital stock that the Corporation will have authority to issue is 10,000 shares, which shall consist of 10,000 shares of common stock, \$0.01 par value (the "Common Stock").

B. No stockholder of the Corporation shall, by reason of being a stockholder, have any preemptive right to acquire additional, unissued or treasury shares of the Corporation, or securities convertible into or carrying a right to subscribe to or to acquire any shares of any class of the Corporation now or hereafter authorized.

C. The holders of Common Stock shall be entitled to one vote per share on all matters to be voted on by the stockholders. No stockholder shall have the right to cumulate votes at any election of directors of the Corporation.

ARTICLE V

CORPORATE MATTERS

The affairs of the Corporation shall be managed by a Board of Directors. The number of directors of the Corporation shall be from time to time fixed by, or altered in the manner provided in, the Bylaws of the Corporation. The number of directors constituting the Board of Directors is one (1) and the name and address of the individual who is to serve as the director until the next annual meeting of the stockholders or until his successor is elected and qualified is:

<u>Name</u>	<u>Address</u>
Tilman J. Fertitta	1510 West Loop South Houston, Texas 77027

ARTICLE VI

AMENDMENTS

In furtherance and not in limitation of the powers conferred upon the Board of Directors by law, the Board of Directors shall have the power to adopt, amend, and repeal, from time to time, the Bylaws of the Corporation.

ARTICLE VII

DURATION OF EXISTENCE

The Corporation will have a perpetual existence.

ARTICLE VIII

RIGHT TO AMEND

The Corporation reserves the right to amend, alter, change, or repeal any provision contained in this Amended and Restated Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

ARTICLE IX

LIABILITY OF DIRECTORS

The liability of the directors of the Corporation to the Corporation or its stockholders for monetary damages for acts or omissions occurring in their capacity as directors shall be limited

to the fullest extent permitted by the laws of the State of Delaware and any other applicable law, as such laws now exist and to such greater extent as they may provide in the future.

Any repeal or modification of this Amended and Restated Certificate of Incorporation shall operate prospectively only and shall not adversely affect the rights existing at the time of such repeal or modification of any of the aforementioned persons.

ARTICLE X

INDEMNIFICATION AND INSURANCE

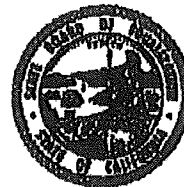
The Corporation shall indemnify and advance expenses to and may provide indemnity insurance for each person who is or was a director or officer of the Corporation in every capacity in which such person serves for which the Corporation may or is required to indemnify or advance expenses to such person, for amounts incurred by such person in connection with any action, suit, or proceeding to which such person was, is or may be a party by reason of such person's position with the Corporation or service on behalf of the Corporation, when and to the fullest extent permitted or required by the laws of the State of Delaware and any other applicable law, as such laws now exist and to such greater extent as they may provide in the future.

Any repeal or modification of this Amended and Restated Certificate of Incorporation shall operate prospectively only and shall not adversely affect the rights existing at the time of such repeal or modification of any of the aforementioned persons.

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT



ACCOUNT NUMBER

4/1/2005 SR Y GHC [REDACTED]

**BUBBA GUMP SHRIMP CO. INC.
97 AQUARIUM WAY
LONG BEACH, CA 90802-8139**

*THIS PERMIT DOES NOT
AUTHORIZE THE HOLDER
TO ENGAGE IN ANY
BUSINESS CONTRARY TO
LAWS REGULATING THAT
BUSINESS OR TO
POSSESS OR OPERATE
ANY ILLEGAL DEVICE.*

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 UNTIL REVOKED OR CANCELED BUT 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 telephone 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. 14 (10-04)

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.

THE STATE BOARD OF EQUALIZATION
Sales and Use Tax Department

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
ON-SALE GENERAL PUBLIC PREMISES

VALID FROM

JAN 01, 2010

BUBBA GUMP SHRIMP CO RESTAURANTS INC
209 AVENIDA FABRICANTE
STE 200
SAN CLEMENTE, CA 92672

EXPIRES

DEC 31, 2010

TYPE NUMBER DUP

48-417024 -

RENEWAL

1932-03

AREA CODE

BUSINESS ADDRESS
(IF DIFFERENT)

DBA:MAI TAI BAR
97 AQUARIUM WY
LONG BEACH, CA 90802

OWNERS:

BUBBA GUMP SHRIMP CO RESTAURANTS INC

CONDITIONS



STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
EVENT PERMIT

VALID FROM

JAN 01, 2010

BUBBA GUMP SHRIMP CO RESTAURANTS INC
209 AVENIDA FABRICANTE
STE 200
SAN CLEMENTE, CA 92672

EXPIRES

DEC 31, 2010

TYPE NUMBER DUP

77-417024 -1

RENEWAL

1932-03

AREA CODE

BUSINESS ADDRESS
(IF DIFFERENT)

DBA:MAI TAI BAR
97 AQUARIUM WY
LONG BEACH, CA 90802

OWNERS:

BUBBA GUMP SHRIMP CO RESTAURANTS INC

CONDITIONS





Accepted By: _____ Date: _____
 Zoning Approval By: [Signature] Date: 1/19/2011

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BUBBA GUMP SHRIMP Co. RESTAURANTS, INC.

Business Name (DBA): MAI TAI BAR Business Phone: () 562-435-1200

Business Site Address: 97 AQUARIUM WAY, LONG BEACH, CA 90802

Date Business Proposes To Open: JULY 5, 2005

Days & Time Premises Are Open For Inspection: EVERYDAY AFTER 10:00AM

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:

TO ENTERTAIN & PROVIDE FAST FRIENDLY SERVICE

Contact Person(s) Name (authorized agent, manager, etc.): BAGUS ANAK-AGUNG-GEDE, GENERAL

Contact Person(s) Phone Number: [Redacted] MANAGER

Type of Organization:

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

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: _____

Building/Location meets Department Requirements for the proposed use.

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

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

Inspection Completed On (date): _____ By: _____

POLICE DEPARTMENT

Police Department finds no basis for denial Police Department finds basis for denial

Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: [Signature] Title: DEPUTY CHIEF OF POLICE Date: 12-22-11



Date: December 27, 2011
To: Erik Sund, Bureau Manager, Business Relations Bureau
From: Jim McDonnell, Chief of Police
Subject: **APPLICATION FOR AN ENTERTAINMENT WITH DANCING PERMIT
MAI TAI BAR – 97 AQUARIUM WAY**

The Police Department recommends **DENIAL** of this application for Entertainment with Dancing Permit, by Bubba Gump Shrimp Co. Restaurants, Inc., dba Mai Tai Bar, located at 97 Aquarium Way.

Background

Mai Tai is a bar and nightclub located north of the Aquarium, just above Bubba Gump Shrimp Company Restaurant. The establishment is open during the evening hours, and with the exception of a disc jockey, has had a valid entertainment permit since 2005. The Mai Tai Bar is a for-profit corporation that also holds a Type 48 (On Sale General Public Premise) Alcoholic Beverage Control license. On October 26, 2011, the Police Department received a request to review a new application for an Entertainment with Dancing Permit, requesting live amplified music, a disc jockey, and karaoke music.

Crime Analysis

As part of the investigation, Vice Detectives examined calls for service, crime reports, and arrests at the above location for a two-year period between October 26, 2009, and October 26, 2011. There were 50 calls for service, 22 incident reports, and 23 arrests attributable to the business. Nearly all of the calls-for-service were violent incidents related to fights, disputes, and a stabbing. The arrests included public intoxication, fighting in public, fighting with Police Officers, and an assault with a deadly weapon incident where the victim suffered multiple facial lacerations, a subdural hematoma, and intracranial bleeding. Four additional arrests were made for driving under the influence of alcohol.

On December 4, 2011, there was a shooting that occurred where six people sustained gunshot wounds. The fight started between a group of subjects who were denied entrance by Mai Tai security and another group of subjects who had arrived at the location. Although the shooting was not solely attributable to the operations of the Mai Tai Bar, the location has historically attracted individuals who are prone to violence.

Notable Incidents

On February 27, 2011, at approximately 1:45 AM, there was a fight involving 20 subjects on the patio of the Mai Tai Bar. Five police units were needed to disperse the crowd. One subject was arrested for fighting in public. For further details, see DR # 11-13244.

ENTERTAINMENT WITH DANCING PERMIT
MAI TAI BAR – 97 AQUARIUM WAY
Page 2

On April 23, 2011, at approximately 1:50 AM, police officers were monitoring the crowd leaving the Mai Tai Bar when a fight ensued involving 30 subjects. Six police units were needed to disperse the crowd and restore public peace. Four subjects were arrested, two for obstructing a police officer, and two for public intoxication. For further details, see DR # 11-26273.

On August 26, 2011 at approximately 1:45 AM, there was a dispute inside the Mai Tai Bar involving Asians and Samoans. After leaving, the group began fighting in the parking lot, which resulted in two subjects being stabbed. Eight police units were needed to disperse the crowd and restore public peace. For further details, see DR # 11-55712.

On September 9, 2011, at approximately 1:40 AM, a group of subjects who were drinking at the Mai Tai Bar started a fight after leaving. It took 14 police units to disperse the crowd of more than 20 subjects and restore public peace. Three subjects were arrested for fighting in public, resisting arrest, and public intoxication. For further details, see DR # 11-58880.

On October 17, 2011, at approximately 1:50 AM, a group of seven subjects leaving the Mai Tai Bar began to fight. It took seven police units to disperse the crowd and restore public peace. One subject was arrested for fighting in public and resisting arrest. For further details, see DR # 11-60835.

On December 4, 2011, at approximately 12:20 AM, a group of subjects were denied entrance to the Mai Tai Bar. While the group was walking back to the parking lot, they got into a fight with another group of subjects who had arrived at the location. A shooting occurred and six people sustained gunshot wounds. Thirty-seven police units responded to the location and seven suspects were arrested for involvement in the shooting. For further details, see DR # 11-78822.

Patrol Division

South Division Patrol Commander John Benedetti was contacted for an opinion regarding the issuance of this permit. He stated that officers have responded to numerous fights, intoxicated persons, and assault calls, attributable to the patrons who frequent the Mai Tai Bar. Based on the above information, and the adverse impact on patrol resources, Commander Benedetti recommends denial of the entertainment permit.

Vice Investigations

On September 29, 2011, Vice Detectives met with representatives of the Mai Tai Bar. The meeting was to discuss the number of violent incidents related to the operations of their business. As a result of the meeting, ownership and management agreed to make changes to their business operations that would reduce the need for police resources.

Undercover Vice Investigations

As part of this investigation, Vice Detectives visited this location and observed no residences within 100 feet of the business. Detectives also went to this location in an undercover capacity on three separate occasions.

On Wednesday, November 9, 2011, at approximately 2100 hours, detectives went to the location. There were approximately 35 patrons inside the business eating, drinking alcoholic beverages, and listening to a drummer who was playing the drums to amplified music. There did not appear to be any issues with crowd management, and no violations were observed.

On Friday, November 11, 2011, at approximately 2200 hours, detectives went to the location. There was a security guard at the front door checking identification and collecting a cover charge. There were approximately 30 patrons inside the business eating, drinking alcoholic beverages, and listening to recorded amplified music. There did not appear to be any issues with crowd management, and no violations were observed.

On Saturday, November 12, 2011, at approximately 2100 hours, detectives went to the location. There were approximately 30 patrons inside the business eating, drinking alcoholic beverages, and listening to recorded amplified music. There did not appear to be any issues with crowd management, and no violations were observed.

Recommendation

Based upon the Vice Section's investigation, the Police Department has determined the public peace, safety, and welfare of the general area would be impaired if this permit is granted. The Police Department recommends the application for Entertainment with Dancing Permit be denied based on the following reasons:

- The high number of violent incidents attributable to the business.
- The high number of public intoxication and driving under the influence arrests attributable to the business.
- The significant amount of police resources needed to address continuing problems at the location determined to be attributable to the business.



Accepted By: _____ Date: _____
 Zoning Approval By: [Signature] Date: 1/19/2011

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BUBBA GUMP SHRIMP Co. RESTAURANTS, INC.
 Business Name (DBA): MAI TAI BAR Business Phone: () 562-435-1200
 Business Site Address: 97 AQUARIUM WAY, LONG BEACH, CA 90802
 Date Business Proposes To Open: JULY 5, 2005
 Days & Time Premises Are Open For Inspection: EVERYDAY AFTER 10:00AM

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:

TO ENTERTAIN & PROVIDE FAST & FRIENDLY SERVICE

Contact Person(s) Name (authorized agent, manager, etc.): BAGUS ANAK-AGUNG-GEDE, GENERAL MANAGER
 Contact Person(s) Phone Number: [Redacted]

Type of Organization:

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

OFFICE USE ONLY

Building Fire Health (Check Inspecting Department) Date Received: 11/16/2011

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): 11/11/2011 By: WENDY GOETZ

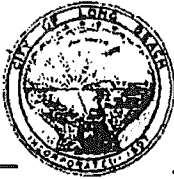
POLICE DEPARTMENT

Police Department finds no basis for denial Police Department finds basis for denial

Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

100 W BROADWAY STE 400 | LONG BEACH, CA 90802 | 562-570-8513 FAX 562-570-8930

ENVIRONMENTAL HEALTH
NOISE OFFICE

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 1-14-11

Name of Business (DBA): MAI TAI BAR

Name of Business Owner: BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.

Business Address: 97 AQUARIUM WAY
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) B. A. G.

Title GENERAL MANAGER

Phone # [REDACTED]

FAX # [REDACTED]



Accepted By: _____ Date: _____
 Zoning Approval By: [Signature] Date: 1/19/2011

APPLICATION FOR ENTERTAINMENT PERMIT

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

Applicant's Name (Legal Ownership Structure): BUBBA GUMP SHRIMP Co. RESTAURANTS, INC.

Business Name (DBA): MAI TAI BAR Business Phone: () 562-435-1200

Business Site Address: 97 AQUARIUM WAY, LONG BEACH, CA 90802

Date Business Proposes To Open: JULY 5, 2005

Days & Time Premises Are Open For Inspection: EVERYDAY AFTER 10:00AM

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:

TO ENTERTAIN & PROVIDE FAST & FRIENDLY SERVICE

Contact Person(s) Name (authorized agent, manager, etc.): BAGUS ANAK-AGUNG-GEDE, GENERAL

Contact Person(s) Phone Number: [Redacted] MANAGER

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: 12-5-11

Building/Location meets Department Requirements for the proposed use.

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

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

Inspection Completed On (date): 12-5-11 By: [Signature]

POLICE DEPARTMENT

Police Department finds no basis for denial Police Department finds basis for denial

Police Department finds no basis for denial with conditions

Conditions or Basis for Denial: _____

By: _____ Title: _____ Date: _____



Date: November 1, 2011
To: Erik Sund, Manager of Business Relations Bureau
From: Derek Burnham, Planning Administrator *DB*
Subject: REVIEW OF ENTERTAINMENT LICENSE REQUEST

Site Address: 97 Aquarium Way
Long Beach, CA 90802

Applicant: Bubba Gump Shrimp Co. Restaurants Inc, DBA Mai Tai Bar.

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

Proposed Use: Entertainment with Dancing

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

No CUPs or AUPs were found for the subject site.

The subject site is located within PD-6, the Downtown Shoreline Planned Development District. Entertainment, including dancing by patrons as an accessory use to a bar and or lounge, is a permitted use in this zone. Based on the submitted floor plan no extra parking is required.

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

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