



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

June 7, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, continue the hearing until September 6, 2005 and extend the Temporary Entertainment Permit, with conditions, or deny the Permit on the application of Pine Avenue S&G, DBA Smooths Sports Grille, 144 Pine Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant with alcohol. (District 2)

DISCUSSION

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

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

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

This location was licensed as a restaurant with alcohol and permitted for entertainment with dancing under the ownership of Widnes, Inc., DBA Mums Restaurant. When the business was transferred to a new owner, Smooths, a new business license application and a new entertainment permit application were required, since a business license or an entertainment permit is not transferable pursuant to the LBMC. The new owner has installed an unpermitted canopy across the restaurant entrance that does not meet California building codes, without the fire protection afforded by the installation of an automatic sprinkler system under the canopy. Additionally, the application for an entertainment permit with dancing includes plans that would increase occupancy beyond that presently permitted and beyond that allowed unless the building is protected throughout with an automatic sprinkler system.

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

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

Both the Planning and Building and Fire Departments have agreed to recommend a three-month extension to the temporary entertainment permit provided that the owner installs an automatic sprinkler system under the canopy within the three-month extension time, and maintains total occupancy of the business to the existing approved number of 274 occupants downstairs and 177 occupants upstairs. Entertainment during the three-month extension shall conform to the conditions recommended by the Police Department and the Health and Human Services Department.

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

- The Fire Department recommends denial of the application. The Fire Department believes the safety and welfare of the public will be impaired if this permit is granted, due to changes made by the owner including a canopy across the entrance that does not have a sprinkler system and increasing the occupancy above that which is currently permitted for entertainment with dancing.
- The Planning and Building Department recommends denial of the application because the building is required to be protected throughout with an automatic sprinkler system, due to changes made by the owner including a canopy across the entrance that does not have a sprinkler system and increasing the occupancy above that which is currently permitted for entertainment with dancing.

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

TIMING CONSIDERATIONS

On May 24, 2005, the City Council extended the temporary entertainment permit to June 7, 2005. Without City Council action, the entertainment permit will expire on June 7, 2005.

FISCAL IMPACT

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

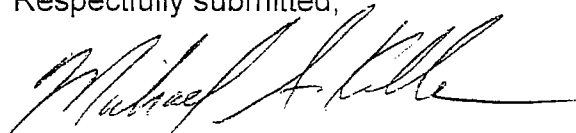
The following fees will be collected if the application is approved: Business License \$268.32 and Regulatory \$765 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve recommendation with or without conditions, or deny.

Respectfully submitted,

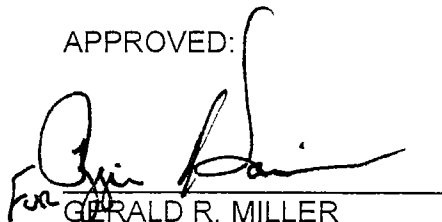


MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

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ATTACHMENTS

APPROVED:



GERALD R. MILLER
CITY MANAGER

Serving the Community Since - 1897

Long Beach Fire Department
David Zinnen



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Long Beach, CA 90802-6411

Office: (562) 570-2572
Fax: (562) 570-2566

E-mail: David_Zinnen@longbeach.gov

5-13.7 Spaces Under Ground Floors, Exterior Docks, and Platforms. Sprinklers shall be installed in spaces under all combustible ground floors, exterior docks, and platforms.

Exception: Sprinklers shall be permitted to be omitted where all of the following conditions prevail:

- (a) The space is not accessible for storage purposes and is protected against accumulation of wind-borne debris.
- (b) The space contains no equipment such as conveyors or fuel-fired heating units.
- (c) The floor over the space is of tight construction.
- (d) No combustible or flammable liquids or materials that under fire conditions would convert into combustible or flammable liquids are processed, handled, or stored on the floor above the space.

5-13.8* Exterior Roofs or Canopies.

5-13.8.1 Sprinklers shall be installed under exterior roofs or canopies exceeding 4 ft (1.2 m) in width.

Exception: Sprinklers are permitted to be omitted where the canopy or roof is of noncombustible or limited combustible construction.

5-13.8.2* Sprinklers shall be installed under roofs or canopies over areas where combustibles are stored and handled.

5-13.9 Dwelling Units.

5-13.9.1* Sprinklers are not required in bathrooms that are located within dwelling units, that do not exceed 55 ft² (5.1 m²) in area, and that have walls and ceilings of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating including the walls and ceilings behind fixtures. The area occupied by a noncombustible full height shower/bath tub enclosure shall not be required to be added to the floor area when determining the area of the bathroom.

Exception: Sprinklers are required in bathrooms of nursing homes and in bathrooms opening directly onto public corridors or exitways.

5-13.9.2* Sprinklers are not required in clothes closets, linen closets, and pantries within dwelling units in hotels and motels where the area of the space does not exceed 24 ft² (2.2 m²), the least dimension does not exceed 3 ft (0.9 m), and the walls and ceilings are surfaced with noncombustible or limited-combustible materials.

5-13.10 Library Stack Rooms. Sprinklers shall be installed in every aisle and at every tier of stacks with distance between sprinklers along aisles not to exceed 12 ft (3.6 m). [See Figure 5-13.10(a).]

Exception No. 1: Where vertical shelf dividers are incomplete and allow water distribution to adjacent aisles, sprinklers are permitted to be omitted in alternate aisles on each tier. Where ventilation openings are also provided in tier floors, sprinklers shall be staggered vertically. [See Figure 5-13.10(b).]

Exception No. 2: Sprinklers are permitted to be installed without regard to aisles where there is 16 in. (457 mm) or more clearance between sprinkler deflectors and tops of racks.

Figure 5-13.10(a) Sprinklers in multitier library bookshelves with complete vertical dividers.

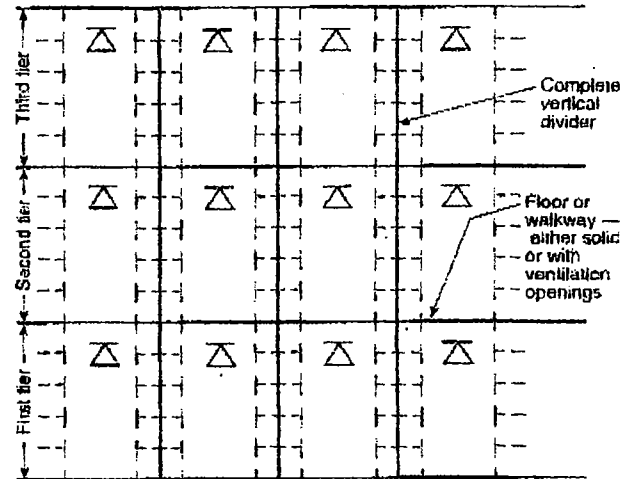
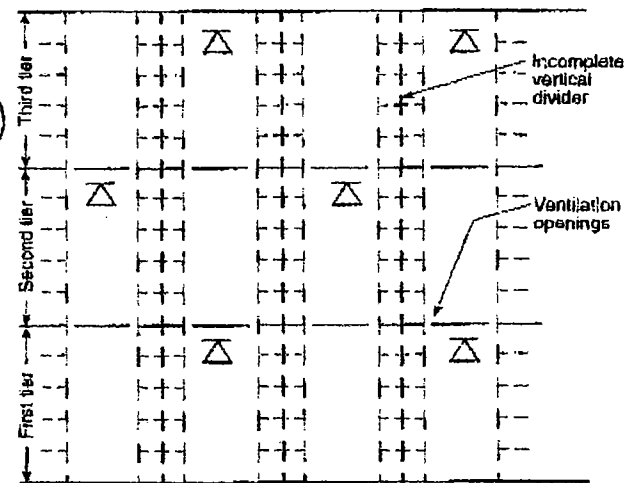


Figure 5-13.10(b) Sprinklers in multitier library bookshelves with incomplete vertical dividers.



5-13.11 Electrical Equipment. Sprinkler protection shall be required in electrical equipment rooms. Hoists or shields installed to protect important electrical equipment from sprinkler discharge shall be noncombustible.

Exception: Sprinklers shall not be required where all of the following conditions are met:

- (a) The room is dedicated to electrical equipment only.
- (b) Only dry-type electrical equipment is used.
- (c) Equipment is installed in a 2-hour fire-rated enclosure including protection for penetrations.
- (d) No combustible storage is permitted to be stored in the room.

Certificate of Flame Resistance



REGISTERED APPLICATION CONCERN No.

FA 36801

ISSUED BY
Glen Raven Custom Fabrics, LLC
1831 North Park Avenue
Glen Raven, NC 27217

(Phone) 336/227-0211 (Fax) 336/229-4039

Date treated or manufactured

12-19-2004

This is to certify that the materials described below have been flame-retardant treated (or are inherently nonflammable)

FOR

J MILLER CANVAS
2429 SOUTH BIRCH ST.
SANTA ANA
CA 927070000

Certification is hereby made that: (Check "a" or "b")

(a) The articles described below this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and that the application of said chemical was done in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal.

Name of chemical used _____ Chem. Reg. No. _____

Method of application _____

(b) The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

Trade name of flame-resistant fabric or material used

8603/60
SUMBRELLA FR CRIMSON RED

FR Sunbrella Reg. No. F-368.01

The Flame-Retardant Process Used WILL NOT Be Removed By Washing

Glen Raven Custom Fabrics, LLC
Name of Applicant or Production Superintendent

By Steven L. Ellington
General Manager, Steven L. Ellington

Control Number 91903

Order Number 58296

Invoice Number 1011857

Quantity 7.00