

**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).

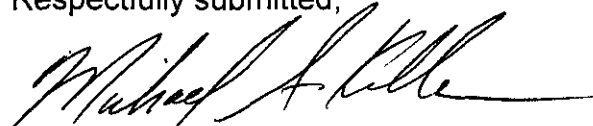
The following fees will be collected if the application is approved: Business License \$268.32 and Regulatory \$765 (Financial Management Department).

All fees are deposited in the General Fund.

SUGGESTED ACTION:

Approve recommendation with or without conditions, or deny.

Respectfully submitted,

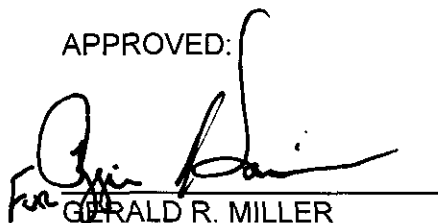


MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

MAK:PW-H:JAG:bcv
K:\Exec\Council Letters\Commercial Services\Hearing Letters\Smooths - 06-07-05 ccl.doc

ATTACHMENTS

APPROVED:



GERALD R. MILLER
CITY MANAGER