

May 25, 2021

Mr. Brad D. Beach
Supervising Agent In Charge
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control License, at 420 Cherry Avenue.

Dear Mr. Beach:

At its Tuesday, May 4, 2021 meeting the Long Beach City Council voted to file a protest with the Department of Alcoholic Beverage Control concerning the subject application. Enclosed is a copy of the protest letter, which indicated that the City Council also approved withdrawing the protest if no appeal was filed concerning the required Conditional Use Permit within the 10-day appeal period for the CUP.

A Conditional Use Permit Exemption (CUPEX) has been approved for the Project Location.

Please be advised that the Long Beach City Council, by this letter, is officially withdrawing its protest for the subject application of Alex Neil Armstrong, dba V Burger.

The City of Long Beach thanks you for your assistance in this matter.

Respectfully submitted,



MONIQUE DE LA GARZA
CITY CLERK

Prepared by:
Pablo Rubio

Attachment

cc: Cindy Allen, Councilwoman, Second District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396

May 6, 2021

Mr. Brad D. Beach
Supervising Agent In Charge
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control License, at 420 Cherry Avenue.

Dear Mr. Beach:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, May 4, 2021 approved the request to file a protest regarding the subject application based on the fact that licensing the premises would be contrary to City of Long Beach zoning ordinances, since a Conditional Use Permit (CUP) is required.

The City Council also approved the City Manager to withdraw the protest if the City's Planning Commission approves a Conditional Use Permit Exception (CUPEX) and if no appeal is made during the 10-day appeal period for the CUPEX. It is anticipated that the CUPEX will be acted upon by the Planning Commission, and once the appeal period has elapsed, a letter will be transmitted to ABC withdrawing the City's protest.

Enclosed is a copy of the City Council documentation and a certified excerpt of the minutes for your file. The City of Long Beach thanks you for your assistance in this matter.

Respectfully submitted,



MONIQUE DE LA GARZA
CITY CLERK

Prepared by:
Pablo Rubio

Attachment

cc: Cindy Allen, Councilwoman, Second District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File
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May 4, 2021

C-21

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control (ABC) license, at 420 Cherry Avenue; submit a Public Notice of Protest to ABC; and, direct the City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 2)

DISCUSSION

It is City Council policy to review applications for ABC licenses to determine if a basis for protest against the issuance of the license exists. The attached application lists the possible bases for protest.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control received the above application on March 16, 2021. The applicant is still in the planning stages, and has not yet received a CUPEX. Provided the Planning Commission approves the CUPEX, the recommendation includes a request to direct the City Manager to withdraw the Public Notice of Protest. City Council action is requested on May 4, 2021, to respond to the Department of Alcoholic Beverage Control by the May 6, 2021 due date.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.


Respectfully submitted,



ROBERT G. LUNA
CHIEF OF POLICE

ATTACHMENTS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

HONORABLE MAYOR AND CITY COUNCIL
May 4, 2021

Council District: 2
Applicant: Alex Neil Armstrong
DBA: V Burger
Address: 420 Cherry Avenue
Type of Application: An original application of an On-Sale Beer and Wine license.
Bases for possible protest: Over concentration
Residences within 100 feet
School within 600 feet

PUBLIC CONVENIENCE DETERMINATION: A determination of Public Convenience and Necessity **is not** required for this application.

Census Tract: 5768.01
Boundaries: 7th Street to the North
3rd Street/4th Street/Appleton Street to the South
Molina Avenue to the East
Cherry Avenue to the West

Number of licenses allowed: 4
Number of licenses existing: 12
Police Reporting District: 441

Boundaries: 7th Street to the North
4th Street to the South
Junipero Avenue to the East
Cherry Avenue to the West

Reported crimes in this district for ABC purposes are 80. Crime in a reporting district must be at least 97 to qualify for a high crime protest.

Type of business: A restaurant

Last day to request conditions and protest: May 6, 2021

Date: May 4, 2021

To: File

From: Jose Gonzalez, Detective, Vice Investigations Section

Subject: **V BURGER – 420 CHERRY AVENUE**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (3/16/20 - 3/16/21)

459A	Audible Burglar Alarm	Bad Order Alarm
459A	Audible Burglar Alarm	Checks Okay
R459	Burglary Report	No Disposition
R459	Burglary Report	Police Report Filed
Loot	Looting Reported	No Disposition

ABC INSPECTIONS (Past three years)

Not applicable.

RESIDENCES WITHIN 100 FEET

1950 East 5 th Street	Multi-Unit Complex
440 Cherry Avenue	Single Family Residence
430 Cherry Avenue	Single Family Residence

CHURCHES, SCHOOLS, PARKS, HOSPITALS AND PLAYGROUNDS WITHIN 600 FEET

501 Junipero Avenue	Luther Burbank Elementary School
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**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, MAY 4, 2021**

CONSENT CALENDAR: (05:21 PM)

21. (21-0385) Recommendation to receive the application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control (ABC) License, at 420 Cherry Avenue; submit a Public Notice of Protest to ABC; and, direct City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 2)

Suggested Action: Approve recommendation.

Motion: Approve Consent Calendar Items 1 - 22, except for Items 18 and 19. Moved by Councilmember Uranga, seconded by Councilman Austin.

Vote: Approve Consent Calendar Items 1 - 22, except for Items 18 and 19. (Carried 8-0)

Yes: Councilwoman Zendejas, Councilwoman Price, Councilman Supernaw, Councilwoman Mungo, Councilwoman Saro, Councilmember Uranga, Councilman Austin, and Vice Mayor Richardson.

Absent: Councilwoman Allen.

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: May 6, 2021

By: Pablo Rubio, Sr. City Clerk Analyst

Pablo Rubio

From: Fax2Mail Powered by OpenText <reports@reply.fax2mail.com>
Sent: Tuesday, May 25, 2021 3:19 PM
To: Pablo Rubio
Subject: ABC Withdrawing Protest - dba V Burger, 420 Cherry Avenue

-EXTERNAL-

MAIL2FAX DETAILED DELIVERY REPORT

Attention	DLA Admin
Job Number	1696063258
Sent By User	F2M/30565075606
Entered Fax2Mail System	05/25 15:16
Report Generated	05/25 15:18
Subject	ABC Withdrawing Protest - dba V Burger, 420 Cherry Avenue
Page Count	7 (including cover sheet)

SUMMARY

Sent: 1	Errors: 0	Cancelled: 0
Total: 1		

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	05/25	15:18	1