



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 •

November 8, 2013

Mr. Vincent Cravens
District Administrator
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Pho Rowland Incorporated, dba Pho Nomeno, for
an original Alcoholic Beverage Control License, at 5295 East 2nd
Street, with conditions.

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, November 5, 2013, received and filed the subject application with the attached conditions, as requested by Gary DeLong, Councilmember, Third District. Transmitted for your files is a copy of the conditions, and this request that the conditions be applied to the license, as applicable under ABC rules and regulations.

The City of Long Beach thanks you for taking this request into consideration.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by:
Pablo Rubio

Attachment

cc: Gary DeLong, Councilmember, Third District
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396



CITY OF LONG BEACH
POLICE DEPARTMENT

R-21

400 WEST BROADWAY • LONG BEACH • CALIFORNIA 90802 • (562) 570-7260 • FAX (562) 570-7114

Jim McDonnell
Chief of Police

November 5, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Pho Rowland Incorporated, dba Pho Nomeno Incorporated, for an original Alcoholic Beverage Control license, at 5295 East 2nd Street, with conditions. (District 3)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control 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

City Council response is due to the Department of Alcoholic Beverage Control by November 8, 2013. Accordingly, City Council action is required at the November 5, 2013 City Council meeting.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

R. Luna for JMCD.

JIM McDONNELL
CHIEF OF POLICE

APPROVED:


PATRICK H. WEST
CITY MANAGER

JM:LBB:lbb

ADMINISTRATION BUREAU
(562) 570-5830
FAX (562) 570-5833

INVESTIGATIONS BUREAU
(562) 570-7350
FAX (562) 570-7175

PATROL BUREAU
(562) 570-7214
FAX (562) 570-7058

SUPPORT BUREAU
(562) 570-7342
FAX (562) 570-6018

HONORABLE MAYOR AND CITY COUNCIL
November 5, 2013

Council 3

Applicant: Pho Rowland Incorporated
DBA: Pho Nomeno Incorporated
Address: 5295 East 2nd Street

Type of Application: An original application for an On-Sale Beer and Wine for a bonafide eating place license.

Basis for possible protest: High crime.
Residences within 100 feet.
Over concentration.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5774.00

Boundaries: Vista Street/ Broadway to the North
Livingston Drive/2nd Street to the South
Nieto Avenue/Bayshore Avenue to the East
Ximeno Avenue to the West

Number of licenses allowed: 3
Number of licenses existing: 19

Police Reporting District: 583

Boundaries: The Toledo to the North
2nd Street to the South
Bay Shore Avenue/The Toledo to the East
Livingston Drive to the West

Reported crimes in this district for ABC purposes are 241. Crime in a reporting district must be at least 168 to qualify for a high crime protest.

Type of business: A restaurant.

Last day to request conditions and protest: November 08, 2013



Date: November 5, 2013
To: File
From: Laurie Briney, Detective, Vice Investigations Section
Subject: PHO NOMENO INCORPORATED – 5295 EAST 2ND STREET

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (10/10/12-10/10/13)

1 Unwelc Unwelcome Subject GOA

*The above call for service was associated with the prior establishment, Tea Garden Chinese Restaurant, before it closed.

ABC INSPECTIONS (past three years)

N/A

RESIDENCES WITHIN 100 FEET

205 Glendora Avenue	Single Family Dwelling
207 Glendora Avenue	Single Family Dwelling
209 Glendora Avenue	Single Family Dwelling
204 La Verne Avenue	Single Family Dwelling
206 La Verne Avenue	Single Family Dwelling
208 La Verne Avenue	Single Family Dwelling

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

None

LBB:lbb
CFSmemoPhoNomeno



Date: November 5, 2013

To: Honorable Mayor Foster and Members of the City Council

From: Gary DeLong, Councilmember, Third District

Subject: 5295 East 2nd street, dba Pho Nomeno Incorporated, ABC License

Below are proposed conditions for your consideration for an original application of an On-Sale Beer and Wine license for a bonafide eating place.

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:30 a.m. and 10:00 p.m. from Sunday through Thursday; and between the hours of 11:30 a.m. to 11:00 pm on Fridays and Saturdays each week.
2. The sale of beer and/or wine off the premises is strictly prohibited.
3. There shall be no amusement machines, pool tables, billiard tables or video game devices in the premises at any time.
4. There shall be no live entertainment, dancing, disc jockey and no amplified music or stereo systems permitted on the premises at any time.
5. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
7. There shall be no exterior advertising promoting or indicating the availability of alcoholic beverages.
8. Sound shall not be audible within fifty feet (50') from the exterior of the premises in any direction.
9. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.
10. The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside the establishment at all times.
11. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.

12. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the city on demand.
13. The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.
14. During the hours of operations, the rear door(s) of the establishment shall remain closed at all times except to accept deliveries and in cases of emergency. The rear door(s) shall be constructed of a solid material to help reduce noise pollution and shall not consist solely of a screen or ventilated security door. No deliveries shall occur from 10:00 p.m. until 8:00 a.m. each night.
15. Employees shall not discard trash or bottles into the outside dumpsters between the hours of 10:00 p.m. and 8:00 a.m.
16. The permittee shall install no more than one (1) television screen on the premises.
17. The licensee shall be responsible for maintaining free of litter and graffiti the area adjacent to the premises over which they have control. All graffiti on the premises shall be removed or covered with in 24 hours of its appearance.

GD: cv

Fax Delivery Successful

Fax Notification

Fax Notification			
To:	ABC License	From:	Pablo Rubio/CC/CLB
Fax subject:	ABC License Letter - Pho Nomeno, 5295 East 2nd Street	Status:	
Fax number:	982-1396	Cover page:	Default
Date sent:	2013-11-08 14:07:24	Total pages sent:	8
Calling Station ID:	City of Long Beach		

Advanced

Fax Notification			
Request number:	420952	Line number:	2
Number of retries:	0	Process time:	91 seconds

For more information follow this document link to the outbound log entry. 