

August 8, 2023

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive and file the application of For the Culture Brands, LLC, dba For the Culture Brands, for an original application of an Alcoholic Beverage Control (ABC) License, at 1741 E. Marshall Place; determine that the application does not serve the public convenience and necessity; and, submit a Public Notice of Protest to ABC on the basis that the business is located in a residential zone within 100 feet of residences, within 600 feet of a community park and church, and in a high crime reporting district with an overconcentration of off-sale liquor licenses. (District 5)

**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. For The Culture Brands, LLC, a home-based business, applied for a Type 17: Beer and Wine Wholesaler license and a Type 20: Off-Sale license, to allow the sale of beer and wine for consumption off the premises. The applicant intends to conduct online alcohol sales and a wholesaler business from their residence, including storing inventory on the premises.

The proposed site is developed with a single-family residence in a residential zone; that is located within 100 feet of other single-family residences. The proposed site is located within 600 feet of Somerset Park and Iglesia Católica Apostólica Santísimo Sacramento Church. In addition, the proposed site is located within a high crime reporting district that has an overconcentration of off-sale liquor licenses.

Given the high crime level within this reporting district, over concentration, of off-sale alcohol establishments within the census tract, the close proximity to residences, a park and a church, the Police Department recommends that the City Council determine that the application does not serve the Public Convenience and Necessity and that a Public Notice of Protest be submitted to ABC.

**TIMING CONSIDERATIONS**

City Council action is requested on August 8, 2023, to respond to the Department of Alcoholic Beverage Control at the first opportunity after the July 22, 2023 due date.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives, during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH  
CHIEF OF POLICE

APPROVED:



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THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS

Date: August 8, 2022

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **FOR THE CULTURE BRANDS, LLC – 1741 E. MARSHALL PLACE**

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (6/2/22 - 6/2/23)**

None.

**ABC INSPECTIONS (Past three years)**

Not applicable.

**RESIDENCES WITHIN 100 FEET**

1723 E. Marshall Place	Single-Family Residence
1731 E. Marshall Place	Single-Family Residence
1751 E. Marshall Place	Single-Family Residence
1801 E. Marshall Place	Single-Family Residence
1720 E. Carson Street	Single-Family Residence
1732 E. Carson Street	Single-Family Residence
1742 E. Carson Street	Single-Family Residence
1752 E. Carson Street	Single-Family Residence
1802 E. Carson Street	Single-Family Residence
3983 Rose Avenue	Single-Family Residence

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

1900 E. Carson Street	Iglesia Católica Apostólica Santísimo Sacramento
1500 E. Carson Street	Somerset Park

HONORABLE MAYOR AND CITY COUNCIL  
August 8, 2023

Council District: 5

Applicant: For the Culture Brands, LLC

DBA: For the Culture Brands

Address: 1741 E. Marshall Place

Type of Application(s): Type 17 – Beer and Wine Wholesaler License and a Type 20 - An Original Application for an Off-Sale Beer & Wine Package Store License

Bases for possible protest: Zoning ordinance  
Residences within 100 feet  
Park within 600 feet  
Church within 600 feet  
High crime  
Over concentration

**PUBLIC CONVENIENCE DETERMINATION:** A determination of Public Convenience and Necessity **is** required for this application.

Census Tract: 5719

Boundaries: Carson Street to the North  
Marshall Place to the South  
Gardena Avenue to the East  
Walnut Avenue to the West

Number of licenses allowed: 3

Number of licenses existing: 5

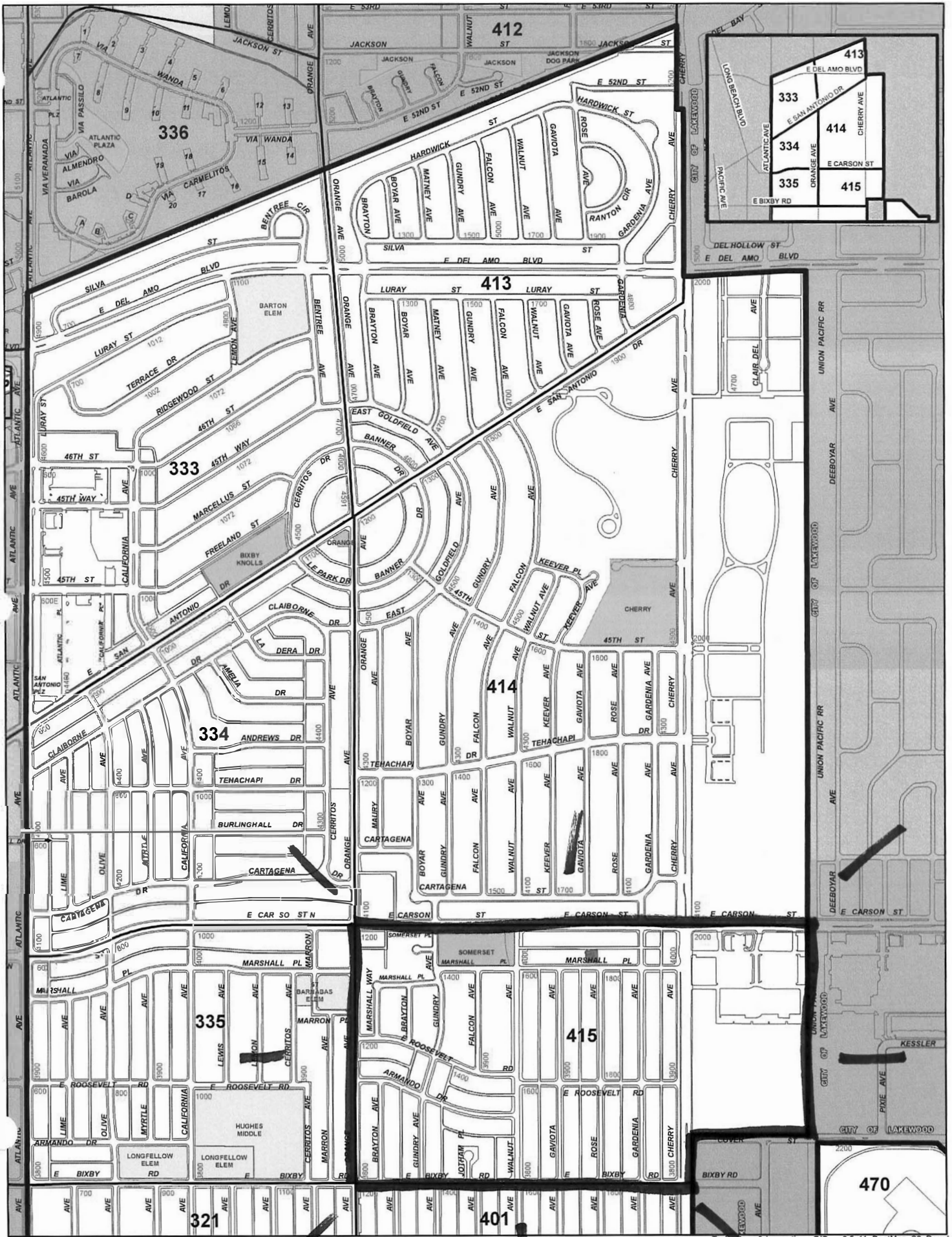
Police Reporting District: 415

Boundaries: Carson Street to the North  
Bixby Road to the South  
Cherry Avenue/Union Pacific Railroad to the East  
Orange Avenue to the West

Reported crimes in this district for ABC purposes are 72. Crime in a reporting district must be at least 66 to qualify for a high crime protest.

Type of business: A wholesaler and off-site package store

Last day to request conditions and protest: July 22, 2023



## **LEVINE ACT DISCLOSURE STATEMENT**

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

**Proposers are responsible for accessing these links to review the names prior to answering the following questions.**

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

7-21-23

Date



Signature of authorized individual

**David Moser**

Type or write name of authorized individual

**For the Culture Brands, LLC**

Type or write name of company

August 8, 2023

Hani Abuershaid  
Supervising Agent In Charge  
Department of Alcoholic Beverage Control  
3950 Paramount Boulevard, Suite No. 250  
Lakewood, California 90712

Re: Receive and file the application of For the Culture Brands, LLC, dba For the Culture Brands, for an original application of an Alcoholic Beverage Control (ABC) License, at 1741 E. Marshall Place; determine that the application does not serve the public convenience and necessity; and, submit a Public Notice of Protest to ABC on the basis that the business is located in a residential zone within 100 feet of residences, within 600 feet of a community park and church, and in a high crime reporting district with an over concentration of off-sale liquor licenses. (District 5)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, August 8, 2023 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:  
Tamela Austin

Attachment

cc: Megan Kerr, Councilwoman, Fifth District  
Mayor  
City Prosecutor  
Police Department (2) Chief & Vice  
Referral File



**AN EXCERPT FROM THE MINUTES OF  
THE LONG BEACH CITY COUNCIL MEETING  
HELD TUESDAY, AUGUST 8, 2023**

25. (23-0857) Recommendation to receive and file the application of For the Culture Brands, LLC, dba For the Culture Brands, for an original application of an Alcoholic Beverage Control (ABC) License, at 1741 E. Marshall Place; determine that the application does not serve the public convenience and necessity; and, submit a Public Notice of Protest to ABC on the basis that the business is located in a residential zone within 100 feet of residences, within 600 feet of a community park and church, and in a high crime reporting district with an over concentration of off-sale liquor licenses. (District 5)

**Motion:** Approve Consent Calendar Items 1 – 30, except for items 9 and 16.  
Moved by Councilwoman Kerr, seconded by Councilmember Ricks-Oddie.

**Vote:** (Carried 9-0)

Yes: Councilwoman Zendejas, Vice Mayor Allen, Councilmember Duggan, Councilman Supernaw, Councilwoman Kerr, Councilwoman Saro, Councilmember Uranga, Councilman Austin, and Councilmember Ricks-Oddie.

**CERTIFIED AS A TRUE AND CORRECT COPY**



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CITY CLERK OF THE CITY OF LONG BEACH

DATE: August 8, 2023

By: Tamela Austin, City Clerk Specialist