



# CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

March 21, 2019

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 Ubites, Incorporated, dba Earl of Sandwich, for an original application of Alcoholic Beverage Control License, at 4803 East 2nd Street.

Dear Mr. Beach:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, March 19, 2019 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 the CUP and if no appeal is made during the 10-day appeal period for the CUP. It is anticipated that the CUP 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.

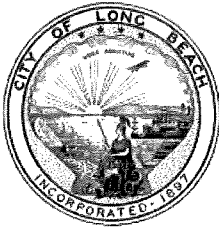
Respectfully submitted,

MONIQUE DE LA GARZA  
CITY CLERK

Prepared by:  
Jonathan Nagayama

Attachment

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



# CITY OF LONG BEACH

POLICE DEPARTMENT

400 WEST BROADWAY LONG BEACH CALIFORNIA 90802

Robert G. Luna  
Chief of Police

March 19, 2019

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the application of Ubites, Incorporated, dba Earl of Sandwich, for an original application of Alcoholic Beverage Control (ABC) license, at 4803 East 2<sup>nd</sup> Street, submit a Public Notice of Protest to ABC; and, direct the City Manager to withdraw the protest if a Conditional Use Permit (CUP) is granted. (District 3)

## 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.

## TIME CONSIDERATIONS

The Department of Alcoholic Beverage Control received the above application on January 30, 2019. The applicant is still in the planning stages and has not yet received a Conditional Use Permit (CUP). Provided the Planning Commission approves the CUP, the recommendation includes a request to direct the City Manager to withdraw the Public Notice of Protest. City Council action is requested on March 19, 2019, to respond to the Department of Alcoholic Beverage Control by the March 21, 2019 due date.

## FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL  
March 19, 2019  
Page 2

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ROBERT G. LUNA  
CHIEF OF POLICE

APPROVED:



---

PATRICK H. WEST  
CITY MANAGER

ATTACHMENTS

HONORABLE MAYOR AND CITY COUNCIL  
March 19, 2019

Council District: 3

Applicant: Ubites, Incorporated  
DBA: Earl of Sandwich  
Address: 4803 East 2<sup>nd</sup> Street

Type of Application: An original application for an On-Sale Beer and Wine for Bona Fide Public Eating Place license.

Bases for possible protest: High crime.  
Over concentration.  
Public park/playground within 600 feet.  
Residences within 100 feet.

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

Census Tract: 5774.00

Boundaries: Vista Street to the North  
Livingston Drive/2nd Street to the South  
Niato Avenue/Broadway/Los Cerritos Channel to the East  
Ximeno Avenue to the West

Number of licenses allowed: 3

Number of licenses existing: 20

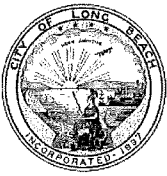
Police Reporting District: 583

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

Reported crimes in this district for ABC purposes are 128. Crime in a reporting district must be at least 115 to qualify for a high crime protest.

Type of business: A restaurant.

Last day to request conditions and protest: March 21, 2019



**Date:** March 19, 2019  
**To:** File  
**From:** Jennifer Arzola, Detective, Vice Investigations Section  
**Subject:** **EARL OF SANDWICH - 4803 EAST 2<sup>ND</sup> STREET**

---

**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (8/29/17-8/29/18)**

None.

**ABC INSPECTIONS (past three years)**

None.

**RESIDENCES WITHIN 100 FEET**

205 Park Avenue	Single Family Residence
207 Park Avenue	Single Family Residence
207 ½ Park Avenue	Single Family Residence
208 Park Avenue	Multi-Unit Complex
209 St. Joseph Avenue	Single Family Residence

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

4700 East Livingston Drive	Livingston Drive Playground Park
----------------------------	----------------------------------

**AN EXCERPT FROM THE MINUTES OF  
THE LONG BEACH CITY COUNCIL MEETING  
HELD TUESDAY, MARCH 19, 2019**

**CONSENT CALENDAR: (06:17 PM)**

16. (19-0251) Recommendation to receive the application of Ubites, Incorporated, dba Earl of Sandwich, for an original application of Alcoholic Beverage Control (ABC) License, at 4803 East 2nd Street, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit (CUP) is granted. (District 3)

*Suggested Action: Approve recommendation.*

**Motion:** Approve Consent Calendar Items 2 - 22.  
Moved by Councilwoman Price, seconded by Councilmember Richardson.

**Vote:** Approve Consent Calendar Items 2 - 22. (Carried 7-0)  
Yes: Councilmember Pearce, Councilwoman Price, Councilmember Supernaw, Councilwoman Mungo, Vice Mayor Andrews, Councilmember Uranga, and Councilmember Richardson.  
Absent: Councilwoman Gonzalez, Councilman Austin.

CERTIFIED AS A TRUE AND CORRECT COPY



---

CITY CLERK OF THE CITY OF LONG BEACH

DATE: March 21, 2019

By: Jonathan Nagayama, City Clerk Specialist

## Jonathan Nagayama

---

**From:** Fax2Mail Powered by EasyLink Services <reports@reply.fax2mail.com>  
**Sent:** Thursday, March 21, 2019 12:12 PM  
**To:** Jonathan Nagayama  
**Subject:** Ubites, Incorporated, dba Earl of Sandwich, ABC License, at 4803 East 2nd Street

MAIL2FAX DETAILED DELIVERY REPORT	
<b>Attention</b>	DLA Admin
<b>Job Number</b>	1514663428
<b>Sent By User</b>	F2M/30565075606
<b>Entered Fax2Mail System</b>	03/21 12:09
<b>Report Generated</b>	03/21 12:11
<b>Subject</b>	Ubites, Incorporated, dba Earl of Sandwich, ABC License, at 4803 East 2nd Street
<b>Page Count</b>	7 (including cover sheet)

SUMMARY		
<b>Sent: 1</b>	<b>Errors: 0</b>	<b>Cancelled: 0</b>
<b>Total: 1</b>		

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	03/21	12:11	1