

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

C-10

333 West Ocean Blvd • Long Beach, California 90802

September 19, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to Hearing Officer Appeal to Denial of Business License by Biggs, LLC, DBA Biggs, 4722 E. 2nd Street. (District 3)

DISCUSSION

The Department of Financial Management denied the business license application of Biggs, LLC, DBA Biggs, 4722 E. 2nd Street, at the recommendation of the Planning and Building Department on the basis of not completing the permit and inspection process for remodeling the interior of the business (Attachment A). The business has appealed this decision in a letter dated August 30, 2006 (Attachment B).

The Long Beach Municipal Code (LBMC) prescribes that the applicant can appeal the denial of a business license application to the City Council within ten days of the denial. In addition, the LBMC prescribes that the City Council, at its next regular meeting or within ten days of the filing of the appeal, shall set the appeal hearing. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, at its discretion, either conduct the hearing itself or appoint a hearing officer to conduct the hearing.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on September 11, 2006.

TIMING CONSIDERATIONS

LBMC requires that the hearing be set at its next regular meeting or within ten days.

FISCAL IMPACT

There is no fiscal impact associated with this item.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted

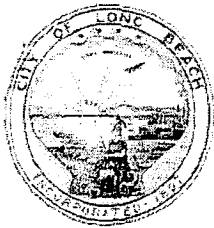

MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:


GERALD R. MILLER
CITY MANAGER

MAK:PHJAG:scv
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ATTACHMENTS



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
COMMERCIAL SERVICES BUREAU

ATTACHMENT A

333 West Ocean Boulevard • Long Beach, CA 90802

August 24, 2006

Biggs LLC
Biggs
4722 E. 2nd Street
Long Beach, CA 90803

RE: **Business License Application # 20542310**
Business Name: Biggs
Business Address: 4722 E. 2nd Street, Long Beach, CA 90803

Dear Sir:

Thank you for your interest in establishing a business in the City of Long Beach. Unfortunately, your application to operate an eating-place with alcohol business cannot be approved at this time due to noncompliance with applicable laws and regulations, pursuant to LBMC 3.80.421.1(B). The Department of Planning and Building (see attached letter) has recommended that the business license application be denied for the following reasons:

This business has not obtained permits, inspections and approvals for new electrical to include lights and fans, new plumbing fixtures in the restrooms, new drywall throughout the dining room area and obtain inspections and final sign-offs for project # 442665 – to remodel entryway water damage repair to back wall. The Building Department requested several extensions to allow ample time for the applicant to complete this process. These corrections are listed on the Notice of Inspection dated August 25, 2005.

You are required to cease business operations within 10 days of receipt of this letter. To continue business operations would be a violation of the Long Beach Municipal Code. Written notice was provided to you on November 15, 2005 that your business license application would be denied if required inspections were not completed by February 13, 2006. Extensions to this date were granted to April 13, 2006 then June 13, 2006. This inspection has yet to be completed.

When this business has been brought into compliance with the applicable laws and regulations governing the operation of an eating-place business in the City of Long Beach, you may reapply for a business license. Following approval by City departments, the Department of Financial Management will issue a business license.

Should you wish to appeal the denial of your business license application to the Long Beach City Council, you may do so by filing a notice of appeal with the Director of Financial Management within ten days of receipt of this letter. The notice of appeal should state the reason for the denial and the grounds for such appeal. It should be sent to the undersigned along with a nonrefundable filing fee of \$1,050.00.

Please direct any questions to this matter to Jeannine Montoya, Business License Supervisor, at (562) 570-6211.

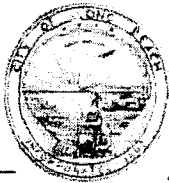
Sincerely,

JAMES A. GOODIN
Business Services Officer
Commercial Services Bureau

Attachments

JAG:NM:bcv

cc: Councilmember, 3rd District
Director of Planning and Building



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd - Long Beach, CA 90802 - 562/570-6651 - FAX 562/570-6205

Date: June 12, 2006

To: Director of Financial Management

From: *[Signature]* Mark I. Sutton, Inspection Officer, Planning and Building Department

Subject: Rejection of Business License Application

The Department of Planning and Building recommends the Director of Financial Management deny the application for a business license by Biggs LLC., DBA Biggs, 4722 E. 2nd St., Long Beach, California. The reason for this recommendation is that the applicant has failed to comply with applicable laws and regulations, pursuant to LBMC 3.80.421.1(B).

Specifically, this business has not obtained permits, inspections and approvals for new electrical to include lights and fans, new plumbing fixtures in the restrooms, new drywall throughout the dining room area and obtain inspections and final sign-offs for project # 442665 - to remodel entryway water damage repair to back wall. The Building Department requested several extensions to allow ample time for the applicant to complete this process. These corrections are listed on the Notice of Inspection dated August 25, 2005.

The Planning and Building Department, therefore, recommends that the Director Financial Management deny Biggs LLC., Biggs application for a business license.

cc: Business License Section



20542310

City of Long Beach

Page 1 of 1Department of Planning and Building
Business License Inspection Services333 West Ocean Boulevard 4th Floor, Long Beach, CA 90802

NOTICE OF INSPECTION

Job address 4722 E. 2nd St. Project # 444501Business Name Biggs Restaurant Type Restaurant☐ Single Inspection ☒ Team Inspection ☐ Entertainment Permit☐ No access to conduct inspection.☐ Business not ready for scheduled inspection.☐ Contact the Business License Bureau to Reschedule Team Inspection & Pay Re-inspection Fees at (562) 570-6211.☒ Obtain inspections, clearances and final sign-offs for all active permits to include:For Proj. # 442665 - Remodel Entryway Water Damage
Repair To Back Wall.☒ ~~Submit plans~~, obtain permits, inspections and approvals for the following:For new electrical, including lights + fans.
For new plumbing fixtures in restrooms.
New Dry wall throughout - NEW COUNTER on☐ Existing code violations that must be addressed:Comply with the above corrections by 9/25/05, for approval of your business license request. Failure to make the necessary corrections will result in your application for a Business License being denied and you will have to stop operations.

Inspector

Phone No.

Date

Business Owner or Representative

Print Name

Date

Jim HUSTONS (916) 389-4558

Biggs

August 30, 2006

RE: Business License Application #2054/2310

Business Name: Biggs, LLC.

Business Address: 4722 E. 2nd Street, Long Beach, CA 90803

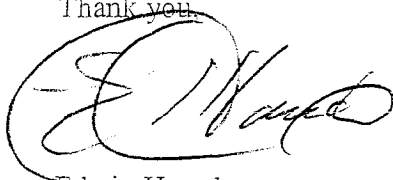
Director of Financial Management
Commercial Services Bureau
333 West Ocean Boulevard
Long Beach, CA 90802
Attention: James A. Goodin, Mark I. Sutton

Dear Director of Financial Management:
Subject: Notice of Appeal

We recently received your letter denying our business license application. The reason for said denial was the business had not received permits and inspections on new electrical, plumbing and specifically an inspection and sign-off on project #442665.

Our grounds for appeal are that our furtherance of project #442665 has been hindered by circumstances beyond our control. A disagreement between landlord, builder and tenant has caused a cessation of progress on said project. In fact said project has not proceeded past planning. We seek from the Council or Department of Financial Management the ability to separate said project from our business license process (due to its stoppage) and proceed with only the permits and inspections on electrical and plumbing. If approved we would be able to adhere to whatever reasonable time frame were imposed by Council or Department to finish said inspections. When the disagreement has been resolved we would like to re-apply for project #442665.

Thank you.



Edwin Harrah
Managing Member
Biggs, LLC.
rg/eh