

May 13, 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 The Wine Beach, LLC., dba The Wine Beach, for an original application of an Alcoholic Beverage Control License, at 5351 Second Street.

Dear Mr. Beach:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, May 11, 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:
Kyle Smith

Attachment

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

C-13

May 11, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the application of The Wine Beach, LLC, dba The Wine Beach, for an original application of an Alcoholic Beverage Control (ABC) license, at 5351 Second Street; submit a Public Notice of Protest to ABC; and, direct the City Manager to withdraw the protest if a Conditional Use Permit Exception (CUPEX) 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.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control received the above application on March 25, 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 11, 2021, to respond to the Department of Alcoholic Beverage Control by the May 14, 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 11, 2021

Council District: 3
Applicant: The Wine Beach, LLC
DBA: The Wine Beach
Address: 5351 Second Street
Type of Application: An original application of an On-Sale Beer and Wine Bona Fide Eating Place license.
Bases for possible protest: Over concentration
Residences within 100 feet
Park within 600 feet

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

Census Tract: 5774
Boundaries: Vista Street/Broadway to the North
Livingston Drive/2nd Street to the South
Bay Shore Avenue/Nieto Avenue to the East
Ximeno Avenue to the West
Number of licenses allowed: 3
Number of licenses existing: 16
Police Reporting District: 583
Boundaries: The Toledo to the North
2nd Street to the South
Bay Shore Avenue to the East
Livingston Avenue to the West

Reported crimes in this district for ABC purposes are 69. 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 14, 2021

Date: May 11, 2021
To: File
From: Jose Gonzalez, Detective, Vice Investigations Section
Subject: **THE WINE BEACH - 5351 SECOND STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (3/25/20-3/25/21)

None.

ABC INSPECTIONS (Past three years)

Not applicable.

RESIDENCES WITHIN 100 FEET

209 Santa Ana Avenue	Single Family Residence
207 Santa Ana Avenue	Single Family Residence
206 Santa Ana Avenue	Single Family Residence
205 Santa Ana Avenue	Single Family Residence
206 Pomona Avenue	Single Family Residence
204 Pomona Avenue	Single Family Residence

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

5415 East Ocean Boulevard Bay Shore Beach/Park

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, MAY 11, 2021**

CONSENT CALENDAR: (05:04 PM)

13. (21-0414) Recommendation to receive the application of The Wine Beach, LLC, dba The Wine Beach, for an original application of an Alcoholic Beverage Control (ABC) License, at 5351 Second Street; submit a Public Notice of Protest to ABC; and, direct City Manager to withdraw the protest if a Conditional Use Permit Exception (CUPEX) is granted. (District 3)

Suggested Action: Approve recommendation.

Motion: Approve Consent Calendar Items 1 - 15, except for Item 11.
Moved by Councilmember Uranga, seconded by Councilman Austin.

Vote: Approve Consent Calendar Items 1 - 15, except for Item 11.(Carried 9-0)
Yes: Councilwoman Zendejas, Councilwoman Allen, Councilwoman Price,
Councilman Supernaw, Councilwoman Mungo, Councilwoman Saro,
Councilmember Uranga, Councilman Austin, and Vice Mayor Richardson.

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: May 13, 2021

By: Kyle Smith, City Clerk Specialist

Kyle J. Smith

From: Fax2Mail Powered by OpenText <reports@reply.fax2mail.com>
Sent: Thursday, May 13, 2021 4:19 PM
To: Kyle J. Smith
Subject: ABC License Letter - dba The Wine Beach 5351 Second Street

-EXTERNAL-

MAIL2FAX DETAILED DELIVERY REPORT

Attention	DLA Admin
Job Number	1920779366
Sent By User	F2M/30565075606
Entered Fax2Mail System	05/13 16:13
Report Generated	05/13 16:18
Subject	ABC License Letter - dba The Wine Beach 5351 Second Street
Page Count	7 (including cover sheet)

SUMMARY

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

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	05/13	16:18	2