



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

# NB-19

333 West Ocean Blvd • Long Beach, California 90802

August 7, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Refer to Hearing Officer the appeal to denial of business license for Mexicatessen Express LB, LLC, 3768 Atlantic Avenue. (District 7)

## DISCUSSION

On July 11, 2007, the Department of Financial Management denied the business license application of Mexicatessen Express LB, LLC, located at 3768 Atlantic Avenue, at the recommendation of the Planning and Building Department (see attached). The business failed to complete the required permit and inspection process, resulting in outstanding building code deficiencies. The business appealed this decision in a letter dated July 20, 2007 (see attached).

Pursuant to the Long Beach Municipal Code, an applicant may appeal the denial of a business license to City Council. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer.

Deputy City Attorney, Cristyl Meyers, reviewed this matter on August 1, 2007.

## TIMING CONSIDERATIONS

If the matter is referred, upon receipt of the hearing officer's report, the City Council shall set a hearing to review and consider the report. In the alternative, the City Council shall set the hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter.

## FISCAL IMPACT

There is no fiscal impact associated with this item.

## SUGGESTED ACTION:

Approve recommendation.

APPROVED:

Respectfully submitted,

  
MICHAEL A. KILLEBREW  
DIRECTOR OF FINANCIAL MANAGEMENT

  
ANTHONY W. BATTS  
CITY MANAGER

MAK::RIB:JEM

ATTACHMENTS

RECEIVED JUL 20 2007

Business License  
RE: Application # 20703330  
3768 ATLANTIC AVE  
LONG BEACH, CA. 90807

City of Long Beach  
Department of Financial Management  
Commercial Services Bureau

To Director of Financial Management or whom this may concern:

I'm writing this letter to Appeal the denial of our business license application. We sincerely are unaware of the serious situation and were not given adequate notice to correct the problems.

On April 24, 2007 we did receive only one notice (please see attached) to contact the Health & Human SVCS to correct the problems. We did exactly that and the Health Department came and approved the sinks installed by us. We assumed that all were well and were waiting for the official business license to arrive because the notice only asked us to contact the Health and Human Services.

To our surprise, we received this notice to cease business operation which states the Department of Planning and Building denied us the business license. No warnings or letters were ever sent to our establishment by the Dept of Planning and Building regarding the severity of this matter.

In February when the initial inspections were given, we were given a list of requirements to be completed; then we immediately hired a license contractor/architect to handle all the plans to be submitted to the city for approval (which he did and completed). We assumed all were well when he gave us the copy of the plotted plans he submitted and told us to wait for the city. We also assumed that the City would be contacting with our Contractor directly if a problem exists.

Now when we received the letter of cease operation, I called the city and was told to call the inspector (Wendy) of the Department of Planning and Building to ask what had happened. The inspector said she had tried to leave several messages to the owner. She said she called the restaurant and left messages with the cashier. To our surprise, we never received any of those messages. In addition, because we had a change in the store management back in April it is possible that the message never arrived to the owners.

We deeply regret for not following through and handle the situations ourselves after we hired a licensed contractor; we thought that he would represent us to fulfill all requirements with the city for us. From day 1, we always try our best to comply with the City of Long Beach. And because we were not familiar with the process, we went and hired a licensed contractor just for that reason. In addition, we were told by the Health Department to install additional sinks and we completed that immediately. We assumed everything was fine, and all these times we were waiting for the business license **not knowing** that we still had things outstanding. We apologize for the miscommunication between us and our contractor with the Department of Planning and Building.

Please give us a chance to personally correct the problems by extending the cease operation date so we can have appropriate time to address all the issues.

Sincerely,



Anthony Lam

714-932-3531

General Manager/Owner

Mexicatessen Express

3768 Atlantic Ave Long Beach CA. 90807



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT  
COMMERCIAL SERVICES BUREAU

322 West Ocean Boulevard • Long Beach, CA 90802

July 11, 2007

Mexicatessen Express LE LLC  
3768 Atlantic Avenue  
Long Beach, CA 90807

RE: Business License Application # 20703330  
Business Address: 3768 Atlantic Ave., Long Beach, CA 90807

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 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 has recommended that the business license application be denied for the following reasons:

- Please see the attached letter from the Department of Planning and Building.

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 April 24, 2007 that your business license application would be denied if required inspections were not completed by July 23, 2007.

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,

Richard I. Bartlett  
Business Services Officer  
Commercial Services Bureau

Attachments

RIB:bcv

cc: Councilmember, 7<sup>th</sup> District  
Director of Planning and Building  
Fire Chief




# CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-6657 - FAX 562/570-8205

Date: May 14, 2007

To: Director of Financial Management

From:  Bill Gatoff, Acting Building 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 Carlos Aquirre, DBA Mexicatessen Express LB Inc., 3768 Atlantic Ave., 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, the business owner has not completed the plan check, inspection and approval process for project # 489692 - T.I. to install neon lighting on the exterior of the building, outlets and ceiling fans in the dining room area, extend a gas line for cooking equipment, install 2 hand wash sinks and a mop sink in the kitchen. These corrections are listed on the Notice of Inspection dated February 14, 2007.

The Planning and Building Department, therefore, recommends that the Director Financial Management deny Carlos Aquirre, Mexicatessen Express LB Inc's, application for a business license.

cc: Business License Section