

CITY OF LONG BEACH

POLICE DEPARTMENT

R-27

400 WEST BROADWAY • LONG BEACH • CALIFORNIA 90802 • (562) 570-7260 • FAX (562) 570-7114

Billy B. Quach
Chief of Police

January 19, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Determine that the application serves the public convenience and necessity, and receive and file the application of Sean Eugene McIntyre and Tina Lynn McIntyre, dba Naples Gourmet Grocer, for an original Alcoholic Beverage Control license, at 5650 East 2nd Street, with conditions. (District 3)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control 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

City Council response is due to the Department of Alcoholic Beverage Control by January 22, 2010. Accordingly, City Council action is required at the January 19, 2010 City Council meeting.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

BILLY B. QUACH
CHIEF OF POLICE

APPROVED:

PATRICK H. WEST
CITY MANAGER

BBQ:DBS:dbs

ADMINISTRATION BUREAU
(562) 570-5830
FAX (562) 570-5883

INVESTIGATIONS BUREAU
(562) 570-7350
FAX (562) 570-7175

PATROL BUREAU
(562) 570-7214
FAX (562) 570-7058

SUPPORT BUREAU
(562) 570-7342
FAX (562) 570-6018

HONORABLE MAYOR AND CITY COUNCIL
January 19, 2010

Council District: 3

Applicant: Sean Eugene McIntyre and Tina Lynn McIntyre
DBA: Naples Gourmet Grocer
Address: 5650 East 2nd Street

Type of Application: An original application for an On-Sale Beer and Wine for public premises license. This business currently has an active ABC license for Off-Sale Beer and Wine.

Bases for possible protest: Over concentration.
Residences within 100 feet.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is** required for this application.

Census Tract: 5775.01

Boundaries: Marine Stadium to the North
Alamitos Bay to the South
Marine Stadium to the East
Alamitos Bay to the West

Number of licenses allowed: 3
Number of licenses existing: 12

Police Reporting District: 622

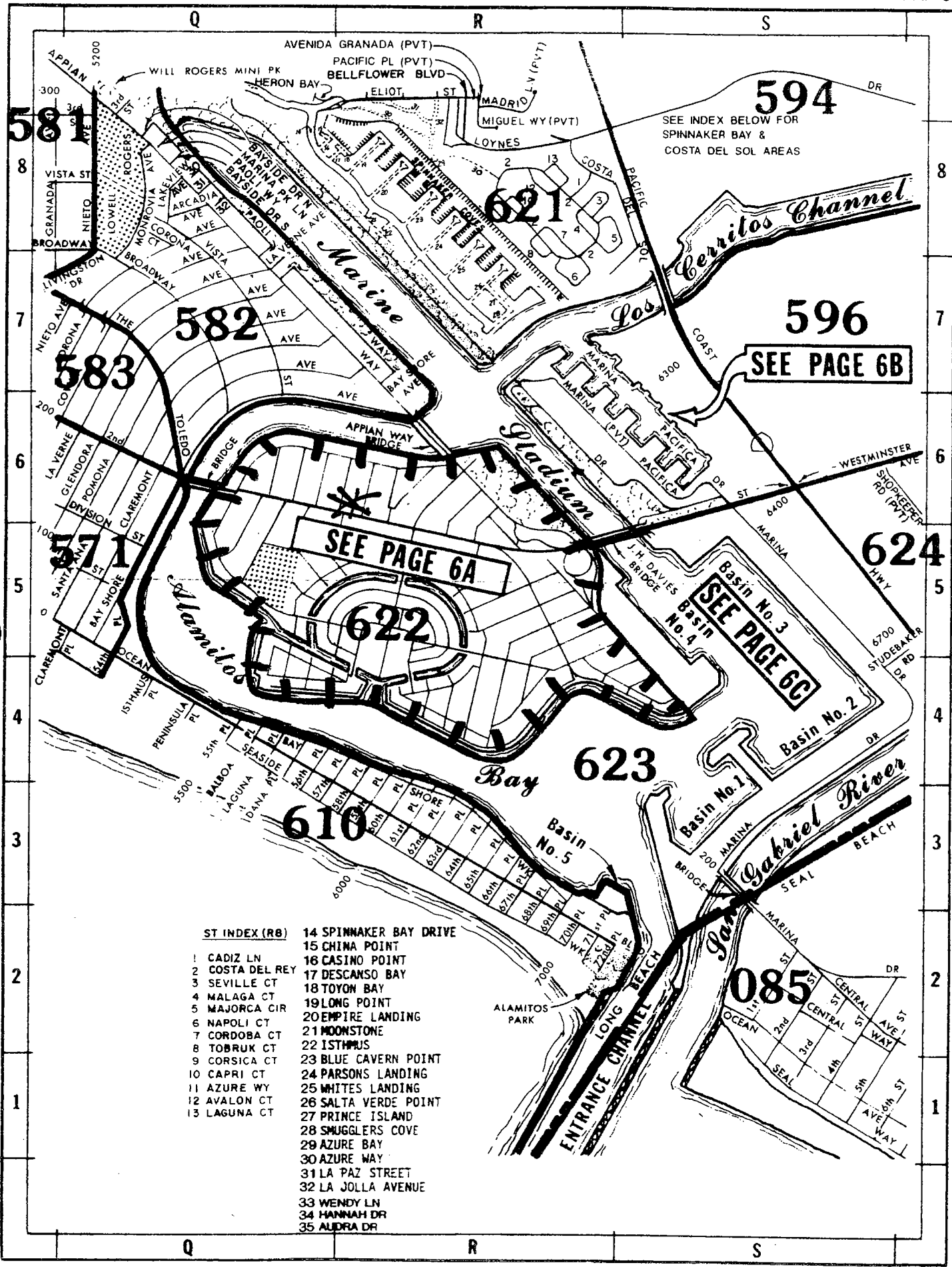
Boundaries: Marine Stadium to the North
Alamitos Bay to the South
Marine Stadium to the East
Alamitos Bay to the West

Reported crimes in this district for ABC purposes are 185. Crime in a reporting district must be at least 191 to qualify for a high crime protest.

Type of business: A grocery store and wine tasting room.

Last day to request
conditions and protest: January 22, 2010

(24)



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| 1 CADIZ LN | 14 SPINNAKER BAY DRIVE |
| 2 COSTA DEL REY | 15 CHINA POINT |
| 3 SEVILLE CT | 16 CASINO POINT |
| 4 MALAGA CT | 17 DESCANSO BAY |
| 5 MAJORCA CIR | 18 TOYON BAY |
| 6 NAPOLI CT | 19 LONG POINT |
| 7 CORDOBA CT | 20 EMPIRE LANDING |
| 8 TOBRUK CT | 21 MOONSTONE |
| 9 CORSICA CT | 22 ISTHMUS |
| 10 CAPRI CT | 23 BLUE CAVERN POINT |
| 11 AZURE WY | 24 PARSONS LANDING |
| 12 AVALON CT | 25 WHITES LANDING |
| 13 LAGUNA CT | 26 SALTA VERDE POINT |
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| | 28 SMUGGLERS COVE |
| | 29 AZURE BAY |
| | 30 AZURE WAY |
| | 31 LA PAZ STREET |
| | 32 LA JOLLA AVENUE |
| | 33 WENDY LN |
| | 34 HANNAH DR |
| | 35 ALDRA DR |



Date: January 19, 2010
To: File
From: Dana Smith, Detective, Vice Investigations Section
Subject: **NAPLES GOURMET GROCER, 5650 EAST 2ND STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (12/22/08-12/22/09)

2	459A	Audible Alarm Call	Bad Order Alarm
2	R459	Burglary Report	Filed/Advised

ABC INSPECTIONS (past three years)

None

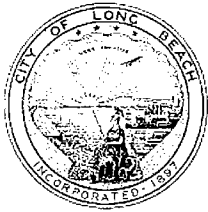
RESIDENCE WITHIN 100 FEET

5621 Campo Walk	Single Family Dwelling
5625 Campo Walk	Single Family Dwelling
5633 Campo Walk	Single Family Dwelling
5641 Campo Walk	Single Family Dwelling
5645 Campo Walk	Single Family Dwelling
5651 Campo Walk	Single Family Dwelling
5661 Campo Walk	Single Family Dwelling
5665 Campo Walk	Single Family Dwelling

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

None

DBS:db
cfs.memo



Date: January 19, 2010

To: Honorable Mayor Foster and Members of the City Council

From: Gary DeLong, Councilmember, 3rd District

Subject: 5650 East 2nd Street, dba Naples Gourmet Grocer, ABC License

#27

I am submitting the following conditions for your consideration for an original application of an On-Sale Beer and Wine for public premises license:

1. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
2. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
3. All sales of alcoholic beverages shall be made within the premises.
4. All beverages offered for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.
5. No drive thru window shall be maintained on the premises and no sale of alcoholic beverages shall be made to any person in a motor vehicle.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee shall be removed or painted over within 24 hours of being applied.
7. There shall be no exterior advertising promoting or indicating the availability of alcoholic beverages.
8. The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside the establishment at all times.
9. No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale.
10. The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., or 40 oz., or similar size containers are prohibited.
11. Beer, malt beverages, and wine coolers in containers of 16 oz. Or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

12. There shall be no cups, glasses, or similar receptacles commonly used for drinking of beverages, sold, furnished, or given away at the applicant's premises in quantities of less than their original multi-container package.

13. No pay phone will be maintained on the exterior of the premises.

In the event that any of the recommended conditions attached to any permit or license is in conflict the permittee shall adhere to the strictest of the applicable conditions.

GD:JT