

May 6, 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 Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control License, at 420 Cherry Avenue.

Dear Mr. Beach:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, May 4, 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:  
Pablo Rubio

Attachment

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

May 4, 2021

**C-21**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control (ABC) license, at 420 Cherry Avenue; submit a Public Notice of Protest to ABC; and, direct the City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 2)

**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 16, 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 4, 2021, to respond to the Department of Alcoholic Beverage Control by the May 6, 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 4, 2021

Council District: 2  
Applicant: Alex Neil Armstrong  
DBA: V Burger  
Address: 420 Cherry Avenue  
Type of Application: An original application of an On-Sale Beer and Wine license.  
Bases for possible protest: Over concentration  
Residences within 100 feet  
School within 600 feet

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

Census Tract: 5768.01  
Boundaries: 7<sup>th</sup> Street to the North  
3<sup>rd</sup> Street/4<sup>th</sup> Street/Appleton Street to the South  
Molina Avenue to the East  
Cherry Avenue to the West

Number of licenses allowed: 4  
Number of licenses existing: 12  
Police Reporting District: 441

Boundaries: 7<sup>th</sup> Street to the North  
4<sup>th</sup> Street to the South  
Junipero Avenue to the East  
Cherry Avenue to the West

Reported crimes in this district for ABC purposes are 80. 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 6, 2021

Date: May 4, 2021  
To: File  
From: Jose Gonzalez, Detective, Vice Investigations Section  
Subject: **V BURGER – 420 CHERRY AVENUE**

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (3/16/20 - 3/16/21)**

459A	Audible Burglar Alarm	Bad Order Alarm
459A	Audible Burglar Alarm	Checks Okay
R459	Burglary Report	No Disposition
R459	Burglary Report	Police Report Filed
Loot	Looting Reported	No Disposition

**ABC INSPECTIONS (Past three years)**

Not applicable.

**RESIDENCES WITHIN 100 FEET**

1950 East 5 <sup>th</sup> Street	Multi-Unit Complex
440 Cherry Avenue	Single Family Residence
430 Cherry Avenue	Single Family Residence

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

501 Junipero Avenue	Luther Burbank Elementary School
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**AN EXCERPT FROM THE MINUTES OF  
THE LONG BEACH CITY COUNCIL MEETING  
HELD TUESDAY, MAY 4, 2021**

**CONSENT CALENDAR: (05:21 PM)**

21. (21-0385) Recommendation to receive the application of Alex Neil Armstrong, dba V Burger, for an original application of an Alcoholic Beverage Control (ABC) License, at 420 Cherry Avenue; submit a Public Notice of Protest to ABC; and, direct City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 2)

*Suggested Action: Approve recommendation.*

**Motion:** Approve Consent Calendar Items 1 - 22, except for Items 18 and 19. Moved by Councilmember Uranga, seconded by Councilman Austin.

**Vote:** Approve Consent Calendar Items 1 - 22, except for Items 18 and 19. (Carried 8-0)

Yes: Councilwoman Zendejas, Councilwoman Price, Councilman Supernaw, Councilwoman Mungo, Councilwoman Saro, Councilmember Uranga, Councilman Austin, and Vice Mayor Richardson.

Absent: Councilwoman Allen.

**CERTIFIED AS A TRUE AND CORRECT COPY**



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CITY CLERK OF THE CITY OF LONG BEACH

DATE: May 6, 2021

By: Pablo Rubio, Sr. City Clerk Analyst

## Pablo Rubio

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**From:** Fax2Mail Powered by OpenText <reports@reply.fax2mail.com>  
**Sent:** Thursday, May 6, 2021 4:40 PM  
**To:** Pablo Rubio  
**Subject:** ABC License Letter - dba V Burger, 420 Cherry Avenue

**-EXTERNAL-**

### MAIL2FAX DETAILED DELIVERY REPORT

<b>Attention</b>	DLA Admin
<b>Job Number</b>	1791637745
<b>Sent By User</b>	F2M/30565075606
<b>Entered Fax2Mail System</b>	05/06 16:26
<b>Report Generated</b>	05/06 16:39
<b>Subject</b>	ABC License Letter - dba V Burger, 420 Cherry Avenue
<b>Page Count</b>	6 (including cover sheet)

### SUMMARY

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

<b>Destination</b>	<b>Status</b>	<b>Date</b>	<b>Time</b>	<b>Num. Retries</b>
5629821396	SENT	05/06	16:39	3