

C-25

August 8, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of For the Culture Brands, LLC, dba For the Culture Brands, for an original application of an Alcoholic Beverage Control (ABC) License, at 1741 E. Marshall Place; determine that the application does not serve the public convenience and necessity; and, submit a Public Notice of Protest to ABC on the basis that the business is located in a residential zone within 100 feet of residences, within 600 feet of a community park and church, and in a high crime reporting district with an overconcentration of off-sale liquor licenses. (District 5)

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. For The Culture Brands, LLC, a home-based business, applied for a Type 17: Beer and Wine Wholesaler license and a Type 20: Off-Sale license, to allow the sale of beer and wine for consumption off the premises. The applicant intends to conduct online alcohol sales and a wholesaler business from their residence, including storing inventory on the premises.

The proposed site is developed with a single-family residence in a residential zone; that is located within 100 feet of other single-family residences. The proposed site is located within 600 feet of Somerset Park and Iglesia Católica Apostólica Santísimo Sacramento Church. In addition, the proposed site is located within a high crime reporting district that has an overconcentration of off-sale liquor licenses.

Given the high crime level within this reporting district, over concentration, of off-sale alcohol establishments within the census tract, the close proximity to residences, a park and a church, the Police Department recommends that the City Council determine that the application does not serve the Public Convenience and Necessity and that a Public Notice of Protest be submitted to ABC.

TIMING CONSIDERATIONS

City Council action is requested on August 8, 2023, to respond to the Department of Alcoholic Beverage Control at the first opportunity after the July 22, 2023 due date.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives, during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH
CHIEF OF POLICE

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS

Date: August 8, 2022

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **FOR THE CULTURE BRANDS, LLC – 1741 E. MARSHALL PLACE**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (6/2/22 - 6/2/23)

None.

ABC INSPECTIONS (Past three years)

Not applicable.

RESIDENCES WITHIN 100 FEET

1723 E. Marshall Place	Single-Family Residence
1731 E. Marshall Place	Single-Family Residence
1751 E. Marshall Place	Single-Family Residence
1801 E. Marshall Place	Single-Family Residence
1720 E. Carson Street	Single-Family Residence
1732 E. Carson Street	Single-Family Residence
1742 E. Carson Street	Single-Family Residence
1752 E. Carson Street	Single-Family Residence
1802 E. Carson Street	Single-Family Residence
3983 Rose Avenue	Single-Family Residence

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

1900 E. Carson Street	Iglesia Católica Apostólica Santísimo Sacramento
1500 E. Carson Street	Somerset Park

HONORABLE MAYOR AND CITY COUNCIL
August 8, 2023

Council District: 5

Applicant: For the Culture Brands, LLC

DBA: For the Culture Brands

Address: 1741 E. Marshall Place

Type of Application(s): Type 17 – Beer and Wine Wholesaler License and a Type 20 - An Original Application for an Off-Sale Beer & Wine Package Store License

Bases for possible protest: Zoning ordinance
Residences within 100 feet
Park within 600 feet
Church within 600 feet
High crime
Over concentration

PUBLIC CONVENIENCE DETERMINATION: A determination of Public Convenience and Necessity **is** required for this application.

Census Tract: 5719

Boundaries: Carson Street to the North
Marshall Place to the South
Gardena Avenue to the East
Walnut Avenue to the West

Number of licenses allowed: 3

Number of licenses existing: 5

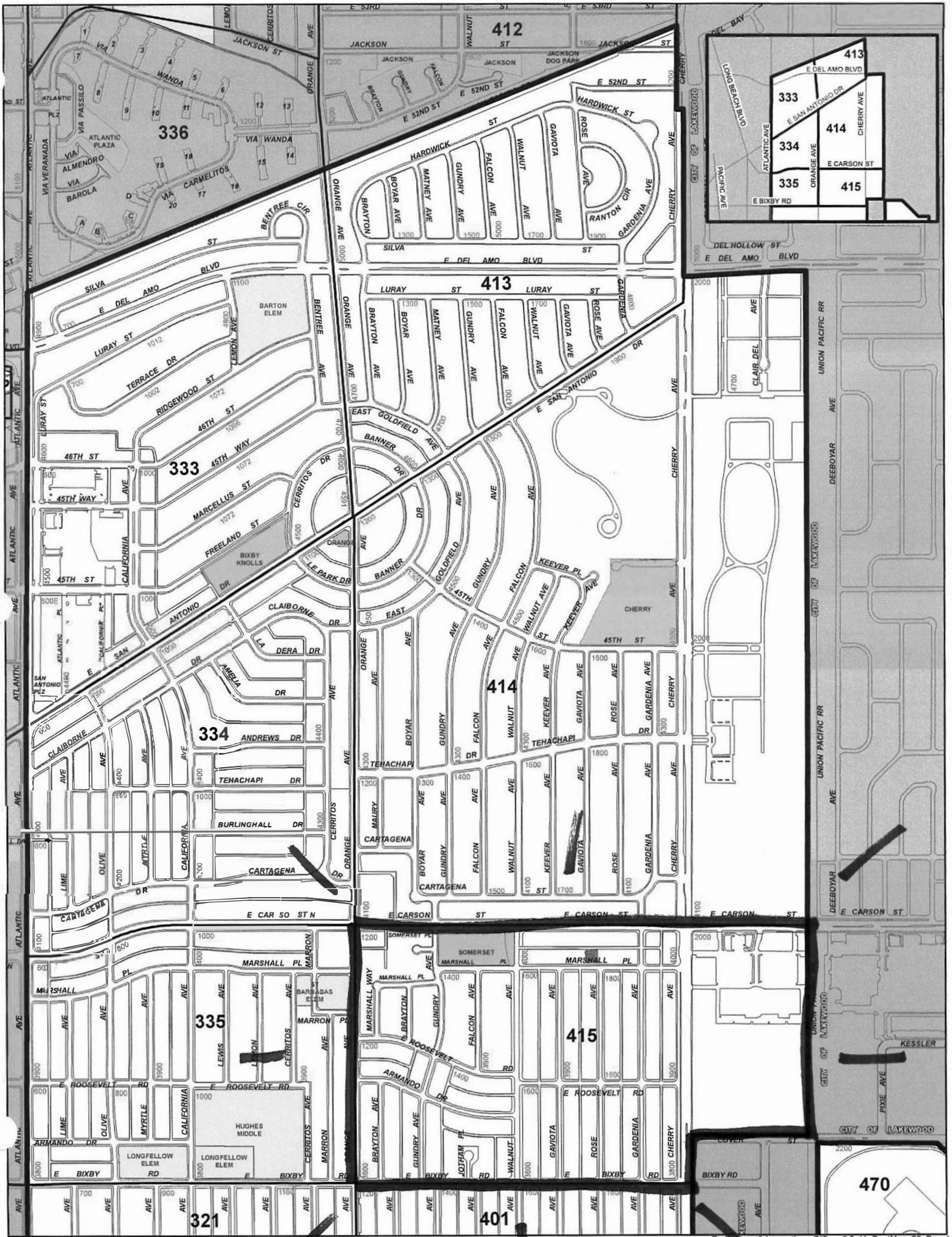
Police Reporting District: 415

Boundaries: Carson Street to the North
Bixby Road to the South
Cherry Avenue/Union Pacific Railroad to the East
Orange Avenue to the West

Reported crimes in this district for ABC purposes are 72. Crime in a reporting district must be at least 66 to qualify for a high crime protest.

Type of business: A wholesaler and off-site package store

Last day to request conditions and protest: July 22, 2023



LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

Proposers are responsible for accessing these links to review the names prior to answering the following questions.

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

7-21-23

Date



Signature of authorized individual

David Moser

Type or write name of authorized individual

For the Culture Brands, LLC

Type or write name of company