



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 •

March 25, 2015

Mr. Vincent Cravens  
District Administrator  
Department of Alcoholic Beverage Control  
3950 Paramount Boulevard, Suite No. 250  
Lakewood, California 90712

Re: Application of Legend Energy, dba Cerritos Shell, to determine the application serves the public convenience and necessity for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License at 5740 Atlantic Avenue. (District 8)

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, March 24, 2015 approved the request of Councilman Al Austin, Eighth District, that a protest be filed regarding the subject application based on the following:

- 1) Applicant does not have a Conditional Use Permit with the City.
- 2) High crime in the reporting district.
- 3) Churches within 600 feet.
- 4) School within 600 feet of the establishment.

No determination that the application serves the public convenience and necessity was made by the City Council.

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 taking this request into consideration.

Respectfully submitted,

LARRY G. HERRERA-CABRERA  
CITY CLERK

Prepared by:  
Megan Wiegelman

Attachment

cc: Councilman Al Austin, Eighth District  
Mayor  
City Prosecutor  
Police Department (2) Chief & Vice  
Referral File  
FAX forwarded to ABC, (562) 982-1396

AN EXCERPT FROM THE MINUTES OF  
THE LONG BEACH CITY COUNCIL MEETING  
HELD TUESDAY, MARCH 24, 2015

UNFINISHED BUSINESS: (07:13 PM)

23. (15-0180) Recommendation to receive the application of Legend Energy, dba Cerritos Shell, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 5740 Atlantic Avenue, determine that the application serves the public convenience and necessity, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit is granted. (District 8) (07:13 PM)

*Suggested Action: Approve recommendation.*

**Motion:** To receive the application and submit a Public Notice of Protest to ABC on the following bases: [1] the applicant does not have a Conditional Use Permit (CUP) with the City; [2] high crime; [3] churches within 600 feet; and [4] school within 600 feet of the establishment.

Moved by Councilman Austin, seconded by Councilmember Richardson.

**Vote:** To receive the application and submit a Public Notice of Protest to ABC on the following bases: [1] the applicant does not have a Conditional Use Permit (CUP) with the City; [2] high crime; [3] churches within 600 feet; and [4] school within 600 feet of the establishment. (Carried 8-0)

Yes: Councilwoman Gonzalez, Vice Mayor Lowenthal, Councilwoman Price, Councilwoman Mungo, Councilman Andrews, Councilmember Uranga, Councilman Austin, and Councilmember Richardson.

CERTIFIED AS A TRUE AND CORRECT COPY

  
CLERK OF THE CITY OF LONG BEACH

DATE: March 26, 2015



# CITY OF LONG BEACH

POLICE DEPARTMENT  
400 WEST BROADWAY LONG BEACH CALIFORNIA 90802

~~R-30~~

~~UB-11~~

**UB-23**

Robert G. Luna  
Chief of Police

March 3, 2015

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the application of Legend Energy, dba Cerritos Shell, for a Person-to-Person and Premise-to-Premise transfer of an Alcoholic Beverage Control license, at 5740 Atlantic Avenue, determine that the application serves the public convenience and necessity, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit is granted. (District 8)

## 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

The Department of Alcoholic Beverage Control (ABC) received the above application on February 4, 2015. The applicant's Conditional Use Permit is scheduled for an appeal hearing at the March 17, 2015 City Council Meeting. City Council response is due to ABC by March 6, 2015. Provided the City Council approves the CUP, the recommendation includes a request to direct the City Manager to withdraw the Public Notice of Protest.

## FISCAL IMPACT

None.

## SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT G. LUNA  
CHIEF OF POLICE

APPROVED:

PATRICK H. WEST  
CITY MANAGER

HONORABLE MAYOR AND CITY COUNCIL  
March 3, 2015

Council District: 8

Applicant: Legend Energy  
DBA: Cerritos Shell  
Address: 5740 Atlantic Avenue

Type of Application: A person-to-person and premise-to-premise transfer of an Off-Sale Beer and Wine license. This license is being transferred from Mr. C Wine and Beer Company at 5498 Linden Avenue.

Bases for possible protest: High crime.  
Churches within 600 feet.  
School within 600 feet.

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

Census Tract: 5706.01

Boundaries: 59th Street to the North  
Storm Drainage Channel to the South  
Orange Avenue to the East  
Atlantic Avenue to the West

Number of licenses allowed: 3  
Number of licenses existing: 2

Police Reporting District: 331

Boundaries: South Street to the North  
Market Street to the South  
Orange Avenue to the East  
Atlantic Avenue to the West

Reported crimes in this district for ABC purposes are 162. Crime in a reporting district must be at least 147 to qualify for a high crime protest.

Type of business: Gas station.

Last day to request conditions and protest: March 06, 2015



**Date:** March 3, 2015  
**To:** File  
**From:** Laurie Barajas, Detective, Vice Investigations Section  
**Subject:** **CERRITOS SHELL – 5740 ATLANTIC AVENUE**

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (2/4/14 to 2/4/15)**

2	484	Petty Theft	Will File Later/Advised
1	ASTF	Assist Fire	Gone on Arrival
1	415	Disturbance	Gone on Arrival
1	Ckwel	Check the well	Gone on Arrival

**ABC INSPECTIONS (past three years)**

None

**RESIDENCES WITHIN 100 FEET**

None

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

Calvary Chapel North Long Beach	5722 Lime Avenue
North Long Beach United Methodist Church	5600 Linden Avenue
Creative Beginnings YMCA Preschool	5600 Linden Avenue

LBB:ibb  
CFSmemoShell

## Pablo Rubio

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**From:** Fax2Mail Powered by EasyLink Services <reports@reply.fax2mail.com>  
**Sent:** Thursday, March 26, 2015 12:47 PM  
**To:** Pablo Rubio  
**Subject:** ABC License Letter - dba Cerritos Shell, 5740 Atlantic Avenue - CORRECTED

### MAIL2FAX DETAILED DELIVERY REPORT

<b>Attention</b>	DLA Admin
<b>Job Number</b>	1636630720
<b>Sent By User</b>	F2M/37283576077
<b>Entered Fax2Mail System</b>	03/26 15:42
<b>Report Generated</b>	03/26 15:46
<b>Subject</b>	ABC License Letter - dba Cerritos Shell, 5740 Atlantic Avenue - CORRECTED
<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	03/26	15:46	1