



CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

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

November 18, 2015

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

Re: Application of Smart & Final Stores, LLC, dba Smart & Final 745, to Determine the Application Serves the Public Convenience and Necessity for a premise-to-premise transfer of an Alcoholic Beverage Control License, at the southeast corner of Atlantic Avenue and 45th Street.

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, November 17, 2015 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 the CUP and if no appeal is made during the 10-day appeal period for the CUP. It is anticipated that the CUP 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.

At the same meeting, the Long Beach City Council took the concurrent action to determine and find that the subject application would serve the public convenience and necessity.

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,



MARIA DE LA LUZ GARCIA
CITY CLERK

Prepared by:
Megan Wiegelman

Attachment

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



CITY OF LONG BEACH

R-23

POLICE DEPARTMENT

400 WEST BROADWAY LONG BEACH CALIFORNIA 90802

Robert G. Luna
Chief of Police

November 17, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the application of Smart & Final Stores, LLC, dba Smart & Final 745, for a Premise-to-Premise transfer of an Alcoholic Beverage Control license, at the southeast corner of Atlantic Avenue and 45th Street, 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. This establishment was previously Orchard Supply Hardware and occupied the building with an address of 4480 Atlantic Avenue. The new business will not occupy the entire space and a new address will be issued.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control (ABC) received the above application on October 19, 2015. The applicant is still in the planning stage, and has not yet received a Conditional Use Permit (CUP). City Council response is due to ABC by December 8, 2015. Provided the Planning Commission 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,

Handwritten signature of Robert G. Luna.

ROBERT G. LUNA
CHIEF OF POLICE

APPROVED:

Handwritten signature of Patrick H. West.

PATRICK H. WEST
CITY MANAGER

ADMINISTRATION BUREAU
(562) 570-5830
FAX (562) 570-5833

FINANCIAL BUREAU
(562) 570-7447
FAX (562) 570-5833

INVESTIGATIONS BUREAU
(562) 570-7350
FAX (562) 570-5837

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

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

HONORABLE MAYOR AND CITY COUNCIL
November 17, 2015

Council District: 8

Applicant: Smart & Final Stores, LLC
DBA: Smart & Final 745
Address: SEC Atlantic Avenue and 45th Street

Type of Application: A premise-to-premise transfer of an Off-Sale General license.

Bases for possible protest: High crime.
Over concentration
Licensing this premise would be in contrary to Long Beach Zoning Ordinances.

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

Census Tract: 5715.02

Boundaries: Union Pacific Railroad to the North
San Antonio Drive to the South
Orange Avenue to the East
Atlantic Avenue to the West

Number of licenses allowed: 3
Number of licenses existing: 5

Police Reporting District: 333

Boundaries: Union Pacific Railroad to the North
San Antonio Drive to the South
Orange Avenue to the East
Atlantic Avenue to the West

Reported crimes in this district for ABC purposes are 187. Crime in a reporting district must be at least 149 to qualify for a high crime protest.

Type of business: A grocery store.

Last day to request conditions and protest: December 8, 2015



Date: November 17, 2015
To: File
From: Laurie Barajas, Detective, Vice Investigations Section
Subject: **SMART & FINAL 745 – SEC ATLANTIC AVENUE & 45TH STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (10/19/14 to 10/19/15)

2	Custom	Customer Dispute	Advised/Civil
1	484	Petty Theft	Will File Later
1	459A	Audible Burglary Alarm	Bad Order, Alarm

*All the calls for service were to the previous business.

ABC INSPECTIONS (past three years)

Not Applicable

RESIDENCES WITHIN 100 FEET

None

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

None

LBB:lbb
CFSmemoSmartandFinal

AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, NOVEMBER 17, 2015

REGULAR AGENDA: (07:03 PM)

23. (15-1188) Recommendation to receive the application of Smart & Final Stores, LLC, dba Smart & Final 745, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at the southeast corner of Atlantic Avenue and 45th Street, 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) (09:08 PM)

Suggested Action: Approve recommendation.

Councilman Austin spoke.

Motion: Approve recommendation.

Moved by Councilman Austin, seconded by Councilwoman Gonzalez.

Vote: Approve recommendation.(Carried 9-0)

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

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH

DATE: November 18, 2015

Megan Wiegelman

From: Fax2Mail Powered by EasyLink Services <reports@reply.fax2mail.com>
Sent: Wednesday, November 18, 2015 3:26 PM
To: Megan Wiegelman
Subject: ABC License Letter - Smart & Final, southeast corner of Atlantic Ave. and 45th St.

MAIL2FAX DETAILED DELIVERY REPORT	
Attention	DLA Admin
Job Number	1774457373
Sent By User	F2M/37283576077
Entered Fax2Mail System	11/18 18:12
Report Generated	11/18 18:25
Subject	ABC License Letter - Smart & Final, southeast corner of Atlantic Ave. and 45th St.
Page Count	6 (including cover sheet)

SUMMARY		
Sent: 1	Errors: 0	Cancelled: 0
Total: 1		

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	11/18	18:25	2