



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 W. Ocean Boulevard, Lobby Level | Long Beach, CA 90802 | (562) 570-6101 FAX (562) 570-6789

April 13, 2011

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

Re: Application of Sophia Lorraine Sandoval, dba 4<sup>th</sup> Street Vine to Determine the Application Serves the Public Convenience and Necessity for a premise-to-premise Alcoholic beverage Control License, at 2142 East 4<sup>th</sup> Street, with conditions.

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, April 12, 2011 received and filed the subject application.

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 for your file

Respectfully submitted,

LARRY G. HERRERA  
CITY CLERK

Prepared by:  
Allison Bunma

Attachment

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

Robert Garcia, 1st District  
Suja Lowenthal, Vice Mayor, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

Patrick H. West, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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**AN EXCERPT FROM THE MINUTES OF  
THE LONG BEACH CITY COUNCIL MEETING  
HELD TUESDAY, April 12, 2011**



**REGULAR AGENDA (6:10 PM)**

21. 11-0342 Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Sophia Lorraine Sandoval, dba 4th Street Vine, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 2142 East 4th Street, with conditions. (District 2)

**A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske and Johnson

**Absent:** 3 - Andrews, Gabelich and Neal

CERTIFIED AS A TRUE AND CORRECT COPY  
  
CITY CLERK OF THE CITY OF LONG BEACH  
BY:   
DATE: **APR 13 2011**



# CITY OF LONG BEACH

# R-21

## POLICE DEPARTMENT

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

Jim McDonnell  
Chief of Police

April 12, 2011

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 Sophia Lorraine Sandoval, dba 4<sup>th</sup> Street Vine, for a premise-to-premise transfer of an Alcoholic Beverage Control license, at 2142 East 4<sup>th</sup> Street, with conditions. (District 2)

### 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 April 15, 2011. Accordingly, City Council action is required at the April 12, 2011 City Council meeting.

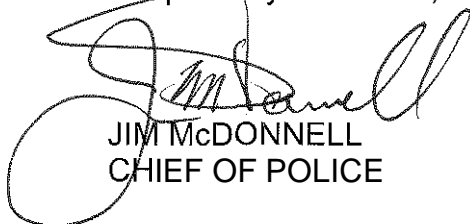
### FISCAL IMPACT

None.

### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JIM McDONNELL  
CHIEF OF POLICE

JM:DBS:dbs

APPROVED:



PATRICK H. WEST  
CITY MANAGER

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

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  
April 12, 2011

Council District: 2

Applicant: Sophia Lorraine Sandoval  
DBA: 4th Street Vine  
Address: 2142 East 4th Street

Type of Application: A premise-to-premise transfer of an On-Sale Beer and Wine for public premises license. This business currently has an active On-Sale Beer and Wine for public premises license and an Off-Sale Beer and Wine license. The owner is transferring the On-Sale Beer and Wine for public premises license to the entire premise.

Bases for possible protest: Over concentration.  
School within 600 feet.  
Church within immediate vicinity.  
Residences within 100 feet.

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

Census Tract: 5768.01

Boundaries: 7th Street to the North  
3rd Street to the South  
Molino Avenue to the East  
Cherry Avenue to the West

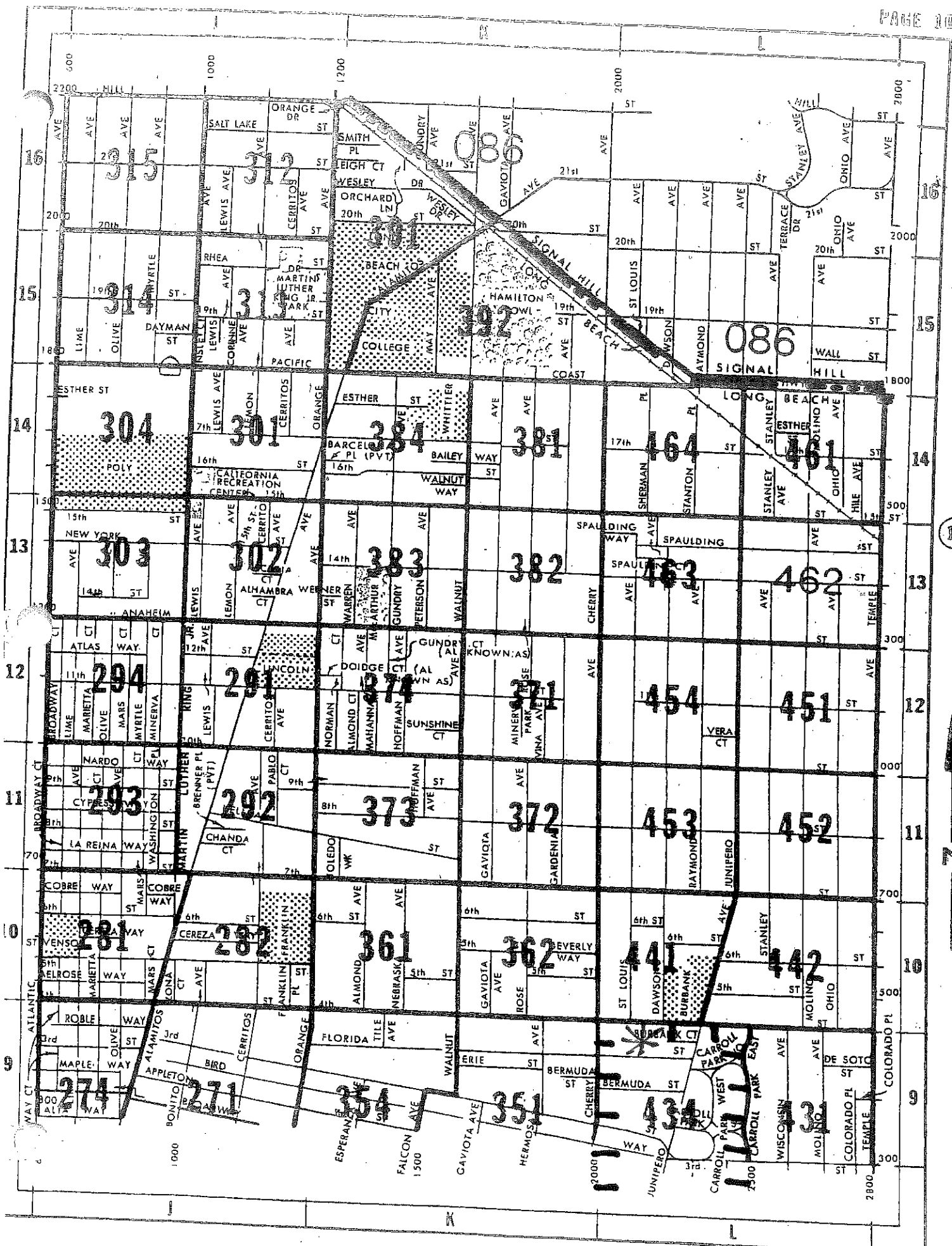
Number of licenses allowed: 4  
Number of licenses existing: 6

Police Reporting District: 434

Boundaries: 4th Street to the North  
Broadway to the South  
Lindero Avenue/Carroll Park East to the East  
Cherry Avenue to the West

Reported crimes in this district for ABC purposes are 116. Crime in a reporting district must be at least 177 to qualify for a high crime protest.

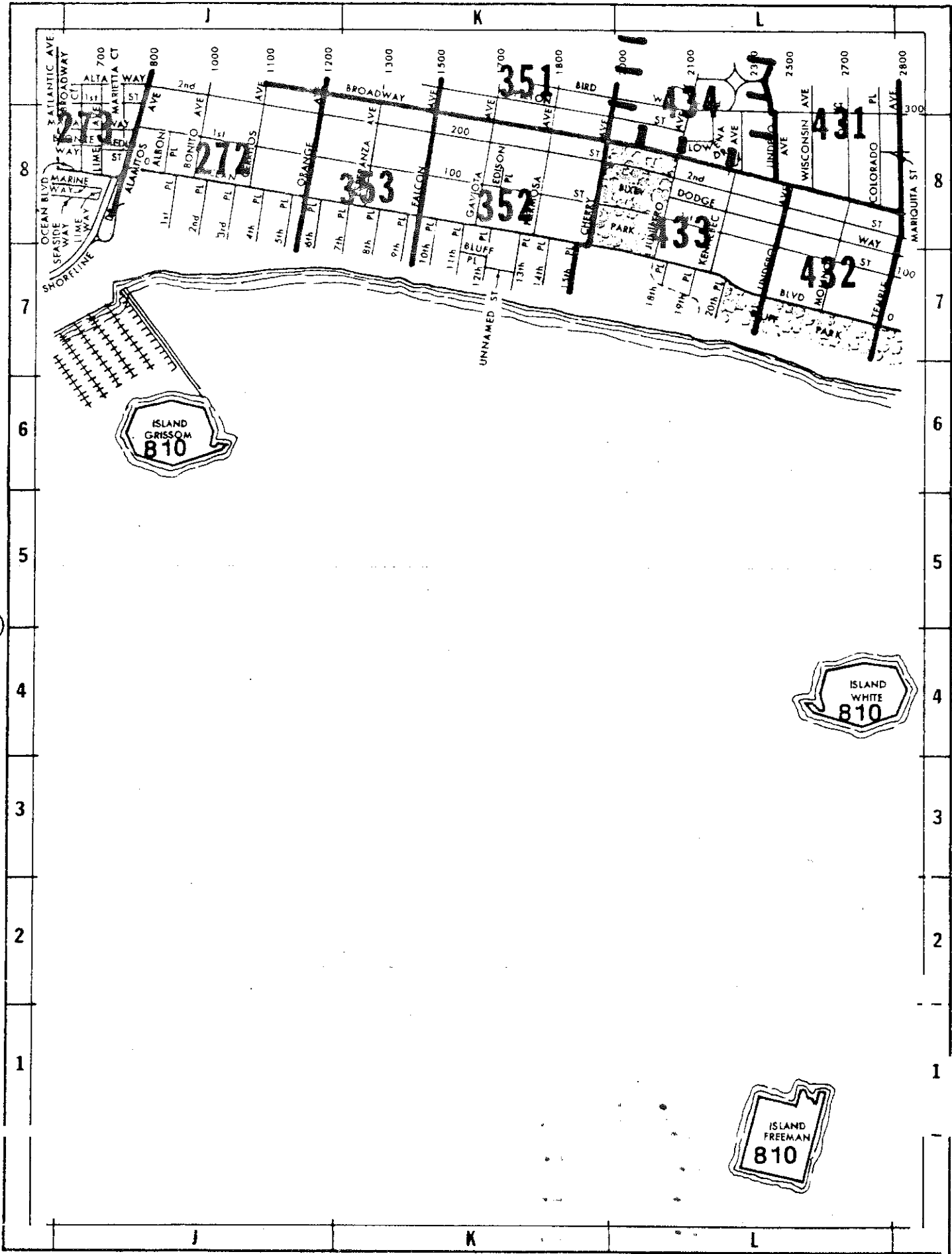
Type of business: A bar.  
Last day to request conditions and protest: April 15, 2011



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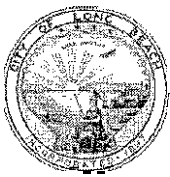
7

2



3

10



**Date:** April 12, 2011  
**To:** File  
**From:** Dana Smith, Detective, Vice Investigations Section  
**Subject:** 4<sup>TH</sup> STREET VINE, 2142 EAST 4<sup>TH</sup> STREET

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (03/17/10-03/17/11)**

1	314.1	Indecent Exposure	Unable To Locate
1	459A	Audible Alarm Call	Bad Order Alarm

**ABC INSPECTIONS (past three years)**

1 No Violations Observed

**RESIDENCE WITHIN 100 FEET**

2125 East 4 <sup>th</sup> Street	Single Family Residence
2130 East 4 <sup>th</sup> Street	Multi-Unit Complex
2135 East 4 <sup>th</sup> Street	Multi-Unit Complex
2204 East 4 <sup>th</sup> Street	Multi-Unit Complex
2135 Florida Street	Multi-Unit Complex
2151 Florida Street	Single Family Residence

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

501 Junipero Avenue	Burbank Elementary School
370 Junipero Avenue	Our Saviours Lutheran Church

DBS:dbs  
cfs.memo



BUSINESS DEPARTMENT - Business Services  
Facilities Development & Planning Branch  
Donald K. Allen Building Services Facility  
2425 Webster Ave., Long Beach, CA 90810  
(562) 997-7550 Fax (562) 595-8644

R-21  
4-12-11

April 11, 2011

City Council  
City of Long Beach  
333 West Ocean Blvd.  
Long Beach, California 90802

**Re:** Application for **Premise-to-Premise** Transfer of an Alcoholic Beverage Control (ABC) License for 4th Street Vine; **City Council Agenda Item R-21, 04/12/11**

Dear Council Members,

On behalf of the Long Beach Unified School District, the purpose of this correspondence is to reiterate the District's previous concerns related to the conditional use permit and ABC license for this business as outlined in correspondence submitted to City staff dated October 18, 2010 and July 26, 2010 (attached).

Limited alcohol sales were originally established for 4<sup>th</sup> Street Vine in a 2008 CUP. The conditions were imposed, because the site is within 120 feet of LBUSD's Burbank Elementary School (ES) located at 501 Junipero Avenue. At that time, the District's understanding was that this was a retail business and not a bar. Significant modifications to the 2008 CUP conditions -- including an increase in alcohol consumption and expanded hours -- were approved in May 2010 by the City through an "administrative" process.

The proposed ~~premise-to-premise~~ ABC license transfer would expand "On Sale Beer and Wine" alcohol sales at 4<sup>th</sup> Street Vine from a minimal back area of the premise to now include the entire premise, including the front and patio areas. The purpose of this letter is to reiterate the District's concerns over the operation of a bar, expansion of alcohol sales and consumption, and expanded hours in close proximity to Burbank ES.

If you should have any questions or concerns please do not hesitate contact my office at (562) 997-7500.

Sincerely,

Carri M. Matsumoto  
LBUSD Executive Director  
Facilities Development and Planning

cc: Chris Steinhauser – LBUSD Superintendent of Schools

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May Stanton	Felton Williams	John McGinnis	Jon Meyer	David Barton
District 1	District 2	District 3	District 4	District 5
Member	President	Member	Member	Vice President





## LONG BEACH UNIFIED SCHOOL DISTRICT

Office of the Chief Business and Financial Officer  
1515 Hughes Way, CA 90810-1839  
(562)997-8189 FAX (562)997-8284

October 18, 2010

Patrick H. West  
City Manager  
City of Long Beach  
333 West Ocean Blvd.  
Long Beach, California 90802

**Re: 4th Street Vine Modification to an Approved Permit Revised Conditions of Approval (Case No. 0803-11)**

Dear Mr. West, *Pat*

On behalf of the Long Beach Unified School District, the purpose of this correspondence is to request that the City of Long Beach reconsider the Modification to an Approved Permit Revised Conditions of Approval (Case No. 0803-11) which modified the conditions to the Conditional Use Permit (CUP) for 4<sup>th</sup> Street Vine, located at 2142 East 4<sup>th</sup> Street. The District is requesting that the Conditions of Approval be formally reviewed by the Planning Commission and/or City Council as recent action taken by the Zoning Officer in July 2010 has significantly modified the original conditions of the CUP which is contrary to the original CUP approved back in July 2008. In 2008, the District had sent correspondence to the City expressing our concerns over the close proximity of the proposed business to Luther Burbank Elementary School (located 120 feet away, across the street). The District had understood the 4<sup>th</sup> Street Vine business to be primarily a retail wine establishment. But with the recent modifications to the conditions, the business will be allowed to increase the amount of patrons and the volume of alcoholic consumption on site.

The changes made by the Zoning Officer were significant and inappropriate. The original conditions restricted the hours of operation to Thursday, Friday and Saturday from 5:00 p.m. to 9:00 p.m. and Sunday from 2:00 p.m. to 6:00 p.m., including, restrictions on the number of people per tasting event, the amount of alcohol consumed per patron, and the amount of the service area was limited. As a matter of fact, these original conditions were used as the justification to waive the "finding" that the use shall not be located within five hundred feet of a public school. The changes to the conditions allow unlimited consumption of wine, rather than limited wine tasting, and greatly expand the area in which wine can be consumed. The result is that a business established for retailing wine by the bottle with a small area for wine tasting will now have a license for a large wine/beer bar, directly across the street from an elementary school.

While it is true that certain changes to conditional use permit conditions are covered under the administration exception that allows a minor adjustment (to a special use or conditional use permit, per City of Long Beach Municipal Code Section 21.25.205 subsection B) in this particular case, the District does not believe the conditions that were modified and removed were, in fact, minor, and accordingly were not dealt with under the appropriate section of the City of Long Beach Municipal Code.

Re: **4th Street Vine Modification to an Approved Permit Revised Conditions of Approval (Case No. 0803-11), p.2**

For your reference, please note that the exception provided, in Subsection B of Section 21.25.205 of the City of Long Beach Municipal Code, that allows for minor changes to be approved by the Zoning Officer, expressly does not apply to the sale of alcoholic beverages. The District believes the Zoning Officer mistakenly assumed that this exception gave him the authority to make substantial adjustments to the amount of alcohol that could be consumed. The adjustments that are at issue here should be addressed through the process established in Chapters 21.25 and 21.52 of the City of Long Beach Municipal Code, not through the process used for minor exceptions under City of Long Beach Municipal Code Section 21.25.205 subsection B. Accordingly, the 4<sup>th</sup> Street Vine applicant's requested adjustments to the CUP conditions, if dealt with appropriately, must be granted through the CUP process which necessitates a legislative act by the City's Planning Commission.

Furthermore, the District was recently contacted by the ~~owner~~/applicant of the 4<sup>th</sup> Street Vine business with a request to negotiate the terms of its operating conditions as they pertain to the modification to the Alcoholic Beverage Control license. The District does not believe such negotiations are appropriate, as the District does not have legal jurisdiction to negotiate with the applicant for approval. Consequently, because the office of Alcoholic Beverage Control relies on the City's approval as the legal authority, we believe that further consideration of the applicant's request lies within the granting agency's jurisdiction.

The District respectfully requests that the City reconsider the modification of the CUP conditions and rescind the Zoning Officer's actions by requiring the Planning Commission's review so that the changes can go through the proper legal and review procedures as required by the City of Long Beach Municipal Code.

If you should have any questions or concerns please do not hesitate to contact me at (562) 997-8189.

Sincerely,



Kim Stallings

cc: Long Beach Unified School District Board of Trustees  
Chris Steinhauser - Long Beach Unified School District Superintendent of Schools  
Carri Matsumoto - LBUSD Executive Director Facilities  
Amy Bodek, City of Long Beach Development Services Director



**BUSINESS DEPARTMENT -Business Services**  
**Facilities Development & Planning Branch**  
Donald K. Allen Building Services Facility  
2425 Webster Ave., Long Beach, CA 90810  
(562) 997-7550 Fax (562) 595-8644

July 26,2010

*Via Fax and US Mail*

Annie Chu  
Licensing Representative  
Department of Alcoholic Beverage Control  
3950 Paramount Blvd., Ste 250  
Lakewood, CA 90712

**RE: Proposed changes to conditions for liquor-related business and ABC License for 2142 E 4<sup>th</sup> Street, Long Beach, CA 90814**

Dear Ms. Chu,

The Long Beach Unified School District (**District**) **wants** to thank you for the notification of the **proposed** changes to the licensed conditions for the sale of alcoholic beverages at 2124 E 4<sup>th</sup> Street. We appreciate the opportunity to comment on the **proposed changes which include** the removal of conditions **that limit** the number of patrons **and amount** of alcohol consumed, the extension of time for the **consumption** of alcoholic beverages, and the expansion of square footage inside and an outside patio area for the consumption of alcohol. This proposed location is within 120 **feet** of **the** District's **Burbank** Elementary School located at 501 Junipero Avenue, Long Beach, CA 90814. The **Burbank** Elementary school students remain on-site **after** school hours in a **Long Beach Unified** School District **after** school care program that runs until 5:30pm with 100 students currently enrolled, and a City of Long Beach Parks and Recreation program called WRAP that runs until 6:00 pm with 137 students currently **enrolled**.

The California Business and Professions Code 23789(b) conveys the Department Alcohol Beverage Control (ABC) the exclusive power to license and regulate alcohol sales proposed near existing schools. The ABC is authorized to refuse the issuance of **retail** licenses for premises located within six hundred (600 **feet**) of schools. The ABC generally **refuses** to issue either on-sale or off-sate licenses for premises within 600 feet of a school site when it is shown that the issuance of the license **would be contrary** to the public welfare **and morals**. ABC may **also** impose restrictions or conditions **with** regard to the hours of sales, advertising, **and/or** entertainment that could alleviate objections to the operation.

Further, the project is subject to the City of Long Beach Zoning Code Section 21.52.201, which provides that all alcoholic beverage sales use requiring a Conditional Use **Permit** (CUP) shall not be located within five hundred feet (500 **feet**) of a public school except for

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Mary Stanton	Felton Williams	John McGinnis	Jon Meyer	David Barton
District 1	District 2	District 3	District 4	District 5
President	Vice President	Member	Member	Member

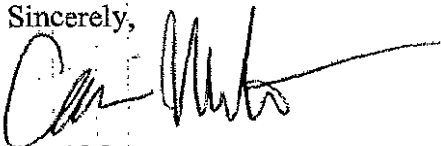
(1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area and also providing fresh fruit, vegetables, and meat in addition to canned goods (Ord. C-7032 § 42, 1992; Ord. C-6533 § 1 (part), 1988).

The District is concerned with inappropriate activities that may occur in or around a business that would be in conflict with the operation of a school and/or interfere with students as they travel to and from school. The conditions that were imposed on both the CUP and the ABC license, were a result of the District's objection to the license that was approved in 2008 for this business. We hope that consideration is given to the potential impacts, from the proposed changes, on the Burbank Elementary School. The District was unaware of the changes to the conditions in the CUP that the City of Long Beach approved in May 2010. The District was disappointed in 2008 when several of the required findings for a CUP (per City Code) were waived in the original CUP application process for this business, and is again disappointed that the City of Long Beach staff did not notify the District that changes to the CUP conditions were being considered.

The safety of our students is our utmost concern. Due to the significance of the changes being considered, as stated above and in the letter received by us on July 12, 2010 from the ABC, the District is forced to oppose the requested changes for the business at 2124 E. 4<sup>th</sup> Street, Long Beach CA. The District believes that the close proximity of such a business to a school site is a safety issue and a land use incompatibility. The District requests that the original conditions imposed on the approved ABC license remain.

Thank you for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact me at (562) 997-7550.

Sincerely,



Carri M. Matsumoto

Executive Director, Facilities Development & Planning

CM:sa

Cc: Chris Steinhauser, Long Beach Unified School District Superintendent of Schools  
Kim Stallings, Long Beach Unified School District Chief Business and Financial Officer  
Reginald Harrison, City of Long Beach interim Director Developmental Services  
Facilities Branch File

\*\*\*\*\* -IND. XMT JOURNAL- \*\*\*\*\* DATE APR-13-2011 \*\*\*\*\* TIME 14:29 \*\*\*\*\*

DATE/TIME = APR-13-2011 14:27  
JOURNAL No. = 18  
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MODE = MEMORY TRANSMISSION  
DESTINATION = 99821396  
RECEIVED ID = D.A.B.C. / 562 982 1396  
RESOLUTION = STD

\*\*\*\*\* - \*\*\*\*\*