



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

April 22, 2009

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

Re: Application of CLE All Stars Café Incorporated, dba La Lune Restaurant, for an Original Alcoholic Beverage Control License at 1458 Atlantic Avenue

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, April 21, 2009, received and filed the subject application with the attached conditions requested by Councilman Dee Andrews. Transmitted for your files is a copy of the conditions, and this request that the conditions be applied to the license, as applicable under ABC rules and regulations.

The City of Long Beach thanks you for taking this request into consideration. Enclosed is a copy of the City Council documentation for your file.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by:
Nancy Muth

Attachment

Cc: Councilman Dee Andrews, Sixth District
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396



CITY OF LONG BEACH

R-25

POLICE DEPARTMENT

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

ANTHONY W. BATTS
Chief of Police

April 21, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of CLE All Stars Cafe Incorporated, dba La Lune Restaurant, for an original Alcoholic Beverage Control license, at 1458 Atlantic Avenue, with conditions. (District 6)

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 May 1, 2009. Accordingly, City Council action is required at the April 21, 2009 City Council meeting.

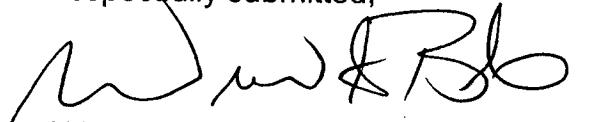
FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


ANTHONY W. BATTS FOR
CHIEF OF POLICE AWB

APPROVED:


PATRICK H. WEST
CITY MANAGER

AWB:DBS:dbs
attachments

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 21, 2009

Council District: 6

Applicant: CLE All Stars Cafe Incorporated
DBA: La Lune Restaurant
Address: 1458 Atlantic Avenue

Type of Application: An original application for an On-Sale General for bonafide eating place license.

Bases for possible protest: Residences within 100 feet.
Church within immediate vicinity.
Schools within 600 feet.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5753.00

Boundaries: Pacific Coast Highway to the North
Anaheim Street to the South
Martin Luther King Jr. Avenue to the East
Long Beach Boulevard to the West

Number of licenses allowed: 5
Number of licenses existing: 1

Police Reporting District: 303

Boundaries: 15th Street to the North
Anaheim Street to the South
Martin Luther King Jr. to the East
Atlantic Avenue to the West

Reported crimes in this district for ABC purposes are 177. Crime in a reporting district must be at least 198 to qualify for a high crime protest.

Type of business: A restaurant.

Last day to request conditions and protest: May 1, 2009



Date: April 21, 2009
To: File
From: Dana Smith, Detective, Vice Investigations Section
Subject: **LA LUNE RESTAURANT, 1458 ATLANTIC AVENUE**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (04/03/08-04/03/09)

2	Fight	Fight Call	Advised/Unfounded
2	Unwelc	Unwelcome Call	Advised
1	245	Assault Deadly Weapon	Will File Later
1	Tagg	Tagging Call	Advised
1	R459	Burglary Report	Will File Later

ABC INSPECTIONS (past three years)

5 No Violations Observed

RESIDENCE WITHIN 100 FEET

1438 Lime Avenue	Single Family Dwelling
1426 Lime Avenue	Single Family Dwelling
1450 Lime Avenue	Single Family Dwelling
701 New York Avenue	Single Family Dwelling
645 New York Avenue	Single Family Dwelling
633 New York Avenue	Single Family Dwelling

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

1480 Atlantic Avenue	Gospel Memorial Church
1600 Atlantic Avenue	Long Beach Polytechnic High School
1574 Linden Avenue	Roosevelt Elementary School

DBS:db
cfs.memo

*All Stars Café Incorporated, dba La Lune
1458 Atlantic Avenue, Long Beach, Ca*

ON-SALE GENERAL BONIFIED EATING PLACE LICENSE
LIST OF CONDITIONS

City Council Agenda Date: April 21, 2009
Regular Agenda Item 25

C1a

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 am and 12:30 pm.

TO BE USED FOR ON SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK

C1b

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 am to 12:30 pm each day of the week.

C1c

Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of _____ and _____ each day of the week.

OFF SALE PREMISES:

TO BE USED FOR LOCATION WHICH HAVE DIFFERENT HOURS ON DIFFERENT DAYS OF THE WEEK, e.g. 10:00 a.m. to midnight Sunday through Thursday and 10:00 a.m. to 2:00 a.m. on Friday and Saturday.

C1d

Sales and service of alcoholic beverages shall be permitted only between the hours of 11:00 am and 12:30 pm.

TO BE USED FOR OFF SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK.

C1e

Sales and service of alcoholic beverages shall be permitted only between the hours of 11:00 am and 12:30 pm each day of the week.

C2

The hours of operation shall not exceed 8:00 am to 2:00 am,

C3

~~The sale of distilled spirits by the bottle for same day or future consumption is prohibited.~~

C4

There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.

C5

If the premises do not open until 9:00 p.m., full and complete meals must be served wherever the privileges of the license are being exercised.

C6

The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.

C7

~~The petitioner(s) shall stock and offer for sale a substantial assortment of food and/or merchandise commonly associated with and sold to persons in the community of _____ extraction.~~

C8

Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 24hours of being applied.

C9

No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.

C10

No refrigerated or otherwise chilled _____ shall be sold or maintained on the licensed premises.

C11

The use of any amplifying system or device is prohibited on premises, and the use of any such system or device inside the premises shall not be audible outside the premises.

C12

~~During normal meal hours, at least _____ the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.~~

C13

~~At all times when the premises are open for business the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.~~

C14

~~There shall be no amplified music on the premises at any time.~~

C15

Sales, delivery and consumption of alcoholic beverages will be restricted to and within the confines of the building portion of the premises and sales or delivery of alcoholic beverages through any pass-out window is prohibited.

C16

The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

C17

~~There will be no dancing allowed on the premises.~~

C18

The back door shall be kept closed at all times during the operation of the premises except in cases of emergency. Said door(s) not to consist solely of a screen or ventilated security door.

C19

The back door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries. Said door(s) not to consist solely of a screen or ventilated security door.

C20

The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.

C21

There is no C21.

C22

There shall be no amusement machines or video games devices in the premises at any time.

C23

~~There shall be no more than two (2) amusement machines or video games devices in the premises at any time.~~

C24

No pool or billiard table may be maintained on the premises.

C25

A single jukebox or stereo may be maintained upon the premises; however, the music shall not be audible outside the premises.

C26

~~Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated _____ and ABC-253 dated _____.~~

C27

Live entertainment provided shall be limited to ___ weekends _____. No noise from said entertainment shall be heard beyond ___25_____ feet from the exterior of the premises in any direction.

C28

~~There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performs or fashions shows.~~

C29

There shall be no _____ permitted on the premises at any time.

C30

Between the weekend hours of any live entertainment or at any time the premises is providing amplified music , the petitioner(s) shall provide ___1_____ licensed uniformed security guard(s) in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.

C30A

Petitioner(s) shall provide _____ uniformed security guard(s) between the hours of _____ to _____.

C30B

Petitioner(s) shall provide _____ uniformed security guard(s) from _____ to _____ after closing.

C31 USED FOR SECURITY PERSONNEL:

C31

Between the hours of _____ and _____ or at any time the premises are providing the petitioner(s) shall provide _____ security personnel in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents. Said personnel shall be closed in such a manner as to be readily identifiable as security.

C32

The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

C33

The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

C34

The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

C35

The petitioner(s) shall provide off-street parking spaces for _____ vehicles for use by patrons of the premises.

C36

The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

C36A

Trash shall not be emptied between the hours no later than 11:00 pm.

C37

Trash pickup at the premises will be made no earlier than _____ nor later than _____.

C38

Trash shall not be emptied into outside trash containers between the hours no later than 11:00 pm.

C39

The petitioner(s) shall construct and maintain a solid block or brick fence not less than _____ feet along the _____ boundary of the premises parking lot.

C40

No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.

C40A

~~No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale.~~

C41

~~The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers are prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.~~

C42

~~Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.~~

C43

~~There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than twenty-four in their original multi-container package.~~

C44

No _____ shall be sold in bottles or containers smaller than _____.

C45

~~Wine shall not be sold in bottles or containers smaller than 750 ml. and wine coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the license) must be sold in manufacturer pre-packaged multi-unit quantities.~~

C46

~~No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated _____ and ABC-253 dated _____.~~

C47

There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

C48

No person under the age of 21 shall sell or deliver alcoholic beverages.

C49

No pay phone will be maintained on the interior or exterior of the premises.

C50

~~All ice shall be sold at or about prevailing prices in the area and in quantities of not less than _____ pounds per sale and shall not be given away free.~~

C51

Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted.

C52

Not more than 10% of the square footage of the premises will be used for the display of alcoholic beverages.

C53

~~The licensee(s) or an employee of the licensee(s) will be present in the patio at all times that alcoholic beverages are being served or consumed.~~

C54

No person shall be excluded from membership in the club on the basis of race, color, sex, religion, ancestry, disability, marital status or national origin.

C55

Petitioner(s) shall furnish four additional keys and/or passes to the Department of Alcoholic Beverage Control. Such keys or passes shall not be parked or prepared in any manner so as to distinguish the bearer's official capacity. In addition, said keys or passes shall contain random, non-consecutive numbers, various dates of issuance and shall not be identified on any membership lists so as to distinguish the listed member's official capacity.

C56

Petitioner(s) shall police the area under the control _____ in an effort to prevent the loitering of persons about the premises, as depicted on ABC-253 dated _____.

C57

Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on ABC-257.

C58

The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises as depicted on ABC-253 dated _____.

C59

The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s), as depicted on ABC-253 dated _____, clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects which may encourage loitering.

C60 (Use with Rule 55.5 WHEREAS, See Sample Section E, Page 26)

There shall be no sales of alcoholic beverages while the boat is at any dock, except sales to passengers one-half hour prior to departing on scheduled trips or charters, and one-half hour after returning to designated commercial docks pursuant to (A) or (B).

(A) In addition to its primary home port dock, a licensee may designate up to ten (10) _____ commercial docks each year at which it intends to embark or debark passengers.

(B) A licensee may designate any public commercial dock within the state. Such _____ designation shall be in writing.

C61 (Use with Stock WHEREAS, See Sample Section E, Page 28)

The applicant corporation shall report to the Department, in writing, any changes in directors, managing officers, and/or the issuance or transfer of shares of stock which results in a person or

~~entity not previously approved owning 10% or more of its stock. This report shall be made within 30 days of issuance, transfer, or change.~~

C62 (Use with Stock 1 WHEREAS, See Sample Section E, Page 29)

~~The Department of Alcoholic Beverage Control will be notified, in writing, of any change in the trustees under Trust dated _____.~~

C63 (Use with Ownership, Ownership 1 or Ownership 2 WHEREAS, See Sample Section E, Pages 20, 21, 22)

~~That _____ shall have no interest directly or indirectly in the ownership nor act as a manager or consultant in the operation or control of the licensed premises or business activities conducted in said premises.~~

~~That _____ shall not be employed in any capacity in the operation or control of the licensed premises.~~

C64 (Use with Conviction WHEREAS, See Sample Section E, Page 5)

~~That owners shall not violate any laws or have any determination by law, by plea of guilty, bail forfeiture, conviction, or nolo contendere of any crime or commit any act involving the intemperate use of alcohol for a period of 20 years from the signing of this petition.~~

C65 (Use with 23826.2 WHEREAS, See Sample Section E, Page 2)

~~The sale of products, other than beer & wine, measured by gross receipts on an annual basis, shall exceed the annual sales of beer & wine products, measured by gross receipts.~~

C66 (Use with 172 PC WHEREAS, See Sample Section E, Page 1)

~~Off-sale privileges under this license are restricted to sale of malt and vinous beverages containing not more than 3.2 percent of alcohol by weights, and to the sale of beer.~~

C67 (Use with Private WHEREAS, See Sample Section E, Page 11)

~~Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the proposed premises as outlined in red on form ABC-257, at any time the undersigned is exercising the privileges authorized by the license on such premises.~~

~~Subject premises will be solely a business office and no alcoholic beverages will be possessed, stored, or delivered from this location, nor shall there be any direct sales to consumers or retailers from this location.~~

C68 (Use with Golf WHEREAS, See Sample Section E, Page 14)

~~Sales of alcoholic beverages from mobile cart are permitted provided there are a substantial assortment of non-alcoholic beverages and snacks offered for sale on the same cart.~~

~~Sales of alcoholic beverages from the mobile cart are only permitted at no more than two designated and approved sites on the golf course.~~

~~The mobile cart must remain at each designated site for a minimum of four hours.~~

C69 (Use with Gas or Gas 1 WHEREAS, See Sample Section E, Pages 12 & 13)

~~There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.~~

~~No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.~~

~~No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent thereto which is under the control of the licensee.~~

~~The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, or a slide-out tray to the exterior of the premises.~~

~~Alcoholic beverages offered for sale at the licensed premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.~~

C70 (Use with Wine WHEREAS, See Sample Section E, Page 30)

~~No wine tasting is to be permitted at this location.~~

~~No retail sales of alcoholic beverages to consumed shall be permitted at this location.~~

C71 (Use with Wine 1 WHEREAS, See Sample Section E, Page 31)

~~There shall be no importation of beer or malt beverages.~~

C72 (Use with Wine 2 WHEREAS, See Sample Section E, Page 32)

~~No retail sales of alcoholic beverages to consumers shall be permitted at this location.~~

C73 (Use with Club WHEREAS, See Sample Section E, Page 44)

~~Membership in the club shall be non-discriminatory and will not exclude persons because of race, creed, color, sex, religion or national origin.~~

~~The sale, service and consumption of alcoholic beverages shall be made only to or by members of the club and bona fide guests.~~

~~The sale of alcoholic beverages for consumption off the premises is prohibited.~~

~~_____ keys and/or passes, and/or membership cards shall be furnished to the Department. Such keys, passes and/or membership cards shall not be marked or coded in any way such as to distinguish a bearer's official capacity.~~

C74 (Use with Drive In WHEREAS, See Sample Section E, Page 10)

There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.

No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.

No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent there to which is under the control of the licensee.

The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, or a slide-out tray to the exterior of the premises.

C75

Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other persons, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks.

C76

Petitioner(s) shall not require an admission charge or a cover charge, nor shall there be a requirement to purchase a minimum number of drinks.

C77

The licensee shall not sell and/or offer for sale or display any magazine, video or other printed material, which contains pictures depicting:

- Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts, which are prohibited by law.
- Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- Scenes where a person displays the vulva or the anus or the genitals.

- Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any other prohibited activities described above.

C78

No obstructions shall be attached, fastened or connected to either the partitions or ceiling to separate the booths/dining areas within the interior space of the licensed premises.

C79

Partitions separating the booths/dining areas shall not exceed 52” in height.

C80

VIP/Hospitality alcoves constructed on the premises and depicted on the diagram, shall have the following characteristics:

- (a) No physical obstruction shall be attached, fastened, or connected in any manner to any section of the wall or ceiling at the alcove openings.
- (b) No physical obstruction, including but not limited to planters, partitions or items of décor, shall be placed or attached to any section of the floor at the alcove openings.

C81

The licensee(s) shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose.

C82

The licensee shall not permit “Taxi Dancing” to occur on the licensed premises wherein partners are provided for dancing or social purposes. Social purposes include but are not limited to the soliciting or accepting of any alcoholic beverages from any customers while in the premises.

C83

No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, or guests of and for the customers.

C84

No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.

C85

Petitioner(s) shall make no changes in the premises interior without prior written approval from the Department.

C86

The Petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as follows:

NO LOITERING, NO LITTERING
NO DRINKING OF ALCOHOLIC BEVERAGES

VIOLATORS ARE SUBJECT TO ARREST

The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

C87

No distilled spirits shall be sold by the bottle.

C88

There shall be no selling of alcoholic beverages for future consumption.

C89

No open bottles of distilled spirits shall be stored in the premises for specific customers.