

City of Long Beach
Working Together to Serve

Suja Lowenthal
Councilmember, 2nd District



Memorandum

To: Mayor and City Council

May 18, 2010

From: Suja Lowenthal, Second District

Subject: Conditions for The Cellar, 206 The Promenade

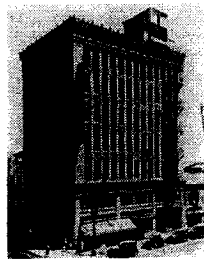
Based on feedback from residents and advice from our Police Department, I request that the following conditions be approved by City Council and forwarded to the Department of Alcoholic Beverage Control (ABC) for inclusion in the permit for The Cellar:

The hours of operation shall not exceed 2:00 am.

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.

Trash shall not be emptied between the hours of 10:00 pm and to 7:00 am

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



May 17, 2010

To: ABC Licensing and Long Beach City Council

From: Insurance Exchange Building Homeowners Association Board

Re: ABC License for The Cellar (201 E Broadway, 90802)

As you deliberate an ABC license for The Cellar, we ask that you consider our input as the representatives of the residents living in the same building in which this business will be located.

We, the Board of the Homeowners Association (HOA) for the Insurance Exchange Building (INEX) request the following concerns be considered and addressed through conditions to the ABC license for The Cellar.

The concerns and conditions fall into three categories:

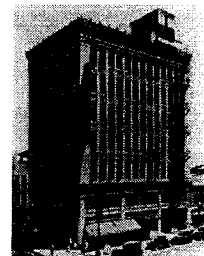
- 1) Safety and security of our residents and their property
- 2) Comfort and enjoyment of our residents and their homes
- 3) Cleanliness and upkeep of our common property

The first area is our biggest concern. INEX is a mixed-use building, consisting of twelve (12) residential units and two (2) commercial units. The Cellar currently occupies one of these two commercial units. Through their use of the lobby, elevator, and trash room, the business and its employees have access to our residential space. The HOA, as the governing body of the building, limited The Cellar's use of the elevator (and therefore the lobby) on an exception basis for handicapped patrons and heavy equipment that cannot be carried down The Cellar's short staircase.

The HOA has documented many instances where The Cellar employees propped the front door of the building open and left it unoccupied, left their door to the elevator open (therefore The Cellar patrons could access the elevator and our residential space), allowed their patrons to go into the building and up to residential floors (they were quoted as telling these patrons they could access the roof, which is not true), used the elevator for uses other than those stated above, etc. Please see the attached letter that was issued to the property owner.



As you can imagine, these examples put the safety and security of our residents and their property at a huge risk.



The second area is an issue we've been dealing with since The Cellar opened its doors in March, 2008. Noise has consistently been an issue with the club playing its music too loud and the space not being structured to absorb the noise. We do not believe this space should be used for live entertainment or amplified music until structural changes are made in the space to block and absorb the noise that currently permeates the building and our living spaces. We also ask the business to control its patrons as they stand outside the premises (either while smoking or when exiting)—security and management staff should encourage these patrons to respect the neighbors and move along after the club is closed.

The third area is driven by the shared common areas, use of the building's trash room, and use of the lobby/elevator. The Cellar was originally using an external trash bin but, once construction was completed on The Promenade and the City required they remove that bin, the business started using the building's trash bin. They consistently overfilled this bin and did not break down boxes (attracting rodents and horrendous smells). Also, because they transported trash and food items through the elevator and lobby, they caused major destruction to our common space. We now require the commercial units to access the trash room from the outside and limit lobby/elevator use to only the conveyance of handicapped patrons and heavy equipment, as stated above. These are shared spaces and if commercial tenants do not clean up after themselves and take care of the common space it results in damage and undue odor in the building. We've requested that the commercial tenants look for external trash containment and removal, however in the meantime, this concern can be controlled by proper management oversight and overall respect for the building.

To summarize, as we are obligated to protect our residents, we request City Council also protects residents by recommending that ABC include conditions to address the following concerns.

- No unauthorized or unescorted people in the common areas of the building (this requires proper oversight and limited use of the elevator, lobby, and trash room).
- Make the necessary modifications to control the noise problems the residential owners have been experiencing since the club's opening.
- Oversee appropriate use of the trash room and keep the area clean.

Thank you for your consideration. Please contact Neysa Colizzi at (562) 499.9109 with any questions.

The Insurance Exchange Building HOA Board

Loft Developments, Inc.
1653 W. El Segundo Blvd.
Gardena, CA. 90249
Phone: 310-323-0343 Fax: 310-323-3606

March 27, 2010

Brent Heflin Realty, Inc.
271 Redondo Avenue
Long Beach, CA. 90803

Re: Continuing issues with the Cellar

Dear Brent,

I have am aware of the noise concerns expressed by some Inex Group residents regarding the Cellar. I have been working on a plan with Paul to finance and start the reduction and mitigation process immediately. As everyone in the down town knows the noise from clubs is difficult to identify measure and mitigate. The plan is as follows:

- Measure the noise level in unit 301 and record an acceptable level. I understand this has been done. Please provide the dba or dbe level that was agreed upon.
- Study the control mechanism needed to hold the bands and DJ to a maximum level acceptable to the Cellar customers. This was done on 3-20-10.
- Institute means to provide sound board control of all music being produced by bands and DJ's.
- Change speaker configuration and type to allow lowering the overall amplitude and achieve a more even sound level in the Cellar.
- Study sound transmission into the upper floors and make recommendations for mitigation measurers. This report is expected within two weeks.
- Institute mitigation measurers in a phased approach measuring effectiveness of each phase.

Please provide the agreed upon noise level numbers at your earliest convenience. Noise like any disturbance is subject to individual levels of comfort. Defining the term unreasonable disturbance as relates to section 4.07 and as it is further defined in section 4.06 is very important. Not having this information is like running a race and not knowing where the finish line is.

Sincerely,

Dan Peterson
President