



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

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

May 23, 2012

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

Re: Application of Jeffery Michael Hill, dba Eagle Market, for an Original Alcoholic Beverage Control License at 2336 Pacific Avenue (District 6)

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, May 22, 2012, received and filed the subject application with the attached conditions, as requested by Councilman Dee Andrews, Sixth District. 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.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by:
Nancy Muth

Attachment (1)

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



CITY OF LONG BEACH
POLICE DEPARTMENT

R-11

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

UB-13

Jim McDonnell
Chief of Police

May 8, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Jeffery Michael Hill, dba Eagle Market, for an original Alcoholic Beverage Control license, at 2336 Pacific Avenue. (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 10, 2012. Accordingly, City Council action is required at the May 8, 2012 City Council meeting.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

Handwritten signature of Jim McDonnell
JIM McDONNELL
CHIEF OF POLICE

APPROVED:

Handwritten signature of Patrick H. West
PATRICK H. WEST
CITY MANAGER

JM:CNA:cna

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
May 8, 2012

Council District: 6

Applicant: Jeffery Michael Hill
DBA: Eagle Market
Address: 2336 Pacific Avenue

Type of Application: An original application for an Off-Sale Beer and Wine license.

Bases for possible protest: High crime.
Residences within 100 feet.
Church within immediate vicinity.

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

Census Tract: 5731.00

Boundaries: Willow Street to the North
Hill Street to the South
Long Beach Boulevard to the East
Los Angeles River to the West

Number of licenses allowed: 5

Number of licenses existing: 4

Police Reporting District: 203

Boundaries: Burnett Street to the North
Hill Street to the South
Long Beach Boulevard to the East
Pacific Avenue to the West

Reported crimes in this district for ABC purposes are 176. Crime in a reporting district must be at least 171 to qualify for a high crime protest.

Type of business: A neighborhood market.

Last day to request conditions and protest: May 10, 2012



Date: May 8, 2012
To: File
From: Chris Anderson, Detective, Vice Investigations Section
Subject: **EAGLE MARKET, 2336 PACIFIC AVENUE**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (04/10/11-04/10/12)

3	R594	Vandalism	Will File Later
1	R484	Theft	Will File Later
1	Unwelc	Unwelcome Subject	Unfounded
1	211S	Robbery Alarm	Bad Order Alarm

ABC INSPECTIONS (past three years)

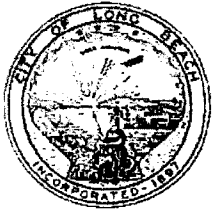
None

RESIDENCE WITHIN 100 FEET

2341 Pacific Avenue	Single Family Residence
2343 Pacific Avenue	Single Family Residence
2343 Pacific Avenue #A	Single Family Residence
2343 Pacific Avenue #B	Single Family Residence
2341 Pacific Avenue	Single Family Residence
128 W. Eagle Street	Single Family Residence
116 W. Eagle Street	Multi-Unit Complex
2341 Pine Avenue	Single Family Residence
2345 Pine Avenue	Single Family Residence
2335 Pine Avenue	Single Family Residence
2333 Pine Avenue	Single Family Residence
2327 Pine Avenue	Single Family Residence
119 Gunther Way	Single Family Residence
119 1/2 Gunther Way	Single Family Residence

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

Iglesia De Jesucristo Palabra Miel Church 2400 Pacific Avenue



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS RELATIONS BUREAU

333 WEST OCEAN BOULEVARD 7TH FLOOR • LONG BEACH, CA 90802 • (562) 570-6211

Conditions of Operation

Eagle Market

2336 Pacific Avenue

Business License Acct # 21210000

Business Owner: Jeffrey Hill

You have agreed to the following Conditions of Operation to be attached to your City of Long Beach Business License:

CONDITIONS OF OPERATION

- 1) Compliance with these conditions is required for the business operation at 2336 Pacific Avenue. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. Licensee or the property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
- 2) There shall be no coin operated games or video machines maintained upon the premises at any time.
- 3) 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 privacy and use of any neighboring residences.
- 4) No pay phone will be maintained on the interior or exterior of the premises.
- 5) Loitering is prohibited on the premises or the area under the control of the licensee.
- 6) The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects, which may encourage loitering.
- 7) The licensee shall comply with the requirements of LBMC Sec. 8.80 (Noise) at all times. In addition, in response to a complaint, the Long Beach Police Department will enforce Penal Code Section 415 (disturbing the peace) and all other state and local provisions related to the "public peace." The licensee shall conduct all aspects of his or her operation, including before and after-hours deliveries and maintenance, in consideration of residences located nearby. Licensee agrees that the following standard is reasonable: Noise emanating from licensee's premises shall not be audible from the middle of the street adjoining the premises.
- 8) Licensee shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password to allow Long Beach Police Department to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be

installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.

- 9) The business shall provide a minimum of 25 percent of the operating square footage for the product display area for the sale of fresh fruits, vegetables, flowers, canned goods, and the like.
- 10) Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
- 11) Licensee shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the operator of any such claim, action, or proceeding or fails to cooperate fully in the defense, the operator shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.
- 12) No exterior bars or security grillwork shall be allowed. Existing bars or grillwork shall be removed to the satisfaction of the Director of Development Services.
- 13) Any sidewalk signs shall be removed.
- 14) Licensee shall engage the City within 30 days of receipt of this letter with the submittal of floor building plans for review for accessibility of the premises to the satisfaction of the Director of Development Services.
- 15) Licensee may submit plans for a comprehensive sign program to be reviewed by the Site Plan Committee.
- 16) All cigarettes must be sold in original packaging.
- 17) In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by these special conditions together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
- 18) The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways). 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 24 hours of being applied.
- 19) Sales of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 9:00 p.m. each day of the week.

RECOMMENDED CONDITIONS OF OPERATION

EAGLE MARKET

2336 PACIFIC AVENUE

PAGE 3

- 20) Licensee shall be responsible for maintaining the area adjacent to the premises over which they have control free of litter.
- 21) No wine shall be sold with an alcoholic content of greater than 15 percent by volume.
- 22) No beer or malt beverage products shall be sold, regardless of container size, in packages of less than three per sale.
- 23) No wine shall be sold in bottles or containers smaller than 750ml, other than dessert wines in 375ml bottles, and wine coolers shall not be sold in quantities of less than four per sale.
- 24) No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee.
- 25) 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.
- 26) The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises
- 27) There shall be no cups, glasses, or similar receptacles, commonly used for the drinking of beverages given away at the petitioner's premises in quantities of less than twenty-four or in their original multi-container package. Licensee(s) may sell such receptacles at fair market value.
- 28) No sales to any person appearing to be or actually intoxicated shall be allowed.
- 29) All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.
- 30) The sale of beer or malt beverages in quantities of quarts, 32 oz., or 40 oz. is prohibited.
- 31) The operator shall maintain full compliance with all applicable laws, Alcoholic Beverage Control ("ABC") laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or ABC license, the more stringent regulation shall apply.
- 32) The operator of the approved use shall prevent loitering and loud noises around the project site and after hours of operation. Licensee shall take all reasonable measures to prohibit and prevent any loitering on the premises.

- 33) Not more than one cooler can be used to identify sale of alcohol and one shelf no longer than six feet for non-chilled alcoholic beverages shall be used for display. The beer and wine sales shall be limited to one cooler. This cooler will only be one single door cooler not to exceed 30 inches in width. Prior to issuance of business license the operator shall submit floor plans for the review and approval by the Director of Development Services.

FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN A BUSINESS LICENSE REVOCATION OR SUSPENSION, PURSUANT TO LONG BEACH MUNICIPAL CODE (LBMC) SECTION 3.80.429.1.

I understand and agree to these conditions:

BUSINESS OWNER SIGNATURE _____

A handwritten signature in black ink, appearing to be 'Guffi', written over a horizontal line.

Date: _____ May 22 2012 _____

***** -IND. XMT JOURNAL- ***** DATE MAY-23-2012 ***** TIME 13:51 *****

DATE/TIME = MAY-23-2012 13:49
JOURNAL No. = 45
COMM.RESULT = OK
PAGE(S) = 008/008
DURATION = 00:01'15
FILE No. = 121
MODE = MEMORY TRANSMISSION
DESTINATION = 99821396
RECEIVED ID = D.A.B.C. / 562 982 1396
RESOLUTION = STD

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