



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

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

September 24, 2014

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

Re: Application of Erick, Brett, and Sons, Incorporated, dba Erick, Brett, and Sons, for a premise-to-premise and person-to-person transfer of an Alcoholic Beverage Control License, at 970 East Broadway.

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, September 23, 2014 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.

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,

LARRY HERRERA-CABRERA
CITY CLERK

Prepared by:
Pablo Rubio

Attachment

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

AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, SEPTEMBER 23, 2014

REGULAR AGENDA: (06:26 PM)

14. (14-0771) Recommendation to receive the application of Erick, Brett, and Sons, Incorporated, dba Erick, Brett, and Sons, for a premise-to-premise and person-to-person transfer of an Alcoholic Beverage Control License at 970 East Broadway, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit is granted. (District 2) (06:47 PM)

Suggested Action: Approve recommendation.

Motion: Approve recommendation.

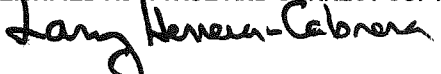
Moved by Suja Lowenthal, seconded by Dee Andrews.

Vote: Approve recommendation. (Carried 8-0)

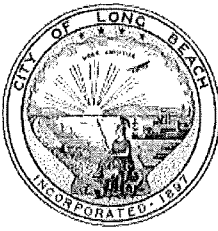
Yes: Lena Gonzalez, Suja Lowenthal, Suzie A. Price, Stacy Mungo, Dee Andrews, Roberto Uranga, Al Austin, and Rex Richardson.

Absent: Patrick O'Donnell.

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH *p. Rubio*

DATE: September 23, 2014



CITY OF LONG BEACH

POLICE DEPARTMENT
400 WEST BROADWAY LONG BEACH CALIFORNIA 90802

R-14

Jim McDonnell
Chief of Police

September 23, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the application of Erick, Brett, and Sons, Incorporated, dba Erick, Brett, and Sons, for a premise-to-premise and person-to-person transfer of an Alcoholic Beverage Control license at 970 East Broadway, 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 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

The Department of Alcoholic Beverage Control (ABC) received the above application on August 6, 2014. 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 September 23, 2014. 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,

R. Luna for JMCD.

JIM McDONNELL
CHIEF OF POLICE

APPROVED:

[Signature]
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
September 23, 2014

Council District: 2

Applicant: Erick, Brett, and Sons, Incorporated
DBA: Erick, Brett, and Sons
Address: 970 East Broadway

Type of Application: A person-to-person and premise-to-premise transfer of an On-Sale General for a bonafide eating place license.

Basis for possible protest: High crime.
Over concentration.
Residences within 100 feet.
Licensing the premises would be in contrary to Long Beach Zoning Ordinances.

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

Census Tract: 5766.01

Boundaries: Appleton Street to the North
Pacific Ocean to the South
Esperanza Avenue to the East
Shoreline Drive to the West

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

Police Reporting District: 272

Boundaries: Broadway to the North
Pacific Ocean to the South
Orange Avenue to the East
Alamitos Avenue/Shoreline Drive to the West

Reported crimes in this district for ABC purposes are 250. Crime in a reporting district must be at least 155 to qualify for a high crime protest.

Type of business: A restaurant.

Last day to request conditions and protest: September 25, 2014



Date: September 23, 2014
To: File
From: Laurie Barajas, Detective, Vice Investigations Section
Subject: **ERICK, BRETT, AND SONS – 970 EAST BROADWAY**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (8/6/13 to 8/6/14)

8/11/13 Customer Dispute Advised

ABC INSPECTIONS (past three years)

None

RESIDENCES WITHIN 100 FEET

959 East Broadway	Multi Unit Complex
969 East Broadway	Multi Unit Complex
1000-1006 East Broadway	Four-Plex Dwelling
959-965 East 2 nd Street	Four-Plex Dwelling
965½ East 2 nd Street	Single Family Dwelling
967-973 East 2 nd Street	Four-Plex Dwelling

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

None

LBB:lbb
CFSmemoErickBrettandSons

Pablo Rubio

From: Fax2Mail Powered by EasyLink Services <reports@reply.fax2mail.com>
Sent: Wednesday, September 24, 2014 5:16 PM
To: Pablo Rubio
Subject: ABC License Letter and Protest - Erick, Brett, and Sons, 970 East Broadway

MAIL2FAX DETAILED DELIVERY REPORT

Attention	DLA Admin
Job Number	1718147610
Sent By User	F2M/37283576077
Entered Fax2Mail System	09/24 20:12
Report Generated	09/24 20:15
Subject	ABC License Letter and Protest - Erick, Brett, and Sons, 970 East Broadway
Page Count	6 (including cover sheet)

SUMMARY

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

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	09/24	20:14	1