

September 12, 2023

**C-17**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive and file the application of B&D Ohana Group LLC, dba Beach Hut Deli, for an original application of an Alcoholic Beverage Control (ABC) License, at 180 E. Ocean Boulevard, Suite 170, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 1)

**DISCUSSION**

It is City Council policy to review applications for ABC 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 received the above application on July 26, 2023. The applicant is in the planning stages and has filed for a Conditional Use Permit Exemption (CUPEX). Provided the Planning Commission approves the CUPEX, the recommendation includes a request to direct the City Manager to withdraw the Public Notice of Protest. City Council action is requested on September 12, 2023, to respond to the Department of Alcoholic Beverage Control at the first opportunity, after the September 14, 2023 due date.

**LEVINE ACT**

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives, during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH  
CHIEF OF POLICE

ATTACHMENTS

APPROVED:



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THOMAS B. MODICA  
CITY MANAGER

Date: September 12, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **BEACH HUT DELI - 180 E. OCEAN BOULEVARD, SUITE 170**

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (7/26/22 - 7/26/23)**

None.

**ABC INSPECTIONS (Past three years)**

Not applicable.

**RESIDENCES WITHIN 100 FEET**

None.

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

None.

HONORABLE MAYOR AND CITY COUNCIL  
September 12, 2023

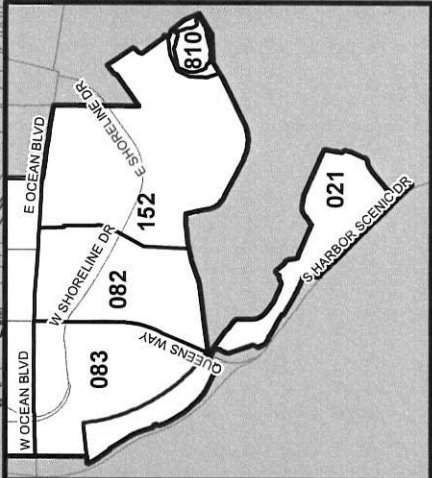
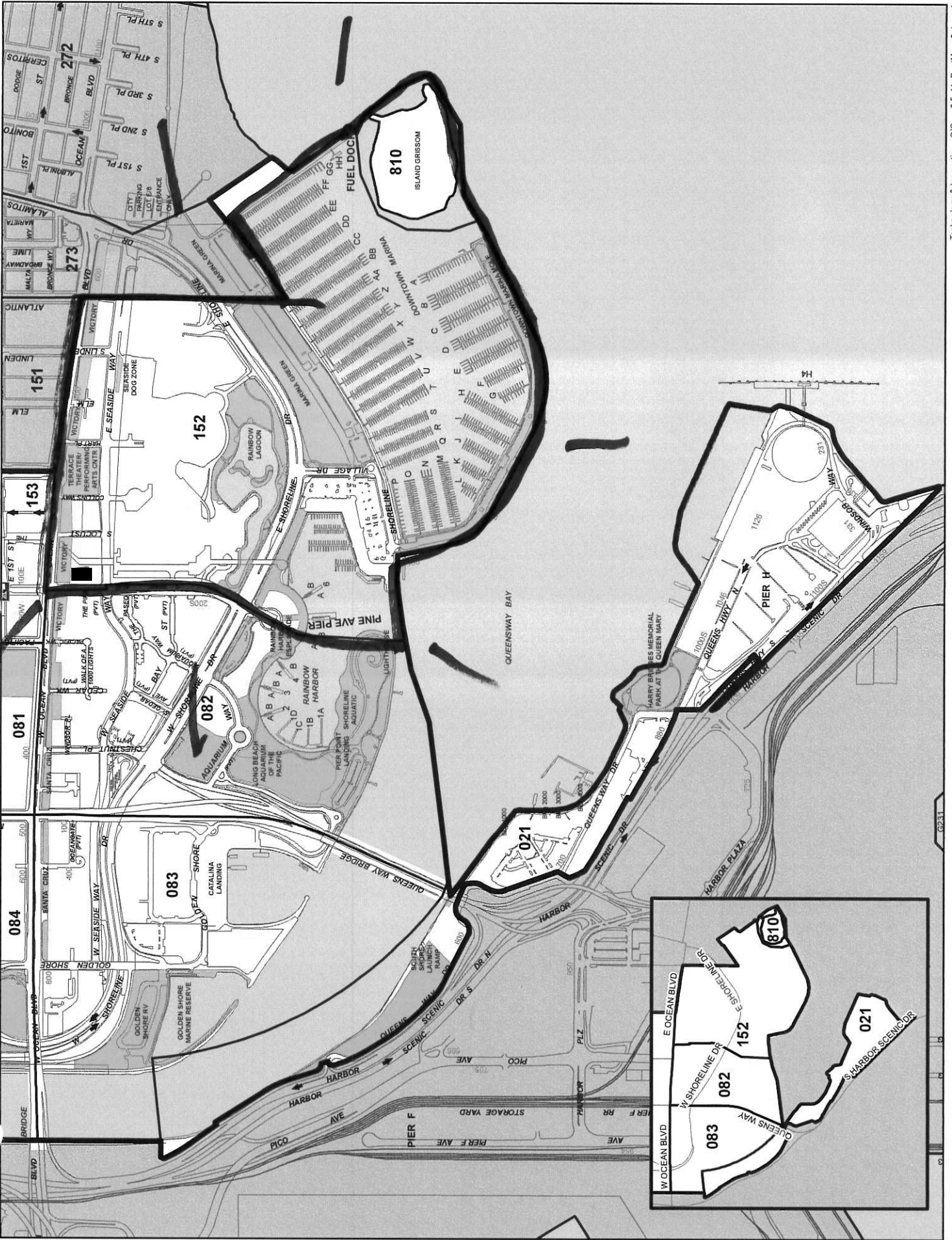
Council District: 1  
Applicant: B&D Ohana Group LLC  
DBA: Beach Hut Deli  
Address: 180 East Ocean Boulevard, Suite 170  
Type of Application: Type 41 - An Original Application for an On-Sale Beer and Wine for a Bona Fide Public Eating Place License  
Bases for possible protest: High crime  
Over concentration

**PUBLIC CONVENIENCE DETERMINATION:** A determination of Public Convenience and Necessity **is not** required for this application.

Census Tract: 5760.01  
Boundaries: Ocean Boulevard to the North  
Seaside Way to the South  
Locust Avenue to the East  
Pine Avenue to the West  
Number of licenses allowed: 6  
Number of licenses existing: 139  
Police Reporting District: 152  
Boundaries: Ocean Boulevard to the North  
Downtown Marina Mole/Marina Green to the South  
Atlantic Avenue/Downtown Marina to the East  
Pine Avenue/Pine Avenue Pier to the West

Reported crimes in this district for ABC purposes are 143. Crime in a reporting district must be at least 66 to qualify for a high crime protest.

Type of business: Restaurant  
Last day to request conditions and protest: September 14, 2023



## LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

**Proposers are responsible for accessing these links to review the names prior to answering the following questions.**

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

8/8/2023

Date

David DeRose

Signature of authorized individual

DAVID DeROSE

Type or write name of authorized individual

BID CHANA GROUP, LLC

Type or write name of company