

June 13, 2023

C-14

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Two Dudes, One Truck, LLC, dba Grill Em All, for an original application of an Alcoholic Beverage Control (ABC) license, at 5411 E. Ocean Boulevard. (District 3)

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

City Council action is request on June 13, 2023, to respond to the Department of Alcoholic Beverage Control by the June 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.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH
CHIEF OF POLICE

ATTACHMENTS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

Date: June 13, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **GRILL EM ALL - 5411 E. OCEAN BOULEVARD**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (4/25/22 - 4/25/23)

None.

ABC INSPECTIONS (Past three years)

Not Applicable.

RESIDENCES WITHIN 100 FEET

29 54th Place

27 54th Place

15 54th Place

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

Bayshore Playground

14 54th Place

Pig Beach

1 Santa Ana Avenue

HONORABLE MAYOR AND CITY COUNCIL
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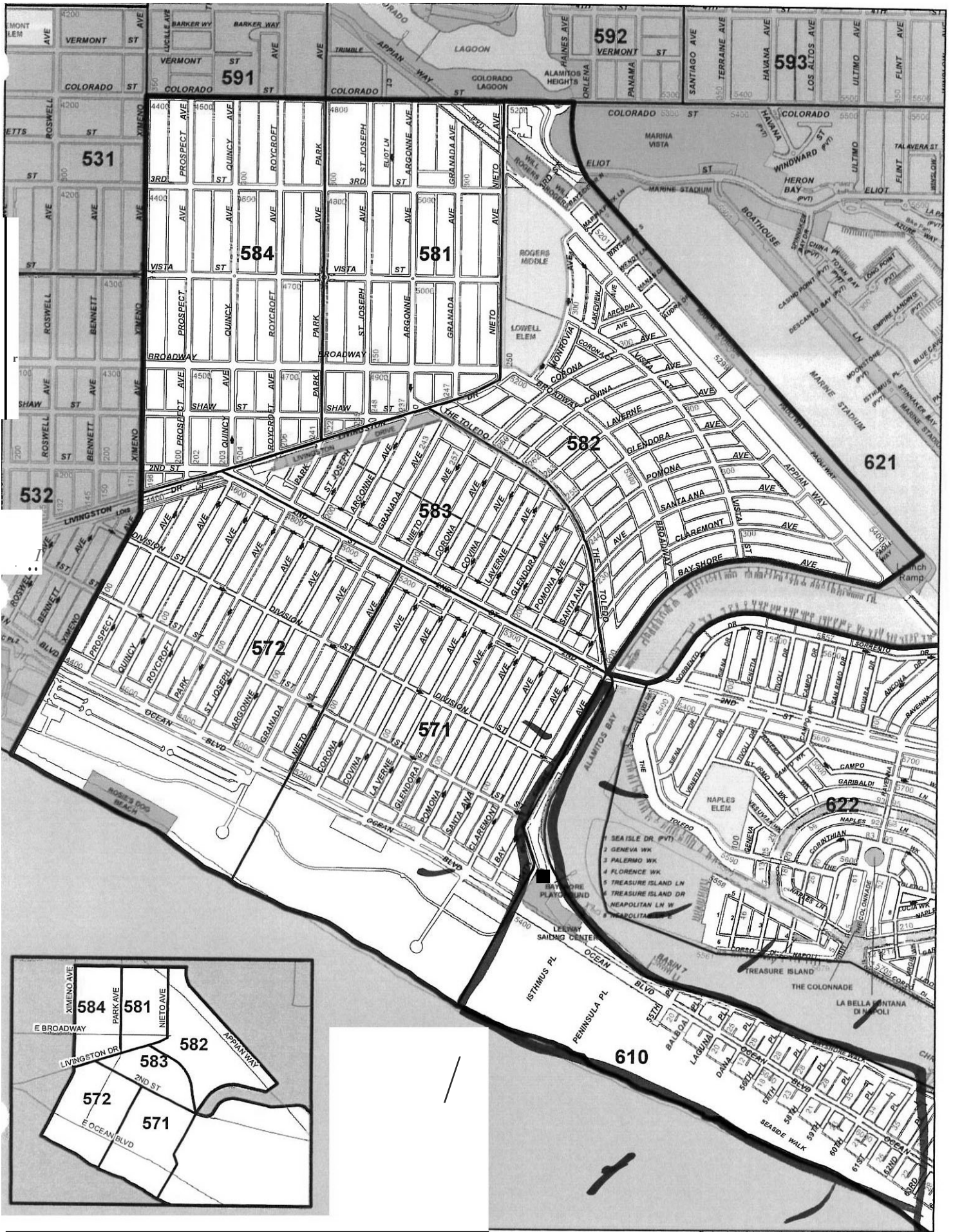
Council District: 3
Applicant: Two Dudes, One Truck, LLC
DBA: Grill Em All
Address: 5411 E. Ocean Boulevard
Type of Application: Type 41 - An Original Application for an On-Sale Beer and Wine for a Bona Fide Public Eating Place License
Bases for possible protest: Over concentration
Residences within 100 feet
Park within 600 feet

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

Census Tract: 5775.04
Boundaries: Bayshore Beach to the North
Ocean Boulevard to the South
55th Place to the East
Bayshore Avenue to the West
Number of licenses allowed: 1
Number of licenses existing: 22
Police Reporting District: 610
Boundaries: Bayshore/Alamitos Bay to the North
E Seaside Walk to the South
72nd Place to the East
54th Place/Bayshore Avenue to the West

Reported crimes in this district for ABC purposes are **51**. 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: June 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?

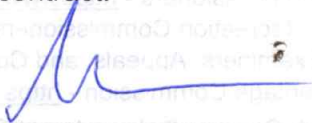
YES NO

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.

5.10.2023

Date


Signature of authorized individual

Matthew Chernus

Type or write name of authorized individual

Two Dudes One Truck LLC dba GRILL EM ALL

Type or write name of company