

August 1, 2023

~~C-29~~
C-27

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Pequena Enterprises, LLC, dba Tacos La Pequena, for an original application of an Alcoholic Beverage Control (ABC) License, at 4915 Long Beach Boulevard, 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 8)

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 May 19, 2023. The applicant is still in the planning stages and has not 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 August 1, 2023, to respond to the Department of Alcoholic Beverage Control at the first opportunity, after the July 12, 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.

HONORABLE MAYOR AND CITY COUNCIL

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FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH
CHIEF OF POLICE

ATTACHMENTS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

Date: August 1, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **TACOS LA PEQUENA - 4915 LONG BEACH BOULEVARD**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (5/19/22 - 5/19/23)

<u>Call Type</u>	<u>Call Type Description</u>	<u>Disposition</u>
314.1	Indecent Exposure	Gone On Arrival
Unwelc	Unwelcome	Advised
Unwelc	Unwelcome	Advised

ABC INSPECTIONS (Past three years)

Not applicable

RESIDENCES WITHIN 100 FEET

4912 Grisham Avenue
4922 Grisham Avenue
4932 Grisham Avenue

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

Shield of Faith Christian Center	4934 Long Beach Boulevard
Dorothy Ahrens Nursery School	4960 Long Beach Boulevard

HONORABLE MAYOR AND CITY COUNCIL
August 1, 2023

Council District: 8

Applicant: Pequena Enterprises, LLC

DBA: Tacos La Pequena

Address: 4915 Long Beach 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: School within 600 Feet
Church within 600 Feet
Residences within 100 Feet
High crime

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

Census Tract: 5717.01

Boundaries: 27th Street to the North
Willow Street to the South
Elm Avenue to the East
Long Beach Boulevard to the West

Number of licenses allowed: 6

Number of licenses existing: 1

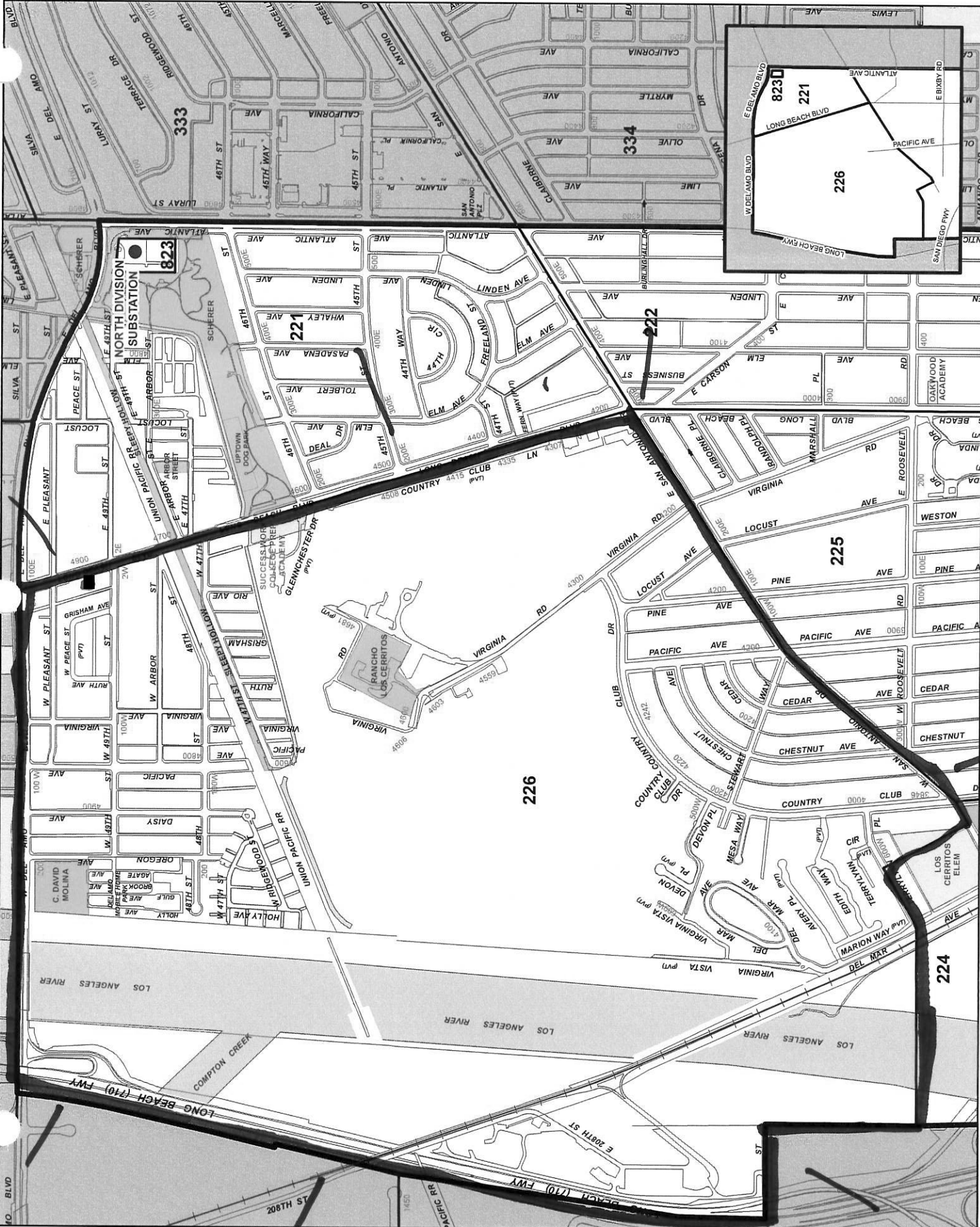
Police Reporting District: 226

Boundaries: Del Amo Boulevard to the North
San Antonio Drive/Terrylynn Place to the South
Long Beach Boulevard to the East
710 Freeway to the West

Reported crimes in this district for ABC purposes are **94**. Crime in a reporting district must be at least **66** to qualify for a high crime protest.

Type of business: A restaurant

Last day to request conditions and protest: July 12, 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?

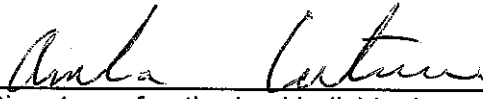
YES

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.

06/21/2023
Date


Signature of authorized individual

AMELIA CONTRERAS
Type or write name of authorized individual

PEQUEÑA EMPRESAS
DBA TACOS LA PEQUEÑA
Type or write name of company