

June 20, 2023

C-22

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Emmanuel Garduno Gomez, dba Blue Burro, for an original application of an Alcoholic Beverage Control (ABC) License, at 4240 Long Beach Boulevard, Suite SH3, 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 4, 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 June 20, 2023, to respond to the Department of Alcoholic Beverage Control by the June 23, 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.

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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: June 20, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **BLUE BURRO - 4240 LONG BEACH BOULEVARD, SUITE SH3**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (5/4/22 - 5/4/23)

<u>Call Type</u>	<u>Call Type Description</u>	<u>Disposition</u>
459A	Audible Burglar Alarm	Checks Okay
459A	Audible Burglar Alarm	Bad Order Alarm
459	Burglary	Checks Okay

ABC INSPECTIONS (Past three years)

None.

RESIDENCES WITHIN 100 FEET

4311 Elm Avenue
4315 Elm Avenue
4321 Elm Avenue

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

Faith Presbyterian Church 500 E. San Antonio Drive

HONORABLE MAYOR AND CITY COUNCIL
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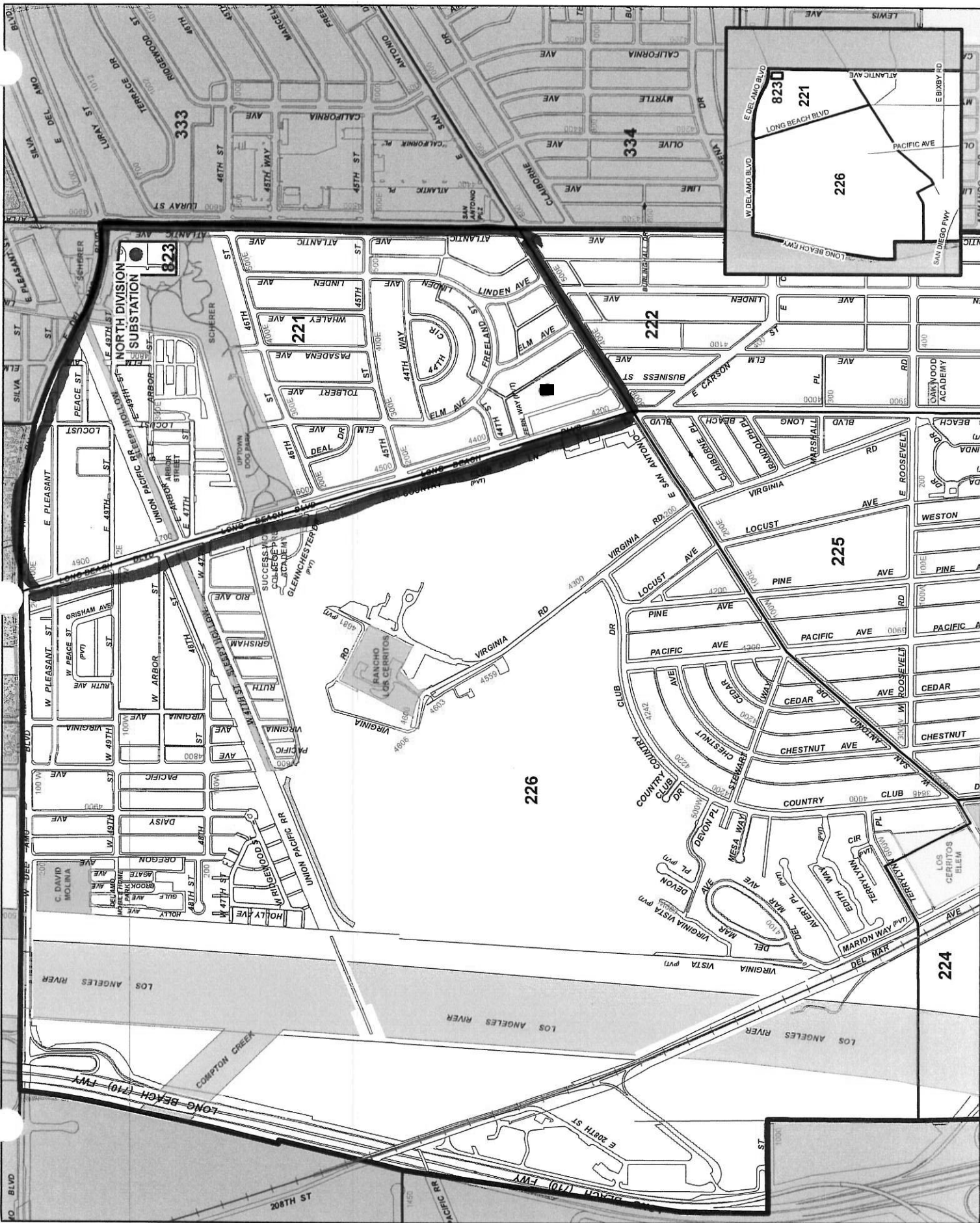
Council District: 8
Applicant: Emmanuel Garduno Gomez
DBA: Blue Burro
Address: 4240 Long Beach Boulevard, Suite SH3
Type of Application: Type 41 - An Original Application for an On-Sale Beer and Wine for a Bona Fide Public Eating Place License
Bases for possible protest: Residences within 100 feet
Church within 600 Feet
High crime

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

Census Tract: 5715.02
Boundaries: 44th Street to the North
San Antonio Drive to the South
Elm Avenue to the East
Long Beach Boulevard to the West
Number of licenses allowed: 5
Number of licenses existing: 1
Police Reporting District: 221
Boundaries: Del Amo Boulevard to the North
San Antonio Drive to the South
Atlantic Avenue to the East
Long Beach Boulevard to the West

Reported crimes in this district for ABC purposes are 88. 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 23, 2023



**NORTH DIVISION
SUBSTATION**

**RANCHO
LOS CERRITOS**



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.

Date



Signature of authorized individual

Type or write name of authorized individual

Type or write name of company