

C-21

June 6, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of TCRY Incorporated, dba Northern Cafe, for an original application of an Alcoholic Beverage Control (ABC) license, at 4911 E. 2nd Street, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit (CUP) or Conditional Use Permit Exemption (CUPEX) is granted. (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

The Department of Alcoholic Beverage Control received the above application on April 21, 2023. The applicant is still in the planning stages and has not filed for a Conditional Use Permit (CUP) or CUP Exemption (CUPEX). Provided the decision-making body approves the CUP or 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 6, 2023, to respond to the Department of Alcoholic Beverage Control by the June 10, 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

June 6, 2023

Page 2

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 6, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **NORTHERN CAFE - 4911 E. 2ND STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (4/21/22 - 4/21/23)

<u>Call Type</u>	<u>Call Type Description</u>	<u>Disposition</u>
927I	Incomplete 911	Checks Okay
470	Forgery	Advised

ABC INSPECTIONS (Past three years)

Not Applicable.

RESIDENCES WITHIN 100 FEET

204 St. Joseph Avenue
206 St. Joseph Avenue
205 Argonne Avenue
207 Argonne Avenue
209 Argonne Avenue

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

Livingston Park Playground 4700 E. Livingston Park

HONORABLE MAYOR AND CITY COUNCIL
June 6, 2023

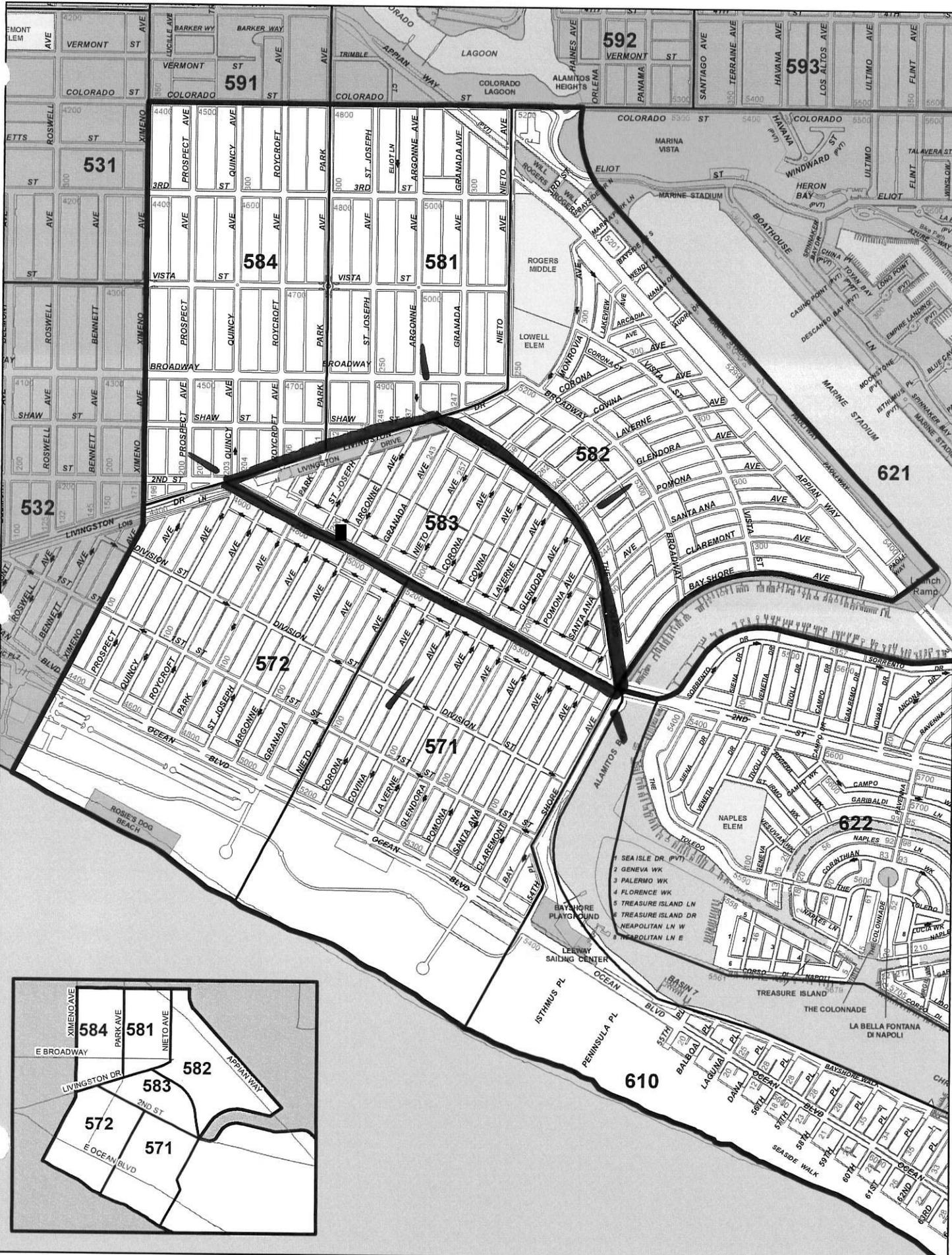
Council District: 3
Applicant: TCRY Incorporated
DBA: Northern Cafe
Address: 4911 E. 2nd Street
Type of Application: Type 41 - An Original Application for an On-Sale Beer and Wine for a Bona Fide Public Eating Place License
Bases for possible protest: Over concentration
Residences within 100 feet
Park within 600 feet

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

Census Tract: 5774
Boundaries: 222 St. Joseph/221 Argonne Ave to the North
2nd Street to the South
Argonne Avenue to the East
St Joseph Avenue to the West
Number of licenses allowed: 3
Number of licenses existing: 20
Police Reporting District: 583
Boundaries: Livingston Drive/The Toledo to the North
2nd Street to the South
Bayshore Avenue to the East
Livingston Dr to the West

Reported crimes in this district for ABC purposes are 61. 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 10, 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

x 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 x 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

June 13, 2023

Hani Abuershaid
Supervising Agent In Charge
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Receive and file the application of TCRY Incorporated, dba Northern Cafe, for an original application of an Alcoholic Beverage Control (ABC) license, at 4911 E. 2nd Street, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit (CUP) or Conditional Use Permit Exemption (CUPEX) is granted. (District 3)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, June 6, 2023 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 a Conditional Use Permit Exception (CUPEX) and if no appeal is made during the 10-day appeal period for the CUPEX. It is anticipated that the CUPEX 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,



MONIQUE DE LA GARZA
CITY CLERK

Prepared by:
Tamela Austin

Attachment

cc: Kristina Duggan, Councilmember, Third District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, JUNE 6, 2023**

21. (23-0575) Recommendation to receive and file the application of TCRY Incorporated, dba Northern Cafe, for an original application of an Alcoholic Beverage Control (ABC) license, at 4911 East 2nd Street, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit (CUP) or Conditional Use Permit Exemption (CUPEX) is granted. (District 3)

Motion: Approve Consent Calendar Items 1 – 21. Moved by Councilwoman Kerr, Seconded by Councilmember Uranga.

Vote: CONSENT CALENDAR: (1 - 21)(Carried 8-0)
Yes: Councilwoman Zendejas, Councilmember Duggan, Councilman Supernaw, Councilwoman Kerr, Councilwoman Saro, Councilmember Uranga, Councilman Austin, and Councilmember Ricks-Oddie.
Absent: Vice Mayor Allen.

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: June 13, 2023

By: Tamela Austin, City Clerk Specialist