



Legislation Details (With Text)

File #: 23-1033 **Version:** 1 **Name:** PD - ABC License - Beach Hut Deli D1
Type: ABC License **Status:** Granted
File created: 8/24/2023 **In control:** City Council
On agenda: 9/12/2023 **Final action:** 9/12/2023
Title: Recommendation to 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 East Ocean Boulevard, Suite 170, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 1)
Levine Act: Yes
Sponsors: Police
Indexes:
Code sections:
Attachments: 1. 09122023-C-17sr&att

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|------------------------|--------|
| 9/12/2023 | 1 | City Council | approve recommendation | Pass |

Recommendation to 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 East Ocean Boulevard, Suite 170, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit Exemption (CUPEX) is granted. (District 1)

Levine Act: Yes

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.

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.

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.

There is no fiscal impact associated with this recommendation.

Approve recommendation.

WALLY HEBEISH
CHIEF OF POLICE

APPROVED:

THOMAS B. MODICA
CITY MANAGER