



Legislation Details (With Text)

File #:	19-1222	Version:	1	Name:	FM - Refer to Hearing Officer BL application denial for 3333 59th D9
Type:	Agenda Item	Status:			Approved
File created:	11/18/2019	In control:			City Council
On agenda:	12/10/2019	Final action:			12/10/2019
Title:	Recommendation to refer to a Hearing Officer the business license application denial appeal by 3333 59th, LLC, to lease out the property located at 3333 East 59th Street. (District 9)				
Sponsors:	Financial Management				
Indexes:					
Code sections:					
Attachments:	1. 121019-C-7sr&att.pdf				

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council	approve recommendation	Pass

Recommendation to refer to a Hearing Officer the business license application denial appeal by 3333 59th, LLC, to lease out the property located at 3333 East 59th Street. (District 9)

On October 15, 2019, the Department of Financial Management denied the business license application for 3333 59th, LLC (Applicant), to lease out the commercial/industrial property at 3333 E. 59th Street (Property) (Attachment A), due to failure of the business to comply with applicable laws and regulations, pursuant to Long Beach Municipal Code (LBMC) Section 3.80.210, Section 5.92.210, and Section 3.80.421.5 (Attachment B). On October 25, 2019, the Applicant filed an appeal of the business license application denial (Attachment C).

Prior to denying the application, the City of Long Beach (City) determined that an illegal cannabis establishment was operating at the Property pursuant to LBMC Section 5.90.290. On July 23, 2019, the City issued a letter to the Applicant identifying persons or entities operating an illegal cannabis establishment upon the subject Property within the previous 60 days (Attachment D). The original letter was returned to the City as undeliverable by the United States Postal Service and the letter was mailed again to the agent for service of process for the Applicant on July 31, 2019, along with an updated deadline to appeal (Attachment E). The Applicant did not appeal the determination of an illegal cannabis establishment operating on the Property by the specified deadline and the determination of an illegal cannabis establishment operating on the subject property became final on August 27, 2019 (Attachment F).

Pursuant to LBMC Section 3.80.210, it is unlawful for any person to carry on any business without having procured a business license. Due to the determination that an illegal cannabis establishment was operating upon the subject Property, the Applicant's commercial/industrial space rental business license application for 3333 E. 59th Street was denied.

Pursuant to LBMC Section 3.80.421.6, an applicant for a business license whose application for such license has been denied by the Director of Financial Management may appeal to the City Council. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer, in accordance with LBMC 2.93.050(A). If the matter is referred, the City Council shall set the hearing to be held not less than 20 days thereafter.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on November 1, 2019.

If referred, upon selection of a hearing officer, the matter will be heard not less than twenty days thereafter.

The recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no job impact associated with this recommendation.

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER