



## Legislation Details (With Text)

|                       |   |                      |   |                         |              |
|-----------------------|---|----------------------|---|-------------------------|--------------|
| <b>File #:</b>        | 22-1002   | <b>Version:</b>      | 1 | <b>Name:</b>            | FM - JP23 D1 |
| <b>Type:</b>          | Public Hearing  | <b>Status:</b>       |   | <b>To Be Introduced</b> |              |
| <b>File created:</b>  | 8/5/2022  | <b>In control:</b>   |   | <b>City Council</b>     |              |
| <b>On agenda:</b>     | 8/23/2022   | <b>Final action:</b> |   |                         |              |
| <b>Title:</b>         | Recommendation to receive supporting documentation into the record, conclude the public hearing and reject the hearing officer's recommendation to reverse the denial of the business license application for JP23 Hospitality Company, located at 110 East Broadway, and to not issue a business license. (District 1) |                      |   |                         |              |
| <b>Sponsors:</b>      | Financial Management  |                      |   |                         |              |
| <b>Indexes:</b>       |   |                      |   |                         |              |
| <b>Code sections:</b> |   |                      |   |                         |              |
| <b>Attachments:</b>   | 1. 082322-H-15sr&att.pdf, 2. 082322-H-15 Corresp. Emails.pdf, 3. 082322-H-15 Corresp. Pacheco.pdf, 4. 082322-H-15.Staff.PowerPoint.pdf, 5. 082322-H-15.BBK.PowerPoint.pdf, 6. 082322-H-15.Applicant.PowerPoint.pdf  |                      |   |                         |              |

| Date      | Ver. | Action By    | Action                 | Result |
|-----------|------|--------------|------------------------|--------|
| 8/23/2022 | 1    | City Council | approve recommendation | Pass   |

Recommendation to receive supporting documentation into the record, conclude the public hearing and reject the hearing officer's recommendation to reverse the denial of the business license application for JP23 Hospitality Company, located at 110 East Broadway, and to not issue a business license. (District 1)

City Council previously referred to a hearing officer the appeal of the Financial Management Department's denial of a business license application by JP23 Hospitality Company, located at 110 East Broadway for a restaurant and ready to eat foods with alcohol license. Attached for your review is Hearing Officer Jonathan C. Navarro, Esq.'s written report (Attachment A). Below is a chronological list of events leading up to the hearing officer's decision:

- On March 14, 2022, the Department of Financial Management denied the business license application for JP23 Hospitality Company to operate a restaurant with alcohol establishment at 110 East Broadway Avenue (Attachment B) due to failure to comply with applicable laws and regulations pursuant to the Long Beach Municipal Code (LBMC) Sections 1.32.040, 3.80.210, 5.06.020 5.72.110(A) and 5.72.130.
- Pursuant to LBMC Section 3.80.421.6, an applicant can appeal the denial of a business license application to the City Council. On March 24, 2022, the applicant submitted a written request for an appeal (Attachment C).
- On April 12, 2022, the City Council referred to a hearing officer the applicant's appeal of the business license application denial. The hearing officer randomly assigned by the City Clerk's Office was Jonathan C. Navarro, Esq.

· On May 10, 2022, the appeal hearing commenced. It was continued to May 25, 2022, and subsequently continued as needed for additional testimony. The attorneys submitted evidence (Attachments D and E) and conducted the examination of witnesses. On June 8, 2022, the appeal hearing concluded.

· On June 22, 2022, as requested by the Hearing Officer, the applicant and the City both submitted written closing briefs (Attachment F).

· On July 15, 2022, the hearing officer recommended that the denial of the business license application for JP23 Hospitality Company be reversed, and the applicant's business license be issued, based on LBMC Section 3.80.421.5.

LBMC Section 2.93.050(A) requires that the City Council set a time for a hearing to review and consider the hearing officer's report and recommendation. After review of the hearing officer's report, the City Council may adopt, reject or modify the recommended decision

An independent legal review of the hearing officer's recommendations was conducted by Best, Best and Krieger, LLP (BB&K). Based on the analysis provided by BB&K (Attachment G), the Financial Management Department recommends that the City Council reject the hearing officer's recommendation and deny the appeal by JP23 Hospitality Company.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez and Director of Financial Management Kevin Riper on August 9, 2022.

The hearing date of August 23, 2022 has been posted at the business location, and the property owner has been notified by mail.

There is no fiscal impact associated with this item. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. If the business no longer operates, the immediate impact will be the loss of 30 to 70 local jobs.

Approve recommendation.

KEVIN RIPER  
DIRECTOR  
FINANCIAL MANAGEMENT

APPROVED:

THOMAS B. MODICA  
CITY MANAGER