

C-24

May 2, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the application of Moston Restaurant Group 2.0 LLC, dba District 4 Pizza, for an original application of an Alcoholic Beverage Control (ABC) License at 2123 N. Bellflower Boulevard, 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 4)

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 basis for protest.

TIMING CONSIDERATIONS

The applicant has not filed for a 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 request on May 2, 2023, to respond to the Department of Alcoholic Beverage Control by the May 4, 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

May 2, 2023

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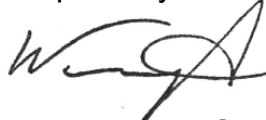
FISCAL IMPACT

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



HONORABLE MAYOR AND CITY COUNCIL
May 2, 2023

Council District: 4
Applicant: Moston Restaurant Group 2.0 LLC
DBA: District 4 Pizza
Address: 2123 N. Bellflower Boulevard
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

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

Census Tract: 5749.01
Boundaries: Stearns Street to the North
Abbeyfield Street to the South
Bellflower Boulevard to the East
Montair Avenue to the West
Number of licenses allowed: 4
Number of licenses existing: 7
Police Reporting District: 563
Boundaries: Stearns Street to the North
Atherton Street to the South
Bellflower Boulevard to the East
Clark Avenue to the West

Reported crimes in this district for ABC purposes are **26**. 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: May 4, 2023

Date: May 2, 2023

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **DISTRICT 4 PIZZA - 2123 N. BELLFLOWER BOULEVARD**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (3/15/22 - 3/15/23)

<u>Call Type</u>	<u>Call Type Description</u>	<u>Disposition</u>
459A	Audible Burglar Alarm	Bad Order Alarm
Unwelc	Unwelcome Guest	Advised

ABC INSPECTIONS (Past three years)

Not applicable.

RESIDENCES WITHIN 100 FEET

None.

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

None.

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):

April 21, 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 Moston Restaurant Group 2.0 LLC, dba District 4 Pizza, for an original application of an Alcoholic Beverage Control (ABC) License at 2123 N. Bellflower Boulevard, 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 4)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, May 2, 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: Suely Saro, Councilwoman, Sixth 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, MAY 2, 2023**

24. (23-0436) Recommendation to receive and file the application of Moston Restaurant Group 2.0 LLC, dba District 4 Pizza, for an original application of an Alcoholic Beverage Control (ABC) License at 2123 North Bellflower Boulevard, 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 4)

Motion: Approve Consent Calendar Items 1 – 25 except for Items 14 and 22. Moved by Councilmember Uranga, seconded by Councilwoman Zendejas.

Vote: Approve Consent Calendar Items 1 – 25 except for Items 14 and 22. (Carried 9-0)
Yes: Councilwoman Zendejas, Vice Mayor Allen, Councilmember Duggan, Councilman Supernaw, Councilwoman Kerr, Councilwoman Saro, Councilmember Uranga, Councilman Austin, and Councilmember Ricks-Oddie.

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: May 9, 2023

By: Tamela Austin, City Clerk Specialist