



## Legislation Details (With Text)

<b>File #:</b>	23-0575	<b>Version:</b>	1	<b>Name:</b>	PD - ABC License- Northern Café D3
<b>Type:</b>	ABC License		<b>Status:</b>	Granted	
<b>File created:</b>	5/18/2023		<b>In control:</b>	City Council	
<b>On agenda:</b>	6/6/2023		<b>Final action:</b>	6/6/2023	
<b>Title:</b>	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)				
	Levine Act: Yes				
<b>Sponsors:</b>	Police				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 06062023-C-21sr&att, 2. 06062023-C-21sr&attABC				

Date	Ver.	Action By	Action	Result
6/6/2023	1	City Council	approve recommendation	Pass

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 2<sup>nd</sup> 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)

### 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.

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.

There is no fiscal impact associated with this recommendation.

Approve recommendation.

WALLY HEBEISH  
CHIEF OF POLICE

APPROVED:

THOMAS B. MODICA  
CITY MANAGER