

January 17, 2024

Hani Abuershaid
Supervising Agent In Charge
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Recommendation to receive and file the application of Gyushige USA LLC, dba Wagyu Street, for an original application of an Alcoholic Beverage Control (ABC) License, at 4150 McGowen Street Space 12, 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 5)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, January 16, 2024 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:
Karen Baldwin

Attachment

cc: Megan Kerr, Councilwoman, Fifth District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File

January 16, 2024

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive and file the application of Gyushige USA LLC, dba Wagyu Street, for an original application of an Alcoholic Beverage Control (ABC) License, at 4150 McGowen Street Space 12, 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 5)

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 bases for protest.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control received the above application on December 1, 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 January 16, 2024, to respond to the Department of Alcoholic Beverage Control by the January 20, 2024 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.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wally Hebeish'.

Wally Hebeish
Chief of Police
Police Department

ATTACHMENTS

APPROVED:

A handwritten signature in blue ink, appearing to read 'Tom Modica'.

THOMAS B. MODICA
CITY MANAGER

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, JANUARY 16, 2024**

CONSENT CALENDAR

10. 24-51693 Recommendation to receive and file the application of Gyushige USA LLC, dba Wagyu Street, for an original application of an Alcoholic Beverage Control (ABC) License, at 4150 McGowen Street Space 12, 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 5)

Levine Act: Yes

A motion was made by Councilwoman Kerr, seconded by Councilman Austin, to approve recommendation on the Consent Calendar. The motion carried by the following vote:

Yes: 9Zendejas, Allen, Duggan, Supernaw, Kerr, Saro,
 Uranga, Austin, Ricks-Oddie
No: 0None
Recused 0None
Absent: 0None

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: January 26, 2024

By: Karen Baldwin, City Clerk Analyst