

March 21, 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 Sirenitas Restaurant Incorporated, dba Sirenita's Restaurant, for an original application of an Alcoholic Beverage Control (ABC) License, at 410 West Willow Street, submit a Public Notice of Protest to ABC; and direct City Manager to withdraw the protest if a Conditional Use Permit (CUP) or Conditional Use Exemption (CUPEX) is granted. (District 7)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, March 19, 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:
Jonathan Nagayama

Attachment

cc: Roberto Uranga, Councilmember, Seventh District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File

March 19, 2024

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive and file the application of Sirenitas Restaurant Incorporated, dba Sirenita's Restaurant, for an original application of an Alcoholic Beverage Control (ABC) License, at 410 W Willow 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 Exemption (CUPEX) is granted. (District 7)

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 February 9, 2024. The applicant is in the planning stages and has not filed for an upgraded CUP or CUPEX. Provided the Planning Commission approves the upgraded 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 March 19, 2024, to respond to the Department of Alcoholic Beverage Control by the March 28, 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,



Wally Hebeish
Chief of Police
Police Department

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS

Date: March 19, 2024

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **SIRENITA'S RESTAURANT - 410 W WILLOW STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (2/9/23 - 2/9/24)

Call Type	Call Type Description	Disposition
459	Burglary	Will File Later
484	Petty Theft	Gone On Arrival

ABC INSPECTIONS (Past three years)

Not applicable.

RESIDENCES WITHIN 100 FEET

2750 Eucalyptus Avenue	Single Family Residence
2565 Chestnut Avenue	Single Family Residence

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

2445 Chestnut Avenue	Lafayette Elementary School
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HONORABLE MAYOR AND CITY COUNCIL
March 19, 2024

Council District: 7

Applicant: Sirenitas Restaurant Incorporated

DBA: Sirenita's Restaurant

Address: 410 W Willow Street

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: School Within 600 Feet
Residence within 100 Feet
Over Concentration

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

Census Tract: 5731.01

Boundaries: Willow Street the North
25th Street to the South
Chestnut Avenue to the East
Eucalyptus Avenue to the West

Number of licenses allowed: 6

Number of licenses existing: 4

Police Reporting District: 131

Boundaries: Willow Street to the North
Burnett Avenue to the South
Magnolia Avenue to the East
Pacific Avenue to the West

Reported crimes in this district for ABC purposes are 41. 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: March 28, 2024

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):

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, MARCH 19, 2024**

CONSENT CALENDAR

16. 24-52489 Recommendation to receive and file the application of Sirenitas Restaurant Incorporated, dba Sirenita's Restaurant, for an original application of an Alcoholic Beverage Control (ABC) License, at 410 West Willow Street, submit a Public Notice of Protest to ABC; and direct City Manager to withdraw the protest if a Conditional Use Permit (CUP) or Conditional Use Exemption (CUPEX) is granted. (District 7)

Levine Act: Yes

A motion was made by Councilwoman Saro, seconded by Councilmember Uranga, to approve recommendation on the Consent Calendar. The motion carried by the following vote:

Yes: 8 Zendejas, Duggan, Supernaw, Kerr, Saro, Uranga,
Austin, Ricks-Oddie
No: 0 None
Recused: 0 None
Absent: 1 Allen

CERTIFIED AS A TRUE AND CORRECT COPY



CITY CLERK OF THE CITY OF LONG BEACH

DATE: March 21, 2024

By: Jonathan Nagayama, City Clerk Analyst