

21. 24-55965 Recommendation to receive and file the application of Noypitz Bar & Grill LLC, dba The Noypitz Bar and Grill, for an original application of an Alcoholic Beverage Control (ABC) License, at 7591 Carson 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)

Levine Act: Yes

Office or Department:

Suggested Action: Approve recommendation.

January 7, 2025

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive and file the application of Noypitz Bar & Grill LLC, dba The Noypitz Bar and Grill, for an original application of an Alcoholic Beverage Control (ABC) License, at 7591 Carson 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 bases for protest.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control received the above application on October 31, 2024. 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 7, 2025, to respond to the Department of Alcoholic Beverage Control by the January 8, 2025, 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 \$500 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 \$500 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 \$500 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 \$500 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
January 7, 2025
Page 2

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: January 7, 2025

To: File

From: Jose Gonzalez, Detective, Vice Investigations Section

Subject: **THE NOYPITZ BAR AND GRILL - 7591 CARSON BLVD**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (10/31/23 - 10/31/24)

<u>Call Type</u>	<u>Call Type Description</u>	<u>Disposition</u>
Unwelc	Unwelcome Guest	Advised (2)

ABC INSPECTIONS (Past three years)

None.

RESIDENCES WITHIN 100 FEET

None.

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

None.

HONORABLE MAYOR AND CITY COUNCIL
January 7, 2025

Council District: 4
Applicant: Noypitz Bar & Grill LLC
DBA: The Noypitz Bar and Grill
Address: 7591 Carson Blvd
Type of Application: Type 41 - An Original Application for an On-Sale Beer and Wine Eating Place and Type 58 - Caterers Permit License.
Bases for possible protest: High crime
Over concentration

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

Census Tract: 9800.06
Boundaries: Carson Street to the North
405 Freeway to the South
605 Freeway/Coyote Creek to the East
El Dorado Park/Coyote Creek to the West
Number of licenses allowed: 0
Number of licenses existing: 9
Police Reporting District: 695
Boundaries: Carson Street to the North
El Dorado Park to the South
East City Limits to the East
San Gabriel River to the West

Reported crimes in this district for ABC purposes are 110. 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: January 8, 2025



LEVINE ACT DISCLOSURE STATEMENT

DEFINITIONS

Term	Definition	Law
Covered "proceedings"	A proceeding to grant, deny, revoke, restrict, or modify a license, permit or other entitlement for use, that does not solely involve purely ministerial decisions and is: (1) Applied for by the party; (2) Formally or informally requested by the party; or (3) A contract between the agency and the party or a franchisee granted by the agency to the party, other than a contract that is competitively bid , a labor contract , or a personal employment contract .	<u>FPPC Reg 18438.2(a)</u>
Party	Any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.	<u>Gov. Code 84308(a)(1)</u>
Participant	Any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.	<u>Gov. Code 84308(a)(2)</u> <u>FPPC Reg 18438.4</u>
Agent	A person who represents a party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding. See FPPC Reg 18438.3 for exceptions for certain consultants.	<u>FPPC Reg 18438.3</u>
Competitively Bid	A contract required by law to be awarded to the lowest or highest responsible bidder with a responsive bid, or, if the successful bidder refuses or fails to execute the contract, to the next lowest bidder with a responsive bid.	<u>SB 1243</u>
Labor Contract	A contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered under Public Contract Code Section 2500.	<u>FPPC Reg 18438.2(a)(3)(B)</u>
Personal Employment Contract	A contract for employment, including the terms and conditions of employment, between the agency and an agency employee. A contract with an independent contractor is NOT a personal employment contract.	<u>FPPC Reg 18438.2(a)(3)(C)-(D)</u>

January 10, 2025

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 Noypitz Bar & Grill LLC, dba The Noypitz Bar and Grill, for an original application of an Alcoholic Beverage Control (ABC) License, at 7591 Carson 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)

Dear Hani Abuershaid:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, January 7, 2025 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:
Matthew Bunma

Attachment

Date: January 7, 2025

To: File

From: Jose Gonzalez, Detective, Vice Investigations Section

Subject: **THE NOYPITZ BAR AND GRILL - 7591 CARSON BLVD**

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January 7, 2025
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SUGGESTED ACTION:

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Respectfully submitted,



Wally Hebeish
Chief of Police
Police Department

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, JANUARY 7, 2025**

CONSENT CALENDAR

21. 24-55965 Recommendation to receive and file the application of Noypitz Bar & Grill LLC, dba The Noypitz Bar and Grill, for an original application of an Alcoholic Beverage Control (ABC) License, at 7591 Carson 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)

Levine Act: Yes

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

Yes: 6 Zendejas, Kerr, Saro, Uranga, Thrash-Ntuk, Ricks-Oddie
No: 0 None
Recused: 0 None
Absent: 3 Allen, Duggan, Supernaw

CERTIFIED AS A TRUE AND CORRECT COPY

CITY CLERK OF THE CITY OF LONG BEACH

DATE: January 10, 2025

By: Matthew Bunma, City Clerk Specialist