

10. 24-52128 Recommendation to receive and file the application of Olive By The Bay, dba Olive By The Bay, for an original application of an Alcoholic Beverage Control (ABC) License, at 76 1/2 62nd Place. (District 3)

**Levine Act: Yes**

**Office or Department:**

**Suggested Action:** Approve recommendation.

February 20, 2024

Honorable Mayor and City Council  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to receive and file the application of Olive By The Bay, dba Olive By The Bay, for an original application of an Alcoholic Beverage Control (ABC) License, at 76 1/2 62<sup>nd</sup> Place. (District 3)

**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 14, 2023. City Council action is requested on February 20, 2024, to respond to the Department of Alcoholic Beverage Control at the first opportunity, after the March 1, 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:



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THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS

Date: February 20, 2024

To: File

From: Krizty Kiger, Detective, Vice Investigations Section

Subject: **OLIVE BY THE BAY – 76 1/2 62<sup>ND</sup> PLACE**

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**CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (12/12/22 - 12/12/23)**

None.

**ABC INSPECTIONS (Past three years)**

None.

**RESIDENCES WITHIN 100 FEET**

6168 Bayshore Walk	Multi-Unit Residence
85 62 <sup>nd</sup> Place	Single-Family Residence
77 62 <sup>nd</sup> Place	Single-Family Residence
76 62 <sup>nd</sup> Place	Single-Family Residence
75 62 <sup>nd</sup> Place	Single-Family Residence
74 62 <sup>nd</sup> Place	Single-Family Residence
70 62 <sup>nd</sup> Place	Single-Family Residence
69 62 <sup>nd</sup> Place	Single-Family Residence
65 62 <sup>nd</sup> Place	Single-Family Residence
64 62 <sup>nd</sup> Place	Single-Family Residence
63 62 <sup>nd</sup> Place	Single-Family Residence
99 63 <sup>rd</sup> Place	Single-Family Residence
83 63 <sup>rd</sup> Place	Single-Family Residence
79 63 <sup>rd</sup> Place	Single-Family Residence
77 63 <sup>rd</sup> Place	Single-Family Residence
71 63 <sup>rd</sup> Place	Single-Family Residence
69 63 <sup>rd</sup> Place	Single-Family Residence
65 63 <sup>rd</sup> Place	Single-Family Residence

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

None.

HONORABLE MAYOR AND CITY COUNCIL  
February 20, 2024

Council District: 3  
Applicant: Olive By The Bay  
DBA: Olive By The Bay  
Address: 76 1/2 62<sup>nd</sup> Place  
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: Residences within 100 feet  
Over concentration

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

Census Tract: 5775.04  
Boundaries: Bayshore Walk to the North  
Ocean Boulevard to the South  
63<sup>rd</sup> Place to the East  
62<sup>nd</sup> Place to the West  
Number of licenses allowed: 1  
Number of licenses existing: 22  
Police Reporting District: 610  
Boundaries: Bayshore Walk to the North  
Seaside Walk/Ocean to the South  
72<sup>nd</sup> Place to the East  
Bayshore Avenue to the West

Reported crimes in this district for ABC purposes are 51. 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 1, 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):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

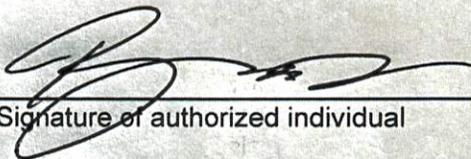
NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

01/25/2024

Date

  
Signature of authorized individual

Richard Rodriguez

Type or write name of authorized individual

Olive by the Bay

Type or write name of company