

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

April 3, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and find the project within the scope of the PacificCenter Environmental Impact Report Addendum (State Clearinghouse No. 2001051048); and,

Declare an Ordinance amending Table 2 of the Douglas Park Planned Development District 32: North (PD-32: North) Development Standards, related to the regulation of off-premises alcohol sales uses, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 5)

DISCUSSION

In December 2004, the City Council approved the establishment of the Douglas Park Planned Development District (PD-32), which included PD-32 Development Standards, Design Guidelines, and a Development Agreement, for the build-out of the 261-acre former Douglas aircraft production site centered at Lakewood Boulevard and Cover Street, north of the Long Beach Airport. PD-32 aimed to integrate a variety of land uses including light industrial, office, retail, hotel, and residences. Amendments that split PD-32 into North and South segments, and converted the planned uses in the North segment – the area north of Cover Street – from residential to office, light industrial, and retail uses, were approved in 2008. PD-32: North was created with three subareas to optimize land use locations (Attachment A – PD-32: North Subarea Map). Subarea 1, located in the northeast corner of Douglas Park, was established as PD-32's retail-commercial hub. Per Table 2, Uses by Subarea of the PD-32: North Development Standards, off-premises alcohol sales are prohibited in all subareas.

In October 2016, entitlements were approved for the Long Beach Exchange (LBX) project, a 266,000-square-foot retail-commercial development in Subarea 1. Currently under construction, the shopping center features a mixture of primarily retail and restaurant tenant spaces ranging from 3,000 square feet to 40,000 square feet in size. The largest of the center's tenant spaces have been designed for retail occupancy, including a leasing area intended for a full-service grocery store. The current prohibition of off-premises alcohol sales applies to all LBX tenants, including the grocery store, a use that typically includes alcoholic beverages among their inventory.

HONORABLE MAYOR AND CITY COUNCIL

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With the exception of PD-32: North, Subarea 1, no area of the City zoned for retail-commercial uses outright prohibits off-premises alcohol sales. In all such areas there exists the right to apply for a Conditional Use Permit (CUP) to establish off-premises alcohol sales privileges. The Subarea 1 prohibition was originally put in place not knowing which specific commercial uses, and in what sized tenant spaces, ultimately would be developed in the area. The proposed Table 2 of PD-32: North amendment would eliminate Subarea 1's off-premises alcohol sales prohibition and introduce a CUP requirement for such uses (Exhibit A of the Ordinance – Draft Amendment).

On February 15, 2018, the Planning Commission held a public hearing to consider the requested amendment (Attachment C – Planning Commission Report). After a staff presentation, the Planning Commission closed the public hearing, deliberated, and in their advisory capacity to the City Council, found the retail nature of the amendment consistent with the General Plan Land Use Element's stated goals for the area encompassing PD-32: North, Subarea 1, which include the establishment of "large activity centers allowing employment centers, retail, offices, high density residential, visitor serving facilities, and professional service" land uses. The Planning Commission unanimously recommended that the City Council approve the PD-32: North, Table 2, amendment.

Adoption of the amendment would result in the application of a consistent citywide CUP process for off-premises alcohol sales requests. Additionally, the amendment would eliminate a conflict between the PD-32: North Development Standards and the Douglas Park Development Agreement in effect for all of PD-32. The Development Agreement specifically excludes "traditional full-service or specialty grocery store" uses from their otherwise blanket off-premises alcohol sales prohibition.

Public hearing notices were published in the Long Beach Press-Telegram and distributed on March 13, 2018, and no responses were received as of the date of preparation of this report. Any responses and comments received will be conveyed to the City Council prior to the public hearing.

An Environmental Impact Report (EIR) for the Douglas Park Project (then called PacifiCenter) was certified in 2004, and an Addendum was certified in 2009 (State Clearinghouse No. 2001051048). The Addendum was prepared in response to a number of proposed modifications to the project analyzed in the 2004 EIR, among them an increase in allowable retail square footage in the area encompassing PD-32: North, Subarea 1. Because the proposed amendment relates to retail use allowances within buildings allowed by the PD-32: North Development Standards, the project is within the scope of development anticipated and analyzed as part of this EIR. No additional environmental review is required for this project.

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 14, 2018 and by Budget Analysis Officer Julissa José-Murray on March 16, 2018.

HONORABLE MAYOR AND CITY COUNCIL
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TIMING CONSIDERATIONS

City Council action is requested on April 3, 2018. Section 21.25.103 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on February 15, 2018.

FISCAL IMPACT

The recommendation would amend a table in a planned development district. There is no direct fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



TOM MODICA
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

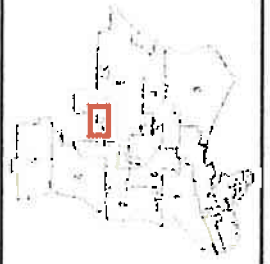
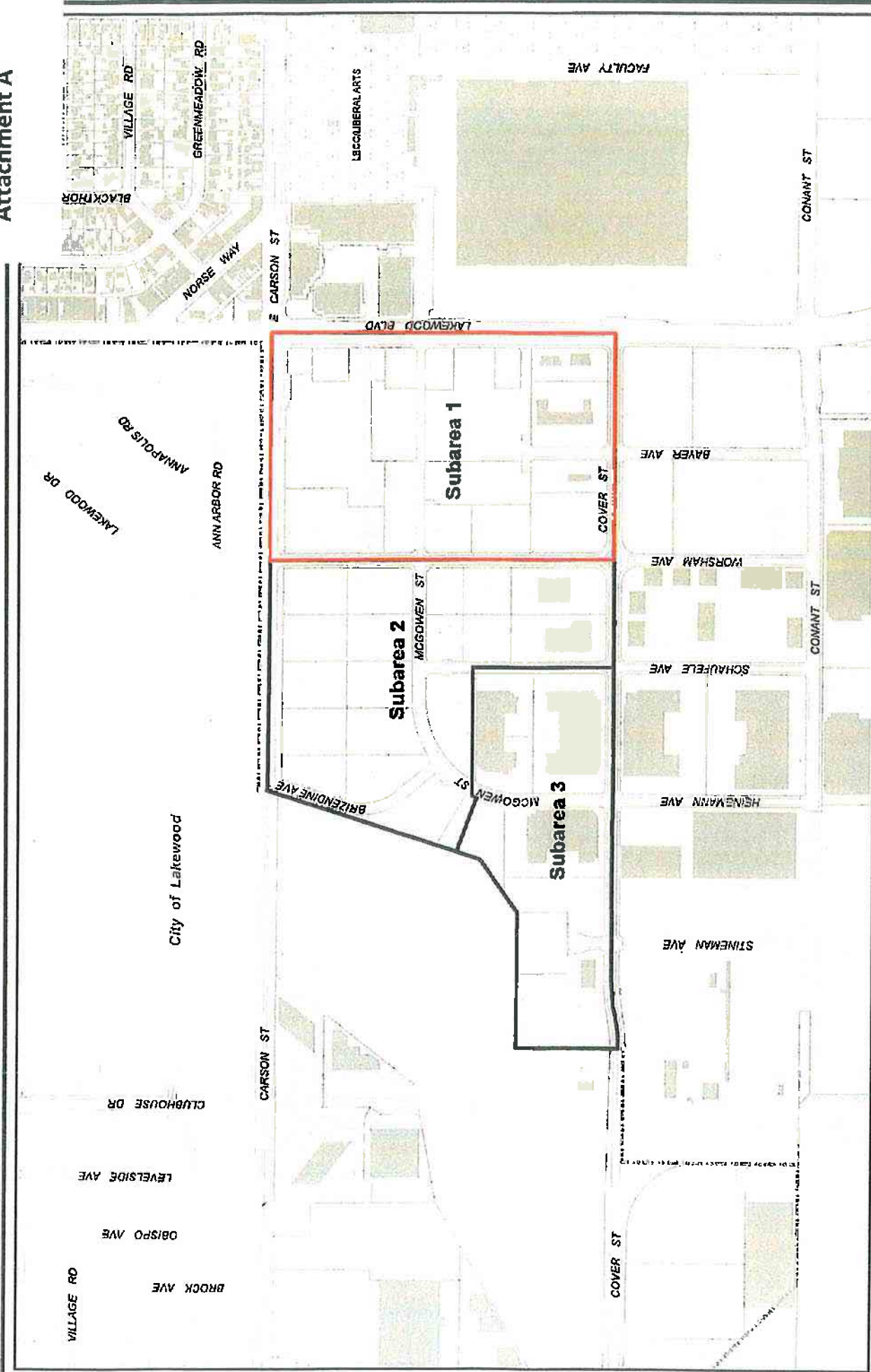
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APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments: Ordinance – Amending PD-32: North Development Standards, Table 2
Attachment A – PD-32: North Subarea Map
Attachment B – Planning Commission Report



PD-32 North - Subareas





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

February 15, 2018

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council find the project within the scope of the PacificCenter Environmental Impact Report Addendum (State Clearinghouse No. 2001051048) and approve a Zoning Code Amendment (ZCA18-001) to revise Table 2 of the PD-32 North Development Standards relating to the regulation of off-premises alcohol sales uses. (District 5)

APPLICANT: City of Long Beach, Department of Development Services
333 West Ocean Boulevard
Long Beach, CA 90802
(Application No. 1801-11)

DISCUSSION

In December 2004, the Long Beach City Council approved the establishment of the Douglas Park Planned Development District (PD-32), which included PD-32 Development Standards, Design Guidelines, and a Development Agreement, for the build-out of the 261-acre former aircraft production site centered at Lakewood Boulevard and Cover Street, north of the Long Beach Airport (Exhibit A – Location Map). PD-32 aimed to integrate a variety of land uses including light industrial, office, retail, hotel and residences. Amendments sought by the Boeing Company to the Development Standards, Design Guidelines, and the Development Agreement were approved by the City Council in October 2008. The amendments split PD-32 into North and South segments, and converted the planned uses in the North segment – the area north of Cover Street – from residential to office, light industrial, and retail uses. Specifically, the 1,400 residential units originally approved in this area were eliminated in exchange for an additional 650,000 square feet of commercial-light industrial use and 50,000 additional square feet of retail use. Three subareas were created in PD-32 North to optimize land use locations, with Subarea 1, located in the northeast corner of Douglas Park, intended as PD-32's retail-commercial hub (Exhibit B – PD-32 North Development Standards). The implementation of commercial zoning in PD-32 North established the framework for future development and uses without knowing which specific uses, and in what sized spaces, would ultimately be developed.

CHAIR AND PLANNING COMMISSIONERS

February 15, 2018

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Per Table 2: Uses by Subarea of the PD-32 North Development Standards, off-premises alcohol sales were prohibited in all subareas. With the majority of PD-32 North build-out to date being office-light industrial in nature, the off-premises alcohol sales prohibition posed no issue. However, in October 2016, the Planning Commission approved entitlements for the Long Beach Exchange (LBX) project, a 266,000-square-foot retail-commercial development in Subarea 1. Currently under construction, the shopping center features a mixture of primarily retail and restaurant tenant spaces ranging from 3,000 square feet – 40,000 square feet in size (Exhibit C – LBX Site Plan). The largest of the center's tenant spaces have been designed for retail occupancy, including a full-service grocery store. The current off-premises alcohol sales prohibition in Subarea 1 would thus apply to the future grocery store, a use that typically includes alcoholic beverages among their inventory. The proposed amendment would eliminate the prohibition of off-site alcohol sales uses in PD-32 North, Subarea 1 and require off-premises alcohol sales uses in the subarea to obtain a Conditional Use Permit (Exhibit D – Redlined Ordinance). Language in the Table 2's CUPEX footnote would remain unchanged and remain applicable to specific on- and off-premises alcohol sales uses in Subarea 1.

Aside from the Commercial Storage (CS) District, there is no commercially-zoned area of the City that outright prohibits off-premises alcohol sales uses. In all such districts there exists the right for these uses to apply for a Conditional Use Permit. This discretionary review process allows staff and the Planning Commission to evaluate requests on a case-by-case basis and impose development and operational conditions of approval that would limit the potential for negative impacts on surrounding uses. For alcohol sales-related requests, consideration is based on a number of factors, including whether the site is located within a State Alcoholic Beverage Control Board reporting district with more than the recommended maximum concentration of applicable sales uses, whether the Long Beach Police Department identifies the site as having a high crime rate, and the provision of code-compliant on-site parking. Adoption of the proposed ordinance would result in the application of these same criteria to future off-premises alcohol sales requests in PD-32 North, Subarea 1 and the establishment of a consistent, citywide process for off-premises alcohol sales uses. Additionally, the amendment would eliminate a conflict between the PD-32 North Development Standards and the Development Agreement, which specifically excludes "traditional full-service or specialty grocery store" uses from their otherwise blanket off-premises alcohol sales prohibition.

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. The requested amendment, however, given its retail nature, aligns with the Land Use Element's stated goals for the area encompassing PD-32 North, which includes the establishment of "large activity centers allowing employment centers, retail, offices, high density residential, visitor serving facilities and professional service" land uses. Following Planning Commission action, the proposed amendment will be presented to the City Council for adoption consideration.

PUBLIC HEARING NOTICE

The required public hearing notice was provided in accordance with the Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram, public hearing notices were mailed to all City libraries, and three public hearing notices were posted in public places within the City. As of the preparation of this report, no comments or written testimony has been received.

ENVIRONMENTAL REVIEW

An Environmental Impact Report for the Douglas Park Project (then called PacifiCenter) was certified in 2004, and an Addendum was certified in 2009 (State Clearinghouse No. 2001051048). The addendum was prepared in response to a number of proposed modifications to the project analyzed in the 2004 EIR, among them an increase in allowable retail square footage. Because the proposed amendment relates to retail use allowances, the project is within the scope of development anticipated and analyzed as part of this EIR. No additional environmental review is required for this project.

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



TOM MODICA
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

TM:LT:CT:mh

Attachments: Exhibit A – Location Map
 Exhibit B – PD-32 North Development Standards
 Exhibit C – LBX Site Plan
 Exhibit D – Redlined Ordinance

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. The Development Standards Table 2 of PD-32: North of the Douglas Park Planned Development District is amended as shown on the attached Exhibit "A."

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Table 2: Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Alcoholic Beverage Sales				The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales
Off-premises sales w/in 500 ft. of district allowing residential uses	C*	N	N	
Off-premises sales more than 500 ft. from district allowing residential uses	C*	N	N	
On-premises sales w/in 500 ft. of district allowing residential uses	C*	N	N	
On-premises sales more than 500 ft. from district allowing residential uses	Y*	N	N	
Automobile (Vehicle) Uses				All outdoor display, storage, service and repair of vehicles is subject to special standards (see LBMC Chapter 21.45)
Auto detailing (with hand held machines only)	AP	AP	AP	Mobile businesses prohibited. Auto Detailing (with hand held machines only)
Car wash	N	N	N	
Diesel fuel sales	N	N	N	See LBMC Section 21.52.222
Gasoline sales	N	N	N	
General auto repair (body work, painting, etc.)	N	N	AP	Uses allowed indoors only. Outdoor storage of vehicles or equipment shall be prohibited.
Limousine service (does not include auto repair)	N	N	AP	Nonconforming parking rights do not apply (see LBMC Section 21.27.070).
Minor auto repair, tune up, and lube, smog test	N	N	N	
Motorcycle/jet ski sales and repair	N	N	N	
Parking service – principal use	AP	N	N	No permanent Parking Services shall be permitted. Valet only.
Recreational vehicle storage	N	N	N	
Rental agency (does not include repair)	Y	Y	N	
Automobile Sales (does not include auto repair)	N	N	N	
Towing	N	N	A	Accessory to general auto repair. Free-standing tow yards shall be prohibited.
Vehicle parts (with installation); tire store	N	C	N	
Vehicle parts (w/o installation)	Y	AP	N	

* Applies to Retail Expansion Areas in subareas 1 and 2.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Billboards	N	N	N	All Billboards Prohibited
Business Office Support				
Copy, fax, mail box, or supplies	Y	Y	N	
Equipment sales, rental, or repair	Y	Y	N	
Off-set printing	Y	Y	N	
Entertainment				
Amusement machines (4 or fewer)	A	A	N	See Zoning Code Section 21.51.205 (special development standards).
Banquet room rental	A*	N	N	Accessory to restaurant only (see LBMC Section 21.51.215).
Dancing (accessory use)	Y*	N	N	Accessory to restaurant, tavern, club. City Council hearing is required for new and transferred business licenses.
Live or movie theater (w/100 seats or less)	AP*	N	N	For theaters w/more than 100 seats, see "Movie theater."
Mock boxing or wrestling	N	N	N	
Movie theater (or live theater w/100+ seats)	C	N	N	
Pool tables (up to 3 tables)	A*	N	N	Accessory to restaurant, tavern, club (see LBMC Section 21.51.260).
Private club, social club, night club, pool hall or hall rental within 500 ft. of district allowing residential uses	C	N	N	City Council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y*	N	N	City Council hearing is required for new and transferred business licenses. Restaurants proposing to locate within zone 2 shall be allowed only as an accessory use on the ground floor of Office building.
Other entertainment uses (arcade, bowling alley, miniature golf, tennis club, skating rink, etc.)	C*	N	N	
Financial Services				
ATM – Walk-up or freestanding machine on interior of building; walk-up machine on exterior of building	Y	Y	N	Requires 2 (5 minute) parking spaces for each ATM machine. Spaces shall be located within 100 ft. Such spaces may be existing required parking.
ATM – Freestanding machine, exterior	AP	AP	N	
ATM – Drive-thru machine	AP	AP	N	For drive-thru machine see standards for drive-thru lane in LBMC Section 21.45.130.
Bank, credit union, savings & loan	Y	Y	N	
Check cashing	N	N	N	
Escrow, stocks and bonds broker	Y	Y	N	
All other financial services not listed above	C	C	N	

* Applies to Retail Expansion Areas in subareas 1 and 2.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Food Processing				
Food and kindred products (SIC Code 20)	N	N	Y/C	<p>Permitted in 3 Zoning District: All uses included in SIC Code 20, except as noted below. SIC Code 2048 (includes slaughtering animals for animal feed) SIC Code 201 (includes meat packing plants, meat & poultry products) SIC Code 2091 (Canned & Cured Fish and Seafood) SIC Code 2092 (Prepared Fresh or Frozen Fish/ Seafoods) Any Permitted use proposing to locate within 300 feet of a Residentially Zoned property shall be subject to a Conditional Use Permit, subject to the requirements in LBMC Sections 21.25.201 thru 21.25.212.</p>
Institutional				
Church or temple	N	N	N	
Convalescent hospital or home	N	N	N	
Crematorium	N	N	N	
Day care or preschool	N	Y	N	
Industrial arts trade technical/ training school	Y	Y	Y°	To be located on the second floor and above if located on McGowen.
Mortuary	N	N	N	
Parsonage	N	N	N	
Private elementary or secondary school	N	N	N	
Professional school/business school	Y	Y	Y°	To be located on the second floor and above if located on McGowen.
Social service office (with food distribution)	N	N	N	
Social service office (without food distribution)	N	AP	N	
Other institutional uses	C	C	N	
Manufacturing				
The uses within these SIC Codes are limited to operations containing primarily manufacturing space with accessory display and storage uses. Freestanding Distribution centers that are primarily Warehouses are prohibited.				
Apparel and other finished products made from fabrics and similar materials (SIC Code 23)	N	Y	Y	
Printing, publishing and allied industries (SIC Code 27)	N	Y	Y	
Chemicals & Allied Products Mfgs (SIC Code 28)	N	N	N	
Leather and leather products (SIC Code 31)	N	N	N	
Electronic and other electrical equipment and components, except computer equipment (SIC Code 36)	N	Y	Y	

° Permitted in subarea 3 between McGowen and Schaufelle only.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Code 38)	Y	Y	Y	
Miscellaneous manufacturing Industries (SIC Code 39) - Including Jewellery Manufacturing; Toys Manufacturing; Sporting Goods Manufacturing; and Household Products.	N	Y	Y	Permitted in 2 & 3 Zoning District: All uses included in SIC Code 39, so long as the specific operation of the use is non-nuisance in nature (e.g., noise, hazardous materials, odors, dust, light and glare) and are either confined completely within the property or result in limited secondary impacts in terms of traffic, air emissions, and hours of operation, consistent with LBMC Section 21.33.020.
Furniture and Fixtures (SIC Code 25)	N	N	AP	
Paper and allied products (SIC Code 26)	N	N	Y/C	Prohibited in 3 Zoning District: SIC Code 261 (Pulp Mills) SIC Code 262 (Paper Mills) SIC Code 263 (Paperboard Mills)
Rubber and miscellaneous plastics products (SIC Code 30)	N	N	Y/C	Prohibited in 3 Zoning District: SIC Code 3011 (Tires & Inner Tubes)
Textile mill products (SIC Code 22)	N	N	Y/C	
Lumber and wood products, except furniture (SIC Code 24) - Including: Hardwood Products; Wooden Cabinets Miscellaneous Wood Products	N	N	Y/C	Prohibited in 3 Zoning District: SIC Code 2411 (Logging) SIC Code 2421 (Sawmills & Planing Mills - General) Permitted in 3 Zoning District: All other uses included in SIC Code 24, so long as the specific operation of the use is non-nuisance in nature (e.g., noise, hazardous materials, odors, dust, light and glare) and are either confined completely within the property or result in limited secondary impacts in terms of traffic, air emissions, and hours of operation, consistent with Zoning Code Section 21.33.020.
Stone, clay, glass, and concrete products (SIC Code 32)	N	N	Y/C	Prohibited in 3 Zoning District: SIC Code 324 (Hydraulic Cement) SIC Code 325 (Structural Clay Products) SIC Code 327 (Concrete, Gypsum, and Plaster Products)
Fabricated metal products, except machinery and transportation equipment (SIC Code 34)	N	N	Y/C	Prohibited in 3 Zoning District: SIC Code 348 (Ordinance and Accessories)
Industrial and commercial machinery and computer equipment (SIC Code 35)	N	N	Y	
Transportation equipment (SIC Code 37)	N	N	Y	

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Tobacco products (SIC Code 21)	N	N	N	
Petroleum refining and related industries (SIC Code 29)	N	N	N	
Primary metal industries (SIC Code 33)	N	N	N	
Electric Gas & Sanitary Services (SIC Code 49)	N	N	N	
Personal Services				
Basic personal services (barber/beauty shop, catering, party counseling (w/o trucks), diet center, dog/cat grooming, dry cleaner, fitness center/health club, dance/karate studio, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic repair equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic w/o boarding).	Y	AP	N	
Fortunetelling	N	N	N	
House cleaning service	N	AP	N	
Laundromat	N	N	N	
Laundry, cleaning and garment services (SIC Code 721)	N	N	Y	
Massage therapy	A*	N	N	See special conditions in LBMC Section 21.51.243. Special adult entertainment standards for massage parlor (see LBMC Section 21.45.110).
Recycling center	N	N	N	
Recycling collection center for cans and bottles (staff attended)	N	N	N	
Recycling containers for cans and bottles	A	N	N	Accessory to a grocery store only (see LBMC Section 21.51.265).
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.) - (SIC Code 76)	N	N	Y	For small appliance repair, see "Basic Personal Services." Repair service limited to inside enclosed structure.
Repair services with outdoor operations (SIC Code 76)	N	N	N	
Self storage (indoor only)	N	N	N	
Shoe-shine stand (indoor/outdoor)	A	A	N	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	
Termite and pest control	N	N	N	See "Misc. -- Storage of Hazardous Materials."
Veterinary Services for Animal Specialties (SIC Code 0742) Animal Specialty Services, Boarding, Kennels, Shelters (SIC Code 0752)	N	N	C	Also see "Basic Personal Services."
All personal services not listed	AP	AP	N	

* Applies to Retail Expansion Areas in subareas 1 and 2.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Professional Services				
Accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractic, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, photography, psychiatry, psychology, real estate, or tax preparation (Including SIC Codes 60, 61, 62, 63, 64, 65, 67, 73 [except 7353 and 7359], 861, 862, 863, 864, and 87)	Y	Y	Y ^o	Prohibited in 2 Zoning District: SIC Code 9223 (Correctional Institutions) SIC Code 8744 (Jails, privately operated-correctional facilities, adult privately operated) Permitted in 1 & 2 Zoning Districts: The uses within these SIC Codes are limited to operations containing primarily office space with accessory display and storage uses. Freestanding Distribution centers that are primarily Warehouses are prohibited.
All professional offices not listed	AP	AP	AP ^o	
Aviation-Related Uses				
Aviation-related uses including, maintenance and storage, pilot/passenger amenities (restrooms, food services, classrooms and office spaces), charter operations and aircraft rentals (SIC Code 45)	N	N	N	
Aircraft Manufacturing	N	N	N	
Aircraft Storage	N	N	N	
Aircraft Services for On-site Aircraft (For on-site aircraft only (not for commercial purposes)	N	N	N	
Commercial Aviation Services (Provided by those holding valid agreements to conduct business on Long Beach Airport)	N	N	N	
Special Events	N	N	N	
Residential Uses	N	N	N	No Residential Uses shall be permitted.
Restaurant And Ready-To-Eat Foods				
Outdoor dining	A	A	N	
Restaurants and ready-to-eat foods with drive-thru lanes	C	N	N	Special standards apply (See LBMC Section 21.45.130).
Restaurants and ready-to-eat foods without drive-thru lanes	Y*	A	N	Ready to eat foods proposing to locate within 2 shall be allowed only as an accessory use on the ground floor of Office building. Restaurants prohibited in Zone 2.
Vending carts	AP	AP	N	Special standards apply (See LBMC Section 21.45.170).

* Applies to Retail Expansion Areas in subareas 1 and 2.

^o Permitted in subarea 3 between McGowen and Schaufelle only.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Retail Sales				
Basic retail sales (SIC Codes 54, 5735, 5942, 7841) (except uses listed below)	Y	A*	N	Used clothing, antiques, art, books (new and used), coins, collectibles, food stores, jewelry, and trading cards are included in "Basic Retail Sales." Basic retail sales uses proposing to locate within 2 zone shall be allowed only as an accessory use on the ground floor of an Office building.
Building supply or hardware store with lumber, drywall, or masonry (including SIC Code 52, 57)	Y	N	N	For hardware store without lumber, drywall, or masonry, see "Basic Retail Sales." If located along McGowen, main entrances shall face McGowen.
Gun Store and Gun Repair	AP	N	N	Allowed only as an accessory use to primary Sporting Goods establishment
Major household appliances (refrigerator, stove, etc.)	Y	Y	N	
Manufacture of products sold on-site	A	A	N	See LBMC Section 21.51.240.
Merchandise mall, indoor swap meet	N	N	N	
Outdoor sales events (flea markets, swap meets, etc.)	N	N	N	
Outdoor vending – Flower, plant, fruit, or vegetables in conjunction with sale of related products from a retail store	A	N	N	See LBMC Section 21.51.255.
Outdoor vending – Food carts	AP	AP	N	See LBMC Section 21.45.170.
Outdoor vending – Flower cart or news cart	Y	Y	N	See LBMC Section 21.45.135.
Pawn shop	N	N	N	
Thrift store, used merchandise	N	N	N	Also see note under "Basic Retail Sales."
Vending machines	A	A	N	Accessory to existing retail sales. See LBMC Section 21.51.295.
Temporary Lodging				
Hotel/Motel	Y	Y	N	
Shelters	N	N	N	
Temporary Uses				
Carnival, event, fair, trade show, etc.	T	T	N	
Construction trailer	T	T	T	
Outdoor Vending – Mobile food truck at construction sites	T	T	T	See LBMC Section 21.53.106.
Transportation & Communication Facilities				
Communications Facilities – Freestanding monopole cellular and personal communication services	N	N	C	See LBMC Section 21.52.210.
Communication Facilities – Attached/ roof mounted cellular and personal communication services	C	C	C	See LBMC Section 21.45.115.
Communications (SIC 48)	N	N	N	SIC Code 483 (Radio and television broadcasting stations) and Microwave transmission or relay towers are permitted only with approval of a Conditional Use Permit

* Applies to Retail Expansion Areas in subareas 1 and 2.

Table 2 (continued) : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Communication Facilities – Electrical distribution station	N	N	Y	
Local and suburban transit and Interurban highway passenger transportation (SIC Code 41)	N	N	N	
Local Trucking Without Storage (SIC Code 4212)	N	N	N	
Courier Service Except by Air (SIC Code 4215)	N	C	C	
Transportation Services (SIC Code 47) - Including: Tour Operators; Transportation Consulting;	N	C	C	
Transportation-Related Uses with no outdoor container storage	N	N	N	
Transportation-Related Uses with outdoor container storage associated with shipping/ trucking/rail	N	N	N	
Helipads	N	N	N	Aviation-related uses shall be allowed only in the geographic area south of "G" Street.
Wholesale Trade				
Wholesale Trade - durable goods (SIC Code 50) - and nondurable goods (SIC Code 51)	Y	Y	Y	The uses within SIC Code 50 and 51 are limited to operations containing primarily office space with accessory display and storage uses. Freestanding Distribution centers that are primarily Warehouses are prohibited.
Miscellaneous				
Research and development, Bio-science, Life-science and Medical devices laboratories.	AP	Y	Y	
Aircraft manufacturing and aircraft manufacturing related uses.	N	N	Y	

* Applies to Retail Expansion Areas in subareas 1 and 2.

Abbreviations:

Y = Yes (permitted use).

N = Not permitted (prohibited use).

C = Conditional Use Permit required. For special conditions, see LBMC Chapter 21.52

A = Accessory Use. For special development standards, see LBMC Chapter 21.51

AP = Administrative Use Permit required. For special conditions, see LBMC Chapter 21.52

T = Temporary Use. Subject to provisions contained in LBMC Chapter 21.53

IP = Interim Park Use permit required. For special conditions, see LBMC Chapter 21.52

Y/C = Either permitted by right or subject to Conditional Use Permit review, depending upon locational criteria contained under "Permitted Uses".

Footnote:

(1) The following alcoholic beverage sales may be exempted from the Conditional Use Permit requirement.

a. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a Conditional Use Permit to continue to sell alcohol.

b. Use located more than 500 ft. from zoning districts allowing residential use.

c. Department store or florist with accessory sale of alcoholic beverages.

d. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.

e. Existing legal, nonconforming uses. (Ord. C-7663 § 42, 1999).