

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

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ORDINANCE NO. ORD-18-0030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.590, 21.15.1470, 21.15.2005, 21.15.2810, 21.25.502.A.3, 21.32.020, AND TABLE 32-1; BY ADDING SECTIONS 21.15.245, 21.15.595, 21.15.707, 21.15.1054, 21.15.2195, 21.15.2273, 21.52.219.8, AND 21.52.232; AND BY REPEALING SECTIONS 21.15.510 AND 21.52.213, RELATING TO ASSEMBLY USES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.590 of the Long Beach Municipal Code is amended to read as follows:

21.15.590 Communal housing.

"Communal housing" means housing for nonfamily groups with common kitchen and dining facilities but without medical, psychiatric or other care. Communal housing includes boarding house, lodging house, dormitory, fraternity house, commune, and religious home. Communal housing does not include handicapped or senior citizen housing, residential care facility, or convalescent hospital or parsonage as defined by this Code.

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1 Section 2. Section 21.15.1470 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.15.1470 Institutional use.

4 "Institutional use" means a category of land use characterized by
5 emphasis upon educational, cultural, or public service activities whether for
6 profit or of a nonprofit nature.

7
8 Section 3. Section 21.15.2005 of the Long Beach Municipal Code is
9 amended to read as follows:

10 21.15.2005 Parsonage.

11 "Parsonage" means an accessory residential use on the same
12 property and occupied by employees of a church or other religious
13 assembly or institutional use who provide spiritual guidance to members.

14
15 Section 4. Section 21.15.2810 of the Long Beach Municipal Code is
16 amended to read as follows:

17 21.15.2810 Special group residence.

18 "Special group residence" includes, but is not limited to, fraternity
19 and sorority houses, college dormitories, residential care facility,
20 convalescent hospitals, senior citizen housing, handicapped housing,
21 halfway houses, military barracks and religious homes. Special group
22 residence does not include group homes or parsonage as defined by this
23 Code.

24
25 Section 5. Section 21.25.502.A.3 of the Long Beach Municipal Code is
26 amended to read as follows:

27 3. Industrial or public assembly use. Industrial or public
28 assembly use projects with five thousand (5,000) square feet or more of

1 floor area of new construction, except those located in the IP (Port) zoning
2 district. Projects located in the IP zone shall be exempt from site plan
3 review, except those projects which are located on a major arterial as
4 defined by the Mobility Element of the General Plan.

5
6 Section 6. Table 32-1, Uses in All Other Commercial Zoning Districts, in
7 Section 21.32.130 of the Long Beach Municipal Code is amended to read as shown on
8 Exhibit A attached hereto.

9
10 Section 7. Section 21.32.020 of the Long Beach Municipal Code is
11 amended to read as follows:

12 Twelve (12) commercial districts are established by this Chapter as follows:

13 A. Commercial Zoning Districts Of General Applicability.

14 1. The CO-Office Commercial District permits mixed
15 residential and commercial uses along major arterial routes. This District
16 implements Land Use District No. 8M of the General Plan.

17 2. The CH-Highway Commercial District preserves and
18 enhances areas for automobile-oriented commercial uses. The District
19 recognizes the need for many commercial uses to have large frontages and
20 high visibility along major highways. This District implements Land Use
21 District No. 8A of the General Plan.

22 3. The CT-Tourist and Entertainment Commercial District
23 creates, preserves and enhances areas for the development of a major
24 tourist and entertainment industry for the City. The District recognizes that
25 such areas have special requirements for intense and unique uses,
26 transportation linkages, and aesthetically pleasing environments.

27 B. Neighborhood Commercial Zoning Districts. The
28 Neighborhood Commercial Zoning District includes neighborhood-serving

1 centers and corridors that provide small scale, low-intensity uses to meet
2 the daily retail and service needs of surrounding residents. Uses and the
3 scale of development shall be compatible with surrounding residential
4 neighborhoods and shall be designed to promote pedestrian and bicycle
5 access. Scale is determined by the size of adjoining residential uses, the
6 commercial lot size and the commercial street width. Special scale
7 restrictions apply in these districts. There are three (3) types of
8 Neighborhood Commercial Districts:

9 1. The Neighborhood Pedestrian (CNP) District is oriented
10 towards serving pedestrians and encouraging pedestrian activity by locating
11 buildings along the primary street frontage and parking behind the buildings.

12 2. The Neighborhood Automobile-Oriented (CNA) District
13 is auto-oriented with buildings set back from the front property line and
14 parking located between the building and the street.

15 3. The Neighborhood Commercial and Residential (CNR)
16 District is a mixed-use district permitting small scale commercial uses and/or
17 moderate density residential development at R-3-T densities.

18 C. Community Commercial Zoning Districts. The Community
19 Commercial Zoning Districts provide medium scale uses that serve an entire
20 community, including those who arrive by automobile, and which may
21 require buffering to ensure compatibility with adjacent residential
22 neighborhoods. These districts are located on major or minor arterials,
23 located on larger lot sizes and adjoining larger scale residential
24 neighborhood uses or are buffered from smaller scale residential
25 neighborhoods. There are four (4) types of Community Commercial
26 Districts:

27 1. The Community Automobile-Oriented (CCA) District
28 permits retail and service uses for an entire community including

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convenience and comparison shopping for goods and associated services.

2. The Community Pedestrian-Oriented (CCP) District permits retail and service uses with a development character intended to encourage pedestrian activity with buildings built to the street property line and parking is to the side or the rear.

3. The Community R-4-R (CCR) District is similar to the Community Auto-Oriented District, but also permits moderate density residential development at R-4-R densities.

4. The Community R-4-N (CCN) District is similar to the Community Auto-Oriented District, but also permits medium density residential development at R-4-N densities.

D. Regional Commercial Zoning District. The Regional Commercial District provides for large scale, mixed uses on large sites in activity centers. These sites are located on major arterial streets and regional traffic corridors. There is one (1) type of Regional Commercial Zoning District:

1. The Regional Highway District (CHW) is a commercial use district for mixed scale commercial uses located along major arterial streets and regional traffic corridors. Residential use is not permitted.

E. Commercial Storage Zoning District. The Commercial Storage (CS) District encourages storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses.

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Section 8. Section 21.15.245 is added to the Long Beach Municipal Code to read as follows:

21.15.245 Assembly use.

“Assembly use” means any facility for public or private meetings or gatherings including community centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations and other uses that are classified as assembly use under the California Building Code. This definition includes related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. This definition does not include gymnasiums or other sports facilities, convention centers, or facilities such as day care centers and schools that are separately defined and regulated.

Section 9. Section 21.15.595 is added to the Long Beach Municipal Code to read as follows:

21.15.595 Community assembly.

“Community assembly” means a facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This definition includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, cultural facilities or facilities such as day care centers and schools that are separately classified and regulated.

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1 Section 10. Section 21.15.707 is added to the Long Beach Municipal
2 Code to read as follows:

3 21,15.707 Cultural facility.

4 “Cultural facility” means a facility engaged in activities to serve and
5 promote aesthetic and educational interest in the community that are open
6 to the public on a regular basis. This definition includes performing arts
7 centers for theater, music, dance, and events; spaces for display or
8 preservation of objects of interest in the arts or sciences; libraries;
9 museums; historical sites; aquariums; art galleries; and zoos and botanical
10 gardens. Facilities may include space for classes or lectures. It does not
11 include schools or institutions of higher education providing curricula of a
12 general nature or facilities for assembly uses.

13
14 Section 11. Section 21.15.1054 is added to the Long Beach Municipal
15 Code to read as follows:

16 21.15.1054 Fitness Facility.

17 “Fitness Facility” means a primarily indoor establishment, which may
18 include weight training facilities; swimming or exercise pool; sport courts
19 (basketball, etc.); exercise, yoga, and martial arts classes; sauna, spa or hot
20 tub facilities; and similar activities that are primarily conducted indoors.
21 Fitness Facilities may include locker rooms, snack bars, and childcare for
22 patrons, incidental offices and storage space.

23
24 Section 12. Section 21.15.2195 is added to the Long Beach Municipal
25 Code to read as follows:

26 21.15.2195 Public Library

27 “Public Library” means a nonprofit library maintained for public use
28 and usually supported in whole or in part by local taxation. A library is a

1 building or portion thereof where written, audio, visual, and other media are
2 kept in some convenient order for use, but generally not for sale.

3

4 Section 13. Section 21.15.2273 is added to the Long Beach Municipal
5 Code to read as follows:

6 21.15.2273 Religious assembly.

7 "Religious assembly" is a type of community assembly use where a
8 building or space is used primarily for persons to conduct worship or other
9 religious ceremonies including, but not limited to, church, cathedral,
10 mosque, shrine, synagogue or temple, and other religious worship places,
11 facilities for religious instruction, incidental office, storage, and kitchen
12 facilities. This definition does not include childcare facilities, schools
13 (kindergarten through 12th grade), gymnasiums or other sports facilities.

14

15 Section 14. Section 21.52.219.8 is added to the Long Beach Municipal
16 Code to read as follows:

17 21.52.219.8 Community assembly uses.

18 Community assembly uses shall be located, developed, and
19 operated in compliance with the following standards:

20 A. In a residential zone:

21 1. The proposed use may consist only of an expansion of
22 an existing facility on the site or on the abutting site; and

23 2. The site shall be limited to forty thousand (40,000)
24 square feet in size;

25 3. A long-range development plan consistent with the
26 requirements of Section 21.34.020 shall be submitted for Planning
27 Commission review and approval for any new or expanded use on any site
28 larger than forty thousand (40,000) square feet. New construction and

1 additions with five thousand (5,000) square feet of floor area or more must
2 be consistent with the long-range plan;

3 B. Any proposed addition or new construction shall conform to
4 the development standards required for principal uses within the district.

5 C. Any new construction or additions with five thousand (5,000)
6 square feet of floor area or more shall be subject to site plan review
7 pursuant to Chapter 21.25, Division V;

8 D. A buffer at least twenty (20) feet in width shall be provided
9 adjacent to the boundary of any residential zone or property line of any
10 residential use. This buffer area may be used for parking or landscaping
11 but shall not be used for structures or outside activities. The minimum
12 buffer requirement may be reduced subject to the review and approval of a
13 Conditional Use Permit pursuant to Chapter 21.25, Division II, as long as
14 the reduced buffer maintains the minimum setback requirement of the
15 district in which the facility is located. Parking areas shall be screened
16 consistent with the requirements of Chapter 21.42.

17 E. Outdoor areas used for recreation, meetings, services or other
18 activities involving groups of persons shall be at least fifty (50) feet from the
19 boundary of any residential zone or property line of any residential use.

20 F. Parking shall be provided in accordance with Chapter 21.41.

21 G. To ensure compliance with the Federal Religious Land Use
22 and Institutionalized Persons Act of 2000 (RLUIPA), the Planning
23 Commission or the Zoning Administrator shall have the authority to grant
24 exceptions and waivers to the requirements of this Code when necessary to
25 accommodate religious assembly uses.

26 1. A request for an exception or waiver shall be submitted
27 and processed in the same manner as an application for an Administrative
28 Use Permit consistent with the requirements of Chapter 21.25, Division IV,

1 Administrative Use Permits.

2 2. If necessary to reach a determination on the request for
3 exception or waiver, the Zoning Administrator may request further
4 information from the applicant, specifying in detail what information is
5 required.

6 3. Findings required. The following findings must be
7 analyzed, made and adopted before any action is taken to approve or deny
8 a request for a modification or waiver and must be incorporated into the
9 record of the proceeding relating to such approval or denial:

10 a. The requested exception or waiver will not
11 impose an undue financial or administrative burden on the City.

12 b. The requested exception or waiver will not
13 require a fundamental alteration of the zoning or building laws, policies
14 and/or procedures of the City.

15 c. There are no alternatives to the requested
16 waiver or modification that could provide an equivalent level of function
17 related to religious worship with less potential detriment to surrounding
18 owners and occupants or to the general public.

19 d. That the conditions imposed, if any, are
20 necessary to further a compelling public interest and represent the least
21 restrictive means of furthering that interest;

22 e. That denial of the requested exception or waiver
23 would impose a substantial burden on religious worship or would conflict
24 with any State or federal statute.

25 f. For religious assembly uses located in the
26 coastal zone, a request for reasonable accommodation under this Section
27 shall be approved by the City if it is consistent with all of the applicable
28 provisions of this Division, and the certified Local Coastal Program. Where

1 a request for a modification or waiver is not consistent with the certified
2 Local Coastal Program, the City may waive compliance with an otherwise
3 applicable provision of the Local Coastal Program and approve the request
4 for reasonable accommodation if the City finds that the request is
5 consistent, to the maximum extent feasible, with the certified Local Coastal
6 Program.

7 4. Conditions of approval. In approving an exception or
8 waiver to accommodate religious assembly use, the decision-maker may
9 impose any conditions deemed necessary to:

10 a. Ensure that the proposal conforms in all
11 significant respects with the General Plan and with any other applicable
12 plans or policies adopted by the City Council;

13 b. Achieve the general purposes of this Section or
14 the specific purposes of the zoning district in which the project is located;

15 c. Achieve the findings for an exception or waiver
16 granted; or

17 d. Mitigate any potentially significant impacts
18 identified as a result of review conducted in compliance with the California
19 Environmental Quality Act.

20 5. Exceptions or waivers approved pursuant to this
21 section may be conditioned to provide for rescission or automatic expiration
22 based on a change of occupancy or other relevant change in circumstance.
23 To ensure this, the property owner shall record a covenant demonstrating
24 that the improvement with which the exception or waiver is associated shall
25 be removed or modified to comply with City regulations at the expense of
26 the property owner when said circumstance or occupancy changes.

27 6. Appeals. The applicant or any aggrieved party may
28 appeal decisions pursuant to this section or any conditions or limitations

1 imposed by the Zoning Administrator.

2 a. All appeals shall contain a statement of the
3 grounds for the appeal.

4 b. Appeals shall be to the Planning Commission, in
5 accordance with Division V of Chapter 21.21 – Administrative Procedures.

6

7 Section 15. Section 21.52.232 is added to the Long Beach Municipal
8 Code to read as follows:

9 21.52.232 Fitness or health club, dance or karate studio and the like.

10 A. The use shall demonstrate adequate parking for
11 peak demand.

12 B. The facility shall be limited to five thousand (5,000)
13 square feet of gross usable floor area in neighborhood commercial zones
14 (CNP, CAN and CNR).

15

16 Section 16. Long Beach Municipal Code Sections 21.15.510 and
17 21.52.213 are hereby repealed.

18

19 Section 17. The City Clerk shall certify to the passage of this ordinance by
20 the City Council and cause it to be posted in three (3) conspicuous places in the City of
21 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
22 Mayor.

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Lona Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of December 11, 2018 by the following vote:

Ayes: Councilmembers: Pearce, Price, Andrews,

Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Gonzalez, Supernaw, Mungo,

Richardson.


City Clerk

Approved: 12/12/18
(Date)

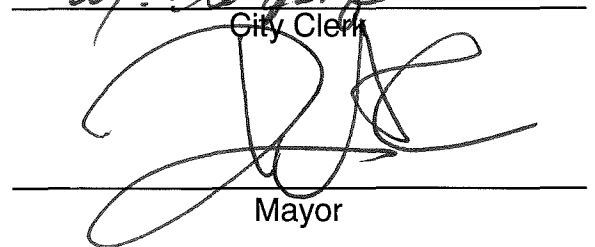

Mayor

Table 32-1, Uses in All Other Commercial Zoning Districts

Table 32-1: Uses in All Other Commercial Zoning Districts										
Uses	Neighborhood			Community			Regional		Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Entertainment										
Live or movie theater (w/100 fixed seats or less)	Y	Y	Y	AP	Y	AP	AP	Y	N	
Live or movie theater (w/more than 100 fixed seats)	AP	AP	AP	Y	AP	Y	Y	CY	N	

Table 32-1: Uses in All Other Commercial Zoning Districts										
Uses	Neighborhood			Community			Regional		Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Public and Semi-Public Institutional										
Community Assembly Uses (Accessory Only < 25% of GFA)	Y	Y	Y	Y	Y	Y	Y	Y	N	Accessory assembly uses shall comply with applicable regulations for assembly uses, such as parking and building code requirements
Religious assembly uses with 1) up to 2,500 sq. ft. of GFA and 2) 100 or fewer occupants	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.52.219.8
Religious assembly uses with 1) between 2,501 sq. ft. and 25,000 sq. ft. GFA, or 2) more than 100 occupants	AP	AP	AP	Y	AP	Y	Y	Y	N	Religious Assembly Uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay), subject to Section 21.52.219.8.
Religious assembly uses with over 25,000 square feet of GFA	N	N	N	C	N	C	C	C	N	
Convalescent hospital or home	N	N	N	N	N	C	C	N	N	

EXHIBIT "A"

Table 32-1: Uses in All Other Commercial Zoning Districts

Uses	Neighborhood			Community			Regional		Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Parsonage	A	A	A	A	A	A	A	A	N	Accessory to and on the same parcel as associated religious assembly use.
Private elementary or secondary school	N	N	N	C	C	C	C	C	N	Special conditions apply (see Section 21.52.263 and 21.52.249).

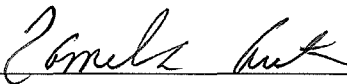
Table 32-1: Uses in All Other Commercial Zoning Districts

Uses	Neighborhood			Community			Regional		Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Personal Services										
Basic personal services (barber/beauty shop, diet center, dog/cat grooming, dry cleaner, fortunetelling, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic without boarding)	Y	Y	Y	Y	Y	Y	Y	Y	N	
Fitness Facility up to 2,500 sq. ft. of GFA	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.52.232 Limited to 2,500 square feet in neighborhood zones.
Fitness Facility between 2,501 to 25,000 sq. ft. of GFA,	AP	AP	AP	Y	AP	Y	Y	Y	N	
Fitness Facility over 25,000 sq. ft. of GFA	N	N	N	C	N	C	C	C	N	

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 12th day of December 2018, I posted three true and correct copies of Ordinance No. ORD-18-0030 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



Subscribed and sworn to before me
This 12th day of December, 2018.



CITY CLERK