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ORDINANCE NO. ORD-08-0039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 5.72.200, 5.72.210 AND 5.72.220 RELATING TO THE DOWNTOWN DINING AND ENTERTAINMENT DISTRICT PROGRAM

WHEREAS, the development of a vital and lively downtown is a matter of concern for the City Council of the City of Long Beach; and

WHEREAS, the City Council enacted a one-year pilot program to regulate entertainment in the downtown area in a manner which balances the needs of businesses, residents, and visitors ("the Downtown Entertainment Permit"); and

WHEREAS, the City Council now desires to permanently extend the duration of the Downtown Entertainment Permit based on input from the stakeholders and City staff;

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

Section 1. Section 5.72.200 of the Long Beach Municipal Code is amended to read as follows:

5.72.200 Downtown dining and entertainment district program area.

The Downtown Dining and Entertainment District shall be established as a program known as the Downtown Program. Business operators presently holding entertainment permits in good standing who agree in writing to comply with the requirements of the Downtown Dining and Entertainment District Program shall be issued downtown entertainment permits.

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5.72.210 Boundaries of the Downtown Program.

The Downtown Program area consists of the area bounded by the north side of Ocean Boulevard, the south side of Third Street, the east side of Pacific and the west side of Long Beach Boulevard, and the areas known as the Pike at Rainbow Harbor and Shoreline Village, as shown on maps on file in the Office of the City Clerk. Hotels within the boundaries are excluded from the requirements of the Downtown Program but continue to be subject to all other provisions of this Chapter and shall continue to operate under the conditions of their previously-issued entertainment permits.

5.72.220 Standard conditions.

The City Council shall adopt standard conditions which shall become part of each Downtown Entertainment Permit. These conditions shall be in addition to those set forth in Sections 5.72.110 through 5.72.150 of this Chapter, in any conditional use permit issued by the City, any other requirement of the Municipal Code, or any Department of Alcoholic Beverage Control license. In the event of a conflict between the requirements of the Downtown Program and the more general provisions of this Chapter, the requirements of the Downtown Program shall control within the program area. In the event of a conflict between a downtown entertainment permit and a license issued by the Department of Alcoholic Beverage Control, the more stringent regulation shall govern.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach 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.

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

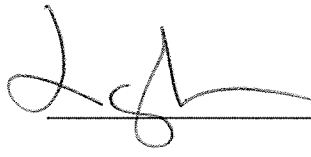
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of December 16, 2008, by the following vote:

Ayes: Councilmembers: DeLong, O'Donnell, Schipske,
Andrews, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: S. Lowenthal, Reyes Uranga.



City Clerk

Approved: 12/19/08
(Date)



Mayor