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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY REPEALING SECTIONS 21.52.204 and 21.52.281; AMENDING SECTIONS 21.15.1560, 21.15.2310, 21.15.2420, 21.15.3000, 21.15.3015, 21.21.302(B)(4), TABLE 31-1, TABLE 32-1, AND 21.52.249, AND BY ADDING SECTIONS 21.15.1576, 21.15.1859, 21.25.905, 21.52.200.1, 21.52.240.5, AND 21.52.270.1, ALL RELATING TO CONDITIONAL USE PERMITS

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

Section 1. Section 21.52.204 of the Long Beach Municipal Code, titled Artist's Studio with Residence, is hereby repealed;

Section 2. Section 21.52.281 of the Long Beach Municipal Code, titled Thrift Shops, is hereby repealed.

Section 3. Section 21.15.1560 of the Long Beach Municipal Code is amended to read as follows:

21.15.1560 Laundry.

“Laundry” or “Laundromat” means an establishment to dry clean and/or wash and dry clothes brought in and carried away by the customer.

This may include self-service or coin-operated facilities.

Section 4. Section 21.15.2310 of the Long Beach Municipal Code is amended to read as follows:

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21.15.2310 Restaurant.

“Restaurant” means a commercial use engaged in the preparation and sale of food for immediate consumption. A restaurant includes a kitchen containing not less than a double sink, a range, an oven, and an exhaust canopy. Catering is an accessory use to a restaurant.

Section 5. Section 21.15.2420 of the Long Beach Municipal Code is amended to read as follows:

21.15.2420 Secondhand store.

“Secondhand store” means a retail establishment that buys, sells, and/or trades used goods, including through consignment, which may include used clothing, furniture, household goods, jewelry, household appliances, musical instruments, business machines and office equipment, hand tools, and similar items. This definition does not include book stores, antique stores, sale of used farm or construction equipment, junk dealers, scrap/dismantling yards, sale of used cars or other vehicles, pawn shops, or establishments selling used jewelry, old coins and stamps.

Section 6. Section 21.15.3000 of the Long Beach Municipal Code is amended to read as follows:

21.15.3000 Tavern.

“Tavern” includes bars, pubs, cocktail lounges and similar establishments that operate either under a Type 48 Department of Alcoholic Beverage Control license (On-sale General-Public Premises) and sell beer, wine and distilled spirits for consumption on the premises, or a Type 42 license (On-sale Beer and Wine-Public Premises), but do not necessarily sell food. Tavern also includes bars and pubs that operate under a Type 40 license (On-sale Beer), and which sell sandwiches or snacks but not wine or

1 distilled spirits. This use does not include Nightclubs as defined by these
2 regulations or restaurants that operate under a Type 47 or Type 41 License.

3
4 Section 7. Section 21.15.3015 of the Long Beach Municipal Code is
5 amended to read as follows:

6 21.15.3015 Thrift shop. See Secondhand store.

7
8 Section 8. Section 21.21.302(B)(4) of the Long Beach Municipal Code is
9 amended to read as follows:

10 4. Public Notification.

11 a. (1) For residential or commercial projects, notice of the
12 hearing shall be mailed or delivered to all owners of real property as shown
13 on the latest equalized assessment roll within three hundred feet (300') of
14 the real property that is the subject of the hearing. Notice of hearing shall
15 also be mailed or delivered to all tenants, as applicable, of real property that
16 is located within three hundred feet (300') of the real property that is subject
17 to the hearing.

18 (2) For all industrial, institutional or City projects, notice of
19 the hearing shall be mailed or delivered to all owners of real property as
20 shown on the latest equalized assessment roll within one thousand feet
21 (1,000') of the real property that is the subject of the hearing. Notice of
22 hearing shall also be mailed or delivered to all tenants, as applicable, of real
23 property that is located within one thousand feet (1,000') of the real property
24 that is subject to the hearing.

25 (3) The notification radius for mailed notices shall be
26 extended in the following circumstances:

27 i. Projects that are outside of, but within three hundred
28 feet (300'), of any residential zone – extend radius by that distance, for a

1 notification radius of 300 feet plus distance from closest residential zone.

2 ii. Projects requesting reduced or shared parking:
3 extend radius by 450 feet, for a notification radius of 750 feet

4 ii. When the use has a buffer requirement (such as a
5 500-foot separation), increase the notification radius to match the buffer
6 requirement

7 iv. When project falls within more than one (1) category
8 described in subsections i-iv, the greater requirement shall prevail.

9 (4) For notices on City-owned property in the Port of Long
10 Beach and the Long Beach Airport, notices shall also be mailed and
11 delivered to the leasehold interests on those properties. Notices sent to
12 leaseholders shall count in determination of the twenty (20) notice minimum.

13 (5) In lieu of utilizing the assessment roll, the City may
14 utilize records of the county assessor or tax collector which contain more
15 recent information than the assessment roll. In no event shall less than a
16 minimum of twenty (20) nearest property owners, or owners and
17 leaseholders as specified above, be notified.

18 (6) Notice of the hearing shall also be mailed or delivered
19 to resident managers of any multifamily residential rental units where the
20 property owner is not an on-site occupant when the fact of non-occupancy is
21 known to the person charged with the responsibility of mailing or delivering
22 notice.

23 (7) Measurement of the distance for notification pursuant to
24 this Subsection shall begin at the property boundary of the real property that
25 is the subject of the hearing.

26 (8) Whenever the number of properties to whom notice
27 would be mailed or delivered exceeds one thousand 1,000, the City may
28 provide notice by placing a display advertisement of at least one-eighth (1/8)

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page in at least one (1) newspaper of general circulation within the jurisdiction where the hearing is being conducted.

(9) All notices, regardless of radius, shall be posted to the City's website, along with other forms of electronic communication that are specified with an approved electronic communications policy.

b. In a City-initiated zoning remapping program, if the number of properties to whom notice would be mailed or delivered pursuant to this Subsection is greater than one thousand (1,000), the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation within the local agency in which the proceeding is conducted at least ten (10) and not more than forty-five (45) days prior to the hearing; and

Section 9. Table 31-1 of Chapter 21.31 of the Long Beach Municipal Code is amended by amending the following uses: Daycare, under Other Uses; Urban Agriculture, under Interim Parks; and table Notes, as shown on the attached Exhibit "A."

Section 10. Table 32-1 of Chapter 21.32 of the Long Beach Municipal Code is amended by amending the following uses: Accessory Tasting Room, under Alcoholic Beverage Manufacturing and Accessory Tasting Room; Off-Premises sales within 500 ft. of district allowing residential uses, under Alcoholic Beverage Sales; Urban Agriculture, under Interim Parks, and Tattoo Parlor, under Personal Services; Live-Work Units, under Residential Uses, Secondhand store, under Retail Services; and the table Footnotes as shown on the attached Exhibit "B."

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Section 11. Section 21.52.249 of the Long Beach Municipal Code is amended to read as follows:

21.52.249 Nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons.

The following conditions shall apply to all nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons:

- A. A minimum of seventy-five (75) square feet of outdoor play area per child shall be provided on the site;
- B. In residential districts, no other similar facility may be located and operating within one-half (1/2) mile (2,640 feet) of the proposed site;
- C. The hours of operation shall be limited to the hours between six o'clock (6:00) a.m. and seven-thirty (7:30) p.m.; and
- D. Adequate off-street loading spaces shall be provided to prevent adverse effects upon the neighborhood.

Section 12. Section 21.15.1576 is added to the Long Beach Municipal Code to read as follows:

21.15.1576 Live-Work unit.

A unit that combines a work space and incidental residential occupancy by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential and work activities in compliance with the California Building Code.

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1 Section 13. Section 21.15.1859 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.1859 "Noise ordinance" means Chapter 8.80 of the Long Beach
4 Municipal Code.

5
6 Section 14. Section 21.25.905 is added to the Long Beach Municipal
7 Code to read as follows:

8 21.25.905 Administrative Land Use Review.

9 This Section establishes procedures for conducting review of by-right
10 land uses and structures to verify that any new or expanded use or structure
11 complies with all of the applicable requirements of this Code.

12 A. Applicability. Administrative Land Use Review is required for
13 new or substantial expansions of uses of land or a building, which are:

- 14 1) allowed by-right but require compliance with Special Development
15 Standards detailed in Chapters 21.45, 21.51, or 21.52 of this Code; and/or
16 2) allowed by an existing approved planning application (Site Plan Review,
17 Conditional Use Permit, etc.).

18 B. Application. Applications and fees for Administrative Land
19 Use Review shall be submitted in accordance with the provisions set forth in
20 Chapter 21.21.201, Application. The Zoning Administrator may request that
21 the Administrative Land Use Review application be accompanied by a
22 written narrative, plans and other related materials necessary to show that
23 the proposed development, alteration, or use of the site complies with all
24 provisions of this Code and the requirements and conditions of any
25 applicable planning application approval.

26 C. Determination. If the Zoning Administrator determines that the
27 proposed use or building conforms to all the applicable development and
28 use standards, the Director shall issue written notice of the Administrative

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Land Use Review determination within 30 days of the date of receipt of a completed application. An approved Administrative Land Use Review may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

D. Exceptions. Administrative Land Use Review is not required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any building or development code regulations.

E. Appeals. Administrative Land Use Review decisions are subject to the appeal provisions of Chapter 21.21, Appeals.

Section 15. Section 21.52.200.1 is added to the Long Beach Municipal Code to read as follows:

21.52.200.1 Alcohol exemption permit.

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 thirty percent (30%) 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. Florist with accessory sale of alcoholic beverages.

1 C. Existing legal, nonconforming uses.

2

3 Section 16. Section 21.52.240.5 of Long Beach Municipal Code is added
4 to the Long Beach Municipal Code to read as follows:

5 21.52.240.5 Live-work unit.

6 The following conditions shall apply to administrative use permits for
7 live-work units:

8 A. The minimum unit size is seven hundred fifty (750) square feet.

9 B. Each unit shall have a separate entrance that is clearly identified
10 to provide for emergency services.

11 C. No more than thirty-three percent (33%) of any unit shall be
12 used for exclusive residential purpose such as sleeping area, kitchen,
13 bathroom and closet areas. The unit shall provide as a minimum full
14 cooking and bathing facilities.

15 D. All necessary building permits shall be obtained prior to the use
16 of the space for residential occupancy.

17 E. No mechanical equipment shall be used which generates noise
18 higher than the noise standards established for residential uses (Chapter
19 8.80 of the Municipal Code).

20 F. There shall be no outside operations, outside storage or outdoor
21 display of materials or products.

22 G. No toxic, explosive, flammable, combustible or corrosive
23 materials are to be stored or used on the site in quantities or in a manner
24 that violates any provision of the Uniform Fire Code. No etiologic or
25 radioactive materials shall be used or stored on the site at any time.

26 H. No process shall be used which is hazardous to public health,
27 safety or welfare.

28 I. The home occupation shall not displace or block the use of

1 parking spaces required for the residential use including any business
2 storage in required garage parking areas.

3 J. Not more than two (2) vehicles shall be used in the business.
4 Only one (1) vehicle may be commercially licensed.

5 K. The property owner shall record a covenant, prior to the
6 issuance of a building permit, ensuring that the provisions of this Section are
7 continually adhered to and that the Live-Work Unit remains consistent with
8 the definition in Section 21.15.1576.

9 The Zoning Administrator may require the discontinuance of a work
10 activity in a live-work unit with residence if as operated or maintained there
11 has been a violation of any applicable condition or standard. The Zoning
12 Administrator shall have the authority to prescribe additional conditions and
13 standards of operation for any category of work activity in a live-work unit.
14

15 Section 17. Section 21.52.270.1 of Long Beach Municipal Code is added
16 to the Long Beach Municipal Code to read as follows:

17 21.52.270.1 Secondhand shops.

18 The following shall apply to new secondhand/thrift shops and as a
19 requirement for approval of any increase in the floor area of an existing shop:

20 A. All sales and display of merchandise shall be permitted only
21 within a building;

22 B. Exterior alterations to the premises and all signage must be
23 designed and installed in compliance with all applicable City regulations and
24 guidelines;

25 C. The building and site shall be maintained in a neat, clean and
26 orderly condition;

27 D. Outside storage shall not be permitted;

28 E. The store shall not authorize the donation or drop-off of any

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goods while the store is closed; and

F. The operator shall post a notice in a visible location at any public entrance, which states that goods may not be deposited when the store is closed and listing hours when and where donations will be accepted.

Section 18. 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.

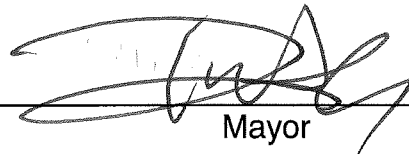
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of October 2, 2018, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Mungo, Uranga, Austin, Richardson,
Andrews.

Noes: Councilmembers: None.

Absent: Councilmembers: None.


City Clerk


Mayor

Approved: 10/9/18
(Date)

TABLE 31-1 revisions

**Table 31-1
Uses in Residential Zones**

Other Uses

Residential Zone District Land Use	R- 1-S	R- 1- M	R- 1-L	R- 1- N	R- 1-T	R- 2-S	R- 2-I	R- 2-L	R- 2- N	R- 2- A	R- 3- S	R- 3- 4	R- 3- T	R- 4- R	R- 4- N	R-4- H(d)	R- 4- U	R- M	R- 4- M	RP
Other Uses																				
Daycare center (15 or more persons) (see Section 21.52.249)	C	C	C	C	C	C	C	C	C	C	Y	Y	Y	Y	Y	Y	Y	C	N	N
Interim Parks																				
e. Urban Agriculture (h)	AP	AP	AP	AP	AP	AP	AP	AP	AP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Notes:

- (a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.
- (b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.
- (c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.
- (d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.
- (e) This use does not include uses that meet the definition of "Residential care facility" or "Special group residences" as defined in Chapter 21.15.
- (f) Development is subject to the density limits of the zoning district in which it is located.
- (g) Adult-Use Cannabis Businesses prohibited.
- (h) All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

TABLE 32-1 revisions

Table 32-1
Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcoholic Beverage Manufacturing and Accessory Tasting Room										
Alcohol Beverage Manufacturing*	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.
Accessory Tasting Room*	A	A	A	A	A	A	A	A	A	

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcoholic Beverage Sales										Note: The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales.
Off-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	For alcoholic beverage sales exempted from the CUP process, see Section 21.52.200.1

EXHIBIT "B"

Interim Parks											
Urban Agriculture Use (1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.52.260.

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other		
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS		
Personal Services											
Tattoo parlor	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.45.166). Tattoo parlors shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.166.	

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Residential Uses										
Caretaker residence	AP	AP	AP	AP	AP	AP	AP	AP	AP	
Group home (care of 6 or less)	N	N	Y	N	N	Y	Y	N	N	
Live-Work Units	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.52.240.5
Residential care facility (care of 7 or more)	N	N	N	N	N	C	C	N	N	

EXHIBIT "B"

Residential historic landmark building	*	*	*	*	*	*	*	*	*	See Section 21.52.265.5 for permitted uses and special conditions.
Senior and/or handicapped housing	N	N	N	N	N	C	C	N	N	
Special group housing (fraternity, sorority, convalescent home, convent, monastery, etc.)	N	N	N	N	N	C	C	C	N	
Single-family or multifamily residential	N	N	Y	N	N	Y	Y	N	N	See Table 32-3 for permitted densities.

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Retail Services (cont'd)										
Secondhand store	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.52.270.1 Also see note under "Basic Retail."

Footnotes:

(1) All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

AFFIDAVIT OF POSTING

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

Karen Baldwin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 3rd day of October 2018, I posted three true and correct copies of Ordinance No. ORD-18-0025 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.



A handwritten signature in black ink, appearing to read "Karen Baldwin", is written over a horizontal line.

Subscribed and sworn to before me
This 3rd day of October, 2018.



A handwritten signature in black ink is written over a horizontal line. Below the line, the words "CITY CLERK" are printed in a bold, sans-serif font.