

ORDINANCE NO.

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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Artist’s Studio with Residence, is hereby repealed;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Thrift Shops, is hereby repealed.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:

1 21.15.2310 Restaurant.

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

6

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

9 21.15.2420 Secondhand store.

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

18

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

21 21.15.3000 Tavern.

22 "Tavern" includes bars, pubs, cocktail lounges and similar  
23 establishments that operate either under a Type 48 Department of Alcoholic  
24 Beverage Control license (On-sale General-Public Premises) and sell beer,  
25 wine and distilled spirits for consumption on the premises, or a Type 42  
26 license (On-sale Beer and Wine-Public Premises), but do not necessarily  
27 sell food. Tavern also includes bars and pubs that operate under a Type 40  
28 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)

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

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

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

13  
14 Section 9. Table 31-1 of Chapter 21.31 of the Long Beach Municipal  
15 Code is amended by amending the following uses: Daycare, under Other Uses; Urban  
16 Agriculture, under Interim Parks; and table Notes, as shown on the attached Exhibit "A."

17  
18 Section 10. Table 32-1 of Chapter 21.32 of the Long Beach Municipal  
19 Code is amended by amending the following uses: Accessory Tasting Room, under  
20 Alcoholic Beverage Manufacturing and Accessory Tasting Room; Off-Premises sales  
21 within 500 ft. of district allowing residential uses, under Alcoholic Beverage Sales; Urban  
22 Agriculture, under Interim Parks, and Tattoo Parlor, under Personal Services; Live-Work  
23 Units, under Residential Uses, Secondhand store, under Retail Services; and the table  
24 Footnotes as shown on the attached Exhibit "B."

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28

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

3 21.52.249 Nursery schools, day nurseries, preschools, childcare centers,  
4 daycare centers and similar uses for daytime care and education  
5 of a limited number of persons.

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

9 A. A minimum of seventy-five (75) square feet of outdoor play  
10 area per child shall be provided on the site;

11 B. In residential districts, no other similar facility may be located  
12 and operating within one-half (1/2) mile (2,640 feet) of the proposed site;

13 C. The hours of operation shall be limited to the hours between  
14 six o'clock (6:00) a.m. and seven-thirty (7:30) p.m.; and

15 D. Adequate off-street loading spaces shall be provided to  
16 prevent adverse effects upon the neighborhood.

17  
18 Section 12. Section 21.15.1576 is added to the Long Beach Municipal  
19 Code to read as follows:

20 21.15.1576 Live-Work unit.

21 A unit that combines a work space and incidental residential  
22 occupancy by a single household in a structure that has been constructed  
23 for such use or converted from commercial or industrial use and structurally  
24 modified to accommodate residential and work activities in compliance with  
25 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

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

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

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

13  
14 Section 15. Section 21.52.200.1 is added to the Long Beach Municipal  
15 Code to read as follows:

16 21.52.200.1 Alcohol exemption permit.

17 The following alcoholic beverage sales may be exempted from the  
18 conditional use permit requirement:

19 A. Restaurants with alcoholic beverage service only with meals.  
20 This generally means any use with a fixed bar is not exempt. A service bar  
21 is not considered a fixed bar. A sushi bar, where alcoholic beverages are  
22 served at the same bar where meals are served, is considered serving  
23 alcoholic beverages only with meal service. A cocktail lounge without a bar,  
24 but with primarily service of only hors d'oeuvres and alcoholic beverages is  
25 not exempt. Any restaurant with more than thirty percent (30%) of gross  
26 sales consisting of alcoholic beverages shall lose its exemption and be  
27 required to obtain a conditional use permit to continue to sell alcohol.

28 B. Florist with accessory sale of alcoholic beverages.

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C. Existing legal, nonconforming uses.

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

21.52.240.5 Live-work unit.

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

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

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

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

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

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

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

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

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

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

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

1 goods while the store is closed; and

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

6  
7 Section 18. The City Clerk shall certify to the passage of this ordinance by  
8 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
9 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
10 Mayor.

11 I hereby certify that the foregoing ordinance was adopted by the City  
12 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the  
13 following vote:

14  
15 Ayes: Councilmembers: \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18  
19 Noes: Councilmembers: \_\_\_\_\_  
20 \_\_\_\_\_

21 Absent: Councilmembers: \_\_\_\_\_  
22 \_\_\_\_\_

23  
24  
25 \_\_\_\_\_  
City Clerk

26  
27 Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

**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
<b>Other Uses</b>																				
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
<b>Interim Parks</b>																				
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	
<b>Alcoholic Beverage Manufacturing and Accessory Tasting Room</b>										
Alcohol Beverage Manufacturing*	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.45.114). Alcoholic Beverage Manufacturing and
Accessory Tasting Room*	A	A	A	A	A	A	A	A	A	Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
<b>Alcoholic Beverage Sales</b>										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	
Personal Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
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	
Residential Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
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	
Retail Services (cont'd)	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
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.