



CITY OF LONG BEACH

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OFFICE OF THE CITY MANAGER

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August 12, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing, adopt an urgency ordinance amending Ordinance ORD-13-0016 extending for six (6) months a temporary limitation (moratorium) on the issuance of entertainment permits and/or business licenses for businesses with Type 48 ABC licenses in the Downtown Dining and Entertainment District; and declare the ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. (District 2)

DISCUSSION

Background

The Downtown Dining and Entertainment District (District) 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 (Exhibit A – District Boundaries). In 2005, the City Council operated a pilot program in the District in order to develop consistent hours and operating conditions for businesses requesting an entertainment permit. In December 2008, the District was established on a permanent basis.

On August 13, 2013, the City Council directed the City Attorney to draft an interim ordinance pursuant to LBMC Chapter 21.50 ("Interim Prohibition of Uses") initiating a moratorium against the issuance of entertainment permits in the District for businesses under a Type 48 ABC license for a period of one year. The City Council directed the City Manager, along with the Department of Development Services and the Planning Commission, to conduct an evaluation of the policies governing the issuance of entertainment permits in the District during the one-year moratorium.

Currently, when establishments located within the District apply for and obtain entertainment permits, the permits include nineteen standard conditions. In addition, permittees agree to a system of tiered additional conditions. Under that system, a permittee who violates the terms of the permit is subjected to progressively more stringent regulations. The tiering system allows the City to alter the conditions of operation in order to maintain a safe and livable environment. Failure to comply can result in revocation of both the entertainment permit and the business license.

Evaluation Process

Following Council direction, the City Manager assembled a diverse task force of downtown stakeholders (task force) to evaluate the current policies and recommend changes. Task force members submitted applications and were selected based on a mix of criteria, including demonstrated commitment to downtown Long Beach, professional expertise, and familiarity with the downtown entertainment issues. The task force members include business owners, downtown residents, and property owners (see Exhibit B – Task Force Roster).

During the moratorium, the task force met regularly to consider adjustments to the District policies that would continue to promote a vibrant and dynamic downtown. The task force sought to balance the needs of a variety of users. In particular, the task force wished to stimulate business activity and incentivize entertainment venues to operate downtown, while also encouraging residential development in the District. City staff facilitated meetings and participated throughout the process.

The task force has worked diligently to design policies that will substantially improve the District for all. The task force believes that the recommendations must be vetted by a larger group of downtown stakeholders before being presented to the City Council and codified. Therefore, the task force requests a six-month extension of the moratorium to allow sufficient time to complete a public engagement process. The process includes a public forum, taking place on Thursday August 21st from 6:30 – 8:00 p.m. at the Small Business and Development Center, located at 309 Pine Avenue. Task force members will also receive feedback through e-mail, face-to-face conversations, and from other organizations. The proactive engagement process seeks to inform all of the proposed changes and to ensure that everyone has an opportunity to comment on the proposal. After gathering input, the task force will meet to consider how to best incorporate the feedback and will then submit the recommendations to the City Council for approval and referral to the Planning Commission to amend Chapter 21 of the Long Beach Municipal Code. Following Planning Commission approval, the City Attorney will return to the City Council with an ordinance for adoption.

This matter was reviewed by Assistant City Attorney Michael Mais and by Budget Management Officer Victoria Bell on July 29, 2014.

TIMING CONSIDERATIONS

The moratorium on Type 48 ABC licenses in the District expires on August 13, 2014; therefore, Council action is required to maintain the moratorium while the evaluation process concludes. The short extension ensures that all future applicants benefit from the new policies.

FISCAL IMPACT

There is no anticipated fiscal impact or local job impact associated with the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
CITY MANAGER

PHW; SMF; RAT

Exhibit A – District Boundaries
Exhibit B – Task Force Roster

DOWNTOWN DINING & ENTERTAINMENT DISTRICT: BOUNDARIES
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Exhibit A – District Boundaries



The Downtown Dining and Entertainment District (District) 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.

Exhibit B – Task Force Roster

**Task Force Roster
Downtown Dining and Entertainment District**

Loara Cadavona

East Village Resident

First District Representative to Downtown Long Beach Associates Board

Liz Carlin

Deputy to LA Council President Wesson

Downtown Resident & Property Owner

Eric Carr

Downtown Resident

President, Downtown Residential Council

David Copley

Owner Auld Dubliner Irish Pub & Legends Sports Bar

Rebecca Dragula

Lives & Works in Downtown Long Beach

Joseph Ganem, III

East Village Resident; President Blu Condominium HOA

Vice President, Downtown Residential Council

Katrina Harding

Downtown Resident

Member, Wilmore City Heritage Society

AICP Certified Planner

Jimmy Loizides

Owner-Operator of George's Greek Café

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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. ORD-13-0016 EXTENDING FOR SIX (6) MONTHS THE TEMPORARY LIMITATION (MORATORIUM) ON THE ISSUANCE OF ENTERTAINMENT PERMITS AND/OR BUSINESS LICENSES FOR BUSINESSES THAT OPERATE WITH A TYPE 48 ABC LICENSE OR RELATED PERMIT IN THE DOWNTOWN DINING AND ENTERTAINMENT DISTRICT; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on August 13, 2013, by Ordinance No. ORD-13-0016, the City Council of the City of Long Beach imposed, on an urgency basis, a temporary moratorium for one (1) year against the issuance of entertainment permits in the Downtown Dining and Entertainment District ("District") for businesses that operate under a Type 48 ABC license (Bar and Lounge-no kitchen); and

WHEREAS, additional time is required to study and complete the comprehensive regulations amending the City's zoning and/or business license regulations related to the above described use; and

WHEREAS, a duly noticed public hearing was held on August 12, 2014, regarding the extension of the moratorium;

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

Section 1. Ordinance No. ORD-13-0016, Section 2, adopted as an emergency ordinance on August 13, 2013, is amended to read as follows:

1 Section 2. Estimated Time for Completion of Study. It is
2 estimated that the study or studies undertaken in connection with the
3 adoption of this interim ordinance shall take the various involved
4 Departments and the Planning Commission approximately eighteen (18)
5 months to complete. For the purposes of this ordinance, this interim
6 moratorium study period shall expire no later than February 7, 2015, or
7 at such time as the City does adopt appropriate zoning or business
8 license regulations related to all or some of the above defined
9 businesses, whichever is sooner.

10
11 Section 2. Ordinance No. ORD-13-0016, Section 3, adopted as an
12 emergency ordinance on August 13, 2013, is amended to read as follows:

13 Section 3. Prohibition. During the eighteen (18) month interim
14 moratorium period, no application shall be approved for an
15 Entertainment Permit, discretionary or ministerial permit including a
16 business license, conditional use permit, administrative use permit or
17 other land use entitlement for any business within the Downtown Dining
18 and Entertainment District which carries or intends to operate with a
19 Type 48 license issued by the State Department of Alcoholic Beverage
20 Control. Said prohibition shall apply in the Downtown Dining and
21 Entertainment District for the duration of the eighteen (18) month interim
22 moratorium period and shall not apply to the remodeling or repair of
23 existing facilities provided that the existing "footprint" of any site,
24 structure or building is not expanded.

25
26 Section 3. Declaration of Urgency. This ordinance is an emergency
27 measure, and it is urgently required for the reason that, pending completion of the
28 necessary study, and a determination relative to the potential need to amend the City's

1 zoning and/or business license regulations related to the above described use Code, it is
2 necessary to temporarily prohibit the issuance of entertainment permits and/or business
3 licenses for those establishments who carry or wish to operate with a Type 48 license or
4 permit in the Downtown Dining and Entertainment District.

5 Section 3. This ordinance is an emergency ordinance duly adopted by
6 the City Council on by a vote of five of its members and shall take effect immediately.
7 The City Clerk shall certify to a separate roll call and vote on the question of the
8 emergency of this ordinance and to its passage by the vote of five members of the City
9 Council of the City of Long Beach, and cause the same to be posted in three
10 conspicuous places in the City of Long Beach.

11 This ordinance shall also be adopted by the City Council as a regular
12 ordinance, to the end that in the event of any defect or invalidity in connection with the
13 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be
14 and become effective on the thirty-first day after it is approved by the Mayor.

15 The City Clerk shall certify to the passage of this ordinance by the City
16 Council of the City of Long Beach and shall cause the same to be posted in three
17 conspicuous places in the City of Long Beach.

18 I hereby certify that on a separate roll call and vote which was taken by
19 the City Council of the City of Long Beach upon the question of emergency of this
20 ordinance at its meeting of August 12, 2014, the ordinance was declared to be an
21 emergency by the following vote:

22 Ayes: Councilmembers: _____

23 _____

24 _____

25 Noes: Councilmembers: _____

26 _____

27 Absent: Councilmembers: _____

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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2014, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor