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H-1

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Howard D. Russell
Tiffani L. Shin
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

November 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive documentation into the record, conclude the public hearing and take the following actions relating to the amendment of various provisions of the Long Beach Municipal Code:

1. Declare the following ordinances read the first time and laid over to the next regular meeting of the City Council for final reading:
 - A. Amending Sections 5.38 and 21.15.1100 relating to the regulation of fortunetelling;
 - B. Amending Section 5.64.010C and 21.15.2008, and deleting Section 21.15.2401 relating to the regulation of secondhand dealers and "cash for gold" businesses; and
 - C. Amending Section 21.51.235 relating to the regulation of cottage food operations.
2. Adopt the attached resolution directing the Director of Development Services to submit the ordinance amendments to the California Coastal Commission for a finding of conformance with the Local Coastal Plan; and
3. Accept Categorical Exemption CE-13-099. (Citywide)

DISCUSSION

Amendments A and C above, to the Long Beach Municipal Code (LBMC) Titles 5 (Business License) and 21 (Zoning), are required to be made due to changes in state law and threatened litigation. Amendment B is made at the direction of the City Council.

131217 10:58 AM
CITY OF LONG BEACH
RECEIVED

Regulations governing fortunetelling appear in LBMC Sections 5.38 and 21.15.1100. Correspondence was received by City Attorney's Office in July 2013 threatening litigation related to language that was outdated, unclear and constitutionally offensive. The proposed amendment removes the outdated and offensive language, makes the definition of "fortunetelling" in the Business License section consistent with that in the Zoning section; removes the requirement of a \$250,000 bond and background check, but maintains the requirement of a City business license. It further removes the requirement of a Conditional Use Permit, and allows fortunetelling in commercial zones in the same manner as personal services.

Regulations governing secondhand dealers are contained in LBMC Sections 5.64.010C and 21.115.2401. The current definition of secondhand dealer does not capture "cash for gold" businesses. The proposed amendments to LBMC 5.64.010.C includes sales of tangible personal property, as determined by the State Attorney General, within the definition of "secondhand dealer" therefore requiring "cash for gold" businesses to record and maintain information from sellers, and thereby possibly deter criminals from attempting to sell stolen jewelry to these businesses. This definition is consistent with the California Business and Professions Code, which also requires that such businesses hold tangible personal property for thirty (30) days, identify sellers and complete similar procedures as a pawnshop, including obtaining a name, identification, and thumbprint of the seller, and a description of the item sold. Ultimately, this may result in reduced property crimes. The proposed amendment to Section 21.15.2008 to change the term "pawnbroker" to "pawnshop" will similarly capture "cash for gold" businesses and the like, and will be internally consistent with other relevant Sections of Title 21.

Regulations governing "Home Occupations" are found in LBMC Section 21.51.235. However, the Code does not address home food preparation businesses known as "Cottage Food" operations. Assembly Bill (AB) 1616 was recently adopted to allow cottage food operation uses as a permitted use in residential zones. A cottage food operation is essentially a business enterprise at a private home where low risk food products are prepared or packed for sale to consumers. A private home is considered a dwelling, including an apartment or other leased space, where individuals reside. The state law was intended to promote small businesses, and healthier, local, homegrown foods.

The City does have the ability to impose reasonable standards, restrictions and requirements related to a cottage food operation. The intent of the attached ordinance is to bring the City's Municipal Code into conformance with the new state law, while at the same time imposing the type of reasonable restrictions that the City typically applies to other home occupation businesses.

The proposed ordinance would classify a "Cottage Food Operation" as a "Home Occupation" in the City's Zoning Regulations. As a "Home Occupation," restrictions would also be imposed based upon the number of people able to engage in this type of activity at a particular location (two), commercial signage (none permitted), noise, types of mechanical equipment that can be used in the operation, public safety (i.e., no toxic, explosive or combustible materials to be stored on site), no outside or garage storage of materials, limitations on the number of business visitors per hour and day, and reasonable parking restrictions. In addition, the

residential appearance of the premises could not be altered and the property owner would not be allowed to create a separate entrance to the dwelling for the purpose of accommodating the cottage food operation use.

PUBLIC HEARING NOTICE

Public Hearing notices were published in the Long Beach Press-Telegram on November 1, 2013, in accordance with the provisions of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for the implementation of the California Environmental Quality Act, Categorical Exemption (CE-13-099) was issued for the proposed project. (Attachment 1.) In addition, adoption of the attached resolution refers the City-wide amendments affecting the Coastal Zone to the California Coastal Commission, as required by state law

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By



AMY R. WEBBER
Deputy City Attorney

MJM:ARW:bg
A13-0136
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City Council Ordinances (w/corresponding redlines)
City Council Resolution
Attachment 1: Categorical Exemption CE-13-099

ATTACHMENT 1



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbsds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 13-099

Project Location/Address: CITYWIDE

Project/Activity Description: AMEND SECTIONS 5.38 AND 21.15.1102, INCLUDING MODIFYING COMMERCIAL AND PLANNED DEVELOPMENT APICAL (25, 29, 30 AND 32 NORTH AND SOUTH) USE TABLE. AMENDMENTS INCLUDE REVISIONS TO SECTIONS 5.64.01C AND 21.15.2008, AND 21.51.235 PERTAINING TO SECONDHAND DEALERS, PAWN BROKERS, CASH FOR GOLD, AND COTTAGE FOOD OPERATIONS.

Public Agency Approving Project: CITY OF LONG BEACH, LOS ANGELES COUNTY, CALIFORNIA

Applicant Name: AMY BODEK, DIRECTOR OF DEVELOPMENT SERVICES

Mailing Address: 333 W. OCEAN BLVD, 3RD FLOOR, LONG BEACH, CA 90802

Phone Number: (562) 570-6428

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: _____ Planner's Initials: _____

Required Permits: _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308, Class 8, Actions by Regulatory Agencies

Statement of support for this finding: Regulatory standards by local agency

Contact Person: Craig Chalant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 10/22/13



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 13-074

Project Location/Address: Citywide

Project/Activity Description: AMENDMENTS, REVISIONS, AND ADDITIONS TO THE ZONING ORDINANCE AND PLANNED DEVELOPMENT DISTRICTS PERTAINING TO CHECK CASHING, PAY DAY LOANS, SIGNATURE LOANS, CAR TITLE LOANS, AND OTHER FINANCIAL SERVICES.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Amy Borek, Director of Development Services

Mailing Address: 333 W. OCEAN BLVD, 3RD FLOOR, LONG BEACH, CA 90802

Phone Number: (562) 570-6428

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1308-01 Planner's Initials: SV

Required Permits: Zoning Text Amendments

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308, Class 8, Actions by Regulatory Agencies

Statement of support for this finding: Regulatory standards by local agency

Contact Person: Craig Chalfant

Contact Phone: 562-570-8369

Signature: [Signature]

Date: 10/22/13

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 5.38.010, TABLES 32-1 AND 32-1A IN CHAPTER 21.32, BY AMENDING THE USE DISTRICT TABLES FOR PD-25 (ATLANTIC AVENUE PLANNED DEVELOPMENT DISTRICT), PD-29 (LONG BEACH BLVD PLANNED DEVELOPMENT DISTRICT) AND PD-32 NORTH AND SOUTH (DOUGLAS PARK PLANNED DEVELOPMENT DISTRICT); AND BY REPEALING SECTIONS 5.38.020 THROUGH 5.38.140, ALL RELATING TO FORTUNETELLING

The City Council of the City of Long Beach does hereby ordain as follows:

Section 1. Section 5.38.010 of the Long Beach Municipal Code is amended to read as follows:

5.38.010 Defined.

“Fortunetelling” means a commercial enterprise involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling includes the use of astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading or any similar means. Fortune telling does not include forecasting based on historical trends or patterns, religious or political dogma, or any of the previously listed arts when presented in an

1 assembly of people who purchase tickets or means in exchange for the
2 presentation at a site licensed for entertainment uses pursuant to Chapter
3 5.72 of this Code.

4
5 Section 2. "Personal Services" section of Table 32-1 "Uses in All Other
6 Commercial Zoning Districts" of Chapter 21.32 of the Long Beach Municipal Code is
7 amended to read as shown on Exhibit "A".

8
9 Section 3. "Personal Services" section of Table 32-1A "Uses in All Other
10 Commercial Zoning Districts" of Chapter 21.32 of the Long Beach Municipal Code is
11 amended to read as shown on Exhibit "B".

12
13 Section 4. "Personal Services" section of the Use District Table of PD-25
14 (Atlantic Avenue Planned Development District) is amended as shown on Exhibit "C".

15
16 Section 5. "Personal Services" section of the Use District Table of PD-29
17 (Long Beach Blvd Planned Development District) is amended as shown on Exhibit "D".

18
19 Section 6. "Personal Services" section of the Use District Table of PD-32
20 North and South (Douglas Park Planned Development District) is amended as shown on
21 Exhibit "E".

22
23 Section 7. Sections 5.38.020 through 5.38.140 of the Long Beach
24 Municipal Code are hereby repealed.

25
26 Section 8. The City Clerk shall certify to the passage of this ordinance by
27 the City Council and cause it to be posted in three (3) conspicuous places in the City of
28 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the

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

1 Mayor.

2 I hereby certify that the foregoing ordinance was adopted by the City
3 Council of the City of Long Beach at its meeting of _____, 20__,
4 by the following vote:

5

6 Ayes: Councilmembers: _____

7 _____

8 _____

9 _____

10 Noes: Councilmembers: _____

11 _____

12 Absent: Councilmembers: _____

13 _____

14 _____

15 _____

16 _____
City Clerk

17 _____

18 _____

19 Approved: _____
(Date) Mayor

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

EXHIBIT “A”

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											
Basic personal services (barber/beauty shop, diet center, dog/cat grooming, dry cleaner, 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	
Catering, party counseling (without trucks)	Y	Y	Y	Y	Y	Y	Y	Y		N	For catering with trucks, see industrial zones, table 33-1.

Fitness center/health club, dance/karate studio, fortunetelling	Y	Y	Y	Y	Y	Y	Y	Y	N	Limited to 5,000 square feet in neighborhood zones.
Gun repair shop	AP	Y	N							
House cleaning service	Y	Y	Y	Y	Y	Y	Y	Y	N	
Laundromat	AP	N								
Laundry (commercial customers)	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Massage therapy	A	A	A	A	A	A	A	A	A	Special conditions (see <u>Section</u>

EXHIBIT "A"

											21.51.243). Special adult entertainment standards for massage parlor (see Section 21.45.110).
Recycling center	N	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Recycling collection center for cans and bottles (staff attended)	N	N	N	AP	AP	AP	AP	AP	AP	N	
Recycling containers for cans and bottles	A	A	A	A	A	A	A	A	A	N	Accessory to a grocery store only (see Section 21.51.265)
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	N	N	C	C	C	C	Y	Y	N	For small appliance repair, see "basic personal services".
Self-storage (indoor only)	N	N	N	N	N	N	N	N	N	C	
Shoe repair	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Shoeshine stand (indoor/ outdoor)	A	A	A	A	A	A	A	A	A	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	N	N	N	N	N	C	N	
Termite and pest control	N	N	N	N	N	N	N	N	C	N	See "miscellaneous storage of hazardous materials".
Veterinary clinic with boarding	N	N	N	C	C	C	C	C	C	N	See also "basic personal services".
All personal services not listed	AP	N									

Abbreviations:

Y = Yes (permitted use).

EXHIBIT "A"

N = Not permitted.

C = Conditional use permit required. For special conditions, see Chapter 21.52

A = Accessory use. For special development standards, see Chapter 21.51

AP = Administrative use permit required. For special conditions, see Chapter 21.52

T = Temporary use subject to provisions contained in Chapter 21.53

IP = Interim park use permit required. For special conditions, see Chapter 21.52

Footnotes:

(1) 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. Use located more than five hundred feet (500') from zoning districts allowing residential use.

c. Department store or florist with accessory sale of alcoholic beverages.

d. Grocery stores of twenty thousand (20,000) square feet or greater with accessory sale of alcoholic beverages.

e. Existing legal, nonconforming uses.

EXHIBIT "A"

3

EXHIBIT “B”

Table 32-1A

Uses In All Other Commercial Zoning Districts

Personal Services			
Barber, beauty shops, manicure shops	Y	Y	Y
Bicycle repair	Y	Y	Y
Catering—on-site food preparation	A	A	A
Collection center for recyclables	AP	AP	AP
Dog and cat grooming	N	Y	Y
Laundromat (no on-site dry cleaning)	N	Y	Y
Laundry, commercial customers	N	N	N
Laundry (including on-site cleaning with perchloroethylene or freon 12 systems)	Y	Y	Y
Locksmith	Y	Y	Y
Mail box rental	Y	Y	N
Masseuse/massage parlor	Y*	Y*	Y*
Office for home cleaning service	Y	Y	Y
Office for home improvement or repair uses (contractors, plumbers, electricians, carpenters and cabinetmakers with no on-site storage of materials)	N	Y	Y
Recycling centers for cans and bottles	N	N	N
Reducing salon, health or sports club	Y	Y	Y
Service and repair of home garden equipment	N	C	N

EXHIBIT "B"

Service and repair of major household items	N	C	N
Shoe repair	Y	Y	Y
Shoe-shine parlor	A	A	A
Tailoring, millinery	Y	Y	Y
Tanning salon	Y	Y	Y
Tattoo parlor	N	C	C
Television, radio, stereo and small appliance repair	N	Y	Y
Termite and pest control	N	Y	Y
Vehicle rental services	C	Y*	C
Veterinary clinic (excluding grooming and pet store)	N	C	N
All Other personal services	AP	AP	AP
All Other personal services allowed in the CCA Zone in land use designations in General Plan (Land Use Element) for 8R	Y	N	N

EXHIBIT "B"

EXHIBIT “C”

PD-25 USE TABLE

Uses			Comments
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/bicycles/electronic equipment, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic without boarding)	Y	
	Catering, Party Counseling (w/o trucks)	Y	For catering w/trucks, see Table 33-1
	Fitness Center/Health Club, Dance/Karate Studio	AP	Limited to 5000 sq. ft.
	Gun Repair Shop	N	
	House Cleaning Service	Y	
	Laundromat	Y	
	Laundry (commercial customers)	N	Permitted in Industrial zones only.
	Massage Establishment	Y	
	Recycling Center	N	Permitted in Industrial zones only.
	Recycling Collection Center for cans & bottles (staff attended)	N	
	Recycling Containers for cans & bottles	A	Accessory to grocery store only (See 21.51.265).
	Repair Shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	For small appliance repair, see "Basic Personal Services".
	Self-storage (indoor only)	N	
	Shoe Repair	Y	
	Shoe-shine Stand	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
	Tattoo Parlor	N	
	Termite & Pest Control	N	See "MISC.-Storage of Haz. Materials".
	Veterinary Clinic w/boarding	N	Also see "Basic Personal Services"

EXHIBIT "C"

PD-25 USE TABLE		
Uses		Comments
All Personal Services Not Listed	AP	

Abbreviations:

- Y = Yes (permitted use)
- N = Not permitted
- C = Conditional Use Permit is required
- A = Accessory Use
- AP = Administrative Use Permit is required
- T = Temporary use subject to provisions contained in Chapter 21.53.

Footnotes:

- (1) Any use in excess of 10,000 sq. ft. requires an Administrative Use Permit.
- (2) The following alcoholic beverage sales shall be exempted from the CUP permit requirement:
 - a. Restaurant with alcoholic beverage service only with meal. 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 with a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a condition use permit to continue to sell alcohol.
 - b. Use located more than 500 feet from zoning districts allowing residential use.
 - c. Department store or florist with accessory sale of alcoholic beverages.
 - d. Existing legal, nonconforming uses.

EXHIBIT “D”

PD-29 USE TABLE

PERSONAL SERVICES	Uses	Subarea	Subarea	Nodes	Subarea	Subarea	Comments
		1a	1	Subareas 2 & 5	3	4	
	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/ bicycles/electronic equipment, tailoring, shoe repair, tanning salon, travel agent or veterinary clinic)	Y	Y	Y	Y	Y	
	Catering, Party Counseling (w/o trucks)	Y	Y	Y	Y	Y	
	Fitness Center/Health Club, Dance/Karate Studio	Y	Y	Y	Y	Y	
	Gun Repair Shop	C	C	C	C	C	
	Laundromat	AP	AP	AP	Y	Y	
	Massage	A	A	A	A	A	
	Recycling Center	N	N	N	N	N	
	Recycling Collection Center for cans & bottles (staff attended)	N	N	N	N	N	
	Recycling Containers for cans and bottles	A	A	A	A	A	Note: Accessory to Grocery Store only
	Repair Shop (stove, refrigerator, upholstery, lawn mowers, etc.)	C	C	N	AP	Y	

EXHIBIT "D"

PD-29 USE TABLE

Uses	Subarea 1a	Subarea 1	Nodes Subareas 2 & 5	Subarea 3	Subarea 4	Comments
Shoe-shine Stand	A	A	A	A	A	
Tattoo Parlor	N	N	N	N	N	
Termite & Pest Control	AP	AP	AP	AP	Y	
All Personal Services Not Listed	AP	AP	AP	AP	AP	

Abbreviations:

- Y = Yes (permitted use)
- N = Not permitted
- C = Conditional Use Permit is required
- AP = Administrative Use Permit is required
- EXP = Alcoholic beverage sales qualified for CUP exemption (see footnote #1)
- A = Accessory use. For special development standards, refer to Chapter 21.51.
- T = Temporary use subject to provisions contained in Chapter 21.53.
- IP = Interim park use permit required. For special conditions, refer to Chapter 21.52.

Footnote:

- (1) The following alcoholic beverage sales shall be exempted from the CUP permit requirement:
- a. Restaurant with alcoholic beverage service only with meal. 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 with a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a condition use permit to continue to sell alcohol.
 - b. Use located more than 500 feet from zoning districts allowing residential use.
 - c. Department store or florist with accessory sale of alcoholic beverages.
 - d. Existing legal, nonconforming uses.
 - e. A full line grocery store of 50,000 sq. ft. floor area.

EXHIBIT "D"

EXHIBIT “E”

PD-32 North
Table 2 : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Personal Services				
Basic personal services (barber/beauty shop, catering, party counseling (w/o trucks), diet center, dog/cat grooming, dry cleaner, fitness center/health club, dance/karate studio, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic repair equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic w/o boarding).	Y	AP	N	
House cleaning service	N	AP	N	
Laundromat	N	N	N	
Laundry, cleaning and garment services (SIC Code 721)	N	N	Y	
Massage therapy	A*	N	N	See special conditions in LBMC Section 21.51.243. Special adult entertainment standards for massage parlor (see LBMC Section 21.45.110).
Recycling center	N	N	N	
Recycling collection center for cans and bottles (staff attended)	N	N	N	
Recycling containers for cans and bottles	A	N	N	Accessory to a grocery store only (see LBMC Section 21.51.265).
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.) - (SIC Code 76)	N	N	Y	For small appliance repair, see "Basic Personal Services." Repair service limited to inside enclosed structure.
Repair services with outdoor operations (SIC Code 76)	N	N	N	
Self storage (indoor only)	N	N	N	
Shoe-shine stand (indoor/outdoor)	A	A	N	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	
Termite and pest control	N	N	N	See "Misc. – Storage of Hazardous Materials."
Veterinary Services for Animal Specialties (SIC Code 0742) Animal Specialty Services, Boarding, Kennels, Shelters (SIC Code 0752)	N	N	C	Also see "Basic Personal Services."
All personal services not listed	AP	AP	N	

* Applies to Retail Expansion Areas in subareas 1 and 2.

PD-32 SOUTH
Table 2 : Uses in Commercial / Industrial Sub Areas

Use	7 Zone	8A Zone	8B Zone*	Notes
Personal Services				
Basic personal services (barber/beauty shop, catering, party counseling (w/o trucks), diet center, dog/cat grooming, dry cleaner, fitness center/health club, dance/karate studio, 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 w/o boarding).	Y	A	N	Basic personal service uses proposing to locate within 8A shall be allowed only as an accessory use on the ground floor of Office building.
House cleaning service	AP	AP	N	
Laundromat	C	N	N	
Laundry, cleaning and garment services (SIC Code 721)	N	Y	N	
Massage therapy	A	A	N	See special conditions in LBMC Section 21.51.243. Special adult entertainment standards for massage parlor (see LBMC Section 21.45.110).
Recycling center	N	N	N	
Recycling collection center for cans and bottles (staff attended)	N	N	N	
Recycling containers for cans and bottles	A	N	N	Accessory to a grocery store only (see LBMC Section 21.51.265).
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.) - (SIC Code 76)	N	Y	N	For small appliance repair, see "Basic Personal Services."
Repair services with outdoor operations (SIC Code 76)	N	N	N	
Self storage (indoor only)	N	N	N	
Shoe-shine stand (indoor/outdoor)	A	A	N	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	
Termite and pest control	N	C	N	See "Misc. – Storage of Hazardous Materials."
Veterinary Services for Animal Specialties (SIC Code 0742) Animal Specialty Services, Boarding, Kennels, Shelters (SIC Code 0752)	N	C	N	Also see "Basic Personal Services."
All personal services not listed	AP	AP	N	

8B Zone is that area known as the "Boeing Enclave" -- Once Boeing declares its intention to abandon any aviation-related uses within either all or a portion of the 8B area, the Zoning shall immediately revert to the 8A Zoning standards then in effect. Should a portion of the land Zoned 8B revert to 8A Zoning, only that portion of land shall be affected by the reversion, NOT the entire land area Zoned 8B.

Abbreviations:

Y = Yes (permitted use).

N = Not permitted (prohibited use).

Table 2 (continued) : Uses in Commercial / Industrial Sub Areas

C = Conditional Use Permit required. For special conditions, see LBMC Chapter 21.52

A = Accessory Use. For special development standards, see LBMC Chapter 21.51

AP = Administrative Use Permit required. For special conditions, see LBMC Chapter 21.52

T = Temporary Use. Subject to provisions contained in LBMC Chapter 21.53

Y/C = Either permitted by right or subject to Conditional Use Permit review, depending upon locational criteria contained under "Permitted Uses".

Footnote:

(1) 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 30 percent 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. Use located more than 500 ft. from zoning districts allowing residential use.

c. Department store or florist with accessory sale of alcoholic beverages.

d. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.

e. Existing legal, nonconforming uses. (Ord. C-7663 § 42, 1999).

REDLINE

1
2
3 5.38.010 – Permit – required Defined.

4 "Fortunetelling" means a commercial enterprise involving the foretelling of the
5 future in exchange for financial or other valuable consideration. Fortunetelling includes
6 the use of astrology, augury, card or tea reading, cartomancy, clairvoyance,
7 clairaudience, crystal gazing, divination, mediumship, necromancy, palmistry,
8 psychometry, phrenology, prophecy, spiritual reading or any similar means.
9 Fortunetelling does not include forecasting based on historical trends or patterns,
10 religious or political dogma, or any of the previously listed arts when presented in an
11 assembly of people who purchase tickets or means in exchange for the presentation at
12 a site licensed for entertainment uses pursuant to Chapter 5.72 of this Code. Every
13 person advertising by sign, circular, handbill, newspaper, periodical, magazine, or other
14 publication, or by any other means whatsoever, the telling of fortunes, forecasting of
15 futures or furnishing any information not otherwise obtainable by the ordinary processes
16 of knowledge, for or without pay, by means of any occult or psychic power, faculty or
17 force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology,
18 spirits, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy,
19 mind reading, telepathy, or other craft, art, science, cards, talisman, charm, potion,
20 magnetism, magnetized article or substance, gypsy-cunning or foresight, crystal gazing,
21 oriental mysteries or magic of any kind or nature, or engaging in, practicing or carrying
22 on any art, profession or business, the advertisement of which is regulated by this
23 Chapter, shall procure a permit in the manner prescribed in this Chapter.

24
25 ~~5.38.020 Exception—Entertainers.~~

26 ~~The provisions of this Chapter shall not apply to any person solely by reason of~~
27 ~~the fact that he is engaged in the business of entertaining the public by~~
28 ~~demonstrations of mind reading, mental telepathy, thought conveyance, or the~~

1 ~~giving of horoscopic readings, at public places and in the presence of and within~~
2 ~~the hearing of other persons and at which no questions are answered as part of~~
3 ~~such entertainment, except in a manner to permit all persons present at such~~
4 ~~public place to hear such answers, when not conducted in connection with the~~
5 ~~business of telling fortunes.~~

6
7 ~~5.38.030 Exception—Religious ceremony.~~

8 ~~No person shall be required to pay any fee or take out any permit for conducting~~
9 ~~or participating in any religious ceremony or service when such person holds a~~
10 ~~certificate of ordination as a minister from any bona fide church or religious~~
11 ~~association maintaining a church and holding regular services and having a~~
12 ~~creed or set of religious principles that is recognized by all churches of like faith;~~
13 ~~provided, further, that the fees, gratuities, emoluments, and profits thereof shall~~
14 ~~be regularly accounted for and paid solely to or for the benefit of the church or~~
15 ~~religious association; provided, further, that the person holding a certificate of~~
16 ~~ordination from such bona fide church or religious association, as set forth in this~~
17 ~~Section, shall, before practicing the profession specified in this Chapter, file with~~
18 ~~the Director of Financial Management a certified copy of his certificate of~~
19 ~~ordination with his name, age, and street address in this City where he intends to~~
20 ~~carry on the business; and provided further that such person shall also file with~~
21 ~~the Director of Financial Management, as indication of the bona fide nature of the~~
22 ~~church or religious association of which such person is a minister, copies of~~
23 ~~exemption determinations by the Internal Revenue Service pursuant to section~~
24 ~~501(e)(3) of the Internal Revenue Code, and the California Franchise Tax Board~~
25 ~~pursuant to section 23701(d) of the Revenue and Taxation Code. Such bona fide~~
26 ~~church or religious association, as defined in this Section, may, however, pay to~~
27 ~~its ministers or workers a salary or compensation based upon a percentage~~
28 ~~basis; provided that the agreement between the church and the minister is~~

1 ~~embodied in a resolution and transcribed in the minutes of such church or~~
2 ~~religious association.~~

3
4 ~~5.38.040 Exception—Reading tea leaves.~~

5 ~~No person shall be required to pay any fee or take out any permit for carrying on~~
6 ~~the art of reading tea leaves in any bona fide, regularly established restaurant, for~~
7 ~~the purpose of amusement to the patrons of the restaurant, where no charge for~~
8 ~~such readings is made.~~

9
10 ~~5.38.050 Permit fee.~~

11 ~~Each person desiring to practice any of the professions, arts, or businesses~~
12 ~~included in Section 5.38.010 shall have a permit issued pursuant to the~~
13 ~~provisions of this Chapter by the Director of Financial Management. The~~
14 ~~issuance or renewal of such permit, which shall be required annually, may be~~
15 ~~issued by the Director of Financial Management only after payment of the fee~~
16 ~~established by resolution of the City Council adopted pursuant to Section~~

17 ~~5.04.040. No person issued a permit shall transfer the permit to any other person~~
18 ~~or shall allow any other person to operate under the permit.~~

19
20 ~~5.38.060 Affidavit of residence.~~

21 ~~Each and every person desiring to practice any of the aforesaid arts, professions,~~
22 ~~or businesses included in this Chapter shall, at the time of the making of the~~
23 ~~aforesaid application, make and file with the Director of Financial Management~~
24 ~~an affidavit showing the residence of the applicant, by street number, in the City~~
25 ~~during the twelve (12) months immediately prior to the making of the application,~~
26 ~~and upon request of the Director of Financial Management, the applicant shall~~
27 ~~furnish to the Director of Financial Management affidavits or such other proof as~~
28 ~~he may require to establish the fact of such residence.~~

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~~5.38.070 Permit—Separate for each person.~~

~~Every natural person actively carrying on, conducting, or engaging in any of the professions, arts, businesses or callings for which a permit is required and enumerated in Section 5.38.010, shall file a separate application, separate photograph and fingerprints and pay a separate permit fee as required by the licensing provisions of this Title and post a separate bond as provided in Section 5.38.080 regardless of whether or not such natural person is practicing such profession, art, or pursuit on behalf of or for any firm, corporation, copartnership, association, society, or any other such organization.~~

~~5.38.080 Permit—Application—Bond.~~

~~Each and every person desiring to practice a profession, art or business specified in Section 5.38.010 shall, at the time of making the application referred to in this Chapter, file with the Police Department his/her photograph and his/her fingerprints and shall leave the photograph and fingerprint impressions with the Police Department as a part of the records of the Police Department for the purpose of enabling the Police Department to make an investigation of any complaints which may have been made, if any, against the applicant at any time or place. If no adverse report has been made by the Police Department as to the record of the applicant, the application shall be deemed completed and a permit shall be issued upon payment of the prescribed permit fee and the filing of a bond as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.~~

~~5.38.090 Bond—Termination.~~

~~On termination of liability by the surety on any bond required by Section 5.38.080, the permit of the principal of the bond shall be automatically revoked.~~

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~~5.38.100 Permit—Issuance.~~

~~If the application is in compliance with this Chapter and all other requirements of law, including, but not limited to, all requirements of Title 21 of this Municipal Code, and if the bond has been duly approved by the City Attorney and City Manager, the Director of Financial Management shall issue a permit for a period of one (1) year to practice the profession, art or arts specified in the application. In the event any permit under this Chapter is denied, the application therefor shall be retained by the Director of Financial Management on file in his office for future reference.~~

~~5.38.110 Permit—Cancellation.~~

~~Upon the discovery of any false or misleading statement in the application or any misrepresentation by the applicant in procuring the permit, or upon the failure, neglect, or refusal of the applicant to promptly, voluntarily and without notice, furnish and file a new bond when the surety on any bond has terminated its liability, and cause the same to be approved by the City Manager as to sufficiency of sureties and by the City Attorney as to form, or in case of death, bankruptcy or removal from the City of any one (1) or both of the sureties on bond, then in that event, the Council may, upon five (5) days' notice to the applicant, cancel and annul the permit, whereupon the applicant shall be amenable to the penalties prescribed in this Title 5, from and after the date of the cancellation, as though in this Title the permit had never been granted.~~

~~5.38.120 Permit—Conformance required.~~

~~No person shall commence, engage in, carry on, or advertise that he will engage in or carry on any trade, calling, profession, or occupation specified in Section 5.38.010 without first having procured a permit as required by this Chapter or~~

1 ~~without complying with any and all regulations of such trade, calling, profession~~
2 ~~or occupation contained in this Chapter or any other ordinance of the City; and~~
3 ~~the carrying on of any trade, calling, profession or occupation mentioned in this~~
4 ~~Chapter without first having procured such a permit when required so to do, or~~
5 ~~without complying with any and all regulations of such trade, calling, profession,~~
6 ~~or occupation contained in this Chapter, shall constitute a separate violation of~~
7 ~~this Chapter for each and every day that such trade, calling, profession, or~~
8 ~~occupation is so advertised, engaged in or carried on.~~

9
10 ~~5.38.130 Advertising restricted.~~

11 ~~A. — No person shall announce or advertise in any newspaper, magazine, or~~
12 ~~other publication, or by handbill, pamphlet or poster, that any such person~~
13 ~~practices or engages in a calling, occupation, profession, or art specified in~~
14 ~~Section 5.38.010, or print, publish or circulate or permit to be printed, published~~
15 ~~or circulated any newspaper, magazine, handbill or other publication containing~~
16 ~~any such advertisement or announcement; provided, however, that any person~~
17 ~~holding a permit from the City to engage in, practice, or carry on any of the~~
18 ~~callings, occupations, professions or arts may advertise in newspapers,~~
19 ~~magazines or other publications or by handbills, pamphlets, posters or cards only~~
20 ~~the name, address, telephone number and hours of business of such person,~~
21 ~~together with the name or names of the calling, occupation, profession or art~~
22 ~~carried on, engaged in or practiced.~~

23 ~~B. — Nothing in this Section shall be deemed to prohibit any bona fide church or~~
24 ~~religious organization from publishing or announcing notices of the meetings or~~
25 ~~services of such church or religious organization, nor to prohibit any minister or~~
26 ~~worker of such church or religious organization from having printed or from using~~
27 ~~a business card in the ordinary form of business cards.~~

28

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

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~~5.38.140 Information prohibited.~~
~~No person engaged in any of the practices enumerated in this Chapter shall,~~
~~while so engaged in such practice, discuss, reveal or purport to foretell anything~~
~~pertaining to military camps, emplacements, troops movements, supply~~
~~movements, military ordnance, location of plants or factories engaged in filling~~
~~military orders, harbors, air fields, shipping or ship movements, or any other thing~~
~~similar in nature, which might be detrimental to internal or military security.~~

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											
Basic personal services (barber/beauty shop, diet center, dog/cat grooming, dry cleaner, 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	
Catering, party counseling (without trucks)	Y	Y	Y	Y	Y	Y	Y	Y		N	For catering with trucks, see industrial zones, table 33-1.
Fitness center/health club, dance/karate studio, <u>fortunetelling</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Limited to 5,000 square feet in neighborhood zones.
<u>Fortunetelling</u>	N	N	N	N	N	N	N	N	C	N	
Gun repair shop	AP	AP	AP	AP	AP	AP	AP	AP	Y	N	
House cleaning service	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Laundromat	AP	AP	AP	AP	AP	AP	AP	AP	AP	N	
Laundry (commercial customers)	N	N	N	N	N	N	N	N	N	N	Permitted in industrial

										zones only.
Massage therapy	A	A	A	A	A	A	A	A	A	Special conditions (see Section 21.51.243). Special adult entertainment standards for massage parlor (see Section 21.45.110).
Recycling center	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Recycling collection center for cans and bottles (staff attended)	N	N	N	AP	AP	AP	AP	AP	N	
Recycling containers for cans and bottles	A	A	A	A	A	A	A	A	N	Accessory to a grocery store only (see Section 21.51.265)
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	N	N	C	C	C	C	Y	N	For small appliance repair, see "basic personal services".
Self-storage (indoor only)	N	N	N	N	N	N	N	N	C	
Shoe repair	Y	Y	Y	Y	Y	Y	Y	Y	N	
Shoeshine stand (indoor/ outdoor)	A	A	A	A	A	A	A	A	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.

Tattoo parlor	N	N	N	N	N	N	N	C	N	
Termite and pest control	N	N	N	N	N	N	N	C	N	See "miscellaneous storage of hazardous materials".
Veterinary clinic with boarding	N	N	N	C	C	C	C	C	N	See also "basic personal services".
All personal services not listed	AP	N								

Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. For special conditions, see [Chapter 21.52](#)

A = Accessory use. For special development standards, see [Chapter 21.51](#)

AP = Administrative use permit required. For special conditions, see [Chapter 21.52](#)

T = Temporary use subject to provisions contained in [Chapter 21.53](#)

IP = Interim park use permit required. For special conditions, see [Chapter 21.52](#)

Footnotes:

(1) 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. Use located more than five hundred feet (500') from zoning districts allowing residential use.

c. Department store or florist with accessory sale of alcoholic beverages.

d. Grocery stores of twenty thousand (20,000) square feet or greater with accessory sale of alcoholic beverages.

e. Existing legal, nonconforming uses.

Table 32-1A

Uses In All Other Commercial Zoning Districts

Personal Services			
Barber, beauty shops, manicure shops	Y	Y	Y
Bicycle repair	Y	Y	Y
Catering—on-site food preparation	A	A	A
Collection center for recyclables	AP	AP	AP
Dog and cat grooming	N	Y	Y
Fortunetelling	N	€	€
Laundromat (no on-site dry cleaning)	N	Y	Y
Laundry, commercial customers	N	N	N
Laundry (including on-site cleaning with perchloroethylene or freon 12 systems)	Y	Y	Y
Locksmith	Y	Y	Y
Mail box rental	Y	Y	N
Masseuse/massage parlor	Y*	Y*	Y*
Office for home cleaning service	Y	Y	Y
Office for home improvement or repair uses (contractors, plumbers, electricians, carpenters and cabinetmakers with no on-site storage of materials)	N	Y	Y
Recycling centers for cans and bottles	N	N	N
Reducing salon, health or sports club	Y	Y	Y

Service and repair of home garden equipment	N	C	N
Service and repair of major household items	N	C	N
Shoe repair	Y	Y	Y
Shoe-shine parlor	A	A	A
Tailoring, millinery	Y	Y	Y
Tanning salon	Y	Y	Y
Tattoo parlor	N	C	C
Television, radio, stereo and small appliance repair	N	Y	Y
Termite and pest control	N	Y	Y
Vehicle rental services	C	Y*	C
Veterinary clinic (excluding grooming and pet store)	N	C	N
All Other personal services	AP	AP	AP
All Other personal services allowed in the CCA Zone in land use designations in General Plan (Land Use Element) for 8R	Y	N	N

PD-25 USE TABLE			
Uses			Comments
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/bicycles/electronic equipment, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic without boarding)	Y	
	Catering, Party Counseling (w/o trucks)	Y	For catering w/trucks, see Table 33-1
	Fitness Center/Health Club, Dance/Karate Studio	AP	Limited to 5000 sq. ft.
	Fortune-telling	N	
	Gun Repair Shop	N	
	House Cleaning Service	Y	
	Laundromat	Y	
	Laundry (commercial customers)	N	Permitted in Industrial zones only.
	Massage Establishment	Y	
	Recycling Center	N	Permitted in Industrial zones only.
	Recycling Collection Center for cans & bottles (staff attended)	N	
	Recycling Containers for cans & bottles	A	Accessory to grocery store only (See 21.51.265).
	Repair Shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	For small appliance repair, see "Basic Personal Services".
	Self-storage (indoor only)	N	
	Shoe Repair	Y	
	Shoe-shine Stand	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
	Tattoo Parlor	N	
	Termite & Pest Control	N	See "MISC.-Storage of Haz. Materials".
	Veterinary Clinic w/boarding	N	Also see "Basic Personal Services"
	All Personal Services Not Listed	AP	

Abbreviations:

- Y = Yes (permitted use)
- N = Not permitted
- C = Conditional Use Permit is required
- A = Accessory Use
- AP = Administrative Use Permit is required
- T = Temporary use subject to provisions contained in Chapter 21.53.

Footnotes:

- (1) Any use in excess of 10,000 sq. ft. requires an Administrative Use Permit.
- (2) The following alcoholic beverage sales shall be exempted from the CUP permit requirement:
 - a. Restaurant with alcoholic beverage service only with meal. 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 with a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a condition use permit to continue to sell alcohol.
 - b. Use located more than 500 feet from zoning districts allowing residential use.
 - c. Department store or florist with accessory sale of alcoholic beverages.
 - d. Existing legal, nonconforming uses.

PD-29 USE TABLE

Uses	Subarea 1a	Subarea 1	Nodes Subareas 2 & 5	Subarea 3	Subarea 4	Comments
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/bicycles/electronic equipment, tailoring, shoe repair, tanning salon, travel agent or veterinary clinic)	Y	Y	Y	Y	Y	
Catering, Party Counseling (w/o trucks)	Y	Y	Y	Y	Y	
Fitness Center/Heath Club, Dance/Karate Studio	Y	Y	Y	Y	Y	
Fortune-Telling	N	N	N	C	C	
Gun Repair Shop	C	C	C	C	C	
Laundromat	AP	AP	AP	Y	Y	
Massage	A	A	A	A	A	
Recycling Center	N	N	N	N	N	
Recycling Collection Center for cans & bottles (staff attended)	N	N	N	N	N	
Recycling Containers for cans and bottles	A	A	A	A	A	Note: Accessory to Grocery Store only

PD-29 USE TABLE

Uses	Subarea 1a	Subarea 1	Nodes Subareas 2 & 5	Subarea 3	Subarea 4	Comments
Repair Shop (stove, refrigerator, upholstery, lawn mowers, etc.)	C	C	N	AP	Y	
Shoe-shine Stand	A	A	A	A	A	
Tattoo Parlor	N	N	N	N	N	
Termite & Pest Control	AP	AP	AP	AP	Y	
All Personal Services Not Listed	AP	AP	AP	AP	AP	

Abbreviations:

- Y = Yes (permitted use)
- N = Not permitted
- C = Conditional Use Permit is required
- AP = Administrative Use Permit is required
- EXP = Alcoholic beverage sales qualified for CUP exemption (see footnote #1)
- A = Accessory use. For special development standards, refer to Chapter 21.51.
- T = Temporary use subject to provisions contained in Chapter 21.53.
- IP = Interim park use permit required. For special conditions, refer to Chapter 21.52.

Footnote:

- (1) The following alcoholic beverage sales shall be exempted from the CUP permit requirement:
- a. Restaurant with alcoholic beverage service only with meal. 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 with a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a condition use permit to continue to sell alcohol.
 - b. Use located more than 500 feet from zoning districts allowing residential use.
 - c. Department store or florist with accessory sale of alcoholic beverages.
 - d. Existing legal, nonconforming uses.
 - e. A full line grocery store of 50,000 sq. ft. floor area.

PD-32 North
Table 2 : Uses by Sub Area

Use	1 Zone	2 Zone	3 Zone	Notes
Personal Services				
Basic personal services (barber/beauty shop, catering, party counseling (w/o trucks), diet center, dog/cat grooming, dry cleaner, fitness center/health club, dance/karate studio, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic repair equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic w/o boarding).	Y	AP	N	Basic personal service uses proposing to locate within 8A shall be allowed only as an accessory use on the ground floor of Office building,
Fortunetelling	N	N	N	
House cleaning service	N	AP	N	
Laundromat	N	N	N	
Laundry, cleaning and garment services (SIC Code 721)	N	N	Y	
Massage therapy	A*	N	N	See special conditions in LBMC Section 21.51.243. Special adult entertainment standards for massage parlor (see LBMC Section 21.45.110).
Recycling center	N	N	N	
Recycling collection center for cans and bottles (staff attended)	N	N	N	
Recycling containers for cans and bottles	A	N	N	Accessory to a grocery store only (see LBMC Section 21.51.265).
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.) - (SIC Code 76)	N	N	Y	For small appliance repair, see "Basic Personal Services." Repair service limited to inside enclosed structure.
Repair services with outdoor operations (SIC Code 76)	N	N	N	
Self storage (indoor only)	N	N	N	
Shoe-shine stand (indoor/outdoor)	A	A	N	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	
Termite and pest control	N	N	N	See "Misc. – Storage of Hazardous Materials."
Veterinary Services for Animal Specialties (SIC Code 0742) Animal Specialty Services, Boarding, Kennels, Shelters (SIC Code 0752)	N	N	C	Also see "Basic Personal Services."
All personal services not listed	AP	AP	N	

* Applies to Retail Expansion Areas in subareas 1 and 2.

PD-32 SOUTH
Table 2 : Uses in Commercial / Industrial Sub Areas

Use	7 Zone	8A Zone	8B Zone*	Notes
Personal Services				
Basic personal services (barber/beauty shop, catering, party counseling (w/o trucks), diet center, dog/cat grooming, dry cleaner, fitness center/health club, dance/karate studio, 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 w/o boarding).	Y	A	N	Basic personal service uses proposing to locate within 8A shall be allowed only as an accessory use on the ground floor of Office building.
Fortunetelling	N	N	N	
House cleaning service	AP	AP	N	
Laundromat	C	N	N	
Laundry, cleaning and garment services (SIC Code 721)	N	Y	N	
Massage therapy	A	A	N	See special conditions in LBMC Section 21.51.243. Special adult entertainment standards for massage parlor (see LBMC Section 21.45.110).
Recycling center	N	N	N	
Recycling collection center for cans and bottles (staff attended)	N	N	N	
Recycling containers for cans and bottles	A	N	N	Accessory to a grocery store only (see LBMC Section 21.51.265).
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.) - (SIC Code 76)	N	Y	N	For small appliance repair, see "Basic Personal Services."
Repair services with outdoor operations (SIC Code 76)	N	N	N	
Self storage (indoor only)	N	N	N	
Shoe-shine stand (indoor/outdoor)	A	A	N	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	N	N	N	
Termite and pest control	N	C	N	See "Misc. – Storage of Hazardous Materials."
Veterinary Services for Animal Specialties (SIC Code 0742) Animal Specialty Services, Boarding, Kennels, Shelters (SIC Code 0752)	N	C	N	Also see "Basic Personal Services."
All personal services not listed	AP	AP	N	

8B Zone is that area known as the "Boeing Enclave" -- Once Boeing declares its intention to abandon any aviation-related uses within either all or a portion of the 8B area, the Zoning shall immediately revert to the 8A Zoning standards then in effect. Should a portion of the land Zoned 8B revert to 8A Zoning, only that portion of land shall be affected by the reversion, NOT the entire land area Zoned 8B.

Abbreviations:

Y = Yes (permitted use).

N = Not permitted (prohibited use).

Table 2 (continued) : Uses in Commercial / Industrial Sub Areas

C = Conditional Use Permit required. For special conditions, see LBMC Chapter 21.52

A = Accessory Use. For special development standards, see LBMC Chapter 21.51

AP = Administrative Use Permit required. For special conditions, see LBMC Chapter 21.52

T = Temporary Use. Subject to provisions contained in LBMC Chapter 21.53

Y/C = Either permitted by right or subject to Conditional Use Permit review, depending upon locational criteria contained under "Permitted Uses".

Footnote:

(1) 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 30 percent 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. Use located more than 500 ft. from zoning districts allowing residential use.
- c. Department store or florist with accessory sale of alcoholic beverages.
- d. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.
- e. Existing legal, nonconforming uses. (Ord. C-7663 § 42, 1999).

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 5.64.010.C AND SECTION 21.15.2008, AND BY DELETING SECTION 21.15.2401, ALL RELATING TO SECONDHAND DEALERS

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

Section 1. Subsection 5.64.010.C of the Long Beach Municipal Code is amended to read as follows:

C. "Secondhand dealer" means any person, co-partnership, firm, or corporation engaged in or conducting the business of buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property.

Section 2. Section 21.15.2008 of the Long Beach municipal Code is amended to read as follows:

"Pawn shop" means and includes any use where a person, other than banks, trust companies, or bond brokers, who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a pawn office, or engages in, or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans, or as security, or in pawn for the repayment of

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monies, and exacts an interest for such loans, or who purchases articles or personal property and agrees to resell such articles so purchased to the vendors thereof, or their assigns, at prices agreed upon at or before the time of such purchases, respectively. Pawn shop also includes any use engaging in cash for gold and the like.

Section 3. Section 21.15.2401 of the Long Beach Municipal is hereby repealed.

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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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 _____, 2013, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

City Clerk

Approved: _____

Mayor

REDLINE

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5.64.010 Definitions.

C. ~~"Secondhand dealer" means and includes any person, co-~~
~~partnership, firm, or corporation engaged in or conducting the business of~~
~~engaged in, or conducting the business in the City of buying, or selling,~~
~~trading, taking in pawn, accepting for sale on consignment, accepting for~~
~~auctioning, or auctioning secondhand tangible personal property, as~~
~~owner or consignee, or exchanging, any secondhand goods in any~~
~~manner other than as a "pawnbroker", "junk dealer" or "junk collector" as~~
~~defined in this Title 5~~

21.15.2008 Pawn shopbroker.

~~"Pawn shopbroker" means and includes any use where a person,~~
~~other than banks, trust companies, or bond brokers, who may otherwise~~
~~be regulated by law and authorized to deal in commercial papers, shares~~
~~of stock, bonds and other certificates of value, who keeps a pawn office,~~
~~or engages in, or carries on the business of receiving jewelry, precious~~
~~stones, valuables, firearms, clothing or personal property, or any other~~
~~article or articles in pledge for loans, or as security, or in pawn for the~~
~~repayment of monies, and exacts an interest for such loans, or who~~
~~purchases articles or personal property and agrees to resell such articles~~
~~so purchased to the vendors thereof, or their assigns, at prices agreed~~
~~upon at or before the time of such purchases, respectively. Pawn shop~~
~~also includes any use engaging in cash for gold and the like.~~

~~21.15.2401 Secondhand dealer.~~

~~"Secondhand dealer," means and includes any person, copartnership, firm, or~~
~~corporation whose business includes buying, selling, trading, taking in pawn, accepting~~

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REDLINE

1 ~~for sale on consignment, accepting for auctioning, or auctioning secondhand tangible~~
2 ~~personal property.~~

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 21.51.235.C.10; AND BY ADDING SUBSECTION 21.51.235.A.4, RELATING TO COTTAGE FOOD OPERATIONS

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

Section 1. Section 21.51.235.C.10 of the Long Beach Municipal Code is amended to read as follows:

10. Food preparation (except cottage food operations per State of California Health and Safety Code regulations (AB 1616 Food Safety; cottage food operations).

Section 2. Section 21.51.235.A.4 is added to the Long Beach Municipal Code to read as follows:

4. Cottage Food Operations. A cottage food operation is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers. A cottage food operation is subject to all State of California Health and Safety Code regulations (AB 1616 Food Safety; cottage food operations).

Section 3. 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

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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 _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

21.51.235 Home Occupations

A. Intent.

A home occupation permit is intended for home enterprises that are incidental to the use of the dwelling unit and does not change the principal character or use of the dwelling. The home occupation shall be compatible with surrounding residential uses and not have characteristics associated with the use that would reduce the surrounding residents' enjoyment of their neighborhood. As an ancillary activity to those uses permitted in the applicable residential zone in which the subject site is located, the following home based businesses may be conducted at the site:

1. **Professional Office Uses** – A professional office use is a business whose principal product is information, management or design, including but not limited to, accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, consulting, direct sales (incl. internet sales), credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. A professional office use does not include research requiring the use of hazardous materials and equipment.
2. **Instructional Services Uses** – An instructional services use is a business whose principal purpose is to provide cognitive instruction or training, including but not limited to, academic tutoring, musical instrument lessons, dance lessons, sports training, or other similar physical performance training. The maximum number of students at any one time shall be limited to six.
3. **Home Craft Uses** – A home craft use is a business that results in a tangible product including but not limited to, dressmaking, toy making and doll making. Additional uses include artistic products such as sculpting, painting, photography and other similar forms of creative works when such works are produced with the intent of gain or benefit for the participant or another person. Conducting a home craft use does not entitle the owner to sell articles manufactured on-site or in a residential zone.
4. **Cottage Food Operations** – A cottage food operation is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers. A cottage food operation is subject to all State of California Health and Safety Code regulations (AB 1616 Food Safety: cottage food operations).

B. Requirements.

A home occupation permit shall only be issued when all of the following requirements are met and maintained:

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed in the home occupation shall not exceed two.
2. No sign shall be displayed in a manner visible from the outside of the dwelling unit. Vehicles with signs identifying the home occupation shall be parked so that they cannot be seen from the public right-of-way.
3. No mechanical equipment shall be used except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. Such equipment shall not generate noise higher than the noise standards established for the residential uses.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall be used or stored on the site.
5. There shall be no outside operations, storage or display of materials or projects.
6. There shall be no excessive or unsightly storage of materials or supplies for purposes other than those permitted in the residential district in which it is located. A garage may not be used for operations of the business or storage of materials used in the business and must be maintained for parking of automobiles and similar type vehicles.
7. The residential appearance of the premises shall not be altered. Creation of a separate entrance to the dwelling or use of an existing entrance exclusively for the business shall not be permitted.
8. No process shall be used which is hazardous to public health, safety or welfare.
9. Visitors, customers or deliveries to the dwelling shall not exceed that which normally and reasonably occurs for a residence. Visitors and deliveries shall be limited to not more than two business visitors an hour and eight visitors a day, and not more than two deliveries of products or materials a week.
10. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
11. No advertisement shall be placed in any media containing the address of the property.
12. Not more than two vehicles shall be used in the business. Only one vehicle may be commercially licensed.
13. When the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premises location.
14. The home occupation permit shall be valid only for the person to whom it was issued and shall be void when that person moves from the dwelling unit or discontinues the business.

C. Prohibited Home Occupation Uses.

The following uses shall be prohibited as home occupations:

1. Ambulance service
2. Appliance repair
3. Automobile repair, parts, sales, upholstery, detailing, washing, service
4. Beauty salons and barber shops
5. Boardinghouse, bed and breakfast, hotel, time-share unit
6. Carpentry, cabinet makers
7. Ceramics (kiln of six cubic feet or more)
8. Churches, religious instruction
9. Contractor storage yards
10. Food preparation (except cottage food operations per State of California Health and Safety Code regulations (AB 1616 Food Safety: cottage food operations)).
11. Gun sales (including internet) and repair
12. Health clubs, gyms, dance studios, aerobic studios, massage
13. Limousine or pedicab service
14. Medical or dental office
15. Mortician, hearse service
16. Palm reading, fortunetelling
17. Private clubs
18. Religious services
19. Restaurants, taverns
20. Retail sales from site (except direct distribution and internet)
21. Skin care services
22. Tow truck service
23. Welding or machine operation
24. Upholstery
25. Veterinary uses (including care, grooming or boarding).
26. Any use that requires the use of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials.
27. Any use that is hazardous to public health, safety or welfare.
28. Any use that changes the residential characteristic of the residence.
29. Other uses the Planning Administrator determines to be similar to those listed above, or which by their operation or nature are not incidental to or compatible with residential activities.

- D. Any home occupation which becomes a non-conforming use as a result of revisions to applicable provisions of this title shall either:
1. Be brought into legal conforming status; or
 2. Be discontinued and removed within three months of becoming a non-conforming use.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO THE LONG BEACH ZONING REGULATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on November 19, 2013, the City Council of the City of Long Beach amended certain provisions of the Long Beach Zoning Regulations of the City of Long Beach related to amendments to Title 21 of the Long Beach Municipal Code relating to Fortunetelling, Secondhand Dealers and Home Occupations; and

WHEREAS, it is the desire of the City Council to submit the above referenced zoning regulation amendments to the California Coastal Commission for its review; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the zoning regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed amendments to the zoning regulations by adopting amendments to Long Beach Municipal Code Sections 21.115.1100 related to Fortune Telling, 21.15.2015 related to Secondhand Dealers and 21.51.235 related to Home Occupations. The proposed zoning regulation amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and provisions of the General Plan;

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1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
2 follows:

3 Section 1. The amendment to the Long Beach Zoning Regulations of the
4 City of Long Beach adopted on _____, 2013, by Ordinance Nos.
5 ORD-13-_____, ORD-13-_____, and ORD-13-_____, copies of
6 which are attached to and incorporated in this resolution as Exhibit "A", is hereby
7 submitted to the California Coastal Commission for its earliest review as to that part of
8 the ordinance that directly affects land use matters in that portion of the California
9 Coastal Zone within the City of Long Beach.

10 Section 2. The Director of Development Services of the City of Long
11 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
12 with appropriate supporting materials, to the California Coastal Commission with a
13 request for its earliest action, as an amendment to the Local Coastal program that will
14 take effect automatically upon Commission approval pursuant to the Public Resources
15 Code or as an amendment that will require formal City Council adoption after Coastal
16 Commission approval.

17 Section 3. This resolution shall take effect immediately upon its adoption
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk