

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

ORDINANCE NO. ORD-13-0025

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. Fortunetelling 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

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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 December 3, 2013,
4 by the following vote:

5

6 Ayes: Councilmembers: O'Donnell, Schipske, Johnson, Austin,
7 Neal.

8

9

10 Noes: Councilmembers: Garcia.

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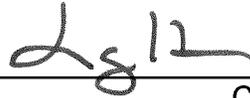
12 Absent: Councilmembers: Lowenthal, DeLong, Andrews.

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City Clerk

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Approved: 12/11/13
(Date)



Mayor

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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	Y	N	
Catering, party counseling (without trucks)	Y	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	Y	N	Limited to 5,000 square feet in neighborhood zones.
Gun repair shop	AP	Y	Y	N							
House cleaning service	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Laundromat	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	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	N	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	C	N	N	
Termite and pest control	N	N	N	N	N	N	N	C	N	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	

EXHIBIT "E" (South)

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).

AFFIDAVIT OF POSTING

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

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 11th day of December, 2013, I posted three true and correct copies of Ordinance No. ORD-13-0025 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in black ink, appearing to read 'Megan Wiegelman', is written over a horizontal line.

Subscribed and sworn to before me
this 11th day of December, 2013.



A handwritten signature in black ink is written over a horizontal line.

CITY CLERK