| | 1 | | | | | OR | DINAN | ICE NO |). ORD- | -19-001 | 6 | | | |
|---|--------|--|------------|---------------|------|-----|---------------------------------------|--------|---------|---------|-------|-----------------------|--|--|
| | 2 3 | | | | | | стис | | | | гис | | | |
| | 3 | | | _ | | | | | | | | | | |
| | 5 | | | | | | | | | | | | | |
| | 6 | MUNICIPAL CODE BY AMENDING SECTIONS 21.15.870; TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER | | | | | | | | | | | | |
| | 7 | 21.33, AND SECTION 21.45.130; AND BY ADDING SECTION | | | | | | | | | | | | |
| | 8 | 21.35, AND SECTION 21.45.130, AND BY ADDING SECTION 21.15.875, ALL RELATING TO DRIVE-THROUGH FACILITIES | | | | | | | | | | | | |
| | 9 | 21.13.073, ALL RELATING TO DRIVE-INKOUGH FAULTIES | | | | | | | | | | | | |
| | 10 | The City Council of the City of Long Beach ordains as follows: | | | | | | | | | | | | |
| . | 11 | | | | | | | | | | | | | |
| OF THE CITY ATTORNEY ES PARKIN, City Attorney Ocean Boulevard, 11th Flool Beach. CA 90802-4664 | 12 | Section 1. Section 21.15. 870 of the Long Beach Municipal Code is | | | | | | | | | | | | |
| CITY ATTORNEY KIN, City Attorney oulevard, 11th Flo CA 90802-4664 | 13 | amended to read as follows: | | | | | | | | | | | | |
| IE CITY ATTORNE' RKIN, City Attorney Boulevard, 11th Flo . CA 90802-4664 | 14 | 21.15.870 Drive-in restaurant. | | | | | | | | | | | | |
| OF THE ES PAR Ocean E Beach. | 15 | See "Drive-through facilities." | | | | | | | | | | | | |
| ᆈᆋᇼᅌ | 16 | | | | | | | | | | | | | |
| OFFIC CHAF 333 Wes Lon | 17 | Section 2. Table 32-1 of Chapter 21.32, "Automobile (Vehicle) Uses," is | | | | | | | | | | | | |
| | 18 | amended to add "Drive-through facilities" to read as follows: | | | | | | | | | | | | |
| | 19 | | No:o | a ba ba a u k | | | ^ | | | Regi | Other | | | |
| | 20 | | Neig | jhborł | 1000 | | Com | munity | | onal | | | | |
| | 21 | Automobile (Vehicle) | CNP | CNA | CNR | CCA | CCP | CCR | CCN | снพ | CS | | | |
| | 22 | Uses | | | | | · · · · · · · · · · · · · · · · · · · | | | | | 0 | | |
| | 23 | Drive- | | | | | | | | | | Special standards | | |
| | 24 | through facilities | Ν | С | N | С | С | С | С | С | Ν | apply (see Section | | |
| | 25 | | | | | | | | | | | 21.45.130). | | |
| | 26 | // | | | | | | | | | | | | |
| | 27 | // | | | | | | | | | | | | |
| | 28 | | | | | | <i>.</i> | | | | | | | |
| | | MJM:kjm A19-02476 0 | 1037138.dd | ocx 6/20/19 | 9 | | 1 | | | | | | | |

| | 3 | Neighborhood | | | | Com | munity | 1 | Regional | Other | | |
|--|--|------------------------------------|-----|-----|-----|-----|--------|-----|----------|-------|----|---|
| | 5 | Financial Services | CNP | CNA | CNR | CCA |] | CCR | | CHW | CS | |
| | 6 7 8 9 | 3. Drive- through facilities | N | С | N | С | С | С | С | С | N | Special standard apply (se Section 21.45.13 |
| 1 | 10 | | | | | | | | | | | |
| 1 | 11 | // | | | | | | | | | | |
| + 1 | 11 | | | | | | | | | | | |
| | 12 | // | | | | | | | | | | |
| - | 12 13 | // | | | | | | | | | | |
| 1 1 | 13 14 | // | | | | | | | | | | |
| 1 1 | 13 14 15 | // | | | | | | | | | | |
| | 3 4 5 6 | // | | | | | | | | | | |
| | 3 4 5 6 7 | // | | | | | | | | | | |
| | 3 4 5 6 7 8 | // | | | | | | | | | | |
| | 3 4 5 6 7 8 9 | // | | | | | | | | | | |
| 2 | 3 4 5 6 7 8 9 0 | // | | | | | | | | | | |
| | 3 4 5 6 7 8 8 9 0 | // | | | | | | | | | | |
| | 3 4 5 6 7 8 9 0 1 1 2 | // | | | | | | | | | | |
| | 13 14 15 16 17 18 19 20 21 22 22 23 | // | | | | | | | | | | |
| 1 1 1 1 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 | 13 14 | // | | | | | | | | | | |
| | 13 14 15 16 17 18 19 20 21 22 23 24 | // | | | | | | | | | | |

| | 1 | | Section | on 4. | Tab | le 32- | 1 of C | hapter | 21.32 | 2, "Restaura | ants and | Ready-To-Eat |
|---|----------|-------------------------------------|-------------------|---------|-----------|--------|--------|--|----------|---|----------|-----------------------------|
| | 2 | Foods," is arr | nendeo | d to re | ad as | follow | s: | | | | | |
| | 3 | | Noighborbood Com- | | | | | | | ý m m m m m m m m m m m m m m m m m m m | | |
| | 4 | | Neighborhood | | Community | | | | Regional | Other | | |
| | 5 | Restaurants and Ready- To-Eat | CNP | CNA | CNR | CCA | ССР | CCR | CCN | CHW | CS | |
| | 6 | Foods | | | | | | | | | | |
| | 7 | | | | | | | | | | | A Coastal Permit and |
| | 8 9 | | | | | | | and the second | | | | encroachment permit are |
| | 10 | Outdoor | А | А | Α | А | Α | Α | А | Α | N | required for all outdoor |
| E√ ioor | 11 | dining | ~ | ~ | ~ | ~ | ~ | ~ | ~ | A | IN | dining located on public |
| ORNE ttorne 11th F 4664 | 12 | - | | | | | | | | | | right-of-way within the |
| OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664 | 13 14 | | | | | | | | | | | City's Coastal Zone. |
| ARKII ARKII An Bou | 14 | Restaurants | | | | | | | | , 11 - 11 - 11 - 11 - 11 - 11 - 11 - 11 | | Special |
| CE OF ' RLES F est Oce: no Bea | 16 | and ready- to-eat foods | | | | | | | | _ | | standards apply (see |
| OFFI CHA 333 WA | 17 | with drive- through | Ν | С | N | С | С | С | С | С | Ν | Section 21.45.130). |
| | 18 | facilities Restaurant | | | | | | | | | | |
| | 19 | and ready- to-eat foods | | | | | | 4. A | | | | |
| | 20 | without | Y | Y | Υ | Y | Υ | Y | Y | Y | Ν | |
| | 21 22 | drive- through facilities | | | | | | | | | | |
| | 23 | | | | | | | | | | | Special |
| | 24 | Vending | AP | AP | AP | AP | AP | AP | AP | AP | N | Standards apply (see |
| | 25 | Carts | | | | | AF | | AF | AF | IN | Section 21.45.170) |
| | 26 | | | | | | | | | | | |
| | 27 | | | | | | | | | | | |
| | 28 | // | | | | | | | | | | |
| | | | | | | | | 3 | | | | |

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| 4 | Castion 5 To | | | 7k | to:: 01 (| 20 "Z O Deteil Trede " is succeeded | | | | | |
|--------|---|----|----|-------------------|---------------|---|--|--|--|--|--|
| 1 2 | Section 5. Table 33-2 of Chapter 21.33, "7.0 Retail Trade," is amended and restated to read as follows: | | | | | | | | | | |
| 2 3 | | 5. | | | | | | | | | |
| 4 | Use | IL | IM | IG | IP | *Notes and Exceptions | | | | | |
| 5 | 7. Retail Trade | | | | | a. Primarily, these uses are intended to serve nearby industries | | | | | |
| 6 | 7.1 Eating places without drive-through | | | | | and employees, and the retail's proximity will provide convenience | | | | | |
| 7 8 | facilities (SIC code 5812*) | Y | Y | Y | | with minimal impact on the retail operations. | | | | | |
| 9 | 7.2 Drive-through | | | | | Any business involved in the sale of alcoholic beverages shall be | | | | | |
| 10 | facilities (SIC code 5812*) | С | С | С | See | subject to conditional use permit review and shall meet the location | | | | | |
| 11 | 1999 1999 1999 1999 1999 1999 1999 199 | | | | item 10 in | requirements contained in Section | | | | | |
| 12 | 7.3 Book and video stores; video rentals (SIC | Y | Y | Y | this table. | 21.52.201. | | | | | |
| 13 | codes 5735, 5942, 7841) | • | • | • | labie. | The following exceptions do not require a conditional use permit: | | | | | |
| 14 | 7.4 All other retail trade | | | | | Restaurants with alcoholic | | | | | |
| 15 | (SIC codes 52 through 57, 59) | Y | С | С | | beverage service only with meals, | | | | | |
| 16 | See item 13 in this table | | | | 2 | whereby alcoholic beverage sales comprise 30 percent or less of the | | | | | |
| 17 | for "drinking places." | | | | | monthly gross sales of the restaurant. This generally means | | | | | |
| 18 | (SIC code 5813) | | | | | that any use with a fixed bar is not exempt from the conditional use | | | | | |
| 19 | | | | | | permit requirement. A service bar is not a fixed bar. A sushi bar | | | | | |
| 20 | | | | | | where alcoholic beverages are | | | | | |
| 21 | | | | | | served at the same bar as meals is considered as serving alcoholic | | | | | |
| 22 | | | | | | beverages only with meals. A cocktail lounge without a bar but | | | | | |
| 23 | | | | | | with service primarily of hors d'oeuvres and alcoholic beverages | | | | | |
| 24 | | | | | | shall require a conditional use | | | | | |
| 25 | | | | | | permit. | | | | | |
| 26 | | | | | | Any use located more than 500 ft. from a zone district which | | | | | |
| 27 | | | | 100000 10000 1000 | | allows residential use. | | | | | |
| 28 | | | | | | | | | | | |

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

| | 1 | Use | ١L | IM | IG | IP | *Notes and Exceptions |
|---|----------|---|----|--|----|----------|---|
| | 2 | | | | | | Department store or florist shop with accessory sales of |
| | 3 | | | | | | with accessory sales of alcoholic beverages. |
| | 4 | | | | | | A grocery store of 20,000 sq. ft. or more with accessory sales of |
| | 5 | | | | | | alcoholic beverages."Existing legal, nonconforming |
| | 6 | | | | | | uses. |
| | 7 | | | | | | c. Pawnshops (included within SIC code 5932) shall require a |
| | 8 | | | | | | conditional use permit in all zones. |
| | 9 | | | | | | d. Gasoline Service Stations (SIC code 5541) and Fuel Dealers (SIC |
| | 10 11 | | | No. 4 Percenting and a second se | | | code 598) shall be permitted in the IG district. |
| NEY ney Floor | 12 | | | | | | e. Sales of firearms in the IL zone |
| ATTOR by Attor rd, 11th 02-466 | 13 | | | | | | shall require a conditional use |
| THE CITY ATTORNEY PARKIN, City Attorney an Boulevard, 11th Flo ch. CA 90802-4664 | 14 | | | | | | permit. |
| | 15 | | | | | | f. Drive-through facilities in all Industrial Districts require a |
| DFFICE OF TH CHARLES PAF 33 West Ocean Lond Beach. | 16 | | | | | | conditional use permit. Special Standards apply (see Section |
| 0E 333 / D | 17 | | | | | | 21.45.130). |
| | 18 | | | 8 | | Ann 1939 | |
| | 19 | // | | | | | |
| | 20 | // | | | | | |
| | 21 | | | | | | |
| | 22 23 | | | | | | |
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| | 1 2 | Section 6. Ta Institutional Uses," is amende | | | • | | 33, "9. Professional Office and us follows: |
|---|---------|--|-------|----------|------|----------------------|--|
| | 3 | | | | | y | |
| | 4 | Use | ۱L | IM | IG | IP | *Notes and Exceptions |
| | 5 | 9.0 Professional Office and Institutional Uses | Y | AP | AP | See item 10 in | a. Prohibited in all industrial districts: |
| | 6 | (SIC codes 60, 61, 62, 63, | | | | this | • 6099 (Functions related to |
| | 7 | 64, 65, 66, 73 [except 7353 and 7359], 861, 862, 863, | | | | table | depository banking, not elsewhere classified) |
| | 8 | 864, 878* Division J (Public | | | | | • 9223 (Correctional Institutions) |
| | 9 10 | Administration) | | | | | • 8744 (Jails, privately operated- correctional facilities, adult privately operated), except a "Community |
| | 11 | | | | | | Correctional Re-entry Center," as |
| LEY Tey Floor | 12 | | | | | | defined in Section 21.15.602, may be permitted in the IL, IM and IG |
| CITY ATTORNEY KIN, City Attorney Soulevard, 11th Flo CA 90802-4664 | 13 | | | | | | zone districts pursuant to a conditional use permit as set forth in |
| CITY A KIN, City oulevarc CA 9080 | 14 | | | | | | Chapter 21.52 |
| шеш | 15 | | | | | | b. Offices are intended to serve |
| FICE OF THI HARLES PAF West Ocean I Lono Beach. | 16 | | | | | | nearby industries and employees. |
| OFFICE CHARL 333 West Long | 17 | | | | | | c. Emergency shelters (8322) shall be subject to the special |
| - cé | 18 | | | | | | development standards specified in Section 21.45.132. |
| | 19 | | | | | | |
| | 20 | | | | | | d. Adult-Use Cannabis Businesses subject to Chapter 5.92. |
| | 21 | | | | | | e. Drive-through facilities in all |
| | 22 | | | | | | Industrial Districts require a conditional use permit. Special |
| | 23 | | | | | | standards apply (see Section 21.45.130). |
| | 24 | | | | | | |
| | 25 | | | | | | |
| | 26 | Section 7. Ta | ble 3 | 3-2 of (| Chap | ter 21.3 | 33, "10. Port-Dependent And Support |
| | 27 | Businesses," is amended and | resta | ited to | read | as follo | ows: |
| | 28 | | | | | | |
| | | | | | 6 | | |
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| 1 | Use | ۱L | IM | IG | IP | *Notes and Exceptions |
|------------------|---|---|--|--|----|--|
| 2 3 4 5 | 10. Port-Dependent And Support Businesses | See Items 1-9 and 11-14 in this table | See Items 1-9 and 11-14 in this table. | See Items 1-9 and 11-14 in this table. | Y | <u>Ancillary Port Facilities</u> - ship building and repair, towboat and salvage operations, bunker barge loading, sportfishing launching, marine research, Coast Guard operations, marine-oriented fire protection, equipment |
| 6 7 | | | | | | storage for dredging and waterfront construction, oil spill cleanup |
| 8 | | | | | | |
| 9 10 | | | | | | <u>Commercial/Recreational</u> <u>Facilities</u> - water-oriented parks, sightseeing, sportfishing, water skiing, |
| 11 | | | | | | restaurants, hotels, curio shops, marinas, boat sales and |
| 12 | | | | | | manufacturing, charter boat |
| 13 | | | | | | operations, tackle shops, tourist attractions (e.g., Queen |
| 14 | | | | | | Mary), vessel storage |
| 15 16 | | | | | | <u>Federal Use</u> - shipyard and drydock operations, Navy Base and support |
| 17 | | | | | | Oil And Gas Production - |
| 18 | | | | | | including tankage, processing, drilling, and water injection |
| 19 | | | | | | Utilities - Installations and |
| 20 21 | | | | | | rights-of-way, including SCE station on Terminal Island |
| 22 | | | | | | Adult-Use Cannabis |
| 23 | | | | | | Businesses (all categories) are prohibited |
| 24 | | | | | | Drive-through facilities in all |
| 25 26 | | | | | | Industrial Districts require a conditional use permit. Special standards apply (see Section |
| 27 | | • | | | | 21.45.130). |
| 28 | | | | <u> </u> | | |
| | | | | 7 | | |

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

Section 8. Section 21.45.130 of the Long Beach Municipal Code is 2 amended to delete Figure 45-1 and amended and restated to read as follows:

> 21.45.130 Drive-through facilities.

Findings required. A decision-maker shall not grant a conditional use permit or other approval for a drive-through facility without finding:

Α. Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right-of-way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the Director of Development Services.

Β. That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan or Planned Development District, overlay, design guidelines, or other applicable regulation.

C. That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.

D. The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.

E. That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.

F. That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.

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G. That said facility is not located in an area of existing

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2 foot radius of a school or park unless mitigating factors exist. 3 Η. That development of the subject property shall not 4 otherwise be suitable or necessary for more-intensive development that would advance the City's housing and economic goals, as described in the General Plan and Economic Blueprint.

overconcentration of drive-through facilities and is not located within a 500-

8 Section 9. Section 21.15.875 is added to the Long Beach Municipal Code to read as follows: 9

21.15.875 Drive-through facilities.

Drive-through or Drive-up facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Drive-through facilities do not include "click and collect" facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

19 Section 10. The City Clerk shall certify to the passage of this ordinance by 20 the City Council and cause it to be posted in three (3) conspicuous places in the City of 21 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the 22 Mayor. 23 \parallel

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

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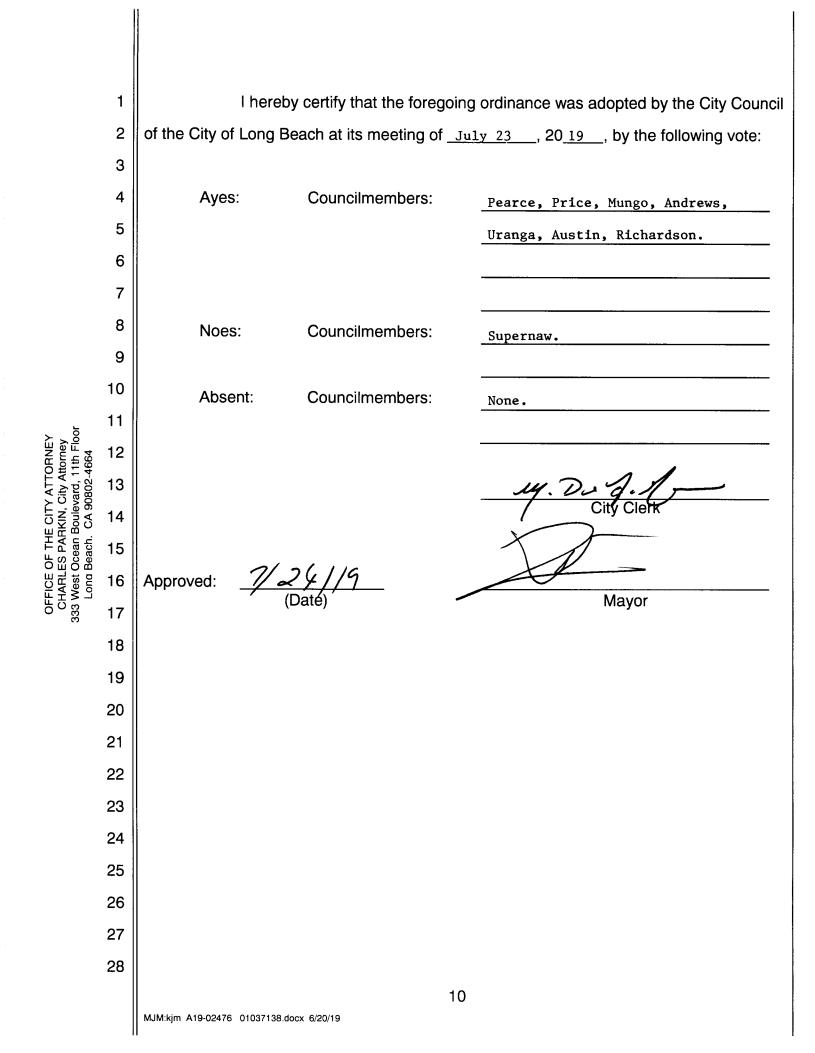
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AFFIDAVIT OF POSTING

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

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 24th day of July 2019, I posted three true and correct copies of Ordinance No. ORD-19-0016 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Jonels aust.

Subscribed and sworn to before me this 24th day of July 2019.