	1	RESOLUTION NO. RES-19-0102								
	2									
	3									
	4									
	5	SERVICES TO SUBMIT AMENDMENTS TO THE LONG								
	6	BEACH ZONING REGULATIONS TO THE CALIFORNIA								
	7	COASTAL COMMISSION FOR APPROVAL								
	8									
	9	WHEREAS, on <u>July 23</u> , 2019, the City Council of the City of								
	10	Long Beach amended certain provisions of the Long Beach Zoning Regulations of the								
≥ ev	11	City of Long Beach related to Drive-Through Facilities; and								
OF THE CITY ATTORNEY E. SHANNON, City Attorney Ocean Boulevard, 11th Floor Beach, CA 90802-4664	12	WHEREAS, it is the desire of the City Council to submit the above								
ATTC I, City ard, 1 0802-4	13	referenced zoning regulation amendments to the California Coastal Commission for its								
E CITY AT NNON, Cit 3oulevard, CA 90802	14	review as implementing ordinances of the Long Beach Local Coastal Program (LCP); and								
OF THE E. SHAN Ocean Bo Beach, C	15	WHEREAS, the Planning Commission and City Council gave full								
OFFICE C OBERT E 33 West O Long B	16	consideration to all facts and the proposals respecting the amendments to the zoning								
OFFICE ROBERT 333 West Long	17	regulations at a properly noticed and advertised public hearing; and								
	18	WHEREAS, the City Council approved the proposed changes to the LCP by								
	19	adopting the amendments to the zoning regulations. The proposed zoning regulation								
	20	amendments are to be carried out in a manner fully consistent with the Coastal Act and								
	21	become effective in the Coastal Zone immediately upon Coastal Commission								
	22	certification; and								
	23	WHEREAS, environmental documentation has been prepared, certified,								
	24	received and considered as required by law, and the City Council hereby finds that the								
	25	proposed amendments will not adversely affect the character, livability or appropriate								
	26	development of the surrounding properties and that the amendments are consistent with								
	27	the goals, objectives and provisions of the general plan;								
	28									

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 July 23 , 2019, by Ordinance No. 5 ORD-19-, a copy of which is attached to and incorporated in this resolution as Exhibit "A" and is hereby submitted to the California Coastal Commission 6 7 for its earliest review as to that part of the ordinance that directly affects land use matters 8 in that portion of the California Coastal Zone within the City of Long Beach.

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

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

18 I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of July 16 , 2019, by the following vote: 19

20	Ayes:	Councilmembers:	Pearce, Mungo, Andrews, Uranga,
21			Austin, Richardson.
22			
23	Noes:	Councilmembers:	Supernaw.
24			
25	Absent:	Councilmembers:	Price.
26			
27			IND A M
28			<u>M. D. J. Kant</u> City Clerk
	M M. kim A10-024767: 0102	5312 doc: 6/13/19	2

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

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	2													
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	4	0		FLON	IG BEA	ACH A	MEND	ING TH	HE LON	IG BEA	СН			
	5	1	IUNIC	IPAL (BY AN	IENDI	NG SE	CTION	S 21.15	.870;			
	6	1	ABLE	32-1 (OF CH/	APTEF	R 21.32	2, TABI	_E 33-2	OF CH	IAPTER			
	7	21.33, AND SECTION 21.45.130; AND BY ADDING SECTION												
	8	21.15.875, ALL RELATING TO DRIVE-THROUGH FACILITIES												
	9													
	10	r T	he Cit	y Cour	ncil of t	he City	y of Lo	ng Bea	ch orda	ains as t	follows:			
oor ≺	11													
OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664	12	e e e e e e e e e e e e e e e e e e e	Section	1.	Sectior	n 21.15	5. 870	of the L	_ong Be	each Mu	unicipal C	ode is		
FY ATTORN , City Attorn evard, 11th 90802-4664	13	amended to read as follows:												
THE CIT VARKIN, an Boule ch. CA 9	14	21.15.8	70 [Drive-ii	n resta	urant.								
FICE OF TH HARLES PA Vest Ocean Lono Beach	15	S	See "Di	rive-thi	rough f	acilitie	s."							
OFFICE CHARL 33 West Long	16													
0 0 88	17		Section				-			tomobile	e (Vehicle	e) Uses," is		
	18	amended to a	d "Driv	ve-thro	ough fa	cilities	" to rea	ad as fo	llows:					
	19		Neic	ghborh	nood	Community				Regi	Other			
	20	Automobile	-		200000000000000000000000000000000000000			-		onal				
	21 22	(Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	СНМ	CS			
	22											Special		
	23	Drive- through	N	С	N	С	С	С	С	С	N	standards apply (see		
	25	facilities										Section 21.45.130).		
	26			\$;	90999			l						
	27													
	28	//												
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	2 3								follows			
	4		Neig	ghborł	nood		Com	munity	1	Regional	Other	
	5	Financial Services	CNP	CNA	CNR	CCA	ССР	CCR	CCN	CHW	CS	
	6											Special standards
	7 8	3. Drive- through facilities	N	с	N	С	С	С	С	С	N	apply (see Section
	9											21.45.130)
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	13											
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CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664												
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CHARLES PARKIN, City 333 West Ocean Boulevarc Long Beach. CA 9080	 18 19 20 21 22 23 24 25 											

	Neighborhood				Comn	nunity	,	Regional	Other	
Restaurants and Ready- To-Eat Foods			CNR					CHW	CS	
Outdoor dining	Α	A	Α	A	Α	A	Α	Α	Ν	A Coasta Permit an encroach permit are required f all outdoo dining loo on public right-of-w within the City's Coa Zone.
Restaurants and ready- to-eat foods with drive- through facilities	N	С	N	С	С	С	С	С	N	Special standards apply (se Section 21.45.136
Restaurant and ready- to-eat foods without drive- through facilities	Y	Y	Y	Y	Y	Y	Y	Υ	Ν	
Vending Carts	AP	AP	AP	AP	AP	AP	AP	AP	N	Special Standard apply (se Section 21.45.170

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

Section 5.	Table 33-2 of Chapter 21.33, "7.0 Retail Trade," is amended
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2 and restated to read as follows:

1

4UseILIMIGIP*Notes and Exceptions57. Retail Trade	3						
5intended to serve nearby industries and employees, and the retail's proximity will provide convenience with ut drive-through facilities (SIC code 5812*)YYY97.2 Drive-through facilities (SIC code 5812*)CCCC107.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)YYYY137.4 All other retail trade (SIC codes 52 through 57, 59)YYYY147.4 All other retail trade (SIC code 5813)YCCC15See item 13 in this table for "drinking places." (SIC code 5813)YCCC18See item 13 in this table for "drinking places." (SIC code 5813)YCCC1920See item 13 in this table for "drinking places." (SIC code 5813)FFF2122See item 13 in this table for "drinking places." (SIC code 5813)FFF23See item 13 in this table for "drinking places." (SIC code 5813)FFF24See item 13 in this table for "drinking places." (SIC code 5813)FFF26See item 13 in this table for "drinking places." (SIC code 5813)FFF27See item 13 in this table for "drinking places." (SIC code 5813)FFS28See item 13 in this table for "drinking places." (SIC code 5813)FSS29SSSSSS </td <td>4</td> <td>Use</td> <td>IL</td> <td>IM</td> <td>IG</td> <td>IP</td> <td>*Notes and Exceptions</td>	4	Use	IL	IM	IG	IP	*Notes and Exceptions
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7facilities (SIC code 5812*)YYYY97.2 Drive-through facilities (SIC code 5812*)CCCC107.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)CCCC137.4 All other retail trade (SIC code 5812*)YYYY147.4 All other retail trade (SIC code 52 through 57, 59)YCCC16See item 13 in this table for "drinking places." (SIC code 5813)YCCC18See item 13 in this table for "drinking places." (SIC code 5813)YCCC1920See item 3 in this table for "drinking places." (SIC code 5813)YCC21See item 3 in this table for "drinking places." (SIC code 5813)YCC22See item 3 in this table for "drinking places." (SIC code 5813)YCC23See item 3 in this table for "drinking places." (SIC code 5813)See item 3 in this table for "drinking places."See item 3 in this table for "drinking places."24See item 3 in this table for "drinking places."See item 3 in this table for "drinking places."See item 3 in this table for "drinking places."25See item 3 in this table for "drinking places."See item 3 in this table for "drinking places."See item 3 in this table for "drinking places."26See item 3 in this table for "drinking places."See item 3 in this table for drinking	6						
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 7.2 Drive-through facilities (SIC code 5812*) (SIC code 5812*) 7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841) 7.4 All other retail trade (SIC codes 52 through 57, 59) 7.4 All other retail trade (SIC codes 52 through 57, 59) See item 13 in this table for "drinking places." (SIC code 5813) See item 13 in this table See item 13 in this table See item 13 in this table See item 31 in this table See item 13 in this table See item 13 in this table See item 13 in this table See item 31 in this table<	8	5812*)					•
10 (SIC code 5812*) C C C C See item review and shall meet the location requirements contained in Section 21.52.201. 11 7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841) Y Y Y Y 13 codes 5735, 5942, 7841) Y Y Y Y The following exceptions do not require a conditional use permit: 14 7.4 All other retail trade (SIC codes 52 through 57, 59) Y C C 16 See item 13 in this table for "drinking places." (SIC code 5813) Y C C 18 (SIC code 5813) Y Z C C 19 See item 13 in this table for "drinking places." (SIC code 5813) Y Z C 19 Z Z Z Z Z 20 Z Z Z Z Z 21 Z Z Z Z Z 22 Z Z Z Z Z 23 Z Z Z Z Z 24 Z Z Z Z Z	9					•	sale of alcoholic beverages shall be
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12 13stores; video rentals (SIC codes 5735, 5942, 7841)YYYY137.4 All other retail trade (SIC codes 52 through 57, 59)YCC147.4 All other retail trade (SIC codes 52 through 57, 59)YCC16See item 13 in this table for "drinking places." (SIC code 5813)YCC18See item 13 in this table for "drinking places." (SIC code 5813)YCC19See item 13 in this table for "drinking places." (SIC code 5813)FF20See item 13 in this table for "drinking places."FF21See item 13 in this table for "drinking places."FF22See item 13 in this table for "drinking places."FF23See item 13 in this table for "drinking places."FF24See item 13 in this table for "drinking places."FF23See item 13 in this table for "drinking places."FF24See item 13 in this table for "drinking places."FF25See item 13 in this table for "drinking places."FF24See item 13 in this table for "drinking places."FF25See item 13 in this table for "drinking places."FF26See item 13 in this table for marking places.FF26See item 14See item 14See item 15See item 1527See item 14See item 14See item 14<	11	7.3 Book and video					
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15(SIC codes 52 through 57, 59)YCCC16See item 13 in this table for "drinking places." (SIC code 5813)YCCBestaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.26Any use located more than 500 ft. from a zone district which allows residential use.	13	codes 5735, 5942, 7841)					· · · · · · · · · · · · · · · · · · ·
1557, 59)1CCCCbeverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.26Any use located more than 500 ft. from a zone district which allows residential use.	14						Restaurants with alcoholic
16See item 13 in this table for "drinking places." (SIC code 5813)comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.26Any use located more than 500 ft. from a zone district which allows residential use.	15		Y	С	С		
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 24 25 26 27 28 29 29 29 20 20 21 22 23 24 24 24 25 26 27 <	23						with service primarily of hors
 26 27 Any use located more than 500 ft. from a zone district which allows residential use. 	24						•
27 ft. from a zone district which allows residential use.	25						permit.
27 allows residential use.	26						
28	27						
	28						

	1	Use	IL	IM	IG	IP	*Notes and Exceptions
	2						• Department store or florist shop with accessory sales of
	з						alcoholic beverages.
	4						 A grocery store of 20,000 sq. ft. or more with accessory sales of alaphalia bayarages
	5						alcoholic beverages."Existing legal, nonconforming
	6						
	7 8						c. Pawnshops (included within SIC code 5932) shall require a
	9						conditional use permit in all zones.
	10						d. Gasoline Service Stations (SIC code 5541) and Fuel Dealers (SIC
. b	11						code 598) shall be permitted in the IG district.
OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Lond Beach. CA 90802-4664	12						e. Sales of firearms in the IL zone
Y ATT(City Al ⊌vard, 1 90802-4	13						shall require a conditional use permit.
HE CIT ARKIN In Boule	14						f. Drive-through facilities in all
XE OF 1 ALES P st Oces no Beac	15 16						Industrial Districts require a conditional use permit. Special
OFFIC CHAI 333 We	17						Standards apply (see Section 21.45.130).
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	19	//					
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	1 2	Section 6. Ta Institutional Uses," is amende			•		33, "9. Professional Office and
	2	institutional Oses, is amende	u anu	Tesiai		ieau a	IS TOHOWS.
	4	Use	IL	IM	IG	IP	*Notes and Exceptions
	5	9.0 Professional Office and Institutional Uses	Y	AP	AP	See item	a. Prohibited in all industrial districts:
	6					10 in this	
	7	(SIC codes 60, 61, 62, 63, 64, 65, 66, 73 [except 7353				table	6099 (Functions related to depository banking, not elsewhere
	8	and 7359], 861, 862, 863, 864, 878* Division J (Public					classified)9223 (Correctional Institutions)
	9	Administration)					• 8744 (Jails, privately operated- correctional facilities, adult privately
	10						operated), except a "Community Correctional Re-entry Center," as
oor ≺	11						defined in Section 21.15.602, may
ORNE ttorne) 11th Fl 4664	12						be permitted in the IL, IM and IG zone districts pursuant to a
: CITY ATTORN KIN, City Attorn Soulevard, 11th CA 90802-4664	13						conditional use permit as set forth in Chapter 21.52
111 ~ 111	14						b. Offices are intended to serve
FICE OF THE HARLES PAF West Ocean I Long Beach.	15						nearby industries and employees.
OFFICE CHARLI 33 West (Long	16						c. Emergency shelters (8322) shall be subject to the special
33	17 18						development standards specified in Section 21.45.132.
	10						
	20						d. Adult-Use Cannabis Businesses subject to Chapter 5.92.
	21					4	e. Drive-through facilities in all
	22						Industrial Districts require a conditional use permit. Special
	23						standards apply (see Section 21.45.130).
	24		990				
	25						
	26	Section 7. Ta	ble 33	3-2 of (Chap	ter 21.3	33, "10. Port-Dependent And Support
	27	Businesses," is amended and	resta	ted to	read	as follo	ows:
	28						
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1	Use	IL	IM	IG	IP	*Notes and Exceptions
2	10. Port-Dependent And Support	See Items	See Items	See Items	Y	 <u>Ancillary Port Facilities</u> - ship building and repair, towboat
3	Businesses	1-9 and	1-9 and	1-9 and		and salvage operations, bunker barge loading,
4 5		11-14 in this	11-14 in this	11-14 in this		sportfishing launching, marine research, Coast Guard operations, marine-oriented
6		table	table.	table.		fire protection, equipment storage for dredging and
7						waterfront construction, oil spill cleanup
8						Commercial/Recreational
9 10						<u>Facilities</u> - water-oriented parks, sightseeing,
11						sportfishing, water skiing, restaurants, hotels, curio
12						shops, marinas, boat sales and manufacturing, charter boat
13						operations, tackle shops, tourist attractions (e.g., Queen
14						Mary), vessel storage
15						<u>Federal Use</u> - shipyard and daydook operations. Navy Base
16						drydock operations, Navy Base and support
17						 <u>Oil And Gas Production</u> - including tankage, processing,
18 19						drilling, and water injection
20						 <u>Utilities</u> - Installations and rights-of-way, including SCE
21						station on Terminal Island
22						Adult-Use Cannabis Duringsage (all astersaries) are
23						Businesses (all categories) are prohibited
24						Drive-through facilities in all
25						Industrial Districts require a conditional use permit. Special
26 27		•				standards apply (see Section 21.45.130).
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OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

1Section 8.Section 21.45.130 of the Long Beach Municipal Code is2amended to delete Figure 45-1 and amended and restated to read as follows:

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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:

A. 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.

B. 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

1 overconcentration of drive-through facilities and is not located within a 500-2 foot radius of a school or park unless mitigating factors exist. Η. 3 That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that 4 5 would advance the City's housing and economic goals, as described in the 6 General Plan and Economic Blueprint. 7 8 Section 9. Section 21.15.875 is added to the Long Beach Municipal Code to read as follows: 9 10 21.15.875 Drive-through facilities. 11 Drive-through or Drive-up facilities. An establishment that sells 12

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.

Section 10. 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 the
Mayor.
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