



Legislation Details (With Text)

File #: 15-0598 **Version:** 2 **Name:** DS - Moratorium/new exemptions for CUPEX alcohol-related uses

Type: Ordinance **Status:** Adopted

File created: 6/18/2015 **In control:** City Council

On agenda: 7/14/2015 **Final action:** 7/14/2015

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Table 32-1 and Table 32-1A, all relating to removal of Conditional Use Permit Exemptions for alcoholic beverage sales, read and adopted as read. (Citywide)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 070715-H-2sr&att.pdf, 2. 071415-ORD-16att.pdf, 3. ORD-15-0019.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---|--------|
| 7/14/2015 | 2 | City Council | approve recommendation and adopt | Pass |
| 7/7/2015 | 1 | City Council | declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading | Pass |

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Table 32-1 and Table 32-1A, all relating to removal of Conditional Use Permit Exemptions for alcoholic beverage sales, read and adopted as read. (Citywide)

On April 21, 2015, the City Council imposed a 120-day moratorium that currently prohibits the issuance of Conditional Use Permit Exemptions (CUPEX) for alcohol sales at commercially zoned properties in the City with the exception of restaurants with alcoholic beverage service with meals and grocery stores. The City Council also directed staff to undertake a study on the propriety of amending the City’s Zoning Code and/or business regulations related to CUPEXs.

Staff researched various cities, including Los Angeles, Santa Monica and San Diego, to determine how each city processes requests for alcohol-related sales and, more specifically, what types of alcohol sales are exempted from a Conditional Use Permit process. Following is a comparison between Long Beach’s current exemptions, contained in Tables 32-1 and 32-1A of the Zoning Code, and exemptions allowed by the other cities surveyed:

Comparison of Alcohol Sales Exemptions between Long Beach and Selected Cities:

| City | Restaurants w/alcoholic beverage service with meals (no fixed bar) | Uses located more than 500' from a residentially zoned property | Department store or florist with accessory sales of alcohol | Grocery stores of 20,000 sq. ft. or more with accessory sales | Existing, legal nonconforming uses |
|--------------|--|---|---|---|------------------------------------|
| Long Beach | Yes | Yes | Yes | Yes | Yes |
| Los Angeles | No | No | No | No | Yes |
| Santa Monica | Varies w/zone | No | No | No | Yes |
| San Diego | Yes (limited) | No | >15,000 sq. ft. | >15,000 sq. ft. | Yes |

Although the information shows that the regulations for each city vary, it clearly indicates that the City of Long Beach allows more exemptions for alcohol sales than the other cities. For example, the existing code allows for the issuance of a CUPEX for a use that is separated from a residentially zoned property by more than 500 feet. The majority of exemptions that the Planning Bureau reviews are for restaurants with alcoholic beverage service with meals and existing, legal-nonconforming uses. During the past two years, there has only been one CUPEX processed for a use greater than 500 feet from a residentially zoned property and two processed for grocery stores; yet, staff has issued more than 40 CUPEXs for restaurants in this same time frame.

However, despite the relatively low volume of CUPEXs for non-restaurant uses, the potential for unintended consequences from the issuance of CUPEXs for alcohol sales for other land uses was of enough concern to the City Council to prompt the current moratorium.

After comparing allowable exemptions by other cities, reviewing Long Beach’s current CUPEX regulations and assessing the potential impacts of removing the exemptions, staff recommends that the Zoning Code be modified to limit Conditional Use Permit Exemptions to restaurants with alcoholic beverage service with meals only, florists with accessory sale of alcohol and existing legal, nonconforming uses. These changes will allow the City to impose standards specific to a proposed alcohol-related use, help minimize potential impacts to adjacent properties and residents, and remove archaic distance requirements.

On June 4, 2015, the Planning Commission considered the request and unanimously recommended that the City Council approve a Code Amendment to modify Table 32-1 and 32-1A of Title 21 (Zoning) of the Long Beach Municipal Code to limit Conditional Use Permit Exemptions (CUPEXs) to restaurants with alcoholic beverage service with meals only, florists with accessory sale of alcohol and existing legal nonconforming uses (Exhibit A - Planning Commission Staff Report from June 4, 2015).

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 15-051) was issued for the proposed project (Exhibit B -

Categorical Exemption).

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Management Officer Victoria Bell on June 15, 2015.

City Council action is requested on July 7, 2015, to allow appropriate action to be taken within the 120-day moratorium.

The proposed action will have a minimal fiscal impact given that only one to two additional CUPs are anticipated to occur annually in lieu of a CUPEX. The fee for a CUPEX is \$1,000, while the fee for a CUP, which requires additional staff time and noticing, is \$8,000. As a result, fee revenue might increase by \$7,000 to \$14,000 annually in the Development Services Fund (EF 337) in the Department of Development Services.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING TABLE 32-1 AND TABLE 32-1A, ALL RELATING TO REMOVAL OF CONDITIONAL USE PERMIT EXEMPTIONS FOR ALCOHOLIC BEVERAGE SALES

Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER