

CITY OF LONG BEACH

H-2

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

July 7, 2015

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the Ordinance amending Table 32-1 and 32-1A of Title 21 (Zoning) of the Long Beach Municipal Code to remove all Conditional Use Permit Exemptions (CUPEXs) except for restaurants with alcoholic beverage service with meals only, florists with accessory sale of alcohol, and existing legal nonconforming uses, read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit the amendment to Title 21 (Zoning) of the Long Beach Municipal Code related to Conditional Use Permit Exemptions to the California Coastal Commission for their review and certification; and

Accept the Categorical Exemption CE-15-051. (Citywide)

DISCUSSION

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

HONORABLE MAYOR AND CITY COUNCIL

July 7, 2015

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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.

TIMING CONSIDERATIONS

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

FISCAL IMPACT

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.

SUGGESTED ACTION:

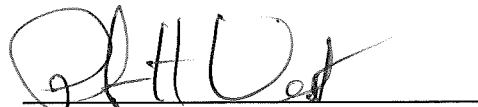
Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

AJB:LT:JW

P:\Planning\City Council Items (Pending)\Council Letters\2015\2015-07-07\CUPEX Council Letter v4.doc

Attachments: City Council Ordinance
City Council Resolution
Exhibit A – Planning Commission Staff Report from June 4, 2015
Exhibit B – Categorical Exemption

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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 TABLE 32-1 AND TABLE
 32-1A, ALL RELATING TO REMOVAL OF CONDITIONAL
 USE PERMIT EXEMPTIONS FOR ALCOHOLIC BEVERAGE
 SALES

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

Section 1. The Long Beach Municipal Code is amended by amending
 Table 32-1 related to Alcoholic Beverage Sales to read as follows:

Table 32-1
 Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcohol Beverage Manufacturing*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*Subject to special development standards (see Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be
Accessory Tasting Room*	A	A	A	A	A	A	A	A	A	

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										permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.
--	--	--	--	--	--	--	--	--	--	---

	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Sales	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	Note: The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales.
Off-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	For alcoholic beverage sales exempted from the CUP process, see footnote (1).
Off-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	C	C	N/A	N/A	C	N	

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On-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N
On-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	C	C	N/A	N/A	C	N

Section 2. The Long Beach Municipal Code is amended by amending Table 32-1 Footnotes to read as follows:

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. Florist with accessory sale of alcoholic beverages.

c. Existing legal, nonconforming uses.

1 Section 3. The Long Beach Municipal Code is amended by amending
 2 Table 32-1A pertaining to Alcohol Sales Uses, Taverns, and Entertainment Services to
 3 read as follows:

4
 5 Table 32-1A
 6 Uses In All Other Commercial Zones

Use	CO	CH	CT
Alcohol Sales Uses			
Alcohol sales uses (b)	N	C	C

11
 12 Table 32-1A

Use	CO	CH	CT
Taverns			
Taverns, bar, cocktail lounge, pub	C	C	C

18
 19 Table 32-1A

Entertainment Services			
Use	CO	CH	CT
Amusement machine (4 or fewer)	A	A	A
Amusement park	N	N	C
Arcade	N	C	N
Conventions, exhibit and trade shows or fairs, including sales or rental of good exhibited	N	N	Y

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1	Cruise ship passenger terminal	N	N	N
2	Dancing—principal or accessory use	C	N	C
3	Drive-in theater	N	C	C
4				
5	Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
6				
7	Entertainment uses with the sale of alcoholic beverages Other than those described above	C	N	Y
8				
9	Hall rental	N	N	C
10	Mock boxing or wrestling	N	C	C
11	Movies, theaters, private clubs (with no dancing)	N	C	C
12				
13	Musical entertainment	C	N	C
14	Open (outdoor) commercial recreation	N	N	C
15				
16	Pool hall (4 or more tables)	N	C	C
17	Pool tables (up to 3 tables)	A	A	A
18	Radio and television broadcasting	N	N	Y
19				
20	Skating rink	C	C	C
21	Stage shows	C	N	C
22				
23	Temporary special outdoor events, including promotional events, fairs, carnivals, circuses, art shows, antique shows, outdoor sporting events, trade shows, outdoor sales and the like	T	T	T
24				
25	Transportation facilities, including bus terminals, cabstands, limousine services, airport passenger terminals, blimp ports, heliports and	N	A	C
26	helistops			
27	All other entertainment services uses	N	C	C
28				

1 Section 4. The Long Beach Municipal Code is amended by amending
2 Table 32-1A Footnote (b) to read as follows:

3 Footnotes

4 (b) The following alcoholic beverage sales shall be exempted from the
5 conditional use permit requirement:

6 1. Restaurants with alcoholic beverage service only with meal. This
7 generally means any use with a fixed bar is not exempt. A service bar is
8 not considered a fixed bar. A sushi bar, where alcoholic beverages are
9 served at the same bar where meals are served, is considered serving
10 alcoholic beverages only with meal service. A cocktail lounge without a
11 bar, but with primarily service of only hors d'oeuvres and alcoholic
12 beverages is not exempt. Any restaurant with more than 30 percent of
13 gross sales consisting of alcoholic beverage sales shall lose its exemption
14 and be required to obtain a conditional use permit to continue to sell
15 alcohol.

16 2. Florist with accessory sale of alcoholic beverages.

17 3. Existing legal, nonconforming uses.

18
19 Section 5. 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.

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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 _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Exhibit A – Table 32-1 and 32-1A

Table 32-1
Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other		
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS		
Alcoholic Beverage Sales										CS	Note: The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales.
Off-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	C	N	For alcoholic beverage sales exempted from the CUP process, see footnote (1).
Off-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	∕C	∕C	N/A	N/A	∕C		N	
On-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	C	N	
On-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	∕C	∕C	N/A	N/A	∕C		∕N	

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.~~

~~b. 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.~~

c. ~~e.~~ Existing legal, nonconforming uses.

Table 32-1A

Use	CO	CH	CT
Alcohol Sales Uses			
Alcohol sales uses within 500 ft. of a residential zone (b)	N	C	C
Alcohol sales more than 500 ft. from residential zone (b)	N	Y	Y

Uses In All Other Commercial Zoning Districts

Taverns			
Taverns, bar, cocktail lounge, pub	C	C	C

less than 500 ft. from a district allowing residential use (b)			
All Other taverns (b)	Y	Y	Y

Entertainment Services			
Amusement machine (4 or fewer)	A	A	A
Amusement park	N	N	C
Arcade	N	C	N
Conventions, exhibit and trade shows or fairs, including sales or rental of good exhibited	N	N	Y
Cruise ship passenger terminal	N	N	N
Dancing—principal or accessory use	C	N	C
Drive-in theater	N	C	C
Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
Entertainment uses with the sale of alcoholic beverages Other than those described above	C	N	Y C

(b)	The following alcoholic beverage sales shall be exempted from the conditional use permit requirement:
	1. Restaurants 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 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 beverage sales shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.
2. Use located more than 500 ft. from zoning district allowing residential use.
2 3. Department store or florist with accessory sale of alcoholic beverages.
4. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.
3. 5. Existing legal, nonconforming uses.

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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 _____, 2015, the City Council of the City of
Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21
of the Long Beach Municipal Code, relating to removal of Conditional Use Permit
exemptions for alcohol sales; 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 Planning Commission and City Council gave full
consideration to all facts and the proposals respecting the amendments to the zoning
regulations at properly noticed and advertised public hearings; and

WHEREAS, the City Council, in accordance with the recommendation of
the Planning Commission, approved the proposed amendments to the zoning regulations
by adopting amendments to Chapter 21 related to removal of Conditional Use Permit
exemptions for alcohol sales. 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 approval; and

WHEREAS, the City Council hereby finds that the proposed zoning
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 City's General Plan.

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

Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on _____, 2015, by Ordinance No. _____, a copy of which is attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

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

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

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2015, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

June 4, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council approve a Zoning Code Amendment to modify Table 32-1 and 32-1A of Title 21 (Zoning) of the Long Beach Municipal Code to remove all Conditional Use Permit Exemptions (CUPEX) except for restaurants with alcoholic beverage service with meals only, florists with accessory sale of alcohol and existing legal, nonconforming uses and accept Categorical Exemption CE 15-051. (Citywide)

APPLICANT: City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802
(Application No. 1505-13)

DISCUSSION

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 CUP Exemptions.

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:

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

CHAIR AND PLANNING COMMISSIONERS

June 4, 2015

Page 2 of 3

Although the information shows that the regulations for each city vary, it clearly indicates that the City of Long Beach permits more exemptions for alcohol sales than 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 forty CUPEX's for restaurants in this same time frame.

However, despite the relatively low volume of CUPEX's for non-restaurant uses, the potential for unintended consequences from the issuance of CUPEX's for alcohol sales for other land uses is of great concern to the City Council, and prompted the current moratorium. Based on staff research, staff recommends the following changes to Table 32-1 and 32-1A as shown in the attached Exhibit A (Exhibit A – Table 32-1 and 32-1A).

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. Therefore, staff recommends that the Planning Commission recommend that the City Council approve a Zoning Code Amendment to modify Table 32-1 and Table 32-1A of Chapter 21 (Zoning) of the Long Beach Municipal Code revising the CUPEX regulations.

PUBLIC HEARING NOTICE

A public hearing notice was published in the Long Beach Press-Telegram on May 19, 2015, as required by the Long Beach Municipal Code. No responses have been received as of the date of preparation of this report.

ENVIRONMENTAL REVIEW

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 A – Categorical Exemption).

Exhibit A – Table 32-1 and 32-1A

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community			Regional		Other	Note: The concentration of existing ABC licenses and the area crime rate are factors considered in reviewing applications for alcohol sales.
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcoholic Beverage Sales										
Off-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	
Off-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	∕C	∕C	N/A	N/A	∕C	N	For alcoholic beverage sales exempted from the CUP process, see footnote (1).
On-premises sales within 500 ft. of district allowing residential uses	C	C	C	C	C	C	C	C	N	
On-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	∕C	∕C	N/A	N/A	∕C	∕N	

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.~~

~~b. 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.~~

c. e. Existing legal, nonconforming uses.

Table 32-1A

Use	CO	CH	CT
Alcohol Sales Uses			
Alcohol sales uses within 500 ft. of a residential zone (b)	N	C	C
Alcohol sales more than 500 ft. from residential zone (b)	N	Y	Y

Uses In All Other Commercial Zoning Districts

Taverns			
Taverns, bar, cocktail lounge, pub	C	C	C

~~less than 500 ft. from a district allowing residential use (b)~~

~~All Other taverns (b)~~

~~Y Y Y~~

Entertainment Services

Amusement machine (4 or fewer)	A	A	A
Amusement park	N	N	C
Arcade	N	C	N
Conventions, exhibit and trade shows or fairs, including sales or rental of good exhibited	N	N	Y
Cruise ship passenger terminal	N	N	N
Dancing—principal or accessory use	C	N	C
Drive-in theater	N	C	C
Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
Entertainment uses with the sale of alcoholic beverages Other than those described above	C	N	Y C

(b) The following alcoholic beverage sales shall be exempted from the conditional use permit requirement:

1. Restaurants 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 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 beverage sales shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.

~~2. Use located more than 500 ft. from zoning district allowing residential use.~~

~~2. Department store or florist with accessory sale of alcoholic beverages.~~

~~4. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.~~

3. ~~5.~~ Existing legal, nonconforming uses.



CITY of LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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

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

Categorical Exemption CE- 15-051

Project Location/Address: Citywide

Project/Activity Description: Modify Table 32-1 and 32-1A of Title 21 (Zoning) to remove all Conditional Use Permit Exemptions (CUPEx) except for restaurants with alcoholic beverage service with meals only, florists with necessary alcohol sales and existing, legal non-conforming uses.

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

Applicant Name: City of Long Beach

Mailing Address: 333 W. Ocean Blvd., Long Beach, CA 90802

Phone Number: 562-570-6607 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1505-13 Planner's Initials: JH

Required Permits: Zoning Code Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15208, Class B, Actions by Regulatory Agencies.

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

Contact Person: Jeff Mintz [Signature] Contact Phone: 562-570-6607
Signature: [Signature] Date: 5/15/15