



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

August 6, 2013

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 the Zoning Ordinance by adding Chapter 21.57 related to Alcohol Nuisance Abatement, read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt the Resolution limiting implementation of the Ordinance to specified areas of the City in North Long Beach; and

Accept the Categorical Exemption CE 13-13. (Citywide)

DISCUSSION

In July 2012, the City Council directed the Planning Commission to review current zoning regulations as they relate to existing liquor stores with Type 21 (beer, wine and distilled spirits for off premises consumption) licenses; consider the feasibility of implementing performance standards and/or a Conditional Use Permit (CUP) requirement for those stores without such regulations; consider possible incentives that could be offered to existing businesses that are willing to immediately accept the imposition of appropriate regulations; and establish a pilot study area in North Long Beach for initial implementation of the Ordinance.

On May 16, 2013, the Planning Commission unanimously voted to recommend approval of amending the Zoning Code by adding Chapter 21.57 related to Alcohol Nuisance Abatement.

Currently, liquor stores are allowed in commercial zoning districts subject to the issuance of a CUP. The CUP process allows the City to review each liquor store application on an individual basis and attach necessary conditions of approval for the store to address operational concerns associated with the use, and ensure compatibility with surrounding uses. Additionally, the CUP process is the only mechanism available to the City to regulate the sale of alcohol. However, the CUP provision for liquor stores was not adopted until 1988. Therefore, establishments in existence prior to 1988 are permitted to operate as a legal nonconforming "grandfathered" use, without specific

conditions regarding the location or use. This lack of operating or performance standards may increase the likelihood that nuisance activity occurs and limits the City's ability to address nuisance issues.

Staff has researched various models and best practices across the country and throughout California in collaboration with the Police Department, City Attorney's Office, residents, and business and property owners to develop the Alcohol Nuisance Abatement Ordinance (ANAO). Unlike the traditional CUP process, the ANAO cannot regulate the sale of alcohol. Any Ordinance adopted and implemented by the City regulating a legal nonconforming or "grandfathered" liquor store cannot restrict the types or quantities of alcohol sold or other alcohol-related issues. Therefore, the ANAO focuses on performance standards that are intended to minimize or eliminate the negative impact of the use on the community.

The framework of the proposed ANAO is composed of the following core objectives:

- The ANAO eliminates the legal nonconforming status of existing liquor store activities and automatically grants these activities "deemed approved" status, contingent on compliance with performance standards set forth in the ANAO.
- The proposed performance standards are intended to reduce or eliminate nuisance behavior through reasonable and meaningful operating and aesthetics standards.
- Non-compliance may result in the addition or modification of performance standards or revocation of deemed approved status.
- Revocation will not necessarily or immediately result in the loss of a business license; rather, the business would be required to obtain a CUP in order to sell alcohol.

Owners of deemed approved liquor stores must fully comply with the proposed performance standards within ninety (90) days of the effective date of the ANAO. Staff intends to work with business and/or property owners impacted by the Ordinance to ensure that full compliance is achieved. Additionally, staff will work with business and/or property owners to provide information about possible incentive opportunities offered by the City to assist in the implementation of the ANAO, such as the existing Façade Rebate Program in eligible Community Development Block Grant areas. If a violation of the ANAO occurs, the City will notify the business and/or property owner with a notice of violation, and the responsible party will be required to correct the violation or take reasonable action to begin correction within ten (10) days. The following performance standards will apply to all legal nonconforming liquor stores:

- The existence of the liquor store does not result in any adverse effects, jeopardize or endanger health, peace, or safety of residents or employees.
- The liquor store is operated and maintained in a neat, quiet, and orderly manner, and in accordance with all applicable local, state, and federal laws.
- The liquor store does not create repeated nuisance activities.

HONORABLE MAYOR AND CITY COUNCIL

August 6, 2013

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- Exterior lighting and security measures are provided to the satisfaction of the Chief of Police.
- No more than 10 percent of the square footage of the windows or transparent doors are covered or obstructed.
- The building's address is displayed on all sides of the building facing a public right-of-way.

In the event that a violation of the performance standards is not corrected in the prescribed timeframe, the Site Plan Review Committee will have the authority, through a due process hearing, to add or modify performance standards. Actions taken by the Site Plan Review Committee are appealable to the Planning Commission. The Planning Commission will have the authority to revoke the deemed approved status of any liquor store that is found to continually violate the provisions of the proposed Ordinance, thus eliminating the store's ability to sell alcohol.

Staff is recommending that initial implementation of the ANAO begin north of Del Amo Boulevard, in the 8th and 9th Council Districts (Exhibit A - Initial Implementation Map). This recommendation is based on the total number (36) of liquor stores in the area, the proportion of those liquor stores operating without a CUP or other regulations, the residential nature of the area, and the nuisance activity associated with liquor stores in this location. City staff has engaged in a thorough community outreach effort to meet with the business and/or property owners, as well as neighborhood residents. Additionally, residents of the 8th and 9th Council Districts have requested that the City actively work to address problems associated with liquor stores in their neighborhoods, as displayed in the attached map (Exhibit B – North Long Beach Liquor Store Map). Following the initial implementation in North Long Beach, the program will be evaluated, and it is anticipated that implementation will be phased in citywide.

In accordance with the California Environmental Quality Act, a Categorical Exemption (CE) was prepared for the proposed project (Exhibit C – CE-13-13) for the City Council to accept.

This matter was reviewed by Assistant City Attorney Michael Mais on July 2, 2013 and by Budget Management Officer Victoria Bell on July 18, 2013.

TIMING CONSIDERATIONS

City Council action is requested on August 6, 2013, to begin implementation of the ANAO.

FISCAL IMPACT

There is no fiscal or local job impact associated with this request.

HONORABLE MAYOR AND CITY COUNCIL

August 6, 2013

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:bb

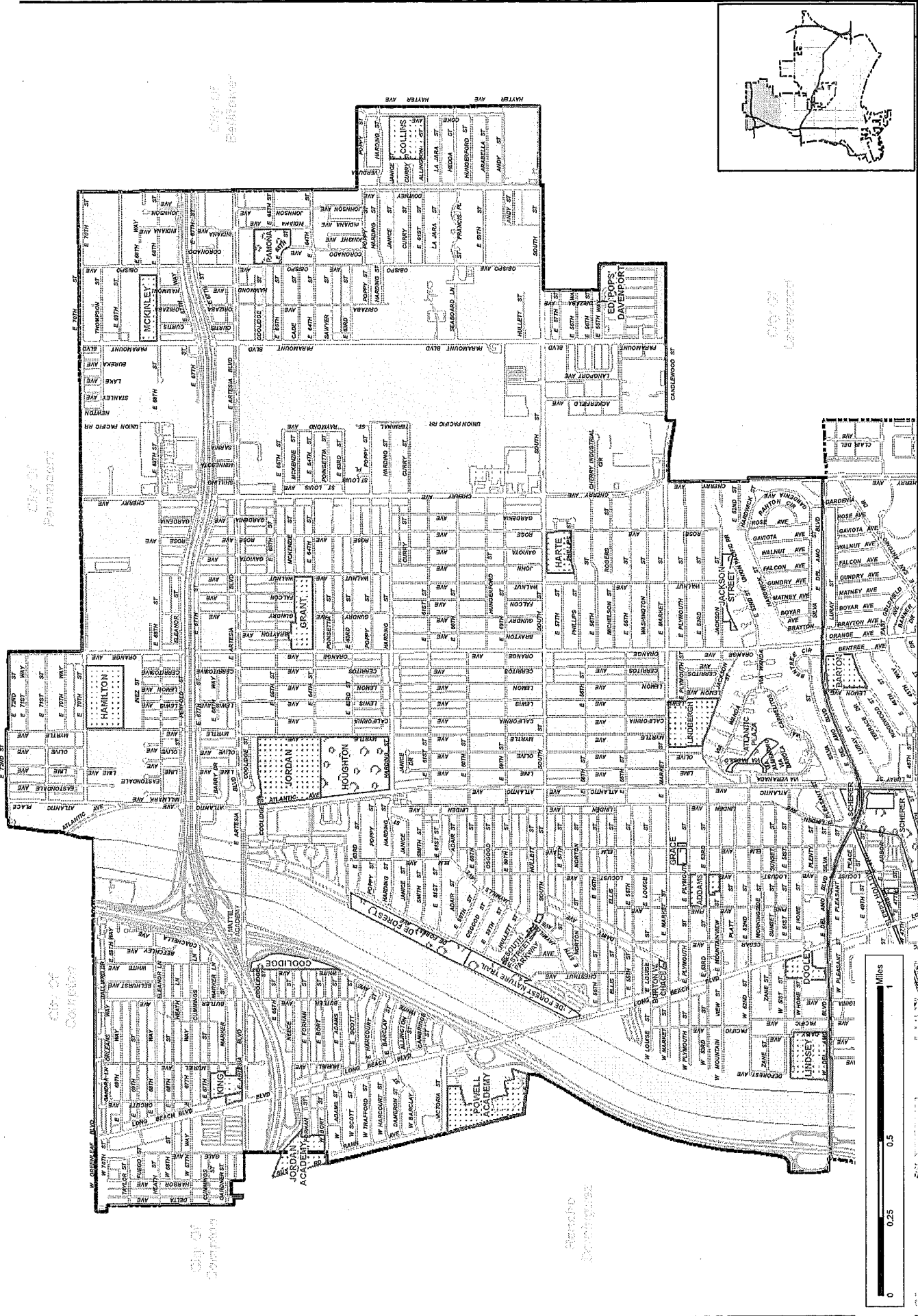
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Attachments: City Council Ordinance
 City Council Resolution
 Exhibit A – Initial Implementation Map
 Exhibit B – North Long Beach Liquor Store Map
 Exhibit C – Categorical Exemption CE 13-13

APPROVED:



PATRICK H. WEST
CITY MANAGER



Alcohol Nuisance Abatement Ordinance: Initial Implementation

EXHIBIT B

City of Long Beach, California

89
CS

Alcoholic Beverage Control(ABC) Type 21 Locations

(Off Sale General - Package Store: Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold)

Index#	CD	Address
26	8	5660 PARAMOUNT BLVD
27	8	2628 E SOUTH ST
28	8	5450 CHERRY AVE
29	8	5401 CHERRY AVE
30	8	5402 ORANGE AVE
31	8	938 E SOUTH ST
32	8	494 E SOUTH ST
33	8	5280 ATLANTIC AVE
34	8	301 E MARKET ST
35	8	5602 LONG BEACH BLVD
36	8	5440 LONG BEACH BLVD
37	8	5351 LONG BEACH BLVD
1	9	457 W GARDNER ST
2	9	6800 LONG BEACH BLVD
3	9	106 W ARTESIA BLVD
4	9	298 E ARTESIA BLVD
5	9	6350 LONG BEACH BLVD
6	9	5176 LONG BEACH BLVD
7	9	6841 ATLANTIC AVE
8	9	6620 ATLANTIC AVE
9	9	6031 ATLANTIC AVE
10	9	8000 ATLANTIC AVE
11	9	301 E SOUTH ST
12	9	1045 E SOUTH ST
13	9	1201 E SOUTH ST
14	9	1177 E ARTESIA BLVD
15	9	1302 E ARTESIA BLVD
16	9	1313 E ARTESIA BLVD
17	9	1710 E ARTESIA BLVD
18	9	6700 CHERRY AVE
19	9	6241 CHERRY AVE
20	9	5089 CHERRY AVE
21	9	2185 E SOUTH ST
22	9	6900 N PARAMOUNT BLVD
23	9	2990 E ARTESIA BLVD
24	9	3411 E ARTESIA BLVD
25	9	3337 E SOUTH ST

CUP Exempt Locations: 4
Total Locations: 37

Source: California Department of Alcoholic Beverage Control
Report as of 3/18/2011



Department of Technology Services GIS



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbsds.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

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

Categorical Exemption CE- 13-13

Project Location/Address: Citywide

Project/Activity Description: Alcohol Nuisance Abatement Ordinance amending the City's Zoning Regulations by adding Chapter 21.57 to the Long Beach Municipal Code. This Chapter requires existing legal nonconforming liquor stores to comply with certain performance standards, intended to reduce or eliminate nuisance activity and behavior associated with liquor stores.

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

Applicant Name: _____

Mailing Address: _____

Phone Number: _____ Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: _____ Planner's Initials: _____

Required Permits: _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308, Class 8, Actions by Regulatory Agencies

Statement of support for this finding: Regulatory action by local government

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 2/28/13

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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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 21.57
RELATING TO ALCOHOL NUISANCE ABATEMENT

WHEREAS, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of liquor stores offering the sale of alcohol for off-site consumption; and

WHEREAS, neighborhood character can change over time and the careful regulation of nuisance activity at liquor stores and other similar uses will help to ensure that such uses do not contribute to the deterioration of neighborhoods; and

WHEREAS, the citizens of the City of Long Beach have complained to various City departments including the Police Department about said nuisances and criminal activities at liquor stores; and

WHEREAS, there are many liquor stores in the City of Long Beach selling alcoholic beverages that do not conform with the current zoning regulations and, as a result, these establishments generate a disproportionate amount of public nuisance calls for service for the Long Beach Police Department; and

WHEREAS, California law does not preempt local land use decisions with regard to liquor store regulations and the authority to regulate nuisance conditions created by such retailers derives solely from the City's general police powers; and

WHEREAS, the ability of local governments in California to regulate certain aspects of alcohol sales is limited by the California Constitution; and

WHEREAS, despite those limitations, many local agencies, including the City of Long Beach, have effectively used their constitutionally conferred police power to

1 create land use tools, such a conditional use permits and administrative use permits to
2 regulate the ancillary aspects of alcoholic beverage sales without interfering with the
3 exclusive authority of the California Department of Alcoholic Beverage Control (ABC);
4 and

5 WHEREAS, a legal nonconforming or “grandfathered” liquor store that
6 retains the same type of liquor license type over time, continuously operates, and does
7 not substantially change its mode or character of operation, must be allowed to continue
8 its operation, even if local land use controls are subsequently adopted; and

9 WHEREAS, to address their inability to regulate grandfathered liquor store
10 establishments, many California cities have adopted so-called “deemed approved
11 ordinances;” and

12 WHEREAS, a deemed approved ordinance is a tool that allows a local
13 agency to exercise appropriate authority over grandfathered establishments through the
14 imposition of nuisance-based performance standards; and

15 WHEREAS, these performance standards focus on preventing nuisance
16 and criminal activity that may be associated with alcoholic beverage sales at liquor
17 stores; and

18 WHEREAS, certain grandfathered liquor store establishments in the City of
19 Long Beach have been the source of late-night incidents involving fights, loitering,
20 drinking in public and other nuisance activities which have generated a significant
21 demand on police resources; and

22 WHEREAS, under a deemed approved ordinance, the sale and service of
23 alcoholic beverages at grandfathered liquor stores is a deemed approved activity so long
24 as the liquor store complies with the general performance standards required of the
25 deemed approved status; and

26 WHEREAS, California courts have upheld both alcohol specific zoning
27 regulations and the deemed approved approach of imposing nuisance-based
28 performance standards on grandfathered establishments; and

1 WHEREAS, given the limitations established by state law, deemed
2 approved ordinances are perhaps the most effective tool to address the impact of
3 nuisance and criminal activity that may be caused by alcoholic beverage establishments
4 such as liquor stores, especially when voluntary compliance and education prove
5 ineffective; and

6 WHEREAS, the City has considered numerous means of addressing such
7 issues and conducted outreach with stakeholders; and

8 WHEREAS, the City Council directed staff to move aggressively to prepare
9 a deemed approved ordinance and to make other relevant changes to allow the City to
10 more effectively regulate non-conforming liquor store establishments and to provide tools
11 that can be used to prevent and abate nuisance activities that may occur in such
12 establishments; and

13 WHEREAS, City staff have prepared an ordinance that has been carefully
14 drafted, under the City's police power, to be in compliance with constitutional and
15 statutory requirements and with existing case law so as to address Council's direction.
16

17 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
18 follows:

19 Section 1. The Long Beach Municipal Code is amended by adding
20 Chapter 21.57 to read as follows:

21 Chapter 21.57

22 Alcohol Nuisance Abatement

23 21.57.010

24 These provisions shall be known as the Alcohol Nuisance Abatement
25 "Deemed Approved" Ordinance.
26

27 21.57.020 Definitions.

28 "Liquor store" means any business selling general alcoholic

1 beverages, also known as sale of distilled spirits or hard liquor, for off-
2 premises consumption under a "Type 21 License" of the California
3 Department of Alcoholic Beverage Control. Liquor store does not include a
4 business selling only beer and/or wine for off-premises consumption.

5 "Performance Standards" means the regulations prescribed below for liquor
6 store activities with deemed approved status. An establishment must comply with
7 the performance standards in order to retain its deemed approved status. Such
8 compliance shall be determined by the City of Long Beach, and includes the
9 following:

10 A. The use does not result in any adverse effects, jeopardize, or
11 endanger the health, peace, or safety of persons residing, visiting, or
12 working in the surrounding area;

13 B. The use is operated and maintained in accordance with all
14 applicable local, state, or federal codes, laws, rules, regulations and
15 statutes including those of the ABC, the City's General Plan, and all zoning
16 or nuisance regulations of the City.

17 C. The use is operated and maintained in a neat, quiet, and
18 orderly condition and operated in a manner so as not to be detrimental to
19 surrounding properties and occupants. This shall encompass the upkeep
20 and maintenance of exterior facades of the building, landscaping,
21 designated parking areas serving the use, fences, and the perimeter of the
22 site, including all public sidewalks, alleys, and parkways.

23 D. The use does not result in repeated nuisance activities, as
24 defined in Chapter 9.37 of this Code on or near the premises, including but
25 not limited to disturbance of the peace, illegal drug activity, public
26 drunkenness, drinking in public, harassment of passersby, gambling,
27 prostitution, sale of stolen goods, public urination, theft, assaults, batteries,
28 acts of vandalism, excessive littering, loitering, graffiti, illegal parking,

1 excessive loud noises especially in the late night or early morning hours,
2 traffic violations, curfew violations, lewd conduct, or police detentions and
3 arrests;

4 E. The use provides exterior lighting and security measures to
5 the satisfaction of the Chief of Police including:

6 1. Exterior lighting consisting of high-pressure sodium or
7 equivalent type, with a minimum illumination intensity of 1.25 foot-candle.
8 All exterior light fixtures shall be vandal resistant, installed on exterior walls,
9 and should be the type with proper cut-offs to avoid glare and night sky
10 glow. Exterior lighting shall clearly illuminate the building address, all
11 parking, driving, and walking surfaces, and exterior doors during the hours
12 of darkness. Activation of the required exterior lighting shall be either by a
13 photocell device or a time clock. Any broken or burned out lights shall be
14 required to be replaced within seventy-two (72) hours;

15 2. Security cameras providing full camera coverage of all
16 entries and exits into the building and full camera coverage of all public
17 rights-of-way and private parking areas provided by the business. Cameras
18 must record in color with output of at least four hundred eighty (480) lines
19 resolution. Recordings shall be retained for no less than thirty (30) days on
20 an IP-configurable Digital Video Recorder (DVR) or digital storage setup
21 with a public IP address. The surveillance system username and password
22 shall be provided to the Long Beach Police Department.

23 F. No more than ten percent (10%) of the square footage of the
24 windows and transparent doors of the premises shall be allowed to bear
25 advertising, signs or any other obstructions including products, shelving,
26 display items and/or coolers. All advertising, signage, product, shelving,
27 display items and/or coolers shall be placed and maintained to ensure a
28 clear and unobstructed view of the establishment's interior. Window signs

1 displaying prices shall be prohibited. No advertising or signage shall be
2 placed in the area above three (3) feet or below six (6) feet in height of all
3 windows measured from grade.

4 G. All existing publicly accessible exterior pay telephones shall
5 be removed, including the housing of the pay telephone. No new publicly
6 accessible exterior pay telephone may be located on any private property or
7 any public right-of-way adjacent to a deemed approved liquor store activity.

8 H. Any graffiti found on the walls, fences, pavement or buildings
9 shall be removed within twenty-four (24) hours of its appearance on the
10 property.

11 I. The building address shall be displayed on all sides of the
12 building facing a public right-of-way, including an alley, and clearly visible
13 from each public right-of-way, including the alley.

14 J. A copy of these performance standards, additional City or
15 ABC imposed operating conditions, and a twenty-four (24) hour complaint
16 telephone number shall be posted in a conspicuous and unobstructed place
17 visible from the entrance of the establishment in public view.

18 "Deemed Approved Liquor Store" means any commercial land use
19 where the sale of beer, wine, or distilled spirits was a legal nonconforming
20 use prior to the effective date of this Chapter.

21 "Nonconforming use" or "Nonconformity," for the purposes of this
22 Chapter, means a building which was lawfully established but which, due to
23 the application of this Title, no longer conforms to the regulations of the
24 zone in which it is located. (See Section 21.15.1860.)

25
26 21.57.030 Purpose.

27 The purpose of this ordinance is to protect and promote the public
28 health, safety, comfort, convenience and general welfare of the community

1 by imposing anti-nuisance related performance standards on legal
2 nonconforming liquor store activities with the incorporation of performance
3 standards, the sale of alcohol becomes a conforming activity; however, all
4 other nonconformities remain subject to the provisions of Chapter 21.27.

5
6 21.57.040 Applicability.

7 This Alcohol Nuisance Abatement Deemed Approved Ordinance
8 shall apply to all legal nonconforming liquor stores in the City of Long Beach
9 on the effective date of this Chapter. The following establishments with a
10 Type 21 ABC license are exempt from the ANAO: those with a current
11 CUP, establishments that are located more than five hundred feet (500')
12 from zoning districts allowing residential uses, and grocery stores of twenty
13 thousand (20,000) square feet or greater with accessory sales of alcohol.

14
15 21.57.050 Automatic Deemed Approved.

16 A. All liquor stores that were legal nonconforming uses
17 immediately prior to the effective date of this Chapter shall automatically be
18 granted deemed approved status for the liquor store activity and shall no
19 longer be considered legal nonconforming uses.

20 B. Each deemed approved liquor store activity shall retain its
21 deemed approved activity status as long as it complies with the
22 performance standards as defined in Section 21.57.020 of this Chapter.

23 C. Any expansion, alteration, or modification in character of the
24 deemed approved liquor store shall conform to the City's Zoning Code
25 including obtaining permits required under Chapter 21.25 of this Code.

26
27 21.57.060 Performance Standards.

28 A liquor store activity shall retain is deemed approved status only if it

1 conforms to all of the nuisance based performance standards defined in
2 21.57.020; such conformance shall be determined by the City of Long
3 Beach.

4
5 21.57.070 Administration and Enforcement.

6 A. Within ninety (90) days of the effectiveness of this Chapter,
7 each deemed approved liquor store activity shall fully comply with the
8 nuisance based performance standards set forth in Section 21.57.020.

9 B. Upon receiving a complaint from the public, Police
10 Department, Code Enforcement, or any interested person that a deemed
11 approved liquor store activity is in violation of the standards set forth in
12 Sections 21.57.020, the following procedure shall be followed:

13 1. The City shall assess the nature of the complaint and
14 its validity by conducting an investigation of the premises to assess the
15 liquor store activity's compliance with the applicable standards. The City
16 shall provide the business and/or property owner, as appropriate, with
17 written notice of any complaint received or investigation commenced by the
18 City relative to the liquor store activity's alleged failure to abide by the
19 regulations set forth in this Chapter.

20 2. Upon establishing the validity of a complaint, the City
21 shall issue a notice of violation to the business and/or property owner of the
22 subject deemed approved liquor store activity. The business and/or
23 property owner shall correct the violation, or take reasonable action to begin
24 correction, and shall diligently pursue completion of the correction within ten
25 (10) days after receiving written notification of the violation. At the end of
26 the correction period, the City shall determine if the violation has been
27 corrected. If violations have not been corrected within the prescribed
28 period, the City shall then refer the matter to the Site Plan Review

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Committee for further review and action.

3. The Site Plan Review Committee shall conduct a hearing on the validity of the complaint. At the conclusion of the hearing, the Site Plan Review Committee shall have the authority to add or modify performance standards to insure that nuisance activity or conditions are eliminated. Actions taken by the Site Plan Review Committee are appealable by any aggrieved party to the Planning Commission. The decision of the Planning Commission on appeal shall be final.

21.57.080 Revocation of Deemed Approved Status.

A. If a deemed approved liquor store activity continues to violate the provisions of this Chapter after intervention by the Site Plan Review Committee, the City may refer the matter to the Planning Commission for a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Code.

1. Based on its findings and determination after hearing, the Planning Commission may:

- a. Continue the deemed approved activity status for the liquor store in question;
- b. Issue an administrative citation and impose administrative penalties for violation of applicable standards in accordance with Chapter 9.65 of this Code;
- c. Impose such reasonable conditions as are in the judgment of the Planning Commission necessary to ensure compliance with the applicable standards; or
- d. Revoke the liquor store's deemed approved activity status.

2. If the Planning Commission determines to impose

1 further new conditions on the deemed approved liquor store activity, such
2 conditions shall be based upon the information then before the Planning
3 Commission.

4 3. If the Planning Commission finds that conditions and/or
5 modifications of the liquor store will be ineffective in eliminating the adverse
6 activities, the Planning Commission shall revoke the deemed approved
7 activity status of the liquor store.

8 4. Continuation of any use after abandonment or
9 revocation pursuant to this Chapter shall constitute a violation of this Code
10 and shall be penalized as provided for in Section 21.10.080.

11 5. Any aggrieved party may appeal the determination of
12 the Planning Commission to the City Council in accordance with the
13 provisions set forth in Division V, "Appeals", of Title 21 of this Code. The
14 decision of the City Council on appeal shall be final.

15
16 21.57.090 Fee.

17 A. The administrative citation process described in this Chapter
18 does not preclude the City from recovering any other code violation or
19 nuisance abatement costs incurred by the City in performing its code
20 enforcement efforts.

21 B. The City may collect a fee to recover costs associated with
22 the inspection and enforcement of this Chapter in accordance with the City
23 Council adopted fee resolution.

24
25 Section 2. Environmental Determination. The project is exempt from
26 environmental review per CEQA Guidelines under Section 15061(b)(3) which states "that
27 if an activity is covered by the general rule that CEQA applies only to projects which have
28 the potential for causing a significant effect on the environment and where it can be seen

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with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

Section 3. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH LIMITING IMPLEMENTATION OF
THE ALCOHOL NUISANCE ABATEMENT ORDINANCE TO
SPECIFIED AREAS OF THE CITY

WHEREAS, concurrently with the adoption of this Resolution, the City Council has approved and adopted an "Alcohol Nuisance Abatement Ordinance" (ANAO) by adding Chapter 21.57 to the Municipal Code of the City of Long Beach;

WHEREAS, the purpose of adopting the ANAO is, in part, to curtail nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods and which occur with disproportionate frequency at and around the premises of liquor stores offering the off-site sale of alcohol;

WHEREAS, staff has recommended that the initial implementation of the ANAO should commence in the Eighth and Ninth Council Districts. Said recommendation is based upon the fact that these districts: 1) have a significantly higher ratio of liquor stores that are not currently regulated by the Conditional Use Permit (CUP) process because many were established prior to the requirement to obtain a CUP; 2) that many of these liquor stores are located in densely populated residential areas which too often has proven a catalyst for the types of nuisance related behaviors as described above; and 3) that the residents and business owners located in the 8th and 9th Council Districts have been extremely vocal in bringing this issue to the City Council for its review, attention and consideration.

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

Section 1. The City Council authorizes limited implementation of the

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

1 Alcohol Nuisance Abatement Ordinance to begin in the Eighth and Ninth Council Districts
2 in the areas north of Del Amo Boulevard, and east, west and north to the City boundaries
3 as reflected in the Map attached hereto as Exhibit A.

4 Section 2. That should this program and regulations prove effective in
5 reducing or eliminating nuisance related behaviors associated with liquor stores and the
6 off-site sale of alcohol, then the City Council may, in its discretion, expand application of
7 the subject ANAO to other areas of the City as necessary and in accordance with
8 established procedures.

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

11
12 I hereby certify that the foregoing resolution was adopted by the City
13 Council of the City of Long Beach at its meeting of _____, 2013, by the
14 following vote:

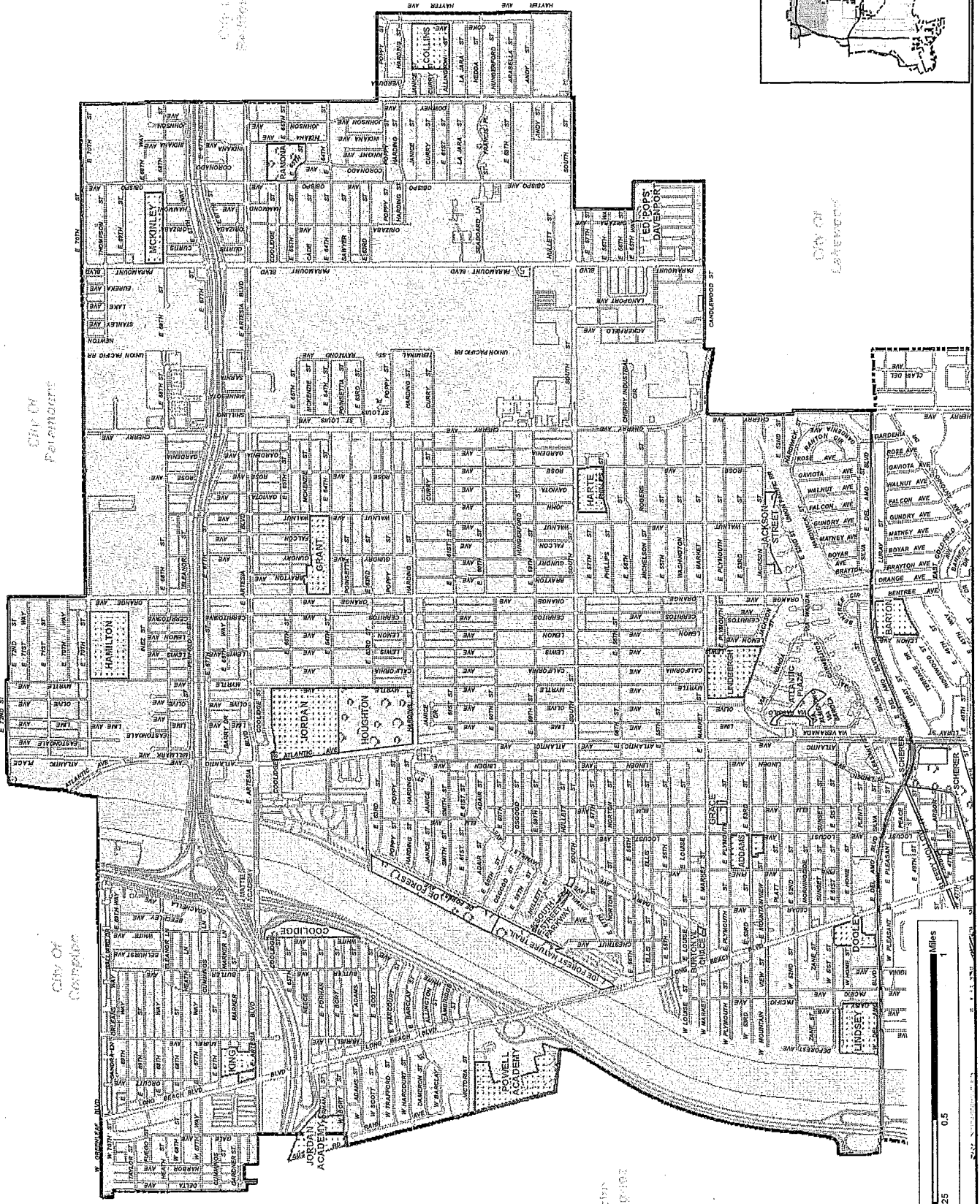
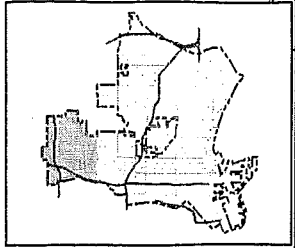
15 Ayes: Councilmembers: _____
16 _____
17 _____

18
19 Noes: Councilmembers: _____
20 _____

21 Absent: Councilmembers: _____
22 _____

23
24
25 _____
City Clerk

26
27
28



Alcohol Nuisance Abatement Ordinance: Initial Implementation