

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

1 RESOLUTION NO. RES-15-0078

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS
6 TO THE LONG BEACH ZONING REGULATIONS TO THE
7 CALIFORNIA COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on July 14, 2015, the City Council of the City of
10 Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21
11 of the Long Beach Municipal Code, relating to removal of Conditional Use Permit
12 exemptions for alcohol sales; and

13 WHEREAS, it is the desire of the City Council to submit the above
14 referenced zoning regulation amendments to the California Coastal Commission for its
15 review; and

16 WHEREAS, the Planning Commission and City Council gave full
17 consideration to all facts and the proposals respecting the amendments to the zoning
18 regulations at properly noticed and advertised public hearings; and

19 WHEREAS, the City Council, in accordance with the recommendation of
20 the Planning Commission, approved the proposed amendments to the zoning regulations
21 by adopting amendments to Chapter 21 related to removal of Conditional Use Permit
22 exemptions for alcohol sales. The proposed zoning regulation amendments are to be
23 carried out in a manner fully consistent with the Coastal Act and become effective in the
24 Coastal Zone immediately upon Coastal Commission certification and approval; and

25 WHEREAS, the City Council hereby finds that the proposed zoning
26 amendments will not adversely affect the character, livability or appropriate development
27 in the City of Long Beach and that the amendments are consistent with the goals,
28 objectives and provisions of the City's General Plan.

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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 14, 2015, by Ordinance No.
5 ORD-15-0019, a copy of which is attached to and incorporated in this resolution as
6 Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest
7 review as to that part of the ordinance that directly affects land use matters in that portion
8 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 Coastal Commission approval pursuant to the Public
14 Resources Code or as an amendment that will require formal City Council adoption after
15 Coastal Commission approval.

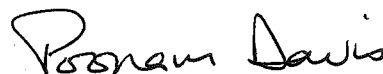
16 Section 3. This resolution shall take effect immediately upon its adoption
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

18 I certify that this resolution was adopted by the City Council of the City of
19 Long Beach at its meeting of July 7, 2015, by the following vote:

20 Ayes: Councilmembers: Gonzalez, Lowenthal, Price, Supernaw,
21 Mungo, Andrews, Uranga, Austin,
22 Richardson.

23 Noes: Councilmembers: None.

24
25 Absent: Councilmembers: None.
26

27 
28 _____
City Clerk

ORDINANCE NO. ORD-15-0019

AN ORDINANCE OF THE CITY COUNCIL OF THE
 CITY OF LONG BEACH AMENDING THE LONG BEACH
 MUNICIPAL CODE BY AMENDING CHAPTER 21.32,
 TABLES 32-1 AND 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.
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	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.

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

Table 32-1A			
Uses In All Other Commercial Zones			
Use	CO	CH	CT
Alcohol Sales Uses			
Alcohol sales uses (b)	N	C	C
Table 32-1A			
Use	CO	CH	CT
Taverns			
Taverns, bar, cocktail lounge, pub	C	C	C
Table 32-1A			
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

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	Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
5	Entertainment uses with the sale of alcoholic beverages other than those described above	C	N	Y
6	Hall rental	N	N	C
7	Mock boxing or wrestling	N	C	C
8	Movies, theaters, private clubs (with no dancing)	N	C	C
9	Musical entertainment	C	N	C
10	Open (outdoor) commercial recreation	N	N	C
11	Pool hall (4 or more tables)	N	C	C
12	Pool tables (up to 3 tables)	A	A	A
13	Radio and television broadcasting	N	N	Y
14	Skating rink	C	C	C
15	Stage shows	C	N	C
16	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
17	Transportation facilities, including bus terminals, cabstands, limousine services, airport passenger terminals, blimp ports, heliports and helistops	N	A	C
18	All other entertainment services uses	N	C	C

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 meals.

7 This generally means any use with a fixed bar is not exempt. A service bar
8 is 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 thirty percent
13 (30%) of gross sales consisting of alcoholic beverage sales shall lose its
14 exemption and be required to obtain a conditional use permit to continue
15 to sell 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 July 14, 2015, by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Supernaw,
Mungo, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Andrews.

Poznam Davis
City Clerk

Approved: 7/24/15
(Date)

[Signature]
Mayor