



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

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November 20, 2014

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Recommend that the City Council add the definition of Nightclub to Chapter 21 (Zoning) of the Long Beach Municipal Code and accept Categorical Exemption CE 14-135. (Citywide)

APPLICANT: City of Long Beach  
333 W. Ocean Boulevard  
Long Beach, CA 90802  
(Application No. 1410-18)

## DISCUSSION

The term 'nightclub' is referred to in various sections of Chapter 21 (Zoning) of the Long Beach Municipal Code including Table 32-1 of the Commercial Districts, Table 33-2 of the Industrial Districts, Table 3-1 of the Downtown Plan, as well as in the definition of cabaret (Exhibit A – Referenced Code Sections). In each of these cases, with the exception of the cabaret definition, the Zoning Code indicates that a Conditional Use Permit (CUP) is required for a nightclub. However, a definition of nightclub is not provided within the Zoning Code.

In most areas of the City, the lack of a definition of nightclub has not caused issues since uses that would typically be considered a nightclub-type operation included alcohol sales for on-site consumption which triggered the requirement for a CUP. However, this is not the case within the Downtown Dining and Entertainment District (DDED), where sales of alcohol for on-premises consumption are permitted by right (Exhibit B – DDED Map). Without the ability to add conditions as part of the CUP process, there have been conflicts between certain businesses and adjacent residents in the DDED area. As a result, in August 2013, the City Council placed a moratorium on the issuance of entertainment permits within the DDED for operations with a Type 48 Department of Alcoholic Beverage Control License (On-Sale General – Public Premises) which generally covers bars that sell beer, wine and spirits.

Staff researched various cities including San Diego, West Hollywood and Santa Monica to determine the criteria that they use to define a nightclub. Based on that information,



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

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
<b>Entertainment (cont'd)</b>										
Mock boxing or wrestling	N	N	N	N	N	N	N	Y	N	City council hearing is required for new and transferred business licenses.
Movie theater (or live theater w/100+ seats)	N	N	N	C	C	C	C	C	N	
Pool tables (up to 3 tables)	A	A	A	A	A	A	A	A	N	Accessory to restaurant, tavern, club (see Section 21.51.260).
Private club, social club, nightclub, pool hall or hall rental within 500 ft. of district allowing residential uses	N	N	N	C	C	C	C	C	C	City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y	Y	Y	Y	Y	Y	Y	Y	N	City council hearing is required for new and transferred business licenses.
Other entertainment uses (arcade, bowling alley, computer arcade, miniature golf, tennis club, skating rink)	N	N	N	C	C	C	C	C	N	See Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades).

**Table 33-2**  
**Uses In Industrial Districts**  
**(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
<b>13. Recreation And Entertainment Uses</b>					a. Any business involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in Section 21.52.201. The following exceptions do not require conditional use permit:
13.1 Outdoor recreation (drive-in theater, racetrack, golf, driving range, shooting range and similar uses)	C	N	N	See Item 10 in this table.	
13.2 Movie theaters	Y	Y	Y	N	• Restaurant 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 <u>not</u> 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 <u>shall</u> require a conditional use permit.
13.3 Bars, nightclubs, cabarets and the like with alcohol (SIC code 5813*)	C*	C*	C*	C*	
	Y	Y			

- E. "Cabaret" means a **nightclub**, theater or other establishment which features live performances by topless and/or bottomless dancers, exotic dancers, strippers, wrestlers, or similar entertainers, and where such performances are distinguished or characterized by an emphasis on specified sexual activities or display specified anatomical areas.

## PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses (b)	Notes and Exceptions
<b>Key to Permit Requirements:</b>				
Y = Permitted use				
N = Not permitted				
C = Conditional use permit				
AP = Administrative use permit				
A = Accessory Use				
M = Permitted on main and secondary streets				
S = Permitted on secondary streets				
T = Temporary use				
<b>Entertainment</b>				
Amusement machines	A*	A*		*Limited to 4 or fewer.
Arcade, bowling alley, miniature golf, tennis club, skating rink, or the like	C	N		
Banquet room rental – accessory to restaurant or hotel	A	N		
Banquet room rental – not accessory to restaurant or hotel	AP	N		
Computer arcade, internet café	AP*	C*	M, S	*Subject to 21.52.220.5 except subsection (K).
Dancing	A*	N		*Accessory to restaurant, hotel, banquet room rental only.
Live or movie theater – less than 100 seats	Y	C	M, S	
Live or movie theater – 100 seats or more	Y	N	M, S	
Private club, social club, night club, pool hall	C*	N	M, S	*City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y*	N	M, S	*City council hearing is required for new and transferred business licenses.
<b>Financial, Professional, and Personal Services</b>				
Basic professional services – barber/beauty shop, catering (w/o trucks), diet/nutrition center, pet grooming, dry cleaner, housing cleaning service, locksmith, mail box rental, nail/manicure shop, repair shop for small appliances or electronics, bicycle sales/repair, tailor, shoe repair, tanning salon, travel agent, or veterinary clinic	Y	AP	M, S	
Basic professional services – accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractors, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, photography, professional care providers (MFC, MFCC, MSW, psychiatric nurses), psychiatry, psychology, real estate, tax preparation, or visitor information center	Y	AP	S	
ATM – on interior of building; vestibule	Y	AP	M, S	
ATM – freestanding exterior, walk-up machine on exterior wall of building	AP	AP	M, S	

# EXHIBIT B





NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
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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- 14-125

Project Location/Address: Citywide

Project/Activity Description: Amend Chapter 21.15 (Definitions) of the
Zoning Code to add the definition of 'nightclub'

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

Applicant Name: City of Long Beach (Attn: Jeff Winkledeck)

Mailing Address: 333 W. Ocean Blvd., 5th Floor, Long Beach, CA 90802

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

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1410-18 Planner's Initials: JW

Required Permits: Zoning Code Amendment

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

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

Contact Person: Jeff Winkledeck Contact Phone: 562-570-6607
Signature: [Signature] Date: 11/10/14