



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

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	
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	
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. e. 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.



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 a alcoholic beverage service with meals only, florists with necessary a 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 Winterberry

Contact Phone: 562-570-6607

Signature: [Signature]

Date: 5/10/15