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R-9

Rex Richardson
Long Beach City Councilmember, 9th District

Date: March 10, 2015

To: Honorable Mayor Robert Garcia and Members of the City Council

From: Councilmember Rex Richardson, Ninth District
Councilwoman Lena Gonzalez, First District
Councilmember Roberto Uranga, Seventh District

Subject: Temporary moratorium related to the City's current Zoning Code provisions that exempt Conditional Use Permits (CUP)

RECOMMENDATION:

Adopt Minute Order declaring a moratorium against the issuance of any new "exemptions" from the CUP requirement for those alcohol related uses set forth in Footnote 1, subsections b through e, inclusive of Table 32-1 of the City's Zoning Code; and directing the Department of Development Services and the Planning Commission to undertake a study pursuant to Long Beach Municipal Code, Chapter 21.50, to determine whether or not the City's current zoning regulations related to CUP exemptions are appropriate or need further review or modification.

DISCUSSION

The City's Zoning Code currently requires that many alcohol related sales uses obtain a Conditional Use Permit (CUP) before commencement of operations. For instance, in all commercial zones of the city a CUP is required for both "off premises" and "on premises" sale of alcohol if it is to take place within 500 feet of a zoning district allowing residential uses.

However, the Zoning Code also contains several provisions that basically "exempt" certain alcohol related sales uses from the requirement to obtain a CUP. For instance, the Zoning Code specifically exempts the following uses from the requirement to obtain a CUP: (1) grocery stores of twenty thousand (20,000) square feet or greater; 2) a department store or florist with accessory sales of alcohol; 3) uses located more than five hundred (500) feet from residential uses; and 4) existing legal nonconforming uses. The Zoning Code gives no explanation as to why the above referenced uses are not required to go through a public vetting process prior to commencing the sale of alcohol, and the Code currently does not distinguish between the sale of beer and wine and distilled spirits (i.e., "hard liquor").



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Given the potential negative social and community impacts of alcohol sales in our City, and the nuisance related social and economic harms that can arise if alcohol sales are not properly regulated, it is appropriate for the City to re-evaluate its present Zoning Code practice of providing ministerial exemptions from the requirement to obtain a CUP prior to commencing alcohol sales in certain instances. The current Code exemption provisions have not been examined as to their propriety in many years. Given the potential for urban decay and blight if alcohol sales are allowed to proliferate unchecked, it is appropriate that the Planning Commission undertake a study of this issue to provide the Council with a recommendation as to whether or not the City's current Code provisions represent the "best practices" in this critical area of regulation. It should be noted that the Code also currently exempts "restaurants with alcoholic beverage service only with meals" from a CUP requirement, and this request to initiate a moratorium is not meant to implicate this particular exemption provision.

FISCAL IMPACT

There is no significant fiscal impact.