



## Legislation Text

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**File #:** 19-1158, **Version:** 2

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Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsections 5.69.050.A, 5.69.090.A, 5.69.090.B, and Section 9.24.030; and by repealing Section 9.24.050, all relating to the regulation of amusements and gambling, read and adopted as read. (Citywide)

During processing of a recent Conditional Use Permit (CUP) for an amusement arcade under Title 21 of the Zoning Code of the Long Beach Municipal Code (LBMC), City staff identified several additional Sections outside of Title 21 that impact the business operation of applicant. Provisions under Title 5: Business, Trades, and Professionals, and Title 9: Peace, Morals, and Welfare, specifically pertaining to billiard/pool hall operating standards, currently prohibit the use of pinball gaming machines. In consultation with the City Attorney's Office, Planning Bureau staff determined that these provisions within Title 5 and Title 9 were outdated and inconsistent with current Title 21 regulations and should be amended.

In Title 5, Section 5.69.050.A of the LBMC, a permit from the City Council is required for amusement machines, bowling alleys, billiard/pool halls, public card rooms, and public card tables. The proposed amendment would allow for the issuance of a permit for these uses pursuant to an approved CUP. Amusement arcade uses are required to obtain a CUP based on the requirements of the zoning district in which the use is located.

LBMC Sections 5.69.090.A and 5.69.090.B regulate billiard/pool hall operations, and persons under the age of 18 require the supervision of either a parent or legal guardian. The amendment would require supervision by an adult of at least 25 years of age. The recommended change would also require the supervising adult to always be within the premises, when a person under 18 is present. The proposed changes provide reasonable restrictions for both patrons and business owners that can be more easily enforced.

Title 9, Section 9.24.030 of the LBMC prohibits pinball gaming machines citywide. This Section of the Zoning Code classifies pinball machines as a game of chance, which refers to gambling. Pinball gaming machines are common amusement games integrated within amusement and entertainment related business operations and are viewed as a game of skill in California.

Eliminating the current reference to pin game, pinball game, marble game, one shot marble game, claw, and scoop and grab machines in the LBMC will allow future businesses to provide this gaming option to customers, without being in violation of the Zoning Code.

Lastly, Title 9 Section 9.24.050 refers to an amusement zone within the City and establishes the maximum denomination of coin operated chutes to five cents. The referenced

amusement zone has been determined to no longer exist and is outdated. Repealing this Section of the Zoning Code is recommended.

The proposed amendments to Title 5 and Title 9 of the LBMC eliminates limitations that are infeasible for modern day amusement arcades business operations and patrons. The amendments also eliminate outdated regulations, streamlining the Zoning Code for businesses and staff. Staff recommends the City Council adopt the proposed Zoning Code amendments to Title 5 and Title 9 of the LBMC related to billiard/pool hall operating standards and prohibiting the use of pinball gaming machines.

As the proposed Zoning Code amendments pertain to an Ordinance specifically to Title 5 and Title 9, public hearing notices and posting requirements are not required.

This matter was reviewed by Principal Deputy City Attorney, Gary J. Anderson on November 4, 2019 and by Budget Analysis Officer Julissa José-Murray on October 29, 2019.

City Council action is requested on November 19, 2019, to allow the applicant to proceed with incorporating pinball gaming machines within the floor plans of the restaurant and entertainment business tenant improvement submitted for review and approval.

This recommendation is within the normal budgeted scope of staff duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTIONS 5.69.050.A, 5.69.090.A, 5.69.090.B, AND SECTION 9.24.030; AND BY REPEALING SECTION 9.24.050, ALL RELATING TO THE REGULATION OF AMUSEMENTS AND GAMBLING

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APPROVED:

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ACTING CITY MANAGER