

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

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ORDINANCE NO. ORD-19-0016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.870; TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, AND SECTION 21.45.130; AND BY ADDING SECTION 21.15.875, ALL RELATING TO DRIVE-THROUGH FACILITIES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15. 870 of the Long Beach Municipal Code is amended to read as follows:

21.15.870 Drive-in restaurant.

See "Drive-through facilities."

Section 2. Table 32-1 of Chapter 21.32, "Automobile (Vehicle) Uses," is amended to add "Drive-through facilities" to read as follows:

	Neighborhood			Community				Regi onal	Other	
<b>Automobile (Vehicle) Uses</b>	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

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1 Section 3. Table 32-1 of Chapter 21.32, "Financial Services," is amended  
 2 by amending "3. Drive-through facilities" to read as follows:

	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
3. Drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

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Section 4. Table 32-1 of Chapter 21.32, "Restaurants and Ready-To-Eat Foods," is amended to read as follows:

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Restaurants and Ready-To-Eat Foods										
Outdoor dining	A	A	A	A	A	A	A	A	N	A Coastal Permit and encroachment permit are required for all outdoor dining located on public right-of-way within the City's Coastal Zone.
Restaurants and ready-to-eat foods with drive-through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).
Restaurant and ready-to-eat foods without drive-through facilities	Y	Y	Y	Y	Y	Y	Y	Y	N	
Vending Carts	AP	AP	AP	AP	AP	AP	AP	AP	N	Special Standards apply (see Section 21.45.170)

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Section 5. Table 33-2 of Chapter 21.33, "7.0 Retail Trade," is amended and restated to read as follows:

Use	IL	IM	IG	IP	*Notes and Exceptions
7. Retail Trade					a. Primarily, these uses are intended to serve nearby industries and employees, and the retail's proximity will provide convenience with minimal impact on the retail operations.
7.1 Eating places without drive-through facilities (SIC code 5812*)	Y	Y	Y	See item 10 in this table.	b. 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 a conditional use permit:  Restaurants 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 not 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 shall require a conditional use permit.  • Any use located more than 500 ft. from a zone district which allows residential use.
7.2 Drive-through facilities (SIC code 5812*)	C	C	C		
7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)	Y	Y	Y		
7.4 All other retail trade (SIC codes 52 through 57, 59)	Y	C	C		
See item 13 in this table for "drinking places." (SIC code 5813)					

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Use	IL	IM	IG	IP	*Notes and Exceptions
					<ul style="list-style-type: none"> <li>• Department store or florist shop with accessory sales of alcoholic beverages.</li> <li>• A grocery store of 20,000 sq. ft. or more with accessory sales of alcoholic beverages.</li> <li>• "Existing legal, nonconforming uses.</li> </ul> <p>c. Pawnshops (included within SIC code 5932) shall require a conditional use permit in all zones.</p> <p>d. Gasoline Service Stations (SIC code 5541) and Fuel Dealers (SIC code 598) shall be permitted in the IG district.</p> <p>e. Sales of firearms in the IL zone shall require a conditional use permit.</p> <p>f. Drive-through facilities in all Industrial Districts require a conditional use permit. Special Standards apply (see Section 21.45.130).</p>

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1 Section 6. Table 33-2 of Chapter 21.33, "9. Professional Office and  
 2 Institutional Uses," is amended and restated to read as follows:

Use	IL	IM	IG	IP	*Notes and Exceptions
3 4 5 9.0 Professional Office and Institutional Uses 6 7 (SIC codes 60, 61, 62, 63, 8 64, 65, 66, 73 [except 7353 9 and 7359], 861, 862, 863, 10 864, 878* Division J (Public 11 Administration) 12 13 14 15 16 17 18 19 20 21 22 23 24	Y	AP	AP	See item 10 in this table	a. Prohibited in all industrial districts: <ul style="list-style-type: none"> <li>• 6099 (Functions related to depository banking, not elsewhere classified)</li> <li>• 9223 (Correctional Institutions)</li> <li>• 8744 (Jails, privately operated-correctional facilities, adult privately operated), except a "Community Correctional Re-entry Center," as defined in Section 21.15.602, may be permitted in the IL, IM and IG zone districts pursuant to a conditional use permit as set forth in Chapter 21.52</li> </ul> b. Offices are intended to serve nearby industries and employees.  c. Emergency shelters (8322) shall be subject to the special development standards specified in Section 21.45.132.  d. Adult-Use Cannabis Businesses subject to Chapter 5.92.  e. Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).

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 26 Section 7. Table 33-2 of Chapter 21.33, "10. Port-Dependent And Support  
 27 Businesses," is amended and restated to read as follows:  
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Use	IL	IM	IG	IP	*Notes and Exceptions
10. Port-Dependent And Support Businesses	See Items 1-9 and 11-14 in this table	See Items 1-9 and 11-14 in this table.	See Items 1-9 and 11-14 in this table.	Y	<ul style="list-style-type: none"> <li>• <u>Ancillary Port Facilities</u> - ship building and repair, towboat and salvage operations, bunker barge loading, sportfishing launching, marine research, Coast Guard operations, marine-oriented fire protection, equipment storage for dredging and waterfront construction, oil spill cleanup</li> <li>• <u>Commercial/Recreational Facilities</u> - water-oriented parks, sightseeing, sportfishing, water skiing, restaurants, hotels, curio shops, marinas, boat sales and manufacturing, charter boat operations, tackle shops, tourist attractions (e.g., Queen Mary), vessel storage</li> <li>• <u>Federal Use</u> - shipyard and drydock operations, Navy Base and support</li> <li>• <u>Oil And Gas Production</u> - including tankage, processing, drilling, and water injection</li> <li>• <u>Utilities</u> - Installations and rights-of-way, including SCE station on Terminal Island</li> <li>• Adult-Use Cannabis Businesses (all categories) are prohibited</li> <li>• Drive-through facilities in all Industrial Districts require a conditional use permit. Special standards apply (see Section 21.45.130).</li> </ul>

1                   Section 8.   Section 21.45.130 of the Long Beach Municipal Code is  
2 amended to delete Figure 45-1 and amended and restated to read as follows:

3                   21.45.130   Drive-through facilities.

4                   Findings required. A decision-maker shall not grant a conditional use  
5 permit or other approval for a drive-through facility without finding:

6                   A.       Said facility has adequate vehicle queuing distance,  
7 including with due consideration for menu board location, clear of any  
8 adjacent public right-of-way, and shall not create any vehicular or pedestrian  
9 travel hazards as demonstrated in a traffic study prepared to the satisfaction  
10 of the Director of Development Services.

11                  B.       That the project substantially conforms with the purpose,  
12 intent and provisions of the General Plan, any applicable Specific Plan or  
13 Planned Development District, overlay, design guidelines, or other applicable  
14 regulation.

15                  C.       That the location and design of the facility is compatible  
16 with surrounding existing uses, includes a prominent main entrance at street  
17 or lot frontage, attractive landscaping, and includes sufficient pedestrian  
18 amenities, and interior floor area.

19                  D.       The said facility includes sufficient emissions controls to  
20 prevent idling vehicles, tunneling of emissions, and associated impacts on  
21 employees, visitors, and nearby sensitive receptors.

22                  E.       That said facility includes buffering sufficient to control  
23 any spillover impacts, including but not limited to noise, light, and debris that  
24 may impact surrounding sensitive receptors.

25                  F.       That said facility, if located within 150-feet of a residential  
26 zone, includes appropriate limits on hours of operation of the drive-through.  
27 Hours of operation for dine-in or take-out customers shall not be limited.

28                  G.       That said facility is not located in an area of existing



1 overconcentration of drive-through facilities and is not located within a 500-  
2 foot radius of a school or park unless mitigating factors exist.

3 H. That development of the subject property shall not  
4 otherwise be suitable or necessary for more-intensive development that  
5 would advance the City's housing and economic goals, as described in the  
6 General Plan and Economic Blueprint.

7

8 Section 9. Section 21.15.875 is added to the Long Beach Municipal Code  
9 to read as follows:

10 21.15.875 Drive-through facilities.

11 Drive-through or Drive-up facilities. An establishment that sells  
12 products or provides services to occupants in vehicles, including drive-in or  
13 drive-up windows and drive-through services. Examples include, but are not  
14 limited to, fast food restaurants, banks, dry cleaners, mortuaries, and  
15 pharmacies. Drive-through facilities do not include "click and collect" facilities  
16 in which an online order is picked up in a stationary retail business without  
17 use of a drive-in service.

18

19 Section 10. 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 23, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Mungo, Andrews,  
Uranga, Austin, Richardson.

Noes: Councilmembers: Supernaw.

Absent: Councilmembers: None.

  
City Clerk

  
Mayor

Approved: 7/24/19  
(Date)

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AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 24<sup>th</sup> day of July 2019, I posted three true and correct copies of Ordinance No. ORD-19-0016 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
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Subscribed and sworn to before me  
this 24<sup>th</sup> day of July 2019.

  
\_\_\_\_\_  
CITY CLERK