



**CONDITIONAL USE PERMIT EXEMPTION (CUPEX) APPLICATION**

- Email [planningsubmittal@longbeach.gov](mailto:planningsubmittal@longbeach.gov) to schedule a submittal appointment. All submittals are conducted by email, and in-person submittals are not accepted. All submittal materials listed below are required along with your completed, signed and dated application. Incomplete submittals are not accepted.
- **Required submittal materials:**
  - One set of site plans and floor plans;
  - Menu of food and alcoholic items for sale (applicable to restaurants);
  - Photographs of the building street frontage, exterior, interior, and kitchen;
  - Statement of operations that includes hours of operation, number of employees; and
  - Zoning Affidavit form (ABC-255) from California ABC Department, signed by the applicant.

Project Address: \_\_\_\_\_ Long Beach, CA 908 \_\_\_\_

Business Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person Name, Phone No. (if different): \_\_\_\_\_

ABC License Number (If one has been assigned): \_\_\_\_\_

**Exemption Requested (LBMC § 21.52.200.1 & 22.20.010):**

- Restaurant, alcohol sale with meal services only. No fixed bar permitted. Alcohol sales not to exceed 30% of total gross sales.
- Existing legal, nonconforming use.
- Grocery store, with accessory sale of alcoholic beverages.
- Florist with accessory sale of alcoholic beverages.

What type of alcohol license exists on-site? What type of alcohol license are you requesting?

License Number and Type: \_\_\_\_\_

**Note:** Any violation of these restrictions/conditions may be the basis for revocation of this CUPEX and/or requirement to file an application for a full Conditional Use Permit that is subject to a Planning Commission hearing. Further, any change to the business requiring issuance of a new or revised business license may require the filing of a new CUPEX application with the City of Long Beach - Community Development Department.

Below This Line for Staff Use Only

Case No.:	Filing date:	Project No.:	Assigned Planner:

To request this information in an alternative format or to request a reasonable accommodation, please contact the Community Development Department at longbeach.gov/lbcd and 562.570.3807. A minimum of three business days is requested to ensure availability; attempts will be made to accommodate requests with shorter notice.

PROJECT PROPONENT INFORMATION AND ACKNOWLEDGEMENTS

**Applicant Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Acknowledgements:**

*The applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs. This acknowledgement does not imply project approval.*

*(I/We) the undersigned have read and agree with all the above.*

*(I/We), the undersigned, declare under penalty of perjury under the laws of the State of California that (I am/We are) the applicant(s) of the project involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.*

**Applicant Signature:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature(s) must be a scan of an original ink signature on this form, or a certificate-based digital signature. If the above signature(s) are on behalf of a LLC or Trust, the CUPEX Application shall be accompanied by verification documents (Articles of Incorporation, Deed of Trust, etc.) to demonstrate the signatories are authorized to sign on behalf of the organization.

**Property Owner:** \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Tel: \_\_\_\_\_

**Property Owner Acknowledgements:**

*The property owner shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the property owner may be required in an amount sufficient to cover the anticipated litigation costs. This acknowledgement does not imply project approval.*

*(I/We) the undersigned have read and agree with all the above.*

*(I/We), the undersigned, declare under penalty of perjury under the laws of the State of California that (I am/We are) the owner(s) of the property involved in this application; that we have reviewed the plans, drawings and sketches submitted by the applicant and attached hereto, and the statements and answers contained in this application; and, the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.*

**Owner Signature:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature(s) must be a scan of an original ink signature on this form, or a certificate-based digital signature. If the above signature(s) are on behalf of a LLC or Trust, the CUPEX Application shall be accompanied by verification documents (Articles of Incorporation, Deed of Trust, etc.) to demonstrate the signatories are authorized to sign on behalf of the organization.

PROJECT PROPONENT INFORMATION (CONTINUED)

Applicant/owner: complete if you have authorized a project designer/architect to act on your behalf, and attach a Letter of Authorization.

**Project Designer/Architect:** \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Tel: \_\_\_\_\_

Applicant/owner: complete if you have authorized a separate agent to act on your behalf, and attach a Letter of Authorization.

**Applicant's Agent/Representative:** \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Tel: \_\_\_\_\_

## **Statutory Provisions for a Conditional Use Permit Exemption (CUPEX)**

### Excerpts from Chapter 21.52, Division II – Special conditions for conditional and administrative use permits, Long Beach Municipal Code § 21.52.200.1

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. Florist with accessory sale of alcoholic beverages.
- C. Existing legal, nonconforming uses.

### Excerpts from Chapter 22.20 – Specific use standards, Long Beach Municipal Code § 22.20.010

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. For example, 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.
- B. Grocery stores with accessory sale of alcoholic beverages. For the purposes of this provision, grocery stores are defined as retail establishments for which more than seventy percent (70%) of the floor area is dedicated to selling food, and no more than thirty percent (30%) of the floor area is dedicated to selling alcohol.
- C. Existing legal, nonconforming uses.

### Excerpts from Long Beach Municipal Code Chapter 21.15 – Definitions

#### §21.15.1055 Fixed bar

"Fixed bar" means any counter which can accommodate seating on one (1) side and an area on the opposite side from which tavern or restaurant employees may serve alcoholic beverages exclusively to seated or standing patrons.

#### §21.15.2310 Restaurant

"Restaurant" means a commercial use engaged in the preparation and sale of food for immediate consumption. A restaurant includes a kitchen containing not less than a double sink, a range, an oven, and an exhaust canopy. Catering is an accessory use to a restaurant.