

17. 24-51775-01 Recommendation to declare ordinance adopting Zoning Code Amendment ZCA23-006, that repeals Long Beach Municipal Code Section 21.45.170.L, deleting regulations pertaining to encroachment permits for vendors located within the right-of-way, and amending Table 35-1, Use in the Parks District, clarifying that sidewalk vending is a permitted use subject to the regulations of Chapter 5.73 of the Long Beach Municipal Code, read and adopted as read. (Citywide)

**Office or
Department:**

Suggested Action: Approve recommendation.



OFFICE OF THE CITY ATTORNEY

411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802
(562) 570-2200
Facsimile: (562) 436-1579

DAWN A. MCINTOSH
City Attorney

January 16, 2024

GARY J. ANDERSON
Assistant City Attorney

17

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption (CE-23-112) and find the Municipal Code Amendments exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, 15304, 15305, and 15308 of the CEQA Guidelines;

Declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.73; and amending Sections 3.80.146, 3.80.180, 3.80.253, 5.04.050, Chapters 5.08, 5.66, Title of Chapter 8.44, Sections 8.44.040, 8.44.050, 8.44.061, 8.44.070, Chapters 14.04, 14.14, 16.04, and Sections 16.08.504, and 16.16.060, all relating to sidewalk vendors, read the first time and laid over to the next regular meeting of the City Council for final reading; and authorize the Department of Financial Management to reimburse the cost of general liability insurance coverage, in an amount not to exceed \$450 per applicant, for any sidewalk vendor who is issued a sidewalk vendor permit and submits a receipt for the cost of said insurance to City within one year of the effective date of the ordinance;

Declare ordinance adopting Zoning Code Amendment ZCA23-006, that repeals Long Beach Municipal Code Section 21.45.170.L, deleting regulations pertaining to encroachment permits for vendors located within the right-of-way, and amending Table 35-1, Use in the Parks District, clarifying that sidewalk vending is a permitted use subject to the regulations of Chapter 5.73 of the Long Beach Municipal Code; and

Adopt a resolution authorizing the Director of Community Development and City Manager to submit the zoning code amendments to Title 21 of the Long Beach Municipal Code and those provisions of Chapter 5.73 of the Long Beach Municipal Code applicable inside the Coastal Overlay Zone and which relate to coastal development as defined in California Public Resources Code section 30106, specifically, the relevant definitions in Section 5.73.020 and Sections 5.73.110(C), 5.73.110(D), 5.73.110(H), 5.73.110(P)(17), 5.73.120 of the Long Beach Municipal Code, to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

Pursuant to your request on November 14, 2023, the ordinances relating to sidewalk vendors have been prepared and are submitted for your consideration.

At the City Council meeting held on November 14, 2023, Council requested those applicants who are issued a sidewalk vending permit be reimbursed for the cost of required insurance coverage based on an estimated annual cost of \$300 (coverage costs ranged from \$275 to \$450). Authorization is therefore sought to allow the Department of Financial Management to reimburse the cost of general liability insurance coverage, in an amount not to exceed \$450 per applicant, for any sidewalk vendor who is issued a sidewalk vendor permit and submits a receipt for the cost of said insurance to City within one year of the effective date of the sidewalk vendor Ordinance.

Additionally, on September 21, 2023, the Planning Commission held a duly noticed public hearing on the CEQA exemption to the Municipal Code Amendments and the zoning code amendments to Title 21, and recommended the City Council determine the Municipal Code Amendments are exempt from CEQA, and adopt the zoning code amendments to Title 21 (Attachments A and B).

A resolution directing the Director of Community Development and City Manager to submit a request to the California Coastal Commission for findings in conformance in the City's Coastal Zone has been prepared and is also submitted for the Council's consideration and adoption.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

Dawn McIntosh, City Attorney

By: Marsha M. Zscho
Deputy City Attorney

ATTACHMENTS: ORDINANCE (SIDEWALK VENDOR)
ORDINANCE (TITLE 21)
RESOLUTION
A – PC STAFF MINUTES
B – PC STAFF REPORT (RELEVANT PORTIONS)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.35.120,
TABLE 35-1, AND SECTION 21.45.170.L, ALL RELATED
TO SIDEWALK VENDORS

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

Section 1. Section 21.35.120 of the Long Beach Municipal Code is
hereby amended to read as follows:

21.35.120 Prohibited uses.

Any use not specifically permitted by Table 35-1 shall be prohibited.

TABLE 35-1

Uses in Park Districts

Use	District P
Adult-Use Cannabis Businesses (all categories)	N
Alcoholic beverage sales - with permitted or conditionally permitted uses	C
Amphitheater, band shell, performance stage and the like:	
a. With a seating capacity of up to 200 persons	Y

TABLE 35-1

Uses in Park Districts

(Continued)

Use	District P
b. With a seating capacity greater than 200 persons	C
Athletic facilities including sports fields, swimming pools, courts and the like	Y

Campgrounds (except recreational vehicle campgrounds)	Y
Circuses	N
Comfort stations	A
Commercial recreation uses ^(a) (see definition, e.g., miniature golf courses, water slides, bicycle rentals, nonmotorized vehicles, and the like)	C
Commercial uses-other	N, except sidewalk vendors which are allowed pursuant to Chapter 5.73 of the LBMC.
Community gardens	Y
Community service uses ^(b) :	
a. Nonregional, City staffed	Y
b. Nonregional, nonprofit	C
c. Nonregional, for profit	N
Community service uses ^(b) -regional	N
Construction trailer	T
Cultural and educational uses (e.g., museums, ranchos, nature centers and the like)	Y
Daycare and preschools:	
a. Cooperatives and City staffed	Y
b. Nonprofit	C
Electronic video games (not to exceed 4 in any 1 building)	A
Exhibition grounds on a permanent basis for fairs, carnivals, trade shows and the like, or for continuation of fairs, carnivals, trade shows and the like beyond 10 days in length	N
Exhibitions, trade shows and the like	T
Fairs, festivals, carnivals, holiday celebrations, pageants, social events and the like for a period not to exceed 10 days	T
Food and beverage concessions (not including alcoholic)	A
Landscaped open areas	Y

Libraries of the City of Long Beach	C
Motor vehicle racing or testing	N
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A
Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
Police and fire stations, communication centers, schools, government buildings and the like	N
Private clubs (nonprofit and recreational only)	C
Recreational equipment sale and rental for use in park (except that motorcycles, motorized skateboards, mopeds and the like, are not permitted)	A
Recreational vehicle campground	C
Recreational vehicle storage	N
Residential uses (except caretaker or guard facilities)	N

TABLE 35-1
Uses in Park Districts
(Continued)

Use	District P
Restaurants with or without alcoholic beverage sales	C
Sale of alcoholic beverage	C
Sewage and wastewater treatment of tertiary or more advanced level of treatment	A
Wireless Telecommunications Facilities (see Chapter 21.56)	C
Any use which violates the noise ordinance of the City	N

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Abbreviations: Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as accessory use. Refer to Chapter 21.51.

T = Permitted as temporary use. Refer to Chapter 21.53.

(a) "Commercial recreation" is any recreational use in parks for which a fee is charged independent of City oversight. (See definition for "commercial recreation" in Section 21.15.565 and findings for such uses in the park P district in Section 21.52.610.)

(b) "Community service use" is a service provided for the health and welfare of the individual receiving the service. Such uses in parks do not include the permanent provision of food, shelter or medical services except for counseling, health fairs, medical screening and the like. Nonregional community service uses serve the local community—the neighbors nearby who require the service. Regional serving community service providers serve a much wider constituency.

Section 2. Section 21.45.170 of the Long Beach Municipal Code is hereby amended to read as follows:

21.45.170 Vending carts.

Vending carts shall be allowed as open uses according to the following special development standards:

A. An administrative use permit shall be required by the City prior to issuance of a business license;

B. Vending carts are limited to developed nonresidential sites;

C. No more than two (2) signs, printed or affixed to each cart, which do not exceed two (2) square feet each, shall be permitted;

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D. No sales shall be made to motorists or shall any sales interfere with vehicular traffic;

E. No vending cart operator shall place or allow to be placed any permanent or temporary fixtures at the location of the vending activity, including, but not limited to, chairs, tables, advertising material or signs not affixed to the carts or storage facilities;

F. The vending cart shall be prohibited from operating in any landscaped area;

G. The vending cart shall not be located in any manner that blocks or impedes on-site vehicular or pedestrian circulation;

H. The vending cart shall not be located in or impede access to any required parking stall or space;

I. The vending cart may operate during the hours of the retail or office complex, unless the conditions of approval contain more restrictive hours of operation in which case the more restrictive hours shall apply;

J. All vending carts shall be equipped with trash receptacles of an adequate size and quantity to accommodate all trash and refuse generated by such outdoor vending operation; and

K. The vending cart operator shall possess a valid Health Department permit if food is prepared or sold.

Section 3. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption per Section 15301 (Existing Facilities); 15304 (Minor Alterations to Land) (e) for minor temporary use of land having negligible or no permanent effect on the environment; 15305 (Class 5 –Minor Alterations to Land Use Limitations), and that it is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment), as it will not result directly or

indirectly in significant environmental impacts. (CE-23-112).

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2024, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

ORDINANCE NO. ORD-24-0003

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.35.120,
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Libraries of the City of Long Beach	C
Motor vehicle racing or testing	N
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A
Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
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- A. An administrative use permit shall be required by the City prior to issuance of a business license;
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- C. No more than two (2) signs, printed or affixed to each cart, which do not exceed two (2) square feet each, shall be permitted;

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E. No vending cart operator shall place or allow to be placed any permanent or temporary fixtures at the location of the vending activity, including, but not limited to, chairs, tables, advertising material or signs not affixed to the carts or storage facilities;

F. The vending cart shall be prohibited from operating in any landscaped area;

G. The vending cart shall not be located in any manner that blocks or impedes on-site vehicular or pedestrian circulation;

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indirectly in significant environmental impacts. (CE-23-112).

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of January 23, 2024, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Duggan, Supernaw, Kerr,
Saro, Uranga, Austin, Ricks-Oddie.

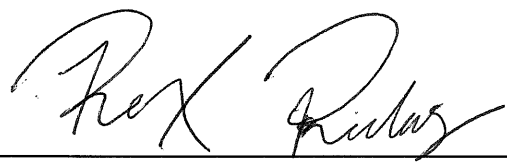
Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.


City Clerk

Approved: 1/26/2024
(Date)


Mayor

AFFIDAVIT OF POSTING

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

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 25th day of January 2024, I posted three true and correct copies of Ordinance No. ORD-24-0003 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.



Subscribed and sworn to before me

This 25th day of January 2024.



CITY CLERK