



Legislation Details (With Text)

File #: 18-0819 **Version:** 2 **Name:** DS - Amend Conditional Use Permit Ord
Type: Ordinance **Status:** Adopted
File created: 9/4/2018 **In control:** City Council
On agenda: 9/18/2018 **Final action:** 10/2/2018
Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by repealing Sections 21.52.204 and 21.52.281; amending Sections 21.15.1560, 21.15.2310, 21.15.2420, 21.15.3000, 21.15.3015, 21.21.302(B)(4), Table 31-1, Table 32-1, and 21.52.249, and by adding Sections 21.15.1576, 21.15.1859, 21.25.905, 21.52.200.1, 21.52.240.5, and 21.52.270.1, all relating to Conditional Use Permits, read and adopted as read. (Citywide)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 091818-H-2sr&att.pdf, 2. 091818-H-2 PowerPoint.pdf, 3. 100218-ORD-25att.pdf, 4. ORD-18-0025.pdf

Date	Ver.	Action By	Action	Result
10/2/2018	2	City Council	approve recommendation and adopt	Pass
9/18/2018	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending the Long Beach Municipal Code by repealing Sections 21.52.204 and 21.52.281; amending Sections 21.15.1560, 21.15.2310, 21.15.2420, 21.15.3000, 21.15.3015, 21.21.302(B)(4), Table 31-1, Table 32-1, and 21.52.249, and by adding Sections 21.15.1576, 21.15.1859, 21.25.905, 21.52.200.1, 21.52.240.5, and 21.52.270.1, all relating to Conditional Use Permits, read and adopted as read. (Citywide)

A Conditional Use Permit (CUP) is a discretionary application required for certain land uses that, due to their nature, require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or through the imposition of reasonable conditions, can be made compatible with surrounding uses. A similar process is an Administrative Use Permit (AUP) for projects with lesser potential impacts than uses that require a CUP, that is reviewed by the Zoning Administrator. Some of the uses requiring a CUP or AUP include laundromats, daycares, thrift stores, trucking uses, social service offices, special group residences, and the sale of alcohol.

Consideration of a CUP application involves a multi-departmental City review, public notification to occupants and property owners, a public hearing, and conditions of approval that govern the use in perpetuity. Unlike business licenses, which are issued annually, CUPs “run with the land” and is a right that is transferred to any and all successive business or property owners. The City has hundreds of “use permits” that are well over 60 years old and still valid. The City reviews about 30 to 35 CUPs annually.

On December 20, 2016, the City Council requested that the City Manager work with the City Attorney, the Economic Development Commission, and the Planning Commission to review and make recommendations regarding the City's CUP and public notification processes to improve predictability, transparency, and cost-effectiveness. In March 2017, the City hosted a Small Business Roundtable, initiating the effort.

The City hired a consultant, Dyett & Bhatia (Consultant), who performed a thorough assessment of the City's regulations and engaged in stakeholder interviews, including interviews with members of the Economic Development Commission and Planning Commission. The Consultant formulated recommendations on how to achieve the project's goals.: (1) remove the requirement for use permits for daycare in multi-family zones, laundromats, live/work uses, and thrift stores; (2) update development standards for each of these uses; 3) organize the special development standards in an easier-to-use format; and, (4) update public notification requirements to utilize modern communication tools and reduce costs. Because CUPs and AUPs are associated with the underlying property and not with specific applicants such as business owners, the Consultant recommendations aim to streamline the process and reduce costs for all applicants. This also ensures that if a different business occupies a property with a Use Permit in the future, the same conditions of approval and operations will continue to apply, ensuring land use compatibility with surrounding properties.

The Planning Commission considered these amendments on June 7, 2018, and forwarded a recommendation of approval to the City Council. The Planning Commission staff report, with a more extensive analysis of the proposed changes, is included as Attachment A. The proposed "red-lined" changes to the Zoning Code are included in Attachment B, to this report.

Currently, laundromats, thrift stores, live/work uses, and daycares in residential zones require either a CUP or an AUP. The regulations for these uses were developed in the late 1980s/early 1990s, before these uses became an integral part of daily life. The requirement for a Use Permit for these activities is now outdated and unnecessary. The Zoning Ordinance includes a chapter of special development standards, that includes performance standards and requirements that allow businesses to operate in a manner that minimizes impacts to surrounding uses.

AUPs and CUPs require mailed public notices to all property owners and occupants within 750 feet of the project site. Approximately 25 percent of the cost of AUP and CUP application fees is spent on notification, and commonly results in 25-35 percent of undeliverable notices and few responses. For Downtown projects, which have a large number of residential units with individual mailing addresses, this requirement can result in more than 2,000 notices being mailed. The City's current 750-foot notification radius requirement exceeds that of comparable cities and more than doubles the 300-foot radius required by State law.

The City will improve its website, and other electronic means, to provide information to the public about applications under review. State law also allows for a newspaper notice in lieu of projects with over 1,000 notices. Implementation of the following recommendations renders

the notification process less onerous and costly for applicants, while continuing to provide the public with information about pending applications and upcoming hearings:

- Continue to send notices to both occupants and property owners.
- Reduce the current 750-foot notification radius to match the State minimum of 300 feet, with provisions for extended noticing for certain projects, as specified below:
 - For projects outside of, but within 300 feet of any residential zone, extend radius by that distance for a notification radius of “300 feet plus distance from residential zone.”
 - For projects with reduced or shared parking requests, extend radius by 450 feet for a notification radius of 750 feet.
 - For uses that include a separate buffer, extend radius by an amount to equal or exceed the required buffer.
- Allow projects with over 1,000 notices to be noticed in the newspaper, in lieu of individual mailed notices.
- Require that all notifications be posted on the Development Services Department website, plus two other forms of electronic communication (websites, email lists, social media sites, etc.), in accordance with a Department digital public notification policy aimed towards achieving high rates of viewership than traditional mailed notices.

The proposed adjustments to the notification radius will result in a reduction in application fees for certain CUPs and AUPs. Staff is currently evaluating an approach to separate the notification costs from the application fees to accurately convey fees to prospective applicants. Staff will return to the City Council shortly with an analysis and resolution to adopt any new fees associated with this process.

Lastly, development standards for specific land uses are distributed amongst Chapters 21.45 (Special Development Standards), 21.51 (Accessory Uses), and 21.52 (Conditional Uses). To improve the ease of locating these standards, the Consultant recommended combining these chapters so that all uses can be found in one chapter. This will require amending cross references throughout the Zoning Ordinance. The City Attorney’s office will undertake these changes in the near future as part of a reorganization and clean-up effort.

A Notice of Public Hearing was published in the Long Beach Press-Telegram on August 30, 2018, and no responses were received as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

In accordance with the Guidelines for implementation of the California Environmental Quality Act (CEQA), a Negative Declaration (ND 01-18) was prepared for the proposed amendments (Attachment C - Negative Declaration). The Negative Declaration was made available for a 30-day public review and comment period that began on May 8, 2017 and ended on June 6,

2018, and was adopted by the Planning Commission on June 7, 2018.

A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program has been prepared.

This matter was reviewed by City Attorney Charles Parkin on August 30, 2018 and by Budget Analysis Officer Julissa José-Murray on August 31, 2018.

City Council action is requested on September 18, 2018. Pursuant to Section 21.25.103 of the Zoning Regulations, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on June 7, 2018; however, this was the first available hearing date.

The suggested recommendation would amend the Long Beach Municipal Code and authorize the Department Director to submit Zoning Regulation amendments to the California Coastal Commission for approval and certification. Should this recommendation be approved the Department will work to adjust and reduce the application fees for certain CUPs and AUPs. The fees are currently being evaluated to separate application fees from notification fees. At this time, the impact of potential fee reductions is unknown and will be further reviewed. Once the evaluation is complete, the Department will return to the City Council with a Resolution to adopt any new or adjusted fees associated with these permits. There is no local job impact to this recommendation.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY REPEALING SECTIONS 21.52.204 AND 21.52.281; AMENDING SECTIONS 21.15.1560, 21.15.2310, 21.15.2420, 21.15.3000, 21.15.3015, 21.21.302(B)(4), TABLE 31-1, TABLE 32-1, AND 21.52.249, AND BY ADDING SECTIONS 21.15.1576, 21.15.1859, 21.25.905, 21.52.200.1, 21.52.240.5, AND 21.52.270.1, ALL RELATING TO CONDITIONAL USE PERMITS

LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER