



Legislation Details (With Text)

File #: 13-0893 **Version:** 2 **Name:** DS - Mortuary and Crematorium Zoning Regulations
Type: Ordinance **Status:** Adopted
File created: 9/26/2013 **In control:** City Council
On agenda: 10/22/2013 **Final action:** 10/22/2013

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 21.52.211, Table 32-1 of Chapter 21.32, Table 33-2 of Chapter 21.33, Table 34-1 of Chapter 21.34; and by adding Section 21.15.1795, related to cemeteries, mortuaries and crematoriums, read and adopted as read. (Citywide)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 101513-H-1sr&att.pdf, 2. 102213-ORD-21att revised.pdf, 3. ORD-13-0022.pdf

Date	Ver.	Action By	Action	Result
10/22/2013	2	City Council	approve recommendation and adopt	Pass
10/15/2013	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 amending Section 21.52.211, Table 32-1 of Chapter 21.32, Table 33-2 of Chapter 21.33, Table 34-1 of Chapter 21.34; and by adding Section 21.15.1795, related to cemeteries, mortuaries and crematoriums, read and adopted as read. (Citywide)

On February 19, 2013, the Long Beach City Council adopted a nine-month moratorium prohibiting any new or expansion of all mortuaries, crematoriums or cemeteries to allow time to review existing City regulations and formulate any suggested revisions or refinements.

Since that time, staff has conducted research into current regulations of these types of businesses, commissioned a health risk assessment of crematorium operations by an environmental consulting firm, and developed a set of suggested recommendations.

To address Council and community concerns, staff studied all related business activities to understand issues pertaining to all funeral and burial industries currently located in Long Beach. There are currently four cemeteries and eight mortuaries in Long Beach. A map of these locations is attached as Exhibit A.

Two of the existing mortuaries provide cremation services onsite, and the remaining facilities provide cremation services through contracts with locations within Southern California, but outside of Long Beach. Staff also contacted a number of other communities to get a sense of the state of current regulations for these types of businesses.

A community meeting was held on July 11, 2013, to discuss possible regulations. At that meeting, approximately 45 people discussed the suggested recommendations and asked questions about

moratoriums in general, the process to impose new regulations on these specific businesses, and implications of the specific suggested recommendations.

On August 1, 2013, a study session was held on this topic by the Planning Commission. On September 5, 2013, the Planning Commission made a recommendation to adopt the attached Ordinance amending the Zoning Code related to these businesses.

During the discussion at the Planning Commission hearing, members of the community continued to express concerns about the impacts from existing funeral homes located near homes. To specifically address that concern, staff is recommending an additional change to the Ordinance recommended by the Planning Commission. Specifically, the change is to require new or expansions to existing funeral homes be subject to an Administrative Use Permit to provide an opportunity for review of specific use and operational requirements. This change is consistent with the intent of the Planning Commission's actions, and provides additional oversight by staff.

In discussing the proposed regulations with the community, the primary issues raised had to do with health concerns from crematorium emissions near existing residential districts, appropriate off-street loading areas for funeral homes, and parking for assembly uses at funeral homes, especially in parking impacted areas. A recommendation to include schools into the uses that are considered sensitive to air emissions from crematoriums was added to the Ordinance. The proposed revisions to the Zoning Code focus on location and chronic health-related issues pertaining to crematoriums, and nuisance issues related to parking at mortuaries or funeral homes.

Staff believes the proposed changes will address the concerns of the community by requiring a separation of crematoriums from residential districts and by providing clear standards for mortuaries, funeral homes and cemeteries.

A notice of public hearing was placed in the Long Beach Press Telegram on September 30, 2013, in compliance with Municipal Code noticing requirements. As of the date of this staff report, no letters have been received regarding this issue.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 13-070) was issued (Exhibit B - Categorical Exemption).

This matter was reviewed by Assistant City Attorney Michael Mais on September 26, 2013, and by Budget Management Officer Victoria Bell on October 1, 2013.

City Council action is requested on October 15, 2013, so that related changes can be put in place prior to the expiration of the existing nine-month moratorium established by City Council.

There is no fiscal or local job impact associated with this request.

Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER

..BODY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 21.52.211, TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, TABLE 34-1 OF CHAPTER 21.34; AND BY ADDING SECTION 21.15.1795, RELATED TO CEMETERIES, MORTUARIES AND CREMATORIIUMS