



Legislation Text

File #: 18-1054, **Version:** 1

Adopt resolution authorizing Director of Development Services to submit amendments of the Long Beach Zoning Regulations, and supporting materials, to the California Coastal Commission for approval and certification. (Citywide)

In March 2017, the City of Long Beach (City) received an inquiry from the United States Department of Justice (USDOJ) about the zoning regulations pertaining to religious assembly uses, specifically noting that churches are not permitted in the Commercial-Neighborhood Pedestrian-Oriented (CNP) zone, but are permitted in other commercial zones. After a four-month investigation, the USDOJ concluded that certain City land use regulations could be in violation of the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and be construed as constituting an unfair treatment of religious assembly uses when compared to non-religious assembly uses. The City's existing regulations allow for churches and places of worship to be conditionally permitted in most commercial zones (CNP excepted) with approval of an Administrative Use Permit (AUP). In PD-30 (Downtown Plan), a Minor Conditional Use Permit is required for a church use. The USDOJ commented that uses like fitness centers and theaters, which have physical characteristics that could resemble those of religious assembly uses, did not require the same review process. The City has initiated these amendments to the zoning regulations, with guidance and collaboration from the USDOJ, to provide assurance that religious assembly uses are treated in a consistent manner as other similar land use.

This work effort provided staff the opportunity to correct other inconsistencies in the Zoning Code as well as modernize some of the outdated provisions for non-religious assembly uses, such as fitness centers and theaters. As the nature of these assembly uses have changed over the past several decades, updating these provisions will provide clarification and better respond to the needs of these business establishments while ensuring that they are appropriate to the zoning district in which they are located.

The proposed Zoning Code amendment generally consists of the following modifications:

- Clarify the descriptions of the Neighborhood Commercial Pedestrian-Oriented (CNP) and Community Commercial - Pedestrian Oriented (CCP) zones to indicate that they are intended as pedestrian-oriented environments.
- Amend use regulations to create a tiered system whereby low-intensity uses in small-scale neighborhoods are permitted by right, those that may be permitted with conditions of approval are subject to discretionary review, and high-intensity uses in low-intensity zoning districts are prohibited. These standards are applied to religious assembly uses, fitness

facilities, and live/movie theaters.

- Allow assembly uses by right when they are in conjunction with another primary use and are less than 25 percent of the total gross floor area of the primary use. This would allow for the inclusion of accessory assembly spaces or uses as a component of a primary use without triggering a requirement for a discretionary approval.
- Update existing development standards to incorporate buffers between adjacent residential areas, setbacks for uses from adjacent residential areas, while carrying over other existing development standards.
- Include an administrative process for religious assembly uses to seek relief from development standards, under the provisions of RLUIPA.

The Planning Commission considered these amendments on September 20, 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. The USDOJ has reviewed the draft language and has indicated that this approach addresses their concerns regarding consistency with similar assembly uses.

A Notice of Public Hearing was published in the Long Beach Press-Telegram on October 20, 2018, sent to the California Coastal Commission, and posted at all City libraries. 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), Negative Declaration ND 02-18 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 July 2, 2018 and ended on August 1, 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 Assistant City Attorney Michael J. Mais on October 23, 2018 and by Budget Analysis Officer Julissa José-Murray on October 19, 2018.

City Council action is requested on December 4, 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 September 20, 2018.

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

Approve recommendation.

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LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER