



Councilmember Jeannine Pearce

December 20, 2016

Honorable Mayor Robert Garcia and Members Of The City Council
City of Long Beach

RECOMMENDATION:

Request City Manager to work with the City Attorney, the Economic Development Commission and the Planning Commission to review and make recommendations regarding Section 21.52 of the Long Beach Municipal Code pertaining to Conditional Use Permits. Such review would include a written report reviewing the following:

- Uses which require a CUP.
- Efforts to make the CUP process more cost effective.
- Streamlining the public noticing process related to CUPs.
- Expediting CUP modifications for existing businesses.
- Creating a simplified CUP process for existing businesses opening another location.

DISCUSSION:

Section 21.52 of the Long Beach Municipal Code (LBMC), recognizes that certain land uses, due to the nature of the use, 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. The Planning Commission may also impose additional conditions that are deemed reasonable and necessary. Since a CUP is a zoning exception which allows a property owner to use the property in a way that is not otherwise permitted by right in a specific zoning district, particular care must be given when granting a CUP. Once issued, the CUP approval is tied to the property indefinitely and subsequent tenants or businesses can rely on the benefits of the CUP. In Long Beach, CUPs are required for certain land uses, including the offsite sale of alcohol, bars/taverns, restaurants with alcohol sales at a fixed bar, bail bonds, check cashing businesses, commercial storage, thrift shops and tattoo parlors, among other uses.

The CUP process can be lengthy, and requires extensive staff support and public input. For a new business or an existing business wishing to expand, the CUP process can be daunting and costly, without an assured outcome. This uncertainty results from not knowing what the City may require in terms of conditions, or how the public will react to the request. Over the past few years, staff has made several efforts to reduce the complexity of the process and make

it more efficient. This includes creating a new fee structure for minor CUPs for those land uses which still require conditional review, but may not require extensive staff review. Staff has also reviewed the cost of applying for the CUP and reduced the fees in 2011 to reflect the average cost of applying for a CUP.

One significant part of the cost of a CUP is the requirement to mail the application to all owners and tenants within a 750' radius. In the Downtown area, for example, this could trigger as many as 2,000 notices being sent to both owners and tenants. Staff estimates that approximately 40% of the notices are returned or not delivered. This is no longer the most desirable method of communicating with residents, particularly with the advent of social media and emerging technologies. Staff should be instructed to take a comprehensive look at the public noticing requirements in general, and for CUPs in particular including using new programs such as every door mail. Reliance on State law minimum standards, then augmenting it with additional social media outreach may be a more practical solution than mailing upwards of 2,000 notices.

When an existing business is proposing CUP modifications such as hours of operation or other business criteria that is not offensive to the surrounding land uses, the CUP process should be more streamlined or automatically triggered based on years of responsible operation. Additionally when an existing CUP business has shown that it is a responsible business it should be able to use the streamlined process to apply for a CUP at a new location.

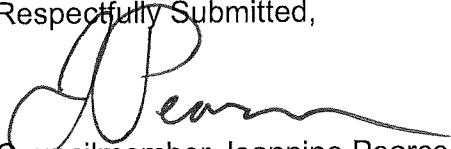
FISCAL IMPACT:

There should be minimal fiscal impact as a result of this report. It is anticipated that this report can be generated internally, without the need for any new staff or consultants.

SUGGESTED ACTION:

Approve recommendation.

Respectfully Submitted,


Councilmember Jeannine Pearce
Councilmember Al Austin *al*
Councilwoman Lena Gonzalez *LH*