



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

September 5, 2013

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, recommend that the City Council adopt amendments to the Zoning Ordinance related to mortuaries, crematoriums, and cemeteries; and accept Categorical Exemption (CE 13-070). (Citywide)

APPLICANT: City of Long Beach
Department of Development Services
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(App No. 1307-13)

DISCUSSION

On February 19, 2013, the Long Beach City Council adopted a nine-month moratorium prohibiting new construction 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 City Council and community concerns, staff studied all related business activities to get a clearer understanding of 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 businesses 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.

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.

At the August 1, 2013 study session, there was discussion about requiring independent testing of the emissions control systems for crematorium units. It was confirmed that the South Coast Air Quality Management District (SCAQMD) requires each crematorium installation to have high temperature afterburners to control air emissions and that those afterburner units have recording devices to monitor and document that the required design temperature is maintained during operation. These units are inspected annually by SCAQMD inspectors. Therefore, no additional requirement in this regard is being recommended.

There was also discussion about adding schools into the uses that are considered sensitive and should be included in the ordinance. This provision has been added to the recommended ordinance.

To address community and Council concerns, in summary, staff is proposing the following changes:

- Provide updated definitions for mortuaries and crematoriums.
- Mortuaries and funeral homes would be allowed in commercial zones, with a requirement for an onsite loading parking space and adequate parking for assembly uses.
- Traditional crematoriums would require a 600-foot buffer from any existing residential district, provided that they are:
 - Only as an accessory use to a mortuary in a commercial zone, or cemetery, subject to the distancing requirement.
 - Allowed as a stand-alone use within the Medium Industrial (IM) or General Industrial (IG) zones, subject to the distancing requirement and an Administrative Use Permit.
- Amortize existing crematorium operations that do not meet the distancing requirements by December 31, 2023.

The proposed revisions focus on location and chronic health-related issues pertaining to crematoriums, and nuisance issues related to parking at mortuaries or funeral homes. The draft ordinance prepared by the City Attorney's office is attached as Exhibit B.

ORDINANCE NO.

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/OR CREMATORIIUMS

Section 1. Section 21.52.211 of the Long Beach Municipal Code is amended to read as follows:

21.52.211 Cemeteries, Mortuaries, and Crematoriums.

A. The following conditions apply to cemeteries:

- 1. The use shall be buffered visually from residential uses and districts; and
- 2. The complete master plan, including future expansion, shall be submitted for site plan review, and specific building requests shall be indicated on the master site plan.

B. The following conditions shall apply to mortuaries:

- 1. Parking for viewing, ceremonial and other similar uses within the mortuary shall be calculated using the parking standard contained in Section 21.41, Table 41-1C, Public Assembly; and
- 2. Site plan shall provide at least one (1) parking space onsite for loading purposes, either an enclosed parking space or under a porte cochere, regardless of the number of parking spaces required for assembly purposes.

C. The following conditions shall apply to crematoriums:

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1. Crematoriums can be operated as stand-alone uses only within the IM or IG zone, and can be operated as accessory uses to a permitted mortuary or cemetery use;

2. In any instance, any new cremation operating unit(s) and emissions control systems shall be located a minimum of six hundred feet (600') from any residential zoning district or existing school;

3. Any and all existing crematoriums shall amortize and abandon their current legal status to operate and shall comply with the above conditions as of December 31, 2023.

Section 2. Table 32-1, "Uses in All Other Commercial Zoning Districts", "Institutional Uses" section, of Chapter 21.32 of the Long Beach Municipal Code is amended to read as follows:

Table 32-1
Uses In All Other Commercial Zoning Districts
(Continued)

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Institutional										
Church or temple	N	AP	AP	AP	AP	AP	AP	AP	N	Also see Section 21.52.213
Convalescent hospital or home	N	N	N	N	N	C	C	N	N	
Daycare or pre-school	Y	Y	Y	Y	Y	Y	Y	Y	C	
Industrial arts trade school or rehabilitation workshop	N	N	N	C	C	C	C	Y	N	
Mortuary	N	N	N	Y	Y	Y	Y	Y	N	Crematorium allowed as accessory use subject to conditions in Section 21.52.211.
Parsonage	A	A	A	A	A	A	A	A	N	Accessory to church or temple.
Private elementary or secondary school	N	N	N	C	C	C	C	C	N	Special conditions apply (see Section 21.52.263).
Professional school/business school	N	N	N	Y	Y	Y	Y	Y	N	
Social service office (with food distribution)	N	N	N	N	N	N	N	C	N	Also see industrial and institutional zones.
Social service office (without food distribution)	N	AP	N	AP	AP	AP	AP	Y	N	
Other institutional uses	N	N	N	AP	N	AP	AP	AP	N	
Interim Parks										
Community garden	IP	IP	IP	IP	IP	IP	IP	IP	IP	See Section 21.52.260
Passive park	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.45.155
Playground	IP	IP	IP	IP	IP	IP	IP	IP	IP	See Section 21.52.260
Recreational park	AP	AP	AP	AP	AP	AP	AP	AP	AP	See Section 21.52.260

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1 Section 3. Table 33-2, "Service-Related Industries" (No. 8), of Chapter
 2 21.33 of the Long Beach Municipal Code is amended read as follows:

3 **Table 33-2**
 4 **Uses In Industrial Districts**
 5 **(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
8. Service-Related Industries					
8.1 Laundry, cleaning and garment services (SIC code 721)	Y	Y	Y	See Item 10 in this table.	a. Primarily, these uses are intended to serve nearby industries and employees, and the services' proximity will provide convenience with minimal impact on the service operations. b. Parking lots and structures which are principal uses (SIC code 752) shall be subject to parking lot development standards contained in <u>Chapter 21.41</u>
8.2 Other personal services (SIC codes 722, 723, 724, 725, 726, 7291)	Y	AP	AP		
8.3 Tattoo and massage parlors	N	N	N		
8.4 Repair services within enclosed structure (SIC codes 75* and 76)	Y	Y	Y		
8.5 Repair services with outdoor operations (SIC codes 7353, 7359, 75*)	N	Y/C	Y		
8.6 Funeral, mortuary and crematorium (SIC 7261)	N	AP	AP		

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Section 4. Table 34-1, Uses in the Industrial District, of Chapter 21.34 of

the Long Beach Municipal Code is amended read as follows:

Table 34-1
Uses in the
Institutional District

	Use	District I
1.	Arboretum, botanical gardens or nurseries	Y
2.	Cafeterias and restaurants	A
3.	Caretaker's residence	AP
4.	Carnival, fiesta, or similar exhibition or celebration	T
5.	Cemeteries (Crematorium as accessory)	C
6.	Churches	Y
7.	Colleges, universities and vocational training centers	Y
8.	Commercial uses (as principal use)	N
9.	Construction trailer	T
10.	Convention and exhibition centers	Y
11.	Country clubs (with golf course)	Y
12.	Cultural centers	Y
13.	Daycare/preschool	Y
14.	Fire stations	Y
15.	Government offices	Y
16.	Hall rental	C
17.	Handicapped and senior citizen housing	C
18.	Historical landmarks, memorials and monuments	Y
19.	Hospitals, medical centers, medical office complexes, convalescent hospitals	Y
20.	Interim storage of vehicles and service yard (2 years)	C
21.	Libraries	Y
22.	Manufacturing	N
23.	Marinas	Y
24.	Off premises signs	N
25.	Outdoor sales events (see Section 21.52.256)	C
26.	Museums	Y
27.	Parking (commercial)	C
28.	Parking (courtesy)	A
29.	Pistol or rifle range	C
30.	Police station	Y
31.	Police training academy	C

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	Use	District I
32.	Recreational facility	A
33.	Residential - single-family	Y
34.	Residential - multiple-family	N
35.	Sale of alcoholic beverage	C
36.	Schools (public or private, excluding vocational schools)	Y
37.	Schools (vocational)	N
38.	Social service office of nonprofit organization	Y
39.	Special group residence (communal, board and care, etc.)	C
40.	Stadium	C
41.	Trailer used for office or nightwatchman's quarters	T
42.	Water tanks	Y
43.	Wireless Telecommunications Facilities (see Chapter 21.56)	C

Section 5. Section 21.15.1795 is added to the Long Beach Municipal Code to read as follows:

21.15.1795 Mortuaries, Cremation and Interment Services

Mortuaries, Cremation and Interment Services refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries.

The following are Funeral, Cremation, and Interment Services use types:

A. Cremating. Crematory services traditionally involving the purification and reduction of the human body by fire. Typical uses include crematories or crematoriums. Reduction of human body remains by chemical or other means can also be considered cremations.

B. Interring. Interring services involving the keeping of human bodies other than buried in cemeteries. Typical uses include columbaria, mausoleums or cineraria.

C. Mortuary. Undertaking or mortuary services such as preparing the dead for interring or burials, and arranging and managing

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funerals, memorials, viewings or other types of remembrance ceremonies.
Beyond humans, remains of family pets could be included. Typical uses
include mortuaries or funeral homes.

Section 6. The City Clerk shall certify to the passage of this ordinance by
the City Council and cause it to be posted in three conspicuous places in the City of Long
Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

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NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
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lbs.longbeach.gov

TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE-13-070

Project Location/Address: Citywide

Project/Activity Description: Amendments to Long Beach Municipal Code (Chapter 24), pertaining to mortuaries, crematoriums + cemeteries during 9-month City Council-initiated moratorium.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Development Services Department

Mailing Address: 333 W. Ocean Blvd, 5th Floor

Phone Number: 562-570-6194 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1307-13 Planner's Initials: SG

Required Permits: Ordinance Adoption

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION

15308

Statement of support for this finding: New regulations based on health risk assessment of crematoriums.

Contact Person: Steve Gerhardt Contact Phone: 562-570-6288
Signature: [Signature] Date: 7/15/2013