

May 12, 2020

H-9

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and find the project exempt from the California Environmental Quality Act in accordance with Article 5, Section 15061;

Declare an Ordinance amending Title 6 of the Long Beach Municipal Code ("Animals") to incorporate provisions relating to the number, and maintenance, of household pets that may be kept by a residential household, read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare an Ordinance amending the Long Beach Municipal Code, by repealing Section 21.51.210 of the Zoning Code to remove the provisions that currently regulate the number, and maintenance, of household pets that may be kept by a residential household, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amending Title 21 to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

On January 21, 2019, the City Council directed staff to prepare an Ordinance increasing the number of allowable household pets from four to six. The proposed change is part of the recommended regulatory changes supporting the Long Beach Animal Care Services (LBACS) implementation of the Compassions Saves operational model that calls for proactively managing the number of dogs and cats in the City's care. Matters related to animal care are not generally established within the Zoning Code. However, the standards related to the number of household pets is currently set forth within Zoning Code (Title 21) of the Long Beach Municipal Code (LBMC). In accordance with the LBMC, the Planning Commission considered the proposed Zoning Code Amendment at a public hearing on February 20, 2020, and recommended (with two Commissioners absent - 5-0) that the City Council approve the proposed Zoning Code Amendments (Attachment A – Findings).

Amend and Relocate Household Pet Regulations

The LBMC, Section 21.51.210, establishes a limitation on household pets to no more than four weaned household pets allowed at one site. The proposed amendment repeals the regulations of household pets within Title 21 of the Zoning Code.

The proposed amendment adds new regulations pertaining to the number of household pets to Title 6, under Chapter 6.16, Animal Regulation. The regulation of household pets is primarily a licensing matter, as opposed to an issue of land use, and is more appropriately located within Title 6, which is administered by Animal Care Services. The proposed regulation will increase the number of weaned pets allowed to six at a site.

The Planning Commission recommended approval of the proposed amendments, and concurred with the assessment that the regulation of household pets is not fundamentally a matter of land use. Rather they are a matter for licensing and permitting, which is not customarily subject to the Planning Commission's authority. In addition, the proposed change is not in conflict with the General Plan.

Pursuant to the California Environmental Quality Act (CEQA), Article 5, Section 15061 and the State CEQA Guidelines, it can be seen with certainty that the modifications noted above to the LBMC will not have a significant effect upon the environment, and therefore are not subject to CEQA.

TIMING CONSIDERATIONS

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 February 20, 2020. City Council action is requested on May 12, 2020, which is beyond the usual timeframe prescribed for hearing recommendations but was the first hearing date available.

FISCAL IMPACT

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCE (2)
CITY COUNCIL RESOLUTION
ATTACHMENT A-FINDINGS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 6.16.050, RELATING TO HOUSEHOLD PETS

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding Section 6.16.050 to read as follows:

6.16.050 Household pets.

The keeping of household pets shall be subject to the following limitations:

A. Number. A total of not more than six (6) weaned household pets may be kept at one (1) site, unless any of the weaned pets are dogs bred pursuant to a permit issued under Section 6.16.190 of this Code, in which case all such weaned dogs may be kept at one (1) site until such dogs have reached the age of four (4) months. This limitation shall not apply to fish, rodents (other than rabbits), or caged birds (provided the birds are not allowed to fly free and are maintained in accordance with all applicable health regulations).

B. Maintenance. Household pets shall be kept in a manner which does not damage or pose hazards to people or property and which does not generate offensive dust, odors or noise.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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1 Section 2. The City Clerk shall certify to the passage of this ordinance by
2 the City Council and cause it to be posted in three (3) conspicuous places in the City of
3 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
4 Mayor.

5 I hereby certify that the foregoing ordinance was adopted by the City
6 Council of the City of Long Beach at its meeting of _____, 2020,
7 by the following vote:

8
9 Ayes: Councilmembers: _____

10 _____

11 _____

12 _____

13 Noes: Councilmembers: _____

14 _____

15 Absent: Councilmembers: _____

16 _____

17 Recusal(s): Councilmembers: _____

18 _____

19
20 _____
City Clerk

21
22 Approved: _____
(Date)

23 _____
Mayor

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY REPEALING SECTION 21.51.210,
RELATING TO HOUSEHOLD PETS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.51.210 of the Long Beach Municipal Code is
hereby repealed.

Section 2. The City Clerk shall certify to the passage of this ordinance by
the City Council and cause it to be posted in three (3) conspicuous places in the City of
Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Lana Beach, CA 90802

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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 _____, 2020, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO THE LONG BEACH ZONING REGULATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on _____, 2020, the City Council of the City of Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21, of the Long Beach Municipal Code; and

WHEREAS, it is the desire of the City Council to submit the above referenced zoning regulation amendments to the California Coastal Commission for its review; and

WHEREAS, the Planning Commission and City Council gave full consideration to all facts and the proposals respecting the amendments to the zoning regulations at a properly noticed and advertised public hearings; and

WHEREAS, the City Council, in accordance with the recommendation of the Planning Commission, approved the proposed amendments to the zoning regulations by adopting amendments to Title 21. The proposed zoning regulation amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed zoning amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and provisions of the City's General Plan.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on _____, 2020, by Ordinance No. ORD-20-_____, a copy of which is attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section 2. The Director of Development Services of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, as an amendment to the Local Coastal program that will take effect automatically upon Coastal Commission approval pursuant to the Public Resources Code or as an amendment that will require formal City Council adoption after Coastal Commission approval.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2020, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

FINDINGS

**Animals (Household Pets)
Zoning Code Amendment (ZCA20-002)
Application No. 2001-08
February 20, 2020**

The Long Beach Municipal Code does not contain specific findings for the adoption of a zoning code amendment. Pursuant to California Government Code §65860, a zoning ordinance shall be consistent with the adopted General Plan. The City of Long Beach makes the following findings in support of its adoption of changes to the zoning code amendment:

The proposed zone code changes are not contrary to the General Plan. The regulations of household pets are a matter of licensing and not a fundamental land use matter. The amendment will modify the existing regulations for "Animals (Household Pets)" to increase the maximum number of household pets from four to six animals and relocate the code requirements from Title 21 to Title 6 where the current Animal Regulations exists under the oversight and administration of the Animal Care Services Division.