

Temporary Activating Uses Zoning Code Amendment Frequently Asked Questions - January 7, 2020

What is the Temporary Activating Uses Zoning Code amendment?

The Temporary Activating Uses Zoning Code amendment would allow the temporary use of vacant lots with uses that are community serving, provide community benefit, are otherwise permitted in the applicable zoning district or are deemed compatible with the surrounding uses. Temporary Activating Uses (TAUs) may include sporadic special events, such as cultural and community events, or temporary uses such as bike kitchens and similar retail or services that activate vacant lots, provide community benefit and further the goals of the City's General Plan. The TAUs Zoning Code amendment is part of a larger package of periodic, Omnibus Zoning Code amendments or code "tune ups" the City is undertaking to modernize the Zoning Code so that the City's land use regulations address new land use trends and business types, better respond to unique neighborhood development patterns, and improve administrative processes.

What is the purpose of the code amendment to permit temporary uses on vacant lots?

The Long Beach Municipal Code currently significantly limits the types of uses that can be permitted on a temporary basis. As a result, vacant lots often remain unused for extended periods of time and can become blighted. Allowing temporary use of vacant lots can bring activity and services to neighborhoods, foster place-making and identity, and minimize nuisances. This code amendment is intended to facilitate temporary community serving uses that provide a community benefit, activate neighborhoods, and are compatible with surrounding uses as a means to reduce neighborhood blight.

The proposed amendment is intended to work in tandem with an ordinance adopted by the City in October 2017, which aimed to reduce blight caused by vacant lots. It established a vacant lot registry which requires property owners of vacant lots to register their lots and pay an annual monitoring fee to ensure compliance with ordinance provisions that require vacant lots be well-maintained and appropriately secured. The adopted ordinance permits an exemption from such fees for property owners who agree to allow their properties to be used for "a specific community serving use." The 2017 ordinance did not however define what constitutes a community serving use or outline a process for establishing such uses. This proposed amendment supplements the 2017 ordinance by specifying the types of community serving uses that qualify properties for vacant lot registry fee exemptions and establishing a review and approval process for such uses.

What are the proposed regulations regarding Temporary Activating Uses?

Generally, TAUs must be otherwise allowed in the applicable zoning district or General Plan designation or must be found by the Zoning Administrator to be compatible with existing surrounding uses. The TAU will be subject to operating conditions as deemed appropriate by the Zoning Administrator. Temporary Activating Uses that are sporadic special events will be permitted for a period of up to six months, and eligible for up to two, six-month renewal periods. Other temporary uses that do not fall under the category of sporadic special events will be permitted for a period of up to one year, and eligible for up to two, one-year renewal periods. This regulation is intended largely for commercial and industrial areas, however residentially zoned lots on major streets are also eligible.

How has community input shaped the development of the Temporary Activating Uses Zoning Code amendment?

An open house was held on November 6, 2019 on the proposed Omnibus Zoning Code Amendments (Round 3), including the proposed TAU amendment. At that meeting, staff received numerous comments requesting the City to update use regulations related to urban agriculture and community gardens to streamline the review and approval process and to allow them for a period of at least 5 years at a time. Current Municipal Code regulations provide a pathway for urban agriculture and community gardens. These uses are already exempt from the vacant lot registry, and the 2017 ordinance specifically exempts lots with urban agriculture uses from the registry and any applicable fees; the City's Municipal Code additionally allows property tax reductions for urban agriculture uses, consistent with State and County regulations.

Public comment on the proposed code amendment highlighted challenges related to these community gardens and urban agriculture uses, specifically, community feedback on the timeframe necessary to establish such a project (at least 5 years) does not align with the intention of the proposed TAU code amendment, which establishes a process for uses for a 6-month or 1-year initial approval (depending on the type of temporary use), with renewals that could last up to 3 years total. Therefore, staff has determined that the TAU amendment will not meet the stated needs of those seeking to establish urban agriculture and community garden uses, and therefore this issue will be addressed in future Zoning Code amendments.

Public comment specific to the TAU ordinance also addressed the type of groups who would be permitted to apply for TAUs, expressing concerns that limiting applicants to those organizations that have a "contractual" relationship with the City may unduly limit eligible applicants. Comments also raised questions about how the City will consider and review applications that combine temporary uses and sporadic special events. Staff is currently analyzing that input and making modifications to the draft code amendment as a result of these comments.

Why won't the City incorporate urban agriculture and community gardens in the TAU Zoning Code Amendment?

Urban agriculture and community gardens involve substantial start-up costs in the form of soil remediation, installation of irrigation and landlord lease fees and consequently should be permitted for longer periods of time than the timeframes contemplated for other TAUs. Revisions to the draft ordinance will involve limiting the duration of TAUs to 18 months for sporadic special events and three years for temporary activating uses. To obtain property tax reductions for urban agriculture uses (including community gardens), a vacant lot owner must enter into a five-year contract with the City. These uses, if folded into the proposed TAUs amendment, would be subject to substantially shorter time limits than are feasible for these uses. Future Municipal Code amendments specifically dealing with urban agriculture and community gardens will be tailored to address the unique considerations pertaining to those uses. In the case of community gardens, public input has focused on requests that the City change the permitting process for a community garden, which currently requires City Council approval of an "Interim Park Use Permit (IP)." The IP is intended to ensure compliance with applicable development standards and compatibility with the surrounding neighborhood. Similarly, there are established processes for permitting urban agriculture uses either by-right in commercial and multi-family zones, or with an Administrative Use Permit (AUP) with findings to ensure compatibility in low-density residential and industrial zones. Additional analysis is required to determine what changes to process and development standards could better facilitate community gardens and urban agriculture uses. In the interim, the Municipal Code already provides a pathway to permit these uses on vacant lots, while the proposed amendment is intended to expand the range of allowable temporary uses.

How will urban agriculture or community gardens be affected by the Temporary Activating Uses Zoning Code amendments?

Urban agriculture and community garden use permitting processes will not be affected by the proposed TAUs amendment. Both are already permitted by the Municipal Code. As noted above, staff has determined that several of the issues raised by the public—such as creating incentives, creating water subsidies, reducing permit fees, and permitting longer-term temporary uses for urban agriculture and community gardens—are valid issues that require further investigation and cannot be sufficiently addressed in the context of this amendment. Staff anticipates addressing these issues to better facilitate urban agriculture and community gardens through a future code amendment and/or on a case-by-case basis. In the interim, both urban agriculture and community gardens will be subject to current code regulations and processes, the Administrative Use Permit (AUP) or the Interim Park Use Permit (IP) process, respectively, and by-right in some cases.

How much will a Temporary Activating Use permit cost?

Fees for the TAUs will be the same fee charged for an Administrative Land Use Review permit and can be found in the [Planning Permit Application](#). The fee will be reassessed for each renewal application.

Does the City have a policy for urban agriculture in Long Beach?

In 2017, the City adopted changes to the Zoning Code allowing urban agriculture uses. At the same time, the City adopted an Urban Agriculture Incentive Zone (UAIZ) Program which provides tax incentives to vacant lot owners who enter into a contract with the City to use their lot for agricultural purposes for at least 5 years. Additionally, in 2015, Long Beach City Council approved an update to the Long Beach Municipal Code which eased restrictions on residents who wish to keep chickens, goats, or bees on their property (see Long Beach Municipal Code Chapters 6.20 and 6.24). Please contact staff at the City of Long Beach Office of Sustainability for more information at Sustainability@LongBeach.gov or (562) 570-6396. For more information on the UAIZ Program, please visit: longbeach.gov/uaiz

What are the next steps for the Temporary Activating Uses Zoning Code amendment?

In the near term, the City will continue to accept feedback on the draft Temporary Activating Uses amendment and the other Omnibus Zoning Code Amendment and comments on the Negative Declaration (environmental document) until February 3, 2020. A study session with the Planning Commission on the proposed amendments will tentatively be held on January 16, 2020. Ultimately, the Omnibus Zoning Code Amendment, which includes the proposed TAUs amendment, will require approval by the Planning Commission and adoption by City Council.

For more information about the Temporary Activating Uses Zoning Code amendment, go to: longbeach.gov/lbds/planning/advance/studies/ or contact Cynthia de la Torre, Planner, at Cynthia.DeLaTorre@LongBeach.gov or (562) 570-6559, or Jonathan Iniesta, Planner, at Jonathan.Iniesta@LongBeach.gov or (562) 570-6922.



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