



Date: September 6, 2017

To: Patrick H. West, City Manager *T.M.*

From: Amy J. Bodek, Director of Development Services *AJB*

For: Mayor and Members of the City Council

Subject: **Status Update on the Conditional Use Permit (CUP) Study**

On December 20, 2016, the City Council requested the City Manager to work with the City Attorney, the Economic Development Commission, and the Planning Commission to review and make recommendations to amend the provisions of the Long Beach Municipal Code regarding Conditional Use Permits (CUP), including amendments to streamline and increase the effectiveness of the public noticing process. The purpose of the study is to increase the predictability and transparency of the CUP process for potential business owners and applicants. Because a significant portion of the CUP fees cover the cost of the public notification process, public noticing was specifically requested to be studied.

In March 2017, staff secured Dyett & Bhatia (Consultant), a planning consulting firm with a depth of zoning code experience, to work on the CUP study, including noticing requirements. The project's scope of work included focused stakeholder outreach, assessment of the City's existing process, and recommendations for improvement.

Staff invited over 40 stakeholders, including business owners, representatives of the Council of Business Associations, previous and current CUP applicants, and members of the Planning Commission and Economic Development Commission to solicit input on the City's CUP process and gain ideas for improvement. In May 2017, the Consultant convened in-person small group conversations and phone interviews with 20 stakeholders, including five individual business owners, and representatives of the Downtown Long Beach Alliance, Bixby Knolls Business Association, East Anaheim Street Business Association, Magnolia Industrial Group, Midtown Property and Business Owners Association, Long Beach Music Council, Chamber of Commercial, and the Small Business Development Center. The Downtown Long Beach Alliance also distributed the written questions to their membership, 41 of whom responded.

The Consultant is analyzing the current CUP regulations to identify opportunities to streamline the approval process. Some of the uses being studied that currently require a CUP include trucking, tattoo parlors, service of alcohol, thrift stores, drive-through uses, and live-work units. The Consultant is also reviewing public notification methods from peer cities, which includes Oakland, Huntington Beach, West Hollywood, and Anaheim. The noticing considerations include the mailing radius, the responsible party for providing noticing (City versus applicant), a form of notification (mailing, online, email list, website, Nextdoor, etc.), and the resulting effectiveness. The Consultant's study will include recommendations for improving the cost efficiency and effectiveness of the City's noticing methods.

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The project was scheduled for completion of the study and recommendations within nine months of project initiation. Staff anticipates presenting the preliminary study results and recommendations to the Planning Commission and Economic Development Commission at study sessions in September 2017, in order to solidify the study results. Staff anticipates a public hearing to consider a Zoning Code Amendment by Planning Commission in December 2017, and the City Council in January 2018.

If you have any questions regarding this matter, please contact Linda Tatum, Planning Bureau Manager, at (562) 570-6261.

AJB:LT:AR

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