



Date: March 24, 2017

To: Patrick H. West, City Manager *P.H. West*

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

For: Mayor and Members of the City Council

Subject: **Conditional Use Permits and Related Public Noticing Process Update**

In November 2014, the City Council requested the Department of Development Services to review the Long Beach Municipal Code provisions for noticing public hearings (LBMC Chapter 21.21.302) and propose amendments that would enhance public noticing and transparency, while reducing unnecessary costs imposed on businesses, and refer these amendments to the Planning Commission.

In January 2015, staff presented a zoning ordinance amendment to Planning Commission that recommended several changes to the noticing standards that would meet the objectives of transparency, cost reduction, and efficacy in providing a robust public noticing effort. The staff proposed amendments included: (1) changing the noticing radius back to 300 feet, the City's pre-2009 mailing radius standard, (2) eliminating the requirement to mail hard copy notices to tenants within the required mailing radius. Rather than mailing notices to tenants, staff would increase the Department's outreach on social media and e-notify systems to engage community members and neighborhood/business groups in the planning process and keep them informed of upcoming projects. Reducing the mailing radius and mailing notices only to property owners would generate significant savings through the reduction of paper, print, and postage volume, as well as considerably reduce staff labor in generating the mailing list for each project's mailing radius. The Planning Commission rejected most of the recommended actions in the face of significant community pushback at the Commission meeting, but then suggested it would be open to further discussions if staff could find compromise positions with the community. As such, no recommendations were forwarded to the City Council.

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 Long Beach Municipal Code Section 21.52, Conditional Uses, regarding Conditional Use Permits (CUPs). Among a number of other concerns, the review was specifically intended to include amendments streamlining the public noticing process related to CUPs.

In considering the City Council's requests to study the CUP process, it was noted that a significant component of the cost of a CUP application fee is the requirement to mail notices of the public hearing to all property owners and tenants within a 750-foot radius of the boundaries of the project site. In the Downtown area, for example, the public noticing requirement could trigger as many as 2,000 notices being sent to property owners and tenants. Staff estimates that approximately 40 percent of the notices are returned or not delivered. Postal mailing these public notices is no longer the most efficient or cost-effective

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method of communicating with residents and property owners, particularly with the increasing popularity and use of social media, and other emerging digital technologies.

Through the CUP study, staff was requested to take a comprehensive look at the public noticing requirements in general, and for CUPs in particular, including digital noticing methods. Further, the study would consider reliance on State law minimum standards for the noticing radius and augmenting this notice with additional social media outreach as a more practical and cost effective method for public noticing.

Staff has secured Dyett Bhatia, a consulting firm with a depth of zoning code experience, to work with staff on the CUP study, inclusive of the noticing requirements. The scope of work with the consulting firm requires them to provide recommendations within six months. Staff anticipates presenting the study results and recommendations to the Planning Commission by October 2017 and to the City Council by the end of the year.

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

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