



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council **Item No.** _____

FROM: City Manager

SUBJECT: Government Code Section 65858(d) Report: Measures Taken to Alleviate the Condition(s) Leading to the Adoption of Urgency Ordinance No. 748; Urgency Citywide Ordinance to Adopt a Moratorium Ordinance Prohibiting the Approval, Expansion, Intensification, or Relocation of any New or Existing Funeral Services and Crematory Establishments

MEETING DATE: February 18, 2020

RECOMMENDATION:

Staff recommends that the City Council receive and file this report describing measures taken by the City to alleviate conditions that led to the adoption of Ordinance No. 748 in compliance with State Government Code Section 65858(d)

BACKGROUND:

During the last quarter of 2019, the City of Commerce was made aware of concerns from both commercial and residential property owners about a proposed crematory within proximity to both a commercial and residential neighborhood that has the potential of exhibiting operating characteristics that are inconsistent with surrounding existing and future land uses. As a result, on January 21, 2020, the City Council adopted Urgency Ordinance No. 748 temporarily prohibiting the issuance of a use permit, variance, building permit, business license or other applicable entitlement for use to allow for the establishment or expansion of a Funeral Service and Crematory land uses.

Government Code Sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare and to prohibit certain land uses that may conflict with land use regulations that the City Council is considering or intends to study within a reasonable time.

The purpose of the moratorium was to allow staff time to: study the negative direct and secondary impacts associated with Funeral Service and Crematory land uses; study and determine whether such uses should be allowed in the City, consider appropriate regulations (if applicable); and to study and determine the potential locations, zoning

districts, or development standards that should be applied to Funeral Service and Crematory land uses.

Government Code Section 65858(d) requires that ten (10) days prior to the expiration or extension of any urgency ordinance, the City must issue a written report describing the measures taken to alleviate the condition that lead to the adoption of the urgency ordinance. Urgency Ordinance No. 748 is scheduled to expire on March 6, 2020, unless the City Council takes action to extend it. City Council will consider a ten-(10)-month-and-fifteen (15)-day extension of the urgency ordinance on March 3, 2020

Measures Taken to Alleviate the Condition Which Led to Adoption of Ordinance No. 748

City staff has begun to take the following measures to address the conditions that led to the adoption of Ordinance No. 748:

- Evaluated the City's comprehensive local land-use and public safety policies;
- Researched the City's General Plan, including the City's Land Use Element Goals and Policies;
- Reviewed permitting requirements of other regulatory agencies that are tasked with regulating Funeral Service and Crematory land uses;
- Researched the City's Municipal Code relative to the appropriate zoning designation and locations for Funeral Service and Crematory land uses;
- Reviewed nearby communities policies and regulations pertaining to Funeral Service and Crematory land uses; and
- Reviewed business licensing procedures and regulations pertaining to the use.

Actions addressing the underlying need for the moratorium are on-going. City staff has not completed its research on how to regulate the land use in question. Additional time is required to prepare a formal recommendation and consult with interested parties. It is prudent to extend the moratorium because the City cannot predict the precise time necessary to complete its research and drafting and to conduct public hearings. However, adoption of the new ordinance and repeal of this moratorium may take place sooner.

The following issues and standards have been identified for further review:

- Further study of the potential impacts that Funeral Service and Crematory land uses may have on the public health, safety and welfare;
- Research and craft possible amendments to the Commerce Municipal Code and the Zoning Code relating to Funeral Service and Crematory land uses and craft appropriate regulations, including possible prohibition of Funeral Service and Crematory land uses; and
- Ensure that regulations relating to Funeral Service and Crematory land uses are fully understood by staff before considering any possible development standards; and

- Consider any harmful effects Funeral Service and Crematory land uses might have on the quality of life for City's residents, as well as nearby businesses and property owners.

FISCAL IMPACT:

There is no fiscal impact with the recommended action in this report.

RELATIONSHIP TO STRATEGIC GOALS:

This item relates to the Strategic Action Plan's Goal of: Economic Growth - Guiding Principles 1 to "Create and strengthen our identity, as a community that promotes opportunity and success for business that meets the strategic focus for economic growth, will have a positive impact on the quality of life and the City's financial sustainability," and 3 "Support a long-range planning vision through the City's General Plan, zoning ordinance, and related land use planning documents that incorporate community and stakeholder input and provide a compass for strategic economic growth, infrastructure investments and city fiscal planning."

Recommended/Prepared by Jose Daniel Jimenez, Director of Economic Development and Planning

Reviewed By: Mark Murray, Deputy City Attorney

Approved as to Form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Manager