



**CITY OF LONG BEACH**

**R-32**

DEPARTMENT OF PLANNING & BUILDING

333 W. Ocean Boulevard

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

December 16, 2004

CHAIRMAN AND PLANNING COMMISSIONERS  
City of Long Beach  
California

SUBJECT: Proposed Amendments to the Zoning Ordinance Regarding Parking Requirements for Expansion and Alteration of Residential Uses with Nonconforming Parking (Citywide)

LOCATION: Citywide

APPLICANT: City of Long Beach  
c/o Fady Mattar, Acting Director of Planning and Building  
333 W. Ocean Boulevard  
Long Beach, CA 90802

**RECOMMENDATION**

Planning Commission recommend that the City Council adopt the amendments to the Zoning Ordinance.

**BACKGROUND**

At the November 23, 2004 meeting, the City Council directed the Planning Commission to consider amendments to the Zoning Ordinance to address a development trend in the City, whereby a property owner will renovate an existing multi-unit residential building to provide additional bedrooms. The conversion typically occurs through reducing the size of living rooms or dining rooms, or by dividing existing bedrooms to create smaller rooms. In most cases, the conversions are occurring on sites with older properties that do not meet current density, parking, or open space requirements. This has the effect of exacerbating the parking problems already present in many of these areas. Several causes exist for this trend, but it appears that the intent of many property owners is to receive additional funding through the Section 8 housing program. The Housing Services Bureau is addressing the issues related to the Section 8 Housing Program.

Staff has evaluated this development trend, and determined that an appropriate response to this trend in terms of the Zoning Regulations is to amend the parking requirements for nonconforming residential uses under Chapter 21.27 of the Zoning Ordinance. The current

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regulations for nonconforming residential uses require additional parking only for expansions of greater than 450 square feet. Additions of less than 450 square feet and interior alterations that provide additional bedrooms currently do not require additional parking.

The proposed amendments (attached for your review) will require additional parking for expansion or alteration of a zero- or one-bedroom unit that results in the creation of a new bedroom, while the requirement for additional parking for additions of greater than 450 square feet will also remain in place. Interior alteration of single-family homes will not require additional parking under the proposed amendments. Staff believes that these amendments are consistent with the intent of the Zoning Ordinance with respect to the parking requirements, as the additional parking provided is necessary in order to offset the increased parking demand.

### **PUBLIC HEARING NOTICE**

In accordance with the Noticing Requirements of the Zoning Ordinance, a legal notice appeared in the Press Telegram newspaper on December 2, 2004. Notices were also sent to each of the nine City Council representatives, and to all public libraries. Notices were also posted at City Hall.

### **ENVIRONMENTAL REVIEW**

The project has been deemed categorically exempt from further environmental review, pursuant to the Guidelines for Implementation of the California Environmental Quality Act. Categorical Exemption (CE 04-245) is attached for your review.

### **IT IS RECOMMENDED THAT THE PLANNING COMMISSION:**

Recommend that the City Council adopt the amendments to the Zoning Ordinance.

Respectfully submitted,

By:   
DEREK BURNHAM  
PLANNER

Approved:   
CAROLYNE BIHN  
ZONING ADMINISTRATOR

CB: db

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**Attachments:**

1. Proposed Amendments
2. Categorical Exemption

(Added text in **bold**)

21.27.060 Expansion or Alteration

C. Nonconforming Residential Uses.

1. Maximum Expansion. A nonconforming residential use (i.e., that exceeds the allowable density for the zone, or is located in a zone that does not permit residential uses) may expand up to four hundred fifty (450) square feet per unit.

2. Parking. **This section applies to property with a nonconforming number of parking spaces.** Any expansion beyond four hundred fifty (450) square feet per site of cumulative addition shall require one additional conforming parking space for each additional four hundred fifty (450) square feet, **until the number of parking spaces complies with the requirements of Chapter 21.41. Furthermore, any expansion or interior alteration of a zero- or one-bedroom unit that results in the creation of new bedroom(s) shall require provision of one additional conforming parking space. However, for lots developed with a single-family dwelling, no additional parking shall be required for interior alterations.** For single-family dwellings outside the parking impacted areas, no additional parking shall be required **for additions** on sites with driveways twenty feet (20') or more in length.

3. Development Standards. The expansion shall be consistent in style and materials with the existing building, and shall conform to the current development standards of the zone.

D. Conforming Residential Use With a Nonconforming **Number of Parking Spaces.** A residential use with a nonconforming **number of parking spaces** may be expanded **or altered** as follows:

1. Demolition of Nonconforming Parking. Nonconforming parking demolished during remodeling or additions **where no new parking is required by Subsection 3** may be replaced with new parking of equal size or a more conforming size. The new parking shall provide for the best feasible turning radius. For the purposes of this Section "best feasible turning radius" means the most conforming turning radius that may be created by relocating the new parking on the lot up to the point in conflicts with the existing building.

2. Addition of New Dwelling Unit. The addition of new dwelling units on a lot shall require the provision of additional parking spaces for the new dwelling units as well as existing units if substandard in **number of parking spaces** in accordance with the standards for **the number of parking spaces for new construction.**

3. Expansion **or Alteration** of Existing Dwelling Unit. A residential use with nonconforming parking may be expanded by up to four hundred fifty (450) square feet after July 1, 1989, without providing additional parking. **However, any expansion or**

**alteration of a zero-bedroom or one-bedroom unit that results in the creation of new bedroom(s) shall require provision of one additional conforming parking space. Or, any expansion beyond four hundred fifty (450) square feet per site of cumulative addition shall require one additional parking space. However, for single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.**



FEE \$133.13

Categorical Exemption CE- 245-04

### NOTICE OF EXEMPTION

To: Office of Planning & Research  
1400 Tenth street, Room 121  
Sacramento, CA 95814

From: Department of Planning & Building  
333 W. Ocean Blvd., 5th Floor  
Long Beach, CA 90802

L. A. County Clerk  
Environmental Filings  
12400 E. Imperial Hwy. 2nd Floor, Rm. 2001  
Norwalk, CA 90650

Project Title: Zoning Text Amendment.

Project Location - Specific: Citywide

Project - City: Long Beach Project Location - County: Los Angeles

Activity Description: Zoning amendment regarding parking requirements for expansion and alteration of residential uses with nonconforming parking.

Name of Public Agency Approving Project: City of Long Beach

Name of Person or Agency Carrying Out Project: Fady Mattar  
(Printed Name)

333 W. Ocean Blvd Long Beach, CA 90802  
(Mailing Address)

(562) 570-7713  
(Telephone) (Signature)

#### LONG BEACH CITY PLANNING COMMISSION

The above project has been found to be exempt from CEQA in accordance with the State Guidelines Section 15305

Statement of Support for this finding: Minor change to land use regulations - no change in land use or density

Lead Agency  
Contact Person: Doreen Burnham Area Code/Telephone: (562) 570-6261

Signature: Doreen Burnham Date: 12/6/04 Title: Planner

Signed by Lead Agency

Signed by Applicant



# CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6194 FAX (562) 570-6068

November 23, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Report on Current Building Standards Related to Bedroom sizes and Possible Remedies to Address Habitable Bedroom Space in New and Renovated Buildings (Citywide)

## DISCUSSION

It has come to the attention of several City Council offices and staff that a trend has developed to renovate existing multi-unit buildings to provide additional bedrooms within existing dwelling units. This conversion is typically accomplished by reducing the size of living rooms or dining rooms, or dividing existing bedrooms to create additional, typically small bedrooms. The trend may have several causes, but it appears that the intent of property owners is often to receive additional funding through the Section \* Housing Program. This trend is exacerbated by the fact that majority of these conversions are occurring to older housing stock that often are non-conforming relative to current on-site parking and open space requirements.

At their meeting of April 20, 2004, the City Council referred this item to the City Manager for a report back to the City Council on possible remedies that would address the implications of this trend. Community Development Department staff has prepared a related report to the Housing Authority that would address potential changes to the payment standards of the Section 8 Program. This program change would reduce the incentive to increase the number of bedrooms within existing dwellings by basing payment standards on both unit size (in square feet) as well as the number of bedrooms.

### **Building Code Standards**

With respect to Planning and Building standards related to bedroom sizes, staff has found that City's are precluded from establishing minimum sizes that are more restrictive from those that are established by state law. The California Building Standards Commission, along with various State agencies develops and publishes the California Building Code. State law mandates that all jurisdictions within the state adopt this code, including its provisions of for minimum bedroom size of 70 square feet.

State law will allow a jurisdiction to establish standards that are more restrictive than the California Building Code, provided the governing body of the jurisdiction makes

an expressed finding that the need for the change is "reasonably necessary because of climate, geology or topographical conditions". Therefore, to amend the size requirements for bedrooms, the City Council would need to make a finding that the amendment is necessary due to some local issue related to climate, geology or topography. Several California City's have faced legal challenges to local amendments to regulate more restrictive standards for bedroom standards. Staff does not believe that there is an adequate nexus between local climate, geology or topography related to bedroom size and recommends against an amendment to the minimum bedroom size.

### **Zoning Ordinance Amendments**

The City of Long Beach has the ability to adopt amendments to the Zoning Regulations found in Title 21 of the Municipal Code to address the character, livability or appropriate development of the City. With respect to the current trend, the potential impact of increasing the number of bedrooms within existing buildings and the increase in occupancy appears to be on parking and open space. The number of required parking spaces for existing versus new development is currently dealt with in two different ways. New housing development requires the provision of on-site parking as follows:

- Studio apartments require 1 parking space
- 1-bedroom units require 1 ½ parking spaces
- 2- bedroom or larger units require 2 parking spaces
- Guest parking is required (in most cases) at a rate of one space for every four units for projects consisting of four units or more

With respect to existing development, the existing number of on-site spaces must be maintained and interior renovations and small additions (less than 450 square feet per site) are permitted without the provision of additional parking.

Regarding on-site open space, the standard for new construction varies by zoning district. For example, in the standard single family residential district, 16% of the lot must be set aside for usable open space while the R-4-N multi-family district requires a minimum of 150 square per unit. With respect to existing buildings, additional open space is not required for interior renovations.

There are various options for amendments to parking and open space standards available for addressing the current trend, some of which would likely result in unintended consequences to new development or single-family homes. The one obvious "loophole" in the parking standards that directly addresses the ongoing conversion of apartment is that existing studio apartments and 1-bedroom units can currently be converted through interior renovation or minor addition to 2-bedroom (or larger) units without providing additional parking. Staff recommends that the Nonconformities section of the Zoning Regulations be amended to require that additional on-site parking be provided when interior alterations or minor additions to studio or 1-bedroom apartments are made that result in additional bedrooms. Further, staff recommends that this change apply to properties that are developed with three or more units.



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Assistant City Attorney Mike Mais reviewed this report on November 10, 2004.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Refer the amendment to the Nonconformities Chapter of the Municipal Code related to parking requirements to the Planning Commission for review and recommendation.

Respectfully submitted,

BY: \_\_\_\_\_  
FADY MATTAR  
ACTING DIRECTOR OF PLANNING AND BUILDING

FM:GC.CCbdrmsize