

H-13

October 22, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration 06-20;

Declare an Ordinance amending Title 21, Zoning Regulations, of the Long Beach Municipal Code to: (1) define and provide regulations for escape rooms, tutoring centers, and animal-related uses; (2) eliminate required distance between structures on a single property in residential zoning districts; (3) exempt non-conforming historic properties from parking requirements for residential expansions or additional bedrooms; (4) update the Gross Floor Area definition, clarifying that certain garage areas are excluded from lot coverage and Floor Area Ratio calculations, and exempting underground parking from building setback requirements; (5) measure fence height from top of flood plain in flood zones; (6) clarify corner cutoff regulations; and (7) exempt height limits for rooftop solar installations;

Exempt hearing items continued to a specific meeting date from re-noticing, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

Title 21, Zoning Regulations (Zoning Code), of the Long Beach Municipal Code (LBMC) has not been comprehensively updated in more than 30 years, and as a result, there are extensive internal conflicts and outdated provisions exist throughout the Zoning Code. In response to issues raised by both staff and community stakeholders, staff has been directed to prepare a series of code updates to address new land use trends and business types to better respond to unique neighborhood development patterns and improve administrative processes.

New development standards and policies will enable the City to assist developers, architects, landscape architects, urban designers, residents, and business owners make informed decisions when developing site plans. Additionally, by eliminating incongruencies, vagaries, and outdated code elements, City staff can provide consistent review and allow for greater

code flexibility and modernized standards. The goal is to ensure the zoning regulations in the City remain relevant and appropriate for both the present and future.

In an effort to modernize the Zoning Code, of the LBMC, the Development Services Department (Department) is conducting quarterly updates. Staff anticipates bringing Zoning Code amendments to the Planning Commission and the City Council in quarterly intervals over the coming two or more years. The first set of Zoning Code updates were reviewed by Planning Commission on March 21, 2019, and adopted by the City Council on May 14, 2019. Minor updates are proposed for provisions regarding siting of emerging uses currently not addressed in the Zoning Code, development standards relating to various uses across zoning districts, administrative procedures relating to re-noticing, and overall Zoning Code readability.

These proposed amendments are the second set of omnibus code updates in 2019 to addresses a variety of new and long-standing issues with the current Zoning Code. The proposed Zoning Code amendments would apply Citywide, except where otherwise specified. The “red-lined” changes to the Zoning Code are included in Attachment B - Redlined Zoning Code Amendments. The following provides a brief overview of each standard and the proposed change:

Land Uses

The following amendments define and provide regulations for new land uses not currently addressed in the Zoning Code:

Escape Rooms

The proposed amendment will define and provide regulations for escape rooms and other amusement/entertainment facilities. This amendment will permit these uses within most commercial zones in Long Beach, allowing them either by-right or through a discretionary process of a Conditional Use Permit (CUP) or Administrative Use Permit (AUP). Additional consideration will be given to the size of the establishment, whether the operations are indoor or outdoor, and the allowable development intensity of the commercial zone. The amendment also establishes development standards requiring uses to comply to ensure compatibility with surrounding uses, including limits on hours of operation, noise regulations, and security measures. The purpose of this amendment is to respond to new in-demand recreation uses and decrease vacant retail space, while accommodating potential changes in the business types within this land use category.

Tutoring Centers

The proposed code amendment will define and provide regulations for tutoring centers. This amendment will permit the use within most commercial zones in Long Beach, allowing them either by-right or through a discretionary process, depending on the size of the establishment. The amendment establishes development standards, including loading space requirements, hours of operation, and maximum occupancies. The purpose of this amendment is to provide

consistent guidance for tutoring centers, which are different from schools or personal services, that will allow them to operate in a manner compatible with surrounding uses.

Animal-related Uses including Ancillary Adoption and Boarding

The proposed code amendment will define and expand the types of animal-related land uses permitted in commercial areas. This amendment will add new animal-related businesses, such as animal lounges, to the list of permitted uses and will also permit animal boarding and adoption as an accessory use to an animal-related business in commercial zoning districts. The amendment will allow these uses either by-right or through a discretionary process, depending on General Floor Area (GFA) of the accessory use, and whether the use involves outdoor daycare. The amendment includes specific performance standards to which such businesses will have to comply to minimize noise, odor, and other potential impacts on neighboring uses. Allowing such uses in commercial areas will improve access to these services in proximity to neighboring residential areas. Currently animal adoption and boarding facilities are only permitted in industrial zones and as an accessory use in park zones that are generally in more remote areas of Long Beach, and are not easily accessible to all the City's residents.

Development Standards

These amendments update and clarify development standards in the Zoning Code:

Elimination of Required Distance between Structures on a Residential Property

The proposed amendment eliminates the required distance between structures on a single property within residential zoning districts. Currently, two or more detached principal use buildings on the same lot, or a principal structure and detached accessory dwelling unit, are required to maintain an eight-foot separation. The Building Code addresses building separations. As such, the elimination of this requirement within the Zoning Code will defer the required distance to the Building Code and eliminate any potential for conflicting regulations.

Parking Exemption for Modifications to Historic Properties

The proposed amendment will exempt changes or expansions to non-conforming historic landmarks, contributing buildings, structures, and lots located in historic landmark districts from additional parking requirements. Requiring new parking garages for alterations or additions to historic properties can result in changes to historic structures that are not consistent with their historic character and could counter historic preservation goals. As historic buildings and properties evolve, providing parking flexibility could also remove a frequent barrier to improvement, expansion, renovation, and ultimately preservation of historic resources. This request originated from and was unanimously recommended by the Cultural Heritage Commission.

Floor Area Ratio and Lot Coverage Calculations for Multifamily and Commercial Parking

The proposed amendment will clarify the GFA definition, including on-grade, semi-subterranean, and subterranean garages, as well as lofts, basements, and finished or habitable attics. The amendment will also update the Floor Area Ratio (FAR) and lot coverage definitions and sections to clarify that the garage area up to 700 square feet for a single-family dwelling, exempt garage area for multifamily dwellings and non-residential buildings from lot coverage and FAR calculations, and exempt underground parking from complying with building setback requirements. This code amendment encourages applicants to provide required parking in a manner that is better integrated with proposed developments without further limiting the floor area that is allowed for housing and businesses. Consistent with the Downtown/Alamitos Beach Parking Study recommendations, this amendment would improve the ability to construct and lease parking as a community amenity.

Fences in Flood Plains

The proposed amendment will allow fences within flood zones to be measured from the top of the flood plain, instead of from the grade. This code change will help property owners adapt to flooding.

Corner Cutoff Regulations

The proposed amendment addresses language in various sections of the Zoning Code that reference corner cutoffs by standardizing and making it consistent. Corner cutoffs help ensure that there is no visual obstruction at street corners. This amendment will further describe how the corner cutoff measurement is taken and clarify the maximum vertical height of structures and vegetation permitted within corner cutoff areas.

Height Limit Exemption for Rooftop Solar

The proposed amendment will exempt rooftop solar facilities in commercial, industrial, and institutional zoning districts from height limitations. Rooftop solar facilities are already exempt from height restrictions in residential zoning districts. This amendment will help facilitate the use of renewable energy and reduce climate impacts.

Administrative Procedures

This code amendment updates administrative processes in the Zoning Code:

Re-noticing a Continued Public Hearing

The proposed amendment will eliminate re-noticing requirements for projects whose hearings were previously noticed and continued to a specific meeting date. This change will help eliminate redundant and confusing repeat noticing. This change also reduces costs incurred by the City and applicants for re-noticing, and is consistent with State law.

Staff held a Zoning Code Update Open House on June 5, 2019, for community members to provide input on the proposed Zoning Code amendments. Staff received approximately ten comments. One individual inquired about the details of proposed noticing provisions, and three individuals provided comments opposing the change of existing noticing requirements. Other comments received addressed ideas and requests for the City's Zoning Code not a part of these proposed amendments.

City staff also held a focus group specifically for the proposed amendments related to animal uses. The meeting was attended by several individuals, including existing and prospective animal-related business operators, and members of non-profit animal organizations. The feedback provided by the participants informed several changes to the proposed amendment pertaining to building and operational standards.

Public Notice and Environmental Compliance

Notice of this public hearing was published in the Long Beach Press Telegram on October 8, 2019, in accordance with provisions of the Zoning Ordinance. Additionally, written notices were sent to the California Coastal Commission, all City libraries, stakeholder focus groups; and three public hearing notices were posted in public places throughout the City. An email newsletter notification regarding the proposed Zoning Code amendments was also sent via the City's LinkLB system to interested parties who subscribe to LinkLB. No responses were received in response as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Negative Declaration 06-20 was prepared for the proposed amendments. The Negative Declaration was made available for a 30-day public review and comment period that began on August 2, 2019, and ended on September 2, 2019.

A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program has been prepared.

This matter was reviewed by Assistant City Attorney, Michael Mais on October 8, 2019 and by Budget Analysis Officer, Julissa José-Murray on October 7, 2019.

TIMING CONSIDERATIONS

City Council action is requested on October 22, 2019. Pursuant to Section 21.25.103 of the Zoning Code, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on September 5, 2019. The October 22, 2019 public hearing date was the first available opportunity for the item to be reviewed by the City Council.

HONORABLE MAYOR AND CITY COUNCIL

October 22, 2019

Page 6 of 6

FISCAL IMPACT

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

ATTACHMENTS

City Council Resolution
City Council Ordinance
Attachment A – Findings
Attachment B – Redline Zoning Code Amendments
Attachment C – Negative Declaration ND 06-20



OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 21.15.660,
21.15.1070, 21.15.1090, 21.15.1620, 21.21.402, 21.25.806,
21.27.130, 21.31.215.G, 21.31.225, 21.31.235.C, TABLE
31-7, 21.32.220, TABLE 32-1, TABLE 32-2, TABLE 32-2A,
21.33.140, 21.34.225, TABLE 34-2, TABLE 41-1C, TABLE
51.276-1, 21.42.040.F, 21.43.020, TABLE 43-1,
21.44.140.D.3, AND 21.44.600.I; BY ADDING SECTIONS
21.15.165, 21.15.195, 21.15.196, 21.15.197, 21.15.3151,
21.33.130.E, 21.45.115.5, 21.45.133, 21.45.134, AND
21.52.280; AND BY REPEALING SECTIONS 21.31.260 AND
21.52.286, ALL RELATED TO ZONING CODE
REGULATIONS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.660 of the Long Beach Municipal Code is amended to read as follows:

21.15.660 Corner cutoff.

"Corner cutoff" means the triangular area created by measuring from the corner of a lot six feet (6') by six feet (6') to ten feet (10') by ten feet (10') along each property line or driveway and connecting the points at the end of those lines (Figure 15-4).

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1 Section 2. Section 21.15.1070 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.15.1070 Floor area, gross (GFA).

4 “Gross floor area (GFA)” means the total area of all floors of a
5 building, as measured to the outside surfaces of exterior walls. Gross floor
6 area includes halls, stairways, elevator shafts, on grade, semi-
7 subterranean, and subterranean garages, lofts and mezzanines,
8 basements, and finished or habitable attics, except as otherwise defined or
9 exempted in a specific Section of this Title. For the purposes of calculating
10 GFA for all residential dwelling units, outdoor roof deck or balcony areas
11 open to the sky or covered by patio cover or similar structure, when
12 enclosed on all sides by a parapet, solid railing or building wall greater than
13 three feet six inches (3’6”) in height, shall be included. However, open
14 areas within the building above normal ceiling height shall not be
15 calculated. See also definitions for floor area ratio and lot coverage.

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17 Section 3. Section 21.15.1090 of the Long Beach Municipal Code is
18 amended to read as follows:

19 21.15.1090 Floor area ratio.

20 “Floor area ratio” means the numerical value obtained by dividing
21 the gross floor area of a building or buildings located on a lot or parcel of
22 land by the total area of the lot or parcel of land (Figure 15-6). For
23 purposes of calculating Floor Area Ratio:

24 A. For single-family dwellings, up to seven hundred (700)
25 square feet of garage GFA shall be exempted.

26 B. For multi-family dwellings, the GFA of all garage areas
27 and parking structures shall be exempted.

28 C. For all residential dwelling units, outdoor roof deck or

1 balcony areas open to the sky or covered by a patio cover or similar
2 structure, when enclosed on all sides by a parapet, solid railing or building
3 wall greater than three feet six inches (3'6") in height, shall be included.
4 However, open areas within the building above normal ceiling height shall
5 not be calculated.

6 D. For nonresidential buildings, the GFA of all garage
7 areas and parking structures, utility and elevator core stairwells, and
8 restrooms shall be exempted.

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10 Section 4. Section 21.15.1620 of the Long Beach Municipal Code is
11 amended to read as follows:

12 21.15.1620 Lot coverage.

13 "Lot coverage" means the percentage of the area of the lot covered
14 by a building at all levels. This includes the perimeter of the building as
15 viewed from a plan view, plus the area of all accessory buildings and
16 structures, including garages not fully below grade (unless exempted-See
17 Section 21.31.225). Lot coverage does not include any open projections
18 such as balconies and eaves. For the purpose of calculating Lot
19 Coverage:

20 A. For single-family dwellings, up to seven hundred (700)
21 square feet of garage GFA may be exempted.

22 B. For multi-family dwellings and non-residential
23 buildings, the GFA of all garage areas and parking structures may be
24 exempted.

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26 Section 5. Section 21.21.402 of the Long Beach Municipal Code is
27 amended to read as follows:

28 21.21.402 Action by hearing body.

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A. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, partially approve, deny, continue or take under advisement the subject of the public hearing.

B. Hearings continued to a date certain shall be exempt from re-noticing in accordance with Division III "Notice of Hearings."

Section 6. Section 21.25.806 of the Long Beach Municipal Code is amended to read as follows:

21.25.806 Permitted structures.

Structures permitted in, over or under established special setback areas shall be the same as those allowed in the required yard area of the applicable zoning district. However, subterranean parking garages shall not be allowed under special setback areas, unless approved by the City Engineer.

Section 7. Section 21.27.130 of the Long Beach Municipal Code is amended to read as follows:

21.27.130 Historic landmark and landmark district exemption.

Any building, structure, or lot designated as an historic landmark or contributing building, structure, or lot located within a designated landmark district established under Chapter 2.63 of this Code, shall be exempted from restrictions of this Chapter relating to restoration (Section 21.27.090), interior alteration to residential uses with nonconforming parking to create additional bedrooms (Section 21.27.065), expansion (Section 21.27.060), and maintenance (Section 21.27.040), provided that any use or construction plans are approved with a certificate of appropriateness issued in accordance with Chapter 2.63.

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Section 8. Section 21.31.215.G of the Long Beach Municipal Code is amended to read as follows:

G. A corner cutoff as defined in Section 21.15.660 of this Title, shall be required in all residential districts at all intersections of streets, driveways, or alleys. Nothing shall be erected or allowed to grow within the corner cutoff in such a manner as to impede visibility or accessibility up to eight feet (8') in height. Corner cutoffs shall be a minimum of six feet by six feet (6' x 6').

Section 9. Section 21.31.225 of the Long Beach Municipal Code is amended to read as follows:

21.31.225 Lot coverage.
Lot coverage shall conform to the standards specified in Table 31-2. The actual garage area up to seven hundred (700) square feet for a single-family dwelling, and all garage area for multi-family dwellings, shall be exempt from lot coverage.

Section 10. Section 21.31.235.C of the Long Beach Municipal Code is amended to read as follows:

C. Garages. The actual garage area up to seven hundred (700) square feet for a single-family dwelling, and all garage area for multi-family dwellings, shall be excluded from the calculation of floor area ratio. GFA above the garage is not excluded.

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1 Section 11. Table 31-7 of Chapter 21.31 of the Long Beach Municipal
 2 Code is amended to read as follows:

3 Table 31-7
 4 Garages in R-3 and R-4 Zone Districts

	Setbacks (a,*):		
Type of Garage	Front/Side Street	Side/Rear(**)	Maximum Height
1. On grade	30' from street property line(s) and shall be screened by residential use from all street frontages	In the front half of the lot: no projections into the required yard. In the rear half of the lot: 5' from property line	Projecting into required yard area-13'. Outside of required yard area-same as principal structure
2. Semi-subterranean	Required yard area***	Same as on-grade garage	Not to exceed 4' above grade***
3. Subterranean	None	None	Below grade

18 (a) For developments of 1 or 2 units on a lot, refer to Subsection 21.31.245.A.

19 * For 3 or more units, no vehicle shall be permitted to back into the street.

20 ** Along the interior property lines, a minimum of 5 feet of landscaping buffer
 21 shall be provided in accordance with Section 21.42.040 (landscaping
 22 standards).

23 *** Through a site plan review process, the maximum height of semi-subterranean
 24 garages may be increased.

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1 Section 12. Section 21.32.220 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.32.220 Yards.

4 The yard areas indicated in Subsections 21.32.220.A through
5 21.32.220.D shall be clear of all structures from the ground to the sky
6 (except as otherwise permitted) and shall be landscaped and maintained in
7 a neat and healthy condition according to the landscaping provisions of this
8 Title.

9 A. Required. Yard areas shall be provided as indicated in
10 Tables 32-2 and 32-2A.

11 B. Corner Cutoffs. Corner cutoffs, as defined in Section
12 21.15.660 of this Title, shall be required in all commercial districts at all
13 intersecting streets, driveways or alleys. Nothing shall be erected or
14 allowed to grow within the corner cutoff in such a manner which impedes
15 access or visibility up to eight feet (8') in height. Required corner cutoffs
16 shall be a minimum of six feet by six feet (6' x 6').

17 C. Permitted Structures. No structures are permitted in required
18 yards, except:

- 19 1. Signs, as specified in the Chapter relating to on-
20 premises signs (Chapter 21.44);
- 21 2. Outdoor dining;
- 22 3. Structures allowed in Table 31-3 (structures in required
23 yards, residential districts);
- 24 4. Vehicle parking as allowed by Table 32-2 or 32-2A;
- 25 5. Vehicle loading in street frontage setbacks as provided
26 in Section 21.41.310; and
- 27 6. Awnings as allowed by the Uniform Building Code.

28 D. Required Landscaping. All required yard areas, except yards

1 abutting alleys and yards used for outdoor dining, shall contain an area not
 2 less than five feet (5') in width planted with trees, shrubs and/or
 3 groundcover. The four foot (4') setback area from the abutting alley shall
 4 also be landscaped unless such area is used for a driving aisle. For
 5 additional landscape requirements, see Chapter 21.42, Landscape
 6 Standards.

8 Section 13. Long Beach Municipal Code Table 32-1, "Other Entertainment
 9 Uses," under "Entertainment," is amended to read as follows:

11 Uses In All Other Commercial Zoning Districts

Uses	Neighborhood			Community				Regional	Other	Additional Regulations	
	CNP	CN A	CNR	CCA	CCP	CCR	CCN	CHW	CS		
Entertainment (cont'd)											
Other Entertainment Uses											
Indoor Amusement/ Entertainment Facility (arcade, bowling alley, computer arcade, escape rooms, laser tag, miniature golf, skating rink, tennis club, virtual reality rooms, etc.)	Up to 6,000 sq. ft. of GFA	AP	AP	AP	Y	Y	Y	Y	Y	N	See Section 21.45.115.5, Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades)
	Over 6,000 sq. ft. of GFA	C	C	C	AP	AP	AP	AP	AP	N	Indoor Amusement/Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other Planned Development (PD) Districts or Specific Plans (SP), the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Indoor Amusement/Entertainment Facility use.

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Outdoor Amusement/ Entertainment Facility (arcade, escape rooms, miniature golf, skating rink, tennis club, etc.)	N	N	N	AP	AP	AP	AP	AP	N	See Section 21.45.115.5, Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades) Outdoor Amusement/ Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other Planned Development (PD) Districts or Specific Plans (SP), the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Outdoor Amusement/ Entertainment Facility use.
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Section 14. Long Beach Municipal Code Table 32-1, "Personal Services,"
 is amended to read as follows:

Uses	Neighborhood			Community			Regional		Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Personal Services										
Basic personal services (barber/beauty shop, diet center, dry cleaner, fortunetelling, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic equipment, bicycles, tailoring, shoe	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

1	repair, tanning salon, or travel agent)										
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3	Catering, party counseling (without trucks)	Y	Y	Y	Y	Y	Y	Y	Y	N	For catering with trucks, see industrial zones, table 33-1.
4											
5	Fitness center/health club, dance/karate studio, fortunetelling	Y	Y	Y	Y	Y	Y	Y	Y	N	Limited to 5,000 square feet in neighborhood zones.
6											
7											
8	Fitness Facility up to 2,500 sq. ft. of GFA	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.52.232 Limited to 2,500 square feet in neighborhood zones.
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11	Fitness Facility between 2,501 to 25,000 sq. ft. of GFA	AP	AP	AP	Y	AP	Y	Y	Y	N	
12											
13											
14	Fitness Facility over 25,000 sq. ft. of GFA	N	N	N	C	N	C	C	C	N	
15											
16	Gun repair shop	AP	Y	N							
17	House cleaning service	Y	Y	Y	Y	Y	Y	Y	Y	N	
18											
19											
20	Indoor animal related uses with animal adoption and boarding not exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)	Y	Y	Y	Y	Y	Y	Y	Y	N	Subject to special development standards for indoor animal adoption and boarding 21.45.133. Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as professional and
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											personal services, subject to Section 21.45.133.
Indoor animal related uses with animal adoption and boarding exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)	AP	N	Subject to special development standards for indoor animal adoption and boarding 21.45.133. Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to Section 21.45.133.								
Laundromat	AP	N									
Laundry (commercial customers)	N	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Massage Establishment	A	A	A	A	A	A	A	A	A	A	Accessory use for hotel over one hundred (100) rooms, a physician, chiropractor, health club, beauty salon, nail salon, and the like.
Massage Establishment (Primary Use)	AP										
Outdoor animal daycare	AP	N	Subject to special development standards for outdoor animal								

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										daycare, Section 21.45.134. Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to Section 21.45.134.
Recycling center	N	N	N	N	N	N	N	N	N	Permitted in industrial zones only.
Recycling collection center for cans and bottles (staff attended)	N	N	N	AP	AP	AP	AP	AP	N	
Recycling containers for cans and bottles	A	A	A	A	A	A	A	A	N	Accessory to a grocery store only (see Section 21.51.265)
Repair shop (stove, refrigerator, upholstery, lawn mowers, etc.)	N	N	N	C	C	C	C	Y	N	For small appliance repair, see "basic personal services".
Self-storage (indoor only)	N	N	N	N	N	N	N	N	C	
Shoe repair	Y	Y	Y	Y	Y	Y	Y	Y	N	
Shoeshine stand (indoor/outdoor)	A	A	A	A	A	A	A	A	A	Accessory to barber, car wash, grocery, hotel, office, or restaurant use.
Tattoo parlor	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.45.166. Tattoo parlors shall be

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										permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.166.	
Termite and pest control	N	N	N	N	N	N	N	N	C	N	See "miscellaneous storage of hazardous materials".
Veterinary clinic with boarding	N	N	N	C	C	C	C	C	C	N	See also "basic personal services".
All personal services not listed	AP	N									

Section 15. Long Beach Municipal Code Table 32-1, "Professional Services," is amended to read as follows:

	Neighborhood			Community				Regional	Other
Professional Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractic, computer programming, consulting, contracting, dentistry, engineering, insurance, lab testing, law, marketing, medicine, photography, psychiatry, psychology, real estate, or tax preparation	Y	Y	Y	Y	Y	Y	Y	Y	N

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Tutoring Center up to 2,500 sq. ft. GFA	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing professional services.
Tutoring Center greater than 2,500 sq. ft. GFA	AP	N	See section 21.52.280 Permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing professional services, subject to an AUP and section 21.52.280								
All professional offices not listed	AP	N									

Section 16. Long Beach Municipal Code Table 32-2, footnotes, are amended to read as follows:

- (a) In all cases, minimum setback of 10 ft. from curb face.
- (b) Measured from centerline of alley.
- (c) Setback may be reduced to 0 ft. if the structure is attached to a building abutting on lot or if no building on an abutting lot is within 5 ft. of property line.
- (d) Setback may be reduced to 10 ft. for a single-story commercial building

- 1 through site plan review.
- 2 (e) No setback is required for commercial or residential over ground floor
- 3 commercial; an 8 ft. front street setback is required for ground-floor residential,
- 4 and 5 ft. side street setback is required for ground-floor residential.
- 5 (f) An accessory structure is limited to 15 ft. in height.
- 6 (g) Elevator and mechanical equipment penthouses shall not be included in the
- 7 measurement of height for commercial buildings.
- 8 (h) Rooftop solar collectors and associated supporting structures may exceed
- 9 the applicable height limit only if necessary for the sole purpose of solar collection,
- 10 and not otherwise installed on any occupiable areas of the roof.

11
12 Section 17. Long Beach Municipal Code Table 32-2A, footnotes, are
13 amended to read as follows:

- 14 (a) An accessory structure is limited to 15 ft. in height.
- 15 (b) High-rise overlay applicable at appropriate locations.
- 16 (c) In a high-rise overlay zone, no flagpole shall exceed 60 ft. in height.
- 17 (d) In all cases, minimum setback of 10 ft. from curb face.
- 18 (e) Measured from centerline of alley. Special setback requirements apply to all
- 19 residential development in a commercial district.
- 20 (f) This setback shall apply to the ground floor only.
- 21 (g) Setback may be reduced to 0 ft. if the structure is attached to a building
- 22 abutting on lot or if no building on an abutting lot is within 5 ft. of property line.
- 23 (h) Elevator and mechanical equipment penthouses shall not be included in the
- 24 measurement of height for commercial buildings.
- 25 (i) Rooftop solar collectors and associated supporting structures may exceed
- 26 the applicable height limit only if necessary for the sole purpose of solar collection,
- 27 and not otherwise installed on any occupiable areas of the roof.
- 28

1 Section 18. Section 21.33.140 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.33.140 Setbacks and yards.

4 A. Setbacks and Yards Required. Building setbacks and yards
5 shall be provided as indicated in Table 33-4. Yard areas shall be clear of
6 all structures from the ground to the sky, except for permitted projections,
7 and shall be landscaped in accordance with the landscaping provisions
8 (Chapter 21.42) of this Title.

9 B. Corner Cutoff Required. Corner cutoffs, as defined in Section
10 21.15.660 of this Title, shall be required in all industrial districts at the
11 intersections of streets, driveways, and alleys. The corner cutoff shall be
12 free of any structure or vegetation which impedes or obstructs access or
13 visibility up to eight feet (8') in height.

14 C. Permitted Projections. No appurtenances, projections, or
15 other building features may project into required yards, except:

- 16 1. Architectural elements not more than two feet (2') into
17 the required yard area;
- 18 2. Awnings;
- 19 3. Bay windows projecting not more than two feet (2') into
20 the required yard area;
- 21 4. Lamp posts;
- 22 5. A porte cochere;
- 23 6. Roof eaves projecting no closer than two feet, six
24 inches (2' 6") from the property line; and
- 25 7. Signs, as specified in Chapter 21.44 (On-Premises
26 Signs) of this Title.

27 D. Permitted uses. The following uses and accessory structures
28 shall be the only uses and structures permitted in required yard areas:

1 driveways, automobile surface parking lots, landscaping, and on-premises
2 signs. All other uses shall be prohibited.

3

4 Section 19. Section 21.34.225 of the Long Beach Municipal Code is
5 amended to read as follows:

6 21.34.225 - Corner cutoffs.

7 A. Corner Cutoff Required. Corner cutoffs shall be required in
8 all institutional districts at intersections of streets, driveways and alleys.
9 Corner cutoffs shall be a minimum of six feet by six feet (6') x (6').

10 B. The corner cutoff shall be free of any structure or vegetation
11 which impedes or obstructs access or visibility up to eight feet (8') in height.

12

13 Section 20. Long Beach Municipal Code Table 34-2 is amended to add a
14 footnote to read as follows:

15 (a) Rooftop solar collectors and associated supporting structures may
16 exceed the applicable height limit only if necessary for the sole purpose of
17 solar collection, not otherwise installed on any occupiable areas of the roof.

18

19 Section 21. Long Beach Municipal Code Table 41-1C, under "Recreation,"
20 is amended to read as follows:

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Recreation	
1. Amusement arcade	4 per 1,000 SF except in a tavern, then 20 per 1,000 SF
2. Amusement/Entertainment Facilities	4 per 1,000 SF-GFA
3. Athletic club	5 spaces plus 4 spaces 1,000 SF-GFA; or 1 per 3 spectator seats, whichever is greater, plus 20 per 1,000 SF-GFA for exercise floors
4. Basketball courts, volleyball courts	5 per court or 1 per 3 spectator seats, whichever is greater

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5. Bowling alley	5 spaces plus 4 spaces per alley, or 1 per 3 spectator seats, whichever is greater
6. Commercial horse stables and horse riding schools	1 for each 5 stalls
7. Dancing, dance hall, disco, skating rink	25 per 1,000 SF-GFA, excluding kitchen
8. Golf course	3 per hole, or spaces required for restaurant, whichever is greater
9. Golf range, batting cage, tennis alley and the like	1 per tee, cage or alley and the like
10. Miniature golf course	2 per hole
11. Open recreation	1 per 1,000 SF-GLA
12. Passive park use	2 per acre-GLA
13. Pool or billiard hall	2 spaces plus 5 spaces per 1,000 SF-GFA
14. Tennis courts, racquetball courts, handball courts and the like	3 spaces plus 3 spaces per court or 1 per 3 spectator seats, whichever is greater

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1 Section 22. Long Beach Municipal Code Table 51.276-1 is amended to
 2 read as follows:

3 Table 51.276-1

4 Accessory Dwelling Unit Development Standards

		Limited ADU	Conforming ADU
Setbacks ^(a)			
Front Yard		N/A	Same as zoning district.
Side Yard		N/A	Same as zoning district, or 5 ft., whichever is less.
Rear Yard ^(b)	Attached ADU	N/A	Same as zoning district. ^(c)
	Detached ADU	N/A	5 ft. ^(c)
Building Height			
Height Limit		N/A	Same as zoning district, or 25 ft. and 2 stories, whichever is less. ^(d)
Lot Standards			
Number of ADUs Allowed		1 per lot with an existing single-family dwelling only. ^(e)	
Minimum Lot Size	Within the Coastal Zone	N/A	4,800 sq. ft.
	Outside the Coastal Zone	4,800 sq. ft.	
Minimum Lot Width		27 ft.	
Maximum Lot Coverage		N/A	Same as zoning district. ^(f)
Floor Area Ratio (FAR)		N/A	Same as zoning district. ^(f)

OFFICE OF THE CITY ATTORNEY
 CHARLES PARKIN, City Attorney
 411 W. Ocean Boulevard, 9th Floor
 Long Beach, CA 90802

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Minimum Usable Open Space	N/A	Equal to 30% of the gross floor area of the ADU ^{(g), (h), (i)}
Unit Size Requirements		
Maximum Unit Size	50% of GFA of the primary dwelling, or 800 sq. ft., whichever is less. ^(j)	
Minimum Unit Size ^(k)		
0 bedrooms	180 sq. ft. for all Limited ADUs	300 sq. ft.
1 bedroom		450 sq. ft.
2 bedrooms		750 sq. ft.

Section 23. Section 21.42.040.F of the Long Beach Municipal Code is amended to read as follows:

F. Plant Height. Plant height shall not exceed three feet (3') in corner cutoff areas.

Section 24. Section 21.43.020 of the Long Beach Municipal Code is amended to read as follows:

21.43.020 Height limits.

Fence and garden wall heights shall not exceed the maximum heights set forth in Table 43-1. Fence heights shall be measured from grade adjoining the fence on the public right-of-way side of the fence (for fences adjoining the public right-of-way) and the average grade of both sides of the fence (for fences between two (2) private properties). For fences in flood hazard zones where the Building Code requires the finish floor of a building to be constructed at or above the top of the flood plain, fence height shall be measured from the top of the flood plain.

1 Section 25. Table 43-1 of the Long Beach Municipal Code is amended to
 2 read as follows:

Zone Districts	Maximum Permitted Height ^(a)
4 1. Residential 5 -Front yard 6 -Other yard area 7 -Outside of required yard area 8 -Abutting a nonresidential district or use 9 -Abutting an alley, flood control channel, or other public right-of- 10 way other than a street 11 -Abutting a major arterial/regional corridor	3 ft. (b), (f) 6 ft. 6 in. 10 ft. 8 ft. 8 ft. (c) 8 ft. (d)
12 2. Commercial and industrial 13 -Within required street frontage setback 14 -Abutting residential front yard 15 -Abutting residential side or rear yard 16 -Other yard	3 ft. (e) 3 ft. 8 ft. 12 ft.
17 3. Institutional 18 -Front yard 19 -Other yard	3 ft. 8 ft.
20 4. Park 21 -Within ten foot (10') yard area abutting a public street 22 -Other yard	6 ft. (g) 12 ft. (g)
23 5. Public right-of-way 24 25 26 27 28 6. All zones—corner cutoff area	As determined by the City Engineer 3 ft.

22 NOTES:

- 23 (a) The limitations shall not apply in the following instances:
 24 i) Where a greater height is required by any other City ordinance; or
 25 ii) Where a greater height is required by a conditional approval of a permit pursuant to this Title or is
 26 required by State or Federal law; or
 27 iii) Where a wall return of greater height is allowed;
 28 iv) In corner cutoff areas, chain link and wrought iron/metal tubing fences more than three feet (3') in
 height are allowed if they do not obstruct visibility.
 (b) In the area designated as the special fence height area, as designated by resolution of City Council, the
 fence height in the front yard setback shall be increased to four feet (4'), provided the additional foot of
 height is wrought iron or chain link.
 (c) Only applicable for rear and side lines that abut an alley or other public right-of-way other than a street,
 or a flood control channel.

- 1 (d) Only applicable for 1) a rear property line that abuts a regional corridor, boulevard, or major avenue as
2 designated in the Mobility Element of the General Plan, and 2) side property line(s) of a reverse corner
lot abutting a regional corridor, boulevard, or major avenue, and in a continuous formation with the rear
3 property lines of the remainder of the block facing said right-of-way.
4 (e) Industrially zoned properties may construct a twelve foot (12') high wrought iron/metal tubing fence within
5 the required street frontage setback area.
6 (f) Fence height may exceed three feet (3') in the front yard of residential lots located in high crime areas,
7 through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)
8 (g) Wrought iron fences that exceed these height limits may be approved pursuant to site plan review for a
9 development project, Section 21.25.508.

10 Section 26. Section 21.44.140.D.3 of the Long Beach Municipal Code is
11 amended to read as follows:

12 3. No freestanding/monument sign shall be located within
13 the required corner cutoff area of a driveway, alley, or street, as defined in
14 Section 21.15.660 and illustrated in Figure 15-4.

15 Section 27. Section 21.44.600.I of the Long Beach Municipal Code is
16 amended to read as follows:

17 I. Obstruction of Use or Visibility. No sign shall be located so
18 that any portion of the sign or its supports interferes with the free use of
19 any fire escape or exit or obstructs any required fire standpipe, stairway,
20 door, ventilator or window; nor shall any sign be located so as to obstruct
21 the visibility (corner cutoff areas) of vehicles or pedestrians using
22 driveways or doorways.

23 Section 28. The Long Beach Municipal Code is amended by adding
24 Section 21.15.165 to read as follows:

25 21.15.165 Amusement/entertainment facilities.

26 "Amusement/entertainment facilities" means a principal commercial
27 land use providing amusement or entertainment services in an indoor or
28 outdoor facility, for the purpose of some leisure activity, including, but not
limited to, arcade, computer arcade, escape rooms, laser tag, miniature

1 golf, skating rink, tennis club, virtual reality rooms and similar uses.

2

3 Section 29. The Long Beach Municipal Code is amended by adding

4 Section 21.15.195 to read as follows:

5 21.15.195 Animal boarding.

6 "Animal boarding" means a facility designed to accommodate the
7 overnight stay and care of household pets including adequate eating,
8 sleeping, and living provisions.

9

10 Section 30. The Long Beach Municipal Code is amended by adding

11 Section 21.15.196 to read as follows:

12 21.15.196 Animal daycare.

13 "Animal daycare" means a facility which provides non-medical care
14 for animals on less than a twenty-four (24) hour basis. Animal daycare
15 uses include but are not limited to instructional training, recreation, and
16 animal nurseries.

17

18 Section 31. The Long Beach Municipal Code is amended by adding

19 Section 21.15.197 to read as follows:

20 21.15.197 Animal lounge.

21 "Animal lounge" means a commercial land use primarily engaged
22 with providing a space to allow individuals and adoptable household
23 animals to engage in recreational opportunities with one another.

24

25 Section 32. The Long Beach Municipal Code is amended by adding

26 Section 21.15.3151 to read as follows:

27 21.15.3151 Tutoring center.

28 "Tutoring center" means a professional service, other than a school,

1 that offers tutoring services for one-on-one and or groups as defined in the
2 California Building Code occupancy grouping.

3
4 Section 33. The Long Beach Municipal Code is amended by adding
5 Section 21.33.130.E to read as follows:

6 E. Rooftop solar collectors and associated supporting structures
7 may exceed the applicable height limit only if necessary for the sole
8 purpose of solar collection, and not otherwise installed on any occupiable
9 areas of the roof.

10
11 Section 34. The Long Beach Municipal Code is amended by adding
12 Section 21.45.115.5 to read as follows:

13 21.45.115.5 Amusement/entertainment facilities.

14 The following special development standards shall apply to
15 Amusement/entertainment facilities:

16 A. Hours of operation shall be limited to between eight (8:00)
17 a.m. to twelve o'clock (12:00) midnight;

18 B. All activities associated with the use shall comply with the
19 standards of the noise ordinance, Chapter 8.80 of the Municipal Code;

20 C. Windows shall not be obscured by placement of signs, dark
21 window tinting, shelving, racks or similar obstructions;

22 D. The operator of the use shall provide night lighting and other
23 security measures to the satisfaction of the Chief of Police;

24 E. Exterior lighting shall not intrude on surrounding properties;

25 F. The operator shall demonstrate an ability to prevent problems
26 related to potential noise, litter, loitering, crowd control and parking;

27 G. A security plan, including a video surveillance system,
28 exterior lighting plan, noise, litter, loitering, crowd control and parking to the

1 satisfaction of the Chief of Police shall be submitted to and approved by the
2 Police Department prior to the issuing of a Certificate of Occupancy.

3 H. If the use contains a mixture of indoor and outdoor uses, the
4 total square footage of each use shall be calculated together, and the more
5 restrictive review process shall apply;

6 I. Each indoor and outdoor use shall comply with the parking
7 requirements set forth in Chapter 21.41; and

8 J. If the use proposes to deviate from the special development
9 standards, an Administrative Use Permit or a Conditional Use Permit shall
10 be required.

11
12 Section 35. The Long Beach Municipal Code is amended by adding
13 Section 21.45.133 to read as follows:

14 21.45.133 Indoor animal adoption and boarding" special development
15 standards.

16 The following special development standards shall apply to
17 businesses involving indoor animal adoption and boarding uses by right or
18 requiring an Administrative Use Permit:

19 A. Location. The site shall not adjoin or abut a residential use
20 district. Planned Development Districts allowing ground floor mixed-use
21 commercial and residential are exempt from this requirement.

22 B. Size. Adoption and boarding areas shall remain an
23 accessory component of the established primary operation and shall not
24 exceed fifty percent (50%) of the gross floor area.

25 C. Building Improvements.

26 1. The facility shall be improved with sound abatement
27 measures to ensure compliance with the noise ordinance, Chapter 8.80 of
28 the Long Beach Municipal Code. Written documentation by a licensed

1 acoustical engineer shall be provided to demonstrate compliance with the
2 noise ordinance, subject to the approval of the Director of Development
3 Services or designated staff.

4 2. Impervious flooring surfaces and floor drains shall be
5 incorporated in the areas dedicated for recreation or boarding of animals.
6 Operations involving the care of cats are exempt from providing floor
7 drains.

8 3. Facilities shall be temperature-controlled with a
9 heating, ventilation and air conditioning (HVAC) system. Ventilation and
10 exhaust systems shall conform to the latest edition of the California
11 Mechanical Code and California Building Energy Efficiency Standards for
12 Residential and Nonresidential Buildings, as adopted and amended by
13 Chapter 18.36 of the Long Beach Municipal Code, or as otherwise required
14 by applicable provisions of the California Health and Safety Code.

15 4. Facilities incorporating the handling, preparation, or
16 sale of food or beverages shall be designed in accordance with Title 8 of
17 the Long Beach Municipal Code and applicable provisions of the California
18 Health and Safety Code.

19 D. Operations.

20 1. All business activities must be confined within an
21 enclosed building.

22 2. Operations and care of animals shall be in compliance
23 with Title 6 of the Municipal Code.

24 3. The number of animals shall be limited to a minimum
25 area of seventy-five (75) square feet of floor area per animal.

26 4. The operator shall clean all recreational and boarding
27 areas daily and properly dispose of associated animal waste.

28

1 Section 36. The Long Beach Municipal Code is amended by adding
2 Section 21.45.134 to read as follows:

3 21.45.134 Outdoor animal daycare special development standards.

4 The following special development standards shall apply to
5 businesses involving outdoor animal daycare services by right or requiring
6 an Administrative Use Permit:

7 A. Review Process. An Administrative Use Permit (AUP) shall
8 be required to allow public review and the opportunity to establish
9 appropriate conditions of approval for the operation.

10 B. Separation distance. Outdoor dog animal daycare uses shall
11 be at least two hundred (200) feet from the nearest property zoned or used
12 for residential purposes.

13 C. Attendant Required. Staff shall be in the outdoor area
14 whenever animals are in the outdoor area.

15 D. Limitation on the number of animals. The number of animals
16 permitted in the outdoor area shall be limited in accordance with the
17 standards set by the American Society for the Prevention of Cruelty to
18 Animals (ASPCA) with a minimum of seventy-five (75) square feet of floor
19 area per animal.

20 E. Fencing. Opaque fencing shall be required to screen all
21 outdoor areas from adjacent uses and subject to the height requirements of
22 Chapter 21.43 of the Long Beach Municipal Code.

23 F. Landscaping. Landscaping shall be provided adjacent to the
24 outdoor fencing to allow for planting.

25 G. Hours of operation. Outdoor animal daycare hours of
26 operation shall be limited to between seven (7:00) a.m. and seven (7:00)
27 p.m., Monday through Sunday.

28 H. Daily cleaning. The operator shall clean all outdoor areas

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daily and properly dispose of associated animal waste.

Section 37. The Long Beach Municipal Code is amended by adding Section 21.52.280 to read as follows:

21.52.280 Tutoring center.

Tutoring centers greater than two thousand five hundred (2,500) square feet shall be subject to the following:

A. Loading. Two (2) loading spaces shall be provided as per Chapter 21.41;

B. Impacts on surrounding uses. Hours of operation and business practices shall mitigate impacts to surrounding uses. These include, but are not limited to, appointment-based tutoring sessions, maximum occupants, and hours of operation.

Section 38. The Long Beach Municipal Code is amended by repealing Sections 21.31.260 and 21.52.286.

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Section 39. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS
6 TO THE LONG BEACH ZONING REGULATIONS TO THE
7 CALIFORNIA COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on _____, 2019, the City Council of the City of
10 Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21,
11 of the Long Beach Municipal Code; and

12 WHEREAS, it is the desire of the City Council to submit the above
13 referenced zoning regulation amendments to the California Coastal Commission for its
14 review; and

15 WHEREAS, the Planning Commission and City Council gave full
16 consideration to all facts and the proposals respecting the amendments to the zoning
17 regulations at a properly noticed and advertised public hearings; and

18 WHEREAS, the City Council, in accordance with the recommendation of
19 the Planning Commission, approved the proposed amendments to the zoning regulations
20 by adopting amendments to Title 21. The proposed zoning regulation amendments are
21 to be carried out in a manner fully consistent with the Coastal Act and become effective in
22 the Coastal Zone immediately upon Coastal Commission certification and approval; and

23 WHEREAS, the City Council hereby finds that the proposed zoning
24 amendments will not adversely affect the character, livability or appropriate development
25 in the City of Long Beach and that the amendments are consistent with the goals,
26 objectives and provisions of the City's General Plan.

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on _____, 2019, by Ordinance No. ORD-19-_____, a copy of which is attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section 2. The Director of Development Services of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, as an amendment to the Local Coastal program that will take effect automatically upon Coastal Commission approval pursuant to the Public Resources Code or as an amendment that will require formal City Council adoption after Coastal Commission approval.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

FINDINGS

**Omnibus Zoning Code Amendment Round 2
Application No. 1905-15
October 22, 2019**

The Long Beach Municipal Code does not require specific findings for the adoption of a Zoning Code Amendment. The proposed Zoning Code Amendments, however, are consistent with state law and guidelines, consistent with other elements of the General Plan, will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its adoption of the Omnibus Zoning Code Amendment.

The Omnibus Zoning Code Amendments are consistent with objectives, principles, and standards of the General Plan. The Zoning Code Amendments (ZCA) would not conflict with the City's General Plan, the 2010 Strategic Plan, local coastal program, or any other applicable land use plans and policies. The ZCA involves amendments to various sections of the zoning code to reflect the changing urban landscape of the City and is not intended to conflict with a program, plan, ordinance, or policy addressing existing land use regulations. The ZCA is consistent with goals, policies and strategies in the existing Land Use Element (LUE), Housing Element (HE), and Mobility Element (ME) of the General Plan. The ZCA allows a wider array of neighborhood-serving commercial uses near residential districts, furthering the LUE Neighborhood Emphasis goal to maintain strong neighborhoods as the essential building block of the City. It furthers policies in the Housing Element that improve the street and other public infrastructure (HE 3.5), preserve and maintain the City's historically significant buildings and neighborhoods (HE 3.6), and periodically review City regulations to ensure they do not unduly constrain housing investment (HE 5.1). It also furthers policies in the Mobility Element that embrace innovative parking solutions that reduce the required space needed for parking (ME 6-5); design parking structures to be attractive, pleasant to use, and integrated into the overall urban landscape (ME 6-14); and encourage residents and businesses to install solar power systems (ME 18-1, ME 18-2).

The Omnibus Zoning Code Amendments will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice. As the City's current zoning code has not been substantively updated since 1989, there are many sections of the current code that maintain outdated standards, regulations, and references that affect quality of life in the City and inhibit good planning. Existing issues that will be addressed through this update consist of defining and providing regulations for emerging uses not currently contemplated in the zoning code; updating outdated regulations applicable to residential, commercial and other developments; and eliminating re-noticing for public hearings continued to a date certain. The ZCA addresses the inadequacies in the existing regulations with precise and clear revisions to the zoning code to address specific issues, while also helping to improve code legibility and make the code more user-friendly for the general public.

Attachment B

Amusement/Entertainment Facilities

DRAFT Released 8/6/19
Proposed Redline Changes for Zoning Code Update.

Code Amendment: Amusement/Entertainment Facilities

CHAPTER 21.15 – DEFINITIONS

- 21.15.165– Amusement/Entertainment Facilities.**

“Amusement/Entertainment Facilities” means a principal commercial land use providing amusement or entertainment services in an indoor or outdoor facility, for the purpose of some leisure activity, including, but not limited to, arcade, computer arcade, escape rooms, laser tag, miniature golf, skating rink, tennis club, virtual reality rooms and similar uses.

CHAPTER 21.32 – COMMERCIAL DISTRICTS

Table 32-1
Uses In All Other Commercial Zoning Districts

Uses	Neighborhood			Community				Regional	Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Entertainment (cont'd)										
Live or movie theater (w/more than 100 fixed seats)	AP	AP	AP	Y	AP	Y	Y	CY	N	
Mock boxing or wrestling	N	N	N	N	N	N	N	Y	N	City council hearing is required for new and transferred business licenses.
Pool tables (up to 3 tables)	A	A	A	A	A	A	A	A	N	Accessory to restaurant, tavern, club (see Section 21.51.260).
Private club, social club, nightclub, pool hall or hall rental within 500 ft. of district allowing residential uses	N	N	N	C	C	C	C	C	C	City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y	Y	Y	Y	Y	Y	Y	Y	N	City council hearing is required for new and transferred business licenses.
Other Entertainment Uses										
Other entertainment uses (arcade, bowling alley, computer arcade, miniature golf, tennis club, skating rink)	N	N	N	€	€	€	€	€	N	See Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades).

Indoor Amusement/ Entertainment Facility (arcade, bowling alley, computer arcade, escape rooms, laser tag, miniature golf, skating rink, tennis club, virtual reality rooms, etc.)	Up to 6,000 sq. ft. of GFA	AP	AP	AP	Y	Y	Y	Y	Y	N	See Section 21.45.115.5, Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades) Indoor Amusement/Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other PDs or SPs, the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Indoor Amusement/ Entertainment Facility use.
	Over 6,000 sq. ft. of GFA	C	C	C	AP	AP	AP	AP	AP	N	
Outdoor Amusement/ Entertainment Facility (arcade, escape rooms, miniature golf, skating rink, tennis club, etc.)		N	N	N	AP	AP	AP	AP	AP	N	See Section 21.45.115.5, Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades) Outdoor Amusement/Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other PDs or SPs, the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Outdoor Amusement/ Entertainment Facility use.

21.41 OFF STREET PARKING AND LOADING REQUIREMENTS

Table 41-1C

Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses

(Continued)

Use	Required Number of Spaces
4. Hotel (guestrooms with direct access from an interior hallway) and	For hotel, 1 per guestroom, plus parking figured separately for banquet rooms, meeting rooms, restaurant and gift shops, plus 2

motel (guestrooms with direct access to the exterior)	loading and unloading spaces. For motel, same as hotel, plus 2 parking spaces for the motel managers unit
5. Hospitals, convalescent hospitals	For hospitals, 2 spaces per bed. For convalescent hospitals, 1 per every 3 beds
6. Library, museum	4 per 1,000 GFA, plus 1 bus parking stall for each 5,000 sq. ft. open to public; plus passenger loading and unloading areas shall be provided
7. Trade or vocational school	20 per 1,000 GFA or 1 per 3.3 fixed seats, whichever is greater
Recreation	
1. Amusement arcade	4 per 1,000 SF except in a tavern, then 20 per 1,000 SF
2. Amusement/Entertainment Facilities	4 per 1,000 SF-GFA
3. 2. Athletic club	5 spaces plus 4 spaces 1,000 SF-GFA; or 1 per 3 spectator seats, whichever is greater, plus 20 per 1,000 SF-GFA for exercise floors
4. 3. Basketball courts, volleyball courts	5 per court or 1 per 3 spectator seats, whichever is greater
5. 4. Bowling alley	5 spaces plus 4 spaces per alley, or 1 per 3 spectator seats, whichever is greater
6. 5. Commercial horse stables and horse riding schools	1 for each 5 stalls
7. 6. Dancing, dance hall, disco, skating rink	25 per 1,000 SF-GFA, excluding kitchen
8. 7. Golf course	3 per hole, or spaces required for restaurant, whichever is greater
9. 8. Golf range, batting cage, tennis alley and the like	1 per tee, cage or alley and the like
10. 9. Miniature golf course	2 per hole
11. 10. Open recreation	1 per 1,000 SF-GLA
12. 11. Passive park use	2 per acre-GLA

13.12 Pool or billiard hall	2 spaces plus 5 spaces per 1,000 SF-GFA
14.13 Tennis courts, racquetball courts, handball courts and the like	3 spaces plus 3 spaces per court or 1 per 3 spectator seats, whichever is greater

CHAPTER 21.45 – SPECIAL DEVELOPMENT STANDARDS

21.45.115.5 – Amusement/Entertainment Facilities.

The following special development standards shall apply to Amusement/Entertainment Facilities:

- A. Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight;
- B. All activities associated with the use shall comply with the standards of the noise ordinance, Chapter 8.80 of the Municipal Code;
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions;
- D. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police;
- E. Exterior lighting shall not intrude on surrounding properties;
- F. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking;
- G. A security plan, including a video surveillance system, exterior lighting plan, noise, litter, loitering, crowd control and parking to the satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy.
- H. If the use contains a mixture of indoor and outdoor uses, the total square footage of each use shall be calculated together, and the more restrictive review process shall apply;
- I. Each indoor and outdoor use shall comply with the parking requirements set forth in Chapter 21.41; and
- J. If the use proposes to deviate from the special development standards, an Administrative Use Permit or a Conditional Use Permit shall be required.

Proposed Code Amendment 2- Tutoring Centers:

Amend 21.15 to include new section 21.15.3151

21.15.3151 Tutoring Center.

“Tutoring Center” means a professional service, other than a school, that offers tutoring services for one-on-one and or groups as defined in the California Building Code occupancy grouping.

Amend 21.32 table 32-1

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Professional Services										
Accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractic, computer programming, consulting, contracting, dentistry, engineering, insurance, lab testing, law, marketing, medicine, photography, psychiatry, psychology, real estate, or tax preparation	Y	Y	Y	Y	Y	Y	Y	Y	N	
Tutoring Center up to 2,500 sq. ft. GFA	Y	Y	Y	Y	Y	Y	Y	Y	N	Permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing professional services.
Tutoring Center greater than 2,500 sq. ft. GFA	AP	AP	AP	AP	AP	AP	AP	AP	N	See section 21.52.280

										Permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing professional services, subject to an AUP and section 21.52.280
All professional offices not listed	AP	N								

Amend 21.52 to include new section 21.52.280

21.52.280 Tutoring Center

Tutoring centers greater than 2,500 sq. ft. shall be subject to the following:

1. Loading. Two (2) loading spaces shall be provided as per section 21.41.
2. Impacts on surrounding uses. Hours of operation and business practices shall mitigate impacts to surrounding uses. These include, but are not limited to, appointment-based tutoring sessions, maximum occupants, and hours of operation.

Proposed Code Amendment- Animal Services

21.32 – Commercial Districts Table 32-1, Uses In All Other Commercial Zoning Districts

Uses	Neighborhood			Community				Regional	Other	Notes
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Personal Services										
Basic personal services (barber/beauty shop, diet center, dog/cat grooming , dry cleaner, fortunetelling, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic equipment, bicycles, tailoring, shoe repair, tanning salon, <u>or</u> travel agent, or veterinary clinic without boarding)	Y	Y	Y	Y	Y	Y	Y	Y	N	
Indoor animal related uses with animal adoption and boarding not exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<p><u>Subject to special development standards for indoor animal adoption and boarding 21.45.XXX</u></p> <p><u>Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as</u></p>

											<u>professional and personal services, subject to section 21.45.XXX</u>
Indoor animal related uses with animal adoption and boarding exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)	<u>AP</u>	<u>N</u>	<u>Subject to special development standards for indoor animal adoption and boarding 21.45.XXX</u> <u>Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to section 21.45.XXX</u>								

	Neighborhood			Community				Regional	Other	Notes
Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	

Outdoor animal daycare	<u>AP</u>	<u>N</u>	<p><u>Subject to special development standards for outdoor animal daycare 21.45.XXX</u></p> <p><u>Such uses shall be permitted in all Planned Development (PD) Districts and Specific Plans (SP) allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to section 21.45.XXX</u></p>								
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Proposed Definitions (Section 21.15)

- "Animal boarding"- a facility designed to accommodate the overnight stay and care of household pets including adequate eating, sleeping, and living provisions.
- "Animal daycare"- a facility which provides non-medical care for animals on less than a twenty-four (24) hour basis. Animal daycare uses include but are not limited to instructional training, recreation, and animal nurseries.
- "Animal lounge"- a commercial land use primarily engaged with providing a space to allow individuals and adoptable household animals to engage in recreational opportunities with one another.

Update & Codify Policy #22C (Outdoor Dog Day Care):

Outdoor dog daycare is not a specified use in the Long Beach Municipal Code, according to Section 21.32.120 – Prohibited Commercial Uses, no commercial uses shall be allowed outside of a building unless specified as a permitted commercial use in Tables 32-1 and 32-1A.

Pursuant to a determination by the Zoning Administrator on July 13, 2015 and confirmed by the Planning Commission on September 17, 2015, outdoor dog day care shall be considered as an ancillary use, subject to the following provisions:

- ~~1) Outdoor Dog Day Care Use. Shall be allowed only when it is ancillary to a primary permitted use on the site.~~
- ~~2) Zones Permitted. May be permitted in the following commercial zoning districts: Community Commercial Automobile-Oriented (CCA), Community Pedestrian-Oriented (CCP), Community R-4-R (CCR); Community R-4-N (CCN); and Regional Highway (CHW).~~
- ~~3) Review Process. An Administrative Use Permit (AUP) shall be required to allow public review and the opportunity to establish appropriate conditions of approval for the operation.~~
- ~~4) Separation distance. Outdoor dog day care uses shall be at least 200 feet from the nearest property zoned or used for residential purposes.~~
- ~~5) Attendant Required. Staff shall be in the outdoor area whenever dogs are in the outdoor area.~~
- ~~6) Limitation on the number of dogs. The number of dogs permitted in the outdoor area shall be limited to the total number of dogs that can be accommodated in the indoor dog care area, taking into consideration the number of small and large dogs.~~
- ~~7) Fencing. Opaque fencing of up to eight feet (8') in height shall be required to screen all outdoor areas from adjacent uses.~~
- ~~8) Landscaping. Landscaping shall be provided adjacent to the outdoor fencing to allow for planting to provide an additional noise buffer. Ancillary Outdoor Dog Day Care Policy September 17, 2015~~
- ~~9) Hours of operation. No outdoor dog day care shall be permitted other than between 7AM and 7PM Monday through Sunday to mitigate potential impacts to adjacent uses.~~
- ~~10) Daily cleaning. The operator shall clean all outdoor areas daily and properly dispose of associated dog waste.~~

Repeal Policy #22D (Accessory Boarding):

~~“Overnight care for dogs and cats is currently defined as boarding of animals by policy, and requires a Conditional Use Permit in some commercial zones, if the use is accessory to a veterinarian service and/or retail animal sales. With no clear definition of boarding in the Municipal Code or animal code, the term boarding can be applied to pet sitting, breeding, buying, selling, renting, exhibiting or training of dogs and animals. When boarding, only contains one aspect of the definition, in this case overnight dog or cat care (pet sitting), the use is exempt from licensing, according to the animal care licensing. As an exempt business, the use is not considered problematic from a health standpoint; however, noise issues and proximity to residential properties remain a concern. Recognizing, the noise issues and the lack of a clear definition in regards to boarding, staff believes that commercial boarding is very limiting since the use is only allowed in industrial zones, where industrial space is limited.~~

~~With location limitations, staff feels the use is better suited in commercial areas that are away from residential uses, when only overnight care of dogs and cats is provided. Therefore, staff is recommending that overnight care of dog and cats require a conditional use permit in commercial~~

~~zones, except the Commercial Storage zone and the greater Downtown area (PD-6 and PD-30), only when an attendant or supervised care is provided on a 24-hour bases."~~

Repeal Section 21.52.286 of Special Development Standards for Veterinary Uses

~~21.52.286 – Veterinary uses.~~

~~The following conditions shall apply to veterinary uses:~~

~~A. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets, but exotic animals and species of equine are excluded;~~

~~B. All activities must be confined within a building that is fully air conditioned and sound proofed to the standards of the noise ordinance, Chapter 8.80 of the Municipal Code; and~~

~~C. The site shall not adjoin or abut a residential use district.~~

Proposed "Indoor Animal Adoption and Boarding" Special Development Standards (21.45.XXX)

~~The following special development standards shall apply to businesses involving indoor animal adoption and boarding uses by right or requiring an Administrative Use Permit:~~

~~A. Location. The site shall not adjoin or abut a residential use district. Planned Development Districts allowing ground floor mixed-use commercial and residential are exempt from this requirement.~~

~~B. Size. Adoption and boarding areas shall remain an accessory component of the established primary operation and shall not exceed 50% of the gross floor area.~~

~~C. Building Improvements.~~

- ~~1. The facility shall be improved with sound abatement measures to ensure compliance with the noise ordinance, Chapter 8.80 of the Long Beach Municipal Code. Written documentation by a licensed acoustical engineer shall be provided to demonstrate compliance with the noise ordinance, subject to the approval of the Director of Development Services or designated staff.~~
- ~~2. Impervious flooring surfaces and floor drains shall be incorporated in the areas dedicated for recreation or boarding of animals. Operations involving the care of cats are exempt from providing floor drains.~~
- ~~3. Facilities shall be temperature-controlled with a heating, ventilation and air conditioning (HVAC) system. Ventilation and exhaust systems shall conform to the latest edition of the California Mechanical Code and California Building Energy Efficiency Standards for Residential and Nonresidential Buildings, as adopted and amended by Chapter 18.36 of the Long Beach Municipal Code, or as otherwise required by applicable State Health and Safety Code.~~

4. Facilities incorporating the handling, preparation, or sale of food or beverages shall be designed in accordance with Title 8 of the Long Beach Municipal Code and applicable State Health and Safety Code.

D. Operations.

1. All business activities must be confined within an enclosed building.
2. Operations and care of animals shall be in compliance with Title 6 of the Municipal Code.
3. The number of animals shall be limited to a minimum area of 75 square feet of floor area per animal.
4. The operator shall clean all recreational and boarding areas daily and properly dispose of associated animal waste.

Proposed “Outdoor Animal Daycare” Special Development Standards (21.45.XXX)

The following special development standards shall apply to businesses involving outdoor animal daycare services by right or requiring an Administrative Use Permit:

- 1) Outdoor Dog Day Care Use. Shall be allowed only when it is ancillary to a primary permitted use on the site.
- 2) Zones Permitted. May be permitted in the following commercial zoning districts: Community Commercial Automobile-Oriented (CCA), Community Pedestrian-Oriented (CCP), Community R-4-R (CCR); Community R-4-N (CCN); and Regional Highway (CHW).
- 3) Review Process. An Administrative Use Permit (AUP) shall be required to allow public review and the opportunity to establish appropriate conditions of approval for the operation.
- 4) Separation distance. Outdoor dog animal daycare uses shall be at least 200 feet from the nearest property zoned or used for residential purposes.
- 5) Attendant Required. Staff shall be in the outdoor area whenever animals are in the outdoor area.
- 6) Limitation on the number of dogs animals. The number of dogs animals permitted in the outdoor area shall be limited to the total number of dogs that can be accommodated in the indoor dog care area, taking into consideration the number of small and large dogs in accordance with the standards set by the American Society for the Prevention of Cruelty to Animals (ASPCA) with a minimum of 75 square feet of floor area per animal.
- 7) Fencing. Opaque fencing shall be required to screen all outdoor areas from adjacent uses and subject to the height requirements of Chapter 21.43 of the Long Beach Municipal Code.
- 8) Landscaping. Landscaping shall be provided adjacent to the outdoor fencing to allow for planting.

9) Hours of operation. Outdoor animal daycare hours of operation shall be limited to 7AM and 7PM Monday through Sunday.

10) Daily cleaning. The operator shall clean all outdoor areas daily and properly dispose of associated animal waste.

Proposed Code Amendment 4- Building Separation for Structures on a Parcel in Residential Zones

CHAPTER 21.31 – RESIDENTIAL DISTRICTS

Original

21.31.260 - Distance between buildings.

Two (2) or more detached principal use buildings on the same lot shall have a minimum separation of eight feet (8').

(Ord. C-7032 § 23, 1992; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

Amended

21.31.260 - Repealed.

CHAPTER 21.51 – ACCESSORY USES

21.51.276 – Accessory dwelling units

[Text of section omitted, only edit is to last two lines of Table 51.276-1].

**Table 51.276-1
Accessory Dwelling Unit Development Standards**

	Limited ADU	Conforming ADU

Proposed Code Amendment 5- Non-Conforming Parking for Historic Properties:

CHAPTER 21.27 - NONCONFORMITIES

21.27.010 - Purpose.

The City recognizes that the eventual elimination of existing nonconforming uses and structures benefits the health, safety and welfare of the community. It is the intent of this Chapter to establish regulations and procedures which ensure that the elimination of nonconforming uses and structures occurs as expeditiously and as fairly as possible and also avoids any unreasonable invasion of established property rights.

(Ord. C-7663 § 5, 1999)

21.27.020 - Continuance of nonconforming rights.

Nonconformities, as defined in Chapter 21.15 of this Title, may continue to be used and maintained in accordance with the provisions of this Chapter. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure so long as the use is operated and maintained in such a manner as not to be a nuisance, a blighting influence or a direct and substantial detriment to the rights of adjoining, abutting or adjacent uses.

(Ord. C-7663 § 5, 1999)

21.27.030 - Illegal uses or structures.

Illegal uses or structures have no vested rights. Illegal uses and structures shall either be brought into legal conforming status or shall be removed.

(Ord. C-7663 § 5, 1999)

21.27.040 - Maintenance.

Ordinary maintenance and repair of a building containing a nonconforming use, such as painting, plumbing repair, shall be permitted as necessary to ensure the protection of general health, safety and welfare. All nonconforming uses and structures are subject to all applicable property maintenance and substandard buildings laws.

(Ord. C-7663 § 5, 1999)

21.27.050 - Abandonment.

- A. **Loss of rights to a nonconforming use.** All rights to a nonconforming use are lost if the use is abandoned for twelve (12) months (see Section 21.15.030) or if the structure housing the use is demolished (see Section 21.15.750) except as follows:
1. **Nonconforming nonresidential structure.** A nonconforming nonresidential structure, which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use and may apply for a conditional use permit to establish a CNP (neighborhood pedestrian) discretionally permitted use.
 2. **Nonconforming nonresidential historic landmark.** A designated City landmark which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use or discretionally permitted use, and may apply for a conditional use permit to establish another nonconforming use subject to the following:
 - a. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety, and
 - b. The proposed use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property, or the potential economic life of the building, and
 - c. The proposed change of use will provide a desirable service or will be beneficial to the neighborhood, and
 - d. The proposed use and adaptive reuse design plan has obtained a certificate of appropriateness from the Cultural Heritage Commission.
- B. **Loss of rights to nonconforming parking.** All nonconforming rights related to parking shall be lost if the primary structure on the lot is demolished. Rights shall not be lost if a building is merely vacated.
- C. **Abandonment/revocation of rights through nuisance, blight or detrimental effect upon adjoining, abutting or adjacent property.** Any nonconforming use which is operated in such a way as to be a nuisance or a direct detriment to adjoining, abutting or adjacent properties or which is neglected to the point of being a blight on the community shall be considered to have had its nonconforming rights abandoned. Such abandonment shall be determined by a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Title, provided, that:
1. A fully noticed public hearing is held before the Planning Commission; and
 2. The Planning Commission, or City Council on appeal, finds that:
 - a. The use adversely affects the health, peace or safety of persons residing or working on the premises or in the surrounding area, or
 - b. The use jeopardizes or endangers the public health or safety, or
 - c. The use constitutes a direct and substantial detriment to surrounding uses by repeated adverse activities and incidences, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, loitering, excessive littering, illegal parking, loud noises (particularly in late night or early morning), noise code violations, traffic violations, curfew violations, lewd conduct or police detentions and arrests, or
 - d. The uses cause repeated violations under Public Health and Safety Code, Title 8 or Title 9, and
 - e. The owner or operator has been unwilling or unable to eliminate the adverse activities, if any;