

August 19, 2021

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE21-030 and concur with and receive and file the rescindment of the Zoning Administrator's Classification of Use determination previously approved by Planning Commission on April 21, 2011 with regards to shipping containers as building materials for dwelling units and additions to dwelling units in residential zones to: 1) allow shipping containers as building materials for dwelling units, including accessory dwelling units (ADUs) and those in historic landmark districts and on sites on which designated historic landmarks are located and 2) establish that the use of metal shipping containers as a building material for dwelling units is suitable, by-right and is not subject to Site Plan Review.

**APPLICANT:** City of Long Beach Planning Department  
411 W. Ocean Blvd., 3rd Fl.  
Long Beach, CA 90802  
(Application No. 2103-30)

**DISCUSSION**

At a Classification of Use hearing on April 21, 2011, the Planning Commission ruled that the use of metal shipping containers, or elements thereof, is permitted in residential zoning districts subject to Site Plan Review Committee review and approval, similar to the review process for wing walls or residences on narrow lots. Currently, Site Plan Review approval must be obtained before any applicant proposing to use shipping containers as a building material may apply for building permits. With this action, the use of shipping containers as building materials for dwelling units and additions to dwelling units, including ADUs, will no longer require Site Plan Review Committee approval. All references in this report to dwelling units shall collectively refer to new dwelling units, additions to existing dwelling units and ADUs.

In May 2017, the City Council adopted 29 recommendations to support the production and preservation of affordable and workforce housing. Recommendation 3.10 is to encourage the adoption of regulations to allow and incentivize the use of shipping container construction for housing. An August 2017 memo from Development Services Director to the Mayor and Council



outlined potential environmental benefits and cost savings opportunities related to the use of shipping containers as a building material (Attachment A - 2017 Memo to Mayor and Council). The memo outlined challenges, including challenges related to meeting building code. In response to the growing statewide housing shortage, an increasing number of state regulations continue to compel local governments to remove barriers to and reduce the time and cost of permitting processes for the approval of housing units. Additionally, the State has pre-approved specifications for shipping containers to be used as habitable space to facilitate their use as a low-cost building material and to shift the responsibility for Building and Safety review and Building Code compliance from the local level.

The request before the Planning Commission is to rescind the previously approved Zoning Administrator Classification of Use Determination (Attachment B - 2011 Classification of Use Staff Report), in order to allow the use of steel shipping container materials for dwelling units, including accessory dwelling units (ADUs), through a ministerial process rather than a discretionary process. This request came about in part to ensure compliance with state ADU laws, which require by-right approval for ADUs.

Although ADUs are permitted by-right under the current City Zoning ordinance, the existing Classification of Use Determination requires SPR review of projects that propose the use of metal shipping container materials for dwelling units, including ADUs, which typically do not otherwise meet the threshold to require SPR review. The application of this 2011 policy would be in conflict with State requirements with regards to by-right approval of ADUs. The aim is simply to clarify that dwelling units, including accessory dwelling units (ADUs), constructed with shipping container materials will not require Site Plan Review approval, if SPR review is not otherwise triggered. All single family detached and attached dwelling units will continue to be subject to applicable development standards in the Long Beach Municipal Code (LBMC), including LBMC Section 21.31.255 (Attachment C - LBMC 21.31.255 Design, Treatment and Finish) through the staff level review and plan check process, including assurance that siding and roofing materials shall not have a reflective surface that produces glare. The process would be similar to other by-right processes such as for infill residential projects with less than 5 existing units on a property and for ADUs that otherwise would not require Site Plan Review approval.

#### Historic Districts and Historic Landmarks

Chapter 2.63 (Cultural Heritage Commission) of the LBMC regulates the design review of exterior changes to structures subject to historic review. A Certificate of Appropriateness shall continue to be required for all projects proposing exterior changes to historic landmarks or in historic districts proposing to use shipping containers as a building material, including ADU applications. The Certificate of Appropriateness review process ensures the use of compatible materials and exterior finishes based on Chapter 2.63 and in compliance with the applicable Historic District Ordinance and guidance found in the Historic District Design Guidelines and Architectural Design Guidelines.

The review process for ADU projects involving shipping container materials within Landmark Historic Districts and at Designated Historic Landmark properties shall remain ministerial pursuant to Assembly Bill No. 881 (Chapter 659) and the City's existing procedures. All residential additions and new dwelling units proposing to use shipping container materials in Historic Districts and Designated Historic Landmarks, including ADUs, must continue to obtain the requisite Certificate of Appropriateness approval from the Planning Bureau and demonstrate compliance with the applicable Historic District Design Guidelines, Architectural Design Guidelines and Secretary of Interior Standards. Projects may require review and approval by the City's Cultural Heritage Commission for improvements, depending upon the scope of work, site placement, the square-footage of the proposed improvement and the degree of visibility from the street. While shipping containers are an allowable building material, historic design guidelines may require the use of other materials and/or treatments to ensure that projects are compatible with surrounding structures and align with historic guidelines and Secretary of Interior Standards. These determinations are made ministerially based on the adopted design guidelines and the visibility of the proposed structure.

### **RECOMMENDATION**

Staff requests that the Planning Commission concur with and receive and file the rescindment of the Zoning Administrator's Classification of Use determination previously approved by Planning Commission on April 21, 2011 with regards to shipping containers as building materials for residential structures. The use of shipping containers as building materials will no longer require Site Plan Review Committee approval. This change will apply to any future proposed residential projects that propose the use of shipping container elements, including the use of shipping containers as a building material in historic landmark districts and on designated historic landmark properties Citywide.

### **ENVIRONMENTAL REVIEW**

This project is exempt from California Environmental Quality Act (CEQA) review under Section 15061(b)(3) of the Public Resources Code (Common Sense Exemption), as it does not have potential to result directly or indirectly in significant environmental impacts, and no further environmental review is required (CE21-030).

### **PUBLIC HEARING NOTICE**

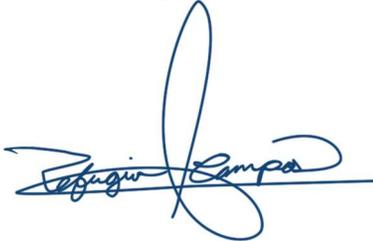
The action being recommended is a receive and file. Since this action does not require public hearing, there are no public hearing noticing requirements associated with this proceeding.

CHAIR AND PLANNING COMMISSIONERS

AUGUST 19, 2021

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Respectfully submitted,



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PROJECT PLANNER



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CURRENT PLANNING OFFICER



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Attachments:            Attachment A – 2017 Memo to Mayor and Council  
                                 Attachment B -- 2011 Classification of Use Staff Report  
                                 Attachment C – LBMC 21.31.255 Design, Treatment and Finish