



Legislation Details (With Text)

**File #:** 19-1063      **Version:** 2      **Name:** DS - Omnibus Code Amendment

**Type:** Ordinance      **Status:** Adopted

**File created:** 10/7/2019      **In control:** City Council

**On agenda:** 11/5/2019      **Final action:** 11/5/2019

**Title:** Recommendation to declare ordinance 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, read and adopted as read. (Citywide)

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. 102219-H-13sr&att.pdf, 2. 102219-H-13 PowerPoint.pdf, 3. 110519-ORD-17att.pdf, 4. ORD-19-0028.pdf

Date	Ver.	Action By	Action	Result
11/5/2019	2	City Council	approve recommendation and adopt	Pass
10/22/2019	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance 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, read and adopted as read. (Citywide)

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has not been comprehensively updated in more than 30 years, and as a result, there are extensive internal conflicts and outdated provisions exist throughout the Zoning Code.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.

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.

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.

Approve recommendation.

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 21.44.600.1; 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

LINDA F. TATUM, FAICP  
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APPROVED:

THOMAS B. MODICA  
ACTING CITY MANAGER