



## Legislation Details (With Text)

**File #:** 20-0407      **Version:** 2      **Name:** DS - Omnibus Zone Code Amendment

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

**File created:** 4/24/2020      **In control:** City Council

**On agenda:** 5/12/2020      **Final action:** 5/19/2020

**Title:** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.21.201, Table 21-1, Subsection 21.31.245.A.3, Subsection 21.31.245.C.4, Table 31-1, Table 31-2A, Table 31-7, Section 21.32.110, Section 21.32.120, Section 21.32.130, Subsection 21.32.225.A.1, Section 21.32.235, Table 32-1, Table 33-2, Chapter 21.37, and Table 41-1C; by adding Section 21.15.2395, Section 21.15.3005, Table 32-0, Section 21.45.151, and Section 21.53.115; and by repealing Table 32-1A, all related to Zoning Code Regulations, read and adopted as read. (Citywide)

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. 051220-H-10sr&att.pdf, 2. 051920-ORD-23att.pdf, 3. ORD-20-0018.pdf, 4. ORD-20-0018-Revised.pdf

Date	Ver.	Action By	Action	Result
5/19/2020	2	City Council	approve recommendation and adopt	Pass
5/12/2020	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 21.21.201, Table 21-1, Subsection 21.31.245.A.3, Subsection 21.31.245.C.4, Table 31-1, Table 31-2A, Table 31-7, Section 21.32.110, Section 21.32.120, Section 21.32.130, Subsection 21.32.225.A.1, Section 21.32.235, Table 32-1, Table 33-2, Chapter 21.37, and Table 41-1C; by adding Section 21.15.2395, Section 21.15.3005, Table 32-0, Section 21.45.151, and Section 21.53.115; and by repealing Table 32-1A, all related to Zoning Code Regulations, read and adopted as read. (Citywide)

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(LBMC) has not been comprehensively updated in more than 30 years and, as a result, extensive internal conflicts and outdated provisions exist throughout the Zoning Code.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

New development standards and policies will enable the City to assist developers, architects, landscape architects, urban designers, residents, and business owners to 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 that zoning codes 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 periodic updates. Staff anticipate bringing Zoning Code amendments to the Planning Commission and the City Council in periodic 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. The second set of Zoning Code updates were reviewed by the Planning Commission on September 5, 2019 and adopted by City Council on October 22, 2019. In this round three of omnibus Zoning Code amendments, minor changes are proposed that clarify specific use regulations in commercial and industrial zones, development standards applicable to various structures and uses across zoning districts, and administrative procedures related to the applicability of new uses and unspecified development standards in specific plans and planned development districts. The amendments also aim to improve overall Zoning Code readability. Findings that establish a basis for the proposed updates and their consistency with the City's general plan goals and objectives are presented in Attachment A.

These proposed amendments are the first set of omnibus code updates in 2020 to address 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. Two separate ordinances are required to effectuate the proposed changes: an ordinance amending LBMC Title 21 (Attachment B - Redlined Zoning Code Amendments) and an ordinance amending and restating the Douglas Park Planned Development District (PD-32) (Attachments C and D - Redline of PD-32). The following provides a brief overview of each standard and the proposed change:

### **Land Use Regulation Updates**

The following amendments clarify and provide regulations for the following land uses:

#### ***Remnant Office Commercial (CO) and Highway Commercial (CH) Zones***

The proposed amendment clarifies use regulations for remnant commercial zones that were phased out in 1992 to ensure that the allowable uses on the remaining properties that retain the defunct zoning are consistent with the uses permitted in the most similar existing commercial zone, as shown in the table below. For example, the "CO" Office Commercial zone was a zone that permitted mixed residential and commercial uses and, as proposed, would defer to the allowable uses of the "CCN" Community R-4-N District, which is also a mixed-use zone that permits community-serving retail and services and medium density residential uses. Similarly, the "CH" Highway Commercial zone was a single use commercial zone that will, as proposed, defer to the "CHW" Regional Highway District, which is also a commercial zoning district that allows mixed-scale commercial uses along major arterial streets and regional traffic corridors and prohibits residential uses. The development standards for the defunct commercial zones will continue to apply.

Existing Zoning District Uses	New Zoning District Use Equivalents	Notes
CO	CCN	
CH	CHW	
CT	N/A	As of the date of amendment of this ordinance, no areas of CT zoning are extant on the Zoning Map, and no equivalent zoning district is established in this Title.

***Personal/Commercial Storage Uses***

The proposed amendment clarifies which industrial zones personal and commercial storage uses are permitted. This will differentiate between General Warehousing/Storage uses, which encompass various warehousing and storage uses per Standard Industrial Classification (SIC) Code 4225, and Personal and Commercial Self-Storage uses, which the code defines as a land use that consists of rental of space for storage of personal property (mini-warehouse) and the storage of recreational vehicles. The latter is more in line with what the Zoning Code defines as commercial storage/self-storage; whereas the former could encompass warehousing and storage uses that are more industrial in nature. The proposed ordinance additionally clarifies in which industrial zoning districts such uses are permitted and specifies the review process within each. Specifically, Personal Storage and Commercial Storage/Self-Storage will be its own separate line item in the Industrial Districts use table to clarify that this use is distinct from General Warehousing and Storage, and that it requires a Conditional Use Permit (CUP) in the industrial zone that allows this use (the General Industrial Zone (IG)).

***Aerospace Rocketry and Satellite Manufacturing Uses***

The proposed amendment encourages the establishment of aerospace rocketry and satellite manufacturing uses in areas surrounding the Long Beach Airport, re-establishing the historic connection to the City’s role as an aircraft and advanced rocket technology manufacturing hub. Specifically, the proposed amendment will amend the industrial zoning regulations to allow a wide variety of airplane and space rocketry manufacturing uses by-right within enclosed buildings in the Light Industrial (IL), Medium Industrial (IM), and General Industrial (IG) zones, as well as in Planned Development Districts that are industrial in nature. Aerospace manufacturing uses that are proposed with outdoor storage or operations will not be allowed in the IL zone; will require a CUP in the IM zone; and will be allowed in the IG zone by-right unless the use is located 300 feet or less from the nearest residential district, in which case a CUP would be required. Aside from the Douglas Park Planned Development District (PD-32), the majority of Planned Development Districts that are industrial in nature

defer to the use table for industrial zoning districts found in the Zoning Code and, consequently, these districts do not require amendments to allow such uses. In PD-32, minor amendments are proposed to PD-32's use tables to allow aerospace rocketry and satellite manufacturing uses by-right in each subarea. The provisions of PD-32 otherwise remain unchanged.

### ***Temporary Activating Uses (TAUs)***

The LBMC currently significantly limits the types of uses that can be permitted on a temporary basis. As a result, vacant lots often remain unused for extended periods of time and can become blighted. Allowing temporary use of vacant lots can bring activity and services to neighborhoods, foster place-making and identity, and minimize nuisances. The proposed amendment allows the temporary use of vacant lots with uses that are community-serving and provide a community benefit.

The proposed amendment intends to work in tandem with the vacant lot ordinance (ORD-17-0025, Chapter 18.29 in the Zoning Code) adopted by the City Council in October 2017, which aimed to reduce blight caused by vacant lots. It established a vacant lot registry, which requires property owners of vacant lots to register their lots and pay an annual monitoring fee to ensure compliance with ordinance provisions that require vacant lots be well-maintained and appropriately secured. The adopted ordinance permits an exemption from such fees for property owners who agree to allow their properties to be used for "a specific community serving use." The 2017 ordinance did not, however, define what constitutes a community serving use or outline a process for establishing such uses. This proposed amendment supplements the 2017 ordinance by specifying the types of community-serving uses that qualify properties for vacant lot registry fee exemptions and establishing a review and approval process for such uses.

Temporary Activating Uses (TAUs) may include sporadic special events, such as cultural and community events, or temporary uses such as bike kitchens and similar retail or services that activate vacant lots, provide community benefits, and further the goals of the City's General Plan. This amendment will establish a process for defining and setting parameters for TAUs, the time limits for TAUs, as well as a renewal process with limits on the renewals. Through this process, the Zoning Administrator will determine both that the applicant is eligible to apply for a temporary use as a community-based partner with an established relationship with the City and that the TAU offers a community benefit.

TAUs that are sporadic special events such as cultural and community events can be permitted for a period of up to six months at the discretion of the Zoning Administrator. These types of uses would be eligible for up to two additional six-month renewal periods, not to exceed a maximum of 18 months for the same use. Other TAUs that do not fall under the category of sporadic special events, such as a bike kitchen, will be permitted for a period of up to one year at the discretion of the Zoning Administrator. These types of uses may be renewed for up to two additional one-year periods not to exceed a maximum of three years for the same use. This amendment would only affect vacant lots and is intended largely for

commercial and industrial areas; however, residentially zoned lots located on Neighborhood Connector and more intense arterial streets, as defined by the Mobility Element, would also be eligible.

### **Development Standards Updates**

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

#### ***Storage Attics in Accessory Structures***

The proposed amendment eliminates prohibitions on storage attics within accessory structures in residential districts. Currently, storage attics are not allowed within accessory structures. The City recognizes the need to allow attics within accessory structures like garages for storage purposes. This amendment will not result in new habitable square footage, nor will it increase the existing maximum allowed height of 13 feet for accessory structures.

#### ***Change of Use Parking Exemptions for Public Post-Secondary Educational Uses***

Changes of use in existing buildings can trigger additional parking requirements that create barriers to siting satellite public, post-secondary education uses. The proposed amendment exempts publicly-run, post-secondary educational institutions that locate satellite services in existing buildings in commercial areas within half mile of public transit from change of use parking requirements. In recognition of the benefits imparted by access to publicly-run, post-secondary educational facilities in the City, and consistent with the Long Beach College Promise, of which the City is a partner, the City proposes this change to expand access to post-secondary education. This amendment will also encourage reuse and activation of vacant storefronts. This parking exemption would not apply to school campuses, private educational institutions, nor to new construction.

#### ***Non-Permanent Fabric Canopies Height Exemption***

The proposed code amendment exempts certain non-permanent fabric canopies covering rooftop usable open space from height limitations in residential zoning districts to allow the creation of shade in conjunction with rooftop open space. Allowing such non-permanent shade structures will improve the functionality and usability of these open spaces and contribute to improved quality of life for residents.

### **Administrative Procedures Updates**

This amendment updates administrative procedures in the Zoning Code:

#### ***Applicability in Specific Plans (SPs) and Planned Development Districts (PDs)***

The proposed amendment clarifies how new uses and unspecified development standards

are applicable in specific plans and Planned Development Districts by codifying a process for interpreting how these regulations should be applied. Whenever a Planned Development District or Specific Plan is silent or does not contain any particular development standard or a new use that was introduced into the code subsequent to the adoption of the SP or PD, then the Zoning Administrator will determine whether the development standard or the new use will apply in a given SP or PD based on whether it would be consistent with the stated purpose and intent of the applicable overlay zoning regulations. When the Zoning Code is amended to add or change regulations for a specific land use in one of the zoning districts, the Zoning Administrator may determine that the same use regulations apply to all or certain PDs or SPs, if certain conditions are met, to ensure consistency with the intent and nature of the PD or SP. This amendment will help bring clarity to the Code. The Zoning Administrator determination would be appealable to the Planning Commission.

### Public Notice and Environmental Compliance

Notice of this public hearing was published in the Long Beach Press-Telegram on April 27, 2020, in accordance with provisions of the Zoning Ordinance. Additionally, written notices were sent to the California Coastal Commission, all City libraries, interested parties/stakeholders, 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 those who subscribe to LinkLB. No public comments were received on this matter 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 16-19 was prepared for the proposed amendments (Attachment E). The Negative Declaration was made available for a 30-day public review and comment period that began on January 2, 2020 and ended on February 3, 2020. No comments were received.

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 J. Mais on April 14, 2020 and by Budget Management Officer Rhutu Amin Gharib on April 22, 2020.

City Council action is requested on May 12, 2020. 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 February 20, 2020. Due to the Covid-19 pandemic, the May 12, 2020 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 21.21.201, Table 21-1, Subsection 21.31.245.A.3, Subsection 21.31.245.C.4, Table 31-1, Table 31-2a, Table 31-7, Section 21.32.110, Section 21.32.120, Section 21.32.130, Subsection 21.3.2.225.A.1, Section 21.32.235, Table 32-1, Table 33-2, Chapter 21.37, And Table41-1c; By Adding Section 21.15.2395, Section 21.15.3005, Table 32-0, Section 21.45.151, And Section 21.53.115; And By Repealing Table 32-1a, All Related To Zoning Code Regulations

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APPROVED:

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