



Legislation Text

File #: 21-0734, **Version:** 1

Adopt resolution authorizing Director of Development Services to submit the Local Coastal Program Amendment (LCPA19-004, LCP-5-LOB-19-0168-3) and associated materials to the California Coastal Commission for its review and certification in compliance with the California Coastal Commission's March 11, 2021 action. (Citywide)

On October 22, 2019, the City Council adopted Negative Declaration 06-20, adopted a Zoning Code Amendment (ZCA19-003), and directed the Director of Development Services to submit a Local Coastal Program Amendment (LCPA 19-004) to the California Coastal Commission (CCC) for the Omnibus Zoning Code Amendments Round 2 to Title 21, Zoning Regulations, of the Long Beach Municipal Code (LBMC), 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; (7) exempt height limits for rooftop solar installations; and, (8) exempt hearing items continued to a specific meeting date from re-noticing (Attachment A - City Council Letter - October 22, 2019). The purpose of the omnibus zoning code update program is to refresh outdated regulations in a manner that promotes housing creation and investment while upholding community standards for high quality development. While the City Council has since adopted a subsequent round of Omnibus Zoning Code Amendments (Round 3) and a number of other targeted zoning code amendments, the time required for CCC review and refinement of the language can sometimes be extensive as was the case with Omnibus Zoning Code Amendments Round 2.

On March 11, 2021, the CCC approved, with modifications, LCP Amendment No. LCP-5-LOB-19-0168-3. Staff has reviewed and incorporated these modifications into the Omnibus Zoning Code Amendments Round 2. Because the CCC approved the LCP amendment with modifications, LCP Amendment No. LCP-5-LOB-19-0168-3 will not be effective for implementation in the City's Coastal Zone until:

- (1) The City Council adopts the CCC's suggested modifications;
- (2) The City Council forwards the adopted suggested modifications to the CCC by Resolution;
- (3) The Executive Director of the CCC certifies that the City has complied with the CCC's March 11, 2021 action; and,

(4) The CCC concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate.

In accordance with the 1976 California Coastal Act, the City has a certified Local Coastal Program (LCP), which consists of the Land Use Plan (LUP) and Implementation Plan (IP). The IP includes the zoning code, the zoning map, and subdivision code. Therefore, modifications to the Zoning Ordinance, a part of the IP and LCP, must be certified by the CCC.

The CCC's requested modifications to the LCP Implementing Ordinance include the following four subject areas (Attachment B - CCC Approval of LCP Amendment with Suggested Modifications). These requested modifications clarify the application of the zoning code amendments within the Coastal Zone and provide consistency with the LCP and California Coastal Act. Each change requested by the CCC, and staff's response (Attachment C - Redline CCC Modifications), is briefly summarized below:

- Suggested Modification 1 relates to the exemption from additional parking requirements for historic properties undergoing residential expansion. The proposed modification by the CCC is written to preclude the use of this exemption in certain parts of the Coastal Zone if such an improvement would increase the size or degree of nonconformity with coastal resource protection and shoreline development policies of the certified LCP. The CCC has provided suggested language that staff has incorporated into the Ordinance. This change applies citywide but would be limited to certain properties within the Coastal Zone.
- Suggested Modification 2 relates to proposed modifications to the Commercial Districts Chapter (21.32), since amendments are being made to this chapter for the regulation of escape rooms, tutoring centers, and animal-related uses. The proposed modification by the CCC is a clarification to the Commercial Uses Table (Table 32-1) to ensure that uses proposed to be allowed by right in the IP are consistent with allowable uses in the LUP, and to add a note to Table 32-1 that requires uses in commercial zoning districts to also be consistent with the certified LUP and where there may be discrepancies, use limitations in the LUP must prevail. The CCC has provided suggested language and staff has incorporated the language into the ordinance. This change applies citywide but would be limited to certain properties within the Coastal Zone.
- Suggested Modification 3 relates to the exemption of height limits for rooftop solar installations. The proposed modifications by the CCC add a requirement for properties within the certified LCP to prevent rooftop solar collectors from adversely impacting public views of the beach, bay, or ocean that are preserved in the certified LCP. The CCC provided suggested language and staff has incorporated the language into the Ordinance.
- Suggested Modification 4 relates to accessory dwelling units and arose because of changes to the standards for accessory structures. The proposed modifications by the CCC would clarify that the development standards for accessory dwelling units do not apply in the

Coastal Zone.

These recommended modifications to Omnibus Zoning Code Amendments Round 2 require City Council approval prior to resubmittal to the CCC for certification.

The LBMC 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 (Attachment D - Findings). The City Council's discretion in these matters is limited to either accepting or rejecting the changes. No further modifications are possible at this stage in the CCC review process.

This matter was reviewed by Assistant City Attorney Michael J. Mais on July 6, 2021 and by Budget Management Officer Rhutu Amin Gharib on July 13, 2021.

Public Hearing Notice

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in LBMC Section 21.21.302.C, notice of this public hearing was published in the Long Beach Press-Telegram on July 19, 2021, written notices were sent to the CCC, and to anyone requesting such notice. Notices were provided to City libraries and notice posting was provided at City Hall.

Environmental Review

As this action is necessary for the preparation and adoption of a LCP amendment, it is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 21080.9 of the California Public Resources Code, and Section 15265(a)(1) of the CEQA Guidelines. CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCP amendment. The proposed modifications are necessary for certification of the LCP amendment by the CCC. No additional action is required for Environmental Review.

Additionally, in accordance with CEQA and the CEQA Guidelines, a Negative Declaration (ND 06-20), State Clearinghouse No. 2019089011 was previously prepared for the Omnibus Zoning Code Amendment Round 2 Project and certified by the City Council on October 22, 2019. The current action, which is procedural in nature and consists only of relatively minor modifications to land use regulations, and does not include any direct land use approvals, falls within the scope of the previously certified Negative Declaration, and no further environmental review is required.

The CCC, in its March 11, 2021 approval of the LCP amendment, set a six-month time limit for the City to adopt the modifications discussed in this report and return them to the CCC for certification. City Council action must be completed no later than September 11, 2021, to

meet this requirement.

This recommendation is a policy action that does not have a direct fiscal or job impact. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

Approve recommendation.

[Enter Body Here]

OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER