




**Date:** September 6, 2012

**To:** Honorable Chair and Members of the Planning Commission

**From:**  Amy J. Bodek, AICP, Director of Development Services

**Subject:** Study Session: Summary and Framework of Proposed Phase I "Omnibus" Zoning Amendment

---

Title 21 of the Long Beach Municipal Code, known as the "Zoning Ordinance" or "Zoning Regulations," is the foundation for the implementation of all land use regulation in the City of Long Beach, as well as the basis for much of the authority, procedures, and activities of the Planning Bureau. The Ordinance contains a wide range of land use controls covering, among other things, residential, commercial, and industrial districts, fences, all types of signs, parking requirements, and other standards for land development and use in the City. The Ordinance also enables administrative and specific procedures such as conditional use permits, standards variances, as well as rules for implementing the current regulations upon land uses, structures, or situations (known as nonconformities) legally established under previous, different versions of the Ordinance.

The last major update to the Ordinance was made in the early 1990s, following the adoption of the most recent General Plan in 1989. Some portions of the current Ordinance were carried over from the older version, with several chapters or sections dating to the 1970s. A new General Plan Update currently is underway, and upon its completion staff anticipates a new comprehensive revision to the Ordinance to reflect the new policies and principles of the General Plan. However, the new General Plan is not forecast to be adopted in the next year. In the interim, Planning staff wishes to promulgate a series of intervening amendments to the Ordinance to remedy current shortcomings, omissions, confusing provisions, and other problems. These changes, collectively taken together as an "omnibus amendment," will enable Planning staff to better serve the public and begin implementation of long-term planning goals prior to completion of the General Plan Update.

Staff wishes to embark upon this potentially multi-phased omnibus amendment process for a number of reasons. The current regulations have, in many places, less clarity than is desired by both staff and the public. Staff hopes to increase clarity and specificity in several heavily used areas of the Ordinance to decrease confusion and frustration for the public and allow more uniform application of zoning standards. At the same time, staff also wishes to reduce needless rigidity and add flexibility to the Ordinance where appropriate, also with the goal of increasing user-friendliness. Furthermore, another major goal of the omnibus process would be to integrate heightened aesthetic standards into the Ordinance, with the purpose of increasing quality of development in Long Beach and furthering community compatibility of projects. For all of these reasons, staff feels that these amendments should not wait until after General Plan adoption.

Planning staff wishes to embark on the first phase of the omnibus amendments with changes to three major chapters of Title 21, as follows:

- Chapter 21.27, Nonconformities
- Chapter 21.31, Residential Districts
- Chapter 21.43, Fences & Garden Walls

Each chapter is proposed to be amended with significant changes. The following is a summary of the framework of the changes, beginning with the shortest chapter, Fences, and ending with the longest chapter, Residential.

#### Chapter 21.43 Fences & Garden Walls

Staff proposes to amend the three-page Chapter 21.43 Fences & Garden Walls with the following major changes:

- Prohibit the use of chain link fence in all zoning districts except the following: IP (Port District), I (Institutional District), PR (Public Right-of-way district (used for freeways and Edison transmission towers only)). In the industrial districts (IL, IM, and IG), chain link would be allowed only on interior property lines, not for street frontages.
- Ban slats inserted into chain link.
- Ban vinyl and plastic fences, with the exception of fences constructed of recycled plastic dimensional lumber or similar composites.
- Ban mixed fence materials, such as block with wrought iron on top (known as "wedding cake fences").
- Provide a process for the Zoning Administrator to review and approve or disapprove other unspecified fencing material based on aesthetics and consistency with the intent of the Zoning Regulations.
- Other minor cleanup of incomplete or confusing provisions.

#### Chapter 21.27 Nonconformities

The Nonconformities chapter deals with the application of the current Ordinance to land uses, structures, and situations legally established prior to implementation of the current Ordinance. Staff has continuing problems with this chapter's confusing construction, and its patchwork of previous amendments that make it essentially inconsistent with the stated goals of the Ordinance as a whole. Staff proposes to remedy this situation with the following major changes:

- Prohibit expansion of over-density residential properties (e.g. a lot in an R-1 zone developed with an 8-unit apartment building). Currently, each nonconforming unit may be expanded by up to 250 square feet, which would allow a 2,000-square-foot expansion of

the nonconforming 8-unit apartment building in this example. Clearly this is not aligned with the Ordinance's stated goal of eventual elimination of nonconformities, and eliminating such properties' ability to expand is the first step in that direction.

- Changing the way nonconforming parking is handled for *conforming* single-family dwellings in the R-1 zones, to require one additional garage parking space be added for each 250 square feet of expansion until parking meets code (2 garage spaces for a single-family dwelling). Eliminates situation where a single-family dwelling with no garage could have unlimited expansion without adding parking.
- Changing the way nonconforming alcoholic beverage sales commercial uses are dealt with. A physical expansion of a liquor store's floor area, or an expansion of a liquor license to include sales of additional types of alcohol would require a full conditional use permit, instead of the currently-required conditional use permit exemption.
- Reorganization of text to make the chapter easier to read and use.

#### Chapter 21.31 Residential Districts

The Residential chapter comprises the primary regulations for residential development in the City. A number of major changes are proposed to improve the usefulness of this chapter.

- Elimination of the R-1-T zoning district. It only occurs on a single property in the City, and, ironically, this property is nonconforming (it would be appropriately rezoned as part of the omnibus amendment).
- Changes to the "Uses in Residential Zones" table (Table 31-1), which is the primary means of regulating which uses are allowed or not allowed in the various residential districts. These changes consist of clean-up, clarifications, and closing loopholes, with no significant policy alterations.
- A major restructuring of the table "Permitted Projections and Structures in Required Yards" (Table 31-3), which regulates all minor structures and projections (such as balconies, bay windows, barbecues, decks, eaves, lampposts, pools, and exterior stairwells) in residential districts. The current table is not nearly comprehensive enough and leaves a number of issues open to interpretation. Staff hopes to resolve this with the revised table.
- Condensing text and clarifying provisions for development standards on multi-family residential buildings.
- Setting basic design standards for residential structures.

In order to carry out these changes, a number of smaller enabling edits to other various chapters of Title 21 also will be required. These may include changes to Chapter 21.15 (Definitions), Chapter 21.25 (Specific Procedures), Chapter 21.45 (Special Development Standards), and Chapter 21.52 (Conditional Uses). These will not involve policy changes, but are items that will need to be set in order to enable the more major changes outlined in this memo.

In conclusion, staff requests the Commission to review this proposed framework and provide staff with comments and any guidance the Commission thinks necessary. Staff also welcomes comment and guidance on the proposed omnibus program as a whole, which, depending on the outcome of the first phase, may eventually include a total of three or more phases. Future phases may include a major overhaul of sign regulations, changes to the Site Plan Review ("design review/development review") process, addition of design standards for commercial buildings, and changes to the fundamental structure of the industrial districts use regulation table, among other items.

Staff expects this item could be returned to Planning Commission in October of this year for action, with a possible hearing by City Council in November. Staff would process a Categorical Exemption from CEQA for this project.

If you have any questions, please contact me at extension 8-6428.

AJB:DB:sk