

February 20, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council accept Negative Declaration ND 16-19 and approve Zoning Code Amendment ZCA19-011 to amend Title 21 of the Long Beach Municipal Code (Zoning Code) to:

- 1) Clarify and provide regulations for the following land uses:
 - a. Clarify use regulations for the remnant CO (Office Commercial) and CH (Highway Commercial) commercial zones that were phased out in 1992;
 - b. Clarify in which industrial zones personal storage and commercial storage/personal storage uses are permitted;
 - c. Allow aerospace manufacturing uses by-right in certain industrial areas and Planned Development Districts that are industrial in character;
 - d. Create a process to allow temporary uses for community benefit projects on vacant lots.
- 2) Modify existing development standards:
 - a. Eliminate prohibitions on storage attics within accessory structures in residential zoning districts;
 - b. Exempt satellite publicly run, post-secondary educational uses from change of use parking requirements when proposed in existing buildings on commercially zoned properties located within one-half mile of public transit;
 - c. Exempt certain non-permanent fabric canopies covering rooftop usable open space from height limitations in residential zoning districts; and
- 3) Make the following changes to administrative procedures:
 - a. Add Zoning Code provisions that identify how new uses and unspecified development standards are applicable in specific plans and Planned Development Districts. (Citywide)

APPLICANT: City of Long Beach,
Development Services Department
411 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(Application No. 1910-18)



BACKGROUND

The City of Long Beach's (City) Zoning Code has not been comprehensively updated in more than 30 years, and as a result, extensive internal conflicts and outdated provisions exist throughout the code. In response to issues raised by both staff and community stakeholders, staff has been directed to compile a series of code amendments 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, and professional planners in making 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 more modern standards in the City. The goal is to ensure the zoning regulations in the City remain relevant and appropriate for both the present and future of Long Beach.

The Planning Bureau is conducting quarterly "tune-ups" to modernize the City's Zoning Code. Minor updates 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 aim to improve overall Code legibility. These proposed updates are the third set of Zoning Code updates, with the second set of Zoning Code updates reviewed by Planning Commission on September 5, 2019 and adopted by City Council on October 22, 2019 and the first set of Zoning Code updates reviewed by Planning Commission on March 21, 2019 and adopted by City Council on May 14, 2019. Staff anticipates bringing Zoning Code Amendments to the Planning Commission in quarterly intervals over the coming two or more years.

DISCUSSION

This omnibus set of code updates addresses a variety of new and longstanding issues with the current Zoning Code. These consist of regulations that clarify in which industrial zones commercial storage and personal storage uses are permitted and what the allowable land uses are in commercial zones that were phased out of the code in 1992, and that specify in which industrial areas aerospace manufacturing uses are permitted. The proposed amendments also create a process for allowing temporary uses on vacant lots. They also consist of updates to development standards related to storage attics; change of use parking requirements for satellite publicly run, post-secondary educational uses; and non-permanent fabric canopies in residential zones; and an update to administrative procedures to identify how new uses and unspecified development standards are applicable in specific plans and planned development districts. The proposed Zoning Code Amendments would apply Citywide except where otherwise specified. The following provides a brief discussion of each of the proposed amendments.

Land Use Regulation Updates

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

The proposed code amendment will clarify use regulations for remnant commercial zones that were phased out in 1992 to ensure that the allowable uses on the remnant 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 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 for commercial uses along 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 still 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 code amendment will clarify in which industrial zones personal and commercial storage uses are permitted. This change 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 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 code amendment will amend the industrial zoning regulations and Planned Development Districts that are industrial in nature 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. This amendment would encourage establishment of such uses in areas surrounding Long Beach Airport, re-establishing the historic connection to the City's role as an aircraft and advanced rocket technology manufacturing hub. 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' or less from the nearest residential district, in which case a CUP would be required.

Temporary Activating Uses

The Long Beach Municipal Code 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. This proposed code amendment will allow the temporary use of vacant lots with uses that are community serving and provide a community benefit.

The proposed amendment is intended to work in tandem with the vacant lot ordinance (ORD-17-0025, Chapter 18.29 in the Zoning Code) adopted by the City 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, shall 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 Standard Updates

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

Storage Attics in Accessory Structures

The proposed code amendment will eliminate 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' for accessory structures.

Change of Use Parking Exemptions for Public Post-Secondary Uses

Changes of use proposed in existing buildings can trigger additional parking requirements that create barriers to siting satellite public, post-secondary education uses. This proposed code amendment will exempt publicly run, post-secondary educational institutions that locate satellite services in existing buildings in commercial areas located within ½ mile of public transit from change of use parking requirements. In recognition of the benefits imparted by publicly run post-secondary schools in the City and consistent with the Long Beach College Promise, of which the City is a partner, the City proposes this change in order 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 would exempt 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 Procedure Updates

This code amendment updates administrative procedures in the Zoning Code:

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

The proposed code amendment will clarify 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 shall determine whether the development standard or the new use shall 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.

Because these proposed changes are within the Zoning Ordinance, the Planning Commission must review and act upon this matter. The Planning Commission's role is advisory, and the recommendation will be forwarded to the City Council (Exhibit A – Findings). The draft redline Zoning Code amendments is attached (Exhibit B – Draft Red-Line Code Amendment).

SUMMARY OF PUBLIC COMMENT

Staff held a Open House on the proposed Zoning Code amendments on November 6, 2019, for community members to learn about and provide input on the proposed amendments. Staff received approximately seven comments on the proposed amendments. At that meeting, a majority of the comments involved requests that the City revise the regulations pertaining to the Temporary Activating Uses so they would apply to the urban agriculture uses and community gardens, primarily so that these uses would benefit from what commenters viewed as the more streamlined review and approval process. Urban agriculture uses and community gardens are already permitted by the Zoning Code as temporary uses. The purpose of the proposed amendment is to expand the range of temporary uses not already permitted by the Zoning Code; however, these uses would be subject to stricter time limits so as not to create a disincentive for the permanent redevelopment of these vacant sites. Urban agriculture uses and community gardens are not only already permitted by the Municipal Code, but, by their nature, require longer term limits, typically a minimum of five years, given the level of improvements and the capital costs associated with these uses. As such, the proposed amendment is intended to serve a different purpose and one that is discrete from the public benefits associated with urban agriculture and community gardens.

As noted, current Municipal Code regulations provide a pathway for urban agriculture and community gardens. In the case of community gardens, public input has focused on requests that the City change the permitting process for a community garden, which currently requires City Council approval of an "Interim Park Use Permit (IP)." The IP is intended to ensure compliance with applicable development standards and compatibility with the surrounding neighborhood. Similarly, there are established processes for permitting urban agriculture uses either by-right in commercial and multi-family zones, or with an Administrative Use Permit (AUP) with findings to ensure compatibility in low-density residential and industrial zones.

While public comment on the proposed Temporary Activating Use (TAU) code amendment highlighted challenges related to these community gardens and urban agriculture uses, additional analysis is required to determine what changes to process and development standards could better facilitate community gardens and urban agriculture uses. In the interim, the Municipal Code already provides a pathway to permit these uses on vacant lots. The policy intent behind the proposed TAU code amendment is to expand the range of uses that can be permitted on a temporary basis as a way of activating vacant lots and bringing needed services to neighborhoods.

Public comment specific to the TAU amendment also addressed the type of groups who would be permitted to apply for TAUs, expressing concerns that limiting applicants to those organizations that have a "contractual" relationship with the City may unduly limit eligible applicants. Comments also raised questions about how the City will consider and review applications that combine temporary uses and sporadic special events. The feedback provided by the participants informed several changes to the proposed amendment pertaining to applicant eligibility and different categories of TAUs.

PUBLIC HEARING NOTICE

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in Long Beach Municipal Code Section 21.21.302.C, notice of this public hearing was published in the Long Beach Press-Telegram on February 6, 2020; written notices were sent to the California Coastal Commission and all City libraries; and three public hearing notices were posted in public places throughout the City. Additionally, notice of the proposed code amendment was distributed through the City's LinkLB e-mail blast system.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration was prepared for the Omnibus Zoning Code Amendment (Round 3). The proposed code amendment and Negative Declaration were posted on the City website and published in the Long Beach Press-Telegram on January 2, 2020 and has been circulated for a 30-day review period until February 3, 2020. As of the date of preparation of this report, one inquiry from the State Department of Justice regarding the aerospace manufacturing code amendment was received. The inquiry resulted in a follow-up phone conversation to explain the specifics of the amendment. The Negative Declaration is available as an attachment to this report (Exhibit C - Negative Declaration ND 16-19). The ND also covered code changes related to homeless shelters and interim housing which will be presented to the Planning Commission at a later date.

Respectfully submitted,


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Attachments: Exhibit A – Findings
Exhibit B – Draft Red-Line Code Amendment
Exhibit C – Negative Declaration ND 16-19