



# CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

333 W. Ocean Boulevard Long Beach, California 90802 562-570-6194 FAX 562-570-6068

October 11, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the ordinance relating to (1) expansion and alteration of residential uses with nonconforming parking (Citywide), (2) maintaining nonconforming rights to existing driveways in parking impacted areas (Citywide), and (3) maintenance of nonconforming parking rights in Area D of the Coastal Zone (Council District 3), read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt the attached resolution authorizing the Director of Planning and Building to submit amendments to the Long Beach Zoning Regulations to the California Coastal Commission for its review and approval as an implementing ordinance of the Local Coastal Program (Citywide).

## DISCUSSION

This item addresses several City Council directed amendments to the Zoning Regulations.

### Expansion and Alteration of Residential Uses with Nonconforming Parking

At the November 23, 2004 meeting, the City Council directed the Planning Commission to consider amendments to the Zoning Ordinance to address a development trend in the City, whereby a property owner renovates an existing multi-unit residential building to provide additional bedrooms. The conversion typically occurs through reducing the size of living rooms or dining rooms, or by dividing existing bedrooms to create smaller rooms. In most cases, the conversions are occurring on sites with older properties that do not meet current density, parking, or open space requirements. This has the effect of exacerbating the parking problems already present in many of these areas.

On December 16, 2004, staff proposed amendments to the Zoning Ordinance whereby interior alterations that created additional bedrooms in studio and one-bedroom units would require additional parking. In response to concerns raised by affordable housing advocates and developers, the Planning Commission determined that the issue required further study, and recommended that the City Council adopt a moratorium prohibiting interior alterations that create additional bedrooms in multi-family structures with nonconforming parking until such time as a study could be completed. The City Council adopted the moratorium on February 1, 2005, and this prohibition remains in place until January 31, 2006 or until the Zoning Ordinance is amended.

Staff was also directed to meet with housing advocates and the Apartment Owners Association to ensure that any amendments would avoid negative unintended consequences related to affordable housing. Staff has met with the housing advocates and the Apartment Owners

Association on several occasions, and comments from these groups were used to assist in drafting the proposed amendments.

The proposed amendments (listed as part of Attachment 1) would apply to persons wishing to make additions or alterations to multi-family structures with a nonconforming number of parking spaces. Units below a certain size threshold would be required to add parking to help offset the impact of more bedrooms in a smaller space, while units that exceed the size threshold would be able to add an additional bedroom without providing additional parking. The intent of the amendments is to allow interior alterations in larger units, where staff believes that the size of the unit can support additional bedrooms, while discouraging additional bedrooms in smaller units where the existing floor area has a limited ability to support additional bedrooms.

In order to achieve consistency with the proposed regulations governing interior alteration of nonconforming uses, the proposed amendments would also result in a reduction in the allowable expansion on nonconforming properties from 450 square feet to 250 square feet, which will still allow for the addition of a bedroom and bathroom. Many cities prohibit expansion of nonconforming uses; historically, Long Beach prohibited such expansions. However, the City Council changed this policy in response to the significant rezoning that occurred in the early 1990s. This rezoning made a large number of properties nonconforming. The City Council felt that minor additions should be permitted to allow for additional bedrooms and bathrooms to accommodate increasing family sizes. Therefore, the expansion size was established as 450 square feet. Staff believes that the reduction in the allowable expansion of nonconforming uses should be addressed concurrently with the restrictions on interior alterations, and that the proposed restrictions on expansions are consistent with the proposed restrictions on interior alterations.

At the July 7, 2005 hearing, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed amendments to the Zoning Ordinance and Local Coastal Program.

#### Maintaining Nonconforming Rights to Existing Driveways

On November 11, 2004 the City Council directed the Planning Commission to investigate amending the Zoning Ordinance to allow the replacement of one-car garages with carports. Staff met with the community on February 10, 2005 to discuss the issue. At this community meeting, residents did not endorse the idea of carports as a replacement for garages, but did raise the issue of retention of nonconforming driveways. Currently, the Zoning Ordinance does not allow driveways in Parking Impacted Areas where the site has alley access. Therefore, if an existing garage with driveway access is reconstructed to provide alley access, the driveway approach must be removed. In 2004, both the Zoning Administrator and Planning Commission denied a request to retain an existing nonconforming driveway after demolishing an existing one-car garage accessed by the driveway and replacing it with a two-car garage with alley access (Case No. 0403-31). Several neighboring residents opined that requiring the removal of driveways results in an increase in the demand for street parking without adding additional street parking, since many of the driveways in the Belmont Shore area are only 9 feet wide.

Staff presented the proposed amendments to the Belmont Shore Residents Association on July 14, 2005, and to the Belmont Shore Parking and Business Improvement Advisory Commission on July 21, 2005. The residents endorsed the proposed amendments, but several residents

asked staff to reopen the discussion on demolition of one-car garages. Staff conducted a community meeting on September 15, 2005 to discuss this issue, and is exploring the issue separately from the proposed amendments relating to nonconforming driveways.

At the September 1, 2005 hearing, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed changes to the Zoning Ordinance and Local Coastal Program. In drafting the amendments to the Zoning Ordinance, staff determined that not only should the amendment apply in the Belmont Shore area but throughout the Parking Impacted Areas, since the remainder of the Parking Impacted Areas share similar parking constraints to those found in Belmont Shore. Therefore, the amendment will allow existing nonconforming driveways in Parking Impacted Areas to remain, provided that the driveway leads to a legal place to park, as defined in Section 21.41.281 (see Attachment 2).

#### Maintenance of Nonconforming Parking Rights in Area D of the Coastal Zone

On March 15, 2005, the City Council directed the Planning Commission to investigate amendments to the Zoning Ordinance that would allow restaurants in Area D of the Coastal Zone (Belmont Shore) to maintain nonconforming parking rights after a change to a non-restaurant use. The issue of maintaining nonconforming parking rights stems from the desire of the Belmont Shore residents to see a decrease in the number restaurants in the area and an increase in the number of retail uses along the street. This would have the effect of reducing parking demand in the area, since retail parking demand is generally less than the restaurant demand, as well as broadening the mix of uses present in the Belmont Shore area.

In the past, the City has amended the Zoning Ordinance to address parking requirements in Belmont Shore. In 1999, the City Council adopted amendments that increased the parking requirements for restaurant uses in Belmont Shore. The assumption was that the change would prevent new restaurants from opening without additional parking and encourage new retail uses in the area. While the change to the Zoning Ordinance significantly decreased the likelihood of new restaurants being established in the area, it has had the side effect of ensuring the permanence of existing restaurant uses due to the nonconforming parking rights held by the restaurants. If the existing restaurants were to change to a retail use, the current zoning regulations would not allow the use to revert back to a restaurant without providing additional parking. Both the Belmont Shore Residents Association and the Belmont Shore Parking and Business Improvement Advisory Committee believe that allowing properties to maintain nonconforming parking will encourage property owners to consider retail uses in lieu of restaurants, since this would allow the property owner to reestablish a restaurant if the retail use proves unviable.

In 2003, the Planning Commission approved a Standards Variance and Local Coastal Development Permit request to allow the retention of nonconforming parking rights following a change in use at 5004-5006 E. 2<sup>nd</sup> Street (Case No. 0306-27 "Billings Hardware"). The proposed amendment is reflective of the Planning Commission decision, and would allow all uses in Belmont Shore with nonconforming parking to retain nonconforming parking rights after a change in use, subject to staff Site Plan Review.

Staff presented the proposed amendments to the Belmont Shore Residents Association on July 14, 2005, and to the Belmont Shore Parking and Business Improvement Advisory Commission on July 21, 2005. At the meetings, the residents recommended a broadening of the amendment to include all uses with nonconforming parking instead of only restaurants; staff has incorporated this recommendation in the proposed amendment.

At the September 1, 2005 hearing, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed amendments to the Zoning Ordinance and Local Coastal Program. In drafting the proposed amendments (listed as part of Attachment 2), staff attempted to balance the desires of the residents and business owners with the need to provide a mechanism to track properties with nonconforming parking rights. Staff determined that the Site Plan Review process was the most appropriate mechanism. The proposed amendments would allow a property owner to submit for Site Plan Review, at which point Planning Staff will determine the number of nonconforming parking spaces. After this determination, the property will maintain nonconforming rights to the number of parking spaces, regardless of the use on the property.

In accordance with the Guideline for implementation of the California Environmental Quality Act, a Categorical Exemption (CE 04-245) has been prepared for these amendments.

Assistant City Attorney Michael Mais reviewed this Council letter on October 3, 2005.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that the City Council conduct a hearing on the Planning Commission's recommendation within 60 days. However, since the City is the applicant this time frame is not binding.

A 14-day public notice of the hearing is required. Notice was published in the Press-Telegram on September 26, 2005.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Adopt recommendation.

Respectfully submitted,

MORTON STUHLBARG, CHAIR  
CITY PLANNING COMMISSION

BY:   
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SUZANNE M. FRICK  
DIRECTOR OF PLANNING AND BUILDING

HONORABLE MAYOR AND CITY COUNCIL

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**Attachments:**

- 1) Planning Commission Staff Report and Minutes of July 7, 2005
- 2) Planning Commission Staff Report of September 1, 2005