



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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PLANNING BUREAU

September 5, 2019

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council:

- 1) Accept Negative Declaration ND 06-20 and approve Zoning Code Amendment (ZCA19-003) to amend Title 21 of the Long Beach Municipal Code (Zoning Ordinance) to:

Land Use – Define and provide regulations for the following uses currently undefined in the Zoning Code:

- a. Indoor and outdoor amusement/entertainment facilities, including escape rooms and similar uses;
- b. Tutoring centers;
- c. Animal-related uses including ancillary animal adoption and boarding related uses;

Development Standards – Make the following changes to existing development standards:

- a. Eliminate required distance between structures on a single property within residential zoning districts;
- b. Exempt non-conforming historic landmarks and contributing buildings, structures, and lots located in historic landmark districts from complying with parking requirements for expansions or interior alterations to residential uses to create additional bedrooms;
- c. Update the Gross Floor Area (GFA) definition to include on-grade, semi-subterranean, and subterranean garages, as well as lofts, basements, and finished or habitable attics as part of GFA; update the definitions and code sections for lot coverage and floor area ratio to clarify that garage area up to 700 square feet for a single-family dwelling and all garage area for multi-family dwellings and non-residential buildings are exempt from lot coverage and Floor Area Ratio (FAR) calculations; lastly, exempt underground parking from complying with building setback requirements.
- d. Update fence regulations in flood zones to measure from the top of the flood plain and clarify standards for corner cutoffs;
- e. Provide exceptions to height limits for rooftop solar collectors in commercial, industrial, and institutional zoning districts;

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Administrative Procedures – Make the following change to existing noticing requirements:

- a. Update noticing requirements to exempt hearing items continued to a date certain from re-noticing.

APPLICANT: City of Long Beach, Development Services Department
411 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(Application No. 1905-15)

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 updates to address new land use trends and business types, better respond to unique neighborhood development patterns, and improve administrative processes.

New development standards and policies will enable the City to assist developers, architects, landscape architects, urban designers, residents, and business owners 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 for provisions regarding siting of emerging uses currently not addressed in the code, development standards relating to various uses across zoning districts, administrative procedures relating to re-noticing, and overall Code readability. These proposed updates are the second set of Zoning Code updates for 2019. The first set of Zoning Code updates were 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 set of omnibus code updates addresses a variety of new and longstanding issues with the current Zoning Code. These consist of 1) how we define and allow for escape rooms, tutoring centers, and ancillary animal adoption and boarding uses in conjunction with animal-related uses; updates to development standards relating to: 2) distances between structures on a residential property 3) parking requirements for expansions in historic landmark districts 4) gross floor area (GFA), floor area ratio (FAR), and lot coverage definitions and code sections, and GFA exemptions to FAR and lot coverage

calculations 5) fence regulations in flood zones 6) corner cutoffs 7) rooftop solar height exemptions; and 8) an update of administrative procedures to exempt hearing items continued to a date certain from re-noticing. The proposed Zoning Code amendments would apply Citywide except where otherwise specified. The following provides a brief discussion of each standard and the proposed change.

Land Uses

These code amendments define and provide regulations for new land uses not currently addressed in the Zoning Code:

Escape Rooms

The proposed code amendment will define and provide regulations for escape rooms and other amusement/entertainment facilities. Escape rooms and similar indoor group recreational activities are not currently recognized in the Zoning Code. This amendment will permit these uses within most commercial zones in the City, allowing them either by-right or through a use permit (Administrative Use Permit [AUP] or Conditional Use Permit [CUP]) depending on the size of the establishment, whether the operations are indoor or outdoor, and the intensity of the commercial zone. The amendment also establishes development standards, including limits on hours of operation, noise regulations, and security measures, to which such uses will be required to comply to ensure compatibility with surrounding uses. The purpose of this amendment is to respond to new in-demand recreation uses and decrease vacant retail space, while accommodating potential changes in the business types within this land use category.

Tutoring Centers

The proposed code amendment will define and provide regulations for tutoring centers. Tutoring centers are not specifically recognized as a use in the Zoning Code. This amendment will permit these uses within most commercial zones in the City, allowing them either by-right or through an AUP process depending on the size of the establishment. The amendment also establishes development standards, including loading space requirements, hours of operation, and maximum occupancies, to which such uses will be required to comply. The purpose of this amendment is to provide consistent guidance for tutoring centers, which are different from schools or personal services, that allow them to operate in a manner that is compatible with surrounding uses.

Ancillary Animal Adoption and Boarding

The proposed code amendment will define and provide regulations for animal service-related land uses that incorporate ancillary animal adoption and boarding related uses. The range of animal service-related businesses that has arisen is not currently contemplated by the Zoning Code. This amendment will expand the range of animal-related businesses allowed by the zoning code and also permit animal boarding or adoption as an accessory use to an animal-related business. The amendment will permit these uses within most commercial zones in the City, allowing them either by-right or through an AUP process depending on gross floor area of the accessory use and whether the use involves outdoor daycare. The amendment includes specific performance standards to which such businesses will have to comply as a means to minimize noise, odor, and other potential impacts on neighboring uses. The purpose of this amendment

is to expand the range of animal-related businesses addressed in today's zoning code, such as animal lounges, and to allow ancillary animal adoption and boarding in conjunction with a range of animal-related uses in commercial zones either by-right or through an AUP process, in order to improve access to these services in proximity to neighboring residential areas. Currently animal adoption and boarding are only permitted in industrial zones that are generally in more remote areas of the City and thus are not easily accessible to the City's residents.

Development Standards

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

Elimination of Required Distance between Structures on a Residential Property

The proposed code amendment eliminates the required distance between structures on a single property within residential zoning districts. Currently, principal and accessory structures, including freestanding garages, workshops, and accessory dwelling units, are required to maintain an eight (8) foot separation. The Building Code addresses building separations. As such, the elimination of this requirement within the Zoning Code will defer the required distance to the Building Code and eliminate any potential for conflicting regulations.

Parking Exemption for Modifications to Historic Properties

The proposed code amendment will exempt changes or expansions to non-conforming historic landmarks and contributing buildings, structures, and lots located in historic landmark districts from additional parking requirements. Requiring new parking garages for alterations or additions to historic properties can result in changes to historic structures that are not consistent with their historic character and are counter to historic preservation goals. As historic buildings and properties evolve, providing parking flexibility could also remove a frequent barrier to improvement, expansion and renovation and ultimately preservation of historic resources. This request originated from and was unanimously recommended by the Cultural Heritage Commission.

Floor Area Ratio (FAR) Calculation for Multifamily and Commercial Parking

The proposed code amendment will clarify that the Gross Floor Area (GFA) definition includes on-grade, semi-subterranean, and subterranean garages, as well as lofts, basements, and finished or habitable attics; update the Floor Area Ratio (FAR) and lot coverage definitions and code sections to clarify that garage area up to 700 square feet for a single-family dwelling and all garage area for multi-family dwellings and non-residential buildings are exempt from lot coverage and Floor Area Ratio (FAR) calculations; and to exempt underground parking from complying with building setback requirements. This code amendment encourages applicants to provide required parking in a manner that is better integrated with proposed developments without further limiting the floor area that is allowed for housing and businesses. Consistent with the Downtown/Alamitos Beach Parking Study recommendations, this code amendment would improve the ability to construct and lease parking as a community amenity.

Fences in Flood Plains

The proposed code amendment will allow fences within flood zones to be measured from the top of the flood plain instead of from grade. This change aligns with State Building Code changes to adapt to flooding.

Corner Cutoffs

The proposed code amendment standardizes and brings into consistency language in various sections of the Zoning Code that make reference to corner cutoffs. The proposed code amendment will clarify the existing requirement that a triangular area at corners measuring six feet by six feet to 10 feet by 10 feet is required to be free from structures or vegetation that could obstruct visibility. Where applicable, the proposed amendment changes the language from "six to 10 feet" to "six feet by six feet (6' x 6') to "ten feet by ten feet (10' x 10') to make the language in all sections and to more accurately describe how the measurement is taken. The amendment also specifies that the maximum height of structures in corner cutoffs that can impede visibility is eight feet and updates the definition of corner cutoff to remove development standards that are already established within the appropriate section of the code. This change helps clarify and facilitate application of corner cutoff requirements when using relevant sections of code.

Height Limit Exemption for Rooftop Solar

The proposed code amendment will provide for a height exemption for rooftop solar facilities in commercial, industrial and institutional zoning districts. Rooftop solar is already exempt from height restrictions in residential zoning districts. This change will facilitate the use of renewable energy and help reduce climate impacts as well as align the City's Zoning Code with State law.

Administrative Procedures

This code amendment updates administrative processes in the Zoning Code:

Re-noticing a Continued Public Hearing

The proposed code amendment will eliminate re-noticing requirements for projects whose hearings were previously noticed and continued to a specific meeting date. This change helps eliminate redundant and confusing repeat noticing when a hearing is rescheduled or continued to a specific date. This change also reduces costs incurred by the City and applicants for re-noticing and is consistent with state law (Government Code section 54955).

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. A complete set of the proposed changes to the Zoning Code are included (Exhibit A – Draft Red-Line Code Amendment).

SUMMARY OF PUBLIC COMMENT

Staff held a Zoning Code Update Open House on June 5, 2019 for community members to learn about and provide input on the proposed code amendments. Staff received

approximately ten comments on the Zoning Code Update. One individual inquired about the details of proposed noticing provisions and three individuals provided comments opposing the change of existing noticing requirements because adequate notification is already a challenge. Other comments generally addressed parking regulations in the City: one individual encouraged the replication of regulations allowing parking flexibility of downtown in other commercial districts, while another individual expressed opposition to reducing the two-car garage requirement from any residential area (which is not being proposed in this set of zoning amendments). Other comments addressed the open house meeting itself: one individual commented that the open house type meeting was not useful, while another individual commended staff for an informative meeting.

Staff also held a focus group specifically on the proposed amendments to animal-related uses on June 12, 2019 to obtain input on the proposals for new animal related uses such as animal lounges and allowing ancillary animal adoption and boarding uses within commercial zones, in conjunction with a variety of animal-related businesses including veterinary hospitals, animal grooming, and animal lounges, among others. Staff received 32 comments on this proposed code amendment. The meeting was attended by several individuals ranging from existing and prospective animal related business operators and members of non-profit animal organizations who shared insight about the operations of such businesses. The feedback provided by the participants informed several changes to the proposed amendment pertaining to building and operational standards that will not be overly burdensome to businesses while also ensuring these uses will not be detrimental to public safety and the general welfare of the community as well as the animals.

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 August 22, 2019; written notices were sent to the California Coastal Commission and all City libraries except for the Main Library, which is currently closed for construction; 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 2). The proposed code amendment and environmental report were posted on the City website and published in the Long Beach Press-Telegram on August 2, 2019 and has been circulated for a 30-day review period until September 2, 2019. As of the date of preparation of this report, no comments have been received. The Negative Declaration is available as an attachment to this report (Exhibit B - Negative Declaration ND 06-20).

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Respectfully submitted,



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P:\Planning\PC Staff Reports (Pending)\2019\2019-09-05\Omnibus Round 2 Code Update – JL

Attachments: Exhibit A – Draft Red-Line Code Amendment
 Exhibit B – Negative Declaration ND 06-20