



## Legislation Text

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**File #:** 19-0417, **Version:** 2

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Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.15.3060, 21.21.501, 21.21.504, 21.25.101, Table 30-1 of Section 21.30.040, 21.31.225, 21.31.235.C, 21.31.255, 21.31.265, 21.32.020, 21.32.110, 21.32.120, 21.32.205, 21.32.210, 21.32.220, 21.32.225.A.1, 21.32.235, 21.39.030, 21.41.253, 21.52.206, 21.52.263, 21.52.283, and Table 54-1 of Section 21.54.170; by adding Section 21.32.275; and by repealing Section 21.32.130, and Tables 32-1A, 32-2A, and 32-3A, all related to the Zoning Code, read and adopted as read. (Citywide)

Title 21, Zoning Regulations, of the long Beach Municipal Code (LBMC) has not been comprehensively updated in more than 30 years and, as a result, there are extensive internal conflicts and outdated provisions throughout Title 21. In response to issues raised by both staff and community stakeholders, staff has been directed to compile a limited, yet comprehensive, series of code updates to address the aforementioned issues and update the City's regulations to reflect community feedback and current development standards.

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 Additionally, by eliminating incongruencies, vagaries, and outdated code elements, City staff can provide consistent review and allow for greater code flexibility and more modern standards. The goal is to ensure zoning regulations in the City remain relevant and appropriate for both the present and future of Long Beach.

Recent development applications and proposed projects at varying scales and levels have brought to light the need to streamline and modernize zoning regulations. Small-scale improvements can be made to zoning regulations on residential aesthetics and parking, the Planning Commission decision process, overall code legibility, infrastructure and climate appropriate building materials, and school siting within the City. This proposed set of zoning regulation updates are the first batch of updates; staff intends bringing forward quarterly amendments over the coming two or more years.

This proposed set of zoning regulation updates addresses a variety of longstanding issues, including how we define and allow for townhouses, the appeal process for Planning Commission decisions, deleting zoning districts no longer in use, updating the maximum allowed garage size, allowed roof materials for single-family homes, requirements for screening mechanical equipment, undergrounding utilities in new projects, changes to close unused or unwanted curb cuts, and siting requirements for new schools. The proposed Title 21 amendments would apply citywide except where otherwise specified. Findings have been made that this action is consistent with state law, state guidelines, the City's General Plan,

and 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 A - Findings).

On February 21, 2019, a study session on the proposed Title 21 changes was conducted at the Planning Commission. Upon making minor changes based on that study session, a Negative Declaration was drafted and circulated (Attachment B - Negative Declaration). Two public comments were received during this process (Attachment C - Public Correspondence). The first comment appeared to reflect confusion as to the exact nature of the code change, and clarification was provided. The second comment was from the California Department of Transportation (CalTrans), in response to the notice of Negative Declaration. CalTrans concluded the proposed update would have no direct negative impact on any state transportation facility. On March 21, 2019, the Planning Commission held a public hearing on the proposed Title 21 amendments and forwarded a unanimous recommendation of approval to the City Council.

The following provides an overview of each of the proposed amendments. The “red-lined” changes to the Zoning Code are included in Attachment D - Redlined Zoning Code Amendments.

### ***Physical Infrastructure***

The proposed amendment will provide guidelines to determine curb cut closures and require underground utilities in new projects. These additional regulations will improve public infrastructure, the visual environment, sustainability in new projects, and provide additional parking opportunities throughout the City by maximizing curb parking and improve utility reliability in future projects.

### ***Appeals Process***

The proposed amendment will define the standing required and timeline for land use decision appeals. The proposed amendment will define “aggrieved person” to be consistent with the existing law and planning practice as well as specify that Planning Commission recommendations, as opposed to decisions, are not subject to appeal. Additionally, the Director of Development Services will be allowed to provide an extension of the period to act on appeals up to 90 days. This extended period to hear appeals will allow disputes to be resolved without a formal hearing and resolve scheduling conflicts that sometimes occur when scheduling matters for City Council adjudication. Together, these changes will result in a clear and expedited development process for major projects.

### ***Townhouse***

The proposed amendment will update the definition for townhouse and eliminate zoning restrictions on side-by-side units. Under the expanded definition, townhouse will include side-by-side units. Eliminating the side-by-side restriction will give small-scale home developers more flexibility and design/layout options when building or redeveloping on R-2-N zones,

without any impact on neighborhood character or scale.

### ***Outdated Zoning Districts***

The proposed amendment will update the commercial zones sections of the code to strike out references to commercial districts no longer in use. Eliminating all references to commercial zones no longer in use will make the code more readable and user-friendly for both staff and the general public.

### ***Garage Size***

The proposed amendment will eliminate size restrictions for single-family garages and update lot coverage and floor area calculations in single-family districts. Removing the restriction on single-family garage sizes will allow for flexibility in parking areas and address the residential demand for vehicle and item storage.

### ***Residential Roofs***

The proposed amendment will update roofing material requirements for residential districts to allow metallic roofs. Allowing metallic roofs that are appropriately designed will improve sustainability and allow new materials such as solar panel shingles, while also protecting against glare-producing surfaces.

### ***Mechanical Equipment Screening***

The proposed amendment will revise screening requirements for mechanical equipment in low-density residential districts. The existing code does not regulate mechanical equipment in low-density residential setback area. The new screening requirements for mechanical equipment in residential areas will improve the visual environment within neighborhoods without significantly impacting development or rehabilitation costs.

### ***School Siting***

The proposed amendment will update school siting requirements to reflect the City's adopted Mobility Element. This change will allow for school locations on major streets, which is common among charter school as well as set-up a process for small local schools on minor streets. The increased flexibility in school siting regulations will also reflect the siting characteristics of contemporary charter and private schools and allow for educational institutions to be appropriately located within Long Beach.

### ***Annual Code Updates***

The proposed amendment will eliminate the current restriction on the number of zoning code amendments that can be processed per calendar year. The elimination of a maximum number of zoning regulations per year will allow City staff to more efficiently address the need for substantial changes to the Zoning Regulations.

Notice of this public hearing was published in the Long Beach Press-Telegram on April 23, 2019, in accordance with provisions of the Zoning Ordinance. Additionally, 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. Lastly, an email blast regarding the proposed Title 21 amendments was sent through the City's LinkLB system to interested parties subscribed to LinkLB. No responses were received as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Negative Declaration ND 03-19 was prepared for the proposed amendments (Attachment B - Negative Declaration). The Negative Declaration was made available for a 30-day public review and comment period that began on February 19, 2019 and ended on March 21, 2019.

A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program has been prepared.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Analysis Officer Julissa Jose-Murray on April 12, 2019.

City Council action is requested on May 7, 2019. Pursuant to Section 21.25.103 of the Zoning Regulations, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on March 21, 2019.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

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LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER