

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th23a

February 19, 2016

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Charles Posner, Supervisor of Planning
Zach Rehm, Coastal Program Analyst

RE: Amendment Request No. 1-16 (LCP-5-LOB-16-0004-1) to the City of Long Beach Local Coastal Program, for Commission Action at its March 10, 2016 meeting in Santa Monica.

Local Coastal Program Amendment No. 1-16

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Amendment Request No. 1-16 would amend the City's residential and commercial development regulations to define adaptive reuse of buildings and set Special Development Standards for adaptive reuse projects citywide. The LCP amendment request affects only the implementation plan (IP) portion of the certified LCP (Zoning Regulations – Title 21 of the Long Beach Municipal Code) and does not propose any rezoning or land use changes. The proposed changes to the City's zoning code are contained in City Council Ordinance No. ORD-14-0004 (See Attachment). The LCP amendment request was submitted for Commission certification by City Council Resolution No. RES-14-026. The City of Long Beach Planning Commission held a public hearing for the new sign regulations on November 21, 2013, and the City Council held a public hearing on March 4, 2014. The City submitted LCP Amendment Request No. 1-16 on January 19, 2016 and Commission staff deemed the LCP amendment request complete effective that date.

STAFF RECOMMENDATION

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The City's new adaptive reuse ordinance permits the conversion of existing structures into new uses compatible with the underlying land use plan (e.g. conversion of a church to a multi-unit apartment in an area already zoned multi-family residential). The changes proposed in this LCP amendment do not include any substantial changes that would adversely affect coastal resources, and the proposed changes are consistent with the certified LUP.

Staff is recommending that the Commission, after public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is on page two.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission reject Amendment No. 1-16 to the City of Long Beach Implementing Ordinances as submitted by the City.

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment as Submitted

The Commission hereby certifies Amendment Request No. 1-16 to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. FINDINGS

A. Description of the LCP Amendment Request

Long Beach LCP Amendment Request No. 1-16 would amend the City's residential and commercial development regulations to define adaptive reuse of buildings and set Special Development Standards for adaptive reuse projects citywide. Section 21.15.064 would be added to the zoning code (LIP) to define adaptive reuse as "a construction or remodeling project that reconfigures existing spaces, structures, or buildings to accommodate a new use or to accommodate another purpose that what is was originally designed for." Section 21.25.502 would be amended to indicate the adaptive reuse projects that require Site Plan Review (as most projects in the coastal zone already require) and Section 21.45.500 would set Special Development Standards for adaptive reuse projects, to be applied during Site Plan Review. Any project in the coastal zone requiring site plan review will also require a coastal development permit, so all adaptive reuse projects will need to be consistent with both the ordinance and the other policies of certified Land Use Plan, as well as the public access and recreation policies of the Coastal Act. Long Beach City Council Ordinance No. ORD-14-0004 adopting the proposed changes to the zoning code is attached.

The adaptive reuse ordinance would be effective citywide. In all areas except those zoned single-family, duplex, or industrial, any existing structure could be adaptively reused (remodeled) into any other use permitted under the Neighborhood Commercial and Residential (CNR) zoning designation. The CNR zoning designation is one of the most restrictive designations, so most new uses would be residential or limited commercial. Any commercial adaptive re-use projects in multi-family residential areas would require specific findings from the Site Plan Review Committee, which would ensure compatibility with the character of the community.

B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP sets forth policies to control development, protect coastal resources, and enhance shoreline access. The introduction to the certified LUP states: “A built city is not a clean slate upon which land uses and circulation systems can be drawn and redrawn until the best relationships are achieved. Many accommodations within existing urban systems must be made, and community lifestyle and special needs recognized.” [Introduction Page I-3]. More specific statements within the Community Plan Area and Detailed Policy Statement sections of the LUP, include: “public policy and land use decisions should be used to help preserve existing viable neighborhoods.” [Locating and Planning New Development – LCP Policies Page 36]. Page I-3 of the LUP states: “this program has as a fundamental imperative the preservation of existing viable neighborhoods and low/moderate cost housing opportunities.”

In the Downtown Shoreline District and Area A of the LUP, where the Adaptive Reuse Ordinance may be applied to change the uses of historic buildings along Ocean Boulevard, policies state that “measures shall be taken to preserve those buildings designated as historically or architecturally distinctive.” Those sections also state that existing motels in the area should be preserved and that new development should not exacerbate the existing parking shortages. The subject LIP amendment would provide specific standards to carry out these goals.

The changes proposed in this LCP amendment are changes that make the zoning ordinances and the certified IP more specific and do not include any substantial changes that would adversely affect coastal resources. The City states that the intent of the new regulations is to allow conversion of existing structures into new land uses that maintain or enhance the character of a neighborhood or district, extend the life of the building, reduce use of new construction materials and reduce construction waste generated, and provide additional employment of housing opportunities in appropriate and compatible locations. Adaptive reuse projects are inherently sustainable because they do not generate as much debris or construction waste and require fewer resources than new construction requires. Property owners and developers benefit from reduced construction costs and avoid constraints like greater setback requirements and added parking requirements that would be required for a new construction project under the current zoning code.

The Special Development Standards for adaptive reuse projects would allow existing principal structures with non-conforming setbacks to remain. Existing buildings with non-conforming height would also be permitted to remain, but no additional floor space would be permitted above the height limit of the current zoning code.

All existing parking spaces would be required to be maintained. In designated parking impacted areas, residential units established through adaptive reuse would require one parking space per unit and one guest parking space per four units. Non-residential uses would require two parking spaces per 1,000 square feet of usable space. Mixed-use adaptive reuse projects would require no parking for the first 3,000 square feet of non-residential space. Adaptive reuse projects creating assembly, office, or retail space would require 75% of the parking called out by the current zoning code. The parking requirements would be further reduced (by approximately a factor of two) for projects not located in parking impacted areas. The parking impacted areas cover the majority of the coastal zone and limited areas outside the coastal zone as designated by the City of Long Beach 2013 Mobility Element¹.

In most cases, the proposed Special Development Standards for adaptive reuse projects would be implemented by the City's Site Plan Review Committee, with appeals going to the Planning Commission. Any adaptive reuse in the coastal zone which would have previously required a coastal development permit will still require a coastal development permit. Section 21.25.903.B.2 of the Long Beach zoning code provides that all development projects which require additional discretionary review shall require a coastal development permit. The Site Plan Review Committee will conduct a discretionary review for proposed adaptive reuse projects where the existing structure does not conform to the zoning code and where the proposed use would not make the non-conformity any more severe. The requirement for a coastal development permit in addition to any other required discretionary review is the trigger for reviewing projects for compliance with the certified LCP.

All of the proposed changes conform with, and are adequate to carry out, the provisions of the certified LUP. The proposed LCP amendment is consistent with the policies of the LUP and will not result in any adverse impacts to coastal resources.

C. California Environmental Quality Act

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed LCP amendment. On October 3, 2013, the City issued a Categorical Exemption (CE-13-100) for the proposed changes to the zoning regulations. Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

ⁱ The Commission did not certify the map on Page 53 of the Mobility Element under its approval of that plan (LCP Amendment LCP-5-LOB-13-0229-1) because it misidentifies several preferential parking districts where the Commission has not approved preferential parking; however the Commission can certify the identification of the parking impacted areas as part of this action because doing so will have the effective of improving public access by requiring adaptive reuse projects to provide additional parking in the coastal zone.

ORDINANCE NO. ORD-14-0004

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.25.502;
AND BY ADDING SECTIONS 21.15.064.5 AND 21.45.500,
ALL RELATED TO ADAPTIVE REUSE

Section 1. Section 21.25.502 of the Long Beach Municipal Code is amended to read as follows:

A. Standard. The following projects shall require site plan review:

1. Residential. The following residential projects require site plan review:

a. Five (5) or more units as one (1) project. This includes both new construction, as well as additions or adaptive reuse projects. This includes side by side projects by the same applicant where the total of new plus existing units equals five (5) or more;

b. Construction of a new dwelling unit or an addition greater than four hundred fifty (450) square feet in size to an existing dwelling, located on a lot less than twenty-seven feet (27') in width in the R-1-N, R-1-M, R-2-N, and R-2-A districts;

c. Any project proposing to utilize the incentive program established for very low and low income households; and

d. Any residential project proposing to utilize a wing wall.

2. Commercial. The following commercial projects require site plan review:

a. New buildings of one thousand (1,000) square

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CHARLIES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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1 feet or more;

2 b. Additions of one thousand (1,000) square feet or
3 more to an existing commercial building. However, an addition of up to five
4 thousand (5,000) square feet may be permitted without site plan review if
5 the addition is less than twenty-five percent (25%) of the floor area of the
6 existing building and is not visible from a public way;

7 c. Exterior remodeling of a building where the
8 affected area consists of fifty feet (50') or more of building frontage in the
9 CNA, CNP and CNR districts;

10 d. Commercial storage uses; and

11 e. Attached/roof-mounted cellular and personal
12 communication services.

13 3. Industrial or public assembly use. Industrial projects
14 with five thousand (5,000) square feet or more of floor area of new
15 construction, except those located in the IP (Port) zoning district. Projects
16 located in the IP zone shall be exempt from site plan review, except those
17 projects which are located on a major arterial as defined by the
18 transportation element of the General Plan.

19 4. Adaptive Reuse. Projects involving the reuse of
20 existing spaces, structures or buildings as allowed under California Health
21 and Safety Code Section 17958.11 for joint living and work quarters (live-
22 work) or as allowed in LBMC Chapter 18.63, and subject to the Special
23 Development Standards in LBMC Section 21.45.500.

24 5. Project on City land. All new construction projects with
25 building floor area of five hundred (500) square feet or greater except
26 roadway and utility maintenance or improvements.

27 6. Sign standards waiver requests. The City recognizes
28 the visual and aesthetic importance that signage has on a development.

1 Not only does signage identify the tenants of a particular space but it helps
2 define and shape the unique architectural character and identity of a project.
3 To this end, this sign standards waiver section has been introduced. The
4 intent of this provision is to allow a greater amount of creativity and flexibility
5 in the creation, design, and application of signage on developments beyond
6 the established sign standards. The following sign projects shall require site
7 plan review:

8 a. Individual sign review requests for waiver of
9 established sign standards;

10 b. Sign programs as defined in Subsection
11 21.44.035.B; and

12 c. Changeable copy signs.

13 7. Project on City land in the coastal zone. All projects
14 involving five hundred (500) square feet or more of land or water area,
15 except roadway and utility maintenance or improvement.

16 8. Determination of nonconforming parking rights in area
17 D of the coastal zone. Requests for determination of nonconforming
18 parking rights per Subsection 21.41.226.A.

19 B. Conceptual. The following projects shall also be required to
20 apply for conceptual site plan review prior to filing for site plan review:

21 1. Residential. Residential projects of fifty (50) or more units;

22 2. Commercial, industrial or public assembly. Projects of fifty
23 thousand (50,000) square feet or more of new construction;

24 3. Project on City land. Projects of one thousand (1,000)
25 square feet or more of new construction.

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1 Section 2. Section 21.15.064.5 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.064.5 Adaptive reuse.

4 “Adaptive reuse” means a construction or remodeling project that
5 reconfigures existing spaces, structures or buildings to accommodate a new
6 use or to accommodate another purpose than what it was originally
7 designed for.

8
9 Section 3. Section 21.45.500 is added to the Long Beach Municipal
10 Code to read as follows:

11 21.45.500 Special Development Standards.

12 Adaptive Reuse Projects. The following special development
13 standards shall apply to adaptive reuse projects:

14 A. Land Use. The intent of the adaptive reuse is to allow
15 conversion of existing structures into new land uses that maintain or
16 enhance the character of a neighborhood or district, extend the life of the
17 building, reduce use of new construction materials and reduce construction
18 waste generated, and provide additional employment or housing
19 opportunities in appropriate and compatible locations.

20 1. An adaptive reuse project may change an existing
21 building to any Neighborhood Commercial and Residential (CNR) District
22 permitted use with the following exceptions:

23 a. Adaptive reuse projects are not allowed in single
24 family or duplex residential zoning.

25 b. Non-residential uses introduced into any
26 multiple-family residential zones through adaptive reuse shall be compatible
27 with the surrounding neighborhood as determined by the Site Plan Review
28 Committee.

1 c. No new residential uses shall be introduced
2 through adaptive reuse into any industrial zone.

3 2. Any discretionary review, including an Administrative
4 Use Permit or Conditional Use Permit required within the CNR zone for a
5 particular use, is required for an adaptive reuse project.

6 3. Any request for a land use not explicitly allowed within
7 the CNR zone as part of an adaptive reuse project shall require an
8 Administrative Use Permit.

9 B. Setbacks. Existing principal structures with non-conforming
10 setbacks may remain. Any additions or façade changes involving greater
11 than twenty-five (25) continuous linear feet of exterior wall facing a public
12 right-of-way shall comply with zoning setbacks, unless waived by the Site
13 Plan Review Committee.

14 C. Height. Heights of existing buildings shall be exempt from
15 established height limits. The addition of parapets or roof structures,
16 equipment or other enclosures or non-habitable space is allowed. Any new
17 or additional habitable space or floors shall comply with height limits of the
18 underlying zoning district, unless waived by the Site Plan Review
19 Committee.

20 D. Residential Unit Size. A minimum dwelling unit size of four
21 hundred fifty (450) square feet and project average of no less than seven
22 hundred (700) square feet shall be provided, unless waived by the Site Plan
23 Review Committee.

24 E. Existing Parking. The overall number of existing parking
25 spaces onsite shall be maintained. An exception for a reduction in existing
26 parking for purposes of providing required ADA parking and access may be
27 allowed by the Site Plan Review Committee.

28 F. Required Parking in Designated Parking Impacted Areas.

1 Parking for adaptive reuse projects in designated parking impacted areas
2 shall be provided as follows:

3 1. Residential parking shall be a minimum of one (1)
4 space per dwelling unit plus one (1) guest space for every four (4) dwelling
5 units.

6 2. Parking for all non-residential uses shall be a minimum
7 of two (2) spaces per every one thousand (1,000) square feet of usable
8 internal space.

9 3. In mixed use adaptive reuse projects, the first three
10 thousand (3,000) square feet of non-residential space shall be exempt from
11 parking requirements.

12 4. Seventy-five percent (75%) of the minimum required
13 parking shall be provided for assembly, office or retail conversions in mixed
14 use or stand-alone buildings.

15 5. Tandem parking is allowed up to seventy-five percent
16 (75%) of provided spaces.

17 6. Shared parking arrangements shall conform to LBMC
18 Section 21.41.222 - Off-site parking or Section 21.41.223.A - Parking-Joint
19 Use of Parking Facility.

20 7. Any reduction in provided parking beyond the
21 minimums above shall be approved by the Site Plan Review Committee.

22 G. Required Parking in General. Parking for adaptive reuse
23 projects outside of designated parking impacted areas shall be provided as
24 follows:

25 1. No additional on-site parking shall be required for
26 conversion to residential uses.

27 2. Parking for all non-residential uses shall be a minimum
28 of one (1) space per every one thousand (1,000) square feet of usable

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internal space.

3. In mixed use adaptive reuse projects, the first six thousand (6,000) square feet of non-residential space shall be exempt from parking requirements.

4. Fifty percent (50%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings.

5. Tandem parking is allowed up to fifty percent (50%) of provided spaces.

6. Shared parking arrangements shall conform to LBMC Section 21.41.222 - Off-site parking or Section 21.41.223.A - Parking-Joint Use of Parking Facility.

7. Any reduction in provided parking beyond the minimums above shall be approved by the Site Plan Review Committee.

H. Other provisions. Floor Area Ratio (FAR), Landscaping, Lot Coverage, Open Space, and any other applicable development standards of the underlying zone would have to be complied with, unless waived by the Site Plan Review Committee.

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of March 11, 2014,
by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
Schipske, Andrews, Johnson,
Neal.
Noes: Councilmembers: None.
Absent: Councilmembers: O'Donnell, Austin.



City Clerk



Mayor

Approved: 3/12/14

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH

BY: W. L. S. C. A. M. D.

DATE: 01/15/2016