

CALIFORNIA COASTAL COMMISSION

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May 25, 2006

**TO:** Commissioners and Interested Persons**T13b****FROM:** Deborah Lee, Senior Deputy Director
Pam Emerson, Los Angeles County Area Supervisor
Charles Posner, Coastal Program Analyst**RE:** Minor Amendment Request No. 2-06 (LOB-MIN-2-06) to the City of Long Beach LCP, for Commission Action at its June 13, 2006 meeting at Santa Rosa.**Local Coastal Program Amendment No. 2-06 (Minor)**

The City of Long Beach is requesting that the Commission certify an amendment to the implementing ordinances (LIP) portion of the Long Beach certified Local Coastal Program (LCP). The requested LCP amendment, contained in three separate ordinances, would set a minimum ratio between the size of a dwelling unit and the number of bedrooms, and clarify the City's existing zoning ordinances that regulate nonconforming parking rights and expansion of nonconforming uses (See Exhibits A-D).

The LCP amendment request affects only the LIP portion (Zoning Regulations - Title 21 of the Long Beach Municipal Code) of the certified LCP and does not propose any rezoning or land use changes. The City submitted LCP Amendment Request No. 2-06 with City Council Resolution No. 05-0110, and the proposed changes are contained in City Council Ordinance Nos. 05-0037, 05-0038 and 05-0039. The Long Beach City Council held a public hearing for the LCP amendment request on October 11, 2005.

City Council Ordinance No. 05-0037 (Exhibits A&B)

The zoning code changes set forth in City Council Ordinance No. 05-0037 would amend Zoning Code Sections 21.27.060.C and 21.27.060.D which regulate the expansion of nonconforming residential uses and residential uses with nonconforming parking (Exhibit A). The proposed changes to these two sections (C and D) would further restrict the expansion of certain nonconforming residential uses by limiting expansions to 250 square feet, instead of the currently certified limit of 450 square feet. A nonconforming residential use is one that exceeds the allowable density for the zone or is located in a zone that does not permit residential uses. A residential use with nonconforming parking is a use that does not provide the required number of parking spaces. As amended, the regulations require that an expansion larger than 250 square feet shall be required to provide additional parking at the rate of one space for each 250 square feet of expansion.

The other change to the zoning code set forth in City Council Ordinance No. 05-0037 is the adoption of a new section (21.27.065 Interior Alteration to Multi-unit Residential Uses with Nonconforming Parking to Create Additional Bedrooms) and table (Table 27-1) that establish a

minimum ratio between the size of a dwelling unit and the number of bedrooms for multi-unit residential uses with nonconforming parking (Exhibit B). The new section states that additional parking shall be required if the proposed alteration (i.e., increase in number of bedrooms within the unit) does not meet the minimum ratio set forth by Table 27-1. The City states that the proposed ratio is necessary to address a trend where the number of bedrooms within a dwelling unit is increased by dividing or splitting existing bedrooms and decreasing the size of other living areas, thereby exacerbating parking problems by potentially increasing the number of non-related residents in a dwelling unit without providing any additional parking. Although the new section of the zoning code is applicable throughout the entire City, this “bedroom splitting” trend is occurring more often in the high-density lower income areas of the City than in the coastal neighborhoods.

City Council Ordinance No. 05-0038 (Exhibit C)

The zoning code changes set forth in City Council Ordinance No. 05-0038 would amend Footnote (b) of Table 41-5 (Maximum Number and Width of Driveways and Curb Cuts) in order to allow the maintenance of an existing nonconforming driveways in residential zones in parking impacted areas. The new language states, “In all residential zones within parking impacted areas, nonconforming driveways may be maintained provided that the driveway leads to a legal parking space.” The intent is to increase off-street parking in parking impacted residential areas, like Belmont Shore, by allowing new garages with alley access to be built while also allowing existing driveways with legal parking to be retained. Currently, the zoning code requires that existing nonconforming driveways be eliminated when a new garage is built with alley access. The City states that the current requirement to remove existing nonconforming driveways is a disincentive to build new garages that would increase the number of off-street parking spaces, so the proposed change is expected to improve the parking situation in parking impacted residential areas.

City Council Ordinance No. 05-0039 (Exhibit D)

The zoning code changes set forth in City Council Ordinance No. 05-0039 would amend Zoning Code Section 21.41.226.A (Special Parking Requirements for CP and CNP District) in order to allow commercially-zoned properties (CP & CNP) in LCP Area D (Belmont Shore) to maintain existing nonconforming parking rights regardless of any change in use of the existing building (Exhibit D). This proposed change affects only the existing commercial buildings in Belmont Shore, primarily along Second Street. Because of the pedestrian character and age of the Belmont Shore commercial area, the commercial zones in LCP Area D are currently subject to a unique parking standard that includes a half-rate for uses other than restaurants. The proposed amendment does not lower any of the existing parking standards, except where it is clarifying that the existing one-half rate parking standard for LCP Area D commercial uses applies to ready-to-eat restaurants, as it applies to all other commercial uses except for full-service restaurants.

The City states that the intent of this proposed change is to reduce parking demand in LCP Area D by making it easier for building owners with restaurants to convert to retail uses (with lower parking demands) by allowing them to maintain existing rights to nonconforming parking should they wish to convert the existing building back to a restaurant use at a later date. Currently, a restaurant use that converts to a retail use with a lower parking demand would lose any existing rights to nonconforming parking which exceed the demand of the new use.

With a determination from the City Planning Department, credit for grandfathered parking rights would be attached to an existing structure indefinitely so that the building's owner could lease to either retail or restaurant uses, using the credit for today's parking deficit. The proposed change is expected to result in more retail uses and fewer vacant restaurants. The balance of retail and restaurant uses in Belmont Shore has shifted more towards restaurants in the last fifteen years, often at the expense of retail uses. This is one reason why in 2000 the City eliminated the half-rate parking standard for restaurants in Belmont Shore (See LCP Amendment 2-99A).

The proposed change to the LCP Area D parking standards would not result in any increase in intensity over the existing present conditions, and it applies only to existing buildings, not new ones. New restaurant buildings, and new restaurants in existing retail buildings, would still be required to provide parking at the currently certified standard. Overall, the proposed change is not likely to change the current parking situation, which involves a parking shortage on weekends and evenings when the restaurant employees and guests compete for the limited parking resources with the local residents. Therefore, the existing parking deficit will be worsened by the proposed change, as it maintains the status quo. Public beach access parking would not be affected by the proposed change as the major public beach parking areas are located outside the immediate sphere of influence of the Belmont Shore Second Street commercial strip (Exhibit D, p.2).

City Council Ordinance No. 05-0039 would also add procedural Zoning Code Section 21.25.502.A.7 in order to refer the reader to the amended Section 21.41.226.A. (Special Parking Requirements for CP and CNP District).

ANALYSIS

The Executive Director has determined that City of Long Beach LCP Amendment No. 2-06 is a minor LCP amendment because the proposed changes are consistent with the certified Land Use Plan (LUP), would make the zoning regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed LCP amendment clarifies the City's existing ordinances that regulate non-conforming uses and non-conforming parking. The proposed changes are consistent with the certified LUP, which sets forth the following general transportation and access policies (LCP p.II-2):

1. Increase reliance on public transit.
2. Decrease reliance on automobiles.
3. Provide slightly more parking.
4. Increase pedestrian and bicycle opportunities.

The certified LUP emphasizes that public access to the City's coastal areas will be maintained and improved by improving public transportation and pedestrian and bicycle facilities, and by increasing the capacity of the City's public beach parking lots. The certified LUP also states that new construction shall be required to provide adequate on-site parking (LCP p.II-4). As amended, the certified LCP still requires that new construction shall be required to provide adequate on-site parking. The proposed amendments to the zoning ordinance carry out the policies of the certified LUP by requiring "slightly more parking" for expansion of nonconforming uses. The proposed changes do not conflict with any policy of the certified LUP. The proposed changes do not constitute a change of intensity of use and they would not

adversely affect coastal access or coastal resources. Therefore, the proposed LCP amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP.

PROCEDURES

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, Title 14 ("14 CCR"), the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) 14 CCR defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to 14 CCR Section 13555.

City Council Ordinance No. 05-0037

Section 21.27.060.C and 21.27.060.D

C. Nonconforming Residential Uses.

1. Maximum Expansion. A nonconforming residential use (i.e., that exceeds the allowable density for the zone, or is located in a zone that does not permit residential uses) may expand up to ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet per unit.
2. Parking. Any expansion beyond ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet. For single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
2. Development Standards. The expansion shall be consistent in style and materials with the existing building, and shall conform to the current development standards of the zone.

D. Conforming Residential Use with Nonconforming Parking. A residential use with nonconforming parking may be expanded as follows:

1. Demolition of Nonconforming Parking. Nonconforming parking demolished during remodeling or additions may be replaced with new parking of equal size or a more conforming size. The new parking shall provide for the best feasible turning radius. For the purposes of this Section "best feasible turning radius" means the most conforming turning radius that may be created by relocating the new parking on the lot up to the point it conflicts with the existing building.
2. Addition of New Dwelling Unit. The addition of new dwelling units on a lot shall require the provision of additional parking spaces for the new dwelling units as well as existing units if substandard in parking in accordance with the standards for new construction.
3. Expansion of Existing Dwelling Unit. A residential use with nonconforming parking may be expanded by up to ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet after July 1, 1989, without providing additional parking. Expansion beyond ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional ~~four hundred fifty (450)~~ **two hundred fifty (250)** square feet. However, for single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.

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EXHIBIT # A
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City Council Ordinance No. 05-0037

21.27.065 Interior alteration to multi-family residential uses with nonconforming parking to create additional bedrooms.

- A. Minimum Unit Size.** An interior alteration to create a bedroom within an existing residential use with a nonconforming number of parking spaces may be permitted without providing additional parking if the dwelling unit size after alteration meets or exceeds the minimum size set forth in Table 27-1.

Table 27-1

Minimum Unit Size After Alteration

Total Number of Bedrooms	Unit Size
1	450
2	750
3	900
4	1100
Each additional bedroom requires an additional 70 square feet of floor area.	

- B. Parking.** If the dwelling unit size does not meet or exceed the minimum size set forth in Table 27-1, interior alteration to create an additional bedroom shall require one additional conforming parking space until the parking complies with the requirements of Chapter 21.41.

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City Council Ordinance No. 05-0038

21.41.253 Parking areas-Curb cuts.

A curb cut clearance shall be obtained from the Public Works Department and shall be submitted with an application for a building permit. For any nonresidential use with more than a fifty-foot (50') frontage on a street, no curb cut shall be permitted within thirty-five feet (35') of an intersection. All unused curb cuts shall be replaced with a full height curb and gutter.

Table 41.5			
Maximum Number and Width of Driveways and Curb Cuts			
Site Width	No paved alley (a)(d) or paved alleys less than 10' in width	Paved alley (a)(c) 10' - 15'	Paved alley (a)(c) 16' - 20'
0' - 120'	1 curb cut, 20 feet max. width (e)	No curb cuts-residential (b); 1 curb cut 24 feet max. width- non-residential	No curb cut-residential (b); 24 feet max. width- non-residential
121' - 200'	2 curb cuts, 24 feet max. width each	1 curb cut, 24 feet max width	No curb cut-residential (b); 1 curb cut 24 feet max. width- non-residential
201' - 400'	2 curb cuts, 24 feet max. width each	2 curb cuts, 24 feet max. width each	No curb cut-residential (b); 2 curb cuts 24 feet max. width- non-residential
401' - plus	3 curb cuts, 24 feet max. width each	3 curb cuts, 24 feet max, width each	No curb cut-residential (b); 3 curb cuts, 24 feet max. width- non-residential

- (a) Minimum width of the alley from site to a public street.
- (b) This shall only apply in parking impacted areas. In R-1 and R-2 zones, outside of parking impacted areas, one driveway, twenty feet (20') wide is allowed. **In all residential zones within parking impacted areas, nonconforming driveways may be maintained provided that the driveway leads to a legal parking space.**
- (c) No access shall be allowed to an arterial highway from a lot in a residential zone.
- (d) On corner lots, in residential zones, where both streets are classified as regional arterials, arterials, principal streets or collector street, driveway(s) shall be limited to the lower classified street.
- (e) The City Engineer may adjust the width of the permitted curb cuts by up to four feet (4'), if such an increase would be beneficial to the public safety.

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City Council Ordinance No. 05-0039

21.41.226 Special parking requirements for CP and CNP District.

The number of required parking spaces for uses in the CP and CNP Zone Districts are specified as follows:

A. ~~New Building~~ In Area D of the Coastal Zone (Second Street, between Livingston Drive and Bayshore Avenue), the parking in the CP and CNP Districts shall be one-half (1/2) of the parking required in Chapter 21.41, ~~Table 41-1C.~~, ~~except the one-half (1/2) parking standard shall not apply to restaurants (new and reuse/conversion of existing non-restaurant lease spaces) which shall conform to full parking standards.~~ In all other areas of the Coastal Zone and outside the Coastal Zone, parking in the CP and CNP Districts shall be as required in Chapter 21.41, Table 41-1C. Any new parking provided, or reconfiguration of existing parking facilities, in Area D of the Coastal Zone can utilize tandem parking subject to the provisions of Subsection 21.41.235.B of the tandem parking regulations.

1. **Restaurants.** The one-half (1/2) parking standard shall not apply to **restaurants (new and reuse/conversion of existing non-restaurant lease spaces) which shall conform to full parking standards.** This Subsection does not apply to ready-to-eat restaurants (as defined in Subsection 21.15.2332), which may utilize the one-half (1/2) parking standard.
2. **Determination of Nonconforming Parking Rights.** Owners of properties with nonconforming parking rights within Area D of the Coastal Zone may apply for Site Plan Review to obtain a determination of nonconforming parking rights. Such determination will establish the number of nonconforming spaces that apply to the property at the time of the request and will allow the property to maintain nonconforming parking rights to the established number of spaces regardless of change in use of the existing buildings.

B. Outdoor Dining. In Area D of the Coastal Zone (Second Street, between Livingston and Bayshore), outdoor dining on private property shall require the same parking as required for indoor dining.

C. Within established parking district. If the site to be developed or expanded is located within a parking district established pursuant to the laws of the State of California or local ordinances, the required parking spaces shall be provided as follows:

1. For a new development on a lot with gross lot area less than five thousand (5,000) square feet, or for any expansion of an existing building, the development may, in lieu of providing all or part of required off-street parking on-site or within six hundred feet (600') of the site, pay a fee to the parking

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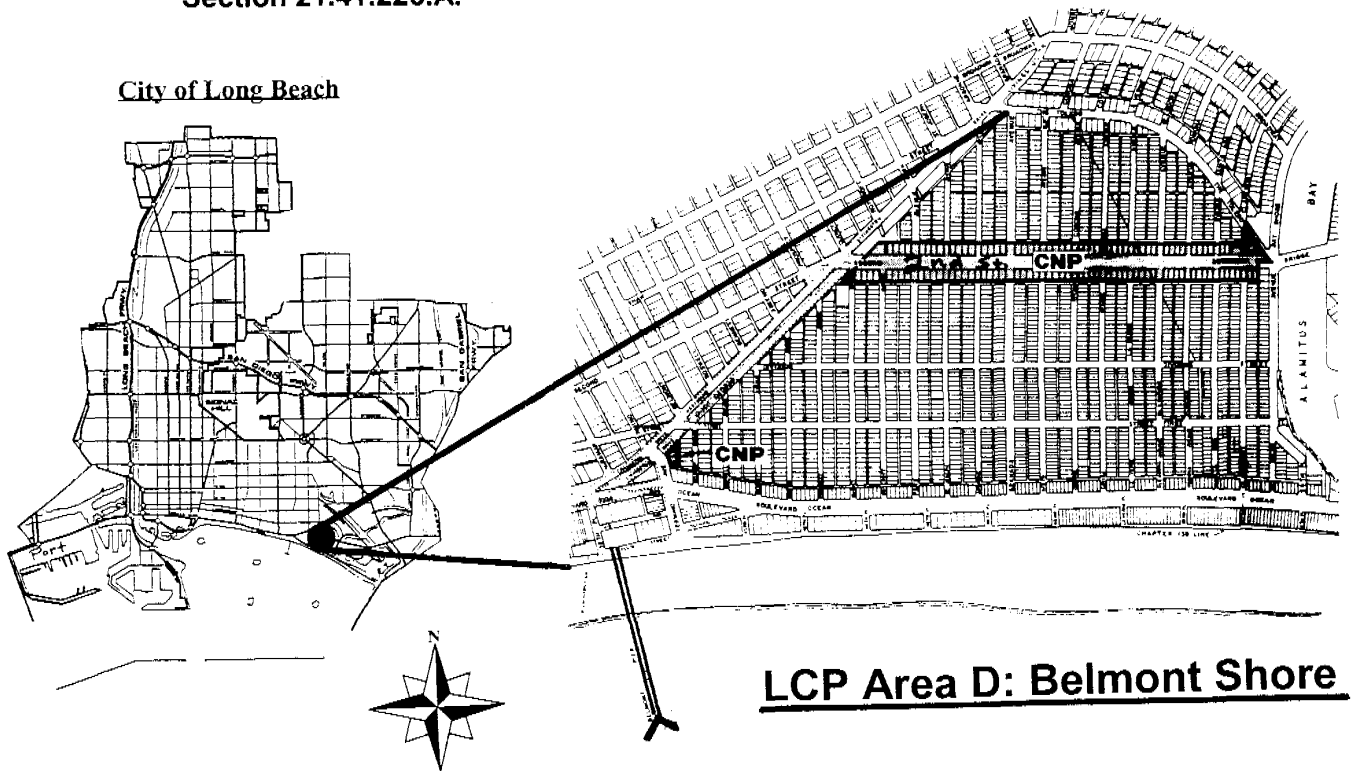
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district based on the cost of providing such parking. The amount of the in-lieu fee shall be established by the City Council by resolution and shall be reviewed periodically to assure its adequacy to cover the cost of providing parking under this provision.

2. For a new development on a lot with gross lot area of five thousand (5,000) square feet or more, a minimum of fifty percent (50%) of the required parking shall be provided on the site, or within six hundred feet (600') of the site. The remaining required parking may be provided by an in-lieu fee as described above.
3. All existing parking provided for or leased by any business shall hereinafter be the minimum required for the existing use on that site. If the parking now required exceeds that established pursuant to Subsection 21.41.226.A, the parking now provided may not be reduced below the required in Table 41.1C.

21.25.502.A.7

7. **Determination of Nonconforming Parking Rights in Area D of the Coastal Zone. Requests for determination of nonconforming parking rights per Section 21.41.226.A.**



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