

CALIFORNIA COASTAL COMMISSION

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**F9a**

July 22, 2019

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director, South Coast District
Zach Rehm, District Supervisor
Dani Ziff, Coastal Program Analyst

RE: Amendment Request No. 3-18B (LCP-5-LOB-18-0100-3-Part B) to the City of Long Beach Local Coastal Program, for Commission Action at its August 9, 2019 meeting in Eureka.

Local Coastal Program Amendment No. 3-18B

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Local Coastal Program Amendment Request No. 3-18 Part B affects only the City's zoning code, which is the Implementing Ordinances portion of the certified LCP. Changes to the regulations are proposed with the intent to add regulations relating to unattended donation boxes for public nuisance abatement and modify regulations relating to Conditional Use Permits (CUPs) to improve predictability, transparency, and cost-effectiveness. The Long Beach Planning Commission held a public hearing for the unattended donation boxes zoning code changes on January 4, 2018. On March 13, 2018, the Long Beach City Council held a public hearing for the unattended donation boxes zoning code changes and adopted ORD-18-0003 and Resolution No. RES-18-0033, authorizing City staff to submit the LCP amendment to the Coastal Commission. The Long Beach Planning Commission held a public hearing for the CUP zoning code changes on June 7, 2018. On September 8, 2018, the Long Beach City Council held a public hearing for the CUP zoning code changes and adopted ORD-18-0025 and Resolution No. RES-18-0139, authorizing City staff to submit the LCP amendment to the Coastal Commission. The City submitted LCP Amendment Request No. 3-18, including the subject ordinances and resolutions, on December 28, 2018 and Commission staff deemed the LCP amendment request complete January 11, 2019. On March 6, 2019, the Coastal Commission extended the deadline for Commission action on LCP Amendment Request No. 3-18, determined to be a major amendment, for one year to April 10, 2020.

STAFF RECOMMENDATION

Part B of LCP Amendment Request No. 3-18 for addition of regulations regarding unattended donation boxes and revisions to regulations regarding conditional use permits is currently before the Commission; other portion(s) of LCP Amendment No. 3-18 will come before the Commission at future Commission meeting(s). 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 whether the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). Unattended donation boxes can attract trash and debris, impede pedestrian and other circulation, and be visually intrusive; therefore, the City is proposing to add

regulations relating to unattended donation boxes to minimize potential impacts. In addition, the City is proposing to modify regulations relating to conditional use permitting and public notification processes to improve transparency, predictability, and cost-effectiveness. The changes proposed by this LCP amendment will not adversely affect coastal resources and are consistent with the certified LUP. Staff is recommending that the Commission, after a public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is on page two of this report.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission reject Amendment No. 3-18 Part B 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 IP Amendment as Submitted

The Commission hereby certifies Amendment Request No. 3-18 Part B 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. 3-18B would amend the City's implementing ordinances to add regulations regarding unattended donation boxes and revise to regulations regarding conditional use permits.

Unattended donation boxes (UDBs) are receptacles for salvageable personal property (e.g. clothing, textiles, books) for distribution resale or recycling by an operator and are generally located outside commercial businesses like grocery stores and gas stations. Unmonitored UDBs can attract trash and debris, impede pedestrian and other circulation, and be visually intrusive; therefore, the City is proposing to add regulations relating to UDBs to minimize potential impacts. The proposed additions would allow UDBs as an accessory use in all commercial zoning districts, all Planned Development Districts and Specific Plan areas that allow commercial uses, and in institutional zoning districts with the exception of any vacant lots. New development standards are proposed that regulate the distance between UDBs, the number allowed on one property, location requirements to maintain appropriate

setbacks and avoid interference with other requirements including landscaping, parking spaces, and walkways, lighting, UDB size, signage, and maintenance.

Applications for Conditional Use Permits (CUPs) are discretionary applications for certain land uses that require multi-departmental review and review by the Planning Commission to determine whether the proposed use is compatible or can be conditioned to be compatible with surrounding designated uses. Occupants and property owners must be notified of the CUP application, which is acted on at a public hearing and can be approved pursuant to conditions that govern the use in perpetuity. Per a request made by the City Council, CUP and public notification processes were assessed by a third party consultant and, in response to the consultant's recommendations, the subject CUP ordinance was created. The changes include clarifying definitions of *Laundry*, *Restaurant*, *Secondhand store*, *Tavern*, and *Thrift shop*; adding definitions of *Live-Work unit* and *Noise ordinance*; specifying public notification processes, including establishing 300-foot noticing radii for residential and commercial projects and 1000-foot radii for industrial, institutional, or City projects with potential expansion of the radius or addition of other interested parties in certain circumstances; establishing an administrative land use review process; exempting daycare centers from CUP requirements in residential zones and not requiring CUPs for Live-Work units and Secondhand stores in commercial districts; and other minor formatting changes and revisions. Coastal Development Permit requirements are not affected by the subject LCP amendment.

Long Beach City Council Resolution Nos. RES-18-0033 and RES-18-0139 and Ordinance Nos. ORD-18-0003 and ORD-18-0025 adopting the proposed zone changes are included in **Exhibit 1**. The proposed changes to the certified IP are shown in underline and strikethrough in **Exhibit 2**. Areas within the coastal zone that would be affected by the UDB regulations are shown in **Exhibit 3**, which include smaller commercial strips at the inland extent of the coastal zone, the commercial area along 2nd Street, and commercial areas around Belmont Pier, the Downtown Shoreline District, and Alamitos Bay, and exclude vacant lots within those areas. Coastal waters and areas adjacent to sensitive habitat (i.e. the Los Cerritos Wetlands) are not affected by the potential siting of unattended donation boxes. The CUP ordinance (ORD-18-0025) applies throughout the coastal zone.

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 whether the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP contains policies that aim to maximize shoreline access, protect coastal views, recreation, and visitor serving facilities, preserve residential density, and balance human use of coastal resources with ecological concerns.

Relevant LUP Policies

Summary Policies, Coastal Resources states, in part:

The water resources of Alamitos Bay, Marine Stadium, Sims Pond, Colorado Lagoon, and Los Cerritos Wetlands are monitored, preserved, and enhanced by a formal set of policies promulgated by the Resources Management Plan.

Downtown Shoreline District, Locating and Planning New Development, Non-residential uses states, in part:

Pedestrian access shall be provided from Ocean Boulevard to the waterfront...An eighty foot wide public park strip shall be maintained along the Ocean Boulevard frontage.

Downtown Shoreline District, Visual Resources and Special Communities states, in part:

...of particular importance is the preservation of view corridors from Ocean Boulevard and Victory Park to Shoreline Village, Shoreline Park and the Queen Mary.

Bluff Community, Locating and Planning New Development, Non-residential states, in part:

Commercial facilities are permitted along Broadway and tourist-related commercial on Alamitos Avenue.

Bixby Park/Bluff Park Neighborhood, Locating and Planning New Development, Non-residential states, in part:

Commercial development along Broadway shall be primarily to provide for the commercial convenience needs of neighborhood residents. New and rehabilitated commercial developments shall promote community stability and a desirability and shall be in harmony with the character of the surrounding neighborhood.

Belmont Heights Neighborhood, Locating and Planning New Development, Non-residential states, in part:

Future construction, recycling and remodeling in this area should create structures having a low-profile and pedestrian scale...Site plans should be characterized by openness to increase views toward the access to the beach.

Belmont Shore, Locating and Planning New Development, Non-residential states, in part:

The unique character of the shopping district in Belmont Shore should be preserved...Retail shops which encourage foot traffic and window shopping shall be the predominant uses...No further encroachment into residential areas by commercial enterprises shall be allowed.

Naples Island and the Peninsula, Locating and Planning New Development, Non-residential states, in part:

The neighborhood commercial node centered around 62nd Place, north and south of Ocean Boulevard, shall remain in limited commercial uses which are neighborhood servicing...Light commercial uses shall be allowed of the south side of Second Street and in Naples Plaza. The small commercial node at the Colonnade shall be limited to neighborhood commercial uses.

SEADIP states, in part:

...access to waterways and public areas is necessary.

The proposed amendment to the IP includes the addition of regulations for unattended donation boxes (UDBs) as an accessory use to existing non-residential developments. While there are no LUP policies that explicitly mention UDBs, the LUP does allow for commercial uses and development in portions of the coastal zone, as detailed above, including the areas highlighted in **Exhibit 3**. These policies require that commercial development be sited and designed to maintain public access, avoid impacts to public views and water resources, and be compatible with the character of adjacent areas. The proposed LCP amendment includes the addition of standards for UDBs to minimize impacts to coastal resources and enhance the visual aesthetics of sites with UDBs. Per the proposed LCP amendment, UDBs must be located on paved surfaces, which avoid impacts to coastal waters and

sensitive habitat areas. In addition, the areas where UDBs are allowed (**Exhibit 3**) are largely located at the inland extent of the coastal zone and are not adjacent to beaches, waterways, or wetlands. As proposed, UDBs cannot be located in existing parking spaces, walkways, handicap accessibility routes, easements, public right-of-way, or landscaped areas, thereby protecting public access, landscaped areas, and parklands. The areas around UDBs are also required to be maintained free of debris and trash. Regarding public viewsheds, UDBs cannot be located in public right-of-ways and the size of UDBs are restricted to a maximum of 25 square feet with a 6-foot height maximum, with required signage located on the UDB itself. Therefore, the proposed LCP amendment will not adversely impact public views of the coast. UDBs must also be designed with durable, water-resistant materials that are to be maintained free of damage, holes, rust, and graffiti to improve visual aesthetics. Furthermore, any security lighting that has the potential to spill over to adjacent properties or uses must be directed and shielded, which also serves to protect biological resources. Therefore, the proposed addition of UDB regulations to the IP will not result in any adverse impacts to coastal resources and is consistent with the certified LUP.

The City's LCP amendment also includes changes to the types of uses that require Conditional Use Permits (CUPs), establishes an Administrative Land Use Review process, and revises public noticing requirements. As proposed, daycare centers in multi-family residential use districts, water tanks in institutional districts, and certain alcohol beverage sales that receive Alcohol Exemption Permits will not require CUPs, and live-work units and secondhand stores would be allowed in commercial use areas. Live-work units are not allowed to have outside operations or occupy parking spaces, and must receive all necessary permits; thus, public access and coastal resources would not be adversely impacted by the proposed LCP amendment. Similarly, alcohol sales and secondhand shops are required to operate mostly within the confinement of a building and must comply with all applicable regulations. Administrative Land Use Review is required for new or substantial expansion of uses of land or a building that are allowed by right (but involve Special Development Standards) and/or allowed by an existing approved planning application. In any case, requirements for CUPs or Administrative Land Use Review do not affect coastal development permit requirements, which are triggered for any development in the coastal zone that is not exempt from CDP requirements consistent with Section 21.25.903 of the certified IP. The proposed changes to noticing requirements include the establishment of 300-foot noticing radii for residential and commercial projects and 1,000 foot radii for industrial, institutional, or City projects with potential expansion of the radius or addition of other interested parties in certain circumstances. The revisions also include requirements for a 750 foot noticing radius for projects requesting reduced or shared parking and posting all notices on the City's website and other electronic communications (in addition to mail or delivery notices), which will ensure interested parties are reached. Therefore, the LCP amendment will facilitate public participation in the City's review of CUP applications and will not result in adverse impacts to coastal resources.

Other changes to the IP, in the form of minor clarifying language revisions and updates to land use tables and notes that are not related to UDBs or CUPs, are proposed. The addition of definitions of *Live-Work unit* and *Noise ordinance* and changes to the definitions of *Laundry*, *Restaurant*, *Secondhand store*, *Tavern*, and *Thrift shop* are minor in nature and do not affect the implementation regulations' consistency with the LUP. Changes to Table 31-1 (**Exhibit 2**) are included in the subject LCP amendment to reference other requirements in the City's Zoning Code and certified IP to enable more efficient reading and understanding of the zoning regulations. These changes facilitate public understanding of the certified LCP, will not result in any adverse impacts to coastal resources, and are consistent with the City of Long Beach certified LUP.

Thus, the proposed changes conform with and are adequate to carry out the provisions of the certified LUP.

C. California Environmental Quality Act

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act (CEQA) review of the proposed LCP amendment. In March 2018, the City issued a Negative Declaration (ND-10-17) for the proposed change to the unattended donation boxes regulations. In September 2018, the City adopted a Negative Declaration (ND-01-18) for the proposed change to the conditional use permit regulations. Pursuant to 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 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 is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.