

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Boulevard, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

**F18b**

April 21, 2022

TO: Commissioners and Interested Persons

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

RE: Amendment Request No. LCP-5-LOB-21-0089-3-Part A to the City of Long Beach Local Coastal Program, for Commission Action at its May 11-13, 2022 meeting.

Local Coastal Program Amendment No. LCP-5-LOB-21-0089-3-Part A

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Local Coastal Program Amendment Request No. LCP-5-LOB-21-0089-3-Part A affects only the City's zoning code, which is part of the City's certified Implementation Plan of the LCP. Part A includes miscellaneous amendments to the certified zoning code, including changes to drive-through regulations. The Long Beach Planning Commission held public hearings for these zoning code changes on June 4, 2020, and March 21, 2019, respectively. The Long Beach City Council held public hearings for the zoning code changes and the LCP amendment on September 15, 2020, and July 16, 2019, and passed City Council Resolution Nos. RES-20-0120 and RES-19-0102 authorizing City staff to submit the LCP amendments to the Coastal Commission. After laying over each zoning code ordinance to its next regular meeting of the City Council for final reading, as is City procedure, the City Council adopted Ordinance Nos. ORD-20-0040 and ORD-19-0016 on October 6, 2020, and July 23, 2019, respectively. Authorized by City Council Resolution No. RES-21-0140, the City submitted LCP Amendment Request No. LCP-5-LOB-21-0089-3, including the subject ordinances, on December 28, 2021, and Commission staff deemed the LCP amendment request complete on January 11, 2022. On March 10, 2020, the Coastal Commission extended the deadline for Commission action on LCP Amendment Request No. LCP-5-LOB-21-0089-3, determined to be a major amendment, for one year to April 7, 2023.

STAFF RECOMMENDATION

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified

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Land Use Plan (LUP). The changes to the IP are proposed to address concerns about the impacts of drive-through facilities, expand equitable access to urgent care centers, streamline use permit requirements, and update language and formatting in the commercial and industrial allowable use tables. The amendment request has been determined to be major because the ordinances could change the location, intensity, and density of drive-through, medical, and religious assembly uses. 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 in Section I, below.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission reject Amendment No. LCP-5-LOB-21-0089-3-Part A 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. LCP-5-LOB-21-0089-3-Part A 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. LCP-5-LOB-21-0089-3 would amend the City's implementing ordinances to: (A) modify drive-through regulations and update miscellaneous zoning codes; (B) add two new chapters to the certified zoning code for regulations relating to unpermitted dwelling units and motel/hotel conversions for transitional housing uses. Part A is the subject of this staff report and Commission

action. The changes to the IP's drive-through regulations are proposed to address community concerns about the increasing number of drive-through facility applications and their associated impacts on pedestrian safety, traffic, noise, light and air pollution, aesthetics, and the potential for meeting housing and economic goals.¹ The other miscellaneous changes are proposed to respond to the City Council's request to evaluate potential incentives and strategies to expand access to quality urgent care in neighborhoods where such access is limited, reduce permit processing times and costs for uses that are not impactful to coastal resources, comply with the Religious Land Use and Institutionalized Persons Act, update and clarify allowable use tables and use descriptions, and revise parking requirements to reflect current data.

Specifically, the City's resolution and proposed changes to the LCP's implementing ordinances would recharacterize fast-food restaurants as drive-through facilities, define drive-through facilities, designate areas where such facilities are allowable and require findings that must be made to approve applications for drive-through facilities, modify several use descriptions (e.g. change "eating with drive-through service" to "drive-through facilities," add "lab testing" as a type of professional service, and remove "shooting range" from outdoor recreation uses), require administrative—rather than conditional—use permits for various commercial, medical, and religious uses, reduce parking requirements for medical uses, and conditionally allow some religious and medical uses in commercial zoning districts. Long Beach City Council Resolution Nos. Res-19-0102 and RES-20-0120 and Ordinance Nos. ORD-19-0016 and ORD-20-0040 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**.

B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the LCP Implementing Plan (IP), pursuant to Section 30513 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 certified LUP contains policies that aim to maximize shoreline access, protect recreation and visitor serving facilities, preserve extant neighborhoods, and balance human use of coastal resources with ecological concerns. The certified LUP also contains broad policies that allow commercial development in portions of the coastal zone.

The proposed IP amendment is not in conflict with these policies or any other policy in the certified LUP because all uses added or modified as part of this LCP amendment request require either a Conditional or Administrative Use Permit, which, in the coastal zone, triggers the need for a coastal development permit that can only be approved if consistent with the certified LCP policies. In addition, pursuant to the proposed LCP amendment, new drive-through establishments are prohibited in both the Downtown and SEASP subareas of the Long Beach coastal zone, which are two of the most popular visitor-serving areas in the coastal zone. Further, the reduced parking

¹ Drive-through facilities are often located adjacent to areas supporting a variety of transit opportunities that could otherwise support housing or other developments that would be more accessible via public transit.

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standard for medical uses (from 5 spaces per 1,000 square feet of gross floor area to 4 per 1,000) is within the average parking demand range typically applied by local governments and the Commission and is not anticipated to adversely impact public access to the coast. 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 review of the proposed LCP amendment. In February 2019, the City issued a Negative Declaration (ND 03-19) for the proposed changes to the drive-through zoning regulations. Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The Commission incorporates its findings on LUP conformity into this CEQA finding as if set forth in full herein. 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.