

December 10, 2024

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive the supporting documentation into the record, conclude the public hearing, review and determine that the proposed Long Beach Municipal Code (LBMC) amendments and Local Coastal Program Amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.25(b)(9) of the CEQA Statute and Sections 15061(b)(3) (Common Sense Exemption) and 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines and accept Categorical Exemption (CE-24-135);

Declare an Ordinance approving a Zoning Code Amendment (ZCA23-003), and adopt the proposed findings related thereto, to amend Long Beach Municipal Code Chapters 21.15, 21.25, 21.27, 21.41, 21.45, and 21.52 of Title 21 (Zoning) related to parking requirements, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution authorizing the City Manager, or designee, to submit the Local Coastal Program Amendment (LCPA24-004), and associated materials and findings, related to changes to Title 21 of the Long Beach Municipal Code to the California Coastal Commission for its review and certification in compliance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

Vacant storefronts and underutilized storefronts are an issue across all geographies of the City of Long Beach (City). To address this and related issues, on October 3, 2024, the Planning Commission held a duly-noticed public hearing and recommended that City Council approve the proposed Zoning Code Amendment (ZCA23-003), Local Coastal Program Amendment (LCPA24-002), and Categorical Exemption (CE-24-135), to amend specific parking requirements of the Zoning Regulations within Title 21 (Zoning) of the Long Beach Municipal Code (LBMC) (Attachment A). The proposed Zoning Code Amendment is designed to implement recent changes in state law regarding parking requirements and incorporate direction provided by the City Council in 2019 to update requirements in the Zoning Regulations that were identified as barriers to businesses starting up and contributing to the occurrence of vacant storefronts. City staff first brought forward a zoning code update in late 2020 that created more flexibility for change of use parking in specific areas that were being rezoned as part of the Uptown Planning Land Use and Neighborhood Strategy (UPLAN) in North Long Beach. The proposed project now being put forward represents the next phase in this effort to provide that flexibility citywide.

Based on direction from the City Council in 2019 and the successful implementation of the 2020 change of use parking code amendment in limited areas of North Long Beach as part of UPLAN, staff began efforts in early 2023 to expand the more flexible change of use parking provisions citywide. The project proposes to remove requirements for additional on-site parking to be provided when the use of a building changes, for example if a business proposes to convert a former retail store into a restaurant. Under existing regulations, a retail shop requires four parking spaces per 1,000 square feet of floor area, while a restaurant requires five parking spaces per 1,000 square feet of floor area. Therefore, if someone were to apply to change the use of the space from retail to restaurant, they would be required to provide additional on-site parking on the private property, in order to make up the difference. When a property is already built out, this is often infeasible. This zoning code parking issue was identified by the City Council as an economic development concern back in 2019 and as a major cause of commercial space vacancies and non-approval of new small businesses in existing buildings. The issue was exacerbated by the impacts of the COVID-19 pandemic on commercial and office space.

As City staff began to work on a proposed Zoning Code Amendment, it became clear that additional changes to the parking regulations in Title 21 of the LBMC are needed to provide for compliance with recent State legislation on a variety of specific subjects pertaining to the elimination of parking requirements in various circumstances and locations, including in certain high quality transit areas. State law also requires local agencies to provide a discretionary pathway for businesses which expanded their outdoor space during COVID-19 to have the opportunity to retain that space without providing additional parking, if sufficient evidence can support such a decision. Locally this provides a pathway to businesses that have successfully repurposed parking areas to outdoor dining or entertainment space. These spaces now serve the public and are integrated into the existing urban environment and travel patterns. Lastly, this effort includes a general clean-up of code language across the parking requirements in the Zoning Regulations, to make the parking code more accessible and user-friendly to the public and the City staff who administer it.

Additionally, Title 21 is part of the Implementation Plan (IP) of the City's Certified Local Coastal Program (LCP). Therefore, any revisions to Title 21 require a Local Coastal Program Amendment (LCPA) to ensure the proposed regulations are consistent with the Coastal Act.

Background

The City has two major types of parking regulations, off-street and on-street parking, of which the former is regulated through the Zoning Regulations (Titles 21 and 22, LBMC), which are administered by the Community Development Department's (Department) Planning Bureau. On-street parking is regulated by the Public Works Department and is largely not regulated by the Zoning Regulations. The Zoning Code regulates requirements for the amount of parking that must be provided for land uses by assigning a minimum required number of parking spaces based on a variety of metrics. Non-residential parking requirements typically are based on gross floor area, land area, or specific use characteristics for non-residential uses. For example, under Title 21 of the LBMC, a basic retail sales use requires four parking spaces for every 1,000 square feet of floor area. Parking requirements for residential uses typically are based on unit size or number of bedrooms, and also typically include a requirement for one guest parking space per

four units.

The off-street parking regulations in Title 21 of the LBMC were informed by industry standards and former planning policies at the time of adoption. The first adoption of Citywide parking regulations occurred in approximately 1952. Parking rates used in the planning field have been created by referring to technical studies from national professional organizations such as the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or, in some instances, cities replicating or modifying standards developed or used by other agencies to fit their needs. Empirical studies have shown that these historical parking rates derived from these technical studies have inadequacies such as small sample sizes, data obtained from suburban and rural locations instead of more urbanized areas, and a tendency to park for maximum demand rather than daily averages.

There are practical issues that come with parking regulations, such as indirectly determining building design (including number of dwelling units that can be developed given how parking minimums eat into the allowed height and density maximums), increasing construction and housing costs, furthering climate impacts (such as pollution and urban heat islands), and exacerbating parking impacted areas. Under today's code, if off-street parking requirements cannot be met on the private property or through limited other methods provided by the Zoning Regulations, the land use cannot be permitted or there are limitations placed on the ability of a use to expand. Where existing uses have insufficient or no off-street parking, the Zoning Regulations define this as a nonconformity. Buildings or tenant spaces with nonconforming parking can be a challenge to navigate for business owners, homeowners, and developers.

Other jurisdictions and the state have undergone similar parking reforms. To this end, state law and recent amendments to the Zoning Regulations contain incentives for parking rate reductions or elimination under density bonus and affordable housing provisions, which are major tools used to meet the City's housing production goals.

Locally, in 2019, City Council directed City staff to update requirements in the Zoning Regulations that were identified as barriers to businesses starting up and to reducing the occurrence of vacant storefronts. This included a request for City staff to explore removing the change use parking requirements on existing buildings, in an effort to reduce barriers to activating vacant storefronts, which currently leads to blight and adverse impacts on communities.

In late 2020, the City adopted UPLAN which established the Title 22 – Transitional Zoning Code. The UPLAN process considered community members' input which focused largely on the concerns about vacant storefronts, empty lots, blight, and associated safety concerns as a result of those conditions. In addition, residents highlighted the need for community amenities and essential businesses such as grocery stores, affordable housing, and local jobs. As a response, the City adjusted parking regulations to remove barriers to investment in the form of new business and housing development in the UPLAN area. One of the adjustments was the updating of change of use parking requirements in which no new parking shall be required for changes of use of any existing square footage within a building more than ten years old. The results have shown lower vacancy rates. The City is now trying to expand this change citywide with the same goal in mind.

Additionally, the COVID-19 pandemic severely impacted the operation of restaurants, retail and other businesses, which was a partial driver of recent state legislation related to reducing and eliminating parking requirements in areas near high-quality transit. In addition to addressing nonresidential parking requirements, state legislation has also recognized the impact parking requirements have on the construction of housing at all scales and types.

Recent state legislation has introduced new mandates that supersede local zoning laws. These State laws impose more flexible standards, especially around reducing parking requirements, and directly impact how the City must update its own Zoning Regulations. The Title 21 Zoning Code, which governs off-street parking, is now in conflict with these state mandates and must be revised to comply with the new laws while continuing to support the City's broader planning objectives. This shift, combined with the City Council's prior directives and the lessons learned from the pandemic's effects on businesses, is driving Long Beach's continued efforts to align local regulations with state law.

New State Legislation

In addition to a local interest in creating more flexibility to allow changes of an existing building's use without requiring additional parking, several recent state laws have superseded or limited local zoning regulation of off-street parking. The following summarizes recent laws passed by the California State Legislature, which change how local agencies must administer parking requirements. The Title 21 Zoning Regulations are in conflict with these new state laws and must be updated to comply and also to achieve the City's planning objectives.

- *Assembly Bill (AB) 2097* – Effective on January 1, 2023, prohibits public agencies from imposing minimum parking requirements on residential, commercial, or other developments located within a half-mile of high quality public transit as defined under State law.
- *AB 1308* – Enacted on October 11, 2023, and amended by Senate Bill (SB) 644 effective March 25, 2024, prohibits requiring additional parking as a result of any request to remodel, renovate, or add to a single-family dwelling.
- *AB 1317* – Enacted on October 11, 2023, requires unbundled parking on all apartment building approvals of 16 or more units.
- *AB 1217* – Enacted on October 8, 2023, requires a local jurisdiction to provide relief from parking restrictions for expanded outdoor dining areas established during the COVID-19 pandemic.
- *AB 2553* – Enacted on September 19, 2024, revises the definition of major transit stop to increase the frequency of service interval to 20 minutes from 15 minutes, which was required for AB 2097 thereby increasing the number of "major transit stops" located in the City.

In response to recent State legislation, City Council direction, effects of the COVID-19 pandemic's impact on businesses, and past research on vacant storefronts, the Department is proposing adjustments to parking requirements for residential and nonresidential projects as

described below. The proposed amendment goes hand-in-hand with other City initiatives to reform parking standards, including the Zone-In Citywide rezoning effort, and the Department's work on Accessory Dwelling Unit (ADU) and Two-Unit Residential Development (SB 9) Ordinances that will come to the City Council in late 2025.

Proposed Title 21 Amendments

The purpose of the Zoning Regulations is to promote and preserve the public health, safety, comfort, convenience, prosperity and general welfare of the people of Long Beach. Title 21 and Title 22 of the LBMC are the Zoning Regulations for the City.

- Title 21 is known and cited as the "Zoning Regulations of the City of Long Beach" or the "Zoning Regulations". Title 21 largely remains in effect for the majority of the geographic area of the City, including the Coastal Zone.
- Title 22 (Transitional Zoning Code) was adopted by the City Council in 2020 in order to facilitate a substantial update to the City's Zoning Regulations to implement the City's General Plan Land Use Element (LUE), which was updated in 2019. The City is now in the process of adding more zones to Title 22 and rezoning all parcels in the City over time through a geographic rezoning program. The intention is to transition non-Coastal Zone areas of the City from Title 21 to Title 22. At this time, Title 22 only applies to designated areas outside the Coastal Zone.

Title 22 includes reduced and more flexible parking standards in accordance with multiple LUE goals and policies. This proposed Zoning Code Amendment will align Title 21 with the existing change of use parking provisions in Title 22, while also providing numerous other improvements to the parking code that currently reside only in the default standards contained in Title 21 as Title 22 is currently in a transitional state. (Attachment B).

The proposed changes would:

- Remove additional parking requirements for the change of use for a building more than ten years old;
- Create a Parking Exempt Area and remove parking minimums for lots or parcels located within or partially within the Parking Exempt Area. This will bring the code into compliance with California Government Code Section 65863.2 (AB 2097);
- Create standards for adjustment of parking for all nonresidential uses, including but not limited to outdoor dining expansions established during the COVID-19 pandemic, to comply with Section 65907 of the California Government Code (AB 1217);
- Remove the requirement for additional parking to be provided for single-family homes when applying for expansions, remodels, and interior alterations. This will bring the code into compliance with California Government Code Section 65863.3 (AB 1308/SB 644);
- Create standards for unbundled parking to comply with Section 1947.1 of the California Civil Code (AB 1317); and,

- Provide for general clean-up of code language across the parking requirements of Title 21 to make it more straightforward and understandable by the public and City staff who administer the code.

It should be noted that the proposed amendment does not include any recommended changes to the actual parking ratio requirements found in Title 21. Rather, the amendment would remove change of use parking requirements, clarify locations and current and future circumstances under which parking cannot be required under state law, provide a modernized process for considering reduction of parking requirements on a project-specific basis, ensure compliance with requirements to unbundle parking on new housing developments, and make the code easier to use and understand.

This approach being implemented through the proposed Zoning Code Amendment is appropriate to Long Beach's context. While many challenges occur in the provision of parking, particularly in the change of use context, parking is still needed. Despite goals to increase active transportation and transit usage, most trips in the City continue to be made by driving alone (70 percent of journey to work trips according to Census data). Many Long Beach residents have and continue to express their concerns regarding parking availability and the need for more parking in a given neighborhood or for a given use.

The proposed Zoning Code Amendment balances this competing input and interests. In most circumstances, by code or by market forces, new development will continue to provide parking at rates roughly consistent with recent historic practice. At the same time, the proposal reforms those circumstances where parking requirements are most impractical and counter-productive: the filling of vacant storefronts, construction near or adjacent to high-quality transit, continuation of outdoor dining on private property permitted during COVID-19 and discretionarily in circumstances where the parking requirement is just wrong or inconsistent with contemporary travel patterns.

Zoning Code and Local Coastal Program Amendment Findings

In accordance with state law, the proposed Zoning Code Amendment is consistent with the General Plan, specifically with the LUE, Mobility Element, and Urban Design Element. (Attachment C). With the proposed changes to parking requirements, the proposed Zoning Code Amendment would encourage the infilling of vacant storefronts, creation of great spaces for people to interact and be active in, would enhance the unique urban fabric of Long Beach and create better public spaces that do not rely solely on personal vehicles, thereby promoting the goals of the General Plan.

With any changes to the IP (Title 21 of the LBMC) of the LCP, a LCPA is required to ensure the proposed regulations are consistent with the Coastal Act. The California Coastal Commission (CCC) originally certified the City's LCPA in 1980 and it has been amended regularly since then. As described above, the provision of flexibility in parking requirements would enable vibrant commercial corridors and housing, including within the City's Coastal Zone.

The transportation policies of the LCP strive to increase reliance on public transit, decrease reliance on automobiles, maintain or provide slightly more parking than existing, and increase pedestrian and bicycle access opportunities. While the proposed Zoning Code Amendment would not eliminate parking requirements altogether, it would encourage future land uses to be approved without requiring additional parking under a number of circumstances. Those circumstances include, but are not limited to, if the site: has access to high quality transit; can provide increased pedestrian and bicycle access; and can provide evidence that additional parking would not be required for successful business operations.

Previously, coastal access was defined by automobiles, but mobility and access to the coast should be considered through a lens of multi-modal transportation methods beyond just single-occupant automobiles. The recognition and prioritization of all modes of transportation (motorized and non-motorized), rather than only supporting vehicular parking, will ensure an equitable approach to creating more housing and vibrant visitor-serving commercial uses in the Coastal Zone. Additionally, driving alone, which is encouraged by the over-provision of parking, is a leading cause of greenhouse gas emissions that lead to sea level rise and threaten coastal resources and coastal access.

PUBLIC HEARING NOTICE

In accordance with the requirements of Chapter 21.21 of the LBMC and Assembly Bill 2904, a public hearing notice was published in the Long Beach Press Telegram on November 26, 2024, posted online, and emailed via LinkLB. Pursuant to 21.21.302.C of the LBMC, the notice of public hearing was posted in at least three public places within the boundaries of the City. The notice of public hearing was also mailed, together with all proposed changes, additions, modifications or deletions to all City libraries and to anyone requesting such notice. At the time of finalization of this report, five comments have been received.

ENVIRONMENTAL REVIEW

The proposed Zoning Code Amendment is exempt from the California Environmental Quality Act in accordance with Section 21080.25(b)(9) of the CEQA Statute and Sections 15061(b)(3) (Common Sense Exemption) and 15305 (Minor Alterations in Land Use Limitations) (CE-24-135) (Attachment D). Pursuant to the California Public Resources Code, Division 12, Chapter 2.6, Section 21080.25(b)(9) (CEQA Statute), the proposed Zoning Code Amendment and all associated actions are statutorily exempt from CEQA because they consist of “a planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs,” as set forth in the cited subsection of the CEQA Statute.

This action is also exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines (the “common sense exemption”), which states “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Since this action consists only of changes to the Zoning Regulations to limit and otherwise reduce parking requirements and

will not directly or indirectly have a significant effect on the environment, this exemption also applies.

Lastly, this action is categorically exempt from CEQA under Section 15305 (Minor Alterations in Land Use Limitations), which exempts projects for minor alterations in land use limitations that do not result in any changes in land use or density. Since this action only limits and otherwise reduces parking requirements and does not change land use or density regulations, this exemption applies.

This matter was reviewed by Principal Deputy City Attorney Erin Weesner-McKinley on November 19, 2024, and by Revenue Management Officer Geraldine Alejo on November 8, 2024.

TIMING CONSIDERATIONS

City Council action is requested on December 10, 2024. Pursuant to the LBMC, this request must be presented to the City Council with 60 days of the Planning Commission hearing, which took place on October 3, 2024.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation. While this action is intended to promote future economic activity, any projection of its impact would be speculative. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



Christopher Koontz
Director
Community Development

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ORDINANCE
RESOLUTION
ATTACHMENT A – OCTOBER 3, 2024, PLANNING COMMISSION STAFF REPORT AND ATTACHMENTS
ATTACHMENT B – ZONING CODE AMENDMENT REDLINE
ATTACHMENT C – FINDINGS
ATTACHMENT D – CE-24-135 AND CEQA STATEMENT OF SUPPORT