

CALIFORNIA ENVIRONMENTAL QUALITY ACT
STATEMENT OF SUPPORT
STATUTORY EXEMPTION PURSUANT TO
PUBLIC RESOURCES CODE SECTION 21080.25(B)(9),
CATEGORICAL EXEMPTION PURSUANT TO
CEQA GUIDELINES SECTION 15035, CLASS 5, MINOR ALTERATIONS IN LAND
USE LIMITATIONS
AND
CEQA GUIDELINES SECTION 10561(B)(3), COMMON SENSE EXEMPTION

Change of Use Parking Amendment
(City of Long Beach)
Case No. 2301-24
September 13, 2024

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines apply generally to discretionary actions by agencies which may have a significant effect on the environment.

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a listing of types of projects that are determined not to have a significant effect on the environment and which, therefore, are exempt from CEQA clearance. Section 15061, Review for Exemption, of the CEQA Guidelines outlines the process for determining whether a project is exempt from CEQA. Pursuant to this section, a project is exempt from CEQA if:

- 1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
- 2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
- 3) The activity is covered by the common sense exemption that 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.
- 4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
- 5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

Regarding statutory exemptions, the California Legislature has the authority to create exemptions from the requirements of CEQA. Projects which fall under statutory exemptions can be made wholly or partially exempt, as determined by the Legislature. The types of projects that qualify for statutory exemptions are found in Sections 15260-

15285 of the CEQA Guidelines and are cross-referenced in Public Resources Code Section 21080(b).

The proposed action is the implementation of the Change of Use Parking Amendment (proposed project). The proposed project would update the existing parking requirements for development within the City of Long Beach (City). The purpose of the proposed project is to reduce and standardize parking requirements, in alignment with Assembly Bill (AB) 2097 and AB 1217. AB 2097 prohibits public agencies or cities from imposing a minimum automobile parking requirement on most development projects located within a half-mile radius of a major transit stop. AB 1217 relieves parking restrictions for expanded outdoor dining areas and reduces the number of required parking spaces for existing uses by the number of spaces determined to be needed to accommodate an expanded outdoor dining area. The proposed action would implement the following elements:

- a) No additional parking spaces or loading spaces shall be required for any change of use to the existing square footage of a building more than 10 years old, except hotel, motel, inn, bed and breakfast inn or event spaces (aligning with AB 2097 language and standards).
- b) For any conforming commercial use, with non-conforming parking due to expansion of outdoor dining area, an Administrative Use Permit may be requested, which is approved by the Zoning Administrator (intended for Covid era properties and aligning with AB 1217).
 - a. The Administrative Use Permit would be supported/approved with proposed Transportation Demand Management measures, which include a Parking Management Plan, Shared Parking Agreement, or a Parking Study.

The proposed action would also add clarifying language to the existing change-of-use parking requirements and would apply to developments within the coastal zone.

The following discussion has been prepared to confirm that the proposed action qualifies for a Statutory Exemption under Public Resources Code Section 21080.25(b), a Categorical Exemption under CEQA Guidelines Section 15305, Class 5, and the Common Sense Exemption under CEQA Guidelines Section 10561(B)(3). The discussion is organized to describe the requirements under each of the three exemptions and discuss how the project is consistent with those requirements.

Statutory Exemption: Public Resources Code Section 21080.25(b)

Public Resources Code Section 21080.25(b), as amended by Senate Bill 922, lists specific projects that are statutorily exempt from CEQA requirements. Public Resources Code Section 21080.25(b)(9) includes the following statutory exemption:

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.

Public Resources Code Section 21080.25(c) lists criteria to be met related to lead agencies, vehicle trips and roadway improvements, and affordable housing. Pursuant to subdivision (g), subdivision (c) does not apply to projects listed in subdivision (b)(9), which the proposed project falls under.

Public Resources Code Section 21080.25(d) lists criteria to be met for projects exceeding one hundred million dollars (\$100,000,000). This subdivision is not applicable to the proposed project as the project would involve the implementation of the Change of Use Parking Amendment and would not involve construction or development resulting in monetary costs.

Public Resources Code Section 21080.25(e) lists criteria to be met for projects exceeding fifty million dollars (\$50,000,000). This subdivision is not applicable to the proposed project as the project would involve the implementation of the Change of Use Parking Amendment and would not involve construction or development resulting in monetary costs.

Public Resources Code Section 21080.25(f) lists requirements for a skilled and trained workforce for construction activities. pursuant to subdivision (g), subdivision (f) does not apply to projects listed in subdivision (b)(9), which the proposed project falls under.

As stated previously, Public Resource Code Section 21080.25(g) states subdivisions (c) and (f) do not apply to projects listed in subdivision (b)(9). The proposed project would involve a planning decision carried out by the City (i.e., local agency) to reduce parking requirements for most changes in use to existing square footage of a building more than 10 years old and implement transportation demand management measures for conforming commercial uses. As such, the project falls under subdivision (b)(9).

Public Resources Code Section 21080.25(h) states the lead agency shall file a notice of exemption for exempt projects. The City will file a notice of exemption with the Office of Planning and Research and the Los Angeles County Clerk, thereby fulfilling the requirements of this subdivision.

Public Resources Code Section 21080.25(i) describes additional requirements for notices of exemption filed for projects before January 1, 2023. As such, these requirements are not applicable to the proposed project.

Public Resources Section 21080.25(j) states Section 21080.25 shall remain in effect until January 1, 2030. As such, Section 21080.25 would still be in effect for implementation of the proposed project.

Categorical Exemption: CEQA Guidelines Section 15305, Class 5, Minor Alterations in Land Use Limitations

Sections 15301 through 15333 of the CEQA Guidelines describe the 33 classes of projects that are considered exempt under CEQA, also known as Categorical

Exemptions. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

As discussed in the following assessment, the proposed action is not barred from qualification from a Categorical Exemption by any of the Exceptions set forth in Section 15300.2. Therefore, no additional environmental analysis is warranted under CEQA.

CEQA Section 15300.2. Exceptions:

- a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment, may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The proposed action changes to the City's Zoning Regulations to limit and otherwise reduce parking requirements throughout the City. No development would occur with approval of the proposed action. As such, the proposed action would not represent a location of hazardous or critical concern related to mapped and adopted laws.

- b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time is significant.**

The proposed action would implement changes to parking requirements throughout the City and no development would occur with approval of the proposed action. Therefore, the proposed action would not contribute to cumulatively considerable impacts when considered with other potential projects proposed throughout the City.

- c) **Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The proposed action does not include development and, thus, presents no unusual circumstances or special environmental constraints that could lead to a significant impact. The proposed action would consist of changes to the Zoning Requirements to reduce parking requirements throughout the City. Therefore, the proposed project would not result significant effects on the environment.

- d) **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within**

a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed action changes to the City's Zoning Regulations to limit and otherwise reduce parking requirements throughout the City. No development would occur with approval of the proposed action. Therefore, the proposed project would not result in damage to scenic resources within an officially designated state scenic highway.

- e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to section 65962.5 of the government code.**

The proposed action would implement changes to parking requirements throughout the City and no development would occur with approval of the proposed action. Therefore, the proposed action would not occur on a listed hazardous waste site.

- f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The proposed action changes to the City's Zoning Regulations to limit and otherwise reduce parking requirements throughout the City. No development would occur with approval of the proposed action. As such, the proposed action would not result in modifications to any existing properties or structures. Therefore, the proposed action would not result in adverse effects to historical resources.

Findings

Section 15305, Class 5, Minor Alterations in Land Use Limitations: Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

The proposed action involves changes to the City's Zoning Regulations to limit and otherwise reduce parking requirements. The proposed action does not involve any development. As such, the proposed action would not be located in an area with an average slope of more than 20%. Additionally, the proposed action applies to parking requirements only. Thus, no changes in land use or density would occur with approval of the proposed action. Therefore, the project is consistent with the criteria for the Class 5 Categorical Exemption.

Common Sense Exemption: CEQA Guidelines Section 15061(b)(3)

Section 15063(b)(3) of the CEQA Guidelines states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to project 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.

The proposed action involves changes to the City's Zoning Regulations to limit and otherwise reduce parking requirements. The project does not involve any development and, as such, would not have an effect on the physical environment, either directly or indirectly. Therefore, the project is consistent with the CEQA Guidelines Section 15061(b)(3).

Conclusion:

As shown, the proposed action is consistent with the requirements listed in Public Resources Code Section 21080.25(c) through (j). Additionally, the proposed action is consistent with CEQA Guidelines Sections 15305 and 15061(b)(3) and. As such, the proposed action qualifies for the Statutory Exemption from CEQA as defined in Public Resources Code Section 21080.25(b)(9). Additionally, the proposed action qualifies for the Class 5 Categorical Exemption and the Common Sense Exemption.