

LEGEND: Addition, ~~deletion~~, text not changed

NOTE: This draft is provided for public review but is subject to change until adopted by the City Council.

## **DRAFT Proposed Amendments to the Zoning – Change in Use Parking:**

### **21.15.365 – Bicycle parking space.**

“Bicycle parking space” means a space designated for parking a bicycle that includes a stationary object, such as a rack, locker or secure area, to which a bicycle can be locked.

Types of bicycle spaces include short-term and long-term spaces:

Short-term bicycle parking spaces are intended for visitors and customers with typical bike storage needs of up to 2 hours. These spaces are typically provided in the form of bike racks and bike corrals and may be located in a publicly-accessible area.

Long-term bicycle parking spaces are intended for use by employees, residents, public transit users, and others with typical bike storage needs of more than 2 hours. These spaces are typically located in a secure, sheltered, weather protected, controlled-access area, such as a bike locker, bicycle room, garage, secure bike parking area, or basement.

### **21.15.993 – Event center.**

“Event center” means an auditorium, convention center, stadium, coliseum, arena, sports facility, racetrack, pavilion, amphitheater, theme park, amusement park, fairgrounds, or other building, collection of buildings, or facility which is used exclusively or primarily for the holding of sporting events, athletic contests, contests of skill, exhibitions, conventions, meetings, spectacles, concerts, or shows, or for providing public amusement or entertainment. Event center is defined here for the purposes of implementing Section 21.41.175 and any other adopted or amended provisions of the Zoning Regulations implementing Section 65863.2 of the California Government Code (aka AB 2097).

### **21.15.1578 – Loading space.**

“Loading space” means an off-street space, meeting the development standards as established in the parking standards for a zoning district, on the same lot or parcel with a building or use for the temporary parking of one vehicle while loading or unloading persons, merchandise or materials. See also Section 21.15.1990 “Parking space.”

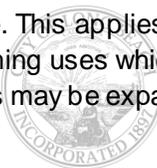
### **21.15.1990 – Parking space.**

“Parking space” means an area ~~with minimum dimensions~~ on the same lot or parcel with a building or use meeting the development standards as established in the parking standards for a zoning district, which is accessible and available for the parking of one vehicle. See also Section 21.15.1578 “Loading space.”

### **21.25.403 – Application.**

The administrative use permit process applies only to the following applications:

- A. Minor Expansion of Existing Conditional Use. This applies to uses for which conditional use permits have been previously granted and to legal, nonconforming uses which now require a conditional use permit for the zone districts in which they are located. Such uses may be expanded through approval of an administrative use permit



- by twenty-five percent (25%) of the existing use, although the expansion may not exceed five thousand (5,000) square feet of additional floor area. Any expansion exceeding these limits shall be considered a new conditional use and shall be subject to the review process established in Division II of this Chapter 21.25 (Conditional Use Permits). This application shall not apply to the sale of alcoholic beverages (on-premises or off-premises).
- B. Change From Legal Nonconforming Use to Another Nonconforming Use. An existing, legal nonconforming use may be changed to another nonconforming use in accordance with the requirements of Section 21.27.070 (Nonconformities—Change in use) through approval of an administrative use permit.
  - C. Modification of Permit. Approved special use permits granted during or prior to 1979 may be modified through this process.
  - D. Legalization of Illegal Units. For units created prior to 1964, as set forth in Section 21.52.240.
  - E. Fences in High Crime Districts. Fence height may exceed three feet zero inches (3'0") in the front yard of residential lots located in high crime areas, through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)
  - F. Uses designated in Tables 31-1 (Residential Use Table), 32-1 (Commercial Use Table), 33-2 (Industrial Use Table), 34-1 (Institutional Use Table) and 35-1 (Park Use Table) or other provisions of this Title as administrative use permit uses.
  - G. New construction of a building with five thousand (5,000) square feet or more of floor area in the CNP zone (see Section 21.52.247).
  - H. Reduction of parking requirements in accordance with Section 21.41.223.
  - I. Other invocations of the Administrative Use Permit process in the Zoning Regulations not listed here.
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#### 21.27.050 – Abandonment.

- A. Loss of rights to a nonconforming use. All rights to a nonconforming use are lost if the use is abandoned for twelve (12) months (see Section 21.15.030) or if the structure housing the use is demolished (see Section 21.15.750) except as follows:
  - 1. Nonconforming nonresidential structure. A nonconforming nonresidential structure, which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use and may apply for a conditional use permit to establish a CNP (neighborhood pedestrian) discretionally permitted use.
  - 2. Nonconforming nonresidential historic landmark. A designated City landmark which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use or discretionally permitted use, and may apply for a conditional use permit to establish another nonconforming use subject to the following:
    - a. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety, and
    - b. The proposed use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property, or the potential economic life of the building, and
    - c. The proposed change of use will provide a desirable service or will be beneficial to the neighborhood, and
    - d. The proposed use and adaptive reuse design plan has obtained a certificate of appropriateness from the Cultural Heritage Commission.
- B. Loss of rights to nonconforming parking. All nonconforming rights related to parking shall be lost if the ~~primary~~ principal building (housing the principal use) structure on the lot is demolished, except that:
  - 1. Rights shall not be lost if a building is merely vacated.

2. If a building for a residential use of four or fewer principal dwelling units is demolished, but a nonconforming garage accessory to that use is not demolished, the nonconforming garage may remain and the permitted number of parking spaces in that garage shall be counted toward the parking requirement for new construction. However, any new construction shall comply with all applicable development standards, and the presence of the nonconforming garage shall not constitute a reason for relief or waiver of those development standards.
3. If a building for a residential use of five or more principal dwelling units or any non-residential principal building is demolished, any remaining nonconforming garage also shall lose its nonconforming rights and shall be brought into conformance with the requirements of the Zoning Regulations.
4. For a site or use with no building area (GFA), abandonment of the use also shall constitute abandonment of any nonconforming parking rights.

C. Abandonment/revocation of rights through nuisance, blight or detrimental effect upon adjoining, abutting or adjacent property. Any nonconforming use which is operated in such a way as to be a nuisance or a direct detriment to adjoining, abutting or adjacent properties or which is neglected to the point of being a blight on the community shall be considered to have had its nonconforming rights abandoned. Such abandonment shall be determined by a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Title, provided, that:

1. A fully noticed public hearing is held before the Planning Commission; and
2. The Planning Commission, or City Council on appeal, finds that:
  - a. The use adversely affects the health, peace or safety of persons residing or working on the premises or in the surrounding area, or
  - b. The use jeopardizes or endangers the public health or safety, or
  - c. The use constitutes a direct and substantial detriment to surrounding uses by repeated adverse activities and incidences, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, loitering, excessive littering, illegal parking, loud noises (particularly in late night or early morning), noise code violations, traffic violations, curfew violations, lewd conduct or police detentions and arrests, or
  - d. The uses cause repeated violations under Public Health and Safety Code, Title 8 or Title 9, and
  - e. The owner or operator has been unwilling or unable to eliminate the adverse activities, if any;
3. If it finds that conditions and/or modifications of the use will be ineffective in eliminating the adverse activities, the Planning Commission, or City Council on appeal, shall revoke only the nonconforming rights to the use;
4. Continuation of any use after abandonment or revocation pursuant to this Subsection shall constitute a violation of this Chapter and shall be penalized as provided for in Section 21.10.080.

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### 21.27.060 – Expansion

A nonconforming use or structure ~~may~~ shall not be expanded or altered in any way so as to increase that nonconformity, except as follows:

- A. **Uses permitted by CUP or AUP.** Any use which was originally established in a zone district by right and has since been reclassified as a discretionary use in that district shall obtain an administrative use permit or a conditional use permit, as designated in the applicable use table, prior to expansion of the use or any building or structure related to the use. An application to change an alcoholic beverage license to expand the range of beverages sold shall be considered an expansion of that use.

- B. Conforming nonresidential uses with nonconforming parking.** A conforming nonresidential use with nonconforming parking may be expanded or intensified, ~~as long as if~~ parking is provided for the expansion or intensification in accordance with current parking standards of the Zoning Regulations. The required number of parking spaces shall be calculated based on the additional square feet of new construction or intensified area of land use or other applicable unit of measurement. A conforming nonresidential use that has nonconforming parking also may apply for an Administrative Use Permit (AUP) to obtain relief from parking requirements in accordance with Section 21.41.223.
- 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 the residential uses) ~~may~~ shall not be expanded by up to more than two hundred fifty (250) square feet per unit after July 1, 1989. Expansion rights shall not be transferred from one unit to another.
  - 2. Parking.** Any expansion beyond the first two hundred fifty (250) square feet ~~per site~~ of cumulative addition to the site shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet or portion thereof added to the site, provided that no unit shall be expanded by more than 250 square feet per Subsection 21.27.060.C.1, except that. For a lot with only one single-family dwellings outside the parking impacted areas, no additional parking shall be required on a sites with an existing driveways twenty feet (20') or more in length, which leads to a legal parking space.
  - 3. 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 conforming residential use (i.e. that does not exceed the allowable density for the zone and is located in a zone that permits the 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, and applying the turning radius reduction measures established in Section 21.41.243, to the greatest extent feasible.
  - 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~~ shall not be expanded by up to more than two hundred fifty (250) square feet after July 1, 1989, without providing additional parking. Any E expansion beyond the first two hundred fifty (250) square feet ~~per site~~ of cumulative addition to the site shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet or portion thereof. However, for a lot with only one 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.
- E. Nonconforming commercial, institutional and park uses.**
- 1. General.** Nonconforming uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.
- F. Nonconforming industrial uses.**
- 1. General.** Nonconforming industrial uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.

2. **Machinery and equipment.** Nonconforming machinery and equipment requiring a building permit may be relocated within the site or replaced with machinery or equipment of equal size or capabilities. The number of machines or equipment, the size of the machines or equipment, or the capabilities of the machines or equipment to do heavier work may not be expanded.
3. **Outside uses.** Outside nonconforming equipment and machinery may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district.
4. **Volumes.** Increased sales, production or throughput volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.

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**21.27.065 – Interior alteration to residential uses with nonconforming parking to create additional bedrooms.**

- A. Single-family residential. Interior alteration of an existing dwelling unit, on a lot with only one single-family dwelling, to create additional bedrooms shall not require provision of additional parking. ~~is prohibited unless parking is provided in compliance with the requirements in Section 21.41. However, for single-family dwellings outside the parking impacted areas, as those areas are defined in Resolution C-24607 or any successor resolution, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.~~
- B. Duplex, Triplex, and Multifamily residential. Interior alteration or addition of GFA to an existing dwelling unit in a duplex, triplex, or multifamily dwelling to create additional bedrooms is prohibited unless parking is provided for the unit(s) being altered in compliance with the requirements ~~in Section~~ of Chapter 21.41.

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**21.27.070 – Change in use.**

A nonconforming use may be changed to a conforming use, and may be changed to another nonconforming use if the use or structure housing the nonconforming use has not been abandoned for twelve (12) months (see Section 21.15.030) or the structure has not been demolished (see Section 21.15.750), as follows:

- A. **To a CNP permitted use.** An existing nonconforming nonresidential use may change to a CNP (neighborhood pedestrian) permitted use.
- B. **To another nonconforming use with an administrative use permit.** An existing nonconforming use may be changed to another nonconforming use if an administrative use permit is granted as provided for in this Title and provided:
  1. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety; and
  2. The change of use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property or the potential economic life of the building; or
  3. The change of use will allow a designated City landmark to be economically productive, thus extending the life of the structure, as long as the proposed use and rehabilitation are approved by the Cultural Heritage Commission; and
  4. The change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.
- C. **Change of use with nonconforming parking.** A use with nonconforming parking may change to another use without adding parking except:
  1. If the new use would require more parking than the existing use. Then, in order to establish the new use, the applicant ~~must~~ shall add parking equal to the difference between the parking requirement of the existing use

and the new use (net change in parking intensity), except that this Subsection 21.27.070.C.1 shall not apply as provided in Section 21.41.165; and

2. If the new use is a limousine service or a fleet service/company vehicle operation, motel, hotel, inn, bed and breakfast inn, other transient lodging, or event center, the applicant ~~must bring the~~ shall provide parking up to ~~current new construction parking standards~~ as required by Chapter 21.41.

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#### **21.27.080 – Determination of nonconforming non-residential parking rights.**

When determining the nonconforming parking rights that apply to a non-residential building or use of land, the Director of Community Development or designee shall base this determination on the current parking requirement (before exceptions) for the most intense or highest-parking-requirement land use that was legally established for the building or site or portion thereof (e.g., tenant space) in question, provided that the building or structure that contained or comprised the most intense or highest-parking-requirement land use has not been demolished. This Section shall not be construed to create transference of nonconforming parking rights between buildings or tenant spaces within a site or lot or parcel. For land uses with no building area, this Section shall not apply (see Subsection 21.27.050.B.4).

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#### **21.41.165 – Change of use for building more than ten years old.**

- A. No new parking shall be required for changes of use of any existing square footage within a building more than ten (10) years old.
- B. This Section shall not apply to the following uses: hotel, motel, inn, bed and breakfast inn, other transient lodging, and event center.

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#### **21.41.170 – Established uses.**

The provision and maintenance of required off-street parking and loading facilities and areas, and of area available to the owner or user of real property for meeting minimum required parking standards, shall be a continuing obligation of the property owner and user, therefore, the number of existing off-street parking and loading spaces shall not be reduced, or in any other way modified, below the standards required by ~~this Title~~ the Zoning Regulations except as otherwise provided by this Section, or elsewhere in the Zoning Regulations, or as required by the Building Official to comply with disabled access or electric vehicle charging parking space requirements.

- A. **Reduction prohibited.** An owner or user of real property containing uses for which off-street parking or loading facilities or areas are required by the Zoning Regulations, shall not reduce, diminish, or eliminate existing required off-street parking or loading facilities or areas under the ownership or control of such owner or user, whether on the same lot or on a separate lot from the use requiring such off-street parking or loading facilities or area; nor shall an owner or user sell, transfer, lease, or otherwise make unavailable for such required off-street parking or loading facilities or area any portion of the lot or of any adjacent lot under the same ownership or control, if the same is necessary for and available to satisfy, in whole or in part, the off-street parking or loading requirements imposed by the Zoning Regulations.
- B. **Exception for unbundled parking.** In accordance with Section 1947.1 of the California Civil Code, as amended, for a residential building containing 16 or more dwelling units, for which the initial certificate of occupancy is issued on or after January 1, 2025, and for which parking is unbundled from the price of rent as required by Civil Code Section 1947.1, any parking space not rented to the tenant of a dwelling unit to which it would otherwise be bundled, may be rented to the tenant of another residential dwelling unit or non-residential tenant space on the same lot or parcel, or to the tenant of another residential dwelling unit on another lot or parcel if the off-site location complies with the distance requirement of Subsection 21.41.222.A. However, each tenant shall have the right of first refusal

to rent the parking space which would otherwise be bundled to the tenant's unit. This exception shall not apply to the following circumstances:

1. A residential property or unit with an individual garage that is functionally a part of the property or unit, including, but not limited to, single-family dwellings, duplexes, townhouses and row houses.
2. A housing development of which 100 percent of its units, exclusive of any manager's unit or units, are restricted by deed, regulatory restriction contained in an agreement with a governmental agency, or other recorded document as affordable housing for persons and families of low or moderate income, as defined in Section 50093 of the California Health and Safety Code.
3. A housing development that receives low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code (26 U.S.C. Sec. 42).
4. A housing development that is financed with tax-exempt bonds pursuant to a program administered by the California Housing Finance Agency.

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#### **21.41.175 – Exemption from parking minimums.**

No minimum number of vehicular parking spaces shall be required by the Zoning Regulations or any Planned Development District or Specific Plan for any lot or parcel that is within, or partially within, the Parking Exempt Area, as established in Section 21.41.180, subject to the following exceptions and additional requirements:

- A. **Vehicular parking only.** This Section shall apply only to vehicular (automobile) parking requirements.
- B. **Continuing applicability of development standards.** This Section shall in no way lessen or reduce the applicability of any other zoning development standard specified for parking and loading in the Zoning Regulations, including but not limited to parking space dimensions, turning radius, and drive aisle and driveway widths.
- C. **Continuing applicability of EV charging and ADA requirements.** For any multi-family residential or non-residential project, this Section shall not reduce, eliminate, or preclude the enforcement of any requirement for the provision of electric-vehicle (EV) parking spaces or infrastructure ("EV charger," "EV space," "EV charging station," and "EV supply equipment," as these terms are used by the Building Official, as amended from time to time), or parking spaces that are accessible to persons with disabilities, where such spaces otherwise would be required.
- D. **Inapplicability to specific uses.** This Section shall not apply to the following uses: hotel, motel, inn, bed and breakfast inn, and other transient lodging.
- E. **Event center employee and worker parking.** For an event center, parking spaces shall be provided for employees and other workers as required by the Zoning Regulations.
- F. **Inapplicability by findings.** This Section shall not apply to any project for which the City makes written findings within 30 days of receipt of a completed application, that not imposing or enforcing parking and/or loading minimums would have a substantially negative impact, supported by a preponderance of evidence in the record, on any one of items 1 through 3 below:
  1. The City's ability to meet its share of the regional housing need in accordance with Section 65584 of the Cal. Gov't Code for low- and very low-income households.
  2. The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583 of the Cal. Gov't Code.
  3. Existing residential or commercial parking within one-half mile of the proposed project.
  4. This Subsection 21.41.175.F shall not apply to housing projects in any of the following circumstances:
    - a. The proposed project dedicates a minimum of 20 percent of the total number of housing units to very low, low, or moderate-income households, students, the elderly, or persons with disabilities.

b. The proposed project contains fewer than 20 dwelling units.

c. The proposed project is subject to parking reductions based on the provisions of any other applicable law.

G. **Inapplicability to contractual obligations.** This Section shall not apply to parking requirements for non-residential uses if it would conflict with an existing contractual obligation of the City that was executed before January 1, 2023, provided that all of the non-residential parking is shared with the public. This exemption also shall apply to any contractual obligation amended on or after January 1, 2023, provided that the amendment(s) do not increase the non-residential parking requirement. A project also may build or provide additional parking that is not shared with the public for purposes of this Subsection 21.41.175.G.

H. **Requirements applicable to voluntary parking.** For any project to which this Section applies, any parking or loading space that is provided above and beyond the requirements of this Section shall be subject to any other applicable requirements under the Zoning Regulations, including but not limited to Transportation Demand Management (TDM) measures, alternate mobility requirements, project conditions of approval, and the like, except that any parking space provided above and beyond the requirements of this Section shall not be required to be provided to residents free of charge.

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#### **21.41.180 – Parking Exempt Area Map adopted.**

There shall be a Parking Exempt Area Map depicting the geographic area of the City to which Section 21.41.175 applies. The Zoning Administrator shall direct the production and maintenance of this map in accordance with Cal. Gov't Code Section 65863.2 (aka AB 2097), as amended, and shall update this map periodically or as necessary. The Parking Exempt Area Map shall be on file in the office of the Department of Community Development, and said map and all notations, references and other information shown on it, are incorporated by reference and shall be deemed as much a part of this Title as if the matters and information set forth by the map were fully described in this Chapter.

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#### **21.41.185 – Exemption from loading minimums**

No minimum number of loading spaces shall be required by the Zoning Regulations or any Planned Development District or Specific Plan for any lot or parcel that is within, or partially within, the Parking Exempt Area, as established in Section 21.41.180, in the same manner as exemption from a minimum number of parking spaces is set forth in Section 21.41.175 and with the same exceptions and additional requirements, and subject to the following additional exceptions and additional requirements:

A. **Inapplicability to specific uses.** This Section shall not apply to the following uses:

1. Daycare, preschool, or elementary school, except that on-street loading spaces may be substituted for the required off-street loading spaces if approved by the Director of Public Works or City Traffic Engineer.
2. Hotel, motel, inn, bed and breakfast inn, other transient lodging.
3. Manufacturing, packing, industrial assembly, or warehousing uses greater than 3,000 sq. ft.,
4. Medical or dental office, or hospital, if more than 50 off-street parking spaces would be required by the Zoning Regulations before any exceptions.
5. Public assembly.
6. Retail, service, or office commercial if more than 50 off-street parking spaces would be required by the Zoning Regulations before any exceptions.
7. Supermarket, grocery-, drug-, variety-, department-, furniture-, hardware- or appliance store, or shopping center greater than 10,000 sq. ft. GFA, or

8. Event center.

B. Loading required before additional parking.

1. Required loading spaces shall be provided prior to addition or designation of any parking spaces beyond the minimum parking requirements of this Chapter, after exceptions.
2. If the site, except event centers, has no off-street parking spaces to be converted to loading spaces after provision of the minimum parking requirements of this Chapter, after exceptions, the applicant shall request the Director of Public Works to designate the appropriate type and number or length of curb loading space(s) in the public right-of-way adjacent to the lot or parcel, if feasible.

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**21.41.190 – Driveway and curb cut replacement after parking removal.**

If existing parking and loading spaces are completely removed (e.g., demolition of a garage or removal of parking area) from a lot or parcel under the authority of Sections 21.41.175 and/or 21.41.185, then any driveway and other paved area that served the removed parking or loading also shall be removed, and landscaping shall be installed in accordance with the requirements of Chapter 21.42. Any curb cut(s) that served the driveway(s) shall be closed and reconstructed to full-height curb and gutter, as required by Section 21.41.253. This Section shall not apply if the reason for removal of the parking or loading spaces is for conversion of the space in question to an Accessory Dwelling Unit, Junior Accessory Dwelling Unit, or Two-Unit Residential Development (aka SB 9 unit).

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**21.41.209 – Parking—Rental or sale of residential parking.**

Required parking for all residential uses shall be considered an inseparable part of a residential unit or development, and required parking shall not be rented or sold, except as provided by Section 21.41.170.

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**21.41.222 – Off-site parking.**

For commercial, industrial and institutional use, required parking may be provided off-site according to the following limitations:

- A. Distance from Use.** All ~~required off-site~~ parking shall be located within six hundred feet (600') of the use it serves, unless otherwise specified provided in the Zoning Regulations. This distance shall be measured from the middle of the parking facility to the entrance of the use (main front door of the building, or main entrance to the lot or parcel if there is no building), using the shortest route legally available to a pedestrian. This distance requirement shall not apply within the former downtown redevelopment project area, the former westside industrial redevelopment project area, parking facilities built to service the former redevelopment project areas, or in parking districts.
- B. Guaranteed Permanence.** All ~~required~~ off-site parking shall be guaranteed to remain as parking by a deed restriction to which the City is a party. This guarantee is not required within the former downtown redevelopment project area, the former westside industrial redevelopment project areas, or within a parking district.
- C. Signing.** An illuminated sign Any site approved for off-site parking shall provide a lighted sign, not less than six (6) square feet in area, visible from the public right-of-way and in conformance with Chapter 21.44, shall be placed on each street frontage of both the business location and the off-site parking site location, with such lighted sign visible to motorists stating the following:
  1. At the business: The availability and address or location of the off-site parking for the business, and
  2. At the off-site parking location: The name and address or location of the business for which the parking is provided.

**21.41.223 – ~~Parking~~ ~~Joint use and parking district.~~ Adjustment of parking requirements.**

- ~~A. Joint Use of Parking Facilities. When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirement may be reduced by the Zoning Administrator through approval of an administrative use permit.~~
- ~~B. Parking District. When the property owners of a contiguous commercial district have established a parking district pursuant to the laws of the State of California, that parking district may develop a parking plan for the district. When such a plan, along with the financial arrangements to implement the plan, has been approved by the Planning Commission, or, on appeal, by the City Council, such plan shall supersede the parking requirements specified in the zoning regulations.~~
- ~~C. Redevelopment Project Areas. When a parking plan is developed for a redevelopment project area and approved by the Planning Commission, such plan shall supersede the parking requirements specified in the zoning regulations.~~

The minimum number of required parking spaces for a nonresidential use may be reduced subject to approval of an Administrative Use Permit (AUP) when the Zoning Administrator finds that adequate parking, circulation and access are provided for customers, clients, visitors and employees. Adjustments shall be limited to one or more of the methods set forth in items A, B, and C below:

A. **Parking Management Plan.** A parking management plan may be approved by the Zoning Administrator if the applicant provides Transportation Demand Management (TDM) measures to reduce vehicular parking demand as specified in Subsection 21.41.223.D. The parking management plan shall include the following:

1. Plans shall show how the alternative mode(s) will be implemented, the permanency and extent of such mode(s), the number of vehicles the mode(s) will replace, and other pertinent information requested by the Director of Community Development or the Zoning Administrator;
2. A covenant deemed acceptable by the Zoning Administrator shall be duly recorded, with the City a party thereto. This covenant shall designate the method by which adequate parking will be provided as required by this Subsection 21.41.223.A.

B. **Shared Parking Agreement.** A shared parking agreement may be approved by the Zoning Administrator. When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirement may be reduced by the Zoning Administrator. A covenant deemed acceptable by the Zoning Administrator shall be duly recorded, with the City a party thereto.

C. **Parking Study.** An independent parking study, provided by the applicant and prepared by a licensed traffic engineer, may be accepted by the Zoning Administrator. The parking study shall substantiate or justify a request for reduction in parking, or outline alternative methods to provide adequate parking, circulation and access for a particular development. The parking study shall be subject to review by the Zoning Administrator and City Traffic Engineer to determine the merits of the alternative strategies.

D. **Transportation Demand Management (TDM)** measures provided for purposes of this Section shall include the following:

1. For projects under 25,000 sq. ft. total GFA (and including GLA of outdoor uses), the following shall be provided:
  - a. **Bicycle parking:**
    - i. For retail, personal service, medical, professional service, restaurant, bar/tavern, health/fitness/dance, and similar uses with a regular traffic of customers, one short-term on-site bicycle parking space may be substituted for one auto parking space, up to a maximum of 20% of the required auto parking spaces.

- ii. For professional office, industrial, and other uses with no or only incidental traffic of customers, one long-term on-site bicycle parking space may be substituted for one auto parking space, up to a maximum of 30% of the required auto parking spaces.
  - b. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
  - c. Current maps, routes and schedules for public transit routes serving the site.
  - d. Promotional materials for taxi and/or ridesharing services, in a location most visible to the likely users, within the project building or on the project site.
  - e. Varied hours of work shifts, subsidized transit passes, or similar employee benefit measures to offset demand for employee parking.
  - f. All sidewalks, curb and gutter, and driveway aprons/curb cuts in the public right-of-way adjacent to the project site shall be upgraded to meet the current requirements of the Americans with Disabilities Act (ADA), to the satisfaction of the Director of Public Works.
  - g. Any cracked, deteriorated, or uplifted/depressed sections of sidewalk pavers and curb and gutter along all public rights-of-way adjacent to the project site shall be reconstructed to the satisfaction of the Director of Public Works, and
  - h. Alternative TDM measures may be proposed and analyzed through a Parking Impact Study and approved as set forth in Subsection 21.41.223.C (Parking Study).
- 2. For projects of 25,000 sq. ft. or greater total GFA (and including GLA of outdoor uses), the following shall be provided:
  - a. The requirements of Subsection 21.41.223.D.1 shall be met.
  - b. The TDM requirements of Chapter 21.64 (summarized in Table 25-1) shall be met.
  - c. An off-site parking or drop-off area for electric scooters, e-bikes, or a bike-share service shall be located within 300 feet of the project building entrance using the shortest legal route available to a pedestrian. If none is present, the applicant shall submit a request to the Director of Public Works for the establishment or designation of one of said facilities.
  - d. Any nonconforming driveway aprons/curb cuts shall be reconstructed to conform to the requirements of Chapter 21.41 to the greatest extent feasible, to the satisfaction of the Director of Community Development and the Director of Public Works.

#### **21.41.224 – Parking District.**

When the property owners of a contiguous commercial or mixed-use district have established a parking district pursuant to the laws of the State of California, that parking district may develop a parking plan for the district. When such a plan, along with the financial arrangements to implement the plan, has been approved by the Planning Commission, or, on appeal, by the City Council, such plan shall supersede the parking requirements specified in the Zoning Regulations.

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#### **21.41.251 – Driveways and curb cuts.**

- A. Driveways—Minimum Widths.** All uses shall provide a paved driveway from the required parking space(s) to the public street or alley of at the least minimum width specified in Table 41-4. A greater width may be required where the Director of Public Works determines it is beneficial to the public safety or traffic circulation.
- B. Driveways and Curb Cuts—Maximum Number and Widths.** The maximum number and widths of driveways and curb cuts shall be as specified in Table 41-5. Wider driveways may be allowed on regional arterials, arterials, principal streets or collector highways where the Director of Public Works determines a greater width will be beneficial to public safety or traffic flow. The following special conditions shall also apply:

1. Separation between driveways on same site – twenty feet (20') of full height curb;
2. Separation between driveways on adjoining sites – twenty feet (20') of full height curb (unless width of site precludes compliance, then twenty feet (20') shall be maintained on at least one (1) side);
3. Combined driveways – joint use driveways between sites shall be allowed for adjoining sites provided not less than eight feet (8') of driveway is provided on each site.

C. **Driveway and Curb Cut Permit.** When issuing a driveway and/or curb cut permit, the City Engineer shall specify in the permit the location and dimensions of the driveway and the permittee shall comply with the provisions of the permit in the construction of the driveway.

D. **Driveway Locations in Nonresidential Zones.** The following requirements shall apply to all non-residential zones, and mixed-use zones that are primarily commercial in nature.

1. **Two-Way Driveways.** Such driveways shall be located not less than ninety feet (90') from any intersection for all lots with one hundred twenty-five feet (125') or more of street frontage. For lots with less than one hundred twenty-five feet (125') of street frontage, the driveway shall be located not less than two-thirds ( $\frac{2}{3}$ ) of the width of the lot from the intersection.
2. **One-Way Driveways.** Such driveways shall be located not less than thirty-five feet (35') from any intersection. A one-way driveway is a driveway that allows only a right turn in, or a right turn out. Both in and out movements are not allowed in the same one-way driveway.

E. **Driveway Locations in Residential Zones.** All driveways shall be located not less than thirty feet (30') from any intersection, except lots less than thirty feet (30') in width without alleys, then no restriction shall apply other than those contained in Subsection B of this Section.

F. **Driveway Slopes—All Uses.** No driveway or parking ramp shall have a slope of more than one foot (1') of vertical rise for each seven feet (7') of horizontal length.

G. **Driveway Clearance.** All driveways shall have a minimum clearance of seven feet (7') from the driving surface to any overhead obstruction. No projections in this area shall be allowed. This provision shall not apply to the driving area inside a parking structure where the requirements of the Uniform Building Code shall apply. Where higher clearance is required for handicapped access, the provisions for handicapped access shall apply.

H. **Driveway Locations in Industrial Zones.**

1. **Driveways Accessing ~~Assessing~~ Accessing a Local or Collector Street.** Driveways which access a Local or Collector street, as designated in the Transportation Element of the General Plan, shall be located such that the edge of the access driveway shall be either at least five feet (5') from the end of the curb return or at least twenty-five feet (25') from the intersection of two (2) non-arterial streets, whichever is greater. If the nearest intersection includes an Arterial or greater street, then the regulations of Subsection H.2 below shall apply.
2. **Driveways Accessing Arterial and Regional Corridor Streets.**
  - a. **Two-Way Driveways.** For lots with one hundred twenty-five (125) or more feet of street frontage, two-way driveways shall be located not less than ninety feet (90') from any intersection. For lots with less than one hundred twenty-five feet (125') of street frontage, the driveway shall be located not less than two-thirds ( $\frac{2}{3}$ ) of the width of the lot from the intersection.
  - b. **One-Way Driveways.** One-way driveways shall be located not less than thirty-five feet (35') from any intersection. Movements shall be restricted to either right turns in or right turns out.

I. Residential Curb Cuts and Driveways – Legal Parking Space and Garage Requirement.

1. Legal parking space required. A curb cut and driveway shall lead to a legal parking space on a lot or parcel, either in a garage or as open parking permitted by Section 21.41.281 and Figure 41-3.

2. **Garage required.** If a garage is required by Section 21.41.213 or another applicable regulation, no new curb cut or driveway shall be permitted that does not lead to a garage.

a. **Exception if no garage is feasible.** On a residential lot with four or fewer existing principal dwellings and no existing garage, if construction of a garage is not feasible, but a conforming curb cut, driveway, and legal parking space(s) could be constructed according to this Section and Table 41-5, no garage shall be required, and the legal parking space(s) shall be counted toward the parking requirement.

b. **Subsection 21.41.251.I.2.a shall not apply if any principal dwelling on the lot is proposed to be or has been demolished either in conjunction with the proposed curb cut/driveway, or as a causative reason for the proposed curb cut/driveway, in which case it shall be presumed that a garage is feasible.**

J. **Curb cut measurement.** Measurement of the width and other relevant dimensions of a curb cut and driveway apron(s) shall be taken in accordance with the procedures established by the Director of Public Works or City Traffic Engineer.

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#### **21.41.310 – Loading—Required.**

In addition to off-street parking spaces, off-street loading spaces shall be provided for uses in all zoning districts as set forth in Sections 21.41.320 through 21.41.370, except as otherwise provided by the Zoning Regulations.

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#### **21.41.315 – Loading—Change of use.**

No new loading spaces shall be required for changes of use of any existing square footage within a building more than ten (10) years old, subject to the following:

A. **Conversion of parking to loading.** If the lot or parcel is exempt from parking minimums per Section 21.41.175, or the change of use is exempt from parking requirements per Section 21.41.165, existing off-street parking spaces may be converted into loading spaces in accordance with the development standards for loading spaces in Sections 21.41.320 through 21.41.370, if necessary to meet the loading requirements of this Chapter. No more than the code-required number of loading spaces shall be provided through conversion of off-street parking spaces if the number of existing parking spaces is nonconforming. Conversion of parking spaces to loading spaces for purposes of this Section shall require the applicant to obtain the approval of the Director of Community Development, by submitting a site plan depicting the proposed arrangement of parking and loading spaces.

B. **On-street loading spaces.** If no off-street parking spaces may be converted to loading spaces, the applicant shall request the Director of Public Works to designate the appropriate type and number or length of curb loading space(s) in the public right-of-way adjacent to the lot or parcel, if feasible.

C. **Inapplicability to specific uses.** This Section shall not apply to the following uses: hotel, motel, inn, bed and breakfast inn, other transient lodging, and event center.

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#### **21.45.151 – Publicly run post-secondary school.**

A. Purpose. In recognition of the benefits imparted by publicly run post-secondary schools in the City and consistent with the Long Beach College Promise, of which the City is a partner, the City seeks to expand access to post-secondary education.

B. Development Standards. The following special development standards shall apply to changes of use to establish publicly run post-secondary schools that operate as satellite spaces offering instruction and support functions:

1. Parking. Parking requirements for a change of use to establish a publicly run post-secondary school ~~proposed within one-half (1/2) mile of public transit~~ shall be waived. Additionally, Sections 21.41.165 and 21.41.315 shall apply.

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**21.45.500 – ~~Special Development Standards~~ Adaptive Reuse Projects.**

~~Adaptive Reuse Projects.~~ The following special development standards shall apply to adaptive reuse projects, as defined in Section 21.15.064.5:

- A. Land Use.** The intent of the adaptive reuse is to allow conversion of existing structures into new land uses that maintain or enhance the character of a neighborhood or district, extend the life of the building, reduce use of new construction materials and reduce construction waste generated, and provide additional employment or housing opportunities in appropriate and compatible locations.
  1. An adaptive reuse project may change an existing building to any Neighborhood Commercial and Residential (CNR) District permitted use with the following exceptions:
    - a. Adaptive reuse projects are not allowed in single-family or duplex residential zoning.
    - b. Non-residential uses introduced into any multiple-family residential zones through adaptive reuse shall be compatible with the surrounding neighborhood as determined by the Site Plan Review Committee.
    - c. No new residential uses shall be introduced through adaptive reuse into any industrial zone.
  2. Any discretionary review, including an Administrative Use Permit or Conditional Use Permit required within the CNR zone for a particular use, is required for an adaptive reuse project.
  3. Any request for a land use not explicitly allowed within the CNR zone as part of an adaptive reuse project shall require an Administrative Use Permit.
- B. Setbacks.** Existing principal structures with non-conforming setbacks may remain. Any additions or facade changes involving greater than twenty-five (25) continuous linear feet of exterior wall facing a public right-of-way shall comply with zoning setbacks, unless waived by the Site Plan Review Committee.
- C. Height.** Heights of existing buildings shall be exempt from established height limits. The addition of parapets or roof structures, equipment or other enclosures or non-habitable space is allowed. Any new or additional habitable space or floors shall comply with height limits of the underlying zoning district, unless waived by the Site Plan Review Committee.
- D. Residential Unit Size.** A minimum dwelling unit size of four hundred fifty (450) square feet and project average of no less than seven hundred (700) square feet shall be provided, unless waived by the Site Plan Review Committee.
- E. Existing Parking.** ~~The overall number of existing parking spaces on-site shall be maintained. An exception for a reduction in existing parking for purposes of providing required ADA parking and access may be allowed by the Site Plan Review Committee.~~ requested as set forth in Section 21.41.223.
- F. Required Parking in Designated Parking Impacted Areas.** Parking for adaptive reuse projects in designated parking impacted areas shall be provided as follows:
  1. Residential parking shall be a minimum of one (1) space per dwelling unit ~~plus one (1) guest space for every four (4) dwelling units.~~
  2. Parking for all non-residential uses shall be a minimum of two (2) spaces per every one thousand (1,000) square feet of ~~usable internal space~~ Gross Floor Area.
  3. In mixed use adaptive reuse projects, the first three thousand (3,000) square feet of non-residential space shall be exempt from parking requirements.

4. Seventy-five percent (75%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings.
5. Tandem parking ~~is~~ shall be allowed up to seventy-five percent (75%) of provided spaces.
6. Shared parking arrangements shall conform to ~~LBMC Section 21.41.222 – Off-site parking or Section 21.41.223.A – Parking Joint Use of Parking Facility.~~
7. Any request for reduction in ~~provided~~ parking beyond the minimums ~~above~~ in this Subsection 21.45.500.F shall be ~~approved by the Site Plan Review Committee.~~ made in accordance with Section 21.41.223.

**G. Required Parking in General.** Parking for adaptive reuse projects outside of designated parking impacted areas shall be provided as follows:

1. No additional ~~on-site~~ off-street parking shall be required for conversion of a nonresidential building to residential uses.
2. Parking for all non-residential uses shall be a minimum of one (1) space per every one thousand (1,000) square feet of usable internal space.
3. In mixed use adaptive reuse projects, the first six thousand (6,000) square feet of non-residential space shall be exempt from parking requirements.
4. Fifty percent (50%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings.
5. Tandem parking ~~is~~ shall be allowed up to fifty percent (50%) of provided spaces.
6. Off-site or Sshared parking arrangements shall conform to ~~LBMC Section 21.41.222 – Off-site parking or Section 21.41.223.A – Parking Joint Use of Parking Facility.~~ as applicable.
7. Any request for reduction in ~~provided~~ parking beyond the minimums ~~above~~ in this Subsection 21.45.500.G shall be made in accordance with Section 21.41.223 ~~approved by the Site Plan Review Committee.~~

H. TDMs required. An Adaptive Reuse project, whether residential or non-residential or mixed-use, that does not meet the parking requirements of this Section, or which is exempt from change of use parking requirements or minimum parking requirements, shall provide the Transportation Demand Management (TDM) measures set forth in Subsection 21.41.223.D, but shall not be required to obtain the Administrative Use Permit (AUP) required by that Section, nor to provide any parking spaces if otherwise exempt. This Subsection 21.45.500.H shall not be construed to create or maintain any minimum parking requirement for an adaptive reuse project.

I. Other provisions. The adaptive reuse project shall comply with Floor Area Ratio (FAR), Landscaping, Lot Coverage, Open Space, and any other applicable development standards of the underlying zone ~~would have to be complied with,~~ unless waived by the Site Plan Review Committee.

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**21.52.201 – Alcoholic beverage sales uses.**

The following conditions shall apply to all alcoholic beverage sales uses requiring a conditional use permit:

- A. ~~The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights;~~ The existing number of parking spaces, or the number of parking spaces normally required by Section 21.41.160, whichever is less, shall be maintained, except as provided by Section 21.41.175.
- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police;

- C. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods;
- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and
- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.

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**21.52.266 – Restaurant with alcoholic beverage sales.**

The following conditions shall apply to restaurants selling alcoholic beverages of any kind:

- A. The operator of the use shall prevent loitering in any parking areas serving the use; and
- B. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) regardless of status of the previous use with regard to legal nonconforming parking, except as provided in Sections 21.41.165 and 21.41.175.

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**21.52.269 – Restaurant in the R-4-H district.**

The following conditions shall apply to restaurants in the R-4-H zoning district:

- A. The public entrance shall be from the lobby of the residential building;
- B. No signs shall be placed outside the building; and
- C. Sale of alcoholic beverages in restaurants shall be limited by the following additional conditions:
  - 1. The operator of the use shall provide not less than ten (10) parking spaces per one thousand (1,000) square feet of dining area plus twenty-five (25) parking spaces per one thousand (1,000) square feet of lounge, bar or waiting area regardless of status of the previous use as to legal nonconforming parking, except as provided in Sections 21.41.165 and 21.41.175.
  - 2. The operator of the use shall prevent loitering in any parking areas serving the use.