

ORDINANCE NO. ORD-23-0022

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING TITLE 22 OF THE
LONG BEACH MUNICIPAL CODE TO ESTABLISH A NEW
MIXED USE 1-B (MU-1-B) ZONE TO IMPLEMENT THE 2019
LONG BEACH GENERAL PLAN LAND USE ELEMENT
UPDATE AND ESTABLISH ADDITIONAL INCENTIVES FOR
ESSENTIAL RETAIL

WHEREAS, in November 2020, the City established its new “interim”
Zoning Code in Title 22 of the Long Beach Municipal Code. Twelve new zoning districts
were adopted to correspond with and implement the Neighborhood Serving mixed use
and Community Commercial PlaceTypes of the Land Use Element. Six of the zones were
developed and adopted as basic zones that could apply in any area of the City. The other
six zones were tailored to reflect community priorities and concerns in North Long Beach
as part of as “A-series” of zones with tailored incentives and restrictions based on
community input;

WHEREAS, to address the community input regarding the critical need for
commercial services and business opportunities, a new Mixed Use 1-B (MU-1-B) zone is
being established. This new zone will reflect all of the same allowable uses and
development standards of the Mixed Use 1-A (MU-1-A) zone, with one exception, that the
MU-1-B zone will not allow for 100 percent residential projects and will require a
commercial component for any new development constructed or otherwise developed
within the zone;

WHEREAS, the zoning code amendments to Title 22 will establish
additional incentives for essential retail by amending the Section 22.25 (Special Use
Incentives) of Tile 22 to include banks and pharmacies in the list of potential uses that

1 can qualify for Floor Area Ratio (FAR) relief. These incentives will be applicable to all
2 established and future A-Series zones as well as the "standalone" B-series zone MU-1-B;

3 WHEREAS, this program is consistent with State law which provides that a
4 city must update its zoning ordinance to be consistent with its updated general plan within
5 "a reasonable time" (see California Government Code Section 65860);

6 WHEREAS, the required public hearing notice was provided in accordance
7 with state law and the Long Beach Municipal Code.

8 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
9 follows:

10 Section 1. The Long Beach Municipal Code is amended by amending
11 Title 22 to read as shown on Attachment "A" which is attached hereto and incorporated
12 herein by this reference and hereby adopted by the City Council after a duly noticed
13 public hearing on the matter.

14 Section 2. The City Clerk shall certify to the passage of this ordinance by
15 the City Council and cause it to be posted in three (3) conspicuous places in the City of
16 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
17 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of May 9, 2023,
by the following vote:

Ayes: Councilmembers: Allen, Duggan, Supernaw, Kerr,
Saro, Austin, Ricks-Oddie.

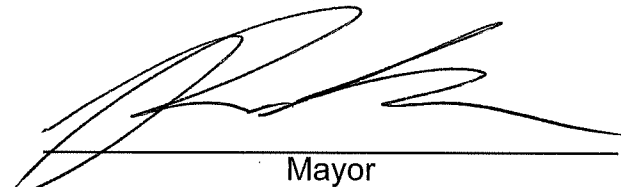
Noes: Councilmembers: None.

Absent: Councilmembers: Zendejas, Uranga.

Recusal(s): Councilmembers: None.


City Clerk

Approved: 5/12/23
(Date)


Mayor

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ATTACHMENT "A"

CHAPTER 22.10 - GENERAL PROVISIONS

22.10.010 - Title.

This Title is being established in order to facilitate a substantial update to the City's Zoning Regulations. The intention is to fully transition from Title 21 (Zoning) to Title 22 (Zoning). During the transition period, all regulations contained within Title 22 apply to zones established in Title 22. In the case of a regulation not specified in Title 22, the regulations contained in Title 21, including those set forth in Section 21.10.080, "Penalty for violation," shall apply. If uncertainty arises concerning the content or application of Title 22, the Zoning Administrator is authorized to determine all pertinent facts, interpret the Title 22 regulations, and, where appropriate, determine which provisions of either Title 21 or Title 22 are applicable. The Classification of Use procedure, which is set forth in Chapter 21.25 of Title 21, shall be used to resolve discrepancies.

22.10.020 - Purpose and Intent.

The following zones are established to support a healthy, active area with a mixture of uses that support a full-service community along corridors and at activity nodes.

- A. The following zones are established to foster and support multi-modal mixed-use corridors that provide daily needs, goods, and services in walkable proximity to established residential neighborhoods.
 1. Residential Mixed-Use 3 (RMU3 and RMU3 A-Series) zones are residentially focused and permit a range of residential configurations with limited neighborhood-serving non-residential uses. Uses may be configured in a horizontal or vertical mixed-use format.
 2. Residential Mixed-Use 4 (RMU4 and RMU4 A-Series) zones are residentially focused and permit higher density residential uses in areas where multi-family housing is currently the dominant use. These zones permit intensification of existing residential areas to increase housing opportunities and introduce neighborhood-serving, non-residential uses in proximity to residents.
 3. Mixed-Use 1 (MU-1, ~~and~~ MU-1 A-Series, and MU-1 B-Series) zones provide for medium-scale, mixed-use development as a transition between residential and mixed-use nodes. These zones permit mixed residential and non-residential uses in a wide variety of configurations. The MU-1 B-Series zone has a commercial component required for all new development.
 4. Mixed-Use 2 (MU-2 and MU-2 A-Series) zones provide for neighborhood activity centers in proximity to bus routes and multi-modal corridors. These zones permit horizontal and vertical mixed-use appropriately scaled for adjacent neighborhoods.
 5. Mixed-Use 3 (MU-3 and MU-3 A-Series) zones provide for the highest intensity neighborhood activity centers in proximity to bus routes and multi-modal corridors. These zones permit horizontal and vertical mixed-use scaled for the highest intensity uses that benefit from transit proximity and pedestrian activity.

- B. The following commercial zones are established to implement the transition to more community-serving commercial uses. Commercial 3 (C3 and C3-A Series) zones are non- residential zones that support the transition of larger format industrial/light industrial development to neighborhood services. These zones permit non-residential development, scaled to the neighborhood setting, with a range of services and employment uses and intensities.

Table 2B: Permitted Uses in Mixed Use (MU) Zones

Auto Detailing	N	N	N	N	N	N	
Auto Detailing, With Handheld Machines Only	Y	N	Y	Y	N	N	Inside parking structures or garages only.
Car Wash	C	N	N	N	N	N	
Fleet Services and Towing	C	N	N	C	N	N	Single vehicle parking permitted; see Specific Use Standards. Accessory uses limited to hotel primary use only; no auto repair.
<i>Gasoline/Diesel Fuel Sales</i>							
Gasoline and/or Ethanol Sales	N	N	N	N	N	N	
Diesel Fuel	C	N	N	C	N	N	
Electric Vehicle Charging	A	A	A	A	A	A	
Hydrogen Fuel	N	N	N	N	N	N	
<i>Automotive Sales & Repair</i>							
General Auto Repair	N	N	N	N	N	N	As defined in 21.15.280 .

Minor Auto Repair	C	N	C	C	N	N	Permitted only on the ground floor.
Motorcycle/Scooter/Jet Ski/Vehicle Sales	N	N	N	N	N	N	Indoor only; conditional use permit when located above the ground floor.
Parts, with installation	N	N	N	N	N	N	
Parts, without installation	AP	AP	N	AP	AP	N	
<i>Parking Structure</i>							
Accessory Use	A	A	A	A	A	A	
Primary Use, Public	AP	AP	AP	AP	AP	AP	
Primary Use, Private	C	C	C	C	C	C	
Recreational Vehicle Storage	N	N	N	N	N	N	
<i>Rental Agency</i>							
Mobility Services	Y	Y	Y	Y	Y	Y	Shared, micro-mobility kiosks, dock-less, and/or individual mobility solutions; subject to City regulations.

Traditional Daily+ Automobile Rental	A	N	N	A	N	N	Accessory to hotel use only; no auto repair services.
Transportation Facilities	N	N	N	N	N	N	Bus terminals, bus yard, cab stands, heliports/helistops, train stations, etc.
Billboards							
Billboards/Off-Site Advertising	N	N	N	N	N	N	Regardless of size.
Civic/Institutional Uses							
Adult Day Care	Y	Y	C	Y	Y	C	Subject to pending City regulations.
College, University, Business or Professional School	N	Y	Y	N	Y	Y	
Community Center/Senior Center	Y	Y	Y	Y	Y	Y	
Elementary or Secondary School	Y	Y	Y	Y	Y	Y	Subject to standards of 21.52.263 .
Government Offices, Facilities, or Civic Uses	Y	AP	Y	Y	AP	Y	

ATM, Exterior or freestanding walk up	AP	AP	AP	AP	AP	AP	
ATM Drive-Through Machine	N	N	N	N	N	N	
Bail Bonds	N	N	N	N	N	N	Only within 600 feet of a police station, jail, or court.
<i>Basic Sales and Service: Retail/Business/Professional/Personal</i>							
≤4,500 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	Subject to 21.52.251 in RMU3 and RMU4 zones.
>4,500 and ≤9,000 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	
>9,000 Sq. Ft. GFA	Y	AP	AP	Y	AP	AP	
Thrift Store, Used Merchandise	Y	Y	N	Y	Y	N	
Pawn Shop	N	N	N	N	N	N	
Daycare Center or Pre-School, 15 or More	Y	Y	Y	Y	Y	Y	As defined in 21.15.730 , subject to 21.52.249 .
Gallery/Experience/Demonstration Space	Y	Y	Y	Y	Y	Y	

Equipment Sales, Rental, or Repair	AP	N	N	AP	N	N	Indoor only; outdoor display or sales prohibited.
<i>Financial Services</i>							
With Drive-Through Windows	C	C	C	C	C	C	Subject to Sections 21.45.130 , 21.45.116 and 21.52.212 .
Without Drive-Through Windows	Y	Y	Y	Y	Y	Y	
Alternative Financial Services (Check Cashing, Payday Loans, Cash for Gold, etc.)	N	N	N	N	N	N	
Firearms or Other Weapons, Sales or Repair	N	N	N	N	N	N	
Laundromat	C	C	C	C	N	C	
Manufacture of Products Sold On- Site	AP	A	A	AP	A	A	See Specific Use Standards, Section 22.20.050 within this Chapter.
<i>Medical Uses/Services</i>							
Convalescent Hospital or Home	N	N	N	N	N	N	

[illegible]

Staff Attended	AP	N	N	AP	N	N	Permitted only on the ground floor.
Unattended	A	A	A	A	A	A	Accessory to a grocery store only, permitted only on the ground floor.
Repair Services	C	N	N	C	N	N	Permitted indoor, on the ground floor only. Appliances, upholstery, lawn mowers, etc.
Self-Storage, mini-warehousing (indoor only)	N	N	N	N	N	N	Indoor or outdoor.
Tattoo Parlor/Piercing Studio	Y	Y	Y	Y	Y	Y	Subject to 21.45.166 .
Termite and Pest Control	N	N	N	N	N	N	
Entertainment							
Amusement Machines (≤4)	A	A	A	A	A	A	See 21.51.205 .
Banquet Room Rental, Accessory Use	A	A	A	A	A	A	Accessory to restaurant or hotel.
Banquet Room Rental, Primary Use	AP	C	C	AP	C	C	

Indoor Amusement/Entertainment Facility	Y	AP	AP	Y	AP	Y	See 21.45.115.5 , 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades). Accessory to restaurant, hotel, banquet room only. City council hearing is required for new and transferred business licenses.
Outdoor Amusement/Entertainment Facility	AP	N	AP	AP	N	AP	
Dancing, Accessory Use	A	A	A	A	A	A	
Private Club, Social Club, Night Club, Pool Hall	C	C	C	C	C	C	City Council hearing required for new and transferred business licenses; consistent with Chapter 21.32 .
<i>Other Entertainment Uses</i>							
Accessory to a Restaurant or Food Service Use	Y	Y	Y	Y	Y	Y	See Specific Use Standards, Section 22.20.030 within this Chapter.
≤9,000 Sq. Ft GFA	AP	AP	AP	AP	AP	AP	
>9,000 Sq. Ft GFA	C	C	C	C	C	C	
Food Uses							

<i>Grocery and Food Market</i>							
≤4,500 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	
>4,500 and ≤9,000 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	
>9,000 Sq. Ft. GFA	Y	AP	AP	Y	AP	AP	
Mobile Food Trucks (Temporary)	T	T	T	T	T	T	Subject to 21.53.106 .
Outdoor Dining/Seating	A	A	A	A	A	A	
<i>Restaurants & Ready-To-Eat Foods</i>							
Restaurant	Y	Y	Y	Y	Y	Y	
Ready-to-Eat Without Drive-Through	Y	Y	Y	Y	Y	Y	
Ready-to-Eat With Drive-Through	N	N	N	N	N	N	
With Entertainment	Y	Y	Y	Y	Y	Y	City Council hearing required for new and transferred business licenses; AP required for mixed-use consistency verification.

Vending Cart (Food Only)	AP	AP	AP	AP	AP	AP	Subject to 21.45.170 and limited operating hours.
Vending Machines (Exterior)	A	A	A	A	A	A	Accessory to existing retail sales; subject to 21.51.295 .
Residential Uses							
Child Day Care Home, 14 or Fewer Children	A	A	A	A	A	A	Subject to 21.51.230 .
Emergency Shelter	C	C	C	C	C	C	Subject to 21.45.132 .
Group Home (1—6 Persons)	Y	Y	Y	Y	Y	Y	
Home Occupation	A	A	A	A	A	A	Subject to 21.51.235 .
<i>Residential Units</i>							
Live-Work Units/Artist Studio with Residence/Shopkeeper	Y	Y	Y	Y	Y	Y	
Caretaker residence	N	N	N	N	N	N	
Multi-Family	Y	Y	Y	Y*	Y	Y	Residential development shall be limited to attached configurations (rowhomes, townhomes)

							and detached courtyard-style multifamily development such as bungalows; single-family detached homes are prohibited. *New construction within the MU-1-B district must contain a commercial component.
Senior and/or Handicapped Housing	Y	Y	Y	Y	Y	Y	
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	
Single-Family Detached	N	N	N	N	N	N	
Residential Historic Landmark Building	*	*	*	*	*	*	*Subject to 21.52.265.5 .
Room Rental	A	A	A	A	A	A	
Special Group Residence	C	C	C	C	C	C	Subject to 21.52.271 .
Temporary Lodging							
Bed and Breakfast/Inn	AP	AP	N	N	N	N	Subject to 21.52.209 ; inns with fewer than seven

							guest rooms are exempt from AP requirement.
Hotel	C	C	C	C	C	C	
Motel	N	N	N	N	N	N	
Youth Hostel	AP	AP	AP	AP	AP	AP	
Miscellaneous and Other Uses							
Adult Entertainment Business	N	N	N	N	N	N	
Carnival, Event, Fair, Fiesta, Outdoor Exhibition, Seasonal Sales, Trade Show, similar	T	T	T	T	T	T	Subject to 21.53.109 and 21.53.113 .
Cellular or Wireless Facility	C	C	C	C	C	C	Building or roof-mounted only, subject to 21.45.115 and 21.56 ; freestanding monopoles prohibited.
Electric Distribution Station/Substation	C	C	C	C	C	C	
Unattended Donation Box	A	A	A	A	A	A	Subject to accessory use standards Section 21.51.294 .

Chapter 22.25 Special Use Incentives (A-series and B-series zones)

As of the effective date of this ordinance, the following economic development and healthy communities incentives shall be applicable to new development on properties in A-series zoning districts in the 90805 zip code. In all other areas of the City, the Special Use Incentives of the A-series zoning districts may only be applicable in areas that have been designated as Community Development Block Grant Areas by the Department of Housing and Urban Development. If a project utilizes multiple incentive options, the maximum cumulative parking reduction allowed for a project cannot exceed more than thirty percent (30%) of the total required parking for said project.

22.25.010 Education, Essential Retail, and Institutional Uses.

The gross square footage (GFA) of the ground floor educational, community-based non-profits, essential retail services (banks and pharmacies) and institutional uses (including schools, libraries, museums, government Offices, facilities, or civic uses), of up to nine thousand (9,000) Sq. Ft. GFA, shall not count toward the maximum FAR of a parcel or project if the following conditions are met:

- A. The use is located primarily on the ground floor (use may be multi-story, only ground floor GFA shall be exempted).
- B. The ground floor occupancy is designed to meet the Design of Ground Floor Retail and Pedestrian-Oriented Uses standards of Sections 22.30.060.A and 22.30.060.B.

22.25.020 Grocery and Food Markets.

Establishment and maintenance of stores that sell fresh foods in proximity to established neighborhoods should be incentivized.

- A. Minimum Fresh Foods Requirement. Any grocery or food market that devotes thirty percent (30%) or more of selling space to perishable fresh food items shall qualify to utilize the following incentives. Incentives may be used individually or together where the configuration requirements are met.
- B. Intensity Incentive. The total gross square footage (GFA) of a grocery market shall not count toward the maximum FAR of a parcel or project.
- C. Parking Incentives. Grocery market required parking spaces:
 - 1. Shall be counted as guest spaces for any residential units developed as part of a horizontal or vertical mixed-use project;
 - 2. Shall reduce by one (1) space per one thousand (1,000) Sq. Ft. if located within a one quarter (1/4) mile of a transit stop and bicycle parking is provided on-site, or if the grocery market is developed in a vertical mixed-use format; or
 - 3. The two incentives listed above may be used individually or together where the configuration requirements are met.

22.25.030 Affordable Housing Monitoring

Housing Production Benchmark.

A study will be initiated to evaluate affordable housing production strategies and incentives within six (6) months of adoption of the A series zones, unless inclusionary zoning or a similar regulation has been adopted in the interim.

22.25.040 Community Benefits

Projects that provide the following community benefits may qualify for development incentives:

- A. Commercial space incentives for workforce development employment strategies. Projects which provide commercial space for enterprises that employ through a local workforce development organization, including the Pacific Gateway Workforce Innovation and Opportunity Network (PGWIN), shall qualify for incentives, subject to the following:
 - 1. Employment of PGWIN trainees will be a requirement of the occupier of qualified commercial space for a minimum of five (5) years.
 - 2. Annual certification of compliance with the above shall be completed through PGWIN and provided to the Planning Bureau.
- B. Historic market commercial rents for community businesses. Projects which provide commercial rents at a historic market rate to existing local businesses shall qualify for the corresponding incentives, subject to the following:
 - 1. "Historic market rate" rents shall be defined as the average per-square-foot market rent for the local market for the last three (3) years prior to the proposed lease agreement. Maximum annual rent increase shall be limited to four percent (4%);
 - 2. An existing local business shall provide evidence of business history, including business license history, with the City of Long Beach of at least five (5) years in the corresponding local market, to the satisfaction of the Department of Development Services; and
 - 3. Submit annual certification of the lease agreement rate to the City of Long Beach Department of Development Services; a minimum commercial lease length of five (5) years is required to qualify.
- C. For projects that comply with either or both of the community benefit requirements, said projects will qualify to have the corresponding commercial space(s) exempted from maximum floor area limitations and parking requirements.

22.25.050 Climate Mitigation and Adaptation Incentives

- A. The City of Long Beach seeks to minimize future greenhouse gas emissions from the building sector while lessening the impact of climate change stressors on the local community, including extreme heat, air quality, drought and flooding. In addition to meeting all Green Building Standards contained in Section 21.45.400, parking incentives may be provided to one hundred percent (100%) non-residential

projects that demonstrate additional strategies to reduce GHG emissions or to lessen the impact of documented climate stressors on the local community.

- B. Projects may qualify for reduction in parking requirements in exchange for providing on-site or off-site climate mitigation or adaptation measures commensurate with the savings associated with the requested parking reduction, up to a maximum of fifteen percent (15%). Measures must meet the geographic needs of the local community as demonstrated in the City's Climate Action and Adaptation Plan. Eligible measures include but are not limited to:

1. Tree planting.
2. Photocatalytic tiles to improve air quality.
3. Cool roof and/or cool wall materials.
4. On-site solar installations (for example as shade structures over parking spaces).
5. Bus shelter amenity improvements.
6. Additional bicycle amenities.

22.25.060 Restrictions in Special Incentive Zones (B-Series)

Due to the lack of essential retail and services such as healthy food access, banks, and pharmacies in certain areas of the City, new construction projects shall be required to have a commercial component within the B-Series zoning district.