



Date: December 1, 2017

To: Patrick H. West, City Manager *P.H.W.*

From: Amy J. Bodek, Director of Development Services *A. Bodek*

For: Mayor and Members of the City Council

Subject: **Residential Parking Requirements for Garage Use and Permitting Requirements**

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In July 2017, the City Council requested the City Manager provide a report concerning current requirements for residential garage use; related enforcement measures, including the enforcement process in parking impacted areas; permitting process for garage expansions; and efforts, including incentives, the City may wish to consider encouraging garage use. Please consider this memorandum as a response to this request.

### **Legislative Provisions**

Long Beach Zoning Code Chapter 21.41 (Off-Street Parking and Loading Requirements) establishes parking and loading regulations to ensure that adequate parking is provided. These provisions also ensure that vehicle traffic and loading activities do not interfere with circulation on public rights-of-way or circulation within the required parking areas.

Parking for new residential developments must be provided on the same site as the dwelling unit or units. The number of required parking spaces varies and is based upon the number of units and/or bedrooms and/or location (e.g. specific plan or coastal zone), or the type of residential use (e.g. congregate care, affordable rental housing, residential care, etc.). All required parking must be provided within an enclosed garage. Garages must be maintained in a neat and orderly condition, and must be clear of obstructions including appliances, hobby equipment, storage of nonoperational vehicles, and the like. Tandem parking spaces are generally prohibited for required parking, except in certain circumstances (valet parking, certain affordable housing, or projects in the Downtown Plan and Midtown Specific Plan with approval of a planning entitlement and parking management plan). Each parking space, apart from tandem and valet spaces, must be independently accessible.

Uncovered parking may be permitted through the site plan review process for projects of 40 units or more at densities of 29 units per acre or less. If exceptions are granted to permit uncovered parking, that parking must comply with the same development standards as an enclosed garage. Required parking may not be rented or sold. Fees may be paid in lieu of providing the required on-site or off-site parking provided that:

1. The site is in an established parking district pursuant to the laws of the State of California or local ordinances; and,

2. The in-lieu fee represents the estimated current cost of providing the parking in the applicable district.

Vehicle parking is prohibited in the front yard setback, except on the driveway, or on a paved area between the driveway and the nearest side property line. Vehicle storage in the front yard setback is also prohibited. Parking may be permitted in side or rear yard setbacks, but must comply with the applicable development standards. Inoperative, dismantled, or wrecked vehicles may be stored as an accessory use in residential districts subject to the following guidelines:

- A maximum of two inoperative, dismantled, or wrecked vehicles per property.
- Vehicles must be fully screened from public view.
- Vehicles must be in the rear 50 percent of the lot and not block the required vehicular access to the garage.
- Vehicles must be placed on a fully paved surface.

### **Code Compliance / Legal Nonconforming Parking**

Many residential properties within the City were developed prior to parking requirements, or when fewer parking spaces were required for the same number of units. The Zoning Ordinance deems that existing legal nonconforming parking may continue to be used and maintained so long as the use is operated and maintained in such a manner as not to be a nuisance, a blighting influence, or a direct and substantial detriment to the rights of adjoining, abutting, or adjacent uses. The use and maintenance is permitted because of vested rights obtained through the legal establishment of the nonconforming use. If a use or structure with nonconforming parking is abandoned or demolished, those nonconforming rights are lost.

There are limitations on the expansion of uses with nonconforming parking. Addition of new dwelling units on a property requires additional parking spaces for the new units, as well as conforming parking for the existing units. Similarly, a residential use with nonconforming parking may be expanded by up to 250 square feet (cumulative to July 1, 1989) without providing additional parking. Expansion beyond that requires one additional parking space for each 250 square feet.

Nonconforming parking demolished during remodeling or expansion may be replaced with new parking of equal size or a more conforming size. Interior alteration to an existing residential single-family or multi-family unit with nonconforming parking to create additional bedrooms is prohibited, unless parking is also made to conform with current standards.

Single-family dwellings outside the parking impacted area and on sites with driveways 20 feet or more in length may create additional bedrooms or add over 250 square feet without providing additional parking.

Abandonment of a use with legal nonconforming parking will require that all future uses bring parking up to Code to conform with current standards.

### **Permitting Process**

To construct a new garage or expand an existing garage for a single-family home, a building permit application and simple plans are needed. The Permit Center provides information to assist in the preparation of these plans. With the guidance from this material, the permitting process is streamlined and a building permit can be issued over the counter during the initial customer visit. With larger, more complex development projects, entitlements and/or a more extensive plan review may be required. The Permit Center provides expedited services to process the more extensive projects in a timely manner.

### **Enforcement of Required Parking Standards**

The City Council established the Garage Resale Program, in Chapter 18.62 of the Long Beach Municipal Code, to inform new residential property owners of the availability of legally required off-street parking spaces within parking-impacted areas. Upon entering escrow, the Seller, or Seller's agent, requests a report from the City along with an application and processing fee (the fee is based on the number of garages at the subject property). The physical inspection of the garage is performed by a Code Enforcement Inspector and a report is issued indicating the availability of required off-street parking as well as a statement as to the availability, or lack of availability, of parking. The report identifies any off-street parking spaces that should be used for vehicle parking but are not available because of an illegal conversion to another use, or any physical condition that prohibits the use of such spaces for parking.

A citation for any unlawful condition relating to the use and maintenance of off-street parking spaces is issued by the Code Enforcement Inspector. Compliance is required within 90 days of said citation, or within 60 days of close of escrow, whichever comes first. If compliance is not obtained, formal enforcement proceedings are pursued.

The report may also provide an Exemption Certificate. An Exemption Certificate is issued if: (1) the property is located within the parking impacted area, but parking is provided by a common parking lot; (2) no parking was ever built on the property; or, (3) the home has never been occupied.

In 2016, 1,054 garage resale inspection requests were performed. Of those, approximately 80 percent of the properties were found to be in compliance with the parking requirements. Compliance at the remaining properties is generally achieved within 30 days or prior to the close of escrow.

In addition to the Garage Resale Program, garage/parking enforcement is conducted consistent with current enforcement practices. Once a complaint is received about potential garage use that is inconsistent with regulations, staff conducts a site inspection. If a violation is identified, a notice of violation is issued, and follow-up inspections conducted to ensure compliance. Failure to comply results in citations as well as legal prosecution.

### **Community Clean-ups**

The City, through its Neighborhood Improvement Division and in conjunction with Refuse Services, already coordinates neighborhood clean-up activities in certain neighborhoods. These events typically focus on removing illegally dumped items, but these clean-up events could easily be rebranded as garage clean-up events in other areas. Funding for the existing events are partially funded through Community Development Block Grant funds, which have limited applicability. Accordingly, additional unrestricted funds need to be identified to pay for staff time and dumpster rentals. The existing clean-up events are also entirely community-driven, meaning that existing community groups are responsible for recruiting volunteers, organizing the event, distributing flyers, and working with staff on calendaring such events.

### **Next Steps**

There are numerous efforts to encourage the use of garages for their intended use. A comprehensive approach should consider private and public property, as well as limited resources. The City may wish to consider the following:

- **Code Enforcement:** The City may wish to consider proactive code enforcement efforts in parking impacted areas. Dedicated staff would establish and administer a program, in concert with the Garage Resale Program, that could routinely inspect and issue citations for those properties not utilizing garage spaces accordingly. This would arguably preserve the garage use and, thereby, make available additional street parking as well as identify unpermitted garage conversions. However, this would marshal already limited resources away from other code enforcement efforts unless additional funding was identified and allocated for this activity.
- **Greater Mobility:** The City should continue to enhance the availability of mobility alternatives including additional sharing services, bike share, and shuttles. The City has studied the acquisition of properties located strategically within parking impacted areas to make them available for use by neighboring residents and concluded that it was not a good use of City funds.
- **Outreach:** The City may wish to consider additional public outreach efforts to inform residents of the importance of garage parking as well as neighborhood clean-up opportunities. For the Garage Resale Program, outreach efforts could target real estate agents and title and escrow companies.
- **Garage Clean-up Day:** The Belmont Shore neighborhood was selected as the first pilot site for a Garage Clean-up Day. This selection was based on a recommendation by the Belmont Shore Parking Study (Study) as a way to promote the use of garages for parking purposes. Mailers were sent to over 4,000 Belmont Shore residents (copy attached). On November 4, 2017, City staff collected over 12 tons of items during the event, including 21 mattresses. The cost for this event was approximately \$9,600, which includes cost of mailer, equipment, and Environmental Services Bureau staff, but does not include administrative staff costs. Based upon the Study's recommendation, coupled with the success of the event, staff is researching the feasibility of marshalling existing resources for additional garage cleanup events.

If you have questions regarding this matter, please contact Oscar W. Orci, Deputy Director, at (562) 570-6369 or [oscar.orci@longbeach.gov](mailto:oscar.orci@longbeach.gov).

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