

OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

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ORDINANCE NO. ORD-23-0036

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING CHAPTERS 21.25,  
DIVISION V (SITE PLAN REVIEW) AND 21.68 (ENHANCED  
DENSITY BONUS)

WHEREAS, on October 5, 2021, the City Council adopted Ordinance No.  
ORD-21-0034 adding Chapter 21.68 to Title 21 of the Long Beach Municipal Code  
("LBMC") and amending Subsection 21.25.506.A.7 of the LBMC, related to establishing  
an ordinance for an Enhanced Density Bonus program ("EDB Ordinance"); and

WHEREAS, on September 14, 2021, the City Council approved Resolution  
No. RES-21-0113 directing the Director of Development Services to submit a Local  
Coastal Program Amendment ("LCPA") for the EDB Ordinance to the California Coastal  
Commission ("CCC") for a finding of conformance with the Certified Local Coastal  
Program ("LCP"); and

WHEREAS, the EDB Ordinance was submitted to the CCC on December  
28, 2021; and

WHEREAS, on June 8, 2023, the CCC held a public hearing for the LCPA  
(LCP-5-LOB-21-0088-2) and recommended certification of the LCPA with three (3)  
requested modifications pertaining to references to non-certified provisions of the LBMC,  
clarification for required consistency with LCP and protection of coastal resources, and  
corrections to typographical errors; and

WHEREAS, the City Council desires to approve the CCC's requested  
modifications by adopting them in accordance with the action taken by the CCC on June  
8, 2023.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as

1 follows:

2 Section 1. The Long Beach Municipal Code is amended by amending  
3 Section 21.68.020 to read as follows:

4 21.68.020 Definitions.

5 A. High Quality Transit Bus Corridor (HQTC): A high-quality  
6 transit bus corridor means a corridor with fixed route public bus service with  
7 service intervals no longer than fifteen (15) minutes during peak commute  
8 hours, as defined by California Public Resources Code 21155.

9 B. Inclusionary Unit or Inclusionary Housing Projects: a dwelling  
10 unit/project required to be affordable to very low or moderate-income  
11 households and subject to an inclusionary housing regulatory agreement in  
12 areas subject to Inclusionary Housing Requirements outside of the coastal  
13 zone.

14 C. Major Transit Stop: A site or location containing a rail station  
15 or the intersection of two (2) or more public bus routes with a service  
16 interval of fifteen (15) minutes or less during the morning and afternoon  
17 peak commute periods, as defined by California Public Resources Code  
18 21064.3. The stations or bus routes may be existing, under construction, or  
19 included in the most recent Southern California Association of Governments  
20 (SCAG) Regional Transportation Plan (RTP).

21 D. Qualifying Project: A residential or mixed-use project that  
22 includes On-Site Restricted Affordable Units at a rate that meets or exceeds  
23 the minimum requirements to satisfy the Enhanced Density Bonus  
24 Incentives and as set forth in this Chapter. A qualifying project must be  
25 proposed on an eligible parcel, and meet or exceed the income thresholds  
26 as defined below.

27 1. Very Low-Income Households as defined in Section  
28 50105 of the California Health and Safety Code.

1                                   2.     Low Income Households as defined in Section 50093  
2 of the California Health and Safety Code.

3                                   3.     Moderate Income Households as defined in Section  
4 50093 of the California Health and Safety Code.

5

6                                   Section 2.    The Long Beach Municipal Code is amended by amending  
7 Subsection 21.68.040.A. to read as follows:

8                                   A.     Applicants with qualifying projects and parcels may request  
9 use of the EDB Chapter provisions and procedures, or the State Density  
10 Bonus provisions and procedures (Government Code 65915), but may not  
11 utilize both programs in order to increase density or otherwise qualify for  
12 project incentives. Neither the EDB Chapter provisions nor State Density  
13 Bonus Law supersede or in any way alter or lessen the effect or application  
14 of the Coastal Act and the LCP. Any incentives, concessions, waivers,  
15 and/or density bonuses applied to proposed projects via application of State  
16 Density Bonus Law shall only be allowed if coastal resources are protected  
17 as required by the Coastal Act and the LCP.

18

19                                   Section 3.    The Long Beach Municipal Code is amended by amending  
20 the Footnote to Table 21.68-1 in Subsection 21.68.050 to read as follows:

21                                   Footnote (\*): Use of 3% and 4% affordability components only permissible  
22 when the total number of affordable units across multiple restricted income levels equals  
23 or exceeds 12% of all units. For example, an applicant may propose 3% Very Low  
24 Income (VLI) in the Base Area and be eligible for a 15% density bonus; however, the 3%  
25 can only be used in conjunction with one or more other affordable components that total  
26 a minimum of 12% affordable units in a project.

27

28                                   Section 4.    The Long Beach Municipal Code is amended by amending

1 Section 21.68.060 to read as follows:

2 21.68.060 Eligible concessions/incentives for EDB projects that are not  
 3 inclusionary housing projects (“Non-Inclusionary Projects”).

4 The following Table shall determine how many incentives/concessions a  
 5 “Non-Inclusionary Project” may be eligible for, based on the percent density bonus a  
 6 project has qualified for. (See above, Density Bonus Eligibility and Percentages.)

7  
 8 Table 21.68-4  
 Maximum Number of Concessions for Non-Inclusionary Projects

Concession	Eligible Density Bonus
1	20
2	30
3	40
4	50
5	60
6	70
7	80
8	90
9	100

16 Note: For EDB projects that are inclusionary housing projects, the following  
 17 Table shall be used to calculate the number of incentives/concessions a project is eligible  
 18 for. In the Downtown (PD-30) and Midtown (SP-1) areas, incentives/concessions shall be  
 19 based on the total percent density bonus a project qualifies for (see above, Density  
 20 Bonus Eligibility and Percentages).

21 Table 21.68-5  
 22 Maximum Number of Concessions for Inclusionary Housing Projects

Total # Concessions	Eligible Density Bonus (2023 and beyond)	Maximum Concession for Height	Eligible Density Bonus (2022)	Maximum Concession for Height*	Eligible Density Bonus (2021)	Maximum Concession for Height*
3	70	1 story	50	1 story	40	1 story
4	80		70		60	
5	90	2 stories	90	2 stories	80	2 stories
6	100	3 stories	100	3 stories	100	3 stories

1                   \*Note: Any height increases on a lot sharing a lot line or across an alley  
2 from an R1 or R2 zoned property occupied by a single-family home or duplex, shall step-  
3 back any height increase over twelve (12) feet at least ten (10) feet from the exterior face  
4 of the ground floor of the building.

5  
6                   Section 5.    The Long Beach Municipal Code is amended by amending  
7 Subsection 21.68.070.A to read as follows:

8                   A.       The following are the by-right “on-menu”  
9 concessions/incentives that an EDB project may request based on the  
10 number of concessions/incentives a project is eligible for per the  
11 concessions/incentive Tables set forth above. In the coastal zone,  
12 concessions/incentives including but not limited to parking and open space  
13 concessions/incentives shall only be authorized or allowed by-right if there  
14 will be no significant adverse impacts to coastal resources, including but not  
15 limited to public access and environmentally sensitive habitat area, and if  
16 found consistent with the resource protection policies of the certified LCP.

- 17                   1.       A floor area ratio (FAR) increase of forty (40) percent  
18 per concession;
- 19                   2.       A fifteen (15) percent reduction in non-residential  
20 parking per concession;
- 21                   3.       A thirty (30) percent reduction in open space per  
22 concession;
- 23                   4.       An allowance for all shared/public (in lieu of private)  
24 open space;
- 25                   5.       An averaging of floor area ratio (FAR), density, parking,  
26 open space or access across zones (one (1) incentive per development  
27 standard averaged);
- 28                   6.       A fifteen (15) percent reduction in transitional height

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requirements;

7. A thirty (30) percent reduction in an individual setback per concession (maximum one (1) incentive per side or front yard with a maximum of two (2) incentives on the rear yard);

8. A maximum of one (1) additional story in height in the Base and HQTC areas and a maximum of three (3) additional stories in height in the Major Transit Stop area.

Section 6. The Long Beach Municipal Code is amended by amending Section 21.68.090 to read as follows:

21.68.090 Parking requirements.

Parking. EDB projects are eligible for off-street parking reductions and may avail themselves of either the reductions offered by the State regulations or the parking reductions offered by Table 21.68-6. Projects may use either of the reductions, but not both. EDB projects outside of the coastal zone comprised of one hundred (100) percent affordable units shall not be required to provide on-site parking. In the coastal zone, EDB projects comprised of one hundred (100) percent affordable units shall be required to provide off-street parking in accordance with Table 21.68-7.

Table 21.68-6  
EDB Parking Ratio Table

0—1 Bedrooms	1 space/unit
2—3 Bedrooms	1.25 spaces/unit
4+ Bedrooms	2 spaces/unit
Commercial Parking	Outside the Coastal Zone: First 6,000 square feet exempt; certified zoning code parking requirements apply beyond 6,000 square feet.  Within the Coastal Zone: Certified zoning code parking requirements apply.




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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 October 3, 2023, by the following vote:

Ayes:	Councilmembers:	<u>Zendejas, Allen, Duggan, Supernaw,</u> <u>Kerr, Saro, Uranga.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>Austin.</u>
Recusal(s):	Councilmembers:	<u>Ricks-Oddie.</u>

Approved: 10/04/23  
(Date)

  
City Clerk

  
Mayor



AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss  
COUNTY OF LOS ANGELES )  
CITY OF LONG BEACH )

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 4<sup>th</sup> day of October 2023, I posted three true and correct copies of Ordinance No. ORD-23-0036 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.

  
\_\_\_\_\_

Subscribed and sworn to before me  
This 4<sup>th</sup> day of October 2023.

  
\_\_\_\_\_  
CITY CLERK