

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

H-1

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

April 16, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the ordinance adopting the proposed zoning amendments regarding updates to the City's regulation of emergency shelters to effect compliance with California Senate Bill No. 2 (SB2) and the City's 2008-2014 Housing Element, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

On March 21, 2013, the Planning Commission held a public hearing to review changes to the Zoning Ordinance relating to the regulation of emergency shelters. These changes are needed in order to bring the code into compliance with State law, Senate Bill No. 2 (SB2), which requires that cities allow emergency shelters in at least one zoning district *by right*, that is, without special permits or hearings required. SB2 compliance is needed so that the upcoming Housing Element will be in compliance and, therefore, eligible to be certified by the California Department of Housing and Community Development (HCD). The Planning Commission recommended that the City Council adopt the proposed changes. In addition, the Planning Commission requested that the City Council direct Planning staff to review and analyze additional zoning districts that may be suitable for transitional housing and emergency shelters, and include a program in the upcoming Housing Element update to address this issue.

Under California State law, each city must adopt and maintain a General Plan that acts as an overall guide to development and land use controls in the city. A General Plan consists of several core elements and several optional elements; the Housing Element is one of the most critical core elements. The Housing Element, in effect, is the City's method of periodically assessing, considering, and planning for present and future housing needs. The current Housing Element does the following:

- Defines the special needs population, housing and neighborhood issues in Long Beach.
- Assesses the housing market and housing affordability factors.

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- Assesses the City's current development regulations and practice for their impact on housing development.
- Identifies how the City will meet specific Regional Housing Need Assessment (RHNA) targets for providing housing affordable to various households' incomes.
- Establishes 2008–2014 housing development and neighborhood improvement programs with targeted objectives, timeframes, identified funding sources, and the City departments and bureaus responsible for working together to see that the objectives are met.

State law requires that a local jurisdiction update its Housing Element every five years. The current Housing Element in the Long Beach General Plan was adopted by the City Council on May 19, 2009, after approval by the Planning Commission on May 7, 2009. This current version is known as the 2008–2014 Housing Element. In light of the frequency with which the Housing Element must periodically be updated, the California State Legislature has seen fit to introduce into law a number of State mandates relevant to local jurisdictions' Housing Elements. These typically are programs or agendas that the Legislature has decided are crucial to be carried out statewide. However, rather than administer the programs directly, the Legislature mandates the rules and objectives, and leaves it to local agencies to interpret, develop, and carry out the mandated programs. Staff brings this zoning amendment item forward in response to one such recent mandate contained in an act known as SB2.

California State law SB2, which became law on October 13, 2007, amended the California Government Code to impose additional requirements on local jurisdictions relating to the provision of emergency shelters (Exhibit A – Text of SB2). In short, SB2 requires that a local agency identify "adequate sites" with zoning that allows emergency shelters *by right*, that is, without a conditional use permit or other discretionary action by the City. A number of other smaller, relevant changes also are required, to adjust or revise definitions of terms that affect the application of zoning law upon emergency shelters.

The 2008–2014 Housing Element, which was adopted by City Council and certified by HCD, contains a program for a *Zoning Code Update for Special Needs Housing* (Exhibit B – Excerpt from Long Beach Housing Element). The program sets forth the following suggested amendments to the Zoning Code that would bring the City into compliance with SB2:

- Amend the Zoning Ordinance and/or the PD-31 Planned Development District Ordinance to permit emergency shelters by right (via a ministerial approval process) in the IP zoning district (Port of Long Beach/Harbor District) and in PD-31 (Villages at Cabrillo).
- Increase the shelter bed capacity at Villages at Cabrillo to allow at least an additional 100 efficiency units.
- Amend the Zoning Ordinance and/or PD-31 to ensure adequate capacity to "shelter the unsheltered bed gap" consisting of 380 individuals, and 72 persons in families with children.

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- Establish specific development standards and the following performance standards for emergency shelters, with these standards required to be not different than standards established for similar uses in the same zone(s):
 - Maximum number of beds;
 - Proximity to other shelters;
 - Length of stay;
 - Off-street parking standards (to be the same as other residential uses within the same zone(s));
 - Size and location of exterior and interior waiting drop-off;
 - Security and lighting; and
 - Provision of on-site management.

These amendments to the Zoning Code must be completed prior to HCD certifying the new Housing Element. Consistent with the program outlined in the adopted Housing Element, staff has identified the following text amendments to realize the Housing Element's plan for compliance with SB2:

- Create a new section in Chapter 21.45 (Special Development Standards) to implement the development standards and performance requirements for emergency shelters specified by the Housing Element and SB2.
- Edit the text under *Subarea D* (the Villages at Cabrillo subarea) in Sections III and IV of the PD-31 Ordinance to reflect the necessary changes to the land use regulations and development standards. Refer directly to the new section of Chapter 21.45 (above item) for consistency and brevity where possible.
- Edit Table 33-2 (Uses in Industrial Districts) in Chapter 21.33 (Industrial Districts) of the Zoning Ordinance, to add a specific line item under Section 14 for emergency shelters. This line item would indicate that emergency shelters are allowed by right in the IP zoning district, and refer in the “Notes and Exceptions” column to the special development standards section to be established for emergency shelters (above item).
- Edit and add entries in Section 21.15 (Definitions) to align definitions of terms with those specified in the Housing Element as required for SB2 compliance.

Staff believes the above-specified areas of revision to the Zoning Ordinance and PD-31 would achieve the goals of the Housing Element and mandated SB2 compliance in the most succinct and effective manner and will not delay the ultimate HCD certification of the new Housing Element. Staff recommends that the City Council adopt these proposed changes into ordinance.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE) was prepared for the proposed project (Exhibit C – CE-13-015).

This matter was reviewed by Assistant City Attorney Michael Mais on April 1, 2013 and by Budget Management Officer Victoria Bell on March 28, 2013.

TIMING CONSIDERATIONS

The existing 2008–2014 Housing Element of the General Plan needs to be in compliance with State law prior to adoption of the new Housing Element. The deadline to adopt the new Housing Element is October 15, 2013. The California Department of Housing and Community Development has indicated it will not review a new Housing Element for certification unless the current Housing Element is in compliance.

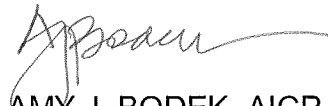
FISCAL IMPACT

There is no fiscal or local job impact associated with this request.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

AJB:DB:sk

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Attachments: Exhibit A – Text of SB2
 Exhibit B – Excerpt from Housing Element
 Exhibit C – Categorical Exemption CE 13-015
 Ordinance

Senate Bill No. 2

CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

SEC. 3. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient

subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that

completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the

growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or conditional approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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HOUSING PLAN

- Develop at least 100 new efficiency units on remaining land at the Villages at Cabrillo by 2012 with at least half of these units targeted to extremely low income households and the remainder targeted to very low income households.
- Amend the Zoning Code to address the provisions of emergency shelters, transitional housing, and supportive housing by the end of 2009 (or upon one year of the adoption of the Housing Element) (see Program 2.2 below).
- Continue to support services and programs that are part of the Continuum of Care system for the homeless through the City's annual funding allocation process. Accept 3.6 million dollars through the 2009 American Reinvestment and Recovery Act for a local Federal Homeless Prevention and Rapid Rehousing Program.

Responsible Agencies: Health and Human Services Department

Funding Sources: ESG; CDBG; Shelter Plus Care, American Reinvestment and Recovery Act

2.2 Zoning Code Update for Special Needs Housing

Long Beach has a substantial special needs population within the community. The City of Long Beach allows for the siting of facilities designed to accommodate special needs groups, such as the homeless, disabled persons, single parents, large households, college students, seniors, and persons with substance abuse problems, among others. The Long Beach zoning code permits emergency shelters and transitional housing, dormitories, and sororities/fraternities, licensed community care facilities, single room occupancy, affordable senior housing, as well as other standard housing opportunities. However, the zoning code must be updated to include new terminology and to allow more opportunities for the siting of special needs housing to meet the new requirements of State legislation (SB 2 and AB 2634).

2008-2014 Objectives and Time Frame:

- Adopt new zoning terms and classifications to address provisions for special needs housing within one year of the adoption of the 2008-2014 Housing Element.
 - *Emergency Shelters:* Amend the Zoning Code to permit emergency shelters by right via a ministerial approval process in the Port – IP zone and in PD-31 (Villages at Cabrillo). Increase the shelter bed capacity at the Villages at Cabrillo to allow at least an additional 100 efficiency units. The Zoning Code will be amended to ensure adequate capacity

to shelter the unsheltered bed gap (The Zoning Code will be amended to ensure adequate capacity to shelter the unsheltered bed gap (380 individuals, 72 persons in families with children) in both the Villages at Cabrillo and IP zone. The Zoning Code amendment will establish specific development standards and the following performance standards for emergency shelters: maximum number of beds; proximity to other shelters; length of stay; off-street parking standards to be the same as other residential uses within the same zone; size and location of exterior and interior waiting drop-off; security and lighting; and provision of on-site management. These standards will not be different than standards established for similar uses in the same zones.

- ◊ *Transitional Housing and Supporting Housing:* Amend the Zoning Code to differentiate transitional or supportive housing that operates as group residence versus transitional or supportive housing that is regular rental apartments. For transitional and supportive housing meeting the statutory definitions of the Health and Safety Codes, such housing will be permitted by right in the City where residential uses are permitted. For transitional and supportive housing operating as group housing facilities, meeting the statutory definition of residential care facilities under the Lanterman Disability Services Act, such facilities will be permitted according to the City's Zoning Code provisions for residential care facilities.
- *Single-Room Occupancy (SRO) Housing:* Amend the Zoning Code to incorporate SRO housing under the provisions for Special Group Residence. Conditions for approval will be objective and pertain to performance standards such as parking, management, and security. Such conditions will be similar to those required for other Special Group Residence uses in the same zone.
- *Definition of Family:* Review the Zoning Code definition of family and amend as necessary and appropriate to ensure clarity and remove any potential constraints to housing for persons with disabilities.

Responsible Agencies: Development Services Department

Funding Sources: Development Services Fund



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE-13-015

Project Location/Address: Citywide

Project/Activity Description: Zoning amendment to change the way emergency shelters are regulated, to allow by night out at least one site or zoning district, to affect compliance with State Law SB2.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: City of Long Beach, Dept. of Development Services

Mailing Address: 333 W. Ocean Blvd. 5th floor

Phone Number: (562) 570-6194 Applicant Signature:

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1302-20 Planner's Initials: SK

Required Permits: Zoning Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301 (Class 1) Existing Facilities

Statement of support for this finding: This amendment changes the permitting process but not the locations where the use in question will take place. In these locations, the same or substantially similar land uses are already permitted and/or in operation.

Contact Person: Scott Kinsey

Contact Phone: (562) 570-6194

Signature: Scott Kinsey

Date: 3/8/13

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING CHAPTER 21.33 BY
AMENDING TABLE 33-2 "USES IN INDUSTRIAL
DISTRICTS"; BY ADDING SECTION 21.45.132; AND BY
AMENDING SUBAREA D IN PD-31 (CALIFORNIA STATE
UNIVERSITY RESEARCH AND TECHNOLOGY
CENTER/VILLAGES AT CABRILLO LONG BEACH VETS
PLANNED DEVELOPMENT DISTRICT), ALL RELATING
TO EMERGENCY SHELTERS

The City Council of the City of Long Beach ordains as follows:

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OFFICE OF THE CITY ATTORNEY
 ROBERT E. SHANNON, City Attorney
 333 West Ocean Boulevard, 11th Floor
 Long Beach, CA 90802-4664

1 Section 1. Chapter 21.33 of the Long Beach Municipal Code is amended
 2 by amending Table 33-2 "Uses in Industrial Districts," Item 9 "Professional Office and
 3 Institutional Uses" and adding Item 9.1 "Emergency shelters" as follows:

Use	IL	IM	IG	IP	*Notes and Exceptions
9. Professional Office and Institutional Uses (SIC codes 60, 61, 62, 63, 64, 65, 66, 73 [except 7353 and 7359], 861, 862, 863, 864, 878* Division J (Public Administration))	Y	AP	AP	See Item 10 in this table.	a. Prohibited in all industrial districts: <ul style="list-style-type: none"> • 9223 (Correctional Institutions) • 8744 (Jails, privately operated—correctional facilities, adult privately operated) except a "Community Correctional Re-entry Center," as defined in Section 21.15.602, may be permitted in the IL, IM and IG zone districts pursuant to a conditional use permit as set forth in Chapter 21.52. b. Offices are intended to serve nearby industries and employees. c. Emergency shelters (8322) shall be subject to the special development standards specified in Section 21.45.132.
9.1 Emergency shelters (SIC code 8322*)	N	N	N	Y	

22 Section 2. The Long Beach Municipal Code is amended by adding
 23 Section 21.45.132 as follows:

24 21.45.132 Emergency shelters.

25 Emergency shelters shall be developed according to the following limitations:

26 A. Maximum number of beds. One hundred fifty (150) beds per
 27 facility. Additional beds may be permitted through the Conditional Use
 28 Permit (CUP) process (Minor CUP required).

- 1 B. Proximity to other shelters. No limit.
- 2 C. Length of stay. Maximum of ninety (90) days.
- 3 D. Off-street parking standards. Given the nature of the use,
4 off-street parking shall be provided only for office space in the shelter, at
5 the same rate as that required for general professional office use, as
6 specified in Chapter 21.41. Additionally, one (1) loading space compliant
7 with the standards of Chapter 21.41 shall be provided for each twenty-five
8 (25) beds or portion thereof.
- 9 E. Size and location of exterior and interior waiting and drop-off:
 - 10 1. An adequately-sized waiting and drop-off area, for the
11 sheltered persons and their personal effects, shall be provided at each
12 emergency shelter facility. This area may be either on the exterior or the
13 interior of the building. If exterior, this area shall not abut or adjoin a public
14 sidewalk or right-of-way unless separated by a fence at least four (4) feet
15 tall.
 - 16 2. Said waiting/drop-off area shall comply with all
17 requirements of the applicable Building Codes relating to such a use or
18 occupancy.
 - 19 3. Exterior waiting shall be permitted for no more than
20 one (1) hour prior to the opening and one (1) hour after the closing of the
21 facility each day.
- 22 F. Security and lighting.
 - 23 1. For an emergency shelter with ten (10) or more beds,
24 an adequate number of on-site security guards shall be present during the
25 waiting/drop-off periods before opening and after closing.
 - 26 2. For an emergency shelter with twenty-five (25) or
27 more beds, an adequate number of on-site security guards shall be
28 provided at all times when the shelter is operating.

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3. Exterior lighting shall be provided at each facility as directed by the Chief of Police.

4. Other security measures, such as security cameras and recorders, security gates, or other necessary requirements, shall be provided as directed by the Chief of Police.

G. Provision of on-site management. All emergency shelter facilities shall have on-site management present at all times when the shelter is operating, and during the periods when sheltered persons are waiting before opening and after closing of the facility.

Section 3. Amend PD-31 (California State University Research And Technology Center/Villages At Cabrillo Long Beach Vets Planned Development District) by amending Subarea D to add "Emergency shelters" as follows:

20. Emergency shelters, subject to the special development standards specified in Section 21.45.132 (Emergency shelters).

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the 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 _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664