

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING CHAPTER 21.11, RELATING TO NO NET LOSS OF AFFORDABLE RESIDENTIAL HOUSING UNITS IN THE CITY

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

Section 1. Chapter 21.11 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

Chapter 21.11

NO NET LOSS

21.11.010 Purpose and Intent.

The purpose of this Chapter is to implement California Senate Bill 330 (SB 330), the "Housing Crisis Act of 2019," as codified in Government Code Section 66300 to insure that the City does not approve a Housing Development Project, as defined herein, that would have the effect of reducing the zoned capacity for housing of the City as it existed on January 1, 2018; or which would result in the demolition of existing housing units unless those units are replaced on at least a one (1) to one (1) ratio; and in the case of exiting low income units, that such units are only demolished if they are replaced, and that certain conditions related to affordability and tenant protections are met. It is the express intent of the City Council that this Chapter remain effective despite the possible expiration of Government

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Code Section 66300.

21.11.020 Definitions.

The following words or phrases shall have the following meanings when used in this Chapter:

- A. "Department" means the Department of Development Services.
- B. "Development Policy, standard or condition" means any of the following:
 - 1. A provision of, or amendment to, the City's General Plan.
 - 2. A provision of, or amendment to, a specific plan.
 - 3. A provision of, or amendment to, a zoning ordinance.
 - 4. A subdivision standard or criterion.
- C. "Housing Development Project" means a use consisting of residential units only; mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use; or transitional or supportive housing projects, or the demolition of any of the foregoing (see California Government Code Section 65589.5).

21.11.030 Applicability.

Except as otherwise specified in this Chapter, the provisions of this Chapter, apply to any of the following Housing Development Projects that submit development applications to the City after January 1, 2021:

- A. New construction of any principal residential building;
- B. A change of a principal residential use to another principal use;

- 1 C. A change in the number of dwelling units;
- 2 D. A land division subject to Title 20 (Subdivisions) of the Long
- 3 Beach Municipal Code; or
- 4 E. Legalization of an existing unpermitted dwelling unit;
- 5 F. Demolition of an unpermitted or otherwise illegal dwelling unit
- 6 that could otherwise be converted into a legal dwelling unit in accordance
- 7 with applicable provisions of the City’s zoning or building regulations.

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9 21.11.040 Exemptions.

10 The following are exempt from the requirements of this Chapter:

- 11 A. New construction of a single-family residence on a lot with no
- 12 other principal uses or structures;
- 13 B. New construction or legalization of accessory dwelling units or
- 14 junior accessory dwelling units;
- 15 C. Conversion to resident ownership of all rented spaces in a
- 16 mobilehome park;
- 17 D. Addition of mobilehome spaces or mobilehomes in a
- 18 mobilehome park;
- 19 E. A lease project wherein two or more residential or commercial
- 20 buildings are constructed and maintained on a parcel of land, and
- 21 apartments, offices, stores or similar space are leased within one or more of
- 22 the buildings, overall control of the land and buildings comprising the project
- 23 being retained by the lessor.

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25 21.11.050 Requirements.

- 26 A. Dwelling units that are proposed to be or have been
- 27 demolished, vacated, or converted from rental to “for-sale,” shall be
- 28 replaced if they are permitted in the zone and are or were any of the

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following:

1. Subject to a recorded covenant that restricts rents to levels affordable to persons and families of moderate, lower, very low or extremely low income within the five years prior to application submittal;

2. Occupied by lower, very low or extremely low income tenants within the five years prior to application submittal;

3. Withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of the California Government Code within the ten (10) years prior to application submittal.

B. The number and type of affordable replacement units shall be determined as follows:

1. The number of affordable replacement units for lower or very low income households shall be determined in accordance with Section 65915 of the California Government Code, or any successor statute;

2. Affordable replacement units for lower or very low income households shall be provided at the level of affordability determined in accordance with Section 65915 of the California Government Code, or any successor statute;

3. Affordable replacement units for extremely low income households shall be provided in at least the same number as existed on the site within the five years prior to application submittal, or in the same proportion of extremely low income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, if the income category is unknown for any of the following:

a. The current household in occupancy at the time of application submittal;

1 b. The last household in occupancy if a unit is
2 unoccupied at the time of application submittal; or

3 c. The households at the highpoint of such units
4 that existed in the five-year period preceding application, if the units have
5 been vacated or demolished.

6 4. At least the same total number of dwelling units and at
7 least the same total number of bedrooms shall be replaced at the same or
8 deeper level of affordability;

9 5. The required number of affordable replacement units
10 shall not be reduced as the result of the deeper level of affordability of the
11 affordable replacement units;

12 6. Affordable replacement units affordable to lower, very
13 low or extremely low income households shall be rental dwelling units; and

14 7. Moderate income units. Units subject to a covenant
15 that restricts rents to levels affordable to moderate income households shall
16 be replaced with units that are affordable to households of moderate income
17 or below moderate income. If they are replaced with units affordable to
18 households of moderate income, the affordable replacement units may be
19 rental or for-sale.

20 C. Inclusionary Housing or Density Bonus. Affordable
21 replacement units required by this Chapter may count toward any affordable
22 housing set-aside units required in connection with the granting of a density
23 bonus, or the requirements of the City's inclusionary housing zoning
24 regulations, if applicable;

25 D. Affordable replacement units shall be provided on-site.
26 Replacement units may be provided off-site if (i) the proposed development
27 requiring replacement units does not have a residential component, or (ii) if
28 the City Council determines, based on substantial evidence, that such off-

1 site compliance will provide greater public benefit than would provision of
2 the replacement units on-site.

3 E. Tenure. Affordable replacement units in a common interest
4 development or a single-family residential subdivision shall be for-sale only.

5 F. Timing. All permits and entitlements, including the building
6 permits, for the affordable replacement units shall be obtained prior to, or
7 concurrently with, the permits and entitlements, including the building
8 permits, for the non-replacement units.

9 G. Duration of Affordability. The affordability term for
10 replacement units shall be the longer of (i) fifty-five (55) years from the
11 issuance of a tentative or final certificate of occupancy for such replacement
12 units, or (ii) for so long as the subject property which includes such
13 replacement units is developed for a residential use.

14 H. Covenant and Agreement Required. A covenant and
15 agreement ensuring the continued availability of affordable replacement
16 units shall be executed and recorded to the satisfaction of the City Attorney,

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18 21.11.060 Approvals.

19 Notwithstanding any other provision of this Code, and in compliance
20 with Government Code Section 66300 (regardless of whether such Section
21 remains effective), where housing is an allowable use, the City shall not
22 approve any application, project, policy or condition that would result in any
23 of the following effects:

24 A. Changing the general plan land use designation, specific plan
25 land use designation, or zoning of a parcel or parcels of property to a less
26 intensive use or reducing the intensity of land use within an existing general
27 plan land use designation, specific plan land use designation, or zoning
28 district below what was allowed for the parcel or parcels and in effect as of

1 January 1, 2018. For the purpose of this Section, “less intensive use”
2 includes, but is not limited to, reductions to height, density, or floor area
3 ratio, new or increased open space or lot size requirements, or new or
4 increased setback requirements, minimum frontage requirements, or
5 maximum lot coverage limitations, or anything that would lessen the
6 intensity of housing.

7 B. Imposing a moratorium or other limitation on housing
8 development, including mixed use developments, unless a finding is
9 specifically made that said restriction is necessary to protect against an
10 imminent threat to the health and safety of persons residing in, or within the
11 immediate vicinity of, the area subject to the moratorium; or for projects
12 specifically identified as existing restricted affordable housing.

13 C. Notwithstanding the above, nothing in this Chapter shall
14 prohibit the City from changing a land use designation or zoning ordinance
15 to a less intensive use if the City concurrently changes the development
16 standards, policies, and conditions applicable to other parcels within the City
17 to ensure that there is no net loss in residential capacity.

18 D. This Chapter does not prohibit an the City from changing a
19 land use designation or zoning ordinance to a less intensive use on a site
20 that is a mobile-home park, as defined in Section 18214 of the Health and
21 Safety Code, as of the effective date of this Chapter, and the no net loss
22 requirement shall not apply.

23 E. This Chapter does not prohibit the City from enacting a
24 development policy, standard, or condition that is intended to preserve or
25 facilitate the production of housing for lower income households, as defined
26 in Section 50079.5 of the Health and Safety Code, or housing types that
27 traditionally serve lower income households, including mobile-home parks,
28 single-room occupancy units, or units subject to any form of rent or price

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control through the City's valid exercise of its police power.

Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor