

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

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ORDINANCE NO. ORD-21-0002

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 21.66 RELATING
TO AN UNPERMITTED DWELLING UNIT AMNESTY
PROGRAM

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

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 21.66 to read as follows:

Chapter 21.66

Unpermitted Dwelling Unit Amnesty Program

21.66.010 Purpose.

To develop a dwelling unit amnesty program to preserve existing dwellings, bring them into compliance with applicable Building Code standards, and maintain them as income restricted affordable units in accordance with recommendation 2e of the "Everyone Home Long Beach" plan "to expand the number of rent-stabilized units," and Policy 1.1 of the 2017 report prepared by the Mayor's Affordable and Workforce Housing Study Group and adopted by City Council "to encourage the preservation of existing housing stock, consistent with the City's adopted Housing Element." This Section is not intended for housing units that are eligible for legalization as accessory dwelling units through the Accessory Dwelling Unit (ADU) process.

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1 21.66.020 Compliance with applicable development standards and
2 Zoning Code requirements.

3 A. Existing dwelling units that do not have a certificate of
4 occupancy at the time of application that are located in otherwise legally
5 permitted structures, which shall be referred to in this section as
6 “unpermitted dwelling units,” shall not be subject to any otherwise applicable
7 zoning ordinance, specific plan, or other overlay district regulations,
8 including, but not limited to, the following:

9 1. Minimum Lot Area per Dwelling Unit or Guest Room.
10 The units shall not be subject to any density limitations imposed by the
11 underlying zoning.

12 2. Off-Street Automobile Parking. The units shall not be
13 subject to any applicable off-street automobile parking requirements. The
14 existing number of parking spaces existing on the site as of the date of the
15 application shall be maintained and shall not be reduced.

16 3. Minimum Yard and Setback Requirements. The units
17 shall not be subject to any yard or setback requirements imposed by the
18 underlying zoning.

19 4. Any Other Development Standards. The units shall not
20 be subject to any other provision of the underlying zoning or applicable
21 development standards that would preclude the preservation of the dwelling
22 unit.

23
24 21.66.030 Building Code Compliance.

25 Notwithstanding any exemptions to zoning requirements detailed in
26 this Section, the units shall comply with minimum applicable health and
27 safety requirements established in Title 18, as determined by the Building
28 Official.

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21.66.040 Eligibility.

Existing dwelling units eligible for the informal dwelling unit amnesty program:

A. May be located in any zone, except for the IG and IP Industrial Zones;

B. Shall have been occupied, as a residence, for more than thirty (30) continuous days prior to December 31, 2016, which occupancy shall be demonstrated by the Applicant with proof satisfactory to the Director of Development Services, or designee.

21.66.050 Affordability Covenant.

A. Applicants shall be required to record a covenant on the property that requires the unit to be retained as an income-restricted unit for a period of 10 years at an income level that is the lower of: 1) the existing tenant's income level or 2) a moderate-income household, as determined by Area Median Income (AMI) limits established by the Department of Housing and Urban Development (HUD).

B. The affordability period shall be deferred if the unit is occupied by a tenant with an existing lease who does not meet the subject income restriction. The affordability period shall begin when a tenant meeting the above income restriction occupies the unit.

C. The units shall be subject to the annual covenant monitoring fee.

21.66.060 Review Process.

Site Plan Review shall be required pursuant to Chapter 21.25 of the Municipal Code. Existing dwelling units that are eligible for the informal dwelling unit amnesty program and are located in the Coastal Zone shall be

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required to obtain a Local Coastal Development Permit pursuant to LBMC 21.25.903; however, a public hearing for the Local Coastal Development Permit shall not be required.

21.66.070 Appeals.

Only applicants may appeal Site Plan Review determinations to the Planning Commission.

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.

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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 January 12, 2021, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price,
Supernaw, Mungo, Saro,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

M. De La Haza
City Clerk

Approved: 1/14/21
(Date)

[Signature]
Mayor

AFFIDAVIT OF POSTING

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

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 13th day of January, 2021, I posted three true and correct copies of Ordinance No. ORD-21-0002 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



Subscribed and sworn to before me

This 13th day of January, 2021.


_____ CITY CLERK