

FINDINGS

Informal Dwelling Unit Amnesty Program Zoning Code Amendment (ZCA)
Application No. 20-013
September 3, 2020

The Long Beach Municipal Code (LBMC) does not require specific findings for the adoption of a Zoning Code Amendment. The proposed Zoning Code Amendment, however, is consistent with state law and guidelines and applicable elements of the City's General Plan; will not adversely affect the character, livability or appropriate development of the City; and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its adoption of the proposed informal dwelling unit amnesty program - Zoning Code Amendment.

The Zoning Code Amendment is consistent with objectives, principles, and standards of the General Plan. The Zoning Code Amendment (ZCA) would not conflict with the City's General Plan, the 2010 Strategic Plan, local coastal program, or any other applicable land use plans and policies. The ZCA involves creating a process to legalize informal units that were constructed without building permits and do not have a valid certificate of occupancy. The Zoning Code Amendment will preserve existing naturally occurring affordable housing, consistent with a number of adopted City plans and policies. The Zoning Code Amendment will not only create a pathway to preserve this important component of the City's housing stock, but also establishes a process for retaining the units as affordable, income restricted units for a period of 10 years. The ZCA is consistent with goals, policies and strategies in the existing Land Use Element (LUE), Housing Element (HE) of the General Plan. The ZCA does not change the density, intensity of land use or height of the underlying zoning, but rather allows the preservation of existing units that may not be in compliance with density regulations, yards and setbacks or other applicable zoning requirements due to the incremental and organic way that they have been developed over time.

The General Plan Land Use Element (LUE) includes Goal No. 5 Diversify Housing Opportunities and STRATEGY No. 12: Diversify Long Beach's housing stock which encourage the preservation and development of a variety of housing types to meet the diverse needs of City residents. Goal No. 1 of the Housing Element promotes housing affordability and encourages a variety of strategies to rehabilitate and preserve the existing affordable housing stock and protect at-risk affordable units. As noted, existing informal units tend to be naturally occurring affordable units and fill an important housing need in the City. The proposed Zoning Code amendments advances the above General Plan Goals to preserve those units as restricted affordable units.

These proposed ZCA supports planning and zoning best practices, builds upon existing studies, and provide another strategy to facilitate perseveration of housing as a means to address the housing crisis. It builds upon policy recommendations adopted by City Council on May 2, 2017 that were prepared by the Affordable and Workforce Housing Study Group, appointed by the Mayor, to address the affordable housing crisis in the City. These zoning code change responds to this identified need and provides a pathway for retaining these units.

The proposed Zoning Code Amendment will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice. As the City's current zoning code has not been substantively updated since 1989, there are many sections of the current code that maintain outdated standards, regulations, and references that affect quality of life in the City and inhibit good planning. The proposed amendment would allow flexibility with regard to certain standards that currently present a barrier to retaining existing units that make up an important part of the City's housing stock and currently house families, often of lower incomes. Approval of the units would be subject to the Site Plan Review process. This process would provide an opportunity for the City to bring these units up to current building code standards and would add to the restricted affordable housing stock of the City as a result of the requirement that affordable covenants be recorded on the properties requiring the units to be retained as moderate income or lower units for a period of 10 years. This change will respond to a community need for affordable housing and a diverse housing stock. The change is consistent with good planning practice and furthers the public interest to promote development and investment that is consistent with the General Plan.

The proposed Zoning Code Amendment is consistent and compliant with the California Environmental Quality Act. No adverse environmental impacts are expected as a result of the proposed action. The proposed action modifies certain development standards to legalize existing informal units in the City where. The proposed ordinance does not change the density, height, intensity of land use, or allowable land uses of the underlying zoning and therefore does not result in an increase in overall development nor impact the scale or character of affected areas. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Zoning Code Amendment is exempt from CEQA under Section 15305 (Minor Alterations to Land Use Limitations) and Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and none of the exceptions in Section 15300.2 apply. Section 15305 exempts projects that consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The properties affected by this ZCA have an average slope of less than 20%.

The ZCA is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts. The Zoning Code Amendment does not result in any physical changes in the environment because it involves the legalization of dwelling units that already exist but are unpermitted and do not have a valid certificate of occupancy and as such will not result in a change in the physical environment.