



Legislation Details (With Text)

File #: 20-0585 **Version:** 3 **Name:** DS - Zone Code Amendment – Interim Housing

Type: Ordinance **Status:** Adopted

File created: 6/4/2020 **In control:** City Council

On agenda: 7/7/2020 **Final action:** 7/14/2020

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.15.966, 21.15.2290, 21.15.2795, 21.15.2810, 21.15.2985, 21.15.3095, Table 31-1, Table 32-1, Table 33-2, and Table 34-1; by adding Sections 21.15.1475, 21.15.2382, 21.15.2793, 21.45.153, 21.45.163, 21.51.278, 21.52.238, and 21.52.269.1; and by repealing Section 21.15.2475, all relating to interim housing, read and adopted as read. (Citywide)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 062320-H-11sr&att.pdf, 2. 070720-H-13sr&att.pdf, 3. 071420-ORD-26att.pdf, 4. 070720-H-13 PowerPoint.pdf, 5. 070720-H-13 Correspondence.pdf, 6. 071420-ORD-26 Correspondence.pdf, 7. ORD-20-0026.pdf

Date	Ver.	Action By	Action	Result
7/14/2020	3	City Council	approve recommendation and adopt	Pass
7/7/2020	2	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass
6/23/2020	1	City Council	withdrawn	

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.15.966, 21.15.2290, 21.15.2795, 21.15.2810, 21.15.2985, 21.15.3095, Table 31-1, Table 32-1, Table 33-2, and Table 34-1; by adding Sections 21.15.1475, 21.15.2382, 21.15.2793, 21.45.153, 21.45.163, 21.51.278, 21.52.238, and 21.52.269.1; and by repealing Section 21.15.2475, all relating to interim housing, read and adopted as read. (Citywide)

This proposed Ordinance will expand the locations where emergency shelters, interim and supportive housing, safe parking, and social services may be established within Long Beach. This Ordinance also includes operating and performance standards to protect adjacent uses and communities from any impacts from these interim housing uses. Within Long Beach, over 20,000 households are housing insecure, and an estimated 4,000 people in the city experience homelessness each year (Everyone Home, 2018). Given the recent economic downturn due to the COVID-19 pandemic, the number of individuals and families facing housing insecurity will likely increase. The reasons for housing insecurity are complex and varied and include, but are not limited to: poverty, unemployment, housing affordability, substance abuse, mental health problems, abuse, reentry from incarceration, divorce, death of a family member, and disability.

In May 2018, in recognition of this complex statewide problem and its effect on Long Beach,

the Everyone Home Initiative was started by Mayor Garcia. In December 2018, the City Council received the recommendations of the Everyone Home Task Force Report (Report). The Report established goals and actions that could be taken to enhance the City's response to housing insecurity. It included implementing the housing first model and improving coordination between departments, agencies, and nonprofit partners. At the direction of the City Manager, Planning Bureau staff evaluated the City's zoning standards for the various housing types (emergency shelters, transitional housing, and supportive housing) and services necessary to assist persons who are housing insecure.

Everyone Home Task Force Report

The following provides an overview of the most relevant recommendations from the Report, and State laws considered as a basis for this Zoning Code amendment.

The second of the seven goals within the Report is to increase housing access. The following identifies the recommendations most relevant to this zone code amendment:

1. Establish more geographically equitable distribution of lower-income housing units and supportive services across the City (*Recommendation Long-Term 2f*); and,
2. Increase low barrier emergency shelter beds and increase accessibility for populations that currently have limited shelter options, which includes couples, parents with children, and people with pets so they can remain together, transition-aged youth, older adults, re-entry population, people with multiple diagnoses, particularly those with mental illness co-occurring with physical or substance use, individuals experiencing homelessness who do not meet requirements of current sheltering options or have other barriers to shelter (*Recommendation Long-Term 2g*).

There are additional land use recommendations within the Report that are being processed as separate Zoning Code amendments, including the adoption of an inclusionary housing ordinance and zoning provisions that allow for the conversion of motels into supportive housing uses.

State Housing Law

Many State laws have been adopted to address the housing and homelessness crisis. The following is an overview of those laws most relevant to this Zoning Code amendment that addresses emergency shelters, transitional housing, and supportive housing uses:

1. **Senate Bill 2.** Adopted in 2007, revised the Housing Element to require that transitional and supportive housing be permitted in a residential use, subject only to restrictions that apply to other dwellings of the same type in the same zone. Requires the City to have sufficient areas zoned to allow shelters by-right. The area must be sufficient to meet the City's "unmet need" for shelter beds and have suitable sites with a realistic possibility for development.

2. **Assembly Bill 2162.** Adopted in 2019, requires by-right review of supportive housing on properties where multi-family and mixed uses are permitted, if the proposed housing meets specified criteria. It also requires local jurisdictions to streamline the approval process for certain qualifying projects, thereby removing the requirement for analysis under the California Environmental Quality Act (CEQA) and removing the requirement for a discretionary use permit, such as a Conditional Use Permit (CUP).
3. **Assembly Bill 101.** Adopted in 2019, requires by-right, a streamlined review of shelters in nonresidential zones that permit multifamily housing, if the shelter meets certain criteria. It also creates incentives, in the way of grants, for jurisdictions that follow State Housing Element Law and establishes penalties for jurisdictions that are not compliant.

On April 16, 2020, the Planning Commission held a public hearing on the proposed Zoning Code amendment pertaining to interim housing and related uses. The Planning Commission received a staff presentation, took public testimony, closed the public hearing, and recommended that the City Council approve the Zoning Code amendments proposed (Attachment A - Redline Zone Code Changes). The Planning Commission found that the proposed amendments align with the General Plan, including the following policies (Attachment B - Findings):

- o Land Use Element Policy 13-1: Promote an equitable distribution of housing types for all income and various cultural groups throughout the City; avoid creating concentrations of below-market-rate housing in underserved and low-income neighborhoods.
- o Housing Element Policy 2.3: Support provision of housing to address the needs of the disabled (including persons with developmental disabilities), the mentally ill, persons with substance problems, persons with HIV/AIDS, veterans, and other groups needing transitional and supportive housing.
- o Housing Element Goal 7: Ensure fair and equal housing opportunity.

The purpose of the proposed Zoning Code amendments is to ensure that the City's development regulations align with State law and support the City's housing goals and policies. The City's land use regulations (Zoning Code) can play an important supporting role in its efforts to address housing insecurity. Overall, the proposed changes would reduce zoning barriers to the development of emergency shelters, supportive housing, transitional housing, and supportive services by: (1) refining the definitions of existing uses to promote flexibility; (2) expanding the types of land uses included in the code; (3) expanding the zoning designations where housing types serving the housing insecure are permitted; and, (4) streamlining the review process. The following provides a brief discussion of the proposed amendments by use:

Interim Housing

The proposed code amendment creates a new umbrella term, 'Interim Housing,' that encompasses a range of temporary housing including, but not limited to, emergency shelters, transitional housing, bridge housing, and supportive services. Along with this new definition, new operational standards are proposed and include coordinated assessment, establishing a scope of services, provision of appropriate on-site management, flexible off-street parking, adherence to noise ordinance, and an appropriate level of security.

Emergency Shelter and Shelter

The proposed code amendment repeals the term, 'shelter.' The Zoning Code currently includes two terms, 'emergency shelter' and 'shelter', which describe the same use for the temporary housing of people but define the use differently. The updated definition of 'emergency shelter' will merge the relevant parts of each use and expand it to ensure that the provision of kitchen facilities is not prohibited.

The Zoning Code currently permits emergency shelters by-right within two zoning districts (Subarea D of PD-25 and the IP Zone) and as an accessory use to places of religious worship regardless of the zoning designation. Given the complexity of development, compounded by the limited funding sources available for agencies and nonprofits to develop shelters, expanded zoning opportunities are necessary to support the identified need for 500 shelter beds in Long Beach and for consistency with State law. In addition, the existing zoning only permits these uses on the southwest side of the city, largely in industrial areas. The proposed amendment expands the zoning designations within which an emergency shelter can be permitted by-right to include the Regional Highway Commercial (CHW) zoning district as well the Light Industrial (IL) and Medium Industrial (IM) zoning districts. In addition, the amendment creates new opportunities allowing emergency shelters to be permitted with a CUP within the following zoning districts: (1) Multi-family Residential (R-4-H, R-4-N, R-4-R, and R-4-U); (2) Commercial (CNR, CCR, CCN); and, 3) Institutional (I). The proposed amendment also permits emergency shelters in the General Industrial District (IG) zone with an Administrative Use Permit (AUP).

Safe Parking Sites

The proposed amendment adds a definition for a 'safe parking' use and designates certain zoning districts where it would be permitted. Many persons who own a vehicle and experience housing insecurity turn to living in their vehicle as shelter. A Safe Parking Site would offer a safe and secure place for individuals or families to sleep in their vehicles within designated parking lots outside of the public right-of-way. The establishment of this use would help protect public health and safety, connect individuals and families with services, and limit impacts on established residential neighborhoods. The proposed zoning changes would allow safe parking by-right as an accessory to places of religious worship in all zoning districts and as a primary use in the IL and IM zoning districts. The use may also be allowed with the approval of an AUP in specific Commercial (CNR, CCN and CHW) and General Industrial (IG) zoning districts. Finally, it may be permitted in the Institutional (I) zoning district with a CUP.

Regardless of whether the zoning district allows ‘safe parking’ by-right or subject to the approval of an entitlement (AUP or CUP), a set of 11 operational standards are proposed to ensure these sites are operated in a manner that maintains public health and safety, including prescreening of participants through case management, minimum vehicle standards, vehicle capacity requirements, hours of operation limiting the use to a 12-hour window, requirement for minimum sanitation facilities, onsite security, spacing between vehicles, and perimeter screening.

Transitional Housing

The proposed code amendment makes traditional housing more flexible in regards to length of stay and service populations. Current transitional housing provides temporary housing (generally between 6-24 months) for individuals and families until a permanent housing can be arranged. State law mandates that the use be permitted by-right in all zones where residential uses are permitted and the zoning ordinance is consistent in this matter. The proposed expanded definition of transitional housing supports the varied and complex needs of persons experiencing housing insecurity and has a negligible impact in the character and intensity of the land use. The proposed amendment expands the opportunity for these uses to be allowed by CUP in certain commercial zoning districts (CCP, CCR, CCN, and CHW) and by AUP within the Industrial zoning districts (IL, IM, and IG).

Supportive Housing

The proposed amendment changes the term, ‘supportive housing,’ to be less rigid by broadening the service population covered by the definition. Reasons for housing insecurity are varied. Some of the reasons are intermittent causes while other reasons can be lifelong conditions requiring ongoing support to maintain housing. This change has minimal impact to the character and intensity of the land use and is consistent with how it has been applied in recent projects. State law already mandates supportive housing be permitted by-right in all zones where residential uses are permitted and the City’s zoning complies. The Planning Commission recommended expanding the opportunity for these uses to be allowed by-right within the commercial zoning districts (CNR, CCR, and CCN) and by AUP within certain industrial zoning districts (IL, IM, and IG).

Social Service Facility

The proposed amendment changes the term, ‘social service office’ to ‘social service facility.’ This expands the range of services that may be provided to include a broader range of services that meet the needs of persons and families who are housing insecure. The current term is limited to providing group counseling and incorporates an allowance for food distribution within the commercial land use table. The proposed amendment includes showers, property storage, job counseling, mail services, animal care services, and child care, in addition to group counseling services. The change in definition will be accompanied

with changes to expand and streamline the opportunities where the use may be permitted. Social service facility without food distribution would be allowed by-right in the CCN zoning district, and with an AUP in the CNP and CNR zoning districts. Social service facility with food distribution requires the approval of a CUP in the CNR and CCN zoning districts. These changes will increase the opportunity for services to be located closer to where persons experiencing housing insecurity are located.

Summary of Public Outreach

Input for the proposed updates included outreach to both community stakeholders and to members of the public. City staff held an external Stakeholders Focus Group on October 28, 2019, to discuss proposed updates and receive input from affordable housing developers, public education agencies, social service providers, and advocates. These organizations are experienced in providing an array of social services and affordable housing opportunities. Attendees included representatives of Long Beach City College, California State University Long Beach, Mental Health America - Los Angeles, St. Francis Center, Long Beach Rescue Mission, Habitat for Humanity, LINC Housing, and Century Housing.

In addition, City staff held two open houses to engage the community and solicit their input. On January 28, 2020, an open house was held at the Long Beach Multi-Service Center to provide opportunity for input as well as showcase an existing facility that has been serving the homeless community for 20 years. A second open house was hosted at the centrally located Mark Twain Branch Library on January 30, 2020. Copies of the public outreach materials are included (Attachment C - Public Outreach Materials).

Public Notice and Environmental Compliance

Notice of this public hearing was published in the Long Beach Press-Telegram on June 1, 2020, in accordance with the provision of the Long Beach Municipal Code. Additionally, notices were sent to the California Coastal Commission, interested parties, and stakeholders. Public notice was not provided by posting at public places due to the COVID-19 pandemic. However, additional notice was provided by posting the notice to the City's Department website and also sent via the City's LinkLB system to those who subscribe to LinkLB. No public comments were received on this matter as of the date of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Negative Declaration 16-19 was prepared for the Omnibus Zoning Code Amendments (Round 3) as well as the Zoning Code amendments related to interim housing and related uses. The Negative Declaration was made available for a 30-day public review and comment period that began on January 2, 2020 and ended on February 3, 2020. No comments were received. The proposed amendments are consistent with the Negative Declaration that was accepted by the City Council at its May 12, 2020 hearing when it considered the Omnibus Zoning Code Amendments (Attachment D - Negative Declaration ND16-19).

This matter was reviewed by Assistant City Attorney Michael J. Mais on June 1, 2020 and by Revenue Management Officer Geraldine Alejo on May 29, 2020.

City Council action is requested on July 7, 2020. Pursuant to Section 21.25.103 of the Zoning Code, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on April 16, 2020. Due to the COVID-19 pandemic, the June 16, 2020 public hearing date was the first available opportunity for the item to be reviewed by the City Council.

There is no fiscal impact associated with this recommendation. This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.966, 21.15.2290, 21.15.2795, 21.15.2810, 21.15.2985, 21.15.3095, TABLE 31-1, TABLE 32-1, TABLE 33-2, AND TABLE 34-1; BY ADDING SECTIONS 21.15.1475, 21.15.2382, 21.15.2793, 21.45.153, 21.45.163, 21.51.278, 21.52.238, AND 21.52.269.1; AND BY REPEALING SECTION 21.15.2475, ALL RELATING TO INTERIM HOUSING

OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER