

CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

June 9, 2015

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 amending Title 21 (Zoning) of the Long Beach Municipal Code related to transitional and supportive housing read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit the amendment to Title 21 (Zoning) of the Long Beach Municipal Code related to transitional and supportive housing to the California Coastal Commission for their review and certification; and

Accept the Categorical Exemption (CE 14-135). (Citywide)

DISCUSSION

Over the past several years, several changes or additions to the definition of certain housing classifications have been made through amendments to existing State law. The City Council is requested to add definitions of "supportive housing," "target population," "transitional housing" and "single room occupancy" to Chapter 21 of the Long Beach Municipal Code, and to revise the definition of "family" contained within Chapter 21 (Zoning Code).

In 2007, SB 2 (Chapter 633, Statutes of 2007) revised Housing Element Law requiring that transitional and supportive housing be permitted as a residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same zone. SB 745, which took effect on January 1, 2014, generally amends Section 65582 of the Government Code to replace prior Health and Safety Code definitions of "supportive housing," "target population," and "transitional housing," with definitions more specific to Housing Element Law. Further, on April 24, 2014, the California Department of Housing and Community Development – Division of Housing Policy Development sent a memorandum to municipalities on recent amendments to Housing Element Law (Government Code Section 65582) related to transitional and supportive housing zoning requirements.

Previously, definitions for "supportive housing," "target population," and "transitional housing" were found in subdivision (b) of Section 50675.2 of the Health and Safety Code, respectively. SB 745 deletes reference to these sections and creates new definitions in Government Code Section 65582.

The intent for this change is to remove cross references in Government Code Section 65582 to the definitions of "supportive housing" and "transitional housing" that are used in the statutes governing the Multifamily Housing Program and replace them with the current definitions that are used for the purposes of zoning applicable at the time SB 2 passed. In addition, embedded in the City's most recently certified Housing Element is a requirement to revise the definition of "family" and add the definition of "single room occupancy" (SRO) in the Zoning Code.

As such, on April 2, 2015, the Planning Commission recommended that the City Council add the definitions of "supportive housing," "target population," "transitional planning," and "single room occupancy;" and revise the definition of family in the Zoning Code (Exhibit A – Planning Commission staff report).

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-135) was issued for the proposed project (Exhibit B – Categorical Exemption).

This matter was reviewed by Assistant City Attorney Michael Mais and Budget Management Officer Victoria Bell on May 18, 2015.

TIMING CONSIDERATIONS

City Council action is requested on June 9, 2015, to update the existing zoning regulations, comply with the certified Housing Element and ensure consistency with State law.

FISCAL IMPACT

There will be no fiscal impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER

AJB:LT:JW:IB

p:\planning\city council items (pending)\council letters\2015\2015-06-09\6.09.15 transitional housing definitions v3.docx

- Attachments: Exhibit A – Planning Commission Staff Report from April 2, 2015
Exhibit B – Categorical Exemption
City Council Ordinance (Redlined version)
City Council Ordinance
City Council Resolution

**CITY OF LONG BEACH**

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

April 2, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council add the definitions of "supportive housing," "target population," "transitional planning," and "single room occupancy"; and revise the definition of family to Chapter 21 (Zoning) of the Long Beach Municipal Code and accept Categorical Exemption CE 14-135. (Citywide)

APPLICANT: City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802

DISCUSSION

On April 24, 2014, the California Department of Housing and Community Development – Division of Housing Policy Development sent a memorandum to municipalities on recent amendments to Housing Element Law (Government Code Section 65582) related to transitional and supportive housing zoning requirements. In 2007, SB 2 (Chapter 633, Statutes of 2007) revised Housing Element Law requiring that transitional and supportive housing be permitted as a residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same zone. SB 745, which took effect on January 1, 2014, generally amends Section 65582 of the Government Code to replace prior Health and Safety Code definitions of "supportive housing," "target population," and "transitional housing" with definitions more specific to Housing Element Law.

Previously, definitions for "supportive housing," "target population," and "transitional housing" were found in subdivision (b) of Section 50675.2 of the Health and Safety code, respectively. SB 745 deletes reference to these sections and creates new definitions in Government Code Section 65582.

The intent for this change is to remove cross references in Government Code Section 65582 to the definitions of "supportive housing" and "transitional housing" that are used in the statutes governing the Multifamily Housing Program (MHP) and replace them with the current definitions that are used for the purposes of zoning applicable at the time SB 2 (Cedillo, Chapter 633, Statutes of 2007) passed. As such, the following definitions are recommended to be added to the zoning code:

Supportive Housing – Means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population – Means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Transitional Housing – Means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

On January 7, 2014, the City Council adopted the 2013-2021 Housing Element, one of seven mandated elements in the City's General Plan. Housing Element Law [§65400] mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The California Department of Housing and Community Development certified the Housing Element on April 2, 2014.

The Housing Element describes programs that are designed to encourage the maintenance, improvement, development and conservation of housing in the City for the 2013-2021 planning period. Program 2.2 Zoning Code Update for Special Needs Housing proposes amending the Zoning Code by the end of 2014 to revise the definition of "family" and add the definition of "single room occupancy" (SRO). As such, the following definitions are recommended to be added to the zoning code:

Family – An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit as evidenced by any combination of the following: each resident has access to all parts of the dwelling; where the adult residents share expenses for food or rent; the residents' household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together; the residents participate in recreational activities; the residents have close social, economic and psychological commitments to each other.

Single Room Occupancy (SRO) – Single Room Occupancy (SRO) Facility: Any building intended to be designed or be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by a maximum of two persons per unit, which is also the primary residence of

those residents. The individual units shall be prohibited from containing cooking facilities and/or sanitary facilities but shall contain a sink and a bed. The SRO shall have on-site management. For purposes of this definition, a Single Room Occupancy Facility does not include residential care homes, senior housing projects, rooming and board houses, hotels and motels, bed and breakfast lodging, vacation rentals, extended care facilities or hospitals. For classification purposes, a Single Room Occupancy Facility shall be considered a Special Group Residence.

Staff recommends that the Planning Commission recommend that the City Council add the definitions of "supportive housing," "target population," "transitional planning," and "single room occupancy"; and revise the definition of family to Chapter 21 (Zoning) of the Long Beach Municipal Code.


PUBLIC HEARING NOTICE

A public hearing notice was published in the Long Beach Press-Telegram on March 18, 2015, as required by the Long Beach Municipal Code. No responses have been received as of the date of preparation of this report.

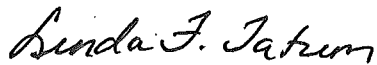
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-135) was issued for the proposed project (Exhibit C – Categorical Exemption).

Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES



CITY OF LONG BEACH NOTICE OF EXEMPTION

EXHIBIT B

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- 14-135

Project Location/Address: Citywide

Project/Activity Description: Zoning Code amendment to add the definitions of "supportive housing," "target population," transitional housing," and "single room occupancy;" and revise the definition of "family."

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

Applicant Name: Ira Brown

Mailing Address: 333 West Ocean Blvd

Phone Number: 562-570-5972

Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: N/A Planner's Initials: IB

Required Permits: N/A

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION _____
Section 15306 Class 6

Statement of support for this finding: _____

This amendment will create consistency between state law and the Long Beach Zoning Code. This action will not create an increase land use intensity.

Contact Person: Ira Brown

Contact Phone: 562-570-5972

Signature: _____

Date: 3-13-15

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, 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 SECTION 21.15.1010;
AND BY ADDING SECTIONS 21.15.2667, 21.15.2985,
21.15.2987, AND 21.15.3095, RELATING TO
TRANSITIONAL AND SUPPORTIVE HOUSING

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

Section 1. Section 21.15.1010 of the Long Beach Municipal Code is
amended to read as follows:

21.15.1010 Family

"Family" means two or more persons that occupy a dwelling unit
and live together as a single housekeeping unit. A family has established
ties and familiarity with each other; jointly uses common areas, interacts
with each other, shares meals, household activities and chores, expenses
and responsibilities. Membership in a family is fairly stable as opposed to
transient. Family members have some control over who becomes a
member of the family, and the residential activities of the family are
conducted on a non-profit basis. Typically each member of a family has
access to all parts of the dwelling unit and the members of the family have
close social, economic, and psychological commitments to one another.

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1 Section 2. Section 21.15.2667 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2667 Single Room Occupancy (SRO)

4 "Single Room Occupancy" (SRO) facility means any building
5 intended to be designed or be used, or which are used, rented, or hired
6 out, to be occupied, or which are occupied, for sleeping purposes by a
7 maximum of two persons per unit, which is also the primary residence of
8 those residents. The individual units shall be prohibited from containing
9 cooking facilities and/or sanitary facilities but shall contain a sink and a
10 bed. The SRO shall have on-site management. For purposes of this
11 definition, a Single Room Occupancy facility does not include residential
12 care homes, senior housing projects, rooming and board houses, hotels
13 and motels, bed and breakfast lodging, vacation rentals, extended care
14 facilities or hospitals. For classification purposes, a Single Room
15 Occupancy facility shall be considered a Special Group Residence.

16
17 Section 3. Section 21.15.2985 is added to the Long Beach Municipal
18 Code to read as follows:

19 21.15.2985 Supportive housing

20 "Supportive housing" means housing with no limit on length of stay,
21 that is occupied by the target population, and that is linked to an onsite or
22 offsite service that assists the supportive housing resident in retaining the
23 housing, improving his or her health status, and maximizing his or her
24 ability to live and, when possible, work in the community.

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1 Section 4. Section 21.15.2987 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2987 Target population

4 “Target population” means persons with low incomes who have one
5 or more disabilities, including mental illness, HIV or AIDS, substance
6 abuse, or other chronic health condition, or individuals eligible for services
7 provided pursuant to the Lanterman Developmental Disabilities Services
8 Act (Division 4.5 (commencing with Section 4500) of the Welfare and
9 Institutions Code) and may include, among other populations, adults,
10 emancipated minors, families with children, elderly persons, young adults
11 aging out of the foster care system, individuals exiting from institutional
12 settings, veterans, and homeless people.

13
14 Section 5. Section 21.15.3095 is added to the Long Beach Municipal
15 Code to read as follows:

16 21.15.3095 Transitional Housing

17 “Transitional housing” means buildings configured as rental housing
18 developments, but operated under program requirements that require the
19 termination of assistance and recirculating of the assisted unit to another
20 eligible program recipient at a predetermined future point in time that shall
21 be no less than six (6) months from the beginning of the assistance.

22
23 Section 6. The City Clerk shall certify to the passage of this ordinance by
24 the City Council and cause it to be posted in three (3) conspicuous places in the City of
25 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
26 Mayor.

27 //

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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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 _____, 2015, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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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 SECTION 21.15.1010; AND BY ADDING SECTIONS 21.15.2667, 21.15.2985, 21.15.2987, AND 21.15.3095, RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING

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

Section 1. Section 21.15.1010 of the Long Beach Municipal Code is amended to read as follows:

21.15.1010 Family

"Family" means two or more persons that occupy a dwelling unit and live together as a single housekeeping unit. A family has established ties and familiarity with each other; jointly uses common areas, interacts with each other, shares meals, household activities and chores, expenses and responsibilities. Membership in a family is fairly stable as opposed to transient. Family members have some control over who becomes a member of the family, and the residential activities of the family are conducted on a non-profit basis. Typically each member of a family has access to all parts of the dwelling unit and the members of the family have close social, economic, and psychological commitments to one another.

~~any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, residential care facilities or military barracks, nor does it include~~

1 ~~such commercial group living arrangements as boardinghouses,~~
2 ~~lodginghouses and the like.~~

3
4 Section 2. Section 21.15.2667 is added to the Long Beach Municipal
5 Code to read as follows:

6 21.15.2667 Single Room Occupancy (SRO)

7 “Single Room Occupancy” (SRO) facility means any building
8 intended to be designed or be used, or which are used, rented, or hired
9 out, to be occupied, or which are occupied, for sleeping purposes by a
10 maximum of two persons per unit, which is also the primary residence of
11 those residents. The individual units shall be prohibited from containing
12 cooking facilities and/or sanitary facilities but shall contain a sink and a
13 bed. The SRO shall have on-site management. For purposes of this
14 definition, a Single Room Occupancy facility does not include residential
15 care homes, senior housing projects, rooming and board houses, hotels
16 and motels, bed and breakfast lodging, vacation rentals, extended care
17 facilities or hospitals. For classification purposes, a Single Room
18 Occupancy facility shall be considered a Special Group Residence.

19
20 Section 3. Section 21.15.2985 is added to the Long Beach Municipal
21 Code to read as follows:

22 21.15.2985 Supportive housing

23 “Supportive housing” means housing with no limit on length of stay,
24 that is occupied by the target population, and that is linked to an onsite or
25 offsite service that assists the supportive housing resident in retaining the
26 housing, improving his or her health status, and maximizing his or her
27 ability to live and, when possible, work in the community.

1 Section 4. Section 21.15.2987 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2987 Target population

4 “Target population” means persons with low incomes who have one
5 or more disabilities, including mental illness, HIV or AIDS, substance
6 abuse, or other chronic health condition, or individuals eligible for services
7 provided pursuant to the Lanterman Developmental Disabilities Services
8 Act (Division 4.5 (commencing with Section 4500) of the Welfare and
9 Institutions Code) and may include, among other populations, adults,
10 emancipated minors, families with children, elderly persons, young adults
11 aging out of the foster care system, individuals exiting from institutional
12 settings, veterans, and homeless people.

13
14 Section 5. Section 21.15.3095 is added to the Long Beach Municipal
15 Code to read as follows:

16 21.15.3095 Transitional Housing

17 “Transitional housing” means buildings configured as rental housing
18 developments, but operated under program requirements that require the
19 termination of assistance and recirculating of the assisted unit to another
20 eligible program recipient at a predetermined future point in time that shall
21 be no less than six (6) months from the beginning of the assistance.

22
23 Section 6. The City Clerk shall certify to the passage of this ordinance by
24 the City Council and cause it to be posted in three (3) conspicuous places in the City of
25 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
26 Mayor.

27 I hereby certify that the foregoing ordinance was adopted by the City
28 Council of the City of Long Beach at its meeting of _____, 2015, by the

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS
6 TO THE LONG BEACH ZONING REGULATIONS TO THE
7 CALIFORNIA COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on _____, 2015, the City Council of the City of
10 Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21
11 of the Long Beach Municipal Code, relating to Transitional and Supportive Housing; and

12 WHEREAS, it is the desire of the City Council to submit the above
13 referenced zoning regulation amendments to the California Coastal Commission for its
14 review; and

15 WHEREAS, the Planning Commission and City Council gave full
16 consideration to all facts and the proposals respecting the amendments to the zoning
17 regulations at properly noticed and advertised public hearings; and

18 WHEREAS, the City Council, in accordance with the recommendation of
19 the Planning Commission, approved the proposed amendments to the zoning regulations
20 by adopting amendments to Chapter 21.15, related to Transitional and Supportive
21 Housing. The proposed zoning regulation amendments are to be carried out in a manner
22 fully consistent with the Coastal Act and become effective in the Coastal Zone
23 immediately upon Coastal Commission certification and approval; and

24 WHEREAS, the City Council hereby finds that the proposed zoning
25 amendments will not adversely affect the character, livability or appropriate development
26 in the City of Long Beach and that the amendments are consistent with the goals,
27 objectives and provisions of the City's General Plan.

28 NOW, THEREFORE, the City Council of the City of Long Beach resolves as

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 follows:

2 Section 1. The amendment to the Long Beach Zoning Regulations of the
3 City of Long Beach adopted on _____, 2015, by Ordinance No.
4 _____, a copy of which is attached to and incorporated in this resolution as
5 Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest
6 review as to that part of the ordinance that directly affects land use matters in that portion
7 of the California Coastal Zone within the City of Long Beach.

8 Section 2. The Director of Development Services of the City of Long
9 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
10 with appropriate supporting materials, to the California Coastal Commission with a
11 request for its earliest action, as an amendment to the Local Coastal program that will
12 take effect automatically upon Coastal Commission approval pursuant to the Public
13 Resources Code or as an amendment that will require formal City Council adoption after
14 Coastal Commission approval.

15 Section 3. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

17 I certify that this resolution was adopted by the City Council of the City of
18 Long Beach at its meeting of _____, 2015, by the following vote:

19 Ayes: Councilmembers: _____

20 _____

21 _____

22 Noes: Councilmembers: _____

23 _____

24 Absent: Councilmembers: _____

25 _____

26 _____

27 _____

City Clerk

28