

# H-12

May 16, 2023

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find the Municipal Code amendments consistent with the previously approved Statutory and Categorical Exemptions (CE-20-091) and find the Municipal Code amendments exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.9 and Cal. Code Regs. Tit. 14, Section 15265;

Declare Ordinance approving a Zoning Code Amendment amending Title 21, Zoning Regulations, of the Long Beach Municipal Code, to implement modifications requested by the California Coastal Commission, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution authorizing the City Manager, or designee, to submit the Local Coastal Program Amendment (LCP-5-LOB-21-0089-3-Part B) and associated materials to the California Coastal Commission for its review and certification in compliance with the California Coastal Commission's March 9, 2023 action. (Citywide)

## DISCUSSION

In accordance with the 1976 California Coastal Act, the City of Long Beach (City) has a certified Local Coastal Program (LCP), which consists of the Land Use Plan and Implementation Plan (IP). The IP includes the Zoning Code (Title 21 of the Long Beach Municipal Code [LBMC]), the Zoning Map, and the Subdivision Code.

On October 6, 2020, the City Council approved Ordinance No. ORD-20-0041 adding Chapter 21.65 to Title 21 of the LBMC, related to establishing an Ordinance for the conversion of motels and/or hotels for supportive or transitional housing. On January 12, 2021, the City Council approved Ordinance No. ORD-21-0002 adding Chapter 21.66 to Title 21 of the LBMC, related to establishing an Unpermitted Dwelling Unit (UDU) Amnesty Ordinance. On November 9, 2021, the City Council approved Resolution No. RES-21-0140 directing the Director of Development Services to submit a consolidated Local Coastal Program Amendment (LCPA) for four previously approved Ordinances to the California Coastal Commission (CCC) for a finding of conformance with the Certified LCP. The Ordinances were submitted as a consolidated LCPA to the CCC on December 28, 2021.

On March 9, 2023, the CCC held a public hearing for the LCPA (LCP-5-LOB-21-0089-3-Part B) (Attachment A) and recommended certification of the LCPA with three requested modifications pertaining to the process and application of the Ordinances in the coastal zone (Attachment B). The proposed amendments to the Ordinances relate to the requirements for coastal development permits, an appeal process for UDU legalization applications, and other procedural modifications. The recommended modifications to the LBMC require the approval of the City Council prior to resubmittal to the CCC for its subsequent approval and certification.

The City Council's discretion in this matter is to either accept or reject the modifications requested by the CCC, as no further changes are possible at this stage in the CCC review process without starting anew and submitting an entirely new application to the CCC. In order for the LCPA to be approved and certified by the CCC, the City Council must take action to accept the requested modifications. If adopted, the Ordinance will be forwarded to the CCC for final approval and certification. If the modifications are rejected the City will need to submit an entirely new application to the CCC for review. The requisite findings to support implementation of the CCC's modifications are included as Attachment C for the Model Conversion Ordinance and Attachment D for the UDU Amnesty Ordinance.

More specifically, the proposed modifications requested by the CCC are intended to provide consistency with the LCP and the California Coastal Act (Coastal Act). The following is a summary of the modifications - the entirety of requested modifications can be found in Attachment B:

- Requested Modification 1: Clarify that motel/hotel conversions within the coastal zone require a coastal development permit and ensure appropriate findings are made.
- Requested Modification 2: Clarify that unpermitted dwelling unit legalization within the coastal zone requires a coastal development permit and ensure appropriate findings are made.
- Requested Modification 3: Clarify appealability of UDU legalization projects and correct minor nomenclature errors.

The required modifications do not substantially change the approved Ordinances, but add procedural requirements for in the Coastal Zone of the City for coastal development permit findings to ensure consistency with other restrictions already in place for properties in the Coastal Zone. The changes are also intended to protect visitor-serving accommodations in the Coastal Zone, which is an established goal of the CCC.

The modifications to Chapters 21.25, 21.66, and 21.65 are included in Title 21 of the LBMC and the IP of the City (Attachment E).

### **Public Hearing Notice**

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in LBMC Section 21.21.302.C, notice of this public hearing was published in the

Long Beach Press-Telegram on May 1, 2023; written notices were sent to the CCC and to anyone requesting such notice. Notices were provided to City branch libraries and notice posting was provided at City Hall and at three public locations.

### **Environmental Review**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9 and California Code of Regulations Section 15265(a)(1), the proposed modifications are statutorily exempt as CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCPA. The proposed modifications are necessary for certification of the LCPA by the CCC. No additional action is required for environmental review.

Additionally, the Motel Conversion Ordinance was determined to be statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.50, which states that the conversion of a motel structure to supportive or transitional housing, where the conversion does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure, and/or does not result in any significant effects relating to traffic, noise, air quality, or water quality, is statutorily exempt from CEQA requirements.

Furthermore, the UDU Amnesty Ordinance was determined to be 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. The UDU Amnesty Ordinance was also determined to be 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 any significant environmental impacts. The UDU Amnesty Ordinance does not result in any physical changes in the environment because it is limited to the amendment of the Zoning Code to allow for the preservation of existing housing units, consistent with adopted City plans and policies.

The current action is procedural in nature and consists only of relatively minor modifications to land use regulations and does not include any direct land use approvals. The proposed adoptions under current consideration fall within the scope of the previously accepted Statutory and Categorical Exemptions for the Motel Conversion Ordinance and the UDU Amnesty Ordinance, and no further environmental review is required. The proposed amendments to the Ordinances would not change the environmental setting or circumstances of the previously approved Ordinances (projects).

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on April 26, 2023 and Revenue Management Officer Geraldine Alejo on April 21, 2023.

### **TIMING CONSIDERATIONS**

City Council action is requested on May 16, 2023, to comply with the Coastal Act requirement that the City complete the adoption of the modifications by September 9, 2023. Due to the

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City's current local homelessness emergency proclamation, it is requested that this item is placed on the first available agenda to ensure the applicability of these housing Ordinances throughout the entire city, including the coastal zone.

FISCAL IMPACT

There is no fiscal or local job 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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTOPHER KOONTZ, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



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THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS: ORDINANCE  
RESOLUTION  
A – CALIFORNIA COASTAL COMMISSION STAFF REPORT  
B – CALIFORNIA COASTAL COMMISSION NOTICE OF APPROVAL  
C – FINDINGS (MODEL CONVERSION ORDINANCE)  
D – FINDINGS (UNPERMITTED DWELLING UNIT AMNESTY ORDINANCE)  
E – UNDERLINE STRIKE-OUT VERSION OF ORDINANCES

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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 CHAPTERS 21.25,  
DIVISION IX (LOCAL COASTAL DEVELOPMENT  
PERMITS), 21.65 (INTERIM MOTEL/HOTEL  
CONVERSIONS) AND 21.66 (UNPERMITTED DWELLING  
UNIT AMNESTY PROGRAM)

WHEREAS, on October 6, 2020, the Long Beach City Council approved Ordinance No. ORD-20-0041 adding Chapter 21.65 to Title 21 of the Municipal Code, relating to the conversion of motels and/or hotels for supportive or transitional housing (“Interim Motel/Hotel Conversions Ordinance”); and

WHEREAS, on January 12, 2021, the Long Beach City Council approved Ordinance No. ORD-21-0002 adding Chapter 21.66 to Title 21 of the Municipal Code, relating to establishing an Unpermitted Dwelling Unit Amnesty Ordinance (“UDU Amnesty Ordinance”) ; and

WHEREAS, on November 9, 2021, the Long Beach City Council approved Resolution No. RES-21-0140 directing the Director of Development Services to submit a consolidated Local Coastal Program Amendment (“LCPA”) for four previously approved Ordinances to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. Both the Interim Motel/Hotel Conversion Ordinance and the UDU Amnesty Ordinance (collectively “the ordinances”) were included as part of the consolidated Local Coastal Program Amendment submitted to the Coastal Commission on December 28, 2021; and

WHEREAS, on March 9, 2023, the Coastal Commission held a public hearing for the LCPA (LCP-5-LOB-21-0089-Part B) and recommended certification of the

1 LCPA with three (3) modifications pertaining to the process and application of the  
2 ordinances in the coastal zone. The proposed amendments to the ordinance relate to the  
3 requirements for coastal development permits, an appeal process for unpermitted  
4 dwelling unit legalization applications, and other procedural modifications; and

5 WHEREAS, the City Council desires to approve the Coastal Commission's  
6 requested modifications by adopting them in accordance with the action taken by the  
7 Coastal Commission on March 9, 2023.

8 NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
9 follows:

10 Section 1. The Long Beach Municipal Code is amended by amending  
11 Subsection 21.25.903.B to read as follows:

12 B. Coastal Permits Issued by the City. The following categories of  
13 projects requires coastal permits in accordance with the procedures set  
14 forth in this Division:

15 1. Development on the first lot located on, adjacent to, across the  
16 street from, or abutting the beach, bay, ocean or tidelands, except minor  
17 additions to a single-family residence as specified in Subsection  
18 21.25.901.C (categorical exclusion).

19 2. All development projects which require additional discretionary  
20 review (such as a conditional use permit, subdivision map or standards  
21 variance).

22 3. Traffic improvements which do not qualify for categorical  
23 exclusion.

24 4. Public works projects, excluding traffic improvement projects,  
25 with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

26 5. Any extension of an existing facility into tidelands,  
27 environmentally sensitive areas, coastal waterways, public parkland, or  
28 within fifty (50) feet of a coastal bluff edge.

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6. Any application for the restriction of short-term rentals pursuant to the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) in the certified LCP.

7. Any application for the legalization of unpermitted dwelling units pursuant to the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).

8. Any application for the conversion of an existing transient residential structure into an interim supportive or transitional housing use pursuant to the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) in the certified Local Coastal Program.

Section 2. The Long Beach Municipal Code is amended by amending Section 21.25.904 to read as follows:

21.25.904 Procedures-Coastal permit.

This Section outlines the procedures for issuing coastal permits. Coastal permits may be considered concurrently with or subsequent to any other procedures required by this Title or the City's subdivision regulations.

A. Jurisdiction.

1. Planning Commission. The Planning Commission shall consider all local coastal development permits for developments requiring a tract map, a parcel map, conditional use permit or planned development permit.

2. Coastal Commission. The Coastal Commission shall consider all coastal permits for projects located below the mean high tide.

3. Zoning Administrator. The Zoning Administrator shall consider all other local coastal development permits.

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit except for local coastal

1 development permits for the legalization of unpermitted dwelling unit(s) in  
2 conformance with the requirements of certified Zoning Code Chapter 21.66  
3 (Unpermitted Dwelling Unit Amnesty Program).

4 C. Findings Required. Prior to approving a local coastal  
5 development permit, the responsible hearing body must find:

6 1. The proposed development conforms to the certified  
7 local coastal program, including but not limited to all requirements for  
8 replacement of low- and moderate-income housing; and

9 2. The proposed development conforms to the public  
10 access and recreation policies of Chapter 3 of the Coastal Act. This second  
11 finding applies only to development located seaward of the nearest public  
12 highway to the shoreline.

13 3. For an application for a religious assembly use, if an  
14 exception or waiver of LCP requirements is sought under Section  
15 21.52.219.8.G, that the exception or waiver allows the minimum deviation  
16 from LCP requirements necessary to comply with RLUIPA, and that the  
17 decisionmaker has imposed all conditions necessary to comply with all  
18 provisions of the LCP, with the exception of the provision(s) for which  
19 implementation would violate RLUIPA.

20 4. The proposed development is sited, designed and  
21 managed to minimize the transport of pollutants by runoff into coastal  
22 waters and groundwater, and to minimize increases in runoff volume and  
23 velocity from the site which may adversely impact coastal resources or  
24 coastal bluff stability. Best Management Practices shall be implemented, as  
25 applicable, including but not limited to applicable local, regional, state and  
26 federal water quality permits, standards and guidance provided in the LCP,  
27 best practices and other measures as may be recommended by the City  
28 Engineer.

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5. For an application to restrict short-term rentals in accordance with the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) of the certified LCP, the project shall conform with the certified local coastal program, including with the provisions relating to coastal access and recreation. The required findings must include a cumulative impacts analysis informed, at least in part, by monitoring data collected on approved projects that restrict STRs and on STRs throughout the coastal zone. The responsible hearing body shall also find:

(i) The proposed restriction would not result in the substantial loss of visitor-serving accommodations (i.e., a reduction in available overnight accommodation rooms, including but not limited to short-term rentals, hotels, and/or motels, within ¼ mile of visitor-serving recreational uses, the beach, bay, ocean, or tidelands).

(ii) The proposed restriction would not result in the loss of lower-cost overnight accommodations. Lower-cost overnight accommodations shall be defined as those charging approximately twenty five percent (25%) less than the statewide average daily room rate or less.

(iii) The proposed restriction would not result in the net loss of short-term rentals below four hundred twenty-five (425) short-term rental units (both hosted and un-hosted and/or primary or non-primary) historically occurring in the coastal zone.

(iv) The proposed restriction would be necessary to protect the neighborhood stability, housing access, and would be consistent with the neighborhood character established in the Local Coastal Program (LCP).

6. For an application to legalize an unpermitted dwelling unit in accordance with the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program) of the certified Zoning

1 Code, the project shall conform with the certified local coastal program,  
2 including habitat protection policies and coastal hazards policies. For  
3 dwelling units subject to coastal hazards, the Applicant shall be required to  
4 assume the risk of development in a hazardous area.

5 7. For an application to convert an existing transient  
6 residential structure (i.e., Motel/Hotel) into an interim supportive or  
7 transitional housing use in accordance with the provisions and procedures  
8 outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) of the certified  
9 Zoning Code, the project shall conform with the certified Local Coastal  
10 Program, including policies related to the protection of existing lower cost  
11 overnight visitor-serving accommodations. Potential impact(s) to visitor-  
12 serving accommodations resulting from the temporary conversion shall be  
13 avoided or minimized through strategies that include, but are not limited to:

- 14 (i) Reserving a portion of the rooms in the  
15 hotel/motel for hotel use at the defined “low cost” rate
- 16 (ii) Limiting the use of the hotel/motel for  
17 interim supportive or transitional housing to the winter months, and/or
- 18 (iii) Limiting the term of the coastal  
19 development permit. The required findings must include an analysis of  
20 historic occupancy rates and the current room rates of the rooms proposed  
21 to be converted as compared to the annual statewide average room rate.  
22 “Low cost” visitor-serving accommodation rates shall be defined as rates  
23 equal to or less than the annual statewide average room rate minus 25%.  
24 “Moderate cost” visitor-serving accommodation rates shall be defined as  
25 rates between 75% to 125% of the annual statewide average room rate.  
26 Findings shall consider the need to maintain and protect existing levels of  
27 visitor-serving overnight accommodations, maintaining adequate public  
28 coastal access for visitors to the area, and environmental justice. If there

1 will be a loss of existing low or moderate-cost visitor-serving overnight  
2 accommodations for a period of one year or more (excluding temporary  
3 conversion of low or moderate cost rooms for interim supportive or  
4 transitional housing during winter months only) then appropriate mitigation  
5 shall include, but not be limited to the following measures:

6 (i) Construction of equivalent replacement  
7 motel/hotel rooms or other low or moderate cost visitor-serving  
8 accommodations at a 1 to 1 ratio; and/or

9 (ii) If it is determined to be infeasible to  
10 provide replacement rooms on or near the project site within the coastal  
11 zone as described in the previous subsection, payment of in-lieu fees  
12 adequate to provide full replacement of low or moderate cost overnight  
13 visitor-serving accommodations.

14 D. Date of Final Location Action. The date of final action is:

- 15 1. The date when the appeal period on all local actions  
16 has expired without local appeal;
- 17 2. The date of action on the local appeal(s); or
- 18 3. The date the City is notified by the applicant that the  
19 application is approved by operation of law pursuant to Sections 65950  
20 through 65957.1 of the Government Code.

21 E. Notice of Final Action. Within seven (7) calendar days of the  
22 date of the final local action on a local coastal development permit, a notice  
23 shall be sent to the Coastal Commission and to any persons who  
24 specifically request such notice by submitting a self-addressed, stamped  
25 envelope. The notice shall include the written findings of fact required to  
26 approve the local coastal development permit and the conditions imposed  
27 on the approval, if the permit is approved. Any notice of final local action  
28 shall include the procedures for appeal of the action to the Coastal

1 Commission and an indication as to whether the development is in an  
2 appealable area.

3 F. Appeals to Coastal Commission. All actions on local coastal  
4 development permits located seaward of the appealable area boundary, as  
5 determined under Section 21.25.908, may be appealed by an aggrieved  
6 person to the Coastal Commission according to the procedures of the  
7 Coastal Commission, provided that:

8 1. All local appeals of City actions provided for by this  
9 Title have been exhausted and no fee was charged the appellant for the  
10 appeal; and

11 2. The Coastal Commission has not appealed the local  
12 action.

13 G. Effective Date. A local coastal development permit shall be  
14 effective as follows:

15 1. Outside Appealable Area. On date of final action;

16 2. Within Appealable Area. At conclusion of the twenty-  
17 first day after final local action, unless:

18 a. Appeal. If a permit is appealed, it shall become  
19 effective after action on the appeal by the Coastal Commission.

20 b. Failure to Go Notice. If notice to the Coastal  
21 Commission is not mailed by the City within seven (7) days after final local  
22 action, then the permit shall become effective at the conclusion of the  
23 fourteenth day after a complete notice is mailed but no sooner than at the  
24 conclusion of the twenty-first day after final local action.

25 c. Inadequate Filing. If the Coastal Commission  
26 notifies the City and the applicant that notice was not received or distributed  
27 in a timely manner or that the notice was not complete or does not  
28 adequately describe the development, then the permit becomes effective at

1 the conclusion of the fourteenth day after receipt of such a notice from the  
2 Coastal Commission or on the date specified by the Coastal Commission.

3  
4 Section 3. The Long Beach Municipal Code is amended by amending  
5 Section 21.65.030 to read as follows:

6 21.65.030 Qualification.

7 All or, within the coastal zone, portions of Dwelling Units and Guest  
8 Rooms in the structure must be used for Supportive Housing or Transitional  
9 Housing or a combination of both. The Interim Motel/Hotel Housing Project  
10 shall not result in the expansion of more than ten (10) percent of the existing  
11 building floor area; nor shall the combined number of Dwelling Units or  
12 Guest Rooms increase from the number existing on site prior to the date of  
13 the Interim Motel/Hotel Housing Project application. Any Floor Area used for  
14 onsite Supportive Services shall be considered accessory to the residential  
15 use.

16  
17 Section 4. The Long Beach Municipal Code is amended by amending  
18 Section 21.65.060 to read as follows:

19 21.65.060 Compliance with applicable standards and zoning code  
20 requirements.

21 A. Outside the coastal zone, Interim Motel/Housing Projects shall  
22 not be subject to any otherwise applicable zoning ordinance, specific plan,  
23 or other overlay district regulations, including, but not limited to, the  
24 following:

25 1. Minimum Area per Dwelling Unit or Guest Room. A  
26 structure that is occupied with a use classified as a Motel, Hotel, Apartment  
27 Hotel, Transient Occupancy Residential Structure, or Hostel, regardless of  
28 any nonconforming status as to the area and density regulations of the

1 underlying zone, may be used for an Interim Motel/Hotel Housing Project,  
2 provided that the conversion does not create any additional total combined  
3 number of Dwelling Units or Guest Rooms.

4 2. Off-Street Automobile Parking. Interim Motel/Hotel  
5 Housing Projects shall be exempt from the requirements of LBMC Chapter  
6 21.41 during the Supportive Housing or Transitional Housing agreement,  
7 however, the Interim Motel/Hotel Housing Project shall maintain and not  
8 reduce the number of onsite parking spaces existing on the date of the  
9 Interim Motel/Hotel Housing Project application.

10 3. Use. Notwithstanding the use provisions of the  
11 underlying zone, an Interim Motel/Hotel Housing Project shall be permitted.

12 4. Change of Use. Section 21.27.070 shall not apply to  
13 Interim Motel/Hotel Housing Projects.

14 5. Change of Occupancy. To the extent that an Interim  
15 Motel/Hotel Housing Project is considered a change of occupancy, the  
16 change in occupancy shall be construed to be an occupancy group that is  
17 less hazardous than the original use, and building code compliance shall be  
18 limited to the requirements of Section 18.49.030, as determined by the  
19 Building Official.

20 6. Notwithstanding any exemptions from building and  
21 zoning requirements detailed in this Section, an Interim Motel/Hotel  
22 Housing Project shall comply with minimum applicable health and safety  
23 requirements established in Title 18, as determined by the Building Official.

24 B. Within the coastal zone, Interim Motel/Hotel Housing Projects,  
25 as defined in Section 21.65.020.A of this Chapter, shall not be subject to  
26 any otherwise applicable zoning ordinance, specific plan, or other overlay  
27 district regulations except for the City's certified Local Coastal Program  
28 (LCP) Land Use Plan and any regulations in the certified LCP

1 Implementation Plan that are required for the protection of public access  
2 and coastal resources, including lower cost overnight visitor-serving  
3 accommodations. Interim Motel/Hotel Housing Projects require a coastal  
4 development permit consistent with Section 21.25.904.C of the certified  
5 Zoning Code.

6 C. Minor Interior Alterations for Cooking Facilities. Approved  
7 Interim Motel/Hotel Housing Project applicants may make minor interior  
8 alterations adding cooking facilities, including a sink, a refrigerator not  
9 exceeding ten (10) cubic feet, counter space not exceeding ten (10) square  
10 feet, and a hotplate, microwave, or other cooking facilities to Guest Rooms.  
11 In the event a structure is returned to the motel or hotel use, in accordance  
12 with Section 21.65.040, the motel or hotel may maintain any Guest Rooms  
13 with added cooking facilities.

14 D. Preservation of Nonconforming Rights. Upon termination of  
15 the Supportive Housing or Transitional Housing use, any structure that is  
16 nonconforming as to area or use regulations, or any other zoning code  
17 requirements, may return to the use and condition as it existed on the date  
18 of the Interim Motel Housing Project application, notwithstanding any  
19 physical alterations to the subject property. Any Floor Area used for  
20 Supportive Services may be returned to use as Guest Rooms or Dwelling  
21 Units, or may be converted to accessory amenity spaces, so long as the  
22 total number of Dwelling Units or Guest Rooms do not exceed the number  
23 existing at the time of the application for the Interim Motel Housing Project.

24  
25 Section 5. The Long Beach Municipal Code is amended by amending  
26 Section 21.66.020 to read as follows:

27 21.66.020 Compliance with applicable development standards and Zoning  
28 Code requirements.

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

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

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

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

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

22           B.       Within the coastal zone, existing unpermitted dwelling units as  
23 defined in Section 21.66.020.A of this Chapter, shall not be subject to any  
24 otherwise applicable zoning ordinance, specific plan, or other overlay  
25 district regulations except for the City’s certified Local Coastal Program  
26 (LCP) Land Use Plan and any regulations in the certified LCP  
27 Implementation Plan that are required for the protection of coastal  
28 resources and public access to the coast. Unpermitted dwelling units are

1 subject to the required findings in the certified Zoning Code Section  
2 21.25.904.C. New parking spaces shall not be required in association with  
3 the legalization of an unpermitted dwelling unit if the unpermitted dwelling  
4 unit(s) meets one of the following criteria and/or there would be no impacts  
5 to public access to the coast as a result of the development:

6 1. The unpermitted dwelling unit is located within one-half  
7 mile walking distance of public transit.

8 2. The unpermitted dwelling unit is located within an  
9 architecturally and historically significant historic district and the provision of  
10 new parking would impact the historic character.

11 3. When there is a car share vehicle located within one  
12 block of the unpermitted dwelling unit.

13  
14 Section 6. The Long Beach Municipal Code is amended by amending  
15 Section 21.66.040 to read as follows:

16 21.66.040 Eligibility

17 Existing dwelling units eligible for the unpermitted dwelling unit amnesty  
18 program:

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

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

25  
26 Section 7. The Long Beach Municipal Code is amended by amending  
27 Section 21.66.060 to read as follows:

28 21.66.060 Review Process.

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Site Plan Review shall be required pursuant to Chapter 21.25 of the certified Zoning Code. Existing dwelling units that are eligible for the unpermitted dwelling unit amnesty program and are located in the Coastal Zone shall be required to obtain a Local Coastal Development Permit pursuant to certified Zoning Code Section 21.25.903; however, a public hearing for the Local Coastal Development Permit shall not be required pursuant to certified Zoning Code Section 21.25.904.B.

Section 8. The Long Beach Municipal Code is amended by amending Section 21.66.070 to read as follows:

21.66.070 Appeals

Outside the coastal zone, only applicants may appeal Site Plan Review determinations to the Planning Commission. Within the coastal zone, Local Coastal Development Permit determinations may be appealed by any aggrieved person pursuant to the procedures in Chapter 21.21 and Section 21.25.904 of the certified Zoning Code.

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

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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 \_\_\_\_\_, 2023, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AUTHORIZING THE CITY  
MANAGER TO SUBMIT AMENDMENTS TO THE LONG  
BEACH MUNICIPAL CODE AND THE CITY'S CERTIFIED  
LOCAL COASTAL PROGRAM TO THE CALIFORNIA  
COASTAL COMMISSION FOR REVIEW AND APPROVAL

WHEREAS, on March 9, 2023, the California Coastal Commission  
approved with modifications the City of Long Beach's proposed Local Coastal Program  
Amendment No. LCP-5-LOB-21-0089-3-Part B; and

WHEREAS, on May 16, 2023, the City Council of the City of Long Beach  
adopted said proposed modifications by amending certain provisions of Title 21, Zoning  
Regulations, of the Long Beach Municipal Code; and

WHEREAS, it is the desire of the City Council to resubmit the above  
referenced Title 21 amendment ordinance, which contain the modifications as requested  
by the California Coastal Commission in its action of March 9, 2023, to the California  
Coastal Commission for further review and certification; and

WHEREAS, the City Council gave full consideration to all facts and the  
proposals respecting the amendments to the Municipal Code and Zoning Regulations at  
a properly noticed and advertised public hearing; and

WHEREAS, the amendments are to be carried out in a manner fully  
consistent with the California Coastal Act and become effective in the Coastal Zone  
immediately upon California Coastal Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed amendments  
will not adversely affect the character, livability or appropriate development in the City of  
Long Beach and that the amendments are consistent with the goals, objectives and

1 provisions of the City’s General Plan, including its certified Local Coastal Program and  
2 the California Coastal Act.

3 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
4 follows:

5 Section 1. The zoning code amendments to Title 21, as modified by the  
6 California Coastal Commission, and implementing resolution amending the City’s Local  
7 Coastal Program, together with all other relevant supporting material, are directed to be  
8 submitted to the California Coastal Commission for its earliest review as to that part of  
9 the ordinance and resolutions that directly affect land use matters in that portion of the  
10 California Coastal Zone within the City of Long Beach.

11 Section 2. The City Manager of the City of Long Beach is hereby  
12 authorized to and shall submit a certified copy of this resolution, together with appropriate  
13 supporting materials, to the California Coastal Commission with a request for its earliest  
14 action, as an amendment to the Local Coastal Program that will take effect automatically  
15 upon California Coastal Commission approval and certification pursuant to the Public  
16 Resources Code; or as an amendment that will require formal City Council adoption after  
17 final California Coastal Commission approval with modifications.

18 Section 3. Pursuant to Public Resources Code Section 21080.9, the  
19 California Environmental Quality Act (CEQA) does not apply to activities and approvals  
20 by the City as necessary for the preparation and adoption of a Local Coastal Program  
21 Amendment (LCPA) and therefore, does not apply to this action.

22 Section 4. This resolution shall take effect immediately upon its adoption  
23 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2023, by the following vote:

Ayes:	Councilmembers:	_____
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		_____
Noes:	Councilmembers:	_____
		_____
Absent:	Councilmembers:	_____
		_____
Recusal(s):	Councilmembers:	_____
		_____

\_\_\_\_\_  
City Clerk

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802  
(562) 590-5071



# Th18b

**Date:** February 24, 2023

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director, South Coast District  
Dani Ziff, District Supervisor  
Vince Lee, Staff Analyst

**RE:** Amendment Request No. LCP-5-LOB-21-0089-3-Part B to the City of Long Beach Local Coastal Program, for Commission Action at its March 8-9, 2023 meeting.

---

## SUMMARY OF LCP AMENDMENT REQUEST

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Local Coastal Program Amendment Request No. LCP-5-LOB-21-0089-3-Part B affects only the City's zoning code, which is part of the City's certified Implementation Plan of the LCP. Part B includes the addition of two chapters to the certified zoning code, one of which establishes an unpermitted dwelling unit amnesty program, and the other a program to facilitate voluntary and non-permanent conversion of existing motels or hotels to temporary supportive or transitional housing, summarized in the following two paragraphs. The Long Beach Planning Commission held public hearings for these zoning code changes on September 3, 2020 and May 21, 2020, respectively. The Long Beach City Council held public hearings for the zoning code changes and the LCP amendment on January 5, 2021 and September 15, 2020, and passed City Council Resolution Nos. RES-21-0004 and RES-20-0121 authorizing City staff to submit the LCP amendments to the Coastal Commission. After laying over each zoning code ordinance to its next regular meeting of the City Council for final reading, as is the City procedure, the City Council adopted Ordinance Nos. ORD-21-0002 and ORD-20-0041 on January 12, 2021 and October 6, 2020, respectively. As authorized by City Council Resolution No. RES-21-0140, the City submitted LCP Amendment Request No. LCP-5-LOB-21-0089-3, including the subject ordinances, on December 28, 2021, and Commission staff deemed the LCP amendment request complete on January 11, 2022. On March 10, 2022, the Coastal Commission extended the deadline for Commission action on LCP Amendment Request No. LCP-5-LOB-21-0089-3, which was determined to be a major amendment, for one year to April 7, 2023.

**Ordinance No. ORD-20-0041:** The City is requesting to add a chapter to the certified zoning code that would create a ministerial approval process for conversion of existing transient residential structures, such as hotels and motels, to supportive housing and/or transitional housing. The City explained the purpose is to address the need for a diversity of housing solutions to combat the City’s housing crisis and the varying needs of people experiencing homelessness. Business owners who seek to convert their motels or hotels to temporary housing would be required to enter into a contract with City-approved public and/or private providers (“Local Agency partners”) that fund and/or operate transitional and/or supportive housing and/or provide associated supportive services on-site. These temporary housing uses would be permitted for the duration of valid contracts (typically between 5 and 15 years) with approved Local Agency partners, and, upon expiration of such contracts, the property would be required to either revert to its previous legal use or any other use allowed by the current zoning regulations.

**Ordinance No. ORD-21-0002:** The City is also requesting the certified zoning code be amended to add a new chapter that would create an unpermitted dwelling unit (UDU) amnesty program to legalize housing units within the City that were developed without the required building permits. The City explained that these units are generally one or two units carved out of ancillary spaces such as laundry rooms or storage areas or units resulting from modest additions in existing otherwise legally permitted multifamily buildings, and are often affordable. The UDU program would provide a process that could be pursued to legalize a dwelling unit after exhaustion of all other legalization pathways in the certified LCP or state ADU law. Legalization of an UDU would require a Local Coastal Development Permit (LCDP), and, as proposed, a condition of approval of such an application would require permittee(s) to record an affordability covenant on the property reserving the unit as an income restricted housing unit for a period of at least 10 years.

## **SUMMARY OF STAFF RECOMMENDATION**

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The changes to the IP are proposed to establish programs to facilitate voluntary and non-permanent conversion of existing motels/hotels to temporary supportive or transitional housing and create a streamlined process for legalization of unpermitted dwelling units. The amendment request has been determined to be major because the ordinances could change the location, intensity, and density of residential and hotel/motel uses.

Staff recommends that the Commission certify LCP Amendment Request No. LCP-5-LOB-21-0089-3-Part B with suggested modifications necessary to assure protection of lower cost overnight visitor-serving accommodations and sensitive habitats, address coastal hazards, and clarify the permitting requirements in the coastal zone. The motions and resolutions to carry out the staff recommendation are on **pages six and seven**. The suggested modifications to the LCP amendment request are included under Section III of this staff report. The proposed LCP amendment, if modified as suggested, will be

City of Long Beach LCP Amendment  
LCP-5-LOB-21-0089-3-Part B (Motel/Hotel Conversions & Unpermitted Dwelling Units)

consistent with the requirements of the City's certified LUP, which is the standard of review. Therefore, staff recommends that the Commission, after public hearing:

- 1. Deny the IP amendment request as submitted; and,**
- 2. Certify, only if modified, the IP amendment request.**

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### EXHIBITS

[Exhibit 1: Resolution No. RES-20-0121 and Ordinance No. ORD-20-0041](#)

[Exhibit 2: Resolution No. RES-21-0004 and Ordinance No. ORD-21-0002](#)

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514(b) of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of Long Beach's certified Land Use Plan (LUP).

### **B. Local Review and PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum number of opportunities to participate in the development of an LCP amendment prior to submittal to the Commission for review. It states: "During the preparation, approval, certification, and amendment of any LCP, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of an LCP for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission."

The Long Beach Planning Commission held public hearings for these zoning code changes on September 3, 2020 and May 21, 2020, respectively. Approximately 2 individuals provided verbal testimony at the hearing and 3 submitted written comments. The Long Beach City Council held public hearings for the zoning code changes and the LCP amendment on January 5, 2021 and September 15, 2020, and passed City Council Resolution Nos. RES-21-0004 and RES-20-0121 authorizing City staff to submit the LCP amendments to the Coastal Commission. After laying over each zoning code ordinance to its next regular meeting of the City Council for final reading, as is the City procedure, the City Council adopted Ordinance Nos. ORD-21-0002 and ORD-20-0041 on January 12, 2021 and October 6, 2020, respectively. Authorized by City Council Resolution No. RES-21-0140, the City submitted LCP Amendment Request No. LCP-5-LOB-21-0089-3, including the subject ordinances, on December 28, 2021.

All of the local hearings for the LCP amendment were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

On December 28, 2021 the City submitted LCP Amendment Request No. LCP-5-LOB-21-0089-3, and Commission staff deemed the LCP amendment request complete on January 11, 2022. On March 10, 2022, the Coastal Commission extended the deadline for Commission action on the LCP amendment, which was determined to be a major amendment, for one year to April 7, 2023.

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that an LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources

Code Sections 30512, 30513, and 30517. Here, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. The City's submittal resolution indicates that the ordinance will only become final after certification by the Commission, but no formal action is required. Should the Commission deny the LCP amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective. Should the Commission deny the LCP amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action. The modified LCP amendment will become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the City's action in accepting the suggested modifications approved by the Commission for LCP Amendment LCP-5-LOB-21-0089-3-Part B is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

#### **ADDITIONAL INFORMATION**

Further information on the City of Long Beach LCP Amendment LCP-5-LOB-21-0089-3-Part B may be obtained from Vince Lee, Coastal Program Analyst, at (562) 590-5071 or vince.lee@coastal.ca.gov. If you wish to comment on the proposed amendment, please do so via regular mail (directed to the South Coast District Office) or email (by emailing southcoast@coastal.ca.gov) by 5pm on Friday, March 3, 2023.

## **II. MOTIONS AND RESOLUTIONS**

### **A. Deny LCP Amendment LCP-5-LOB-21-0089-3-Part B as Submitted**

**Motion I:** I move that the Commission **reject** Amendment No. LCP-5-LOB-21-0089-3-Part B to the City of Long Beach certified Implementing Ordinances as submitted by the City.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **Resolution to Deny as Submitted:**

The Commission hereby denies certification of Amendment Request No. LCP-5-LOB-21-0089-3-Part B to the Implementation Plan submitted for the City of Long Beach certified LCP and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan as submitted does not conform with and is not adequate to carry out the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts

on the environment that will result from certification of the Amendment to the Implementation Program as submitted.

**B. Certify LCP Amendment LCP-5-LOB-21-0089-3-Part B with Suggested Modifications**

**Motion II:** I move that the Commission **certify** Amendment No. LCP-5-LOB-21-0089-3-Part B to the City of Long Beach Implementing Ordinances if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Amendment to the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Certify if Modified:**

The Commission hereby certifies Amendment Request No. LCP-5-LOB-21-0089-3-Part B to the LCP Implementing Ordinances for the City of Long Beach if modified as suggested and adopts the findings set forth below on grounds that the Amendment to the Implementing Ordinances with the suggested modifications conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**III. SUGGESTED MODIFICATIONS**

For the following suggested modifications:

Language of the currently certified IP is shown in plain text.

The City's proposed additions are shown in underlined text.

The Commission's suggested additions are shown in **bold, underlined text**.

The Commission's suggested deletions are shown in **~~bold, underlined, strike out text~~**.

The following suggested modifications are necessary to carry out the provisions of the certified LUP:

**Suggested Modification #1:** Clarify that motel/hotel conversions within the coastal zone require a coastal development permit and ensure appropriate findings are made.

21.25.903 Permit required

...

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

...

**8. Any application for the conversion of an existing transient residential structure into an interim supportive or transitional housing use pursuant to the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) in the certified Local Coastal Program.**

21.25.904 Procedures – Coastal Permit

...

C. Findings required. Prior to approving a local coastal development permit, the responsible hearing body must find:

...

**7. For an application to convert an existing transient residential structure (i.e., Motel/Hotel) into an interim supportive or transitional housing use in accordance with the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) of the certified Zoning Code, the project shall conform with the certified Local Coastal Program, including policies related to the protection of existing lower cost overnight visitor-serving accommodations. Potential impact(s) to visitor-serving accommodations resulting from the temporary conversion shall be avoided or minimized through strategies that include, but are not limited to:**

**i.Reserving a portion of the rooms in the hotel/motel for hotel use at the defined “low cost” rate,**

**ii.Limiting the use of the hotel/motel for interim supportive or transitional housing to the winter months, and/or**

**iii.Limiting the term of the coastal development permit.**

**The required findings must include an analysis of historic occupancy rates and the current room rates of the rooms proposed to be converted as compared to the annual statewide average room rate. “Low cost” visitor-serving accommodation rates shall be defined as rates equal to or less than the annual statewide average room rate minus 25%. “Moderate cost” visitor-serving accommodation rates shall be defined as rates between 75% to 125% of the annual statewide average room rate. Findings shall consider the need to maintain and protect existing levels of visitor-serving overnight accommodations, maintaining adequate public coastal access for visitors to the area, and environmental justice. If there will be a loss of existing low or moderate-cost visitor-serving overnight accommodations for a period of one year**

**or more (excluding temporary conversion of low or moderate cost rooms for interim supportive or transitional housing during winter months only) then appropriate mitigation shall include, but not be limited to the following measures:**

**i. Construction of equivalent replacement motel/hotel rooms or other low or moderate cost visitor-serving accommodations at a 1 to 1 ratio; and/or**

**ii. If it is determined to be infeasible to provide replacement rooms on or near the project site within the coastal zone as described in the previous subsection, payment of in-lieu fees adequate to provide full replacement of low or moderate cost overnight visitor-serving accommodations.**

...

**21.65.030 Qualification.**

**All or, within the coastal zone, portions of Dwelling Units and Guest Rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both. The Interim Motel/Hotel Housing Project shall not result in the expansion of more than ten (10) percent of the existing building floor area; nor shall the combined number of Dwelling Units or Guest Rooms increase from the number existing on site prior to the date of the Interim Motel/Hotel Housing Project application. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.**

**21.65.060 Compliance with applicable standards and zoning code requirements.**

**A. Outside the coastal zone, Interim Motel/Hotel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:**

...

**B. Within the coastal zone, Interim Motel/Hotel Housing Projects, as defined in Section 21.65.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City's certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of public access and coastal resources, including lower cost overnight visitor-serving accommodations. Interim Motel/Hotel Housing Projects require a coastal development permit consistent with Section 21.25.904.C of the certified Zoning Code.**

**BC. Minor Interior Alterations for Cooking Facilities...**

**CD. Preservation of Nonconforming Rights...**

## Unpermitted Dwelling Unit (UDU) Amnesty Program Ordinance

**Suggested Modification #2:** Clarify that unpermitted dwelling unit legalization within the coastal zone requires a coastal development permit and ensure appropriate findings are made.

21.25.903 Permit required

...

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

...

**7. Any application for the legalization of unpermitted dwelling units pursuant to the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).**

21.25.904 Procedures – Coastal Permit

...

C. Findings required. Prior to approving a local coastal development permit, the responsible hearing body must find:

...

**6. For an application to legalize an unpermitted dwelling unit in accordance with the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program) of the certified Zoning Code, the project shall conform with the certified local coastal program, including habitat protection policies and coastal hazards policies. For dwelling units subject to coastal hazards, the Applicant shall be required to assume the risk of development in a hazardous area.**

...

21.66.020 Compliance with applicable development standards and Zoning Code requirements.

A. Existing dwelling units that do not have a certificate of occupancy at the time of application that are located in otherwise legally permitted structures, **which** shall be referred to in this section as "unpermitted dwelling units." **Outside the coastal zone, existing unpermitted dwelling units** shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

...

**B. Within the coastal zone, existing unpermitted dwelling units as defined in Section 21.66.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City’s certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of coastal resources and public access to the coast. Unpermitted dwelling units are subject to the required findings in the certified Zoning Code Section 21.25.904.C. New parking spaces shall not be required in association with the legalization of an unpermitted dwelling unit if the unpermitted dwelling unit(s) meets one of the following criteria and/or there would be no impacts to public access to the coast as a result of the development:**

**(1) The unpermitted dwelling unit is located within one-half mile walking distance of public transit.**

**(2) The unpermitted dwelling unit is located within an architecturally and historically significant historic district and the provision of new parking would impact the historic character.**

**(3) When there is a car share vehicle located within one block of the unpermitted dwelling unit.**

**Suggested Modification #3:** Clarify appealability of UDU legalization projects and correct minor nomenclature errors.

21.25.904 – Procedures – Coastal permit.

...

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit **except for local coastal development permits for the legalization of unpermitted dwelling unit(s) in conformance with the requirements of certified Zoning Code Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).**

...

21.66.040 Eligibility.

Existing dwelling units eligible for the ~~informal~~unpermitted dwelling unit amnesty program;

...

21.66.060 Review Process.

Site Plan Review shall be required pursuant to Chapter 21.25 of the ~~Municipal~~certified Zoning Code. Existing dwelling units that are eligible for the ~~informal~~unpermitted

dwelling unit amnesty program and are located in the Coastal Zone shall be required to obtain a Local Coastal Development Permit pursuant to **LBMG certified Zoning Code Section 21.25.903**; however, a public hearing for the Local Coastal Development Permit shall not be required, **pursuant to certified Zoning Code Section 21.25.904.B.**

21.66.070 Appeals.

**Outside the coastal zone, Only applicants may appeal Site Plan Review determinations to the Planning Commission. Within the coastal zone, Local Coastal Development Permit determinations may be appealed by any aggrieved person pursuant to the procedures in Chapter 21.21 and Section 21.25.904 of the certified Zoning Code.**

## **IV. FINDINGS AND DECLARATIONS**

### **A. LCP AMENDMENT DESCRIPTION**

Long Beach LCP Amendment Request No. LCP-5-LOB-21-0089-3 was submitted with four separate ordinances amending the City's certified implementing ordinances (IP). Part A—modifications to the IP to modify drive-through regulations and update miscellaneous zoning codes—was approved as submitted by the Commission on May 13, 2022. Part B is the subject of this staff report and Commission action. Part B would amend the IP to add two new chapters to the certified zoning code for regulations relating to unpermitted dwelling units and motel/hotel conversions for transitional housing uses.

**Interim Hotel/Motel Conversions Ordinance ([Exhibit 1](#)):** As proposed, Chapter 21.65 would be added to the IP to create a ministerial approval process allowing existing transient residential structures citywide, such as hotels and motels, to conduct minor interior alterations and establish a temporary change of use to supportive housing and/or transitional housing. The City explained the purpose of this amendment is to address the need for a diversity of housing solutions to combat the City's housing crisis and the varying needs of people experiencing homelessness and to equitably distribute these projects throughout the City.

As adopted by the City, business owners who seek to convert their hotel or motel to temporary transitional and/or supportive housing will be required to enter into a contract with City-approved public and/or private providers ("Local Agency partners") that fund and/or operate transitional and/or supportive housing and/or provide associated supportive services on-site. These temporary housing uses would be permitted for the duration of valid contracts (typically between 5 and 15 years) with approved Local Agency partners, and, upon expiration of such contracts, the property would be required to revert to their previous legal use or any use allowed under the City's zoning regulations.

**Unpermitted Dwelling Unit (UDU) Amnesty Program Ordinance ([Exhibit 2](#)):** As proposed, Chapter 21.66 would be added to the certified zoning code (part of the certified IP) to create an amnesty program to legalize housing units within the City that were developed without the required building permits. Only UDUs existing prior to December 31, 2016 would be eligible for this program (Section 21.66.030). Thus, the program would

not authorize or encourage the creation of UDUs in the future. The City explained that UDUs in the City are generally either one or two units carved out of ancillary spaces such as laundry rooms or storage areas or units resulting from modest additions in existing otherwise legally permitted multifamily buildings that may, in turn, exceed the number of allowed dwelling units permitted pursuant to the zoning designation or otherwise be out of compliance with underlying zoning regulations and development standards. The City also stated that UDUs tend to be naturally occurring affordable units and fulfill an important niche in the housing market.

The City anticipates that many unpermitted residential units will be legalized through other legal pathways, including processes outlined in the certified LCP and through the State's current ADU law. The proposed UDU program would provide another legalization process after the other alternatives are exhausted. The City proposes to allow legalization of these unpermitted dwelling units through a ministerial site plan review process, and as a condition of any approval, permittee(s) would be required to record an affordability covenant on the property reserving the unit as an income restricted housing unit for a period of at least 10 years.

## **B. CONSISTENCY ANALYSIS**

The standard of review for the proposed amendment to the LCP Implementing Plan (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP contains policies that aim to maximize shoreline access, protect recreation and visitor serving facilities, preserve extant neighborhoods, and balance human use of coastal resources with ecological concerns.

### **Interim Hotel/Motel Conversions**

The proposed ordinance would amend the Long Beach certified Zoning Code by adding Chapter 21.65 to establish new regulations to allow existing hotels, motels, and other transient occupancy residential structures located citywide to be used for an interim period as supportive or transitional housing.

The Downtown Shoreline segment of the certified LUP states "It shall be the goal of the City to develop a program/policy for the Downtown Shoreline area that protects and encourages lower cost overnight visitor accommodations. The purpose of the program/policy shall be to provide lower cost overnight visitor accommodations within or in close proximity to the coastal zone, including but not limited to hostel accommodations, campground accommodations, or low cost hotel or motel accommodations." Southeast Area Specific Plan Chapter 6, Lower Cost Overnight Accommodation Policy 1 states "Lower cost visitor and recreational facilities, including overnight accommodations and public recreational opportunities, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred." Chapter 6, Lower Cost Overnight Accommodation Policy 5 states "Existing lower cost accommodations, including the 173 existing lower cost rooms at the Golden Sails Hotel, must be protected and maintained onsite. If they cannot

feasibly be maintained or replaced onsite, the 173 lower cost rooms must be replaced at a one to one ratio, preferably at a non-hazardous site within the coastal zone portion of the SEASP planning area, and protected in perpetuity. These 173 lower cost rooms are not eligible to be mitigated with in-lieu mitigation fees.” And Chapter 6, Recreation Policy 3 states that “The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential development.”

Findings for Rejection of the Hotel/Motel Conversion Program Amendment as Submitted:

There are currently seven locations within the Long Beach coastal zone offering overnight accommodations for visitors: (from west to east) two higher cost hotels within the Port District, one RV resort (low cost) in the Downtown Shoreline Area, two higher cost hotels in the Downtown Shoreline Area, one low cost inn near the Belmont Pier, and one moderate cost hotel (historically, low cost) near the Los Cerritos Wetlands in the Southeast Area of Long Beach.<sup>1</sup> The proposed ordinance would allow temporary conversion of these overnight accommodations to transitional or supportive housing. “Temporary” could range from five to fifteen years or more after which the structure may return to its previous use or could be converted to any use consistent with the underlying zoning. As adopted by the City, it is not clear when the reversion would happen or what permitting procedures would be implicated. In addition, it is not clear whether a coastal development permit would be required for the hotel/motel conversion projects within the coastal zone or how impacts would be identified, avoided, or minimized and mitigated for. Therefore, the proposed amendment could potentially result in the loss of lower-cost<sup>2</sup> overnight visitor-serving accommodations within the coastal zone of Long Beach without any mitigation, which is inconsistent with the LUP policies listed above. The Commission acknowledges the City’s desire to address the need for a diversity of housing solutions to combat the City’s housing crisis and the varying needs of people experiencing homelessness and to equitably distribute these projects throughout the City, and that those housing options within the coastal zone would provide a form of facilitated access to the coast. However, the certified LUP policies and the Coastal Act preserve and encourage visitor-serving uses (over residential uses) and lower cost overnight accommodations. Furthermore, the potential reduction in low- and moderate-cost overnight visitor accommodations in the coastal zone is also an environmental justice issue.

In light of current trends in the marketplace and along the coast, the Commission is increasingly concerned with the challenge of preserving and providing lower-cost overnight accommodations consistent with the Coastal Act. Recent research in

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<sup>1</sup> The Commission defines low-cost accommodations as those charging approximately 25% less than the statewide average daily room rate and higher-cost are those charging approximately 25% more than the statewide average. Values in between are moderate-cost. The 2021 annual statewide average daily room rate is \$141.78; thus, lower-cost accommodations would be less than approximately \$106.34 and higher-cost would be over \$177.23. The City will be using a peak season average daily rate (i.e. Current Month-ADR for July and/or August of each year) to determine what constitutes lower-cost.

<sup>2</sup> The Commission has interpreted “lower cost” accommodations to include both low-cost and moderate-cost options. (5-18-0872)

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support of a Commission workshop<sup>3</sup> concerning hotel condominiums showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost. Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand, and that there is an on-going need to provide more lower-cost opportunities along California's coast. If even a couple of the lower cost hotels/motels in the City's coastal zone were converted to temporary housing, then visitors would be limited to the higher cost hotels, the limited remaining lower cost hotels/motel rooms, and short-term rentals. With far fewer low-cost lodging facilities, a large segment of the population will be effectively excluded from overnight stays at the coast. "Financial reasons" was listed as the number one barrier to staying overnight at the coast, as identified by respondents to a State Coastal Conservancy-commissioned survey in 2017. By forcing this economic group to lodge elsewhere (or to stay at home), there is an adverse impact on the public's ability to access the beach and coastal recreational areas.

Therefore, as proposed by the City, Ordinance No. ORD-20-0041 (the subject part of LCP Amendment No. LCP-5-LOB-21-0089-3-Part B) is not adequate to carry out the policies of the certified LUP and must be rejected.

Findings for Approval of the Hotel/Motel Conversion Program, If Modified as Suggested:

**Suggested Modification #1** adds language to clarify that hotel/motel conversions within the coastal zone require a local coastal development permit. Pursuant to this modification, all motel/hotel conversions within the coastal zone must conform to the certified LCP, including policies related to the protection of existing lower cost visitor-serving accommodations. It also defines the lower cost accommodation classifications (low and moderate cost) using the statewide average room rate. Therefore, confusion about what development requires a CDP and what resources must be protected is minimized.

**Suggested Modification #1** also clarifies how these types of projects can be analyzed, how impacts can be avoided or minimized and mitigated for, and what findings are required as part of the LCDP determination. The modification requires the City to analyze the project's impacts on lower cost overnight accommodations including through the review of project to minimize potential impacts. For example, if an applicant were to apply for a local CDP to convert a moderate cost hotel, the applicant and City would be required to consider the cost and occupancy rates of the rooms that would be converted and if access impacts are anticipated, contemplate project alternatives such as only converting the use during low occupancy periods (e.g. during the winter months), only converting a portion of the hotel, or limiting the term of the conversion to less than one year. If such alternatives are implemented, impacts might be avoided or at least reduced.

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<sup>3</sup> Public Workshop on Lower Cost Visitor Serving Accommodations held December 10, 2014.

If an impact on low-cost and moderate-cost visitor-serving overnight accommodations is determined to exist after consideration and proposal of project alternatives, appropriate mitigation for the loss of those accommodations must be required. As stated in **Suggested Modification #1** mitigation should be in the form of construction of replacement motel/hotel rooms or other low-cost/moderate-cost visitor serving accommodations at a 1 to 1 ratio, if feasible. If it is determined to be infeasible to provide replacement rooms at that ratio on or near the project site, payment of in-lieu fees adequate to provide full replacement of low or moderate cost overnight visitor-serving accommodations should be required. By protecting and providing lower-cost lodging for the price-sensitive visitor, a broader segment of the population will have the opportunity to visit the coast and the IP amendment as modified can be found to conform with and is adequate to carry out the public access protection policies of the LUP.

### **Unpermitted Dwelling Unit (UDU) Amnesty Program**

The proposed amendment would add a new section to Title 21 of the City's certified Zoning Code that would streamline the legalization of unpermitted accessory dwelling units located citywide (including the coastal zone) by exempting them from zoning regulations and other regulatory requirements, such as density restrictions and parking and setback requirements, and waiving the requirement of a public hearing. The City explained that compliance with zoning regulations can pose a barrier to the legalization of these units and exempting them from such provisions of the Zoning Code would serve to preserve this important component of the City's housing stock.

The City's certified LUP includes policies that call for a "balance between human use and ecological concerns" (Introduction, Coastal Resources), require development to "maximize view corridors" along Ocean Boulevard (Downtown Shoreline, Shoreline Access), and encourage "efforts to alleviate flood hazard conditions" (Area E, Hazard Areas). Furthermore, the certified LUP states: "this Plan also recognizes that inadequate parking can frustrate visitor access and recreational use of coastal resources" (Downtown Shoreline policies). The City's certified Southeast Area Specific Plan (SEASP) also incorporates Section 30253 of the Coastal Act that requires new development to "minimize risks to life and property in areas of high geologic, flood, and fire hazard" and includes LUP policies that require new development to plan for coastal hazards over the expected life of the proposed development. While the City is beginning to work on a LCP amendment specific to climate change adaptation, the LCP has not yet been comprehensively updated to address sea level rise.

#### **Findings for Rejection of the UDU Program Amendment as Submitted:**

The City of Long Beach coastal zone includes several single-family and multi-family residential zoned neighborhoods that would be affected by the proposed IP amendment. Some of the residences in these zones, which might be eligible for the proposed UDU amnesty program, are immediately adjacent to sensitive habitat, located on sandy beach, and/or in hazardous areas subject to flooding, geologic processes, and fire. As currently proposed, the amendment would uniformly apply the

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UDU Amnesty program throughout the City, including within the coastal zone. Thus, UDUs could be legalized in these areas with the potential to impact habitat, if located on a site or in a structure that is non-conforming with allowable uses or required setbacks in/near such areas, impact views, or be sited in an unsafe location inconsistent with the aforementioned LUP policies. For example, there are a few existing residences located on the sandy beach that are non-conforming with the public beach/park/open space land use designation; if a UDU were proposed to in that location, the increase in intensity of use could impact coastal resources. In addition, if located in an area where the public parks their vehicles to access the coast, legalization of UDUs could impact coastal access if it intensifies use of coastal areas without providing for additional parking facilities. If this is the case, private residents of UDUs may use street parking and parking structures that also are used by the general public to visit the coast, thereby reducing available parking and creating a barrier to public access. Exactly how this would play out in Long Beach as a result of the UDU amendments is difficult to predict or quantify. However, the Commission has in the past required the provision of adequate parking for new development in the coastal zone because it has recognized that the availability of adequate parking in congested coastal areas such as Long Beach has a direct impact on public access to the coast.

Legalization of a UDU within the coastal zone constitutes development and requires a coastal development permit (CDP) that contemplates and addresses the project's potential impact(s) on coastal resources including coastal access and habitat and vulnerability to coastal hazards. The subject ordinance, as adopted by the City, is not clear that a CDP is required; thus, the analysis of project consistency with the LCP is not explicitly required. This could result in overlooking potential adverse impacts to coastal resources in the coastal zone.

Therefore, as proposed by the City, Ordinance No. ORD-21-0002 (the subject part of LCP Amendment No. LCP-5-LOB-21-0089-3-Part B) is not adequate to carry out the policies of the certified LUP and must be rejected.

Findings for Approval of the UDU Amnesty Program, If Modified as Suggested:

The suggested modifications described herein were drafted in coordination with City staff. To clarify the permitting requirements for UDUs in the coastal zone and the findings that must be made to protect coastal resources, **Modification #2** is suggested. As suggested to be modified, if a UDU is subject to coastal hazards, a CDP permittee would be required to assume the risk of development in a hazardous area.

The City's adopted ordinance allows for UDU legalization projects to be exempt from numerous requirements, including parking, given the potentially long-term existence of these units and other benefits, such as providing more affordable housing options. For this reason, and due to the language in **Suggested Modification #2** that requires new development to be consistent with the LCP, which contains parking requirements, the City wanted to include a regulation in the IP that allows for reduced

parking requirements for UDUs in certain circumstances. The City's certified LUP states, "This program [the LCP] has as a fundamental imperative the preservation of extant viable neighborhoods and low/moderate cost housing opportunities." In addition, the Transportation and Access policies of the certified LUP state: "Succinctly, the Long Beach LCP transportation and access policies are: (1) Increase reliance on public transit. (2) Decrease reliance on automobiles. (3) Provide slightly more parking. [and] (4) Increase pedestrian and bicycle access opportunities" (Page II-3). The City also stated that the entire coastal zone, with very few exceptions, is within a half mile of public transit and, thus, legalization of UDUs in the coastal zone, which, as proposed, are required to be restricted affordable units would not require the creation of additional parking in parking impacted areas or adversely impact public access to the beaches of Long Beach.

The Commission agrees that a parking requirement for all Accessory Dwelling Units (ADUs) in the coastal zone in Long Beach is not necessarily required to protect public access to the coast and to be consistent with the LUP. Therefore, **Suggested Modification #2** allows parking requirements to be waived if the unpermitted dwelling unit is located within one-half mile walking distance of public transit, the unpermitted dwelling unit is located within an architecturally and historically significant historic district and the provision of new parking would impact the historic character, or when there is a car share vehicle located within one block of the unpermitted dwelling unit. These criteria closely align with the State's ADU law, which encourages more dense and affordable residential development that, in turn, decreases reliance on automobiles, increases pedestrian and bicycle access opportunities, and facilitates use of public transit. The benefits of use of public transportation will help mitigate potential adverse impacts to public access and parking availability caused by use of these parking exceptions. In addition, the City appears to acknowledge that there are small portions of the coastal zone where UDUs might not qualify for a parking exception and, therefore, could be required to provide parking for legalization of the UDU. The LCP refers to providing "slightly more parking," while promoting alternative forms of transportation, including walking, bicycle access, and public transit. Therefore, the allowance of elimination of the parking requirement within a half mile of public transit or a block of a car share vehicle is consistent with the transportation and access policies of the certified LUP.

As adopted by the City, the proposed amendment would allow for ministerial approval of UDU legalization projects without a public hearing, as they are ADUs, and the State's ADU law exempts coastal development permits for ADUs from local public hearings (Government Code section 65852.2(l)). In addition, the proposed amendment would only allow the applicants to appeal the City's determination of UDU legalization projects. While there are no LUP policies about holding public hearings and facilitating public participation in coastal development processes, public participation is a tenant of the certified LCP and a requirement of the Coastal Act, and within the coastal zone, any aggrieved person may appeal the coastal development permit determination for projects within the appealable area pursuant to Section 30625 of the Coastal Act. **Suggested Modification #3** revises Section 21.25.904.B to

exempt the legalization of UDUs from the hearing requirement. Public noticing requirements for local CDPs still apply.

**Suggested Modification #3** also revises Section 21.66.070 (Appeals) to clarify that appeals of local coastal development permit determinations by any aggrieved person pursuant to the procedures in Chapter 21.21 and Section 21.25.904 of the certified Zoning Code are allowed. Thus, the public is still able to participate in the permitting process. The ordinance is also made more specific through minor nomenclature corrections (**Suggested Modification#3**).

Therefore, as modified, Ordinance No. ORD-21-0002 (the subject part of LCP Amendment No. LCP-5-LOB-21-0089-3-Part B) conforms with and is adequate to carry out the policies of the certified LUP.

Overall, the proposed amendment can only be found to be consistent with the certified LCP policies and relevant Coastal Act Chapter 3 policies if approved with the Commission's suggested modifications detailed above.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed LCP amendment. The City found the proposed zoning code changes to be exempt from CEQA requirements pursuant to Public Resources Code Sections 21080.5 (Plan or Other Documentation Submitted in lieu of Environmental Impact Report), 15305 (Minor Alterations to Land Use Limitations), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and 15061(b)(3)(Common Sense Exemption). Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The Commission incorporates its findings on LUP conformity into this CEQA finding as if set forth in full herein. The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment, if modified as suggested, will comply with the California Environmental Quality Act because there are no further feasible alternatives and mitigation

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measures that would substantially lessen any significant adverse impacts which the LCP amendment may have on the environment. The Commission finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
301 E Ocean Blvd, Suite 300  
Long Beach, CA 90802  
(562) 590-5071



April 5, 2023

Christopher Koontz, Planning Bureau Manager  
Long Beach Development Services  
411 West Ocean Boulevard – 3<sup>rd</sup> Floor  
Long Beach, CA 90802

**Re: Long Beach Local Coastal Program Amendment No. LCP-5-LOB-21-0089-3-Part B (Motel/Hotel Conversions & Unpermitted Dwelling Units)**

Dear Christopher Koontz,

You are hereby notified that the California Coastal Commission, at its March 9, 2023 meeting, approved with modifications Local Coastal Program (LCP) Major Amendment No. LCP-5-LOB-21-0089-3-Part B. LCP Amendment No. LCP-5-LOB-21-0089-3-Part B amends the Implementing Ordinances of the certified LCP to add regulations for motel/hotel conversions and unpermitted dwelling unit amnesty program in the coastal zone.

The Commission approved the LCP amendment with the attached suggested modifications. Therefore, LCP Amendment No. LCP-5-LOB-21-0089-3-Part B will not be effective for implementation in the City's coastal zone until: 1) the Long Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, 3) the Executive Director certifies that the City has complied with the Commission's March 9, 2023 action, and 4) the Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate. The Coastal Act requires that the City's adoption of the suggested modifications and submittal of the City's final action be completed within six months of the Commission's March 9, 2023 action. Therefore, the deadline for submittal of the City Council's adoption in this case is **September 9, 2023**.

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact me at [vince.lee@coastal.ca.gov](mailto:vince.lee@coastal.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Vince Lee".

Vince Lee  
Coastal Program Analyst

*Suggested Modifications for LCP Amendment No. LCP-5-LOB-21-0089-3-Part B*

For the following suggested modifications:

Language of the currently certified IP is shown in plain text.

The City's proposed additions are shown in underlined text.

The Commission's suggested additions are shown in **bold, underlined text**.

The Commission's suggested deletions are shown in **bold, underlined, strike out text**.

The following suggested modifications are necessary to carry out the provisions of the certified LUP:

**Suggested Modification #1:** Clarify that motel/hotel conversions within the coastal zone require a coastal development permit and ensure appropriate findings are made.

21.25.903 Permit required

...

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

...

**8. Any application for the conversion of an existing transient residential structure into an interim supportive or transitional housing use pursuant to the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) in the certified Local Coastal Program.**

21.25.904 Procedures – Coastal Permit

...

C. Findings required. Prior to approving a local coastal development permit, the responsible hearing body must find:

...

**7. For an application to convert an existing transient residential structure (i.e., Motel/Hotel) into an interim supportive or transitional housing use in accordance with the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) of the certified Zoning Code, the project shall conform with the certified Local Coastal Program, including policies related to the protection of existing lower cost overnight visitor-serving accommodations. Potential impact(s) to visitor-serving accommodations resulting from the temporary conversion shall be avoided or minimized through strategies that include, but are not limited to:**

**i. Reserving a portion of the rooms in the hotel/motel for hotel use at the defined "low cost" rate,**

**ii. Limiting the use of the hotel/motel for interim supportive or transitional housing to the winter months, and/or**

**iii. Limiting the term of the coastal development permit.**

**The required findings must include an analysis of historic occupancy rates and the current room rates of the rooms proposed to be converted as compared to the annual statewide average room rate. “Low cost” visitor-serving accommodation rates shall be defined as rates equal to or less than the annual statewide average room rate minus 25%. “Moderate cost” visitor-serving accommodation rates shall be defined as rates between 75% to 125% of the annual statewide average room rate. Findings shall consider the need to maintain and protect existing levels of visitor-serving overnight accommodations, maintaining adequate public coastal access for visitors to the area, and environmental justice. If there will be a loss of existing low or moderate-cost visitor-serving overnight accommodations for a period of one year or more (excluding temporary conversion of low or moderate cost rooms for interim supportive or transitional housing during winter months only) then appropriate mitigation shall include, but not be limited to the following measures:**

**i. Construction of equivalent replacement motel/hotel rooms or other low or moderate cost visitor-serving accommodations at a 1 to 1 ratio; and/or**

**ii. If it is determined to be infeasible to provide replacement rooms on or near the project site within the coastal zone as described in the previous subsection, payment of in-lieu fees adequate to provide full replacement of low or moderate cost overnight visitor-serving accommodations.**

...

**21.65.030 Qualification.**

**All or, within the coastal zone, portions of Dwelling Units and Guest Rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both. The Interim Motel/Hotel Housing Project shall not result in the expansion of more than ten (10) percent of the existing building floor area; nor shall the combined number of Dwelling Units or Guest Rooms increase from the number existing on site prior to the date of the Interim Motel/Hotel Housing Project application. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.**

**21.65.060 Compliance with applicable standards and zoning code requirements.**

**A. Outside the coastal zone, Interim Motel/Hotel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:**

...

**B. Within the coastal zone, Interim Motel/Hotel Housing Projects, as defined in Section 21.65.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City’s certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of public access and coastal resources, including lower cost overnight visitor-serving accommodations. Interim Motel/Hotel Housing Projects require a coastal development permit consistent with Section 21.25.904.C of the certified Zoning Code.**

BC. Minor Interior Alterations for Cooking Facilities...

CD. Preservation of Nonconforming Rights...

### **Unpermitted Dwelling Unit (UDU) Amnesty Program Ordinance**

**Suggested Modification #2:** Clarify that unpermitted dwelling unit legalization within the coastal zone requires a coastal development permit and ensure appropriate findings are made.

21.25.903 Permit required

...

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

...

**7. Any application for the legalization of unpermitted dwelling units pursuant to the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).**

21.25.904 Procedures – Coastal Permit

...

C. Findings required. Prior to approving a local coastal development permit, the responsible hearing body must find:

...

**6. For an application to legalize an unpermitted dwelling unit in accordance with the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program) of the certified Zoning Code, the project shall conform with the certified local coastal program, including habitat protection policies and coastal hazards policies. For dwelling units subject to coastal hazards, the Applicant shall be required to assume the risk of development in a hazardous area.**

...

21.66.020 Compliance with applicable development standards and Zoning Code requirements.

A. Existing dwelling units that do not have a certificate of occupancy at the time of application that are located in otherwise legally permitted structures, **which** shall be referred to in this section as "unpermitted dwelling units," **Outside the coastal zone, existing unpermitted dwelling units** shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

...

**B. Within the coastal zone, existing unpermitted dwelling units as defined in Section**

21.66.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City's certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of coastal resources and public access to the coast. Unpermitted dwelling units are subject to the required findings in the certified Zoning Code Section 21.25.904.C. New parking spaces shall not be required in association with the legalization of an unpermitted dwelling unit if the unpermitted dwelling unit(s) meets one of the following criteria and/or there would be no impacts to public access to the coast as a result of the development:

(1) The unpermitted dwelling unit is located within one-half mile walking distance of public transit.

(2) The unpermitted dwelling unit is located within an architecturally and historically significant historic district and the provision of new parking would impact the historic character.

(3) When there is a car share vehicle located within one block of the unpermitted dwelling unit.

**Suggested Modification #3:** Clarify appealability of UDU legalization projects and correct minor nomenclature errors.

21.25.904 – Procedures – Coastal permit.

...

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit except for local coastal development permits for the legalization of unpermitted dwelling unit(s) in conformance with the requirements of certified Zoning Code Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).

...

21.66.040 Eligibility.

Existing dwelling units eligible for the ~~informal~~unpermitted dwelling unit amnesty program;

...

21.66.060 Review Process.

Site Plan Review shall be required pursuant to Chapter 21.25 of the ~~Municipal~~certified Zoning Code. Existing dwelling units that are eligible for the ~~informal~~unpermitted dwelling unit amnesty program and are located in the Coastal Zone shall be required to obtain a Local Coastal Development Permit pursuant to ~~L~~**BMC certified Zoning Code Section 21.25.903**; however, a public hearing for the Local Coastal Development Permit shall not be required, pursuant to certified Zoning Code Section 21.25.904.B.

21.66.070 Appeals.

Outside the coastal zone, Only applicants may appeal Site Plan Review determinations to the Planning Commission. Within the coastal zone, Local Coastal Development Permit

**determinations may be appealed by any aggrieved person pursuant to the procedures in Chapter 21.21 and Section 21.25.904 of the certified Zoning Code.**

## FINDINGS

### Interim Motel Conversion Ordinance - Zoning Code Amendment Application No. 2001-001 May 16, 2023

The Long Beach Municipal Code (LBMC) does not require specific findings for the adoption of a Zoning Code Amendment (ZCA). The proposed ZCA however, is consistent with state law and guidelines, consistent with the General Plan Land Use Element (LUE) and other elements of the General Plan, including the Local Coastal Program (LCP), 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 Interim Motel Conversion Ordinance - Zoning Code Amendment.

On March 9, 2023, the California Coastal Commission held a public hearing considering a Local Coastal Program Amendment (LCPA) to certify Chapter 21.65 of the LBMC for the conversion of CCCC adding Chapter 21.65 to Title 21 of the LBMC, related to establishing an ordinance for the conversion of motels and/or hotels for supportive or transitional housing. The California Coastal Commission adopted the LCPA with suggested modifications to the Zoning Regulations (Title 21) to ensure the administration of the ordinance is consistent with the Coastal Act. The suggested modifications are required to be adopted by City Council in order to certify the LCPA.

**The Zoning Code Amendment is consistent with objectives, principles, and standards of the General Plan.** The 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 adding a section to the Zoning Code to allow for the by-right non-permanent conversion of motels and other transient occupancy structures to supportive and/or transitional housing. The ZCA is consistent with goals, policies and strategies in the existing LUE and Housing Element (HE) of the General Plan. The ZCA does not result in new physical development but rather would permit the reuse of existing structures without triggering additional zoning requirements and only minimal life and safety building code requirements, as applicable.

Furthermore, the ZCA includes findings and procedures to avoid cumulative impacts to public access to the coast as a result of motel/hotel conversion applications in the coastal zone. Therefore, the ZCA, as required by the Coastal Commission, would be consistent with the Coastal Act and the LCP.

This approach is consistent with the Economic Blueprint and General Plan provisions that promote reform of development regulations to be consistent, fair, transparent and productive toward public goals. This change will allow flexibility and economic resilience to provide targeted housing and services for the homeless or those who are at risk of homelessness. The proposed ZCA is one of a number of strategies intended to implement General Plan goals that aim to ensure a diversity of housing for households of all income levels, age groups and household types that are equitably distributed throughout the City.

The Land Use Element of the General Plan is organized around nine land use strategies, of which several are relevant to the proposed ZCA:

1. Implement Sustainable Planning and Development Practices
2. Accommodate Strategic Growth and Change
3. Diversify Housing Opportunities
4. Ensure a Fair and Equitable Land Use Plan

The proposed ZCA will create a pathway for existing buildings to be utilized for supportive housing and transitional housing, helping to promote creative, cost-effective, and expeditious strategies to expand housing solutions for persons experiencing or at risk of homelessness. The proposed ZCA will facilitate the reuse of these structures to supportive and transitional housing by relaxing zoning code requirements. Any existing buildings, regardless of the permitted uses of the underlying zone or their conformance with current zoning regulations-including density, parking, use regulations or yard or setback requirements-would be eligible to be used for this purpose without needing additional planning entitlements. This increased flexibility in converting existing motels and other transient occupancy structures will allow those them to be repurposed to address the City's homeless and housing crises. It allows for the strategic provision of housing and supportive services for this targeted population and will expand the potential availability of housing options to provide units accessible to extremely low income people. It also ensures that there is a more equitable distribution of supportive and transitional housing throughout the City so as to not overconcentrate homeless housing and services in limited areas.

Specific relevant LUE policies include:

LU Policy 1-5: Encourage resources and processes that support sustainable development for adaptive reuse projects, as well as appropriate infill projects.

LU Policy 6-3: Pursue a variety of funding approaches, including grants, impact fees, transportation funds and other programs to fund City programs, services and capital investments

LU Policy 6-9: Encourage the redevelopment of parcels with poor land utilization such as single-use commercial structures on parcels over 5,000 square feet.

LU Policy 11-6: Achieve health equity, eliminate disparities and improve the health of residents throughout the City

LU Policy 12-1: Allow a variety of housing types in new residential developments with the goal of establishing new opportunities for persons of varied income ranges, ages, lifestyles and family needs.

LU Policy 12-2: Encourage the provision of housing opportunities, services, and amenities for all income levels, age groups, and household types, with opportunities to age in place.

LU Policy 12-6: Establish clear rules and locations for special housing types, such as congregate care, assisted living, senior housing, student housing, housing for temporary workers and housing with supportive services.

LU 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.

The proposed ZCA is consistent with these Land Use Element strategies and policies in that it will provide the opportunity to temporarily convert existing motels and hotels to supportive and transitional housing in all communities through the reuse of existing buildings. The proposed ZCA provides one additional tool in an overall suite of zoning tools to address the housing needs of Long Beach communities and neighborhoods.

The Housing Element is primarily concerned with the maintenance, availability and construction of housing which is supported by this ZCA. The proposed ZCA is consistent with Housing Element goals related to improving housing affordability, accessibility, and availability. Expanding the amount of available supportive and transitional housing units will further multiple goals and policies of the Housing Element, including:

Policy 2.5: Integrate and disperse special needs housing within the community and in close proximity to transit and public services.

Policy 2.7: Proactively seek out new models and approaches in the provision of affordable housing, such as co-housing and assisted living facilities.

Policy 4.2: Encourage a balance of rental and homeownership opportunities, including high quality apartments, townhomes, condominiums, and single-family homes to accommodate the housing needs of all socioeconomic segments of the community, including large families.

Policy 4.4: Finalize an ordinance for Planning Commission/City Council consideration to encourage adaptive reuse of existing structures for residential purposes.

Policy 5.4: Provide for streamlined, timely and coordinated processing of development projects to minimize project-holding costs.

**The Zoning Code Amendments 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 proposed ZCA is in conformity with the public necessity, convenience, general welfare and good planning practice in that it establishes zoning regulations that allow the City's Zoning Code to be responsive to current and evolving need of the City and its residents. It promotes the general welfare and good planning practice by facilitating the provision of housing for the City's lowest income residents. Furthermore, it does so by allowing the reuse of existing buildings, which allow the City to meet the objective of housing the homeless while minimizing impacts to surrounding communities, as these buildings already exist and are integrated into their respective communities as well as reducing the time and cost to provide this type of housing. The proposed amendment does not change development standards for new development and allows for the provision of badly needed housing in a sustainable manner through the reuse of existing buildings. The proposed amendment is consistent with good planning practice and furthers the public interest by promoting housing development and community investment, consistent with the General Plan.

**The proposed Zoning Code Amendment is consistent and compliant with the California Environmental Quality Act (CEQA).** No adverse environmental impacts are expected as a result of the proposed action. The project involves legislative changes; no development project is contemplated at this time. In accordance with California Environmental Quality Act (CEQA), CEQA and the CEQA Guidelines, the project is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.50, which states that the conversion of a motel structure to supportive or transitional housing, where the conversion does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure, and/or does not result in any significant effects relating to traffic, noise, air quality, or water quality, is statutorily exempt from CEQA requirements. No further environmental review is required.

In accordance with the CEQA Guidelines for Implementation of the Public Resources Code Section 21080.9 and CEQA Section 15265(a)(1) the proposed modifications are statutorily exempt. CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCPA. The proposed modifications are necessary for certification of the LCPA by the Coastal Commission. No additional action is required for Environmental Review.

## FINDINGS

### Informal Dwelling Unit Amnesty Program - Zoning Code Amendment Application No. 20-013 May 16, 2023

The Long Beach Municipal Code (LBMC) does not require specific findings for the adoption of a Zoning Code Amendment (ZCA). The proposed ZCA, however, is consistent with state law and guidelines and applicable elements of the City's General Plan, including the Local Coastal Program (LCP); 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.

On March 9, 2023, the California Coastal Commission held a public hearing considering a Local Coastal Program Amendment (LCPA) to certify Chapter 21.66 of the LBMC for the establishing an Unpermitted Dwelling Unit (UDU) Amnesty Ordinance. The California Coastal Commission adopted the LCPA with suggested modifications to the Zoning Regulations (Title 21) to ensure the administration of the ordinance is consistent with the Coastal Act. The suggested modifications are required to be adopted by City Council in order to certify the LCPA.

**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.

Furthermore, the ZCA includes findings and procedures to avoid impacts to access to the coast as a result of increased density through UDU applications in the coastal zone. Therefore, the ZCA, as required by the Coastal Commission, would be consistent with the Coastal Act and the LCP.

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 perseverance 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.

In accordance with the CEQA Guidelines for Implementation of the Public Resources Code Section 21080.9 and CEQA Section 15265(a)(1) the proposed modifications are statutorily exempt. CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCPA. The proposed modifications are necessary for certification of the LCPA by the Coastal Commission. No additional action is required for Environmental Review.

Language of the currently certified IP is shown in plain text.

The City's proposed additions are shown in underlined text.

The Commission's suggested additions are shown in **bold, underlined text**.

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## *DIVISION IX. LOCAL COASTAL DEVELOPMENT PERMITS*

### 21.25.903 Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

- A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.
- B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:
  1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor additions to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).
  2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).
  3. Traffic improvements which do not qualify for categorical exclusion.
  4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.
  5. Any extension of an existing facility into tidelands, environmentally sensitive areas, coastal waterways, public parkland, or within fifty (50) feet of a coastal bluff edge.
  6. Any application for the restriction of short-term rentals pursuant to the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) in the certified LCP.
  - 7. Any application for the legalization of unpermitted dwelling units pursuant to the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).**
  - 8. Any application for the conversion of an existing transient residential structure into an interim supportive or transitional housing use pursuant to the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) in the certified Local Coastal Program.**
- C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.
  1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such additions must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.

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2. All projects (excluding the above) which are consistent with the Zoning Regulations, Local Coastal Program, applicable water quality standards, best management practices and pollution controls, and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
  3. Traffic improvements which do not:
    - a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
    - b. Decrease parking (except by establishing a red curb next to a corner); or
    - c. Impair access to the coast.
  4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

( ORD-22-0012 § 2, 2022; ORD-20-0025 § 1, 2020; ORD-19-0008 § 1, 2019; ORD-17-0031 § 17, 2017; Ord. C-6533 § 1 (part), 1988)

### 21.25.904 Procedures—Coastal permit.

This Section outlines the procedures for issuing coastal permits. Coastal permits may be considered concurrently with or subsequent to any other procedures required by this Title or the City's subdivision regulations.

#### A. **Jurisdiction.**

1. **Planning Commission.** The Planning Commission shall consider all local coastal development permits for developments requiring a tract map, a parcel map, conditional use permit or planned development permit.
2. **Coastal Commission.** The Coastal Commission shall consider all coastal permits for projects located below the mean high tide.
3. **Zoning Administrator.** The Zoning Administrator shall consider all other local coastal development permits.

#### B. **Hearing Required.** A public hearing shall be required prior to the approval of a local coastal development permit with the **except for local coastal development permits for the legalization of unpermitted dwelling unit(s) in conformance with the requirements of certified Zoning Code Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program).**

#### C. **Findings Required.** Prior to approving a local coastal development permit, the responsible hearing body must find:

1. The proposed development conforms to the certified local coastal program, including but not limited to all requirements for replacement of low- and moderate-income housing; and
2. The proposed development conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. This second finding applies only to development located seaward of the nearest public highway to the shoreline.
3. For an application for a religious assembly use, if an exception or waiver of LCP requirements is sought under Section 21.52.219.8.G, that the exception or waiver allows the minimum deviation from LCP requirements necessary to comply with RLUIPA, and that the decisionmaker has imposed all conditions necessary to comply with all provisions of the LCP, with the exception of the provision(s) for which implementation would violate RLUIPA.

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4. The proposed development is sited, designed and managed to minimize the transport of pollutants by runoff into coastal waters and groundwater, and to minimize increases in runoff volume and velocity from the site which may adversely impact coastal resources or coastal bluff stability. Best Management Practices shall be implemented, as applicable, including but not limited to applicable local, regional, state and federal water quality permits, standards and guidance provided in the LCP, best practices and other measures as may be recommended by the City Engineer.
  5. For an application to restrict short-term rentals in accordance with the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) of the certified LCP, the project shall conform with the certified local coastal program, including with the provisions relating to coastal access and recreation. The required findings must include a cumulative impacts analysis informed, at least in part, by monitoring data collected on approved projects that restrict STRs and on STRs throughout the coastal zone. The responsible hearing body shall also find:
    - i. The proposed restriction would not result in the substantial loss of visitor-serving accommodations (i.e., a reduction in available overnight accommodation rooms, including but not limited to short-term rentals, hotels, and/or motels, within ¼ mile of visitor-serving recreational uses, the beach, bay, ocean, or tidelands).
    - ii. The proposed restriction would not result in the loss of lower-cost overnight accommodations. Lower-cost overnight accommodations shall be defined as those charging approximately twenty five percent (25%) less than the statewide average daily room rate or less.
    - iii. The proposed restriction would not result in the net loss of short-term rentals below four hundred twenty-five (425) short-term rental units (both hosted and un-hosted and/or primary or non-primary) historically occurring in the coastal zone.
    - iv. The proposed restriction would be necessary to protect the neighborhood stability, housing access, and would be consistent with the neighborhood character established in the Local Coastal Program (LCP).
  - 6. For an application to legalize an unpermitted dwelling unit in accordance with the provisions and procedures outlined in Chapter 21.66 (Unpermitted Dwelling Unit Amnesty Program) of the certified Zoning Code, the project shall conform with the certified local coastal program, including habitat protection policies and coastal hazards policies. For dwelling units subject to coastal hazards, the Applicant shall be required to assume the risk of development in a hazardous area.**
  - 7. For an application to convert an existing transient residential structure (i.e., Motel/Hotel) into an interim supportive or transitional housing use in accordance with the provisions and procedures outlined in Chapter 21.65 (Interim Motel/Hotel Conversions) of the certified Zoning Code, the project shall conform with the certified Local Coastal Program, including policies related to the protection of existing lower cost overnight visitor-serving accommodations. Potential impact(s) to visitor-serving accommodations resulting from the temporary conversion shall be avoided or minimized through strategies that include, but are not limited to:**
    - i. Reserving a portion of the rooms in the hotel/motel for hotel use at the defined “low cost” rate,**
    - ii. Limiting the use of the hotel/motel for interim supportive or transitional housing to the winter months, and/or**
    - iii. Limiting the term of the coastal development permit.**

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**The required findings must include an analysis of historic occupancy rates and the current room rates of the rooms proposed to be converted as compared to the annual statewide average room rate. "Low cost" visitor-serving accommodation rates shall be defined as rates equal to or less than the annual statewide average room rate minus 25%. "Moderate cost" visitor-serving accommodation rates shall be defined as rates between 75% to 125% of the annual statewide average room rate. Findings shall consider the need to maintain and protect existing levels of visitor-serving overnight accommodations, maintaining adequate public coastal access for visitors to the area, and environmental justice. If there will be a loss of existing low or moderate-cost visitor-serving overnight accommodations for a period of one year or more (excluding temporary conversion of low or moderate cost rooms for interim supportive or transitional housing during winter months only) then appropriate mitigation shall include, but not be limited to the following measures:**

- i. Construction of equivalent replacement motel/hotel rooms or other low or moderate cost visitor-serving accommodations at a 1 to 1 ratio; and/or**
- ii. If it is determined to be infeasible to provide replacement rooms on or near the project site within the coastal zone as described in the previous subsection, payment of in-lieu fees adequate to provide full replacement of low or moderate cost overnight visitor-serving accommodations.**

- D. Date of Final Local Action. The date of final local action is:
1. The date when the appeal period on all local actions has expired without local appeal;
  2. The date of action on the local appeal(s); or
  3. The date the City is notified by the applicant that the application is approved by operation of law pursuant to Sections 65950 through 65957.1 of the Government Code.
- E. Notice of Final Action. Within seven (7) calendar days of the date of the final local action on a local coastal development permit, a notice shall be sent to the Coastal Commission and to any persons who specifically request such notice by submitting a self-addressed, stamped envelope. The notice shall include the written findings of fact required to approve the local coastal development permit and the conditions imposed on the approval, if the permit is approved. Any notice of final local action shall include the procedures for appeal of the action to the Coastal Commission and an indication as to whether the development is in an appealable area.
- F. Appeals to Coastal Commission. All actions on local coastal development permits located seaward of the appealable area boundary, as determined under Section 21.25.908, may be appealed by an aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that:
1. All local appeals of City actions provided for by this Title have been exhausted and no fee was charged the appellant for the appeal; and
  2. The Coastal Commission has not appealed the local action.
- G. Effective Date. A local coastal development permit shall be effective as follows:
1. Outside Appealable Area. On date of final local action;
  2. Within Appealable Area. At the conclusion of the twenty-first day after final local action, unless:
    - a. Appeal. If a permit is appealed, it shall become effective after action on the appeal by the Coastal Commission.

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- b. Failure to Give Notice. If notice to the Coastal Commission is not mailed by the City within seven (7) days after final local action, then the permit shall become effective at the conclusion of the fourteenth day after a complete notice is mailed but no sooner than at the conclusion of the twenty-first day after final local action.
  - c. Inadequate Filing. If the Coastal Commission notifies the City and the applicant that notice was not received or distributed in a timely manner or that the notice was not complete or does not adequately describe the development, then the permit becomes effective at the conclusion of the fourteenth day after receipt of such a notice from the Coastal Commission or on the date specified by the Coastal Commission.

( ORD-22-0012 § 3, 2022; ORD-20-0025 § 2, 2020; ORD-19-0008 § 2, 2019; Ord. C-6533 § 1 (part), 1988)

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## CHAPTER 21.65 INTERIM MOTEL/HOTEL CONVERSIONS<sup>1</sup>

### 21.65.030 Qualification.

All or, within the coastal zone, portions of Dwelling Units and Guest Rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both. The Interim Motel/Hotel Housing Project shall not result in the expansion of more than ten (10) percent of the existing building floor area; nor shall the combined number of Dwelling Units or Guest Rooms increase from the number existing on site prior to the date of the Interim Motel/Hotel Housing Project application. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.

( ORD-20-0041 § 1, 2020)

### 21.65.060 Compliance with applicable standards and zoning code requirements.

- A. Outside the coastal zone, Interim Motel/Hotel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:
1. Minimum Area per Dwelling Unit or Guest Room. A structure that is occupied with a use classified as a Motel, Hotel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel, regardless of any nonconforming status as to the area and density regulations of the underlying zone, may be used for an Interim Motel/Hotel Housing Project, provided that the conversion does not create any additional total combined number of Dwelling Units or Guest Rooms.
  2. Off-Street Automobile Parking. Interim Motel/Hotel Housing Projects shall be exempt from the requirements of LBMC Chapter 21.41 during the Supportive Housing or Transitional Housing agreement, however, the Interim Motel/Hotel Housing Project shall maintain and not reduce the number of onsite parking spaces existing on the date of the Interim Motel/Hotel Housing Project application.
  3. Use. Notwithstanding the use provisions of the underlying zone, an Interim Motel/Hotel Housing Project shall be permitted.
  4. Change of Use. Section 21.27.070 shall not apply to Interim Motel/Hotel Housing Projects.
  5. Change of Occupancy. To the extent that an Interim Motel/Hotel Housing Project is considered a change of occupancy, the change in occupancy shall be construed to be an occupancy group that is less

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<sup>1</sup>Editor's note(s)—Formerly, Ch. 21.65, §§ 21.65.010—21.65.210 entitled "Tenant Relocation and Code Enforcement," was repealed by ORD-13-0024 § 2, adopted Nov. 12, 2013, which derived from ORD-05-0007 § 1(part), 2006. See Ch. 18.25 for similar provisions.

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hazardous than the original use, and building code compliance shall be limited to the requirements of Section 18.49.030, as determined by the Building Official.

6. Notwithstanding any exemptions from building and zoning requirements detailed in this Section, an Interim Motel/Hotel Housing Project shall comply with minimum applicable health and safety requirements established in Title 18, as determined by the Building Official.

**B. Within the coastal zone, Interim Motel/Hotel Housing Projects, as defined in Section 21.65.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City's certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of public access and coastal resources, including lower cost overnight visitor-serving accommodations. Interim Motel/Hotel Housing Projects require a coastal development permit consistent with Section 21.25.904.C of the certified Zoning Code.**

**BC. Minor Interior Alterations for Cooking Facilities.** Approved Interim Motel/Hotel Housing Project applicants may make minor interior alterations adding cooking facilities, including a sink, a refrigerator not exceeding ten (10) cubic feet, counter space not exceeding ten (10) square feet, and a hotplate, microwave, or other cooking facilities to Guest Rooms. In the event a structure is returned to the motel or hotel use, in accordance with Section 21.65.040, the motel or hotel may maintain any Guest Rooms with added cooking facilities.

**CD. Preservation of Nonconforming Rights.** Upon termination of the Supportive Housing or Transitional Housing use, any structure that is nonconforming as to area or use regulations, or any other zoning code requirements, may return to the use and condition as it existed on the date of the Interim Motel Housing Project application, notwithstanding any physical alterations to the subject property. Any Floor Area used for Supportive Services may be returned to use as Guest Rooms or Dwelling Units, or may be converted to accessory amenity spaces, so long as the total number of Dwelling Units or Guest Rooms do not exceed the number existing at the time of the application for the Interim Motel Housing Project.

( ORD-20-0041 § 1, 2020)

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## CHAPTER 21.66 UNPERMITTED DWELLING UNIT AMNESTY PROGRAM

### 21.66.020 Compliance with applicable development standards and Zoning Code requirements.

A. Existing dwelling units that do not have a certificate of occupancy at the time of application that are located in otherwise legally permitted structures, ~~which~~ shall be referred to in this section as "unpermitted dwelling units." **Outside the coastal zone, existing unpermitted dwelling units** shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

1. Minimum Lot Area per Dwelling Unit or Guest Room. The units shall not be subject to any density limitations imposed by the underlying zoning.
2. Off-Street Automobile Parking. The units shall not be subject to any applicable off-street automobile parking requirements. The existing number of parking spaces existing on the site as of the date of the application shall be maintained and shall not be reduced.
3. Minimum Yard and Setback Requirements. The units shall not be subject to any yard or setback requirements imposed by the underlying zoning.
4. Any Other Development Standards. The units shall not be subject to any other provision of the underlying zoning or applicable development standards that would preclude the preservation of the dwelling unit.

B. **Within the coastal zone, existing unpermitted dwelling units as defined in Section 21.66.020.A of this Chapter, shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations except for the City's certified Local Coastal Program (LCP) Land Use Plan and any regulations in the certified LCP Implementation Plan that are required for the protection of coastal resources and public access to the coast. Unpermitted dwelling units are subject to the required findings in the certified Zoning Code Section 21.25.904.C. New parking spaces shall not be required in association with the legalization of an unpermitted dwelling unit if the unpermitted dwelling unit(s) meets one of the following criteria and/or there would be no impacts to public access to the coast as a result of the development:**

- (1) The unpermitted dwelling unit is located within one-half mile walking distance of public transit.**
- (2) The unpermitted dwelling unit is located within an architecturally and historically significant historic district and the provision of new parking would impact the historic character.**
- (3) When there is a car share vehicle located within one block of the unpermitted dwelling unit.**

( ORD-21-0002 § 1, 2021)

### 21.66.040 Eligibility.

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

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- 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.

( ORD-21-0002 § 1, 2021)

#### 21.66.060 Review Process.

Site Plan Review shall be required pursuant to Chapter 21.25 of the ~~Municipal~~ **certified Zoning** Code. Existing dwelling units that are eligible for the ~~informal unpermitted~~ dwelling unit amnesty program and are located in the Coastal Zone shall be required to obtain a Local Coastal Development Permit pursuant to ~~LBMC~~ **certified Zoning Code Section 21.25.903**; however, a public hearing for the Local Coastal Development Permit shall not be required, **pursuant to certified Zoning Code Section 21.25.904.B.**

( ORD-21-0002 § 1, 2021)

#### 21.66.070 Appeals.

**Outside the coastal zone, Only applicants may appeal Site Plan Review determinations to the Planning Commission. Within the coastal zone, Local Coastal Development Permit determinations may be appealed by any aggrieved person pursuant to the procedures in Chapter 21.21 and Section 21.25.904 of the certified Zoning Code.**

( ORD-21-0002 § 1, 2021)