

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

OFFICE OF THE CITY ATTORNEY
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411 W. Ocean Boulevard, 9th Floor
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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.

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

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

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

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

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

26 6. For an application to legalize an unpermitted dwelling
27 unit in accordance with the provisions and procedures outlined in Chapter
28 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.

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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.

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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, 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-set 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

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.

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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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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