



Legislation Text

File #: 23-0500, **Version:** 1

Adopt resolution authorizing 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)

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.

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 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.

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.

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Approve recommendation.

CHRISTOPHER KOONTZ, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER