

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802

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ORDINANCE NO. ORD-22-0005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING CHAPTER 21.11, RELATING TO NO NET LOSS OF AFFORDABLE RESIDENTIAL HOUSING UNITS IN THE CITY

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

Section 1. Chapter 21.11 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

Chapter 21.11  
NO NET LOSS

21.11.010 Purpose and Intent.

The purpose of this Chapter is to implement California Senate Bill 330 (SB 330), the "Housing Crisis Act of 2019," as codified in Government Code Section 66300 to insure that the City does not approve a Housing Development Project, as defined herein, that would have the effect of reducing the zoned capacity for housing of the City as it existed on January 1, 2018; or which would result in the demolition of existing housing units unless those units are replaced on at least a one (1) to one (1) ratio; and in the case of exiting low income units, that such units are only demolished if they are replaced, and that certain conditions related to affordability and tenant protections are met. It is the express intent of the City Council that this Chapter remain effective despite the possible expiration of Government

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Code Section 66300.

21.11.020 Definitions.

The following words or phrases shall have the following meanings when used in this Chapter:

- A. "Department" means the Department of Development Services.
- B. "Development Policy, standard or condition" means any of the following:
  - 1. A provision of, or amendment to, the City's General Plan.
  - 2. A provision of, or amendment to, a specific plan.
  - 3. A provision of, or amendment to, a zoning ordinance.
  - 4. A subdivision standard or criterion.
- C. "Housing Development Project" means a use consisting of residential units only; mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use; or transitional or supportive housing projects, or the demolition of any of the foregoing (see California Government Code Section 65589.5).

21.11.030 Applicability.

Except as otherwise specified in this Chapter, the provisions of this Chapter, apply to any of the following Housing Development Projects that submit development applications to the City after January 1, 2021:

- A. New construction of any principal residential building;
- B. A change of a principal residential use to another principal use;

- 1 C. A change in the number of dwelling units;
- 2 D. A land division subject to Title 20 (Subdivisions) of the Long
- 3 Beach Municipal Code; or
- 4 E. Legalization of an existing unpermitted dwelling unit;
- 5 F. Demolition of an unpermitted or otherwise illegal dwelling unit
- 6 that could otherwise be converted into a legal dwelling unit in accordance
- 7 with applicable provisions of the City’s zoning or building regulations.

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9 21.11.040 Exemptions.

10 The following are exempt from the requirements of this Chapter:

- 11 A. New construction of a single-family residence on a lot with no
- 12 other principal uses or structures;
- 13 B. New construction or legalization of accessory dwelling units or
- 14 junior accessory dwelling units;
- 15 C. Conversion to resident ownership of all rented spaces in a
- 16 mobilehome park;
- 17 D. Addition of mobilehome spaces or mobilehomes in a
- 18 mobilehome park;
- 19 E. A lease project wherein two or more residential or commercial
- 20 buildings are constructed and maintained on a parcel of land, and
- 21 apartments, offices, stores or similar space are leased within one or more of
- 22 the buildings, overall control of the land and buildings comprising the project
- 23 being retained by the lessor.

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25 21.11.050 Requirements.

- 26 A. Dwelling units that are proposed to be or have been
- 27 demolished, vacated, or converted from rental to “for-sale,” shall be
- 28 replaced if they are permitted in the zone and are or were any of the

1 following:

2 1. Subject to a recorded covenant that restricts rents to  
3 levels affordable to persons and families of moderate, lower, very low or  
4 extremely low income within the five years prior to application submittal;

5 2. Occupied by lower, very low or extremely low income  
6 tenants within the five years prior to application submittal;

7 3. Withdrawn from rent or lease in accordance with  
8 Chapter 12.75 (commencing with Section 7060) of the California  
9 Government Code within the ten (10) years prior to application submittal.

10 B. The number and type of affordable replacement units shall be  
11 determined as follows:

12 1. The number of affordable replacement units for lower or  
13 very low income households shall be determined in accordance with Section  
14 65915 of the California Government Code, or any successor statute;

15 2. Affordable replacement units for lower or very low  
16 income households shall be provided at the level of affordability determined  
17 in accordance with Section 65915 of the California Government Code, or  
18 any successor statute;

19 3. Affordable replacement units for extremely low income  
20 households shall be provided in at least the same number as existed on the  
21 site within the five years prior to application submittal, or in the same  
22 proportion of extremely low income renter households to all renter  
23 households within the City, as determined by the most recently available  
24 data from the United States Department of Housing and Urban  
25 Development's Comprehensive Housing Affordability Strategy database, if  
26 the income category is unknown for any of the following:

27 a. The current household in occupancy at the time  
28 of application submittal;

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b. The last household in occupancy if a unit is unoccupied at the time of application submittal; or

c. The households at the highpoint of such units that existed in the five-year period preceding application, if the units have been vacated or demolished.

4. At least the same total number of dwelling units and at least the same total number of bedrooms shall be replaced at the same or deeper level of affordability;

5. The required number of affordable replacement units shall not be reduced as the result of the deeper level of affordability of the affordable replacement units;

6. Affordable replacement units affordable to lower, very low or extremely low income households shall be rental dwelling units; and

7. Moderate income units. Units subject to a covenant that restricts rents to levels affordable to moderate income households shall be replaced with units that are affordable to households of moderate income or below moderate income. If they are replaced with units affordable to households of moderate income, the affordable replacement units may be rental or for-sale.

C. Inclusionary Housing or Density Bonus. Affordable replacement units required by this Chapter may count toward any affordable housing set-aside units required in connection with the granting of a density bonus, or the requirements of the City's inclusionary housing zoning regulations, if applicable;

D. Affordable replacement units shall be provided on-site. Replacement units may be provided off-site if (i) the proposed development requiring replacement units does not have a residential component, or (ii) if the City Council determines, based on substantial evidence, that such off-

1 site compliance will provide greater public benefit than would provision of  
2 the replacement units on-site.

3 E. Tenure. Affordable replacement units in a common interest  
4 development or a single-family residential subdivision shall be for-sale only.

5 F. Timing. All permits and entitlements, including the building  
6 permits, for the affordable replacement units shall be obtained prior to, or  
7 concurrently with, the permits and entitlements, including the building  
8 permits, for the non-replacement units.

9 G. Duration of Affordability. The affordability term for  
10 replacement units shall be the longer of (i) fifty-five (55) years from the  
11 issuance of a tentative or final certificate of occupancy for such replacement  
12 units, or (ii) for so long as the subject property which includes such  
13 replacement units is developed for a residential use.

14 H. Covenant and Agreement Required. A covenant and  
15 agreement ensuring the continued availability of affordable replacement  
16 units shall be executed and recorded to the satisfaction of the City Attorney,

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18 21.11.060 Approvals.

19 Notwithstanding any other provision of this Code, and in compliance  
20 with Government Code Section 66300 (regardless of whether such Section  
21 remains effective), where housing is an allowable use, the City shall not  
22 approve any application, project, policy or condition that would result in any  
23 of the following effects:

24 A. Changing the general plan land use designation, specific plan  
25 land use designation, or zoning of a parcel or parcels of property to a less  
26 intensive use or reducing the intensity of land use within an existing general  
27 plan land use designation, specific plan land use designation, or zoning  
28 district below what was allowed for the parcel or parcels and in effect as of

1 January 1, 2018. For the purpose of this Section, “less intensive use”  
2 includes, but is not limited to, reductions to height, density, or floor area  
3 ratio, new or increased open space or lot size requirements, or new or  
4 increased setback requirements, minimum frontage requirements, or  
5 maximum lot coverage limitations, or anything that would lessen the  
6 intensity of housing.

7 B. Imposing a moratorium or other limitation on housing  
8 development, including mixed use developments, unless a finding is  
9 specifically made that said restriction is necessary to protect against an  
10 imminent threat to the health and safety of persons residing in, or within the  
11 immediate vicinity of, the area subject to the moratorium; or for projects  
12 specifically identified as existing restricted affordable housing.

13 C. Notwithstanding the above, nothing in this Chapter shall  
14 prohibit the City from changing a land use designation or zoning ordinance  
15 to a less intensive use if the City concurrently changes the development  
16 standards, policies, and conditions applicable to other parcels within the City  
17 to ensure that there is no net loss in residential capacity.

18 D. This Chapter does not prohibit an the City from changing a  
19 land use designation or zoning ordinance to a less intensive use on a site  
20 that is a mobile-home park, as defined in Section 18214 of the Health and  
21 Safety Code, as of the effective date of this Chapter, and the no net loss  
22 requirement shall not apply.

23 E. This Chapter does not prohibit the City from enacting a  
24 development policy, standard, or condition that is intended to preserve or  
25 facilitate the production of housing for lower income households, as defined  
26 in Section 50079.5 of the Health and Safety Code, or housing types that  
27 traditionally serve lower income households, including mobile-home parks,  
28 single-room occupancy units, or units subject to any form of rent or price

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control through the City's valid exercise of its police power.

Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of February 15, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
Mungo, Saro, Uranga, Austin,  
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

  
City Clerk

  
Mayor

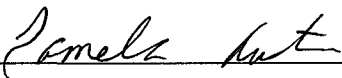
Approved: 2/20/22  
(Date)



AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 17<sup>th</sup> day of February, 2022, I posted three true and correct copies of ORD-22-0005 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
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Subscribed and sworn to before me  
This 17<sup>th</sup> day of February 2022.

  
\_\_\_\_\_  
CITY CLERK