

## NOTICE OF PUBLIC HEARING PLANNING COMMISSION

**Application Number:** 2012-25 (ZCA20-017)

**Application Date:** 12/31/2020

**Project Location:** Citywide

**Project Applicant:** City of Long Beach, Long Beach Development Services

**Approval(s) Requested:** Zoning Code Amendment (ZCA)

**Proposed Project:** The proposed Project consists of changes to the Long Beach Municipal Code (LBMC) that would amend sections 21.25.506 (Findings Required), Chapters 18.15, 18.16, 18.17, and 18.18 related to impact fee waivers for affordable units in mixed-income buildings, and add a new chapter (Chapter 21.68) related to the following: establishing an Enhanced Density Bonus Ordinance to facilitate the development of mixed income multi-family housing Citywide by establishing regulations that offer a density bonus and development concessions in exchange for the provision of on-site, deed-restricted, very low-, low-, or moderate-income housing units. No development projects are proposed at this time.

This Zoning Code Amendment affects the implementing plan of the Local Coastal Program and is subject to certification by the California Coastal Commission.

**Environmental Review:** Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a Negative Declaration (ND) has been prepared for the Project and finds that the Project would not have any potential significant adverse environmental impacts. The ND (08-20) was circulated for a 30-day public review period between May 3, 2021 and June 3, 2021. The Initial Study and ND are on file and are available by visiting the City's Environmental Reports Page at <http://www.longbeach.gov/lbds/planning/environmental/reports/>.

The **Planning Commission** will hear this item at the meeting detailed below:

**Meeting Date:** June 17, 2021

**Meeting Time:** 5:00 pm

**Meeting Place:** The Planning Commission will meet via teleconference pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom. The Civic Chambers will be closed to the Public. Written public comments can be submitted by email at [PlanningCommissioners@longbeach.gov](mailto:PlanningCommissioners@longbeach.gov). For information on how to participate in the meeting, visit: <http://www.longbeach.gov/lbds/planning/commission/>

To view or download the meeting agenda, visit <https://longbeach.legistar.com/>

For more information, contact Cynthia de la Torre, Project Planner, at [cynthia.delatorre@longbeach.gov](mailto:cynthia.delatorre@longbeach.gov) or (562) 570-6559.

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Bureau.

**Written testimony may be submitted to the Planning Commission as follows:**

Planning Commission  
411 West Ocean Blvd, 3<sup>rd</sup> Floor  
Long Beach, CA 90802  
[PlanningCommissioners@longbeach.gov](mailto:PlanningCommissioners@longbeach.gov)

**You are not required to take any action. This is your opportunity to voice your opinion regarding the proposed project.** To establish "aggrieved" status (leading to a right to appeal) you must present oral or written testimony at this hearing; otherwise, you may not appeal this project.

LONG BEACH DEVELOPMENT SERVICES  
**411 W. Ocean Blvd., Third Floor**  
**Long Beach, CA 90802**

*DVPLENTITLE*



CDLT

**OFFICIAL PUBLIC NOTICE**

**Hearing/Meeting Procedures:** The Planning Commission will meet via teleconference pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom. Written public comments can be submitted at [PlanningCommissioners@longbeach.gov](mailto:PlanningCommissioners@longbeach.gov). The Project Planner(s) will present the project. After receiving public written testimony regarding the project, a decision may be rendered.

**Exhaustion of Administrative Remedies and Judicial Review:**

If you challenge this agenda item in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90<sup>th</sup> day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

For more information on appeals to the Cultural Heritage Commission, Coastal Commission, City Planning Commission, and/or the City Council, please visit [www.longbeach.gov/lbds/planning/appeals](http://www.longbeach.gov/lbds/planning/appeals) or call (562) 570-6194.

To request this information in an alternative format or to request a reasonable accommodation, please contact the Development Services Department at [longbeach.gov/lbds](http://longbeach.gov/lbds) and 562.570.3807. A minimum of three business days is requested to ensure availability; attempts will be made to accommodate requests with shorter notice.

# Enhanced Density Bonus

## Major Concepts

This document summarizes the major concepts that comprise the proposed Enhanced Density Bonus (EDB) ordinance. The proposed Enhanced Density Bonus Ordinance would amend Title 21 of the Long Beach Municipal Code to establish regulations to allow for increased density bonuses in excess of those permitted by the State Density Bonus Law (Government Code Section 65915) in exchange for increased levels of on-site, deed-restricted affordable housing, in order to facilitate the development of mixed-income, multi-family housing Citywide, with increased density bonuses and incentives focused in high quality transit areas.

The goal of the EDB ordinance is to increase housing production outside of Downtown, provide an incentive structure adequate of supporting inclusionary housing, and implement Mayor's Study recommendation 1.4 and Everyone Home recommendations 2a and 2e to expand the number of rent-stabilized units in the City.

Residential properties on which five (5) or more housing units can be built based on the zoning code and site area are eligible to apply for the EDB for the base area. There are two additional geographic tiers where higher quality transit is available, as defined by State law. These transit priority areas are called Major Transit Stop and High Quality Transit Corridor. A map that illustrates these areas is attached.

### Definitions

**Major Transit Stop:** a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods, as defined by California Public Resources Code 21064.3. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP).

**High Quality Transit Bus Corridor:** A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, as defined by California Public Resources Code 21155.

### Procedures

An applicant may request use of the EDB ordinance provision or the Government Code 65915 State Density Bonus but may not utilize both programs.

#### *Deed-restricted affordable units*

The affordable units shall be deed-restricted for a minimum of 55 years.

#### *Approval Process:*

All EDB projects must undergo Site Plan Review.

*Total Bonus and Concession Maximums:*

Total density bonus pursuant to EDB shall not exceed 100%. Total number of EDB concessions shall not exceed nine (9).

*No-net-loss requirements for EDB projects:*

EDB projects will be subject to no-net-loss provisions that exceed the State requirements and include requirements for replacement of existing affordable units, in addition to the Density Bonus minimum affordable housing requirements. The number and affordability levels of the replacement units required shall be determined by the number of units on the site that are affordable to lower-income households whether or not the household in the unit was lower-income. The policy goal is to stabilize the amount of 'naturally occurring' affordable housing regardless of the incomes of the households who resided within them. That way all projects would result in a net increase in units with affordable rents.

Documentation to establish current rent and affordability levels of previously existing units on a site shall be provided and shall include evidence of rents charged over the preceding five years. Rent levels will be compared to average median income (AMI) to establish the units' affordability levels. The requirement to provide rents for the last five years applies retroactively to demolished units. Upon the effective date of this ordinance, no demolition permits shall be issued for multifamily development consisting of five or more dwelling units until the aforementioned documentation is provided and an application is submitted to the City for a project that incorporates both replacement and density bonus units.

*Rounding and Calculations:*

All calculations for affordable requirements and bonuses granted shall be rounded up to the next whole number.

**Density Bonus Eligibility and Percentages**

The tables below clarify the percentage of affordable units in a proposed EDB project and the eligible density bonus that can be attained based on level of affordability for each of three geographic tiers, the Base Area, High Quality Transit Corridors, and Major Transit Stops, as defined above.

*Base Area*

Affordable Component	Bonus for VLI	Bonus for LI	Bonus for Mod
3 (*)	15	3	
4 (*)	20	4	
5	25	5	
6	30	10	6
7	35	15	7
8	40	20	8
9	45	25	9
10	50	30	10
11	55	35	15
12	60	40	20
13	65	45	25

14	70	50	30
15		55	35
16		60	40
17		65	45
18		70	50
19			55
20			60
21			65
22			70
23			
24			
25			
26			
27			
28			

(\*) use of 3% and 4% affordability component only permissible when total affordable across multiple restricted income levels equals or exceeds 12%. For example, an applicant may propose 3% Very Low Income (VLI) in the base area and be eligible for a 15% density bonus; however, the 3% can only be used in conjunction with one or more affordable components that total a minimum of 12% affordable units in a project.

*High Quality Transit Corridors*

Affordable Component	Bonus for VLI	Bonus for LI	Bonus for Mod
3 (*)	20	5	
4 (*)	25	10	
5	30	15	
6	35	20	6
7	40	25	7
8	45	30	10
9	50	35	15
10	55	40	20
11	60	45	25
12	65	50	30
13	70	55	35
14	75	60	40
15	80	65	45
16	85	70	50
17	90	75	55
18		80	60
19		85	65
20		90	70
21			75
22			80
23			85
24			90

(\*) use of 3% and 4% affordable components only permissible when total affordable across multiple restricted income levels equals or exceeds 12%. For example, an applicant may propose 3% Very Low Income (VLI) in the High Quality Transit Corridor and be eligible for a 20% density bonus; however, the 3% can only be used in conjunction with one or more affordable components that total a minimum of 12% affordable units in a project.

*Major Transit Stop*

Affordable Component	Bonus for VLI	Bonus for LI	Bonus for Mod
3 (*)	35	15	
4 (*)	40	20	
5	45	25	6
6	50	30	10
7	55	35	15
8	60	40	20
9	65	45	25
10	70	50	30
11	75	55	35
12	80	60	40
13	85	65	45
14	90	70	50
15	95	75	55
16	100	80	60
17		85	65
18		90	70
19		95	75
20		100	80
21			85
22			90
23			95
24			100

(\*) use of 3% and 4% affordable components only permissible when total affordable across multiple restricted income levels equals or exceeds 12%. For example, an applicant may propose 3% Very Low Income (VLI) in a Major Transit Stop eligibility area and be eligible for a 35% density bonus; however, the 3% can only be used in conjunction with one or more affordable components that total a minimum of 12% affordable units in a project.

**Concessions**

*Number of Concessions (for Non-Inclusionary Projects)*

The following table will determine how many concessions a project is eligible for based on the percent density bonus a project qualifies for (*see above, Density Bonus Eligibility and Percentages*).

Concession	Eligible Density Bonus
1	20
2	30
3	40
4	50
5	60

6	70
7	80
8	90
9	100

*Number of Concessions for Inclusionary Projects*

For projects that are subject to the [Inclusionary Housing Requirements of Section 21.67](#) of the Long Beach Municipal Code, including projects in Downtown (PD-30) and Midtown (SP-1), the following table shall be used to calculate the number of concessions a project is eligible for.

% of VLI units (2021)	% of VLI units (2022)	% of VLI units (2023 and beyond)	# of Concessions
5%	6%	11% or more per Inclusionary Housing Requirement	2 (up to one story of height*)
9%	10%	15% – 19%	3 (up to two stories of height*)
13%	14%	20%	5 (Allows up to three stories of height concession*)
17%	18%	25%	6

\* Any height increases on a lot sharing a lot line or across an alley from a R1 or R2 zone, occupied by a single-family home or duplex, shall step-back any height increase over 12 feet at least 10 feet from the exterior face of the ground floor of the building face.

**Eligible Concessions**

The following are the eligible concessions that an EDB project may request based on the number of concessions the project is eligible per the concession tables above.

*On-Menu Concessions:*

- Floor area ratio (FAR) increase of 40% per concession;
- 15% Reduction in non-residential parking per concession;
- 30% Reduction in open-space per concession;
- Allowance for all shared/public (in lieu of private) open space;
- Averaging of FAR, Density, Parking, Open Space or Access across zones (one incentive per regulation averaged);
- 15% Reduction in transitional height requirements;
- 30% Reduction in an individual setback per concession (Maximum one incentive per side or front yard, maximum of two incentive on the rear yard).

*On-Menu Height Concessions (except for projects subject to Inclusionary Housing Requirements, see Concessions Calculations for Inclusionary Projects table above):*



- 1 Story Per Incentive (story shall not exceed 12-feet);
- Max 2-Story increase in Base Area, 3-Stories in Major Transit Stop and HQTC areas;
  - Any height increases on a lot sharing a lot line or across an alley from a R1 or R2 zone, occupied by a single-family home or duplex, shall step-back any height increase over 12 feet at least 10 feet from the exterior face of the ground floor of the building face.

*Off-Menu Height Concessions:*

Applicant may request an off-menu incentive. Each off-menu incentive shall count double (40% bonus required) and shall be reviewed by the Planning Commission based on the physical necessity of the incentive for the provision of the affordable units. No concessions related to signage shall be granted.

**Special Bonuses for Large Units and Childcare**

*Additional 20% Bonuses for Large/Family Units*

Projects with large/family units, as stipulated below, are eligible for additional density bonuses. Projects must contain affordable units and mix of affordable units must include some proportion of the large units. Bonuses are additive; however, total incentives cannot exceed nine (9).

- More than 25% 2-bedroom units of 970 sq ft or larger
- More than 5% 3-bedroom units of 1140 sq ft or larger

*On-site Childcare Facilities*

Projects with affordable units that equal or exceed 12% that also provide an on-site childcare facility are exempt from floor area ratio (FAR) and parking calculations. Such projects are also eligible for one additional on-menu incentive.

**Parking Requirements**

*Parking* – EDB projects shall be subject to the parking provisions in the State Density Bonus Law or the lesser of either the parking requirements in Chapter 21.41 of the Zoning Code or the table below:

0-1 Bedrooms	0.75 space/unit
2 Bedrooms	1.00 space/unit
3 Bedrooms	1.25 space/unit
Guest Parking	1 space / 8 units
Commercial Parking	First 6,000 square feet exempt; zoning code parking requirements apply beyond 6,000 square feet

EDB projects comprised of 100% affordable units shall not be required to provide on-site parking.

## **Administrative Provisions**

### *Related Impact Fee Adjustments:*

An EDB project's very low, low, and moderate affordable units would be eligible for waivers from specified development fees, such as parks and recreation and transportation development fees.

### *Sunset Clause*

The EDB ordinance shall sunset if any of these conditions are met:

- On October 1, 2030 unless extended by City Council
- The City fulfills its 6<sup>th</sup> Cycle RHNA requirements for Very Low, Low and Moderate-Income Units