Enhanced Density Bonus Zoning Code Amendment

CHAPTER 21.15 – DEFINITIONS

21.15.235 - Area Median Income.

"Area Median Income" means the annual median income for Los Angeles County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the City in the event that such median income figures are no longer published periodically in the California Code of Regulations.

21.15.615 – Concession.

See “Incentive.”

21.15.760 - Density.

"Density" means the existing or projected number of rooms or dwelling units per unit of land. Density shall be quantified using dwelling units per acre.

21.15.765 – Density, Base

“Density, Base,” “Base Density,” and “Density, Residential,” and “Residential Density” means the maximum dwelling-unit-per-acre for a parcel(s) as permitted by the General Plan land use element, zoning ordinance, specific plan or planned development district, whichever is greater. If a range of density is permitted, base density means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project.

21.15.770 ~~–~~ Density, Residential ~~transfer~~.

See “Density, Base” ~~"Density transfer" means permitting unused allowable densities in one area to be transferred to another area. Where density transfer is permitted, the average density over an area remains constant, but internal variations may occur.~~

21.15.772 – Density Bonus

“Density Bonus” means a percent increase over the otherwise maximum gross residential density, as defined in Section 21.15.765. The amount of density increase to which the project is afforded shall vary according to the percentage and type of affordable dwelling units included in the residential development.

21.15.774 – Density Bonus Unit

“Density Bonus Unit” means dwelling units approved in a residential development pursuant to California Government Code Section 65915 et seq.,~~,~~ Chapter 21.63 of the Long Beach Municipal Code, or Chapter 21.68 of the Long Beach Municipal Code which are in excess of the maximum allowable residential density otherwise permitted by the City.

21.15.1390 – Household, extremely low-income

"Extremely Low-Income household" means households whose income does not exceed ~~eighty~~thirty percent (30%) of the area median income as published annually by the California State Department of

Housing and Community Development (HCD), adjusted for the actual number of persons in the household.

~~21.15.1395 - Household pet.~~

~~See "Pet, household".~~

21.15.1400 ~~—~~ Household, low-income~~Housing Authority~~.

~~"Housing Authority" means the Housing Authority of the City, a public body functioning pursuant to the Housing Authorities Law of the State.~~"Low-Income Households" means households whose income does not exceed eighty percent (80%) of the area median income as published annually by the California State Department of Housing and Community Development (HCD), adjusted for the actual number of persons in the household

21.15.1410 ~~—~~ Household, moderate income~~Housing, low cost~~.

~~"Low cost housing" means:~~

~~A. Housing renting for a monthly rent of not more than thirty percent (30%) of the total monthly household income of low-income households (defined to be a household earning less than eighty percent (80%) of the County median income); or~~
~~B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a low-income household.~~

"Moderate Income Households" means households whose income does not exceed one hundred twenty percent (120%) of the area median income as published annually by the California State Department of Housing and Community Development (HCD), adjusted for the actual number of persons in the household.

21.15.1420 ~~—~~ Household, very low-income~~Housing, moderate cost~~.

~~"Moderate cost housing" means:~~

~~A. Housing renting for a monthly rental of not more than thirty percent (30%) of monthly household income of a moderate income household (defined to be a household earning not more than one hundred twenty percent (120%) of the County median income); or~~
~~B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a moderate income household.~~

"Very Low-Income Household" means households whose income does not exceed 50 percent (50%) of the area median income as published annually by the California State Department of Housing and Community Development (HCD), adjusted for the actual number of persons in the household.

21.15.1430 ~~—~~ Household Pet~~Housing, very low cost~~.

~~"Very low cost housing" means:~~

~~A. Housing renting for a monthly rental of not more than thirty percent (30%) of monthly household income of a very low-income household (defined to be a household earning not more than fifty percent (50%) of the County median income); or~~

B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a very low-income household, adjusted for family size.

See "Pet, household".

21.15.1435 - Housing Authority.

"Housing Authority" means the Housing Authority of the City, a public body functioning pursuant to the Housing Authorities Law of the State.

21.15.1445 – Incentive

“Incentive” or “Concession” means a modification or elimination in development standards or objective design standards that results in identifiable and actual cost reductions. An incentive or concession may not be used to reduce minimum life safety standards, building standards approved by the California Building Standards Commission, or the Long Beach Building Standards Code.

21.15.1450 - Incentive zoning.

"Incentive zoning" means a system under which a property developer is granted an increase in permitted density in exchange for providing low and moderate income housing pursuant to Section 65915 et seq. of the California Government Code.

21.15.1452 – Inclusionary Housing Project.

“Inclusionary Project” means a qualifying project subject to the inclusionary housing requirements of Chapter 21.67 of the Long Beach Municipal Code.

21.15.1454 – Inclusionary Housing Unit.

“Inclusionary Housing Unit” means a dwelling unit required by Chapter 21.67 to be affordable to very low-, low- or moderate-income households, as applicable, and subject to an inclusionary housing regulatory agreement.

21.15.3265 – Waiver.

“Waiver” means a reduction or removal of a development standards that otherwise physically precludes construction of a development project with density bonus and/or incentive(s) granted. Waivers may not reduce minimum life safety standards, building standards approved by the California Building Standards Commission, or the Long Beach Building Standards Code.

CHAPTER 21.68 - ENHANCED DENSITY BONUS

21.68.010 - Purpose.

The purpose of this Chapter is to create an Enhanced Density Bonus (EDB) incentive program to facilitate the development of mixed-income, multi-family, and special needs housing Citywide. The provisions of this Chapter are adopted to assist the City in meeting the need for additional housing as documented in the City’s its Regional Housing Needs Allocation (RHNA); support inclusionary housing in the City; and implement the programs of the Housing Element of the City's General Plan.

The purpose of this Chapter is to create an Enhanced Density Bonus (EDB) incentive program that exceeds and enhances those bonuses and incentives currently provided under the State Density Bonus Law (Government Code Section 65915) that could be utilized by qualifying projects in lieu of, but not in addition to, the State Density Bonus law provisions, in order to facilitate the development of mixed-

~~income, multi-family and special needs housing Citywide, with increased density bonuses and incentives focused in high quality transit areas. The provisions of this Chapter are adopted in order to assist the City in meeting its Regional Housing Needs Assessment (RHNA) requirement through 2029; support inclusionary housing in the City; and implement the goals and objectives of the City's "Everyone Home" program as well as the Land Use Element of the City's General Plan, in order to augment and produce sufficient levels of market-rate and affordable housing across a variety of housing types to meet the demonstrated housing need of the City.~~

~~**21.68.020 - Definitions.**~~

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

~~B. Inclusionary Unit or Inclusionary Housing Projects: a dwelling unit/project required to be affordable to very low or moderate-income households and subject to an inclusionary housing regulatory agreement in areas subject to Inclusionary Housing Requirements outside of the coastal zone.~~

~~C. Major Transit Stop: A site or location containing a rail station or the intersection of two (2) or more public bus routes with a service interval of fifteen (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).~~

~~D. Qualifying Project: A residential or mixed-use project that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum requirements to satisfy the Enhanced Density Bonus Incentives and as set forth in this Chapter. A qualifying project must be proposed on an eligible parcel, and meet or exceed the income thresholds as defined below.~~

~~1. Very Low-Income Households as defined in Section 50105 of the California Health and Safety Code.~~

~~2. Low Income Households as defined in Section 50093 of the California Health and Safety Code.~~

~~3. Moderate Income Households as defined in Section 50093 of the California Health and Safety Code.~~

21.68.0<u>2</u>~~3~~0 - Eligible ~~parcels~~<u>Parcels and Qualifying Housing Projects</u>.

<u>A. Eligible parcels:</u> Parcels in the City may be eligible for an Enhanced Density Bonus where any residential uses, including live/work units, are permitted either by the zoning district or the General Plan Place Type designation; and where five (5) or more housing units could be built ~~without a bonus~~, based on the allowable densities and site size.

<u>B. Qualifying Project: In order to qualify for the density bonus and development benefits outlined in this Chapter, a housing development project (project), including a shared housing building development or mixed-use development, must be on an eligible parcel and achieve at least one or more of the following:</u>

<u>1. Provide a community benefit outlined in the special bonuses section 21.68.080 of this Chapter.</u>

<u>2. Provide on-site restricted affordable units which meet or exceed the income thresholds defined in Chapter 21.15 of the Zoning Regulations for any of the following household income levels:</u>

<u>a. Extremely Low-Income Households</u>

<u>b. Very Low-Income Households</u>

<u>c. Low-~~-~~Income Households~~.~~</u>

<u>d. Moderate Income Households.</u>

21.68.0340 - Procedures.

A. Residential Density (Base Density): Applicants shall first determine residential density consistent with Section 21.15.765. If a dwelling-units-per-acre density is not available, the applicant may prepare and submit an analysis of the units that could be developed based on the site based on the objective development standards, average unit size and other project details relevant to the base density.

B. The provisions of this Chapter provide alternative benefits to those optional bonuses and incentives given by the State for multifamily housing projects which include affordable units. Benefits under this Chapter are voluntary and can be utilized by qualifying projects instead of, but not in addition to, the State's Density Bonus Law (Government Code Section 65915) or the State's Transit-Oriented Development law (Government Code Section 65912.155 through 65912.162). Applicants ~~with qualifying projects and parcels~~ may not request use of this~~e EDB~~ Chapter's provisions and procedures, to be additive to~~or the~~ State Density Bonus law ~~provisions and procedures (Government Code 65915)~~or State Transit-Oriented Development law ~~, but may not utilize both programs~~ in order to increase density or otherwise qualify for project incentives or waivers.

C. ~~Neither t~~The provisions of this ~~e EDB~~ Chapter ~~provisions nor State Density Bonus Law supersede, or in~~ shall not in any way alter or lessen the effect or application of~~,~~ the Coastal Act and the Local Coastal Program (LCP). For developments within the coastal zone, projects approved under this Chapter must be consistent with the policies of the LCP. In any case of conflict between the application of this Chapter and the policies of the LCP, the policies of the LCP shall take precedence over this Chapter. ~~Any incentives, concessions, waivers, and/or density bonuses applied to proposed projects via application of State Density Bonus Law shall only be allowed if coastal resources are protected as required by the Coastal Act and the LCP.~~

D. Inclusionary Housing:

1. All EDB projects which are also subject to the provisions of Chapter 21.67 of the Long Beach Municipal Code, shall abide by the required procedures, including those outlined in Section 21.67.090 - Application and Review Procedures.
2. Inclusionary Housing which provide on-site affordable housing units per Section 21.67.050 - qualify for the density bonus provisions of Table 21.68-1 Affordable Housing Set-Aside and Density Bonus.
3. Inclusionary Housing Projects which utilize Section 21.67 shall not consider the in-lieu fees ~~,~~or land dedication methods as satisfying the affordability requirements of the density bonus provisions of this Chapter.
4. The utilization of a density bonus in this Chapter shall not in any way lessen or absolve a ~~EDB~~ project of the inclusionary requirements of Chapter 21.67 of the Long Beach Municipal Code.
5. Calculations of the number of Inclusionary Units required by Section 21.67 shall be based on the number of dwelling units in the residential development, excluding any density bonus units. The presence of density bonus units alone shall not trigger the requirements of Inclusionary Housing if the project was not otherwise subject to the provisions of Section 21.67.

All deed-restricted affordable units approved utilizing the provisions of this Chapter shall remain affordable according to the targeted income group for the longer of: (i) a period of fifty-five (55) years from the date of issuance of a tentative or final Certificate of Occupancy for such density bonus units, or (ii) for so long as the subject property, which includes such density bonus units, is developed ~~for~~as a residential use. ~~be deed restricted for a minimum of fifty-five (55) years.~~

~~C. All projects utilizing the provisions of this Chapter are required to undergo Site Plan Review (SPR) in accordance with the provisions set forth in Chapter 21.25.~~

~~D. No density bonus granted in accordance with the provisions of this Chapter shall exceed one hundred (100) percent; and the total number of additional incentives/concessions shall not exceed six~~nine ~~(6~~9~~), and shall not exceed six (6) incentives/concessions for projects that are also subject to the City's Inclusionary Housing Ordinance (Chapter 21.67).~~

E. ~~No-Net-Loss~~Replacement and Relocation Requirements.

1. All projects utilizing the provisions of this Chapter are~~shall be~~ subject to ~~"no-net-loss"~~replacement and relocation provisions ~~that exceed~~for State and City mandated requirements and regulations, when applicable.

2. Units which are required to be replaced per this subsection do not count toward ~~an~~the ~~d shall include the replacement of any affordable units lost as a result of the approval or construction of the project on a one-for-one basis, in addition to the minimum~~ number of affordable units required by this Chapter~~.~~ and must be included in the project regardless of the density bonus, special bonus, concessions or waivers granted to the project~~(as calculated as a percentage of the total base units)~~.

3. ~~-~~Existing units shall be ~~deemed affordable and~~ subject to the replacement requirement if either the income of the household qualifies as low~~-~~income at the low, very low or extremely ~~low income~~low-income levels or if the rent level, regardless of household income, is affordable to low, very low or extremely ~~low income~~low-income households. The number and affordability levels of the replacement units to be provided shall be determined by both the income level of the household and the rent level of the unit regardless of household income.

4. Applicants shall provide evidence/documentation to the satisfaction of the Director of Community Development ~~Services~~, or designee, ~~in order~~ to establish the rent and affordability levels of all individual dwelling units that will, or may, be removed as a result of a proposed ~~EDB~~ project. Such documentation~~/evidence~~ shall include an accounting of all rents charged for the individual units over the preceding five (5) years. Rent levels will be compared to Average Median Income (AMI) to establish the units' affordability levels. The requirement to provide an accounting of rents for the preceding five (5) years applies retroactively to any units that may have been demolished or vacated within the five (5) year period preceding the application. No demolition or construction permits shall be issued for multifamily developments consisting of five (5) or more residential dwelling units until the required documentation is provided and approved; and an application is submitted to the City that incorporates both replacement and density bonus units for the proposed ~~EDB~~ project.

F. Calculating density bonus units.

1. ~~1.~~ Density Bonus shall be calculated as a percent increase in the number of units beyond the base residential density allowed on the parcel(s).

2. ~~2.~~ Rounding and calculations. Each component of any density calculation, including residential ~~base~~ density, bonus density, ~~All calculations for affordable housing requirements, bonuses~~ and/or incentives resulting in fractional units shall be separately rounded up to the next whole number.

G. Affordable unit type, size, mix and location.

1. Affordable units shall be evenly distributed throughout the project and shall have equal access to all on-site amenities.

2. Affordable units shall be generally reflective of the mix of unit type, unit sizes and number of bedrooms per unit of the overall project, ~~-~~and shall be comparable to ~~market-rate~~the highest household income level units in the project in terms of design, in-unit amenities, and exterior and interior finishes.

H. Timing of Construction of Inclusionary Units.

1. All affordable units shall be made available for occupancy prior to, or concurrently with, the market-rate units.

2. The affordable units may be constructed in phases if the market-rate units are constructed in phases, provided that the percentage of affordable units developed in each phase shall be equivalent to or greater than the total percentage of affordable units to be developed as part of the residential development until such time that all the affordable units have been built.

21.68.045~~5~~0 - Density bonus ~~eligibility and percentages~~and concessions for affordable units.

A. Table 21.68-1 ~~The Tables set forth in this Section~~ establishes an affordable component and the corresponding ~~the percentage of affordable units in a proposed EDB project and the eligible~~ density bonus and concessions that can be granted based on ~~the level of affordability~~the affordable component ~~for each of three (3) geographic tiers: (1) the Base Area; (2) High Quality Transit Corridors; and (3) Major Transit Stops, as defined above.~~. The affordable component is the percentage of affordable units in a qualifying project, before density bonus.

B. Projects may include affordable components in excess of Table 21.68-1, however, density bonuses awarded for affordable components shall not exceed one hundred percent (100%) and concessions awarded for affordable components shall not exceed six (6).

C. In situations where a project proposes a two or more types of affordable components from Table 21.68-1 (i.e., Very Low-Income and Moderate Income), bonuses and concessions are awarded cumulatively. However, density bonuses awarded for affordable units shall not exceed one hundred percent (100%) and concessions awarded for affordable units shall not exceed six (6).

D. Density bonuses and concessions awarded for affordable units may be awarded independently or in addition to the density bonus and concessions awarded through Special Bonuses in Section 21.68.085~~5~~0 of this Chapter.

E. Projects which receive density bonuses gained through an affordable component and -special bonus, outlined in 21.68.080, may exceed one hundred percent (100%).

Table 21.68-1
~~Base Area~~

~~Affordable Component~~	~~Bonus for Very Low Income (VLI)~~	~~Bonus for Low Income (LI)~~	~~Bonus for Moderate (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

Footnote (*): Use of 3% and 4% affordability components only permissible when the total number of affordable units across multiple restricted income levels equals or exceeds 12% of all units. 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 other affordable components that total a minimum of 12% affordable units in a project.

Table 21.68-2
High Quality Transit Corridors

Affordable Component	**Bonus for Very Low Income (VLI)**	**Bonus for Low Income (LI)**	**Bonus for Moderate Income (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

Footnote (*): Use of 3% and 4% affordable components only permissible when the total number of affordable units across multiple restricted income levels equals or exceeds 12% of all units. 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 other affordable components that total a minimum of 12% affordable units in a project.

~~Table 21.68-3~~
~~Major Transit Stop~~

~~Affordable Component~~	~~Bonus for Very Low Income (VLI)~~	~~Bonus for Low Income (LI)~~	~~Bonus for Moderate Income (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~~

~~Footnote (*): Use of 3% and 4% affordable components only permissible when the total number of affordable units across multiple restricted income levels equals or exceeds 12% of all units. 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 other affordable components that total a minimum of 12% affordable units in a project.~~

Affordable Housing Set-Aside, Density Bonus and Concessions

Affordable Component				Benefits to Project[1, 2]	
Extremely Low - Income	Very Low - Income	Low--Income	Moderate Income[3]	Density Bonus	Incentive/ Concessions
-	-	1%	5 %	5 %	1
-	-	2 %	6 %	10 %	1
-	1%	3 %	7 %	15 %	1
-	2 %	4 %	8 %	20 %	1
1%	3%	5 %	9 %	25 %	2
2 %	4%	6 %	10 %	30 %	2
3 %	5%	7 %	11 %	35 %	2
4 %	6%	8 %	12 %	40 %	2
5 %	7 %	9%	13%	45 %	3
6 %	8%	10 %	14 %	50 %	3
7%	9 %	11 %	15 %	55 %	3
8 %	10 %	12 %	16 %	60 %	3
9 %	11 %	13 %	17 %	65 %	4
10 %	12%	14 %	18 %	70 %	4
11%	13 %	15 %	19 %	75 %	4
12 %	14 %	16 %	20 %	80 %	4
13 %	15 %	17 %	21 %	85 %	5
14 %	16 %	18 %	22 %	90 %	5
15 %	17 %	19 %	23 %	95 %	5
16 %	18 %	20 %	24 %	100 %	6

1 See also 21.68.070 – Waivers.
2 For-sale projects that comply with the affordability requirements of Table 21.67-2 of the Citywide Inclusionary Housing Ordinance will be eligible to receive concessions and waivers commensurate with the affordable unit set-aside amount of moderate-income units
3 For-sale projects that comply with the affordability requirements of Table 21.67-2 of the Citywide Inclusionary Housing Ordinance will be eligible to receive concessions and waivers commensurate with the affordable unit set-aside amount of moderate-income units.

21.68.0560 - Eligible concessions/incentives ~~for EDB projects that are not inclusionary housing projects ("Non-Inclusionary Projects").~~

~~The following Table shall determine how many incentives/concessions a "Non-Inclusionary Project" may be eligible for, based on the percent density bonus a project has qualified for. (See above, Density Bonus Eligibility and Percentages.)~~

A. The terms “incentives” and “concessions”, as defined in section 21.15.1445, are used interchangeably.

B. A concession or incentive~~s s~~ allows applicants to reduce or bypass one (1)~~various~~ ~~l~~development ~~and~~or zoning code requirement~~s~~ that results in identifiable and actual cost reductions for the project.

C. The City will grant the concessions~~incentive~~(s) requested unless ~~there is~~evidence~~a~~ny of the following occur:

a. The ~~incentive~~concession does not result in identifiable and actual cost reductions to provide for affordable housing costs for the rents targeted;

b. The concession is contrary to State or Federal law;

c. The concession would have a specific, adverse impact for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact:

i. Upon health or safety; or

ii. On property listed in the California Register of Historical Resources, or City of Long Beach landmarks.

D. Concessions may be awarded to a project through:

a. The affordability component as determined in Table 21.68-1 Affordable Housing Set-Aside, Density Bonus and Concessions; and/or

b. Special bonuses outlined in 21.68.080

E. The total number of concessions awarded to a project shall not exceed six (6).

F. Concessions cannot modify or lessen the inclusionary requirements found in Chapter 21.67 of the Long Beach Municipal Code or grant density bonuses beyond those already awarded to an project under Table 21.68-1 or special bonuses outlined in 21.68.080.

G. Provisions for Height Concessions.

a. An additional story shall not exceed twelve (12) feet.~~t;~~

b. The first additional story in height requires one (1) concession, and each additional story in height requires two (2) concessions.

c. Projects are limited to a maximum height concession of three (3) stories, thirty-six (36) feet.~~.~~

d. For projects that are not 100% affordable, ~~A~~any height increases in excess of one (1) story, or twelve (12) feet, shall be subject to review and approval by the Planning Commission based on the physical necessity of the incentive for the provision of the affordable units.

e. Any height increases ~~over~~ in excess of one (1) story, twelve (12) feet, on a lot sharing a lot line or across an alley from an R-1 or R-2 zoned property shall step-back additional building height at least ten (10) feet from the exterior of the ground floor of the building face adjacent to the residentially zoned property.

f. The above procedures for requesting increases in height by concession are not modifiable, including through the use of an additional concession.

~~Table 21.68-4~~
~~Maximum Number of Concessions for Non-Inclusionary Projects~~

~~Concession~~	~~Eligible Density Bonus~~
~~1~~	~~20~~
~~2~~	~~30~~
~~3~~	~~40~~
~~4~~	~~50~~
~~5~~	~~60~~
~~6~~	~~70~~
~~7~~	~~80~~
~~8~~	~~90~~
~~9~~	~~100~~

~~Note: For EDB projects that are inclusionary housing projects, the following Table shall be used to calculate the number of incentives/concessions a project is eligible for. In the Downtown (PD-30) and Midtown (SP-1) areas, incentives/concessions shall be based on the total percent density bonus a project qualifies for (see above, Density Bonus Eligibility and Percentages).~~

~~Table 21.68-5~~
~~Maximum Number of Concessions for Inclusionary Housing Projects~~

~~Total # Concessions~~	~~Eligible Density Bonus (2023 and beyond)~~	~~Maximum Concession for Height~~	~~Eligible Density Bonus (2022)~~	~~Maximum Concession for Height*~~	~~Eligible Density Bonus (2021)~~	~~Maximum Concession for Height*~~
~~3~~	~~70~~	~~1 story~~	~~50~~	~~1 story~~	~~40~~	~~1 story~~
~~4~~	~~80~~		~~70~~		~~60~~	

5	90	2 stories	90	2 stories	80	2 stories
6	100	3 stories	100	3 stories	100	3 stories

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

21.68.0670 - WaiversTypes of eligible concessions/incentives.

A. The following are the by-right "on-menu" concessions/incentives that an EDB project may request based on the number of concessions/incentives a project is eligible for per the concessions/incentive Tables set forth above. In the coastal zone, concessions/incentives including but not limited to parking and open space concessions/incentives shall only be authorized or allowed by-right if there will be no significant adverse impacts to coastal resources, including but not limited to public access and environmentally sensitive habitat area, and if found consistent with the resource protection policies of the certified LCP.

1. A floor area ratio (FAR) increase of forty (40) percent per concession;

2. A fifteen (15) percent reduction in non-residential parking per concession;

3. A thirty (30) percent reduction in open space per concession;

4. An allowance for all shared/public (in lieu of private) open space;

5. An averaging of floor area ratio (FAR), density, parking, open space or access across zones (one (1) incentive per development standard averaged);

6. A fifteen (15) percent reduction in transitional height requirements;

7. A thirty (30) percent reduction in an individual setback per concession (maximum one (1) incentive per side or front yard with a maximum of two (2) incentives on the rear yard);

8. A maximum of one (1) additional story in height in the Base and HQTC areas and a maximum of three (3) additional stories in height in the Major Transit Stop area.

B. In addition to the above "on-menu" concessions/incentives, an Applicant may propose or request a concession/incentive, not otherwise listed herein, that will be considered "off-menu." Each such concession proposed or requested shall count as two (2) concessions and shall be subject to review and approval by the Planning Commission based on the physical necessity of the incentive for the provision of the affordable units. Only projects eligible for a minimum of forty (40) percent density bonus may seek an off-menu concession/incentive. No concessions related to signage shall be granted.

C. Height Concessions.

1. A story shall not exceed twelve (12) feet;

2. Each additional story in height counts as one (1) incentive, except that any additional stories in height above one (1) in the Base and HQTC areas shall count as two (2) incentives;

3. Maximum Height Concessions. Projects are limited to a maximum height concession of two (2) stories in the Base area and three (3) stories in the HQTC area. Additional height above one (1) story in both the Base and HQTC areas is considered "off-menu" and is subject to the provisions of 21.68.070.B.

~~4. Any height increases on a lot sharing a lot line or across an alley from an R1 or R2 zoned property occupied by a single-family home or duplex shall step-back any height increase over twelve (12) feet at least ten (10) feet from the exterior of the ground floor of the building face.~~

A. If a proposed project conforms to the allowed densities using base zoning and density bonus, but the other development standards required in this zoning code would have the effect of physically precluding the number of units proposed, the applicant can request to waive these specific development standards. The City can deny the requested waiver only if one or more of the following applies:

1. The waiver is contrary to State or Federal law.
2. The waiver would have a specific, adverse impact for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact
   a. Upon health or safety; or
   b. On property listed in the California Register of Historical Resources, or City of Long Beach landmarks.

B. Waivers can be granted only from the City's zoning regulations, not applicable building code, life safety standards or other City,- State or Federal regulations.

C. The project application must include the density bonus units for which the development standards waiver is requested.

D.- The applicant must identify the requested waivers in the ~~EDB~~ project application and demonstrate how these development standard(s) would preclude construction of the project with the additional density.

21.68.07~~8~~0 - Special bonuses ~~for large units and on-site childcare~~.

A. Special Bonus Provisions

1. Special bonuses are awarded for qualifying projects which provide one or more community benefits outlined in in Subsection B of this Section.
2. Special bonuses are awarded in the form of:
   a. Density bonuses; and
   b. Concessions.
3. Density bonuses and concessions awarded for special bonuses are cumulative and may be awarded independently or in addition to the density bonus provided in Table 21.68-1.
4. Multiple special bonuses may be applied to a project with each special bonus providing up to a maximum twenty percent (20%) density bonus and one (1) concession.
5. Utilization of each special bonus shall result in a twenty percent (20%) density bonus, which may exceed one hundred percent (100%) density bonus.
6. A project receiving density bonus outlined in Table 68-1 which also provides special bonuses may result in a combined density bonus exceeding one hundred percent (100%), but never to exceed one hundred and twenty percent (120%).-
7. Utilization of each special bonus shall result in one (1) concession, not to exceed a total of six (6) concessions for the entire project.

8. A project receiving density bonus outlined in Table 68-1 which also achieves special bonuses may result in combined concessions, not to exceed a total of six (6) concessions for the entire project.

B. The following qualifying projects are eligible for special bonuses and the associated benefits outlined in section 21.68.080.A:

1. Projects which provide~~with~~ large/family units[4] in either of the following formats: ~~are eligible for additional density bonuses up to an additional twenty (20) percent. however, total bonuseEligible projects must provide affordable units, and mix of affordable units must include some proportion of the large units:~~

   a. ~~1.~~ More than twenty-five (25) percent of an project's total units are comprised of two (2) bedroom units of at least nine hundred seventy (970) square feet (SF) ~~or larger~~; or

   ~~a.~~b. ~~2.~~ More than five (5) percent of an project's total units are comprised of three (3) bedroom units of at least eleven hundred forty (1,140) square feet (SF) ~~or larger~~.

2. ~~B. Projects with affordable units that equal or exceed twelve (12) percent that also provide an on-site childcare facility are exempt from floor area ratio (FAR) and parking calculations for the childcare use. Such projects are also eligible for one (1) additional incentive from the list set forth in Section 21.68.060.A. are exempt from floor area ratio (FAR) and parking calculations for the childcare use.~~

3. Projects which provide an on-site childcare facility[5].

4. Projects located within 1,000 ft[6] of a City of Long Beach ~~P~~park or parcel zoned as park[7].

5. Projects which propose, through the development of the project, to abate a nuisance as defined and discussed in Chapter 9.37 of the Long Beach Municipal Code ~~-~~.

6. Projects which achieve the labor standards described in California Government Code Section 65912.130.

7. Senior citizen housing or special group residence.

8. Projects which include an Active Ground Floor Use listed in Chapter 22.30.060.

21.68.0~~8~~9~~9~~0 - Parking requirements.

Parking. P~~p~~rojects are eligible for off-street parking reductions ~~and may avail themselves of either the reductions offered by the State regulations or the parking reductions~~ offered by Table 21.68-6. ~~Projects may use either of the reductions, but not both. EDB p~~Projects outside of the coastal zone comprised of one hundred (100) percent affordable units shall not be required to provide on-site parking. In the coastal zone, ~~EDB~~ projects comprised of one hundred (100) percent affordable units are eligible for off-street parking reductions offered by ~~shall be required to provide off-street parking in accordance with~~ Table 21.68-7.

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[4] The number of bedrooms and the size of the affordable units shall be proportional to or greater than the number of bedrooms and size of the market-rate units

[5] On-site child care facility is exempt from floor area ratio (FAR) and parking calculations.

[6] For purposes of this chapter, distance shall be measured in a straight line from the nearest edge of the parcel containing the proposed project to the nearest edge of the park.

[7] Refer to the City of Long Beach's Open Space and Recreation Element for location of designated parks in the City.

Table 21.68-6
EDB Parking Ratio Table

0—1 Bedrooms	1 space/unit
2—3 Bedrooms	1.25 spaces/unit
4+ Bedrooms	2 spaces/unit
Commercial Parking	Outside the Coastal Zone: First 6,000 square feet exempt; certified zoning code parking requirements apply beyond 6,000 square feet. Within the Coastal Zone: Certified zoning code parking requirements apply.

Table 21.68-7
Parking Ratio Table for Projects in the Coastal Zone Comprised of One Hundred (100) Percent Affordable Units

~~0—1 Bedrooms~~	~~0.25 space/unit~~
~~2—3 Bedrooms~~	~~0.25 spaces/unit~~
~~4+ Bedrooms~~ Residential Parking	0.25 spaces/unit
Nonresidential Parking	Certified zoning code parking requirements apply

21.68.09~~10~~0 - Sunset Clause.

The ordinance will sunset, unless otherwise extended by the City Council, when the City meets its affordable component of its RHNA ~~allocation~~ as defined in the City's Housing Element.~~of 26,502 units, or on January 1, 2030, whichever occurs first.~~

21.68.100 - Enforcement

All projects which include on-site affordable units are required to prepare and record an affordability covenant and/-or regulatory agreement for said unit(s) respectively to the satisfaction of the Community Development Department before a building permit can be issued.

A. The City Manager and City Attorney shall be authorized to enforce the provisions of this Chapter and all regulatory agreements and other covenants or restrictions placed on affordable units, by: (i) suspension or revocation of any building permit or approval upon finding of a violation of any provision of this Chapter or such agreements or restrictions, and/or (ii) by civil action and any other proceeding or method permitted by law.

B. Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any applicant or owner from the requirements of this Chapter. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this Chapter have been satisfied.