

**CALIFORNIA COASTAL COMMISSION**

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# W13a

November 18, 2021

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director, South Coast District  
Zach Rehm, District Supervisor  
Dani Ziff, Staff Analyst

**RE:** Amendment Request No. LCP-5-LOB-21-0064-1 to the City of Long Beach Local Coastal Program, for Commission Action at its December 15, 2021 virtual meeting.

## **Local Coastal Program Amendment No. LCP-5-LOB-21-0064-1**

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Local Coastal Program Amendment Request No. LCP-5-LOB-21-0064-1 affects only the City's zoning code, which is part of the City's certified Implementation Plan of the LCP. The Long Beach Planning Commission held a public hearing for the zoning code changes on April 16, 2020. The Long Beach City Council held a public hearing for the zoning code changes and the LCP amendment on July 7, 2020 and passed City Council Resolution No. RES-20-0078 authorizing City staff to submit the LCP amendment to the Coastal Commission. After laying over the zoning code ordinance to the next regular meeting of the City Council for final reading, as is City procedure, the City Council adopted Ordinance No. ORD-20-0026 on July 14, 2020. The City submitted LCP Amendment Request No. LCP-5-LOB-21-0064-1 on September 23, 2021, and Commission staff deemed the LCP amendment request complete on October 7, 2021.

**Staff Note: LCP Amendment Action Deadline.** The 60-working-day action deadline for the proposed IP amendment is January 7, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until January 7, 2022 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a **YES** vote on the motion at the top of the following page. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion:** *I move that the Commission extend the time limit to act on City of Long Beach Local Coastal Program Amendment Number LCP-5-LOB-21-0064-1 to January 7, 2023, and I recommend a yes vote.*

## **STAFF RECOMMENDATION**

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The changes to the IP are proposed to implement recommendations from the Everyone Home Task Force Report to increase housing access and decrease housing insecurity in the City. The City's proposed changes to the LCP's implementing ordinances would reduce zoning barriers to the development of emergency shelters, supportive housing, transitional housing, and supportive services by: (1) refining the definitions of existing uses to promote flexibility; (2) expanding the types of land uses included in the code; (3) expanding the zoning designations where housing types serving the housing insecure are permitted; and (4) streamlining the review process. The amendment request has been determined to be major because the ordinance could change the location, intensity, and density of the subject use. The changes proposed by this LCP amendment will not adversely affect coastal resources and are consistent with the certified LUP. Staff is recommending that the Commission, after a public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is in Section I, below.

## **I. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission reject Amendment No. LCP-5-LOB-21-0064-1 to the City of Long Beach Implementing Ordinances as submitted by the City.*

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **Resolution to Certify the IP Amendment as Submitted**

*The Commission hereby certifies Amendment Request No. LCP-5-LOB-21-0064-1 to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant*

*adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## **II. FINDINGS**

### **A. Description of the LCP Amendment Request**

Long Beach LCP Amendment Request No. LCP-5-LOB-21-0064-1 would amend the City's implementing ordinances to: (1) add a definition for 'interim housing' and establish related operating standards; (2) repeal the definition of 'shelter'; (3) amend the definition of 'emergency shelter' and expand the zoning districts where emergency shelters may be permitted; (4) amend the definition of 'transitional housing' and expand the zoning districts where it may be permitted; (5) add a definition for 'safe parking,' establish the districts within which a 'safe parking site' may be permitted, and adopt operating standards; and, (6) amend the term 'social service office' to 'social service facility,' and expand the zoning designations where it is allowed. The changes to the IP are proposed to implement recommendations from the Everyone Home Task Force Report to increase housing access and decrease housing insecurity in the City. The City's resolution and proposed changes to the LCP's implementing ordinances would reduce zoning barriers to the development of emergency shelters, supportive housing, transitional housing, and supportive services by: (1) refining the definitions of existing uses to promote flexibility; (2) expanding the types of land uses included in the code; (3) expanding the zoning designations where housing types serving the housing insecure are permitted; and (4) streamlining the review process. Long Beach City Council Resolution No. RES-20-0078 and Ordinance No. ORD-20-0026 adopting the proposed zone changes are included in **Exhibit 1**.

### **B. Consistency with the Certified Land Use Plan**

The standard of review for the proposed amendment to the LCP Implementing Plan (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP contains policies that aim to maximize shoreline access, protect recreation and visitor serving facilities, preserve extant neighborhoods, and balance human use of coastal resources with ecological concerns. The certified LUP also contains a General Housing Policy that preserves affordable housing units, but there are no LUP policies that explicitly mention emergency, transitional, or supportive housing. The proposed IP amendment is not in conflict with these policies or any other policy in the certified LUP because the interim housing uses are added or expanded where they either only affect non-priority Coastal Act uses (i.e. residential and institutional) or require a Conditional Use Permit, which, in the coastal zone, triggers the need for a coastal development permit that can only be approved if consistent with the certified LCP policies. In addition, the new development standards include requirements to keep sites free of litter, debris, and hazardous materials like oil (in the case of Safe Parking Sites), provide adequate trash facilities, be compatible with existing neighborhoods, and prohibit excessive noise. Furthermore, the availability of

public beach parking should not be significantly affected because Safe Parking Sites are only allowed as an accessory use at sites that are designated for institutional use (beach parking areas are typically designated for park uses), and the required parking for interim housing is off-street and must be consistent with existing certified IP parking policies. Thus, the proposed changes conform with, and are adequate to carry out, the provisions of the certified LUP.

### **C. California Environmental Quality Act**

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed LCP amendment. In December 2019, the City issued a Negative Declaration (ND 16-19) for the proposed change to the zoning regulations. Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The Commission incorporates its findings on LUP conformity into this CEQA finding as if set forth in full herein. The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP amendment may have on the environment. The Commission finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.