

February 11, 2025

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive and file a presentation on Long Beach's compliance with State Housing Element Regional Housing Needs Assessment (RHNA) requirements by honoring allowable development under applicable General Plan designations without requiring rezoning of the site, pursuant to the California Housing Crisis Act of 2019. (Citywide)

DISCUSSION

This item is being presented to the City Council to confirm how the City of Long Beach (City) complies with State of California (State) housing law, which requires the rezoning of properties on the Housing Element Site Inventory (Site Inventory) by February 12, 2025, to ensure they can be developed to the densities projected in the Site Inventory. The City complies by handling entitlement and project requests and through its comprehensive rezoning program. Compliance with these requirements is essential to maintaining the City's certified Housing Element of the General Plan and complying with other State housing laws.

On October 9, 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 through Senate Bill (SB) 330. SB 330 created new statewide rules under Title 7 of the California Government Code regarding the production, preservation, and planning for housing. Among other things, SB 330 exempted housing development projects from being required to rezone the affected property(s) when the corresponding zoning district in effect is inconsistent with the General Plan Land Use designation. The statute in California Government Code Section 65589.5 (j) reads:

"...a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan."

For such projects, a public agency may require the housing development to comply with the objective zoning code standards applicable to the property, but only to the extent they facilitate the development at the density allowed by the general plan.

In December 2019, the City Council adopted an update to the General Plan Land Use Element (LUE) and adopted a new Urban Design Element (UDE). The update to the City's General Plan guides growth and future development in Long Beach through the horizon year 2040. Consistent with State law, the City is currently undertaking a program (known as "Zone In") to rezone

properties throughout the City in accordance with the adopted LUE. The City's Zoning Code (Long Beach Municipal Code [LBMC] Title 21), which has not been comprehensively updated since 1989, does not provide the full range of zoning districts and general development standards needed to implement the policies of the LUE and UDE. In November 2020, the City established its new "transitional" Zoning Code in Title 22 of the LBMC, which was most recently updated in September 2024 with the adoption of the latest completed Zone In projects in North and Central Long Beach.

The City's approach to implementation is consistent with State law, which states that a city must update its zoning ordinance to be consistent with its updated general plan within "a reasonable time" (see California Government Code Section 65860). To date, thousands of properties have been rezoned to these new zones, including along major corridors in Central, West, and North Long Beach. However, due to a number of factors, the rezoning program is not yet completed. These factors include the impacts of the COVID-19 pandemic and City response efforts, as well as the use of City staff time and resources focused on the homelessness emergency in 2023. Additionally, the Community Development Department's Planning Bureau has experienced significant City staff turnover and vacancies from 2020-2024, including an overall 40 percent vacancy rate in 2023 and early 2024 and a 75 percent vacancy rate in the Long Range planning function that oversees the rezoning program, all during a time of high volume on the entitlement processing and building permitting. Given these monumental and unexpected events and their impact on resources, the City has not yet rezoned many properties, including a few hundred sites listed in the Housing Element Site Inventory. However, the City continues working toward completing the rezoning program within "a reasonable time" period, as California Government Code Section 65860 requires.

Long Beach is in compliance with Housing Element law because the City can facilitate its current Regional Housing Needs Allocation of 26,502 units with the development capacity of sites in its Site Inventory based on the existing LUE, which anticipated a buildout of approximately 28,000 units. However, many sites in the current inventory still need to be rezoned to be consistent with and to implement the LUE. It is already the City's practice to follow California Government Code section 65589.5(j) as outlined above and not to require rezoning for sites that wish to develop consistent with its General Plan designation. The City has already approved a housing development project under this provision for a townhome development at 4501 Orange Avenue with a General Plan LUE PlaceType that allows housing but still has commercial zoning on the site that has not yet been updated (Attachment A).

The City will continue this practice pursuant to California Government Code section 65589.5(j) while it completes rezonings of properties on the Site Inventory and citywide, including through Zone In: Bixby, which has been underway since 2023 and is anticipated to come before the City Council in late 2025. Additional rezoning efforts for the Wrigley, 10th Street to Broadway, and coastal areas of the city are also underway as part of this program, as well as a zoning overlay for religious facilities to co-develop affordable housing on-site.

This matter was reviewed by Principal Deputy City Attorney Erin Weesner-McKinley on January 27, 2025, and by Revenue Management Officer Geraldine Alejo on January 11, 2025.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



Christopher Koontz
Community Development Director

APPROVED:



THOMAS B. MODICA
CITY MANAGER