



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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June 1, 2017

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council find this request exempt from the California Environmental Quality Act (CEQA) in accordance with Statutory Exemption 17-136 in the State CEQA Guidelines and approve a City-initiated Zoning Code Amendment to Title 21 of the Long Beach Municipal Code (LBMC) pertaining to Accessory Dwelling Units (ADUs). (Citywide)

APPLICANT: City of Long Beach
Department of Development Services
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(Application No. 1702-04[ZCA17-010, LCPA17-002])

DISCUSSION

An Accessory Dwelling Unit (ADU), more commonly known as a “granny flat”, refers to a second dwelling unit on a property that is developed with only an existing single-family residence. An ADU is not considered an additional unit for density purposes. It provides complete independent living facilities that include permanent provisions for living, sleeping, eating, cooking, and sanitation.

In 2016, Governor Brown signed two bills (Senate Bill 1069 and Assembly Bill 2299) amending Government Code Section 65852.2 pertaining to ADUs. These state regulations went into effect on January 1, 2017, and require cities to ministerially approve ADUs when they meet new state regulations. Existing ordinances that were not in full compliance with the new regulations, including the City’s, became null and void. Until the City adopts its own local ordinance, the more permissive regulations of the State shall be applied. A third bill (Assembly Bill 2406) allowed local agencies to create Junior Accessory Dwelling Units (JADU) (Government Code 65852.22). Both Government Code 65852.2 and 65852.22 are included in Exhibit A for reference.

On February 21, 2017, the City Council directed staff to review the new state regulations pertaining to ADUs and to prepare a draft ordinance for consideration. The Planning Commission, in its advisory capacity to the City Council, must review Zoning Code Amendments and make a recommendation to the City Council. The Planning

Commission's review must include an evaluation of the amendments' consistency with the General Plan.

Draft Zoning Code Amendment

Staff is proposing to repeal and replace the existing second unit regulations in the entirety of Section 21.51.275 of the Long Beach Municipal Code and update other sections of Title 21 to ensure consistency. The proposed Zoning Code Amendment text is included in Exhibit B. The following provides a summary of the proposed regulations.

ADU Types

The proposed amendment establishes two categories of ADUs; 1) a "Limited ADU;" or 2) a "Conforming ADU." The two categories are intended to distinguish the different regulations applicable to each type of unit. ADUs may be an accessory use on a lot which is developed with one existing single-family dwelling in either the single-family or multi-family zones¹, as indicated in the Uses Table 31-1 (Exhibit B).

A Limited ADU is synonymous with the ADU that is mandated by Government Code 65852.2 (e) to be ministerially approved. A Limited ADU is a dwelling unit created from the conversion of existing floor area of a single-family dwelling or an accessory structure, where no new building area is constructed. Limited ADUs may only be created on a lot that is developed with one existing single-family dwelling within a single-family zone as indicated in the Uses Table 31-1 (Exhibit B).

A Conforming ADU is one that is allowed through this proposed ADU Ordinance. A Conforming ADU can be located on a lot developed with a single-family dwelling in either a single-family or multi-family zoning district as indicated in Uses Table 31-1 (Exhibit B). The characteristics of a Conforming ADU consists of:

1. Construction of new floor area to create or expand an existing ADU on a single-family lot; or
2. Lots located in a permitted multi-family zone, whether or not construction of new floor area is proposed.
3. For a multi-family zoned lot where an additional principal dwelling is allowed, a Conforming ADU is not permitted, except when created through conversion of the floor area of an existing attached or detached accessory structure only. This limitation is added in recognition of the need to limit the long-term underdevelopment of multi-family zoned lots, which have the potential to be developed with additional larger-sized units. Based on the General Plan Housing Element there is a documented need for units suitable for large families.

Unlike the legislation for ADUs, State law does not require cities to allow Junior Accessory Dwelling Units (JADU). A Junior Accessory Dwelling Unit is a type of ADU that has a

¹ Multi-family zones shall generally mean any zoning district (R-2, R-3, and R-4) that permits two or more primary units.

maximum floor area of 500 square feet, and can have semi-independent facilities such as an efficiency kitchen and shared bathroom. Although JADUs can provide additional housing, encouraging the development of fully independent ADUs would be of greater value to the City's housing stock. As such, the proposed amendment does not include provisions to allow JADUs.

Areas Allowed

The State mandates that cities allow for ADUs in single-family zones. However, cities may also allow for ADUs in multi-family residential zones. Areas may be designated based on criteria that can include, but is not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety. Staff is recommending allowing ADUs as an accessory use in 17 residential zoning districts, as well as Planned Development Districts or Specific Plans, or subareas thereof that allow for single-family residential dwellings. Refer to Table 31-1 in Exhibit B for the list of residential zoning districts. Exceptions apply when these areas are within the parking impacted area and Coastal Zone.

Parking impacted areas were first established by the City Council in 1988. The Council recognized that certain areas of the City were more densely populated, and that the on-street parking conditions were creating a detrimental condition affecting the health, safety, and welfare of the community, in addition to impeding and obstructing traffic flow. The establishment of parking impacted areas is used as the basis for policies affecting vehicle and traffic regulations and zoning standards. The establishment of either a Limited ADU or Conforming ADU without parking within a parking impacted area would further degrade the traffic flow, and negatively affect the public health, safety, and welfare. Therefore, staff proposes to prohibit ADUs proposed without parking within all parking impacted areas reflected in the General Plan.

State regulations pertaining to ADUs do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that cities shall not be required to hold public hearings mandated by the Coastal Act for coastal development permits. To address this restriction, staff proposes adding ADUs to the list of projects exempt from the coastal development permit requirement. This exemption would be consistent with multiple objectives of the Coastal Act, which includes creating affordable housing opportunities within the Coastal Zone and maximizing public access to and along the coast.

Staff finds that the development of ADUs without parking is inconsistent with the certified Local Coastal Program, and California Coastal Act policy to maximize public access to the coast. Access to the coast would be affected by inadequate parking resources, which would be exacerbated by the development of ADUs without parking. To strike a balance between coastal access and creating housing staff proposes that one parking space for an ADU be required in the Coastal zone.

Development Standards

An ADU must conform to all development standards of the zone in which the property is located including, but not limited to, lot coverage, floor area ratio, and landscape requirements, except as indicated in the proposed Zoning Code Amendment. The following describes the proposed lot size, setbacks, height, and open space standards for ADUs.

State regulations allow cities to specify a minimum lot size required to develop an ADU. Staff reviewed existing lot sizes in residential zones to identify a threshold that would be permissive for most properties to develop an ADU. The R-1-N Zoning District is the most typical single-family residential district in the City, both in land area and number of lots. Since approximately half of the City's R-1-N lots are smaller than the minimum lot size requirement of 6,000 square feet, allowing ADUs for only properties above the minimum lot size would be too restrictive as the requirement for establishing an ADU. The smallest minimum lot size for R-2 zones is 4,800 square feet, signifying the Code's recognition that this size is physically suitable for development of two primary units. Based on this standard, staff recommends a minimum lot size of 4,800 square feet, which would allow ADUs to be developed on 87 percent of the City's existing R-1-N lots, as well as 67 percent of lots in other single-family zones, and 64 percent of lots in multi-family zones.

State legislation mandates the following setbacks: 1) ADUs proposed within an existing residence or accessory structure (such as a garage or rumpus room), do not need additional setbacks; and 2) ADUs proposed above a garage shall provide a minimum five-foot side and rear setback. Staff is recommending that all detached ADUs, not only those built above a garage, have a five-foot rear setback. Table 51.275-1 on the following page lists the setbacks along with many of the other development standards for ADUs.

State law establishes the following parameters for the maximum size of ADUs: 1) An attached ADU shall not exceed 50 percent of the existing living area of the primary dwelling with a maximum increase in floor area of 1,200 square feet; and 2) A detached accessory structure shall not exceed 1,200 square feet. However, jurisdictions may adopt additional regulations. To ensure ADUs are in scale with the primary dwelling unit and remain accessory uses, staff proposes to adopt the state regulations with additional refinements by requiring both attached and detached units to be no more than 50 percent of the existing living area of the primary dwelling. In consideration for properties developed with small primary dwellings, the City proposes a "lesser" maximum allowance which allows these properties to be able to construct at least a 640-square-foot ADU. One can voluntarily construct a smaller unit should they desire but staff wanted to ensure that every eligible property could at least achieve a modest size unit.

Table 51.275-1
Accessory Dwelling Unit Development Standards

		Limited ADU	Conforming ADU
Setbacks ^(a)			
Front Yard		N/A	Same as zoning district.
Side Yard		N/A	Same as zoning district, or 5 ft., whichever is less.
Rear Yard ^(b)	Attached ADU	N/A	Same as zoning district. ^(c)
	Detached ADU	N/A	5 ft. ^(c)
Building Height			
Height Limit		N/A	Same as zoning district, or 25 ft. and 2 stories, whichever is less. ^(d)
Lot Standards			
Number of ADUs Allowed		1 per lot with an existing single-family dwelling only. ^(e)	
Minimum Lot Size		4,800 sq. ft.	
Minimum Lot Width		27 ft.	
Maximum Lot Coverage		N/A	Same as zoning district. ^(f)
Floor Area Ratio (FAR)		N/A	Same as zoning district. ^(f)
Minimum Usable Open Space		N/A	Equal to 25% of the gross floor area of the ADU ^{(g), (h), (i)}
Unit Size Requirements			
Maximum Unit Size		50% of GFA of the primary dwelling, or 1,200 sq. ft., whichever is less. ^(j)	
Minimum Unit Size ^(k)			
0 bedrooms		180 sq. ft. for all Limited ADUs	300 sq. ft.
1 bedroom			450 sq. ft.
2 bedrooms			750 sq. ft.
3 or more bedrooms			1,000 sq. ft.
Other Standards			
Distance between a detached ADU and principal structure		N/A	8 ft.

Abbreviations

ft. = feet

Sq. ft. = square feet

N/A = not applicable

GFA = Gross Floor Area, as defined in Section 21.15.1070

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Notes

- (a) See Section 21.51.275.D.1 for existing legal nonconforming setbacks.
- (b) The rear setback shall be measured to the centerline of the abutting alley, where such exists.
- (c) For reverse corner lots, the rear yard setback shall be the same as the side yard setback.
- (d) For sites in PD-11 (Rancho Estates Planned Development District), height is limited to 13 ft., 1 story.
- (e) For a lot where an additional principal dwelling unit is allowed, a Conforming ADU is not permitted, except as provided in Section 21.51.275.B.2.b.
- (f) The accessory dwelling unit's gross floor area shall be calculated in accordance with Section 21.15.1070, and shall be counted toward lot coverage and floor area ratio, and against usable open space.
- (g) Percent of lot area per ADU, to be provided as private or common open space. Usable open space standards of Section 21.31.230 shall apply.
- (h) The open space required for the ADU is in addition to the open space required by Table 31-2A for the primary dwelling.
- (i) For a Conforming ADU, if the existing usable open space provided for the primary dwelling is nonconforming, additional usable open space shall be provided for the primary dwelling to conform with the open space requirements of Section 21.31.230 and Table 31-2A.
- (j) For a site with a primary dwelling of less than 1,280 sq. ft., an ADU up to 640 sq. ft. is permitted.
- (k) The minimum unit size requirements do not establish any exceptions to the maximum unit size allowed.

State law permits local jurisdictions to regulate the maximum height of ADUs. State law intended to allow for second story ADUs based on the required five-foot setback standard for a second story built on top of a garage. To that end, staff is recommending the height of an ADU be consistent with the standard of the underlying zoning district or 25 feet and two stories, whichever is less. The exception is within the PD-11 District, where the majority of homes are single-story, and the maximum building height for an ADU is limited to 13 feet. Generally speaking, the ability to place an ADU on a second floor allows for greater flexibility in meeting all development standards making the development of an ADU all the more possible. In addition, second story development will facilitate smaller building footprints and allow greater on-site open space to be provided.

To ensure that ADUs are quality places to live, staff is recommending additional on-site open space be provided for ADUs. The open space requirement could be met as common or private space. As proposed, each ADU would be required to provide an open space area equal to 25 percent of the gross floor area of the unit, in addition to the minimum open space for the primary unit. Based on staff's proposal, a Conforming ADU of 300 square feet must provide 75 additional square feet of open space. The open space requirement would not apply to a Limited ADU.

Parking

State law limits the amount of parking that may be required for an ADU to no more than one space per bedroom or one space per unit. However, the state law also establishes five potential exemptions under which the parking requirement must be waived which includes when:

1. The ADU is located within one-half mile of public transit.
2. The ADU is located within an architecturally and historically significant historic district.

3. The ADU is part of the existing primary residence or an existing accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the ADU.
5. When there is a car share vehicle located within one block of the ADU.

Staff reviewed and determined that nearly all residential property is within a one-half mile radius of public transit stops within the City (see Exhibit C) and would be exempt from providing parking for an ADU. Therefore, staff is recommending no parking be required for ADUs outside of the Coastal Zone and parking impacted areas. Parking for the ADU can only be required in the Coastal Zone because the ADU would otherwise be inconsistent with the Local Coastal Program and California Coastal Act as previously discussed. Within parking impacted areas parking may be required because ADUs in these areas would otherwise be prohibited due to the potential to degrade traffic flow and pose a public safety concern as previously discussed.

Replacement Parking

If required parking spaces (ex. garage) for the existing single-family residence or “primary dwelling” are converted to create an ADU, the state allows a city to require its replacement but requires that that City be flexible in how replacement parking is provided. The number of replacement parking spaces required is the same number of existing spaces provided for the single-family dwelling.

Consistent with state law, staff proposes that parking spaces for the ADU or replacement parking for the primary dwelling may be satisfied with: a conventional garage, a carport, in an open configuration, tandem, or with a vehicle lift (in a garage), or any combination thereof. As proposed, parking spaces shall only be allowed in those areas of a lot that were previously established by LBMC Section 21.41.281 and shown in Figure 41-3 which has been included as Exhibit E.

Covenants

Consistent with state law, the Ordinance would require that prior to the issuance of a building permit for the ADU, the owner must record a deed restriction that includes, but is not limited to: a prohibition on the sale of the ADU separate from the sale of the primary dwelling unit; a requirement that the owner occupy either unit, and prohibits short term rentals (rentals less than 30-days).

Other

The Zoning Code Amendment contains a variety of other standards including architectural design compatibility for attached units and garage conversions, landscaping buffer, distance separation, and privacy standards for second story ADUs.

The state mandate also include a number of regulations, other than zoning, including building code, fire code, and utilities. While these changes will not be incorporated into the Zoning Ordinance, they are listed for reference:

- An ADU shall not be required to provide fire sprinklers if they are not required for the primary dwelling.
- Fees charged for the construction of an ADU must be proportional to its impact.
- ADUs shall not be considered new residential uses when calculating local agency connection fees or capacity charges for utilities, including water and sewer.
- For Limited ADUs, units which are created within an existing structure, a local agency cannot require new or separate utility connections.
- For Conforming ADUs, units created from the construction of new floor area, a local agency may require a separate or new utility connection.

General Plan

The draft Zoning Code Amendment not only implements state law but is consistent with the General Plan Housing Element and Mobility Element as follows:

Housing Element Policy 3.2: Preserve and protect the character of established neighborhoods, with an emphasis on single-family neighborhoods and those beginning to decline.

The proposed standards will provide reasonable standards on the design and uses of ADUs in an effort to maintain the character of an existing neighborhood. These standards include establishing a minimum lot size for the development of ADUs, privacy standards, open space requirements, and requirements for attached ADUs to be compatible in design with the existing dwelling.

Housing Element Policy 4.1: To provide adequate sites to facilitate the housing production and affordability goals set forth in the 2014-2021 RHNA.

The proposed regulations designate a reasonable lot size of 4,800 square feet and allow ADUs as an accessory use in both single-family and multi-family districts, both of which will ensure the ability to construct additional units.

Housing Element Policy 4.2: Encourage a balance of rental and homeownership opportunities, including high quality apartments, townhomes, condominiums, and single-family homes to accommodate the housing needs of all socioeconomic segments of the community, including large families.

This Zoning Code Amendment supports the development of ADUs which is consistent with Housing Element Policy 4.2 because ADUs can serve the housing needs of a broad cross section of the community including families, students, elderly, and disabled. Large families require a unit size with a minimum of three bedrooms, which is in short supply in the City. To address this need, ADUs that are at least 1,000 square feet in size may have

three bedrooms. In addition, ADUs can support homeownership by providing an added source of income to the owner.

Mobility Element MOP Policy 6-5: Embrace innovative parking solutions that reduce the required space needed for parking, such as automated parking lifts and elevators.

This Zoning Code Amendment supports innovative parking solution in that it allows for the use of automated vehicle lifts to satisfy the required parking for either the ADU or replacement parking for a primary dwelling.

The proposed Zoning Code Amendment to allow ADUs when one parking space is provided in the Coastal Zone is consistent with the City's Local Coast Program as previously discussed.

CONCLUSION

Accessory dwelling units offer a comparatively lower cost housing option within established neighborhoods. These units can meet a range of housing needs within the community including housing for families, students, the elderly, in-home health care providers, and the disabled. In an effort to help address the state-wide housing shortage, the state legislature amended Government Code Section 65852.2 to streamline the approval process for ADUs and reduce excessive or burdensome requirements that inhibit the development of ADUs.

Staff recommends adopting a local ordinance tailored to the City's local development patterns and conditions. The draft zoning code builds upon state law to establish standards that preserve and protect the character of residential neighborhoods while encouraging the responsible development of ADUs. Staff recommends that the Planning Commission determine the amendment is consistent with the General Plan and recommend that the City Council approve Zoning Code Amendment No. 17-010 to amend Title 21 pertaining to Accessory Dwelling Units and the related sections as proposed.

PUBLIC HEARING NOTICE

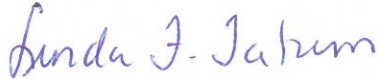
Public hearing notices were published, distributed, and posted in accordance with the Long Beach Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram on May 17, 2017. Public hearing notices were also mailed to all City libraries, and posted in the Civic Center.

In addition to the mandatory noticing, City staff notified approximately 60 members of the public who expressed an interest in ADUs to inform them that this matter was scheduled to be heard by the Planning Commission.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project qualifies for a statutory exemption per Section 15282 (h), which provides that, "an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code."

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



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Attachments: Exhibit A – Government Code Sections 65852.2, and 65852.22
 Exhibit B – Draft Zoning Code Amendment
 Exhibit C – Long Beach Transit Stop Map
 Exhibit D – Figure 41-3 Vehicle Parking in Residential Setbacks
 Exhibit E – Notice of Exemption