



CITY OF LONG BEACH

H-3

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

October 10, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and accept Statutory Exemption 17-136;

Declare the Ordinance amending various sections of Title 21 (Zoning) of the Long Beach Municipal Code, relating to Accessory Dwelling Units, read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program; and,

Adopt a Resolution modifying the established development impact fee structure for Accessory Dwelling Units in accordance with California Government Code Section 65852.2 pertaining to Accessory Dwelling Units. (Citywide)

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 includes 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 are applied. A third bill (Assembly Bill 2406) allowed local agencies to create Junior Accessory Dwelling Units (JADU) (Government Code 65852.22). Government Code Sections 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 draft Ordinance repeals and replaces the existing secondary housing (“granny flat”) zoning regulations in its entirety (Section 21.51.275 of the Long Beach Municipal Code) and updates other sections of the Zoning Code (Title 21) to ensure consistency with the proposed ADU regulations.

On June 1, 2017, the Planning Commission held a public hearing on a Zoning Code Amendment pertaining to ADUs. The Planning Commission received a staff presentation, took public testimony, closed the public hearing, deliberated, and acted to continue the item to July 6, 2017. The Planning Commission directed staff to provide additional analysis on the proposed maximum unit size of an ADU and the impact of requiring additional parking.

On July 6, 2017, the Planning Commission held a continued public hearing on ADUs. The Planning Commission received a staff presentation, took additional public testimony, closed the public hearing, deliberated, and in its advisory capacity to the City Council, found the amendment consistent with the General Plan and recommended approval. The Planning Commission unanimously recommended that the City Council approve the zoning code amendment with one modification to reduce the maximum allowed size of ADUs to be no more than 50 percent of the primary dwelling or up to a maximum of 1,000 square feet, whichever is less. The following provides an overview of the proposed regulations in the draft Ordinance as recommended by the Planning Commission.

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. The proposed Ordinance would allow 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 the City Council Ordinance). Exceptions apply when these areas are within either a designated parking impacted area or the Coastal Zone.

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.

State law prohibits requiring parking for ADUs located within one-half mile of public transit. Staff determined that nearly all residential property is within a one-half mile radius of public transit stops within the City (see Exhibit B – Long Beach Transit Stop Map) and would be exempt from providing parking for an ADU. Therefore, no parking requirement is recommended for ADUs located outside of the Coastal Zone and parking impacted areas. However, replacement parking is recommended in all cases where a garage for the primary unit is converted to an ADU. The City is able to require parking within the Parking Impacted Areas because State law permits cities to determine where ADUs may be allowed based on criteria that includes the impact of ADUs on traffic flow and public

safety. Parking Impacted Areas were first established in 1988 by the City Council based on the fact that on-street parking conditions were creating a detrimental condition affecting health, safety, and welfare of the community, in addition to impeding traffic flow. Therefore, it is proposed that ADUs without parking be prohibited within parking impacted areas. In addition, parking may be required within the Coastal Zone because the new State regulations pertaining to ADUs do not supersede the California Coastal Act, which seeks to maximize public access to the coast. Allowing ADUs without parking would be inconsistent with the California Coastal Act as inadequate parking resources could negatively impact access to the coast.

To ensure that properties developed with an ADU continue to function as single-family properties, the proposed Ordinance requires a recorded covenant to ensure: 1) the property shall be owner-occupied; 2) the ADU shall not be sold separately from the primary dwelling; 3) continued availability of on-site parking; 4) prohibition of short-term rentals; and, 5) restrictions on status and size of the ADU.

The proposed amendment establishes two categories of ADUs: (1) a "Limited ADU," and (2) a "Conforming ADU." The two categories are intended to distinguish the different regulations (i.e. State-mandated or local ordinance regulations), applicable to each type of unit. For further information on the two categories of ADUs, areas allowed, development standards, JADUs, parking, and other state mandates, refer to Exhibit C for a Summary of ADU development standards and Exhibits D and E for the June 1, 2017 and July 6, 2017, Planning Commission staff reports. As a legislative act, there are no required findings for a Zoning Code amendment. However, a Zoning Code amendment must be consistent with the General Plan. The proposed Ordinance not only implements State law, but is consistent with the Housing Element, Mobility Element, and Local Coastal Program (Exhibit F – General Plan Conformance).

The proposed Ordinance is tailored to the City's local development patterns and conditions. It builds upon State law to establish standards that preserve and protect the character of residential neighborhoods while encouraging the responsible development of ADUs. The Planning Commission recommends that the City Council determine the amendment is consistent with the General Plan and adopt an Ordinance approving Zoning Code Amendment No. 17-010 to amend Title 21 pertaining to Accessory Dwelling Units and the related sections as proposed.

In general, new development creates additional demands for services provided including transportation, police, fire, and parks and recreation facilities. To account for these demands, the City Council has adopted various Development Impact Fees (DIF) to be collected for new construction projects. The State law pertaining to ADUs reestablishes that all impact fees must be charged in accordance with the State Fee Mitigation Act. In response, all affected City Departments that have established DIFs are recommending modifying the fees charged for the construction of ADUs to ensure the fees are commensurate with the expected size of the units and expected occupancy rates of the units. The suggested fees are less than typical fees charged for larger-sized dwelling units. As nexus studies are conducted in the future, there may be further suggested changes to the fee structures for ADUs. These Departments include: 1) Public Works; 2)

Parks, Recreation and Marine; 3) Police Department; and, 4) Fire Department. The proposed fees are detailed in Exhibit G.

Public hearing notices were published in the Long Beach Press-Telegram and distributed on September 25, 2017 and September 30, 2017, and no responses were received as of the date of preparation of this report. Any responses and comments received will be conveyed to the City Council prior to the public hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Statutory Exemption (SE-17-136) was issued for the proposed project (Exhibit H – Statutory Exemption SE-17-136). 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.” Pursuant to Section 15273, CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, including obtaining funds for capital projects, necessary to maintain service within existing service areas.

This matter was reviewed by Assistant City Attorney Michael J. Mais on September 20, 2017 and by Revenue Management Officer Geraldine Alejo on September 26, 2017.

TIMING CONSIDERATIONS

City Council action is requested on October 10, 2017, since the City’s current Ordinance is null and void. There are a number of property owners currently awaiting the local regulations to develop an ADU on their property. Long Beach Municipal Code Section 21.25.103.A.1 of the Zoning Regulations requires a hearing on this item by the City Council within 60 days of the Planning Commission hearing, which took place on July 6, 2017. Although October 10, 2017 exceeds 60 days from July 6, 2017 this date was the first available opportunity to conduct a hearing.

FISCAL IMPACT

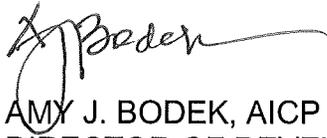
To ensure that the development impact fees charged for ADUs are proportional to the demand for new services as required by State law, modifications to the established DIF structure are proposed as part of this recommendation (Exhibit G – Interim ADU Development Impact Fees). The proposed Interim ADU DIFs will reduce the total mitigation fees applied to each ADU. The total revenue impact of the proposed fee modifications is not known at this time; however, revenues for each of the four development impact fees that are collected within the Capital Projects Fund (CP) in the Public Works, Fire, Police, and Parks, Recreation and Marine Departments are expected to decline.

A comprehensive update to the ADU DIFs is anticipated later in FY 18. A full assessment of the fiscal impact of further modifications to the fee structure, if any, will be provided to City Council at that time.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

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APPROVED:


PATRICK H. WEST
CITY MANAGER

Attachments: Ordinance – Amending Sections of Title 21
Resolution – Requesting California Coastal Commission Certify Amendment to LCP
Resolution – Modifying DIF Structure for ADUs
Exhibit A – Government Code Section 65852.2 and 65852.22
Exhibit B – Long Beach Transit Stop Map
Exhibit C – Summary of ADU Development Standards
Exhibit D – Planning Commission Letter dated June 1, 2017
Exhibit E – Planning Commission Letter dated July 6, 2017
Exhibit F – General Plan Conformance
Exhibit G – Interim ADU Development Impact Fees
Exhibit H – Statutory Exemption SE-17-136

1 customarily incidental and/or necessarily related to a principal nonresidential
2 use of land, building, or structure. An accessory residential use is located on
3 the same lot as the principal nonresidential building or use and is dependent
4 upon the principal nonresidential use for the majority of its use or activity.
5 The occupant of an accessory residential use is employed in or routinely
6 conducts business in the nonresidential space. Accessory residential uses
7 include, but are not limited to, a caretaker's or night watchman's residence
8 (Section 21.15.445), an artist's studio and residence (Section 21.15.240),
9 and parsonage (Section 21.15.2005). "Accessory residential use" does not
10 include accessory dwelling units (Section 21.15.045).

11
12 Section 3. Section 21.15.930 of the Long Beach Municipal Code is
13 amended to read as follows:

14 21.15.930 Dwelling, one-family. See "single-family dwelling."
15

16 Section 4. Section 21.15.1720 of the Long Beach Municipal Code is
17 amended to read as follows:

18 21.15.1720 Manufactured housing.

19 "Manufactured housing" means a structure, transportable in one or
20 more sections, which, in the traveling mode, is eight (8) body feet or more in
21 width, or forty (40) body feet or more in length, or, when erected on site, is
22 three hundred twenty (320) or more square feet, and which is built on a
23 permanent chassis and designed to be used as a dwelling with or without a
24 permanent foundation when connected to the required utilities, and includes
25 the plumbing, heating, air conditioning, and electrical systems contained
26 therein; except that such term shall include any structure which meets all
27 the requirements of this definition except the size requirements and with
28 respect to which the manufacturer voluntarily files a certification and

1 complies with the standards established under California Health and Safety
2 Code, Division 13, Part 2. "Manufactured home" includes a mobile home
3 subject to the National Manufactured Housing Construction and Safety Act
4 of 1974 (42 U.S.C., Sec. 5401, et seq.).
5

6 Section 5. Section 21.15.1770 of the Long Beach Municipal Code is
7 amended to read as follows:

8 21.16.1770 Mobile home. See "Manufactured housing."
9

10 Section 6. Section 21.15.2400 of the Long Beach Municipal is amended
11 to read as follows:

12 21.15.2400 Secondary housing unit. See "Accessory dwelling unit."
13

14 Section 7. Section 21.15.2410 of the Long Beach Municipal is amended
15 to read as follows:

16 21.15.2410 Single-family dwelling.

17 A single-family dwelling is a residential unit designed and intended
18 for occupancy by one (1) family. A single-family dwelling contains one (1)
19 kitchen for central preparation of meals. This definition includes
20 manufactured housing (when placed on a foundation for permanent
21 residency) and group homes. A single-family dwelling may be attached or
22 detached, as follows:

23 A. Detached. "Detached single-family dwelling" means one (1)
24 dwelling unit located on a single lot with yard areas that separate that
25 dwelling from other dwellings.

26 B. Attached. "Attached single-family dwelling" means one (1)
27 dwelling unit on a single lot with one (1) side wall in common with a dwelling
28 on an adjoining lot.

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Section 8. 21.31.360.B of the Long Beach Municipal Code is amended to read as follows:

B. Accessory Dwelling Units. Accessory dwelling units shall be prohibited in a PUD.

Section 9. Table 31-1 in Chapter 21.31 is amended to read as shown on Exhibit "A" attached hereto and made a part hereof word for word.

Section 10. 21.51.110.A of the Long Beach Municipal Code is amended to read as follows:

A. Additional Dwelling Units.

Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for accessory dwelling units as described in Section 21.51.275.

Section 11. Section 21.51.275 of the Long Beach Municipal Code is amended by adding an expiration clause at the beginning to read as follows:

21.51.275 Secondary housing units ("granny flats").

This Section will remain in effect in the Coastal Zone until such time as new Section 21.51.276 is approved and certified by the California Coastal Commission as an amendment to the Local Coastal Program (LCP). Upon certification, Section 21.51.275 will no longer be in force and effect.

Section 12. Section 21.15.045 is added to the Long Beach Municipal Code to read as follows:

21.15.045 Accessory dwelling unit.

1 “Accessory dwelling unit” means an attached or a detached
2 residential dwelling unit which provides complete independent living facilities
3 for one or more persons. An accessory dwelling unit is an accessory use
4 and not a principal use of land. It shall include permanent provisions for
5 living, sleeping, eating, cooking, and sanitation, and shall be located on the
6 same lot as the single-family dwelling to which it is subordinate (the primary
7 dwelling), and shall have a separate exterior entrance. An accessory
8 dwelling unit also includes the following:

- 9 A. An efficiency unit, as defined in Section 17958.1 of the California
10 Health and Safety Code.
- 11 B. A manufactured home, as defined in Section 18007 of the
12 California Health and Safety Code.

13
14 Section 13. Section 21.15.447 is added to the Long Beach Municipal
15 Code to read as follows:

16 21.15.447 Carport.

17 “Carport” means a permanent roofed structure over a driveway, built
18 for the purpose of sheltering an automobile. A carport is supported by
19 attachment to a building and/or freestanding posts, and is open on all sides
20 that are not attached to a building. A carport may have a solid or trellised
21 roof. “Carport” does not include “porte cochere,” or any temporary or non-
22 permanent structure.

23
24 Section 14. Section 21.15.915 is added to the Long Beach Municipal
25 Code to read as follows:

26 21.15.915 Dwelling unit, accessory. See “Accessory dwelling unit.”

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1 Section 15. Section 21.15.935 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.935 Dwelling, primary.

4 “Primary dwelling” means a single-family dwelling that is not an
5 accessory dwelling unit. A primary dwelling is a principal use of land.

6
7 Section 16. Section 21.15.2165 is added to the Long Beach Municipal
8 Code to read as follows:

9 21.15.2165 Primary dwelling. See “Dwelling, primary.”

10
11 Section 17. Subsection C.5 is added to Section 21.25.903 of the Long
12 Beach Municipal Code to read as follows:

13 5. Creation or expansion of an accessory dwelling unit in
14 conformance with the requirements of Section 21.51.275 (Accessory
15 dwelling units).

16
17 Section 18. Subsection A.3 is added to Section 21.41.233 of the Long
18 Beach Municipal Code to read as follows:

19 3. For the provision of required parking for an accessory
20 dwelling unit, and for required replacement of parking for the primary
21 dwelling when a garage is converted or existing parking spaces are
22 otherwise eliminated to create an accessory dwelling unit.

23
24 Section 19. Subsection C is added to Section 21.41.233 of the Long
25 Beach Municipal Code to read as follows:

26 C. For tandem parking allowed in Subsection 21.41.233.A.3 for
27 an accessory dwelling unit, up to three (3) spaces may be in tandem.

28 //

1 Section 20. Section 21.51.276 is added to the Long Beach Municipal
2 Code is amended to read as follows:

3 21.51.276 Accessory Dwelling Units.

4 An accessory dwelling unit (“ADU”) is an allowed accessory use on a
5 lot having only one detached single family dwelling (a “primary dwelling”) and
6 no other principal uses, or principal buildings or structures. An accessory
7 dwelling unit shall have the provisions described in the definition of ADU
8 (Section 21.15.045 – Accessory Dwelling Unit). Permits for ADUs shall be
9 considered ministerially, without discretionary review or a hearing, and the
10 Director of Development Services shall approve or deny an application for an
11 ADU within 120 days after receiving said application. ADUs are subject to
12 the following regulations:

13 A. Locations Allowed and Prohibited. Accessory dwelling units
14 shall be allowed in the following locations, except that ADUs shall be
15 prohibited unless fully conforming to the requirements of this Section:

16 1. The zoning districts in Table 31-1 where indicated as an
17 allowable accessory use;

18 2. A Planned Development District (PD) or Specific Plan
19 (SP), or subarea thereof, that allows residential use at single-family density,
20 subject to the additional restrictions provided in this Section. The Zoning
21 Administrator is authorized to determine if a PD or SP, or subarea thereof,
22 allows for development of an ADU.

23 B. Categories of Accessory Dwelling Units. The City hereby
24 provides for the permitting of two categories of accessory dwelling units, as
25 follows:

26 1. Limited ADU. A Limited ADU is located in one of the
27 zoning districts in Table 31-1 in which a Limited ADU is indicated as an
28 allowable accessory use, or is located in a Planned Development District

1 (PD) or Specific Plan (SP), or subarea thereof, that allows single-family but
2 not multi-family residential use. A Limited ADU is created solely from the
3 existing floor area of the primary dwelling or an accessory structure. No
4 addition of floor area or expansion of building footprint is allowed when
5 creating a Limited ADU. A Limited ADU is exempt from certain development
6 standards, as provided by this Section; however, any future addition of floor
7 area to a Limited ADU shall require compliance with the provisions of this
8 Section for a Conforming ADU.

9 2. Conforming ADU. A Conforming ADU is located in one
10 of the zoning districts in Table 31-1 in which a Conforming ADU is indicated
11 as an allowable accessory use, or is located in a Planned Development
12 District (PD) or Specific Plan (SP), or subarea thereof, that allows single-
13 family residential use.

14 a. A Conforming ADU meets one of the following
15 conditions:

16 i. Construction of new floor area is proposed
17 to create or expand the ADU; or

18 ii. The lot is located in a permitted residential
19 zoning district other than a single-family residential
20 district, whether or not construction of new floor area is
21 proposed.

22 b. For a lot where an additional principal dwelling is
23 allowed, a Conforming ADU is not permitted, except that a
24 Conforming ADU may be created through conversion of the floor area
25 of an existing attached or detached accessory structure, which may
26 not be expanded, and such a Conforming ADU may not be created or
27 converted from new or existing floor area of the primary dwelling.

28 C. Density. Accessory dwelling units developed pursuant to the

1 requirements of this Section shall not be considered to cause the lot upon
2 which the ADU is located to exceed the allowable density permitted for the
3 lot. For lots not located in a single-family residential zoning district, addition
4 of another principal dwelling unit to a lot is not permitted as long as an ADU
5 is present.

6 D. Development Standards. An accessory dwelling unit shall
7 conform to all development standards of the zone in which the property is
8 located, including but not limited to, parking, height limits, setbacks,
9 projections, lot coverage, landscape, open space, and floor area ratio (FAR),
10 except as specifically provided by this Section, and shall be subject to the
11 following standards, and the provisions of Tables 51.275-1 and 51.275-2:

12 1. Nonconforming Setbacks. An ADU may be located
13 within an existing, permitted structure with non-conforming setbacks,
14 provided that any new construction of floor area complies with the applicable
15 setback standards. Conversion of an existing detached accessory structure
16 with non-conforming setbacks may include a second floor, provided that any
17 new construction complies with the applicable setback standards.

18 2. Relationship to Other Accessory structures. The gross
19 floor area of an ADU shall not be counted toward the allowable size of
20 accessory structures specified in Section 21.31.245.

21 3. Architecture, Design, and Site Planning. An ADU shall
22 be subject to the following criteria for architecture, design, and site planning
23 compatibility:

24 a. Exterior modifications to a primary dwelling or
25 accessory building, as well as the construction of a new attached ADU, shall
26 be architecturally compatible with the primary dwelling, including the use of
27 complimentary color palettes, exterior finishes, roof pitch, and other design
28 standards as set forth in Chapter 21.31.

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b. Any garage door(s) shall be removed from a garage or other accessory structure that is converted to an ADU, and the opening shall be treated and finished to match the building per Subsection 21.51.276.D.3.a.

c. Any window, door, or deck of a second story ADU shall utilize techniques to lessen views onto adjacent residential lots to preserve a reasonable level of privacy of adjacent residents. These techniques may include facing a unit entrance away from an interior property line, use of obscured glazing, window placement above eye level, or screening between properties.

d. Where a driveway abuts an ADU, a landscape area with a depth between eighteen (18) to thirty-six (36) inches shall be provided for the entire width of the driveway, provided that:

i. The landscape area does not reduce the driveway length below the minimum required in this Section when it serves as the required parking; and

ii. Existing pedestrian paths and entrances to the ADU and primary dwelling are not negatively impacted, or can feasibly be relocated.

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**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 1,000 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

1 GFA = Gross Floor Area, as defined in Section 21.15.1070

2 Notes

3 (a) See Section 21.51.276.D.1 for existing legal nonconforming setbacks.

4 (b) The rear setback shall be measured to the centerline of the abutting alley,
5 where such exists.

6 (c) For reverse corner lots, the rear yard setback shall be the same as the side
7 yard setback.

8 (d) For sites in PD-11 (Rancho Estates Planned Development District), height is
9 limited to 13 ft., 1 story.

10 (e) For a lot where an additional principal dwelling unit is allowed, a Conforming
11 ADU is not permitted, except as provided in Section 21.51.276.B.2.b.

12 (f) The accessory dwelling unit's gross floor area shall be calculated in
13 accordance with Section 21.15.1070, and shall be counted toward lot coverage and floor
14 area ratio, and against usable open space.

15 (g) Percent of lot area per ADU, to be provided as private or common open
16 space. Usable open space standards of Section 21.31.230 shall apply.

17 (h) The open space required for the ADU is in addition to the open space
18 required by Table 31-2A for the primary dwelling.

19 (i) For a Conforming ADU, if the existing usable open space provided for the
20 primary dwelling is nonconforming, additional usable open space shall be provided for the
21 primary dwelling to conform with the open space requirements of Section 21.31.230 and
22 Table 31-2A.

23 (j) For a site with a primary dwelling of less than 1,280 sq. ft., an ADU up to 640
24 sq. ft. is permitted.

25 (k) The minimum unit size requirements do not establish any exceptions to the
26 maximum unit size allowed.

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1 4. Parking Required. Off-street parking for an accessory
2 dwelling unit and the primary dwelling shall be provided as required in Table
3 51.275-2. Replacement parking for the primary dwelling is required when any
4 on-site parking spaces (or the structures housing them) are demolished,
5 altered, converted, or otherwise eliminated in conjunction with creation or
6 expansion of an ADU. The following requirements shall apply to lots where
7 an ADU is created or expanded:

8 a. Replacement parking spaces for the primary
9 dwelling shall be provided off-street and shall comply with the requirements
10 of Chapter 21.41 (Off-Street Parking and Loading) including, but not limited
11 to size, parking access, improvements, turning radius, and allowed vehicle
12 parking areas, except as otherwise provided by this Section.

13 b. Parking spaces for an ADU, and replacement
14 parking spaces for the primary dwelling, may be provided within an enclosed
15 garage, a carport, or in an open configuration.

16 c. Use of a tandem parking configuration is allowed.
17 No more than three (3) vehicles may be parked in tandem.

18 d. Parking spaces for an ADU and replacement
19 parking spaces shall be located in the areas on a lot allowed by Section
20 21.41.281 (Vehicle parking in residential setbacks) and shown in Figure 41-3.

21 e. A separate driveway for the ADU, or its
22 replacement parking, is prohibited along the street frontage of the site. This
23 prohibition does not include a driveway or parking area having access only
24 from an alley.

25 f. If an automobile parking lift is used, it shall be
26 located within a fully-enclosed garage, which shall comply with all zoning
27 development standards of the applicable zoning district for a garage.

28 g. Garages for a single-family residence and an

ADU shall not exceed a total of nine hundred (900) square feet in size.

**Table 51.275-2
Required Parking for Limited and Conforming Accessory Dwelling Units
and Primary Dwellings**

ADU Size	Location	Parking spaces required	
		ADU (a)	Primary dwelling
640 sq. ft. or less	Coastal Zone and/or Parking Impacted Area (b)	1	Same as existing number of spaces
	Other permitted areas	0	
More than 640 sq. ft.	Coastal Zone and/or Parking Impacted Area (b)	2	Same as existing number of spaces
	Other permitted areas	0	

Notes

(a) The parking required for an ADU is in addition to that required for the primary dwelling.

(b) The boundaries of the Parking Impacted Area for purposes of this Section shall be taken from Map 17 of the Mobility Element of the General Plan, as adopted by the City Council on October 15, 2013, or as may be subsequently amended.

E. Other Provisions.

1. Owner Occupants, Sales, Rentals, and Covenants. The following requirements shall apply to all accessory dwelling units:

a. The owner of the property shall reside either in the primary dwelling or the accessory dwelling unit, unless both the primary dwelling unit and the accessory dwelling unit are rented to the same tenant and such tenant is prohibited in writing by lease or other written instrument from subleasing or otherwise renting the primary dwelling unit or ADU to any other person or entity.

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b. The accessory dwelling unit shall not be sold separately from the primary dwelling.

c. All required on-site parking for the property shall remain available for the residents of the primary dwelling and accessory dwelling unit, and shall not be allocated to or used by any other person or entity, as required by Section 21.41.209.

d. The accessory dwelling unit or the primary dwelling may be rented. All rentals shall be for terms of longer than thirty (30) days.

e. The accessory dwelling unit shall be removed at the expense of the property owner upon violation of Section 21.51.276, or upon cessation of the primary land use as a single-family dwelling, including, but not limited to, addition of another principal dwelling unit.

f. Prior to the issuance of a building permit for the ADU, the owner/applicant shall record a deed restriction in a form approved by the City that restricts the size and attributes of the ADU consistent with this Section, and requires the above restrictions.

2. Construction of ADU with New or Rebuilt Primary Dwelling. Construction of an ADU in conjunction with construction of a new primary dwelling (including situations in which the primary dwelling is demolished or rebuilt as defined in this Title) is permitted, subject to the applicable provisions of this Section and all other applicable laws, codes, and regulations. When the primary dwelling is demolished or rebuilt, any nonconformities in any existing accessory structures shall be corrected prior to the creation of an ADU on the property.

3. Rebuilding of Existing Accessory Structure for Conversion. An existing garage or other accessory structure that is converted to an ADU, or above which a new ADU is constructed, may be

1 rebuilt as necessary to comply with building, fire, and other life safety codes
2 without loss of rights to nonconforming setbacks.

3 4. Conversion of Nonconforming Second Dwelling Unit to
4 ADU. A nonconforming dwelling unit on a property with no more than two
5 existing dwelling units may be converted to a Conforming ADU, subject to
6 the provisions of this Section and the following:

7 a. The converted unit may be exempt from the
8 maximum ADU size limits, provided that:

9 i. The unit to be converted to an ADU has a
10 floor area less than the other dwelling unit, which shall become the primary
11 dwelling; and

12 ii. The unit to be converted to an ADU is not
13 larger than 1,200 sq. ft.

14 b. The property shall be located in a single-family
15 zoning district, or shall be located in an R-2, R-3, or R-4 zoning district and
16 shall have insufficient lot size for more than one dwelling to be permitted per
17 Tables 31-2A or 31-2B; and

18 c. Any existing parking (whether garage, carport, or
19 open) for both units shall be retained, and may be rebuilt and reconfigured
20 as necessary to comply with building code, and may be modified to be made
21 more conforming to the requirements of the Zoning Regulations.

22 5. Nonconformity with Loss of Primary Dwelling. In the
23 event that the primary dwelling is destroyed, abandoned, demolished, or
24 otherwise lost, the accessory dwelling unit shall become a nonconforming
25 use, subject to the provisions of Chapter 21.27 (Nonconformities), and shall
26 not be expanded. This nonconformity may be remedied by the re-
27 establishment of a primary dwelling on the property; or by conversion of the
28 ADU to a primary dwelling, subject to all applicable codes, laws, and

1 regulations for a primary dwelling.

2 6. Unpermitted Structures. Any structure that is described
3 by Section 21.27.030 shall not be converted or otherwise used in the
4 creation or expansion of an accessory dwelling unit if it cannot first be
5 brought into legal conforming status under the provisions of this Title.

6 F. Severability Clause. If any provision or clause of this Section or
7 the application thereof to any person or circumstance is held to be
8 unconstitutional or to be otherwise invalid by any court of competent
9 jurisdiction, such invalidity shall not affect other Section provisions or clauses
10 or applications, and to this end the provisions and clauses of this Section are
11 declared to be severable.

12
13 Section 21. The City Clerk shall certify to the passage of this ordinance by
14 the City Council and cause it to be posted in three (3) conspicuous places in the City of
15 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
16 Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2017, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Table 31-1 Uses

Uses in Residential Zones

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Residential Uses																				
Single-family detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y
Single-family attached	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Duplex	N	N	N	N	Y ^(b)	Y ^(b)	Y	Y	Y	Y ^(c)	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Three-family dwelling	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y
Four-family dwelling	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N	Y
Multi-family dwelling	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
Townhouse	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Modular or manufactured housing unit placed on a permanent foundation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y	N
Mobile home park (as to unsold spaces) (see Section 21.52.243)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y	N
Subdivision of existing mobile home park (see Section 21.52.244)																			C	

Residential Zone District Land Use		R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Accessory dwelling unit (see Section 21.51.275)	Limited accessory dwelling unit	A	A	A	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Conforming accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	N	N
Special group residence (senior citizen housing, handicapped housing, residential care facility, communal housing, convalescent hospital) (see Section 21.52.271)		N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
Transitional Housing ^{(e), (f)}		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Supportive Housing ^{(e), (f)}		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Commercial Uses																					
Bed and breakfast inns (see Section 21.52.209)		N	N	N	N	N	N	N	N	N	N	N	N	AP	AP	AP	AP	AP	N	N	N
Office commercial (see Section 21.52.251)		N	N	N	N	N	N	N	N	N	N	N	C	C	C	Y ^(a)	C	N	N	N	N
Residential historic landmark buildings (see Section 21.52.265.5)		AP	AP	AP	AP	N	AP														
Restaurant (see Section 21.52.269)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Retail commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ^(a)	N	N	N	N
Through-block commercial (see Section 21.52.279)	N	N	N	C	N	N	N	N	C	N	C	C	C	C	C	C	C	C		
Other Uses																				
Carnival, fiesta, other outdoor exhibition or celebration (see Section 21.53.109)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	T
Church (see Section 21.51.213)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	C	C	C	N	N	N
Common recreational facilities (permitted only for multi-family developments with 21 or more units)	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	A	A	A	Y	Y
Construction trailer (see Section 21.53.103)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	T
Courtesy parking for nonresidential use (see Section 21.52.221)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	C	C	N	N
Child daycare home - small or large facility (1—14 persons) (see Section 21.51.230)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	A
Daycare center (15 or more persons) (see Section 21.52.249)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	N
Detached accessory room (see Section 21.31.245)	N	N	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	N	Y	N

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-J	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Electrical distribution station (see Section 21.52.223)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	N
Group home (1—6 persons) (see Section 21.15.1200)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Home occupation (see Section 21.51.235)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Interim Parks																				
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	IP
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	IP
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	Y	IP									
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	N	IP															
Private school (elementary) (see Section 21.52.263)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N	N
Recreational vehicles - parking and storage (see Section 21.41.276)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	N
Room rentals (see Section 21.51.270)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Sandwiched lot development (see Section 21.52.270)	N	N	N	C	N	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-J	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Storage of chattel (see Section 21.51.290)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Trailer or dwelling unit used as home sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Vehicle parking and storage (see Section 21.41.281 and 21.41.283)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. Refer to provisions in Chapter 21.52.

A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.

T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.

AP = Administrative use Permit required. Refer to provisions in Chapter 21.52.

IP = Interim park use permit required. Refer to provisions in Chapter 21.52.

Notes:

(a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.

(b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.

(c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.

(d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.

(e) This use does not include uses that meet the definition of "Residential care facility" or "Special group residences" as defined in Chapter 21.15.

(f) Development is subject to the density limits of the zoning district in which it is located.

RESOLUTION NO.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT TO ADD SECTIONS TO THE CITY'S ZONING REGULATIONS RELATING TO ACCESSORY DWELLING UNITS (ADUs) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, on _____, 2017, the City Council of the City of Long Beach amended certain provisions of Title 21 of the Long Beach Municipal Code regarding Accessory Dwelling Units (ADUs); and

WHEREAS, it is the desire of the City Council to submit the above referenced amendments to the Long Beach Municipal Code to the California Coastal Commission for its review and approval as a Local Coastal Plan implementing ordinance amendment; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the Long Beach Municipal Code at a properly noticed and advertised public meeting; and

WHEREAS, the City Council approved the proposed amendments to the Long Beach Municipal Code by adopting amendments to Title 21. The proposed amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments are consistent with the City's certified Local Coastal Program and will not adversely affect

1 the character, livability or appropriate development in the City of Long Beach and that the
2 amendments are consistent with the goals, objectives and provisions of the General Plan;

3 WHEREAS, the ADU ordinance is Statutorily exempt per CEQA Guidelines
4 Section 15282(g) for the “adoption of an ordinance regarding second units in a single-
5 family or multi-family zone by a city or county to implement the provisions of Sections
6 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the
7 Public Resources Code” and per Section 15265 exempting adoption of coastal plans and
8 programs by local governments.

9 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
10 follows:

11 Section 1. The amendments to Title 21 of the Long Beach Municipal
12 Code adopted on _____, 2017, by Ordinance No. ORD-17-_____, a
13 copy of which is attached to and incorporated in this resolution is hereby submitted to the
14 California Coastal Commission for its earliest review as to that part of the ordinance that
15 directly affects land use matters in that portion of the California Coastal Zone within the
16 City of Long Beach.

17 Section 2. The Director of Development Services of the City of Long
18 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
19 with appropriate supporting materials, to the California Coastal Commission with a
20 request for its earliest action, as an amendment to the Local Coastal Program that will
21 take effect automatically upon Commission approval pursuant to the Public Resources
22 Code or as an amendment that will require formal City Council adoption after Coastal
23 Commission approval.

24
25 Section 3. This resolution shall take effect immediately upon its adoption
26 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

27 //

28 //

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2017, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ESTABLISHING AND MODIFYING THE CITY OF LONG BEACH TRANSPORTATION IMPROVEMENT FEE, PARKS AND RECREATION FACILITIES FEE, FIRE FACILITIES IMPACT FEES, AND POLICE FACILITIES IMPACT FEES, ALL RELATED TO THE APPROVAL AND CONSTRUCTION OF ACCESSORY DWELLING UNITS

WHEREAS, Senate Bill (SB) 1069 and Assembly Bill (AB) 2099 became effective on January 1, 2017, adding Sections 65852.1 and 65852.2 to the Government Code and modifying the requirements for second units or "accessory dwelling units" ("ADUs") related to unit size, parking, and fees;

WHEREAS, on October 10, 2017, the City of Long Beach adopted an Ordinance establishing certain zoning regulations, standards, and a ministerial process for approving ADUs in the City;

WHEREAS, accessory dwelling units are an effective way to increase housing options in the City; they can provide affordable housing for renters, a source of income for homeowners, and a housing resource for extended families, seniors, college students, and others; they represent a form of infill development that can be relatively affordable to construct and/or rent and offer innovative housing choices within existing neighborhoods;

WHEREAS, the City has adopted and currently assesses various Development Impact Fees (DIFs) including Transportation Improvement Fees, Parks and Recreation Facilities Fees, Police Facilities Impact Fees, and Fire Facilities Impact Fees, to insure that certain types development bear a proportionate share of the cost of capital

1 facilities and related costs necessary to accommodate such development;

2 WHEREAS, the City has not yet specifically addressed appropriate DIFs
3 related to the approval or construction of ADUs in the City, and the City now desires to
4 ensure that DIFs charged for ADUs are proportional to the demand for new services that
5 are expected to occur as a result of such construction;

6 WHEREAS, recognizing that the restricted square-footage of ADUs as
7 established by the above referenced Ordinance, ADUs by their very size and anticipated
8 occupancy rates are expected to have a lesser impact on City services as compared to
9 the size, occupancy, and use of traditionally sized homes and residences, the City
10 therefor desires to assess DIFs for ADUs at a lesser rate to reflect the expected lesser
11 impact of these housing types on City services in the community;

12 WHEREAS, it is estimated that ADUs will have an occupancy rate of
13 approximately 1.58 persons per unit which is approximately one half (1/2) the estimated
14 occupancy rate for a single-family dwelling in the City of Long Beach;

15 WHEREAS, the City desires to modify its current DIFs related to ADUs to
16 minimize said fees in recognition of the lesser impact on City services that are expected
17 to occur as a result of the construction of ADUs when compared to the construction of
18 more traditionally sized housing types in the City;

19 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
20 follows:

21 Section 1. That Transportation Impact Fees for ADUs is set as follows:

22 A. For ADUs less than 220 square feet, the fee shall be set at
23 \$236.25 per ADU;

24 B. For ADUs greater than 220 square feet, but less than 640
25 square feet, the fee shall be set at \$663.75 per ADU;

26 C. For ADUs greater than 641 square feet, the fee shall be set at
27 \$1,125.00 per ADU.
28

1 Section 2. That Parks and Recreation Facilities Fees for ADUs is set as
2 follows:

3 \$1,781.39 per ADU.

4
5 Section 3. That Police Facilities Impact Fees for ADUs is set as follows:
6 \$342.86 per ADU.

7
8 Section 4. That Fire Facilities Impact Fees for ADUs is set as follows:
9 \$241.74 per ADU.

10
11 Section 5. That the above referenced Development Impact Fees (DIFs)
12 reflect a reasonable relationship between the DIFs use and the type of development on
13 which the fee is imposed.

14
15 Section 6. That the City Council of the City of Long Beach considered
16 the modification of the existing DIF Fee assessment structure and the adoption of the
17 above referenced DIFs relating to ADUs at a duly noticed public meeting at which oral or
18 written presentations were or could be made, and that notice of said public meeting was
19 made in accordance with Government Code Section 66016.

20
21 Section 7. This resolution shall take effect immediately upon its adoption
22 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2017, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk



State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit 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 accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.



STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

GOVERNMENT CODE

Section 65852.22

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

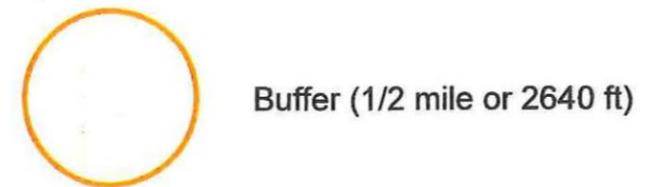
(Amended by Stats. 2016, Ch. 735, Sec. 1.5. (AB 2299) Effective January 1, 2017.)

LONG BEACH Transit Stop Map

LEGEND

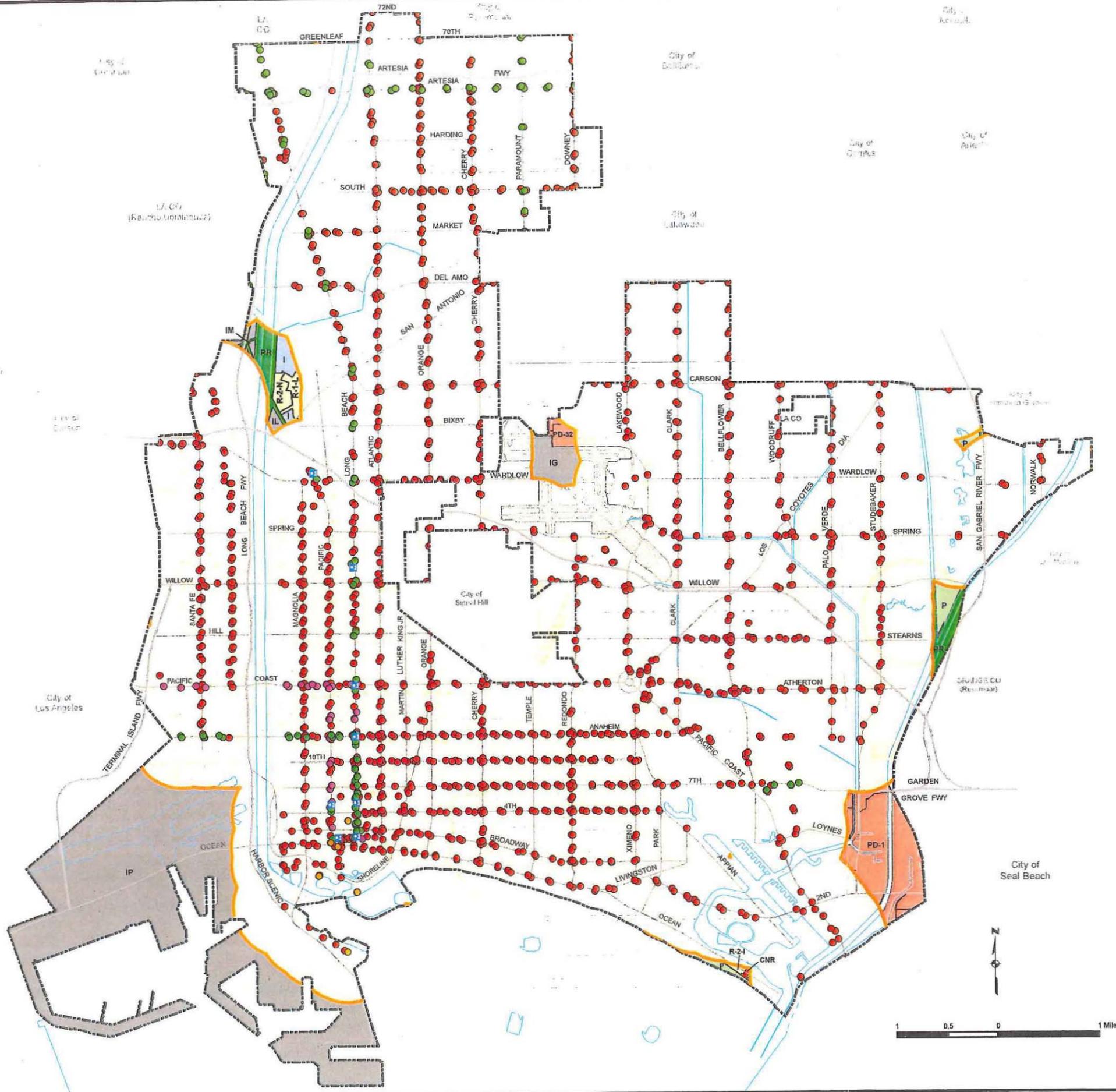
TRANSIT STOPS

- Long Beach Transit Bus Stop
- Metro Stop
- Passport Stop
- Torrance Stop
- Metro Rail Station



ZONING CLASSIFICATION

- C – Commercial
- IND – Industrial
- I – Institutional
- P – Park
- PD – Planned Development
- PR – Public Right-of-way
- R – Residential
- SP – Specific Plan



City of Long Beach, Planning Department, 2011. All rights reserved. This map is for informational purposes only. It is not intended to be used for any other purpose.

Summary of 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 1,000 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

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.

**CITY OF LONG BEACH**

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

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.

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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.

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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.

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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

CHAIR AND PLANNING COMMISSIONERS

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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.

CHAIR AND PLANNING COMMISSIONERS

June 1, 2017

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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



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:AO

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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



AGENDA ITEM No. 2

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

July 6, 2017

CHAIR AND PLANNING COMMISSIONERSCity of Long Beach
California**RECOMMENDATION:**

Recommend that the City Council find this action exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines (Statutory Exemption 17-136) 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
(Application No. 1702-04 [ZCA 17-010, LCPA 17-002])

BACKGROUND

On June 1, 2017, the Planning Commission held a public hearing on a Zoning Code Amendment pertaining to Accessory Dwelling Units. The Planning Commission received a staff presentation, took public testimony, closed the public hearing, deliberated, and acted to continue the hearing to the Planning Commission's regularly scheduled meeting of July 6, 2017. The Planning Commission directed staff to provide additional analysis on the proposed maximum unit size and the impact of requiring additional parking.

DISCUSSION

The City's 2013-2021 Housing Element identifies Accessory Dwelling Units (ADUs) as one housing type that contributes to meeting the housing needs of all economic segments. In January 2016, Mayor Robert Garcia, as part of the State of the City address, issued a call to action to address the shortage of affordable and workforce housing for Long Beach residents. This was the catalyst for the creation of a study group charged with developing housing production policies for the City Council's consideration. Late last year, Governor Brown signed two bills pertaining to ADUs which went into effect on January 1, 2017 effectively reducing local agencies' regulatory authority when ADUs meet certain State standards and streamlined the review process. On February 21, 2017, the City Council directed staff to review the new State regulations pertaining to Accessory Dwelling Units and prepare a draft ordinance for consideration. On May 2, 2017, the City Council adopted

the recommendations presented in the 2017 Report on Revenue Tools and Incentives for the Production of Affordable and Workforce Housing and directed staff to take the necessary steps to implement the recommendations contained in the report. One of the 29 recommended policies from the report is the adoption of an ordinance that supports the development of Accessory Dwelling Units. In light of this policy framework, staff drafted a Zoning Code Amendment to implement the policy direction in the context of the City's local development patterns. Staff found the State regulations too permissive when considering the local environment in Long Beach. For example, State law permits a detached ADU on any residential lot with a single-family home regardless of lot size.

The proposed Zoning Code Amendment establishes two categories of ADUs: (1) a "Limited ADU;" and (2) a "Conforming ADU." The two categories are intended to distinguish the different regulations, State-mandated or local ordinance regulations, applicable to each type of unit. As proposed, 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. For more detailed information on proposed ADU standards please refer to the Planning Commission Staff Report dated June 1, 2017, (Exhibit A) and to the draft Zoning Code Amendment (Exhibit B). Per the Planning Commission's request, this staff report provides additional analysis of the proposed maximum unit size for ADUs, parking, and setbacks.

Maximum Unit Size

State law allows a local jurisdiction to establish its own maximum unit size for ADUs through the adoption of a local ordinance. The proposed local standard for ADUs would be 50 percent of the existing living area of the primary dwelling or 1,200 square feet, whichever is less. This is more restrictive than State law. This ratio to the primary dwelling is intended to ensure that ADUs are in scale with the primary dwelling and remain an accessory use.

Table 1. Comparison of Maximum ADU Size: State and Proposed Ordinance			
State Standard		Proposed City Standard	
Attached ADU	Detached ADU	Limited ADU	Conforming ADU
50 % of the existing living area with a maximum of 1,200 sq.ft.	1,200 sq.ft.	50% of the gross floor area of the primary dwelling or 1,200 sq.ft. whichever is less. ^A	
^A For a site with a primary dwelling of less than 1,280 sq.ft. an ADU up to 640 sq.ft is permitted.			

Nearly 60 percent of all existing single-family dwellings are less than 1,500 square feet. In light of the substantial percentage of properties developed with small primary dwelling

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units, staff's recommendation includes an exception to the 50 percent ratio when the primary dwelling is less than 1,280 square feet. The purpose of the "lesser maximum" is to ensure that every eligible property could potentially develop a modest sized ADU, of 640 square feet, without requiring the expansion of the primary dwelling.

On the opposite end of the spectrum are homes of 2,400 square feet or more in area, which comprise approximately eight percent of the existing single-family homes in the City. The potential for building an ADU at the maximum size of 1,200 square feet must be considered in context with all of the development standards of the zone and the lot characteristics. Considering the size of the primary dwelling alone is insufficient. Table 2 below illustrates the impact of the R-1-N zoning district's floor area ratio (FAR), just one development standard out of six basic standards that impacts the size of the ADU can be developed.

Approximately 13% of all R-1-N Zoned lots are less than 4,800 and could not develop an ADU.	Approximately 62% of R-1-N Zoned lots are between 4,800-6,500 Sq.Ft. in size.	Approximately 8% of all R-1-N Zoned lots are 8,000 Sq.Ft. in area or greater.
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Table 2. Conforming ADUs: R-1-N Floor Area Ratio (FAR) and Maximum Unit Size

60% of all existing single family dwellings on residentially zoned lots are less than 1,500 Sq.Ft.

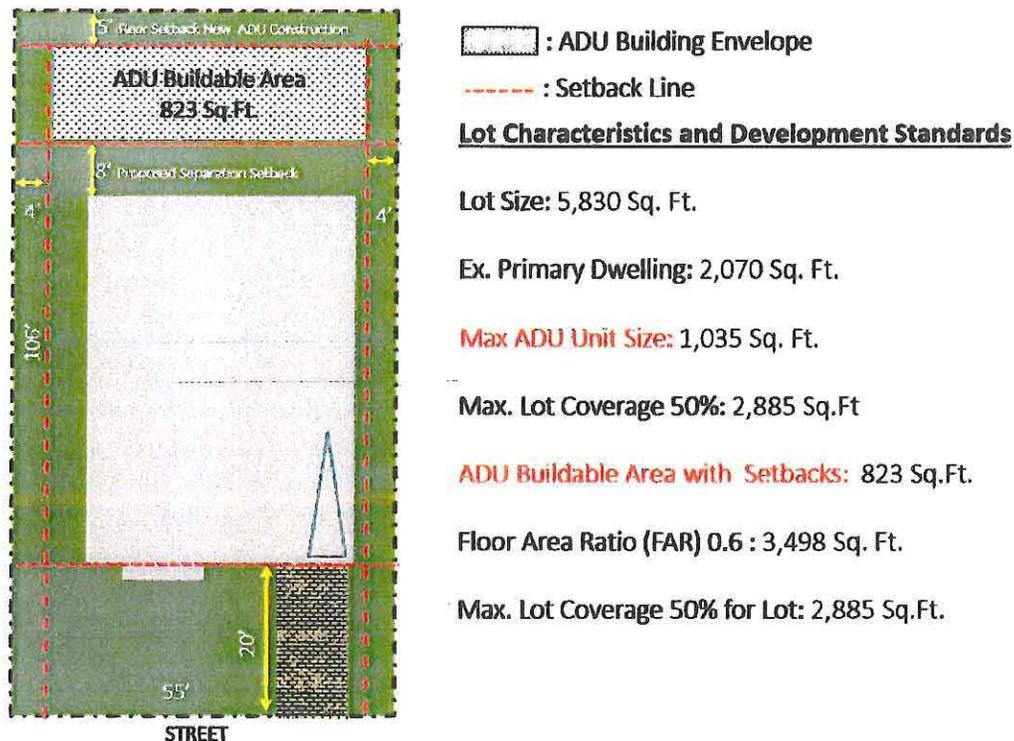
Lot Size	<4,800	4,800	5,300	5,500	6,000	6,500	7,000	8,000	9,000
Primary Dwelling Size (Sq.Ft.)	Effective allowed size of Conforming ADU per primary unit size and lot FAR Limitation (0.60)								
600	0	640	640	640	640	640	640	640	640
800	0	640	640	640	640	640	640	640	640
1,000	0	640	640	640	640	640	640	640	640
1,200	0	640	640	640	640	640	640	640	640
1,400	0	700	700	700	700	700	700	700	700
1,500	0	750	750	750	750	750	750	750	750
1,600	0	800	800	800	800	800	800	800	800
1,800	0	900	900	900	900	900	900	900	900
2,000	0	880	1,000	1,000	1,000	1,000	1,000	1,000	1,000
2,200	0	680	980	1,100	1,100	1,100	1,100	1,100	1,100
2,400	0	480	780	900	1,200	1,200	1,200	1,200	1,200
2,600	0	0	580	700	1,000	1,200	1,200	1,200	1,200
2,800	0	0	380	500	800	1,100	1,200	1,200	1,200
3,000	0	0	0	0	600	900	1,200	1,200	1,200
3,500	0	0	0	0	0	400	700	1,200	1,200
4,000	0	0	0	0	0	0	0	800	1,200

The point at which the FAR of the R-1-N Zone impacts the proposed maximum unit size of an ADU.

Based on the data in Table 2, it becomes clear that not all properties with a 2,400-square-foot home would be able to develop a 1,200-square-foot ADU. Lot size, in addition to the building size, is a strong indication of whether a property can be developed with an ADU.

There are additional factors that influence the ultimate location and size of ADUs including open space requirements, setbacks from property line, required distance between buildings, parking, and existing site conditions such as swimming pools. Figure 1 below is a simplified site plan based on a 5,830-square-foot lot within the City that is developed with a 2,070-square-foot home in the R-1-N District Zone. It is illustrative of how the design standards and existing site condition will further influence the size, shape, and location of a newly constructed detached ADU. The proposed maximum ADU size appears to allow a 1,035-square-foot ADU. However, once the setbacks are applied, the actual building area of a detached accessory structure is reduced to 823 square feet.

Figure 1. Detached ADU Buildable Area and Setbacks



Additional site plan examples illustrating the potential buildable area for newly constructed detached units are provided in Exhibit C.

Required Parking

State law prohibits cities from requiring parking for ADUs under certain conditions including when a property is located within one-half mile of public transit. It was determined that

CHAIR AND PLANNING COMMISSIONERS

July 6, 2017

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nearly all residential property is within a one-half-mile radius of public transit stops within the City (Exhibit D – Long Beach Transit Stop Map) and would be exempt from providing parking for an ADU. Therefore, no parking requirement is recommended for ADUs located outside of the Coastal Zone and designated Parking Impacted Areas. However, replacement parking is proposed in all cases where parking for the primary unit is converted to an ADU.

Parking Impacted Areas, which in many instances overlap with the Coastal Zone, are some of the more congested and dense areas of the City. State law allows cities to specify areas where ADUs are allowed based on criteria that includes, but is not limited to traffic flow and public safety. Based on these grounds staff has proposed to prohibit ADUs in Parking Impacted Areas and within the Coastal Zone. However, in order to balance this with City Council policy direction, the intent of State law, as well as the goal of the Coastal Act to create affordable housing opportunities within the Coastal Zone, staff proposes allowing ADUs in these areas when additional parking is provided.

Table 3. Comparison of Required Parking State and Proposed Ordinance			
	State Standard	Proposed City Standard	
ADU Parking	May require parking per bedroom or per unit. Except when ADU is: 1 - located within a ½ mile of public transit; 2 - located within an architecturally and historically significant district; 3 - part of an existing primary dwelling; and 4 - located on a street with permit parking and permits are required but not offered to ADU occupants; and 5 – within one block of a car share vehicle.	No parking is required except within the Coastal Zone and Parking Impacted Area.	
		Coastal Zone or Parking Impacted Area	ADU ≤ 640 Sq.ft. in area ADU > 640 Sq.ft. in area
Replacement Parking	Replacement parking may be required.	Require replacement parking for primary unit. ^A	
^A Parking when required may be provided in a garage, carport, tandem, open configuration, or with a parking lift that is fully enclosed within the building.			

As part of the staff recommendation presented on June 1, 2017, one additional parking space would be required per ADU developed in these areas. Based on Planning

CHAIR AND PLANNING COMMISSIONERS

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Commission concerns raised about the need for additional parking in these areas, staff has revised the recommendation to require: 1) two parking spaces for ADUs that are greater than 640 square feet in area; and 2) one parking space for ADUs 640 square feet or less, as indicated in Table 3. Requiring additional parking will further curtail the number of ADUs that are larger than 640 square feet within these areas because it will be increasingly difficult to meet all development standards.

The Planning Commission originally asked staff to look at parking standard per bedroom. Staff finds that bedroom size can vary greatly and the number of bedrooms in a dwelling becomes increasingly difficult to enforce once constructed. Basing the parking on the unit size will create a more predictable outcome and one that can be more easily administered.

Setbacks

State law mandates the following setbacks for ADUs: 1) no setback for existing structures, other than that required to achieve life safety standards; and 2) a five-foot side and rear setback when an ADU is located above a garage. In addition to the aforementioned State standards, staff has recommended requiring a side yard setback that is the same as that required in the zoning district or five feet, whichever is less. The proposed rear setback is five feet for detached structures. Staff's proposal provides parity between setback standards between ADUs that are created from repurposing existing structures or those that would be newly constructed above a garage and all other ADUs. Requiring a greater setback than that which is State mandated by law will likely result in a greater number of units being built at property line through the conversion of an existing structure or above garages than may have otherwise been constructed in this manner.

Conclusion

The proposed ADU standards will work in concert with the existing development standards of the underlying residential zone to shape the location and ultimate size of the ADU that can be built. As a result the standards are more restrictive in some areas (requiring replacement parking when a garage is converted) and less in other areas (allowing ADUs with primary dwelling units that are less than 1,280 square feet to develop an ADU that is 640 square feet in size). The draft Zoning Code Amendment is neither the most restrictive nor most permissive ordinance possible. Rather it was drafted to strike a balance between competing demands and offers the most responsible version. The standards have been carefully considered taking into account local development conditions and standards and will create opportunities for a mix of ADUs of varying sizes throughout the community.

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.

CHAIR AND PLANNING COMMISSIONERS

July 6, 2017

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PUBLIC HEARING NOTICE

Public hearing notices for the continued hearing date of July 6, 2017 were published, distributed and posted in accordance with the Long Beach Municipal Code. A public hearing notice was published on June 21, 2017. Public hearing notices were also mailed to all City libraries, and posted in the Civic Center.

In addition to the mandatory public hearing notice, staff notified approximately 95 members of the community who inquired or submitted comments on this matter. Prior to and following the June 1, 2017 public hearing, staff received the attached communications expressing concern and some support for various aspects of the proposed Zoning Code Amendment (Exhibit E).

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



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB: LFT: CT:AO

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Attachments: Exhibit A – Planning Commission Staff Report Dated June 1, 2007
Exhibit B – Draft Zoning Code Amendment
Exhibit C – ADU Examples
Exhibit D – Long Beach Transit Map
Exhibit E – Public Comments
Exhibit F – Notice of Exemption

General Plan Conformance

The draft Zoning Code Amendment, pertaining to Accessory Dwelling Units, not only implements state law but is consistent with the General Plan 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.

Local Coastal Program

The draft Zoning Code Amendment is consistent with the Coastal Act and Local Coastal program objectives to maintain access to the coast and create affordable housing opportunities. The Ordinance strikes a balance between the two objectives by requiring one parking space for an ADU in the Coastal zone.

Interim ADU Development Impact Fees

To ensure that the development impact fees charged for Accessory Dwelling Units are proportional to the demand for new services as required by state law, staff is recommending that the DIF fees be adjusted as proposed in the Table. Table 1 (below) summarizes the adopted Development Impact Fee (DIF) types followed by the interim fee that is proposed. The recommended modifications would result in ADUs paying a mitigation fees ranging between \$2,602.24 up to \$3,409.99 in development impact fees.

Table 1. Development Impact Fees (DIF) for ADU

Development Impact Type	Current DIF Fee			Proposed Interim ADU DIF Fee		
	Single-Family	Multi-Family	Accessory	ADU ≤ 220 sq.ft.	ADU greater than 220 sq.ft. and less than 640 sq.ft.	ADU ≥ 641 sq.ft.
Transportation Improvement	\$1,125.00	\$663.75	\$236.25 up	\$236.25 ^A	\$663.75 ^B	\$1,125.00
Parks and Recreation Facilities	\$4,613.04	\$3,562.78	\$1,781.39	\$1,781.39		
Police Facilities	\$703.00	\$537.00	None Specified	\$342.86		
Fire Facilities	\$496.00	\$378.00	None Specified	\$241.74		

^A This is an existing fee applied to residential accessory structures up to 220 sq.ft. in area.
^B This DIF will also be assessed to ADUs when homeowners voluntary agree to restrict the occupancy of the ADU to a Senior Citizen by recording a deed restriction. This fee is based on an existing rate established rate under Transportation for Senior Citizen Residents.

In 2006, a Developer Impact Fee Study was prepared for the Police and Fire Departments to calculate the nexus between new commercial and residential development to police and fire services. The methodology of the study calculated a per capita cost for police and fire department facilities and applied these costs to the typical occupancy rate for single family dwelling units and multi-family dwelling units. In 2006, the study identified the occupancy rate for single family units to be 3.17 persons and multi-family dwelling units to be 2.43 persons. The per capita facility cost for the Police Department was calculated to be \$217 and \$153 for the Fire Department.

To determine an appropriate developer impact fee to be applied to accessory dwelling units, the City will utilize the primary assumptions from the 2006 Developer Impact Fee Study. It is estimated that an accessory dwelling unit will have an occupancy rate of approximately 1.58 persons. The occupancy rate of 1.58 person is half the occupancy assumed for a single-family dwelling. Using the per capita facility costs that were calculated in 2006, the resulting developer impact fees to be applied to accessory

dwellings will be \$342.86 for the Police Department and \$241.74 for the Fire Department as reflected in Table 1.

In the long term, each development impact fee will need to be updated through the completion of a formal nexus study and hearing process. At that time, the comprehensive update would assess infrastructure needs and changes in construction prices.

The Planning Bureau surveyed a select number of cities with development impact fees which is reflected in Table 2 below. The comparison cities vary from not charging DIF for the development of ADUs to charging up to \$20,145.89. The City of Long Beach with the recommended modifications would charge an ADU between \$2,602.24 up to \$3,409.99 in impact fees.

Table 2: Accessory Dwelling Unit Impact Fees for Other Jurisdictions

Impact Fee Type	Anaheim	Oakland	West Hollywood	Huntington Beach
Transportation	The City of Anaheim is reassessing how they calculate development impact fees considering recent ADU legislation. No fees are being collected at this time.	Exempt.	Exempt	\$2,385 (Detached Dwelling Unit [per unit]) \$1,597 (Attached Dwelling Unit [per unit])
Parks and Recreation		Exempt unless associated with a subdivision then Quimby Fees will be assessed.	Exempt unless associated with a subdivision then Quimby Fees will be assessed.	\$16,554.73 (Detached Dwelling Unit [per unit]) \$12,732.84 (Attached Dwelling Unit [per unit])
Fire		Exempt	Exempt	\$844.11 (Detached Dwelling Unit [per unit]) \$349.85 (Attached Dwelling Unit [per unit])
Police		Exempt	Exempt	\$362.05 (Detached Dwelling Unit [per unit]) \$746.48 (Attached Dwelling Unit [per unit])



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [X] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[X] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: SE-17-136

Project Location/Address: Citywide

Project Activity/Description: Zoning Code Amendment and Local Coastal Program Amendment
to implement Accessory Dwelling Unit regulations per Sections 65852.1 and
65852.2 of the California Government Code. All amendments are to Title 21
LBMC (Zoning Regulations).

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: City of Long Beach, Dept. of Development Services

Mailing Address: 333 W. Ocean Blvd., 5th fl., Long Beach, CA 90802

Phone Number: (562) 570-6194

Applicant Signature: [Handwritten Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1702-04 Planner's Initials: AO/SK

Required Permits: Zoning Code Amendment (ZCA17-007) LCP Amendment (LCPA17-002)

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION Section 15282(h) Other Statutory Exemptions

Statement of support for this finding: Project consists of the adoption of an ordinance
regarding second units in single-family and multifamily residential zones
by a city to implement the provisions of Sections 65852.1 and 65852.2 of the
Government Code as set forth in Section 21080.17 of the Public Resources Code.

Contact Person: Scott Kinsey

Contact Phone: (562) 570-6194

Signature: [Handwritten Signature]

Date: 5/23/17