

CITY OF LONG BEACH

Department of Planning and Building

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6194 FAX (562) 570-6068

November 23, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Report on Current Standards Related to Bedroom Sizes and Possible Remedies to Address Habitable Bedroom Space in New and Renovated Buildings (Citywide)

DISCUSSION

It has come to the attention of several City Council offices and staff that a trend has developed to renovate multi-unit buildings to provide additional bedrooms within existing dwelling units. This conversion is typically accomplished by reducing the size of living rooms or dining rooms, or dividing existing bedrooms to create additional, typically small, bedrooms. The trend may have several causes, but it appears that often the intent of property owners is to receive additional funding through the Section 8 Housing Program. The negative impacts of this trend are exacerbated by the fact that the majority of these conversions are occurring to older housing stock that are typically non-conforming relative to current on-site parking and open space requirements.

At its meeting of April 20, 2004, the City Council referred this item to the City Manager for a report on possible remedies that would address the implications of this trend. Community Development Department staff has prepared a related report to the Housing Authority that would address potential changes to rents paid to owners under the Section 8 Program. This program change would reduce the incentive to increase the number of bedrooms within existing dwellings by basing rents on both unit size (in square feet), as well as on the number of bedrooms.

Building Code Standards

With respect to the California Building Code standards related to bedroom sizes, staff has found that cities are precluded from establishing minimum sizes that are more restrictive from those that are established by State law. The California Building Standards Commission develops and publishes the California Building Code with appropriate amendments from certain State agencies. State law mandates that all jurisdictions within the State adopt this code, including its provisions for minimum bedroom size of 70 square feet.

State law will allow a jurisdiction to establish standards that are more restrictive than the California Building Code, provided the governing body of the jurisdiction makes an expressed finding that the need for the change is "reasonably necessary because of

climatic, geological or topographical conditions.” Staff does not believe that there is an adequate nexus between local climate, geology or topography related to bedroom size and recommends against such an amendment. It should be noted that several California cities have faced legal challenges to local amendments that imposed more restrictive standards for bedroom sizes.

Zoning Ordinance Amendments

The City of Long Beach has the ability to adopt amendments to the Zoning Regulations found in Title 21 of the Municipal Code to address the character, livability or appropriate development of the City. With respect to the current trend, the potential impact of increasing the number of bedrooms within existing buildings and the increase in occupancy appears to be on parking and open space. The number of required parking spaces for existing versus new development is currently dealt with in two different ways. New housing development requires the provision of on-site parking as follows:

- Studio apartments require 1 parking space
- One-bedroom units require 1 ½ parking spaces
- Two-bedroom or larger units require 2 parking spaces
- Guest parking is required (in most cases) at a rate of one space for every four units for projects consisting of four units or more

With respect to existing development, the existing number of on-site spaces must be maintained and interior renovations and additions less than 450 square feet per site are permitted without the provision of additional parking.

Regarding on-site open space, the standard for new construction varies by zoning district. For example, in the standard single-family residential district, 16% of the lot must be set aside for usable open space while the R-4-N multi-family district requires a minimum of 150 square feet per unit. With respect to existing buildings, additional open space is not required for interior renovations. Staff does not recommend a change to the method by which minimum open space is required, as it would have other impacts upon new development.

There is, however, an amendment to the parking standards that we believe is appropriate to address the current trend. The one obvious “loophole” in the parking standards is that existing studio apartments and one-bedroom units can currently be converted through interior renovation or minor additions without providing additional parking. In order to rectify this, staff recommends that the “Nonconformities” section of the Zoning Regulations be amended to require that additional on-site parking be provided when interior alterations or minor additions to studio or one-bedroom apartments are made that result in additional bedrooms. Further, staff recommends that this change apply only to properties that are developed with three or more units to avoid possible negative impacts on single-family and duplex-type developments.

Assistant City Attorney Mike Mais reviewed this report on November 10, 2004.

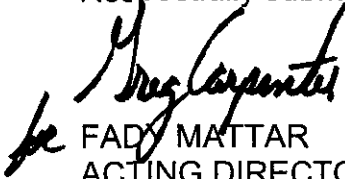
FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Refer the proposed amendment of the "Nonconformities" Chapter of the Municipal Code, related to parking requirements, to the Planning Commission for review and recommendation.

Respectfully submitted,



FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

APPROVED:


GERALD R. MILLER
CITY MANAGER