



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

December 12, 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 (ZCA No. 17-007), relating to Accessory Dwelling Units (ADUs), 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 ADUs in accordance with California Government Code Section 65852.2 pertaining to ADUs. (Citywide)

DISCUSSION

On October 10, 2017, the City Council held a public hearing on a proposed Zoning Code Amendment pertaining to local regulations for Accessory Dwelling Units (ADUs) and associated development impact fees, received a staff presentation, took public testimony, deliberated the matter, and directed staff to return with a revised ADU Ordinance in approximately 30 days, with consideration of the following changes:

1. An increase in the minimum lot size required to construct an ADU to 5,200 square feet in area;
2. An increase to the minimum usable open space area required to 30 percent of the gross floor area of the ADU;
3. Reduction in the maximum ADU size to 50 percent of the gross floor area of the primary dwelling or 800 square feet, whichever is less; and,
4. Require parking for ADUs within preferential parking districts.

This staff report provides details on the requested changes. Exhibit A through Exhibit K, beginning with the October 10, 2017, City Council agenda report, provide background and analysis of other aspects of the ADU Ordinance.

The amendments requested by the City Council pertaining to minimum lot size, open space, and maximum ADU size have been incorporated into the revised Ordinance. Because the proposed ADU Ordinance included a parking requirement for ADUs within designated Parking Impacted Areas, the City Council directed staff to include a parking requirement for ADUs in a preferential parking district. However, preferential parking districts differ from Parking Impacted Areas in several ways. Parking Impacted Areas were established in 1988 by the City Council based on established findings that on-street parking conditions created a detrimental condition affecting the health, safety, and welfare of the community, in addition to impeding traffic flow. Unlike Parking Impacted Areas, the basis for the establishment of a preferential parking district begins with a self-selection process, whereby at least two-thirds of the residential units of occupancy fronting curbs proposed to be included in the district must sign a petition requesting inclusion. Additionally, the preferential parking designation may be terminated by the City Council when a majority 50 percent, plus one, of the dwelling units in the district sign a petition based upon, but not limited to, any changes in criteria upon which the original designation was granted. As such, preferential parking districts have a more fluid designation and are not exclusively based on findings of public safety and impact on traffic flow.

Parking Impacted Areas have a more static designation as compared to preferential parking districts. The historic development patterns of designated Parking Impacted Areas are a major contributing factor for the need for this designation as many areas were developed with either no parking or have inadequate parking based on the size or number of parking stalls required today. In contrast, preferential parking districts have parking limitations that vary based on nearby non-resident use of parking, which effectively ensure that parking remains available for the residential neighborhood. This condition is contrary to the findings needed to require parking for ADUs. Lastly, all preferential parking districts are located within one-half mile of public transit, a circumstance where State law prohibits the City from requiring parking (Exhibit I – Long Beach Transit Maps and Exhibit J - Preferential Parking Districts Maps).

In consultation with the City Attorney's Office, along with assessment of State law, and a review of the City's preferential parking districts, the City Attorney has determined that findings cannot be met to require parking for ADUs within preferential parking districts. Therefore, the ADU Ordinance has not been amended to reflect this City Council-requested change.

An additional modification to the parking requirement is recommended by the City Attorney, based on recently adopted legislation that amended the State Law. The parking requirement recommended by the Planning Commission was one parking space for units 640 square feet or less and two parking spaces for units greater than 640 square feet. On October 8, 2017, Governor Brown signed two bills (AB 494 and SB 22) clarifying State regulations for ADUs (Exhibit K – Assembly Bill 494 and SB 22), effective January 1, 2018. The most significant amendment was that the ADU parking requirements could not exceed one parking space per unit or per bedroom, whichever is less. As such, it is recommended that the proposed Ordinance reflect State law. The Planning Commission was provided an update of the changes to State laws pertaining to ADUs at their October 19, 2017 meeting.

Public hearing notices were published in the Long Beach Press-Telegram and distributed on November 27, 2017 and December 2, 2017. All public comments received to date on this item, including those submitted to the Planning Commission, are included in Exhibit L - Public Comments.

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 M – 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 November 20, 2017 and by Budget Management Officer Rhutu Amin Gharib on November 22, 2017.

TIMING CONSIDERATIONS

City Council action is requested on December 12, 2017, since the City’s current Ordinance is null and void. In the absence of a local ordinance the City must continue to approve ADUs up to 1,200 square feet in accordance with State law. 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. This matter was brought to the City Council on October 10, 2017, which 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 Development Impact Fees (DIFs) structure are proposed as part of this recommendation (Exhibit F – 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 the City Council at that time.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB;LFT:CT:AO

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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 – City Council Letter Dated October 10, 2017
 - Exhibit B – Planning Commission Letter dated July 6, 2017
 - Exhibit C – Planning Commission Letter dated June 1, 2017
 - Exhibit D – Summary of ADU Development Standards
 - Exhibit E – General Plan Conformance
 - Exhibit F – Interim ADU Development Impact Fees
 - Exhibit G – Coastal Zone Map
 - Exhibit H – Parking Impacted Area Map
 - Exhibit I – Long Beach Transit Stop Map
 - Exhibit J – Preferential Parking Area Map
 - Exhibit K – AB 494 and SB 229
 - Exhibit L – Public Comments
 - Exhibit M – Statutory Exemption SE-17-136

**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.

HONORABLE MAYOR AND CITY COUNCIL

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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)

HONORABLE MAYOR AND CITY COUNCIL

October 10, 2017

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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

**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 COMMISSIONERS
City 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.

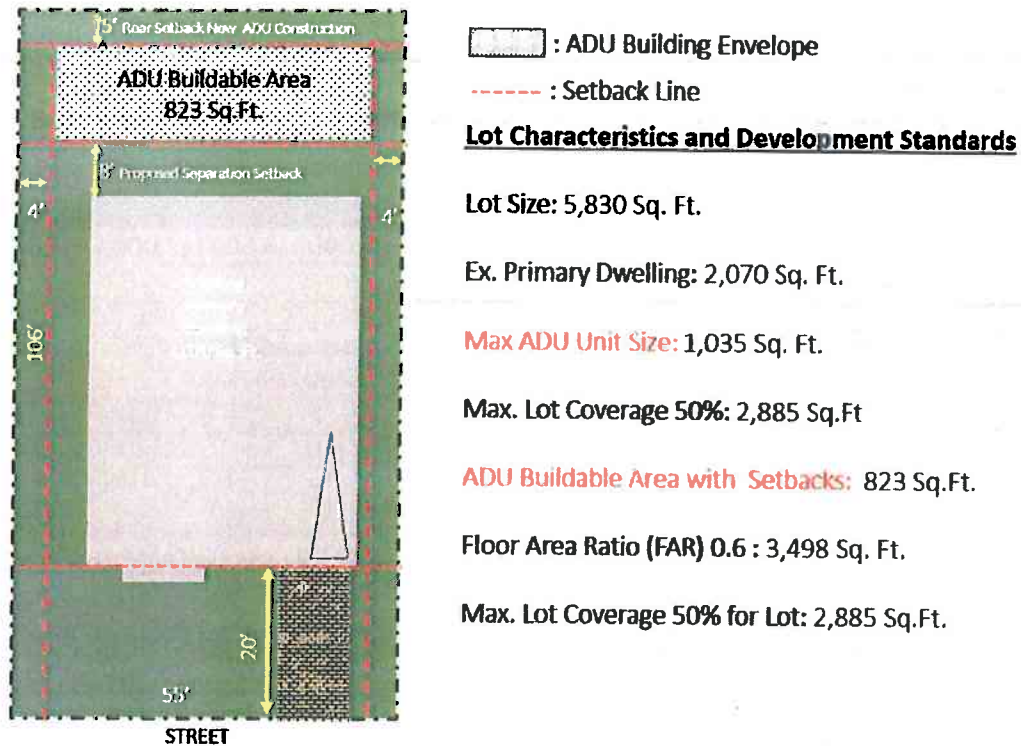
Table 1. Comparison of Maximum ADU Size: State and Proposed Ordinance			
State Standard		Proposed City Standard	
Attached ADU	Detached ADU	Limited ADU	Conforming ADU
50 % of the existing living area with a maximum of 1,200 sq.ft.	1,200 sq.ft.	50% of the gross floor area of the primary dwelling or 1,200 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

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.	No parking is required except within the Coastal Zone and Parking Impacted Area.				
	Except when ADU is: <ol style="list-style-type: none"> 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. 	Coastal Zone or Parking Impacted Area	<table border="1"> <tr> <td>ADU ≤ 640 Sq.ft. in area</td> <td>1 space per unit</td> </tr> <tr> <td>ADU > 640 Sq.ft. in area</td> <td>2 spaces per unit</td> </tr> </table>	ADU ≤ 640 Sq.ft. in area	1 space per unit	ADU > 640 Sq.ft. in area
ADU ≤ 640 Sq.ft. in area	1 space per unit					
ADU > 640 Sq.ft. in area	2 spaces per unit					
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

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.

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



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

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July 6, 2017

CHAIR AND PLANNING COMMISSIONERS
City 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.

Table 2. Conforming ADUs: R-1-N Floor Area Ratio (FAR) and Maximum Unit Size

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	

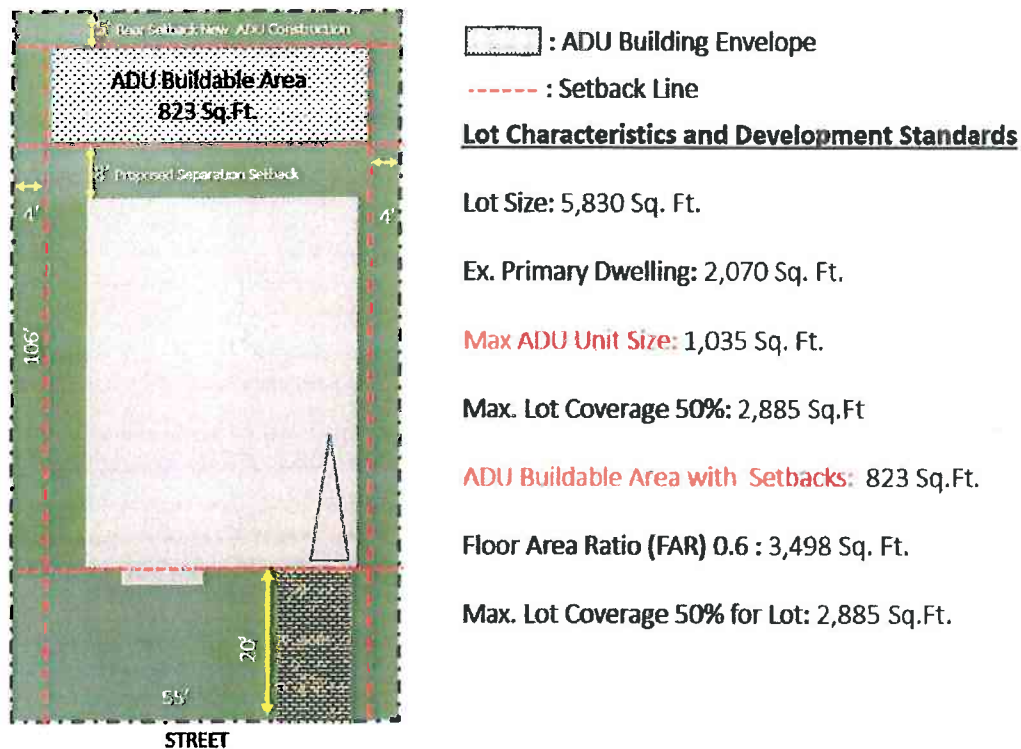
60% of all existing single family dwellings on residentially zoned lots are less than 1,500 Sq.Ft.

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

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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.	No parking is required except within the Coastal Zone and Parking Impacted Area.				
	Except when ADU is: <ol style="list-style-type: none"> 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. 	Coastal Zone or Parking Impacted Area	<table border="1"> <tr> <td>ADU ≤ 640 Sq.ft. in area</td> <td>1 space per unit</td> </tr> <tr> <td>ADU > 640 Sq.ft. in area</td> <td>2 spaces per unit</td> </tr> </table>	ADU ≤ 640 Sq.ft. in area	1 space per unit	ADU > 640 Sq.ft. in area
ADU ≤ 640 Sq.ft. in area	1 space per unit					
ADU > 640 Sq.ft. in area	2 spaces per unit					
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

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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.

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



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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June 1, 2017

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

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

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

DISCUSSION

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

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

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

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

Draft Zoning Code Amendment

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

ADU Types

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

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

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

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

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

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

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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.

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

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

General Plan

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

PUBLIC HEARING NOTICE

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

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

CHAIR AND PLANNING COMMISSIONERS

June 1, 2017

Page 10 of 10

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

		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		5,200 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 30% 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 800 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.
Parking			
ADU Parking		No parking is required except within the Coastal Zone and Parking Impacted Area.	
		Coastal Zone or Parking Impacted Area	1 space per unit
Replacement Parking		Replacement parking may be required.	Require replacement parking for primary unit. (l)

Other Standards		
Distance between a detached ADU and principal structure	N/A	8 ft.
Covenant	<p>A covenant shall be required prior to issuance of building permit. The covenant shall include all the following requirements:</p> <p>1-The property owner shall live in either the primary dwelling or ADU;</p> <p>2-The rental term for the ADU shall not be not less than 30 consecutive days;</p> <p>3-The ADU may not be sold separately.</p>	

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.
- (l) 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.

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. Additionally, a covenant requiring the property owner to live in one of the two units which will help to reinforce the single-family character and prevent absentee landlords.

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 5,200 square feet and allow ADUs as an accessory use in both single-family and multi-family districts, both of which creates the potential for residential lots to be developed with an additional accessory dwelling unit.

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. 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

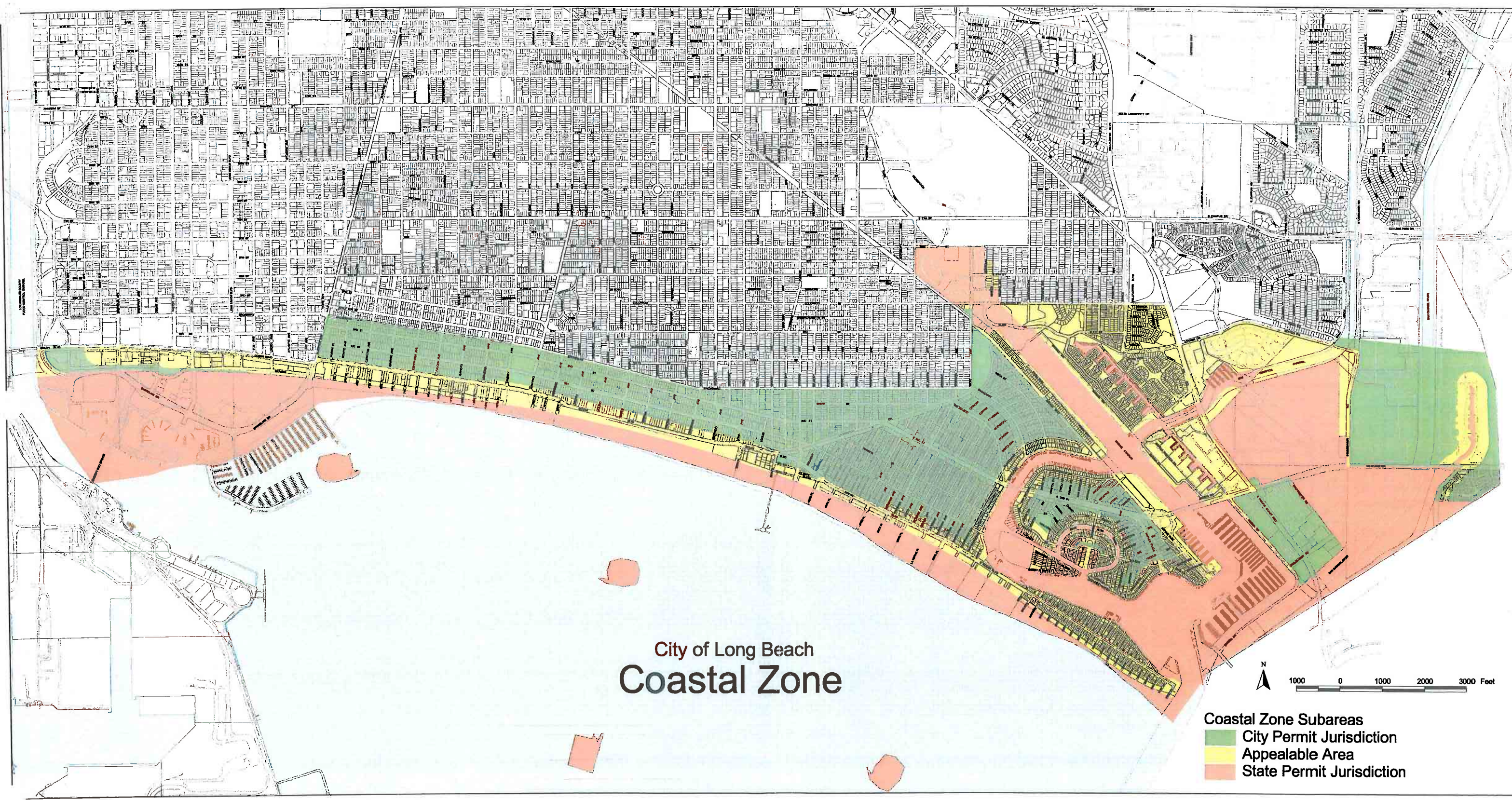
dwellings will be \$342.86 for the Police Department and \$241.74 for the Fire Department as reflected in Table 1.

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

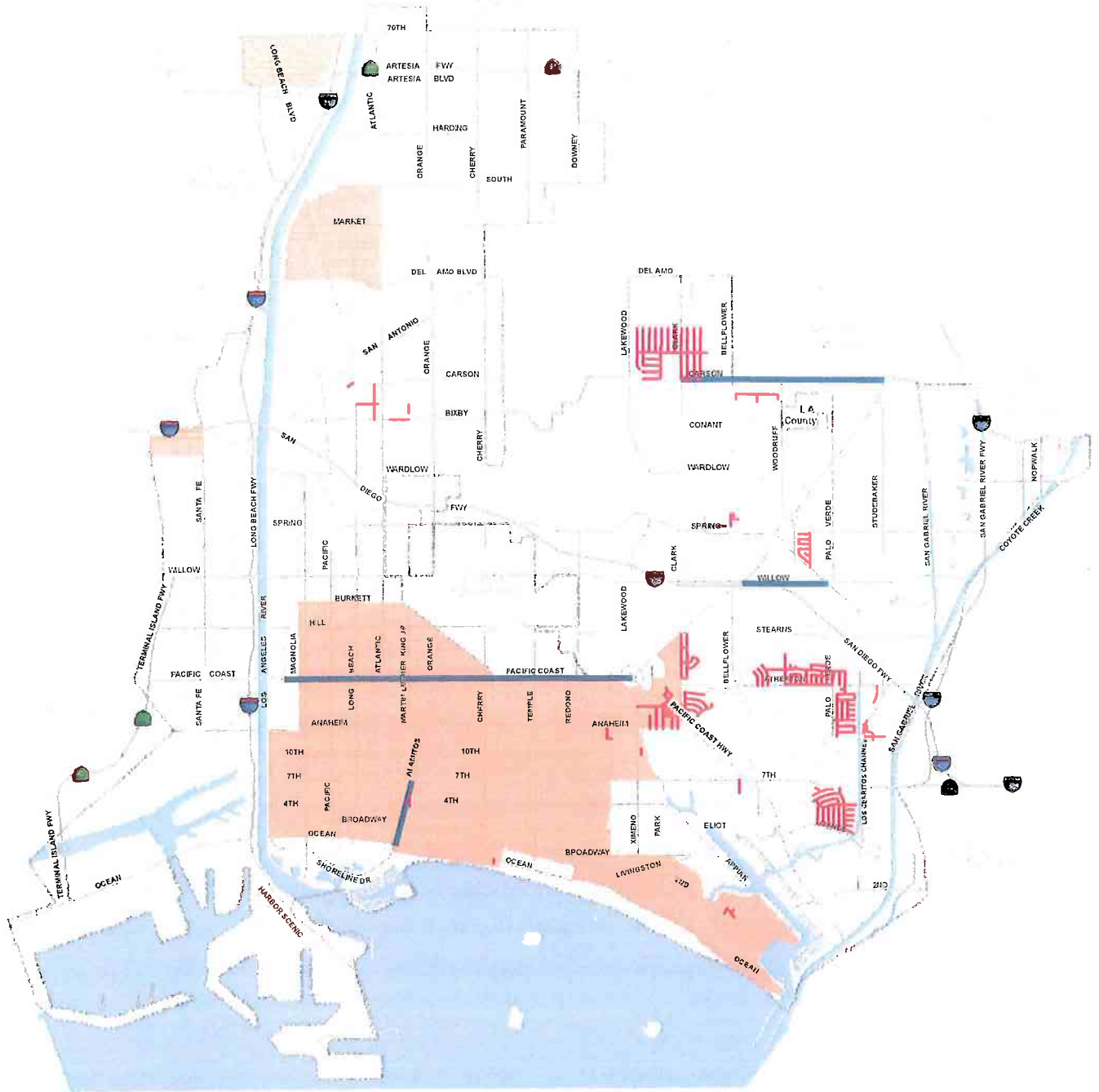
Impact Fee Type	Anaheim	Oakland	West Hollywood	Huntington Beach
Transportation	The City of Anaheim is reassessing how they calculate development impact fees considering recent ADU legislation. No fees are being collected at this time.	Exempt.	Exempt	\$2,385 (Detached Dwelling Unit [per unit]) \$1,597 (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])



City of Long Beach
Coastal Zone

Coastal Zone Subareas
City Permit Jurisdiction
Appealable Area
State Permit Jurisdiction

Map 17:
PARKING IMPACTED AREAS



Legend

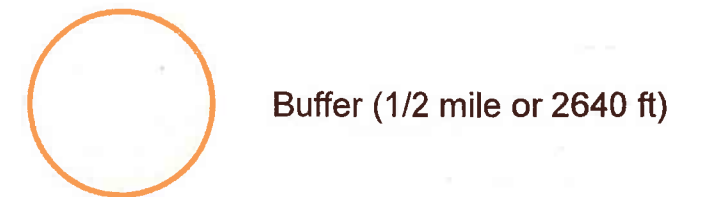
- Parking Impacted Areas
- Peak Period Restrictions
- Preferential Parking Districts

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






1. Title Sheet, as 1/2 mile buffer of Transit Stops, as 1/2 mile buffer
 2. City of Long Beach, California, 2010

Draft

City of Long Beach Preferential Parking Districts

LEGEND

Preferential Parking Districts

-  ACTIVE
-  PENDING
-  REMOVED



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AB-494 Land use: accessory dwelling units. (2017-2018)

SECTION 1. Section 65852.2 of the Government Code is amended to read:

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~~ *may be rented* separate from the primary ~~residence and~~ *residence, but may be rented; not be sold or otherwise conveyed from the primary residence.*

(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~~ *an accessory dwelling unit or to a portion of an* 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~~ *bedroom, whichever is less.* 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.~~ *conditions.*

(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, *or is converted to 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,~~ *an application* 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, *including, but not limited to, a studio, pool house, or other similar 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. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*

(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 *the* Health and Safety Code.

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

(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.

(6) *"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.*

(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 of 1976 (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.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

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~~ *areas zoned to allow single-family or multifamily use*. 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~~ *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~~ *may be rented* separate from the primary ~~residence and~~ *residence, buy* ~~may be rented~~ *not be sold or otherwise conveyed separate from the primary residence*.

(ii) The lot is zoned ~~for to allow~~ *single-family or multifamily use* and ~~contains an existing~~ *includes a proposed or existing* single-family dwelling.

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

(iv) The ~~increased floor total~~ *area of floorspace of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area, with a maximum increase in floor area of~~ *proposed or existing primary dwelling living area or* 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~~ *an accessory dwelling unit or to a portion of an* 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~~ *bedroom, whichever is less*. These spaces may be provided as tandem parking on ~~an existing~~ *a* 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~~ *conditions*.

(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 or converted to an accessory dwelling* unit, and the local agency requires that those off-

street 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~~ *includes a proposed or* 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,~~ *an application* 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 *proposed or* existing *primary* 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 *proposed or* 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~~ *zone for single-family use* 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, *including, but not limited to, a studio, pool house, or other similar 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. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*

(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~~ *by a local agency, special district, or water corporation to be a new residential use* 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~~ *agency, special district, or water corporation* 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~~ *agency, special district, or water corporation* 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. *The department may review and comment on this submitted ordinance.*

(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 *the* Health and Safety Code.

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

(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.

(6) "*Tandem parking*" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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 of 1976 (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.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 229. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 229, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



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SB-229 Accessory dwelling units, (2017-2018)

SECTION 1. Section 65852.2 of the Government Code is amended to read:

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~~, *areas zoned to allow single-family or multifamily use*. 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~~, *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~~ *may be rented* separate from the primary ~~residence and~~ *residence*, but may ~~be rented~~, *not be sold or otherwise conveyed separate from the primary residence*.

(ii) The lot is zoned ~~for~~ *to allow* single-family or multifamily use and ~~contains an existing~~, *includes a proposed or existing* single-family dwelling.

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

(iv) The ~~increased floor~~ *total* area of *floorspace of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area, with a maximum increase in floor area of~~ *proposed or existing primary dwelling living area or* 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~~ *an* 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~~ *a* 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, *or converted to an accessory dwelling unit*, and the local agency requires that those off-street 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~~ *includes a proposed or* 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 *proposed or* existing *primary* 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 *proposed or* 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~~ *zone for single-family use* 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 by a local agency, special district, or water corporation to be a new residential use~~ 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~~ *agency, special district, or water corporation* 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~~ *agency, special district, or water corporation* 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. *The department may review and comment on this submitted ordinance.*

(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 *the* Health and Safety Code.

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

(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.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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 of 1976 (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.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

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~~ *areas zoned to allow single-family or multifamily use*. 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~~, *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~~ *may be rented* separate from the primary ~~residence and~~ *residence, buy* ~~may be rented;~~ *not be sold or otherwise conveyed separate from the primary residence*.

(ii) The lot is zoned ~~for~~ *to allow* single-family or multifamily use and ~~contains an existing~~, *includes a proposed or existing* single-family dwelling.

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

(iv) The ~~increased floor~~ *total* area of *floorspace of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area~~, *with a maximum increase in floor area of proposed or existing primary dwelling living area or* 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~~ *an accessory dwelling unit or to a portion of an* 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~~, *bedroom, whichever is less*. These spaces may be provided as tandem parking on ~~an existing~~ *a* 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~~, *conditions*.

(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 or converted to an accessory dwelling* unit, and the local agency requires that those off-street 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~~ *includes a proposed or* 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.

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dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
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(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~~ *zone for single-family use* 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, *including, but not limited to, a studio, pool house, or other similar 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. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*

(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 by a local agency, special district, or water corporation to be a new residential use~~ 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~~ *agency, special district, or water corporation* 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~~ *agency, special district, or water corporation* 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. *The department may review and comment on this submitted ordinance.*

(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 *the* Health and Safety Code.

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

(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.

(6) "Tandem parking" that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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 of 1976 (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.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 494. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 494, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Alexis Oropeza

From: Fern Nueno
Sent: Tuesday, October 10, 2017 7:46 AM
To: Alexis Oropeza; Linda Tatum; Carrie Tai
Cc: Christopher Koontz; Heidi Eidson
Subject: FW: OPPOSITION TO GRANNY FLATS

Fern Nueno, AICP
Planner

Long Beach Development Services | Planning Bureau
 T 562.570.5081 F 562.570.6068
 333 West Ocean Blvd., 5th Fl | Long Beach, CA 90802
fern.nueno@longbeach.gov | lbsds.longbeach.gov



From: Linda Tomita [mailto:lindabunny1@gmail.com]
Sent: Monday, October 09, 2017 9:58 PM
To: Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; Heidi Eidson <Heidi.Eidson@longbeach.gov>; Fern Nueno <Fern.Nueno@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Amy Bodek <Amy.Bodek@longbeach.gov>; Jacque Gilmore <Jacque.Gilmore@longbeach.gov>; Christopher Koontz <Christopher.Koontz@longbeach.gov>
Subject: OPPOSITION TO GRANNY FLATS

All:

I am writing you in regard to the State ordinance that allows in-law units to be built on the property of existing single family home residences.

I have read that the Long Beach City Council is meeting on Tuesday, October 10, 2017, to consider this ordinance. As it is currently written, the ordinance will allow in-law units of up to 1,000 square feet to be built on the properties of existing single family home residences throughout the City of Long Beach. I am urging you not to approve the ordinance as written, but to reduce the allowable square footage of these in-law units to no more than 600 square feet. A 1,000 square foot dwelling is not an in-law unit, but rather a full size home that will be placed in the backyard of an existing home. This will create havoc in our neighborhoods in regard to parking, by doubling the population of our neighborhoods. It will also greatly reduce open spaces, and eliminate much of the plants and trees that beautify our neighborhoods.

Please consider changing the allowable square footage from 1,000 square feet to 600 square feet, and let's keep this ordinance in-line with its purpose, which is to allow in-law units, not full size homes.

Sincerely, Linda Tomita



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ACCESSORY DWELLING UNITS

TO: CITY COUNCIL
FROM: LAKEWOOD VILLAGE NEIGHBORHOOD ASSOCIATION
CC: CITY ATTORNEY
CITY MANAGER
CITY CLERK

City Council Members:

The Lakewood Village Neighborhood Association (LVNA) Board has carefully reviewed the proposed Accessory Dwelling Unit (ADU) ordinance that was introduced by the City Council on October 10, 2017 and is submitting the following comments for the Council's consideration:

- The minimum lot size originally approved by the Council on October 10 was 4,800 square feet (s.f.). LVNA requests that this lot size be maintained and not increased to 5,200 s.f. This potential increase would eliminate approximately one-half (rough estimate) of the single-family residential (SFR) properties in the City. Under this scenario, a vast majority of the City would not be allowed to construct an ADU on their property (including the Coastal zone and parking impacted areas). We believe that this extremely restrictive requirement would not be in compliance with SB 1069 that was recently adopted by the State.
- The maximum floor area of 1,000 s.f. for ADU's is too large to be considered as an "accessory" unit. As such, LVNA requests that this floor area be reduced to 600 s.f.
- LVNA requests that the ordinance be amended to include language requiring that a covenant be recorded (i.e., a "deed restriction") for all properties that contain an ADU. The current language does not require the property owner to reside in one of the units. Instead, the owner can rent out both units concurrently. Even though one family is required to live in both units, this creates a loophole that could be exploited by real estate speculators and would be nearly impossible for the City to enforce. The owner should be required to live in one of the units – which would be easy to enforce - and would further prevent the "duplex effect" from evolving in single family residential neighborhoods.

Thank you for your consideration of the above comments. Just to reiterate the first comment, if a majority of the City is exempt from the ADU requirements, and a few neighborhoods with larger-sized lots have to bear the burden of accommodating all of the ADU's in the City, then the LVNA may be compelled to file a complaint with the State Department of Housing and Community Development that the City is not in compliance with the intent of SB 1069.

Bruce DeMille
LVNA President

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.

As an example, here are the ADU requirements in Anaheim regarding ownership. This works well for Anaheim and prevents the "duplex effect" from occurring in single family neighborhoods.

.110 Ownership and Occupancy.

.1101 Owner Occupancy Required. One of the residential dwellings on a lot on which the Accessory Dwelling Unit is proposed to be established shall be occupied as the primary residence of the owner of the lot, and shall not be rented or leased as long as the Accessory Dwelling Unit exists;

.1102 Rental Occupancy. The residential unit that is not occupied by the owner of the property in conformance with this subsection may be rented for no less than 30 consecutive days at any time; and

.1103 Sale or ownership of an Accessory Dwelling Unit separate from the main dwelling unit is prohibited.

.120 Deed Restrictions. Prior to issuance of a building permit for an Accessory Dwelling Unit, the property owner shall execute a covenant setting forth the following minimum requirements, in a form and substance satisfactory to the Planning and Building Department and City Attorney's Office, which shall be recorded in the office of the Orange County Recorder:

.1201 The Accessory Dwelling Unit shall not be sold or owned separately from the main dwelling unit, and the parcel upon which the unit is located shall not be subdivided in any manner that would authorize such sale or ownership;

.1202 The Accessory Dwelling Unit shall be a legal unit, and may be used as habitable space, only so long as either the main dwelling unit, or the Accessory Dwelling, is occupied by the owner of record of the property; and

.1203 The restrictions shall be binding upon any successor in ownership of the property.

Alexis Oropeza

From: CityClerk
Sent: Wednesday, October 25, 2017 1:23 PM
To: Alexis Oropeza
Subject: FW: Granny Flats recommendations

From: gki [mailto:gkingram@yahoo.com]
Sent: Wednesday, October 25, 2017 1:13 PM
To: Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Dee Andrews <Dee.Andrews@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; amy.bodeck@longbeach.gov; Patrick West <Patrick.West@longbeach.gov>
Cc: CityClerk <CityClerk@longbeach.gov>
Subject: Fw: Granny Flats recommendations

Gayle  Ingram
gkingram@yahoo.com


On Sunday, October 22, 2017 5:44 PM, gki <gkingram@yahoo.com> wrote:

Dear Mayor, Council Members ladies and sirs

I wanted to voice my opinion on Granny Flats. I live in the 5th district.

I believe that there must be owner occupied status for all accessory units.
For parking: utilize the "Replacement Parking" section in the law SB1069 which ensures developers create replacement parking for Accessory Dwelling Units they build.

Please share this with Planning commission members: Mark Christoffels, Ron Cruz, Josh LaFarga, Andy Perez, Jane Templin, Richard Lewis, and Erick Verduzco Vega.

Respectfully

Gayle Ingram

1775 E Mezzanine Way
Long Beach CA 90808

Alexis Oropeza

From: Fern Nueno
Sent: Tuesday, October 10, 2017 7:46 AM
To: Alexis Oropeza; Linda Tatum; Carrie Tai
Cc: Christopher Koontz; Heidi Eidson
Subject: FW: OPPOSITION TO GRANNY FLATS

Fern Nueno, AICP
Planner

Long Beach Development Services | Planning Bureau
T 562.570.5081 F 562.570.6068
333 West Ocean Blvd., 5th Fl | Long Beach, CA 90802
fern.nueno@longbeach.gov | lbs.longbeach.gov



From: Linda Tomita [mailto:lindabunny1@gmail.com]
Sent: Monday, October 09, 2017 9:58 PM
To: Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; Heidi Eidson <Heidi.Eidson@longbeach.gov>; Fern Nueno <Fern.Nueno@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Amy Bodek <Amy.Bodek@longbeach.gov>; Jacque Gilmore <Jacque.Gilmore@longbeach.gov>; Christopher Koontz <Christopher.Koontz@longbeach.gov>
Subject: OPPOSITION TO GRANNY FLATS

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Please consider changing the allowable square footage from 1,000 square feet to 600 square feet, and let's keep this ordinance in-line with its purpose, which is to allow in-law units, not full size homes.

Sincerely, Linda Tomita



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Alexis Oropeza

From: Alexis Oropeza
Sent: Tuesday, October 24, 2017 3:10 PM
To: Alexis Oropeza
Subject: FW: Recommendation for Granny Flats/ Accessory Dwelling Units (ADU's)

From: Raman Vasishth [<mailto:ramanv@charter.net>]
Sent: Thursday, October 19, 2017 10:57 AM
To: Stacy Mungo <Stacy.Mungo@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Mayor <Mayor@longbeach.gov>; Charles Parkin <Charles.Parkin@longbeach.gov>
Cc: angela.kimball@aol.com; Kimberley Toscas <kimberleym2002@hotmail.com>; Bruce DeMille <lynapres@gmail.com>
Subject: Recommendation for Granny Flats/ Accessory Dwelling Units (ADU's)

Hello Councilmembers,

Attached are our recommendations for Granny flats. Included in this our recommendation is an attached document that the City of Anaheim currently uses to address some of our concerns with ADJ's. We believe the **DECLARATION OF RESTRICTIONS ON OCCUPANCY** is a **critical requirement** the City of Long Beach must include in the ADU regulations now under consideration and directly compliment the Replacement Parking provision included with SB1069 law that our city IS also allowed to exercise.

We believe feel these are legal components that are critical to allow the city to maintain control of their neighborhoods and city districts. Our major worry is to avoid developers from coming into the city's neighborhoods and hijack the profile of our cities tight knit communities we all take pride in. Here is an article that illustrates our concern and I trust yours as well.

See LA Times article "**Foreigners buy record number of U.S. homes despite fears of immigration crackdown**" July 18, 2017.

<http://www.latimes.com/business/la-fi-foreign-buyers-20170718-story.html>

Warmest Regards,

Raman, Angela, Kimberley & Bruce

From: Bruce DeMille [mailto:lvnapres@gmail.com]
Sent: Wednesday, October 18, 2017 12:27 AM
To: Bruce DeMille
Subject: "Poison Pill" City of Anaheim is using to stop Non-Owner Occupied ADU's

10/13/17). Stacy's #1 concern is OWNERSHIP of the Accessory Dwelling Units or ADU's (Granny Flats). If OWNERSHIP is not restricted by the City of Long Beach, non-resident owners i.e. foreign investors, flippers, Wall Street consortiums, etc., would be able to buy up Single Family Residences (SFR's) and effectively convert them into Duplexes, Two-on-a-Lots, etc.,

Allowing both the primary residence, as well as the ADU, to be non-owner occupied, is a threat to the very character of our neighborhoods. Many Lakewood Village and East Long Beach homes enjoy lot sizes greater than 5,200 square feet and will qualify to build an ADU.

Recognizing the issue, the City of Anaheim devised the attached Deed Restriction that all owners of ADU's are required to agree to, and is recorded against the property "in perpetuity". This is effectively stop investors intending to rent BOTH dwelling units, either as long term rental(s), or as a short term rental i.e. Airbnb.

See LA Times article "Foreigners buy record number of U.S. homes despite fears of immigration crackdown" July 18, 2017.

<http://www.latimes.com/business/la-fi-foreign-buyers-20170718-story.html>

See attached **DECLARATION OF RESTRICTIONS ON OCCUPANCY**

C.4. The second unit shall be a legal unit, and may be used as habitable space, only so long as either the main dwelling unit, or the second unit is occupied by the owner or one of the owners of record of the property.

I believe the **DECLARATION OF RESTRICTIONS ON OCCUPANCY** is a critical requirement the City of Long Beach must include in the ADU regulations now under consideration.

Sincerely,

Bruce DeMille

President, Lakewood Village Neighborhood Association, Inc.

C [562-900-6869](tel:562-900-6869)

Alexis Oropeza

From: Fern Nueno
Sent: Monday, October 23, 2017 7:51 AM
To: Alexis Oropeza; Carrie Tai; Linda Tatum
Subject: Fw: Granny Flats recommendations

Fern Nueno, AICP
Planner

Long Beach Development Services | Planning Bureau
T 562.570.5081 F 562.570.6068
333 West Ocean Blvd., 5th Fl | Long Beach, CA 90802
fern.nueno@longbeach.gov | lbsd.longbeach.gov

From: gki <gkingram@yahoo.com>
Sent: Sunday, October 22, 2017 5:44:41 PM
To: Fern Nueno
Cc: CityClerk
Subject: Granny Flats recommendations

Dear Mayor, Council Members ladies and sirs

I wanted to voice my opinion on Granny Flats. I live in the 5th district.

I believe that there must be owner occupied status for all accessory units.
For parking: utilize the "Replacement Parking" section in the law SB1069 which ensures developers create replacement parking for Accessory Dwelling Units the build.

Respectfully

Gayle Ingram

5275 E Mezzanine Way
Long Beach CA 90808
gkingram@yahoo.com



Memorandum

To: Councilwoman Mungo, Districts 1-9, City Manager, Honorable Mayor, City Clerk.
From: Raman Vasishth, Kimberley Toscas & Angela Kimball
Date: 10/24/2017
Re: Recommendation regarding Granny Flats, Accessory Dwelling Units ADU's for District 5 & LBC.

Councilwoman Mungo, we would like to thank you for accepting our invitation to come out to our groups meeting – DENSITY WATCH, on Saturday, September 16, 2017 for the LUE. You saw firsthand the information we presented which came directly from the LUE, the legislation that was passed, along with information that we received directly from the Senate and Assembly representatives that crafted the bills. As you saw from our meeting, we have more than 600 people on our e-mailing list for density for a group we created called Density Watch. Per your request our recommendation is as follows:

GRANNY FLATS, Accessory Dwelling Units (ADU's)

Our polling of resident's views shows that they wish to maintain their tight knit community they take pride in. We hear this from council members as well. Nobody wants to see developers from outside LBC come in to buy houses, add additional housing units using the ADU, effectively changing the profile of our neighborhoods. ADU's language allows the expansion of our lots, turning them from single family to possibly two, and threes per lot. As written SB-1069 limits the scope in which cities can require parking to be created to accommodate ADU's.

It is for this reason we recommend the following:

- 1) All Accessory Dwelling Units built must require owner occupied status and be deed restricted to obtain the ADU permit from LBC. We have attached a document entitled "Declaration of Restrictions in Occupancy" showing how the city of Anaheim deal with this issue.- **For this we would like to credit Bruce DeMille and David See from Lakewood Village for researching and providing specific wording for this.*
- 2) To address parking issues: the recommendation is to utilize the "Replacement Parking" section in SB-1069 that allows the LBC to ensure developers create replacement parking for Accessory Dwelling Units they build should there be any loss of existing parking due to the creation of the ADU. Example: Garage conversions should require equal replacement parking on the existing lot or not be authorized to be converted to an ADU.
- 3) Limit potential super sizing of density throughout our neighborhoods by increasing the minimum lot sizes allowable by LBC for ADU's. As currently proposed at 5,000 sq. ft., almost every home in the 5th District would be eligible to add an ADU with no parking to accommodate it.

RECORDING AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:

SPACE ABOVE THE LINE IS FOR RECORDER'S USE

DECLARATION OF RESTRICTIONS ON OCCUPANCY

THIS DECLARATION OF RESTRICTIONS ON OCCUPANCY ("Declaration") is made this _____ day of _____, 201__, by [*insert names of the owners of the property*] ("Declarants"), with reference to the following facts:

- A. Declarants are the fee title owners of the property at [*insert address, including state and zip code*] (hereafter the "Property"), more particularly described in attached Exhibit A, which is incorporated in this Declaration by this reference.
- B. Declarants have been issued a permit to construct a second unit, as defined and authorized by Section 18.04.135 of the City of Anaheim Zoning Code, on the Property, which would otherwise be restricted under the Zoning Code to being improved with a single dwelling.
- C. The purpose of this Declaration is to set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the benefit received by use of the two dwelling units on the Property.

NOW, THEREFORE, based on the foregoing, Declarants declare as follows:

- 1. The second unit on the Property shall not be sold separately from the main dwelling unit on the Property, and the parcel upon which the unit is located shall not be subdivided in any manner which would authorize such sale or ownership.
- 2. The second unit is limited to having a maximum of two bedrooms and restricted to the size, design and location consistent with the permit for second dwelling unit.
- 3. The second unit is an accessory use to the main dwelling unit.
- 4. The second unit shall be a legal unit, and may be used as habitable space, only so long as either the main dwelling unit, or the second unit is occupied by the owner or one of the owners of record of the property.
- 5. These restrictions shall run with the land and are binding upon the heirs, assigns, and successors in interest of Declarants to the Property, and shall be enforceable, at its option, by the City. It shall be the responsibility of the property owner to insure that the property is occupied and maintained in accordance with the second unit permit and this Declaration.
- 6. The foregoing restrictions may not be terminated or amended without the prior written consent of the Planning Director of the City of Anaheim.

IN WITNESS WHEREOF, this Declaration has been executed by the owner of the property as of the date first above written at

"DECLARANTS"

By: _____

(Print Name)

By: _____

(Print Name)

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Planning Director
City of Anaheim

By: _____
Assistant City Attorney

[Each Declarant's signature must be acknowledged by a notary.]

Recording at the request of:
When recorded return to:

Space above for recorder's use

**DECLARATION OF ACKNOWLEDGEMENT AND CONSENT
(NON-MONETARY LIEN)**

_____, as Beneficiary under that certain Deed of Trust dated _____, which was recorded as Document Number _____ in the Official Records of the Orange County Recorder, does hereby acknowledge and grant consent to the Declaration of Restrictions on Occupancy attached hereto and does agree that the provisions of said Declaration shall be and remain at all times a lien or charge on the real property affected thereby and that said Covenant is prior and superior to the lien and charge imposed on said property by the above described Deed of Trust.

By: _____

(TITLE)

By: _____

(TITLE)

(Signatures above must be acknowledged by Notary)

APPROVED AS TO FORM:
CITY ATTORNEY

By: _____

Assistant City Attorney

Scott Kinsey

Subject: FW: R-1-N modification

From: allancrawford@mindspring.com [<mailto:allancrawford@mindspring.com>]

Sent: Tuesday, May 30, 2017 10:30 AM

To: 'Suzie Price' <Suzie.Price@longbeach.gov>

Cc: amy.bodel@longbeach.gov; craig.chalfant@longbeach.gov; Laura Lindgren <lindgrenl@yahoo.com>; 'Allan Crawford' <allancrawford@mindspring.com>; 'Maureen Neeley' <bhcaneeley@att.net>; dianne.sundstrom@verizon.net

Subject: R-1-N modification.

Council Member Price,

The purpose of this e-mail is to express my opposition to changing the zoning in the Belmont Heights area, which would allow an Accessory Dwelling Unit (ADU's) of up to 1,200 square feet with no parking requirement.

Several years ago Belmont Heights residents, working to preserve the unique and historic character of the neighborhood, aligned with the City to get the area rezoned from R2 to R-1-N. The neighborhood fought hard to get this change; but now the zoning that prohibits ADU's is in jeopardy.

It is surprising that with little or no neighborhood consultation or input and after years of planning by the City and input from the residents, the efforts would be dismissed out-of-hand with the potential to drastically alter the character our neighborhood,.

There is a long history in our City of changes to zoning that allowed increased density in areas where it was not appropriate. As a result multifamily housing units were placed next to historic bungalows. Density was increased and the character of neighborhoods perinatally altered. Now the City is once again proposing to alter the zoning, which will have a permanent impact on Belmont Heights. Unfortunately, once these changes are made, and units constructed, it is impossible to reclaim what was lost.

The current and recently revised Land Use Element addresses, on a thoughtful basis, the need for more affordable and denser housing in some areas. Allowing "units" on an ad hoc basis in an R1 neighborhood will not resolve the housing issue in any meaningful way, but will destroy the neighborhood.

History and the Land Use Element

In 1998, as a result of the desire to preserve the historic character of the neighborhood, the residents of Belmont Heights worked with the City to change the zoning from R-2 to R-1. Since that time the community has continued to work with the City to ensure that this character is preserved. Most recently members of the community reviewed and commented on the proposed Land Use Element to ensure that it would preserve the historic quality of our neighborhood.

The Land Use Element outlines the vision for the City's use of the wide variety of neighborhoods across the city. In areas such as Belmont Heights the Element specifically calls for "retaining the character and quality of residential neighborhoods."

I ask you to stand by what has been outlined in the Land Use Element for our Neighborhood.

As stated in the Land Use Element (page 9) retaining the character and quality of our residential neighborhoods is a priority. This proposed change will do the opposite of that.

This Land Use Element responds to many conditions the community can anticipate:

- Accommodating a population expected to reach 484,485 by 2040 a 3.2 percent increase from a population of 466,255 in 2012.
- Continuing municipal finance challenges and the need to allocate limited resources to provide routine community services and infrastructure maintenance.
- Sustaining a diverse and competitive local economy.
- Increasing interest in sustainable development practices and approaches to environmental protection.
- Retaining the character and quality of residential neighborhoods.
- Providing many options for housing, mobility and lifestyle choices.

Land Use Element, 2017

And specifically with regard to the "Founding and contemporary neighborhoods," of which Belmont Heights neighborhood is a prime example, the Land Use Element (page 75) outlines a strategy that will "Maintain the unique and sound housing stock of each neighborhood" and "Respect the low scale of existing homes..."

Land Use Strategies.

1. Maintain the unique and sound housing stock and character of each neighborhood using appropriate zoning and building standards, updated design guidelines, active code enforcement, community development programs and other appropriate measures. Respect the low scale of existing homes within the Founding and Contemporary Neighborhood PlaceType and assure that new development is appropriate in terms of scale and massing in relation to its neighborhood context and PlaceType.

Land Use Element, 2017

And finally the strategies outlined in the Land Use Element specifically call for amending the Municipal Code to protect low-density development.

Neighborhood Preservation and Enhancement

Amend Title 21 of the Municipal Code to include compatibility development standards and urban form strategies that protect low-density development from higher density/intensity developments.

10-11-32 Measures may include stepping down building height, reducing building mass, decreasing the number of stories and window placement, among others.

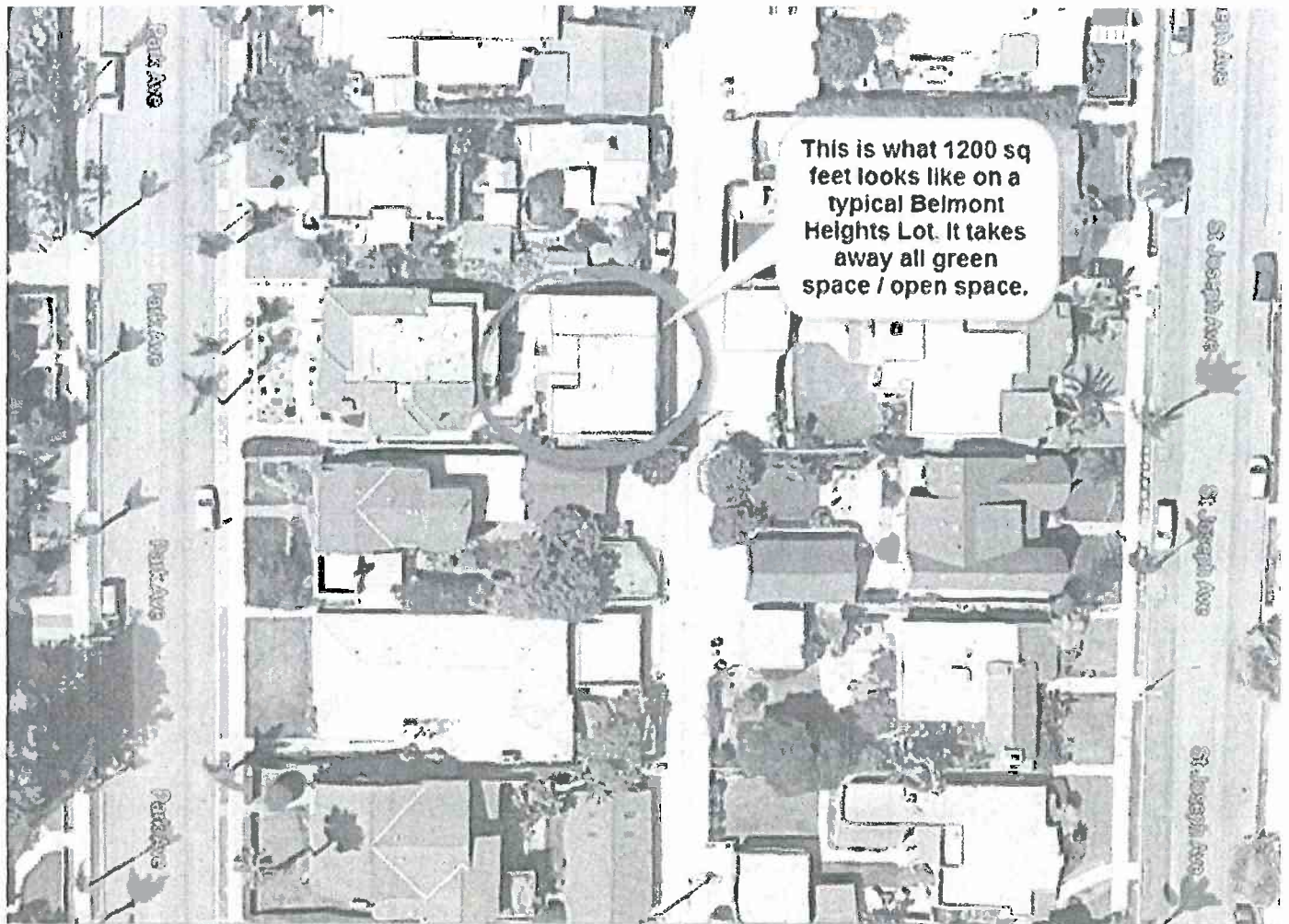
Responsible Department: Development Services

Related Policies: UU Policy 6-3, 6-1

The new regulation would accomplish none of these goals set out for the Belmont Heights area in the 2017 Land Use Element.

Instead the new regulation would increase density, change the long established character of the neighborhood and eliminate valuable green space.

Below is what a 1,200 square foot unit looks like on a typical 40x150 foot Belmont Heights lot. This will not promote "Retaining the character and quality" of our unique and historic Belmont Heights neighborhood.



In the past we have a history of changing zoning regulations...and then living to regret them. You are now being asked to change the zoning and the character of our historic neighborhood.

Please fight this change and help preserve the beautiful and historic Belmont Heights neighborhood.

Regards,

Allan Crawford
275 Park Ave
310-994-1619

From: Amy Bodek
To: Alexis Oropeza; Scott Kinsey
Subject: FW: City is developing guidelines for "Granny flats" on single family lots
Date: Tuesday, June 06, 2017 9:17:56 AM
Attachments: [ADU Planning commission letter.pdf](#)
[ADU_page 8.pdf](#)
[2016-12-12-ADU-TA-Memo.docx.pdf](#)

From: Dianne Sundstrom [<mailto:dianne.sundstrom@verizon.net>]
Sent: Tuesday, June 6, 2017 9:11 AM
To: 'Dianne Sundstrom' <dianne.sundstrom@verizon.net>
Subject: City is developing guidelines for "Granny flats" on single family lots

Good morning,

I'm not sure how many of you know that the Planning Commission met last week where the issue of "granny flats" or "secondary units" on single family lots was discussed. I attended the meeting and am very concerned about the Planning staff's proposal. The PC listened to concerns from the community and asked for a month's delay with staff coming back to the PC with additional information.

There is a State mandate allowing accessory dwelling units (ADUs) and the City is responding to that mandate. It appears that 87% of the city will be eligible for secondary units, most without the burden of adding parking (unless the street is in a parking-impacted zone or in the Coastal Zone).

The item is being positioned under the recommendation that each new project won't have to go through CEQA or Coastal Commission.

Items of note:

- Ordinance is encouraging people to add over the garage in order to preserve open space below. Height cannot exceed 25' total.
- Open space requirements are the same, though if an actual new building is added, there is additional open space for that unit required.
- FAR stays the same, per current zoning.
- An owner must live on the property, in one of the units, and the ADU cannot be used for short term rentals.
- **Limited** ADUs pertain to those 'new' units that are being constructed out of existing buildings (like our bird aviary now a rumpus room in our backyard or atop a garage). These are called Limited ADUs. Limited to 180'sq.
- **Conforming** ADUs are new construction and can be up to 50% of the Gross Floor Area of the primary dwelling, or 1,200' whichever is less. Conceivably, if you have a small house (1,200'sq-1,400'sq) on a 6000' sq lot, the ADU could actually be bigger.

Here's a link to the item on Legistar: [City of Long Beach - File #: 17-035PL](#)

With her permission, I am attaching a letter sent by a resident of Belmont Heights to our Councilwoman, the PC and Planning staff as well as some documents summarizing the State's bills on this issue.

If this is of concern, please let your Council rep know as well as PC and Planning staff.

Thanks,
Dianne Sundstrom
Belmont Heights

From: [Amy Bodek](#)
To: [Carrie Tai](#); [Alexis Oropeza](#); [Scott Kinsey](#); [Linda Tatum](#)
Subject: Fwd: Letter regarding ADUs in Long Beach
Date: Wednesday, June 28, 2017 7:02:46 AM
Attachments: [PlanningCommissionltr6_26_2017.docx](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: Dianne Sundstrom <dianne.sundstrom@verizon.net>
Date: June 27, 2017 at 9:55:39 PM PDT
To: 'Amy Bodek' <Amy.Bodek@longbeach.gov>
Cc: 'Suzie Price' <suzie@suzieaprice.com>, 'Suzie Price' <Suzie.Price@longbeach.gov>, 'Maureen Neeley' <bhcaneeley@att.net>, 'Jack Cunningham' <Jack.Cunningham@longbeach.gov>
Subject: Letter regarding ADUs in Long Beach

Dear Amy,

Attached is a letter from me outlining some of my personal concerns and thoughts regarding the new guidelines and proposed zoning changes pertaining to Accessory Dwelling Units in Long Beach.

The letter is addressed to both you and the Planning Commission with a cc to Councilwoman Price. I would appreciate it if you would forward this document to the Planning Commissioners at your earliest convenience. I could not find the contact/email addresses for the Commissioners on the City's website.

Thanks so much for your assistance with this and for your consideration of my comments.

Regards,
Dianne Sundstrom
4507 E Barker Way, LB, 90814
562-221-5518

DIANNE SUNDSTROM

*4507 E Barker Way
Long Beach, CA 90814
562-438-0682 - home
562-221-5518 - mobile*

6/28/2017

*Planning Commission and Planning Department
333 W Ocean Blvd
4th Floor
Long Beach, CA*

Dear Planning Commissioners and Ms. Bodek:

Re: Alternative Dwelling Unit Guidelines

I attended the June 1, 2017 meeting where Planning staff presented the City's proposed guidelines for allowing Alternative Dwelling Units (ADUs) to conform to the new state law (Gov. Code section 65852.2), which allows ADUs in almost all R1 and other single family zoned areas. As I stated at that meeting, I have many concerns about the impact this law will have on the City generally and, specifically, the neighborhood in which I live, Belmont Heights.

This law and the City's proposed guidelines will reverse years of zoning, planning and progress in preserving our neighborhoods. The law permits the City to enact its own regulations and gives the City discretion in a number of areas that could preserve the character of our neighborhoods and alleviate some of the negative effects this law will otherwise cause.

I encourage the Planning Commission, City staff, and the City Council to consider the following comments and adopt the most stringent regulations/guidelines allowed under this law.

Location of ADUs

Although the law states that ADUs within existing structures must be allowed in all single family residential zones, it does allow local governments to apply development standards and designate where conforming ADUs (new construction) are permitted. (GC Sections 65852.2(a) (1)(A) and (B)). With that in mind, the City should critically evaluate where new construction ADUs will be permitted. Some neighborhoods, such as Belmont Heights, already have a preponderance of ADUs. Additional units and increased density will exacerbate current problems: lack of parking and open space and increased demand on old infrastructure.

Unit Size

The ADU law provides that ADUs may be up to a maximum of 1200 square feet, or one half the size of the original dwelling, whichever is smaller. Thus, the City is entitled to limit the size of the

allowable units, and many cities have done just that (see table with examples below). Long Beach should only allow what is commonly called a “granny unit” that is in keeping with the nature of many of our neighborhoods, not an entire full-sized, second home.

The staff proposal presented at the Planning Commission meeting allows a 1200 foot “unit”, which is, in fact, the equivalent of a full additional house. I live in a 990 sq ft home that has 2 bedrooms and 1 bath. Several homes on my street are smaller in size yet accommodate a family of 2 or 3 persons. A 1200 square foot unit is far beyond what is reasonable as a “granny” or ADU. Units this size will adversely impact the appearance of the neighborhood, the quality of life, and the ability to park. One has only to walk the streets of Belmont Heights (and other adjacent neighborhoods) to see the impact of large, poorly designed secondary units that were allowed before rezoning to R-1-N.

Limitation to a reasonable size of 700 to 750 square feet (maximum) is critical to preserve the quality of life and ambience of our neighborhoods. Further, since there will be **no** requirement for **any** additional parking, it is imperative that the size of an ADU be limited.

Laura Lindgren, a resident of Belmont Heights, looked into regulations from California cities regarding unit size and found that many have limited the size of ADUs. Some of those are listed below and reflect that 700 to 750 square feet (maximum) is a reasonable size:

City	ADU size limit
Newport Beach	750 square feet
Santa Monica	650 square feet
Oakland	800 square feet
Sacramento County	400-600 square feet depending on size of lot
San Jose	600-800 square feet depending on lot size. Maximum one bedroom
Beverly Hills	650 square feet
Burbank	500 square feet
Thousand Oaks	220-660 square feet

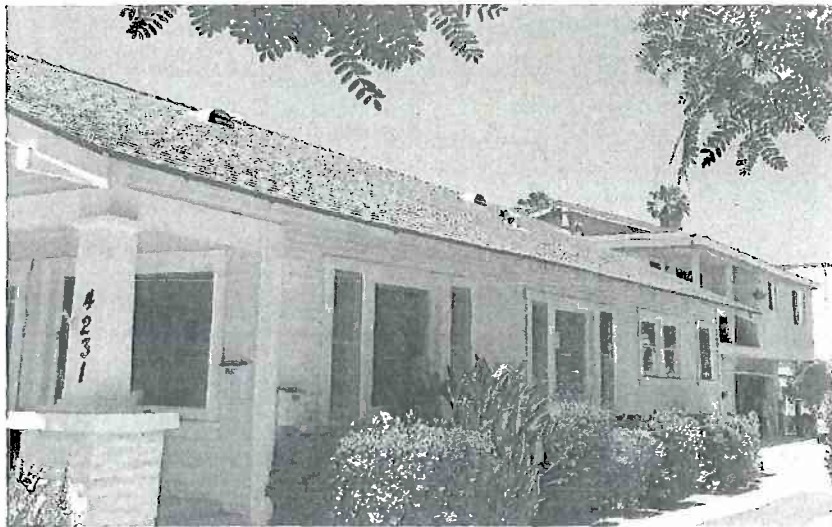
Parking Restrictions, Design, Setbacks, and Protections against Short-term Rentals

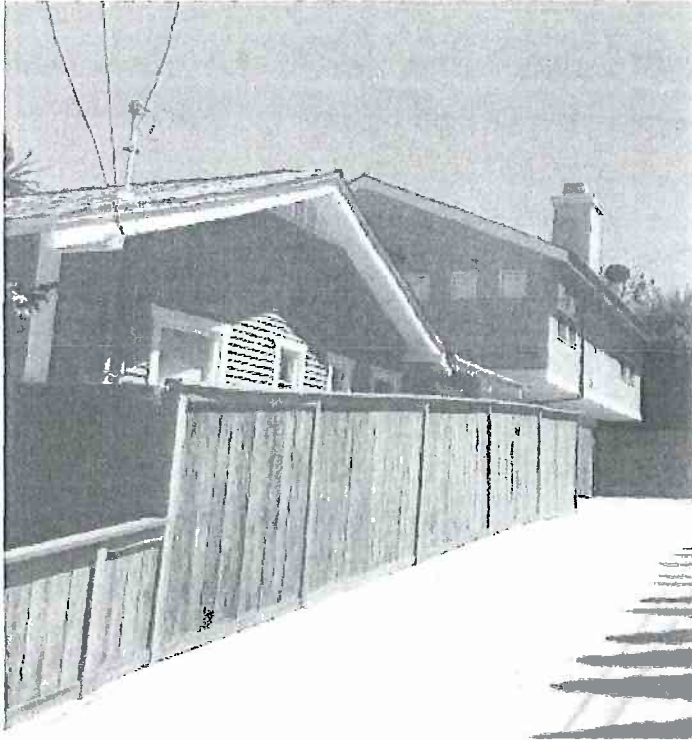
Other key areas where the City can provide additional protections are by enforcing requirements for new parking when permitted under the law and enforcing existing set-backs for non – garage units. The City of Newport Beach has enacted a set of regulations regarding ADUs that could

serve as a good model for Long Beach. Those guidelines were also provided by Ms. Lindgren; I repeat them here as they outline elements I believe should be adopted. Copied from the Newport Beach regulation, they are as follows:

- 1) **Unit Size:** The maximum size of an accessory dwelling unit shall not exceed 750 square feet of floor area, or 50 percent of the existing floor area (excluding garage of the principal unit, whichever is less.)
- 2) **Design:** An accessory dwelling unit shall be similar to the principal dwelling with respect to architectural style, roof pitch, color and materials.
- 3) **Additional requirements for all accessory dwelling units**
 - a) **Sale of unity:** the accessory dwelling unit shall not be sold separately from the principal dwelling
 - b) **Short term lodging.** The accessory dwelling unit shall not be rented for periods of less than 30 days
 - c) **Number of units allowed:** Only one accessory dwelling unit may be located on the lot.
 - d) **Existing development:** A single dwelling unit must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit
 - e) **Occupancy:** The principal dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot
- 4) **Deed restriction and recordation required:** Prior to the issuance of a Building and/or Grading Permit for an accessory dwelling unity, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the dwelling unit exists on the property.

I would like to emphasize point #2 which addresses design elements. Including such a requirement will hopefully avoid what I consider poorly designed, unattractive secondary units that were built in Belmont Heights and which detract from the ambience of the neighborhood. The following photos illustrate the problem: large, architecturally mundane secondary units built behind old craftsman homes:





Another question I have regarding design is how ADUs will be handled in Historic Neighborhoods. Will a Certificate of Appropriateness be required? Will all building and design guidelines for each Historic Neighborhood be enforced?

The staff proposal presented at the Planning Commission meeting does require that the owner reside in the original unit in order to construct and lease an ADU, and prohibits short-term rentals (less than 30 days). It is critical that a mechanism to enforce these requirements be in place. Other cities require a recorded deed restriction regarding owner occupancy and rental terms in order to obtain an ADU permit. Long Beach should do the same. Without strict enforcement, I envision many of these units ending up on vacation rental sites such as Airbnb.

Although short term rentals (less than 30 days) are not allowed in Long Beach, a report in the Press Telegram (3.24.2017) indicated that there are over 1,100 listings of Long Beach properties on home sharing sites. Further, the report states that 58% of available units on those sites consist of entire homes or apartments. The report details that for the 2016 Grand Prix, Airbnb had 699 guest arrivals and for the Long Beach Pride weekend 893 guest arrivals. Airbnb hosts made a combined \$580,000 in income from these two events. It seems highly unlikely these guests were staying more than 30 days. What is the City doing to enforce the ban on short term rentals? What impact does this market have on housing availability? How can we assure that ADUs do not end up on home sharing sites for short term rentals?

Summary

I encourage staff, the Planning Commission, and Councilwoman Price to review all of these suggestions which are imperative to preserving our neighborhoods. Some residents may argue that they should be permitted to construct large units. However, each of those residents purchased a home in an area zoned for single family housing and should have had an understanding that second units were not permitted. That has changed under the new State law but it is only fair and equitable that building be done in a manner that is respectful of others and preserves the integrity and ambience of our neighborhoods.

I appreciate your careful consideration of my concerns and suggestions.

Regards,

*Dianne Sundstrom
4507 E Barker Way
Long Beach, CA 90814*

cc: Suzie Price, Councilwoman, 3rd District

Channel Law Group, LLP

8200 Wilshire Blvd.
Suite 300
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III *
JAMIE T. HALL **
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Colorado
**ALSO Admitted in Texas

July 6, 2017

VIA ELECTRONIC MAIL

City of Long Beach Planning Commission
c/o Heidi Eidson, Planning Secretary
333 West Ocean Boulevard
Long Beach, CA 90802
Heidi.eidson@longbeach.gov

Re: Zoning Code Amendment Pertaining to Accessory Dwelling Units

Dear Honorable Commissioners:

This firm represents Long Beach Transportation and Parking Solutions ("TAPS"). I am in receipt of the Staff Report dated July 6, 2017 regarding a zoning code amendment pertaining to accessory dwelling units ("ADU Ordinance"). TAPS is dedicated to the protection of both the community and the environment in Long Beach, with a particular emphasis on transportation issues. TAPS has circulated a petition with over 1188 signatures and 622 comments.

My client appreciates you requested more parking for the ADU ordinance at your June 1st meeting and that staff responded with a creative solution. That being said, while requirements have been increased to 2 parking spaces for units larger than 640 square feet, my client is still concerned about the lack of parking in new ADUs that are not in either the Coastal Zone or Parking Impacted Areas. Staff said that the City needs to make findings to show that an area is parking impacted before requiring parking and that these findings could be made in the future. My client requests that you find a way to make sure those parking impacted areas are updated as soon as possible and that they are again reviewed at least every two years. Further, an examination of the cumulative effect of all this development should be done periodically. Further examination would tell you when to start requiring more parking. Once a serious parking problem develops like it has in and around downtown Long Beach, it is much more expensive to fix.

My client also offers the following additional comments:

- The mere fact that the state has preempted the City's authority to a certain extent with regard to Accessory Dwelling Units ("ADUs") does **not** mean that the City cannot provide options for applicants to consider with regard to parking for ADUs. The City should consider offering incentives to applicants for providing additional parking for ADUs.
- Further, the City should consider programs to encourage persons who reside in ADUs to utilize public transit, with particular emphasis on "first mile" and "last mile" problems. It is illogical to presume that there mere existing of public transit translates to great service.
- Additionally, the City should encourage employees of local business to utilize public transit rather than driving to work.
- The City should require replacement parking if an existing parking area is converting into an ADU.
- If staff is relying upon the parking impact area analysis, then this needs to be up to date. Any update should be open and transparent. In this day – why can't the City develop a better way to show parking inventory and occupancy in both commercial and residential areas? Again, TAPS encourages the City to update parking impact areas every two years.

Conclusion

In sum, please remember who will pay the price if there isn't enough parking in new ADUs - even businesses pay the price when disposable income is spent on the parking issue rather than going out to eat.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

John W. McKenna
659 Euclid Avenue
Long Beach, CA 90814

June 12, 2017

Councilwoman Susie Price
340 Nieto Ave.
Long Beach, CA 90814

Dear Councilwoman Price:

This letter is intended to call to your attention some of my concerns with the proposed law to allow secondary dwelling units (ADU's) in most single family zones in the city. I appreciate that state law is pretty forceful in mandating that accessory dwellings are desirable as a way of addressing California's housing shortage. Charter cities however, have more latitude than General Law cities in enacting such provisions... I am surprised that staff is proposing that such an amendment to the zoning code can be considered exempt from CEQA as the amendment certainly has the potential to impact the quality of life in Long Beach substantially.

Not all residential zones in this city can easily accommodate second dwelling units, principally because of the shortage of reasonable off street parking in many areas. I am particularly concerned with those areas of the city that were not zoned for and developed strictly as single family areas. Many areas south of 7th Street in the 3rd district were developed with multiple dwellings at a time when parking space was not a requirement, leading to the current "over-reliance " on the public streets for the parking needs of the residents. Some of these areas have only been re-zoned Single family in the past several years. I propose that these areas should be specifically excluded from consideration for ADU's. If this is not possible, a street-by-street assessment should be undertaken in neighborhoods that currently contain a mix of multiple and single family dwellings in order to exempt those properties that would be impacted by the additional demand for on-street parking space. Many residents of property on Euclid Avenue between Sixth and Seventh Streets in particular rely of the use of the street for all of their parking needs. If additional dwelling units are allowed, those residents too will need to use the street for their parking needs.

As I understand the city's resources, there is currently no database to distinguish between "owner-occupied property" and property that is not owner occupied. If the proposed Accessory Dwelling Unit law is passed as proposed, what prevents someone from developing a legal ADU, and a few years later, either moving elsewhere and renting out the two units or selling the property to someone who has no intention of living on-site? The proposed law may well create an "enforcement nightmare" for the future in sorting out on a complaint by complaint basis which properties are "legally" being used as "owner occupied with an Accessory Dwelling Unit, and which are simply being used illegally as two units on a lot where the owner is an absentee land lord. If the law is passed as proposed, the City should establish a database to require that whenever a single family residential property changes ownership or a change of utility billing takes place, that the property be registered as either owner occupied, or absentee owner to

facilitate the legality of any ADU's that may exist on the site. The ADU law, as proposed makes no provision for assuring that once an ADU is built, that the property will remain "owner occupied". As I further understand current law, garages are inspected upon property sale to determine whether the garages are useable or not, however no effort is expended to ensure that garages remain useable for parking cars on a regular basis. This lack of enforcement staffing contributes to the current over-demand on our streets for use for residential parking space. I fear that without attention to the details of on-going inspection many of our single family zones will simply become two family zones.

If the City is to enact the proposed ADU law, staff should explore, and provide a means for the funding of the additional expenses the law will create in administering the inspection and documentation of such properties for the future. Once a ADU is built, there should be a way of ensuring that it remain on an owner occupied property. If this proposed law is passed without such provisions, it is simply converting our single family zones into multiple family zones.

Thank you for considering these points of view.

Very truly yours,

John McKenna
jmckenna@znet.com

cc: Dianne Sundstrom, Maureen Neeley, BHCA



AMY;

- ENCLOSED IS A COPY OF
MY THOUGHTS ON "ADUS" -
WHICH I'VE SENT TO SUSIE
PRICE. I HOPE THEY CAN
BE ADDRESSED. -

I HOPE ALL IS WELL FOR
YOU. - I'M PRETTY IN-UNDAATED
NOW SPLITTING MY TIME BETWEEN
HERE & OCEANSIDE CARING FOR
MY 99 YR-OLD MOM, BUT LIFE
IS GOOD!

From: [Amy Bodek](#)
To: [Heidi Eidson](#); [Alexis Oropeza](#); [Scott Kinsey](#)
Subject: FW: Accessory Dwelling Units
Date: Tuesday, June 06, 2017 10:03:38 AM
Attachments: [image001.png](#)
[ADU Planning commission letter.pdf](#)

From: Turigliatto, Jon [mailto:jturigliatto@cgdrblaw.com]
Sent: Tuesday, June 06, 2017 9:58 AM
To: Amy Bodek <Amy.Bodek@longbeach.gov>
Cc: Suzie Price <Suzie.Price@longbeach.gov>
Subject: Accessory Dwelling Units

Dear Ms. Bodek,

I am a homeowner at 253 Nieto Avenue. I am writing to you in support of the comments set forth in the attached letter to the Planning Commission by Laura Lindgren regarding the potentially adverse impact of the ADU law on our neighborhoods if the Commission does not thoroughly examine the law and the approaches pursued by other California cities. I strongly urge the Commission to consider and adopt the limitations set forth in Ms. Lindgren's letter prior to issuing its proposed resolution to the Council.

Best,

JON TURIGLIATTO

jturigliatto@cgdrblaw.com | [Download vCard](#) | www.cgdrblaw.com

CHAPMAN GLUCKSMAN

Chapman, Glucksman, Dean, Roeb & Barger
11900 W. Olympic Boulevard Suite 800
Los Angeles, California 90064
Telephone: (310) 207-7722
Facsimile: (310) 207-6550



Please consider the environment before printing this e-mail

LOS ANGELES | BAY AREA | SACRAMENTO | ORANGE COUNTY

THIS ELECTRONIC MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT (310) 207-7722, AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

From: Alexis Oropeza
To: "Laura L Greco"
Subject: RE: Questions about ACU, Granny Flats
Date: Wednesday, July 05, 2017 8:15:00 AM

Ms. Greco,

Thank you for your interest in the Accessory Dwelling Units (ADU) or Granny Flats regulations. Generally speaking, the Los Angeles Tax Assessor reassesses property values if additional living space or other significant modifications are made. For more information on this please contact the Local Tax Assessor's Office at 562-256-1701.

As circumstances vary with regards to capital gains it would be best to seek the advice of a certified tax preparer or real estate attorney in regards to this matter.

Your comment will be forwarded to the Planning Commission for their consideration.

All the Best,

Alexis Oropeza
Planner

Long Beach Development Services | Planning Bureau
T 562.570.6413 F 562.570.6068
333 West Ocean Blvd., 5th Floor | Long Beach, CA 90802
Alexis.Oropeza@longbeach.gov | www.lbds.info

-----Original Message-----

From: Laura L Greco [<mailto:lgreco@earthlink.net>]
Sent: Tuesday, July 04, 2017 7:45 AM
To: Alexis Oropeza <Alexis.Oropeza@longbeach.gov>
Subject: Questions about ACU, Granny Flats

Hello Alexis,

Are Granny Flats considered different than a duplex or 2 on 1 properties? I am asking about this from a tax consequence.

Are properties reassessed as improvements are made?

Is there capital gains if someone sells the property because there is now income associated with this property?

And a statement, not a question. I am in favor of as much parking as possible for these properties and any property. It is a hardship on neighborhoods to not have adequate parking.

Thank you,
Laura Greco

Laura Lindgren

275 Park Ave, Long Beach, CA 90803 | LindgrenL@yahoo.com

June 5, 2017

Dear Ms Amy Bodek and Planning Commissioners:

I am following up on the concerns raised last week about the new state law (Gov. Code section 65852.2), which allows Alternative Dwelling Units (ADUs) in almost all R1 and other single family zone areas. This law has the potential to reverse years of zoning, planning and progress in preserving our neighborhoods. However, the recommendations included at the end of this letter will help preserve the character and integrity of the neighborhoods throughout Long Beach.

While the law contains a number of very troubling mandates, it does permit the City to enact its own regulations and gives the City discretion in a number of areas that could go a long way towards preserving the character of our neighborhoods and alleviating some of the overwhelming parking issues that the state law will otherwise cause. I urge the staff and Commission to consider and adopt the language set out below.

Unit Size

The ADU law provides that ADUs may be up to a maximum of 1200 square feet, or one half the size of the original dwelling, whichever is smaller. The critical words are "may be up to." Thus, the City is entitled to limit the size of the allowable units, and many cities have done just that (see table with some examples below). Long Beach should only allow what is commonly called a "granny unit" that is in keeping with the nature of the neighborhood, not an entire full-sized, second house.

The staff proposal presented at the Planning Commission meeting allows a 1200 foot "unit", which is, in fact, the equivalent of a full additional house. A 1200 square foot unit could have two or more bedrooms with several tenants and multiple cars. (In Cal Heights and the Shore, I have been in a number of full size 2-bedroom houses that only take up 800 feet. 1200 feet is far beyond what is contemplated or reasonable as a "granny" or "accessory" type.) Units this size will severely and adversely impact the appearance of the neighborhood, the quality of life and the ability to park.

Limitation to a reasonable size of 700 to 750 square feet is even more critical in Long Beach, where most of our streets are parking impacted. Under the new law, in most of the area there will be **no** requirement at all for **any** additional parking. It is therefore critical that the size of an ADU be limited, rather than allowing the maximum size.

Subsequent to the Planning Commission meeting, we looked into regulations regarding unit size and found that numerous cities have enacted regulations responding to the new state law and limiting the size of ADUs. Some of those are listed below, and reflect that 700 to 750 square feet is a reasonable requirement here:

City	ADU size limit
Newport Beach	750 square feet
Santa Monica	650 square feet

Oakland	800 square feet
Sacramento County	400-600 square feet depending on size of lot
San Jose	600-800 square feet depending on lot size. Maximum one bedroom
Beverly Hills	650 square feet
Burbank	500 square feet
Thousand Oaks	220-660 square feet

Parking Restrictions, Design and Setbacks

Other key areas where the City can provide additional protections are by enforcing requirements for new parking when permitted, and enforcing its existing set-backs for non – garage units. The latter is permitted under the state law, and it makes sense to enforce such setbacks for non-garage units; a garage unit by its nature is limited in size and less impactful.

It would also be advisable to require, as other cities have done, that the new unit be in keeping with the nature and style of the original house and neighborhood.

Enforcement and Deed Restrictions

The staff proposal presented at the Planning Commission meeting does require that the owner reside in the original unit in order to construct and lease an ADU, and prohibits short-term rentals (less than 30 days). These are critical requirements to prevent developers from coming in and constructing rental units without regard for the neighborhood. We do need a mechanism to enforce these key requirements, particularly as time goes on and houses are sold to new owners. Other cities enforce these provisions by requiring a recorded deed restriction regarding owner occupancy and rental terms in order to obtain an ADU permit. Long Beach should do the same.

Long Beach Regulation Language

We believe that the requirements that Newport Beach has put in place serve as a good model for Long Beach. These include the following, directly quoted from that City's regulation:

1. **Unit Size:** The maximum size of an accessory dwelling unit shall not exceed a 750 square feet of floor area, or 50 percent of the existing floor area (excluding garage of the principal unit, whichever is less).
2. **Design:** An accessory dwelling unit shall be similar to the principal dwelling with respect to architectural style, roof pitch, color and materials.
3. **Additional requirements for all accessory dwelling units**
 - a. **Sale of unity:** the accessory dwelling unit shall not be sold separately from the principal dwelling
 - b. **Short Term Lodging.** The accessory dwelling unit shall not be rented for periods of less than 30 days
 - c. **Number of units allowed:** Only one accessory dwelling unit may be located on the lot.
 - d. **Existing development:** A single dwelling unit must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit
 - e. **Occupancy:** The principal dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot

4. **Deed restriction and recordation required:** Prior to the issuance of a Building and/or Grading Permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the dwelling unit exists on the property.

The suggested revisions above, particularly as to unit size, are imperative to preservation of our neighborhood and fully permitted under the state law. It may be that some residents will argue that they should be permitted to construct much larger units. However, each of those residents purchased a home in an area zoned for single family housing. They knew that construction of second units was not permitted and had no expectation otherwise. If they now choose to construct a unit to profit by the "windfall" provision in the new state law, it is certainly fair and equitable that they do so in a manner that is respectful of their neighbors, preserves the neighborhood and does not result in more cars than can possibly be accommodated.

It is best to address these issues now, so that an appropriate regulation can be presented to City Council and quickly approved so that protections are in place as soon as possible. We are anxious to do whatever is necessary on this important issue to preserve our City. Thank you for consideration of these points.

Regards,

Laura Lindgren

Laura Lindgren

From: [Amy Bodek](#)
To: [Scott Kinsey](#); [Alexis Oropeza](#)
Subject: FW: Accessory dwelling units
Date: Thursday, July 06, 2017 1:34:40 PM

-----Original Message-----

From: Meg Kohn [<mailto:megkohn@aol.com>]
Sent: Thursday, July 06, 2017 1:32 PM
To: Amy Bodek <Amy.Bodek@longbeach.gov>
Subject: Accessory dwelling units

What an outrageous law! Please do all you can to limit the size to 700 feet and require the owner lives in main building and that it not be used for air Bnb.

MARGARET Kohn
261 Nieto Ave.

Sent from my iPhone

From: [Amy Bodek](#)
To: [Alexis Oropeza](#); [Scott Kinsey](#); [Linda Tatum](#)
Subject: FW: ADUs on the Planning Commission agenda June 1
Date: Wednesday, May 31, 2017 1:42:07 PM

FYI.

From: bhcaneeley@att.net [mailto:bhcaneeley@att.net]
Sent: Wednesday, May 31, 2017 1:39 PM
To: Amy Bodek <Amy.Bodek@longbeach.gov>
Subject: RE: ADUs on the Planning Commission agenda June 1

Amy,

For sure we knew this was coming and I can read where you and your staff have tried to soften some of the implementation. Much appreciated.

I am hoping it is possible to use some of our other ordinances and general plan components to make any added units less destructive to the environment (water circ and heating the climate) by requiring more open space with each ADU. Less concrete. I think the option to build atop the garage is a good one and less intrusive.

Other ideas may come forth. Unfortunately I'll be on vacation June 1-8 and can't attend the PC mtg. Others from BHCA hope to attend. I do hope there will be more opportunities to help shape how we carry out this state mandate? That would be most helpful.

Thanks,
Maureen

Maureen Neeley
Belmont Heights Community Association
Sent from Yahoo Mail on Android

On Wed, May 31, 2017 at 12:54, Amy Bodek
<Amy.Bodek@longbeach.gov> wrote:

Thanks, Maureen. I hope you understand this is State law now, and we do not have discretion on saying no to conforming ADUs.

From: Maureen Neeley [mailto:bhcaneeley@att.net]
Sent: Tuesday, May 30, 2017 1:21 PM
To: Amy Bodek <Amy.Bodek@longbeach.gov>
Subject: ADUs on the Planning Commission agenda June 1

Sorry, Amy, this bounced back. Misspelled your name.

Maureen

Maureen Neeley

President

Belmont Heights Community Association

facebook.com/mybelmontheights/

5/285-3860

SAVE THE DATE: Next resident meeting is Wednesday, June 14th when we'll be "Talking Trash" with Diko Melkonian, the City's Environmental Services Director. Thank you to our June sponsor, The Grain Cafe. 6:30 Social | 7:00 Program. 317 Termino Avenue.

----- Forwarded Message -----

From: Maureen Neeley <bhcaneeley@att.net>

To: 'Suzie Price' <Suzie.Price@longbeach.gov>; "amy.bodel@longbeach.gov" <amy.bodel@longbeach.gov>; "craig.chalfant@longbeach.gov" <craig.chalfant@longbeach.gov>

Cc: Douglas Forasté <dforaste@gmail.com>; Linda Pemberton <pembertonlindaj@gmail.com>; William Cullen <williamkcullen@aol.com>; Laura Lindgren <lindgrenl@yahoo.com>; William J. Davis <widavis207@earthlink.net>; "dianne.sundstrom@verizon.net" <dianne.sundstrom@verizon.net>; "allancrawford@mindspring.com" <allancrawford@mindspring.com>; Sydney Simon <sydevl@aol.com>

Sent: Tuesday, May 30, 2017 1:18 PM

Subject: ADUs on the Planning Commission agenda June 1

Dear Suzie, Amy and Craig,

We've been anticipating the city's response to this state mandate, but did not receive advanced notice of this PC meeting. I am hoping and assuming the staff report to the Planning Commission on Thursday June 1 will be the first of several public discussions.

Our concerns in Belmont Heights are represented well by an email sent earlier by Allan Crawford, BHCA member and mobility advocate, though we would like to also mention a greater need for open space than that recommended by staff to accompany any added ADUs.

As you know, we were involved with the Land Use Element, remaining generally supportive about appropriate places for density along our corridors; however, adding more

density throughout our R-1-N lots without additional open space on those lots could be problematic. I know staff is recommending a certain amount of open space per unit, but we do not believe it is enough.

ADUs - especially conforming ADUs - coming on top of the the LUE increases - would severely impact the character, groundwater circulation, parking (of course), school enrollment, sewer and water usage, etc.

I am sure the Planning Commission will be addressing and ways to mitigate these impacts and more. We look forward to joining our voice to the conversation.

Maureen

Maureen Neeley

President

Belmont Heights Community Association

facebook.com/mybelmonthheights/

5/285-3860

SAVE THE DATE: Next resident meeting is Wednesday, June 14th when we'll be "Talking Trash" with Diko Melkonian, the City's Environmental Services Director. Thank you to our June sponsor, The Grain Cafe. 6:30 Social | 7:00 Program. 317 Termino Avenue.

From: [Carrie Tai](#)
To: [Scott Kinsey](#)
Subject: Fwd: Accessory Dwelling Units on R-1-N properties - Planning Commission
Date: Thursday, June 01, 2017 5:14:27 PM

Carrie Tai, AICP
Current Planning Officer

Long Beach Development Services I Planning Bureau
T [562.570.6411](tel:562.570.6411) F [562.570.6068](tel:562.570.6068)
[333 West Ocean Blvd., 5th Floor I Long Beach, CA 90802](#)
carrie.tai@longbeach.gov I www.lbds.info

Begin forwarded message:

From: <dianne.sundstrom@verizon.net>
Date: June 1, 2017 at 17:05:54 PDT
To: Amy Bodek <Amy.Bodek@longbeach.gov>
Cc: Suzie Price <Suzie.Price@longbeach.gov>, Suzie Price <suzie@suzieaprice.com>, Maureen Neeley <bhcaneley@att.net>, Carrie Tai <Carrie.Tai@longbeach.gov>
Subject: Re: Accessory Dwelling Units on R-1-N properties - Planning Commission

Thanks Amy for the clarification. I've also found other documents that make the law easier to comprehend. I do have concerns but need to organize those into a coherent message.

Dianne

Sent from my iPhone

On Jun 1, 2017, at 3:19 PM, Amy Bodek <Amy.Bodek@longbeach.gov> wrote:

Dear Dianne,

Sorry for the delay in getting back to you but I've been offsite most of the day.

Absolutely, we're happy to clarify this distinction. Section 65852.2(a)(1)

allows cities to adopt an ordinance (i.e., indicated by the use of the word “may”) to allow for Accessory Dwelling Units (ADUs), and then further specifies what the ordinance must allow in 65852.2(a)(1)(A through D).

However, several further sections read as follows:

<!--[if !supportLists]-->◦ <!--[endif]-->Section 65852.2(b) states that if there is no ordinance, the city must approve or disapprove an ADU ministerially without discretionary review within 120 days, under State regulations.

<!--[if !supportLists]-->◦ <!--[endif]-->Section 65852.2(d) states that whether or not there is an ordinance, cities are prohibited from requiring parking for ADUs if the ADU location meets five conditions listed in 65852.2(d)(1 through 5).

<!--[if !supportLists]-->◦ <!--[endif]-->Section 65852.2(e) states that in any case, a city must approve an ADU if it is created out of existing space of an existing single family home or accessory structure (includes garages, rumpus rooms, workshops, etc), with exterior access and side and rear setbacks.

This said, the terms of Section 65852.2 ties the cities hands with regard to ADUs – we cannot prohibit them. However, adopting a local ordinance provides the City with the ability to guarantee certain quality of life standards for ADUs, like minimum and maximum unit sizes, height limits, setbacks, parking requirements in the Coastal Zones and Parking Impacted Areas, open space, and probably most significantly, replacement parking for the primary residential home if the garage is converted.

The intent of the local ordinance is to add specific regulations where State law is silent. Without a local ordinance, we are mandated to approve ADUs under the State’s limited regulations, without the quality of life standards that are important to maintain the character of residential neighborhoods. I hope this clarifies language and stresses the importance of getting this local ordinance adopted.

Amy

From: Dianne Sundstrom [<mailto:dianne.sundstrom@verizon.net>]

Sent: Thursday, June 01, 2017 10:01 AM

To: Amy Bodek <Amy.Bodek@longbeach.gov>; Suzie Price <Suzie.Price@longbeach.gov>; 'Suzie Price' <suzie@suzieaprice.com>

Cc: 'Maureen Neeley' <bhcaneeley@att.net>

Subject: RE: Accessory Dwelling Units on R-1-N properties - Planning

Commission

Dear Amy and Councilwoman Price,

I've been reading through some of the documents relative to the ADU presentation at the PC tonight. In the City documents the wording is that the "State mandates that cities allow ADUs in single family zones". When I read through AB 2299 I find the following language with the word "may"here is a portion of the bill.....

SECTION 1. Section 65852.2 of the Government Code is amended to read: 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) Impose standards on accessory dwelling units that include, but are.....

Can you provide clarification please? It seems like an important distinction.

Thanks,
Dianne Sundstrom

From: Amy Bodek [<mailto:Amy.Bodek@longbeach.gov>]
Sent: Wednesday, May 31, 2017 5:14 PM
To: Maureen Neeley; Suzie Price; Craig Chalfant
Cc: William J. Davis; Linda Pemberton; Dianne Sundstrom; Sydney Simon; Douglas Forasté; William Cullen
Subject: RE: Accessory Dwelling Units on R-1-N properties - Planning Commission

Maureen,
We are under the gun to get the new ordinance approved, as State law went into effect January 1st and our existing ordinance is null and void. We can coordinate a community meeting, but a study session isn't feasible given our timing.

From: Maureen Neeley [<mailto:bhcaneley@att.net>]
Sent: Wednesday, May 31, 2017 3:40 PM
To: Suzie Price <suzie@suzieaprice.com>; Amy Bodek <Amy.Bodek@longbeach.gov>; Craig Chalfant <Craig.Chalfant@longbeach.gov>

Cc: William J. Davis <wjdavis207@earthlink.net>; Linda Pemberton <pembertonlindaj@gmail.com>; Dianne Sundstrom <dianne.sundstrom@verizon.net>; Sydney Simon <sydey1@aol.com>; Douglas Forasté <dforaste@gmail.com>; William Cullen <williamkcullen@aol.com>

Subject: Accessory Dwelling Units on R-1-N properties - Planning Commission

Dear Suzie and Amy,
Just a quick note to share that I have been getting emails from residents concerned about how the State's requirement that most R-1 parcels allow a second unit (ADU) will play out in Long Beach.

I know there is a Planning Commission meeting tomorrow night and staff will present their report to the Commission. The report is fairly comprehensive and a good effort to lessen the impact that having two homes on a lot will do to parcels as little as 4,800' sq., even in our historic districts.

I would like to ask that a Study Session be scheduled sooner than later to allow the community to discuss in a public forum how best to manage this drastic change to our residential zoning throughout the city.

Would you share this request with the Planning Commissioners, please? I will be out of town until June 8, but I know we'll have some Belmont Heights residents there to listen and share concerns.

Thank you both.

Maureen

cc: BHCA Board

*Maureen Neeley
President
Belmont Heights Community Association
facebook.com/mybelmonthheights/
5/285-3860*

SAVE THE DATE: Next resident meeting is Wednesday, June 14th when we'll be "Talking Trash" with Diko Melkonian, the City's Environmental Services Director. Thank you to our June sponsor, The Grain Cafe, 6:30 Social | 7:00 Program. 317 Termino Avenue.



NOTICE of EXEMPTION from CEQA

EXHIBIT M

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: 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

L.A. County Clerk
Environmental Filings
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 an Accessory Dwelling Unit ordinance per §65852.1 and .2 of the California Gov't Code. Development Impact Fees also will be adjusted pursuant to the State Fee Mitigation Act.

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: *Alexis Oropeza*

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, and Section 15273(a)(4) - Rates, Tolls, Fares, and Charges.

Statement of support for this finding: Project is statutorily exempt as it consists of an ordinance to implement Accessory Dwelling Units pursuant to §65852.1 and .2 of the Government Code, as set forth in §21080.17. Impact fee adjustments to maintain current level of service are exempt per §15273(a)(4).

Contact Person: Alexis Oropeza

Contact Phone: (562) 570-6194

Signature: *Alexis Oropeza*

Date: 11/15/17

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

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.050, 21.15.063, 21.15.930, 21.15.1720, 21.15.1770, 21.15.2400, 21.15.2410, 21.31.360.B, TABLE 31-1, 21.51.110.A, AND 21.51.275; AND BY ADDING SECTIONS 21.15.045, 21.15.447, 21.15.915, 21.15.935, 21.15.2165, 21.25.903.C.5, 21.41.233.A.3, AND 21.51.276, ALL RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, the City Council of the City of Long Beach seeks to implement Senate Bill 1069 (SB 1069)(Chapter 720, Statutes 2016) and Assembly Bill 2299 (AB 2299) (Chapter 735, Statutes 2016) through the adoption of regulations concerning accessory dwelling units in residential zones; and

WHEREAS, accessory dwelling units are commonly referred to as "second units," and are additional living quarters on single-family lots that are independent of the primary dwelling unit. They are also known as accessory apartments, accessory dwellings, mother-in-law units, or granny flats. They may be either attached or detached to the primary dwelling unit, and they typically provide complete independent living facilities, including facilities for living, sleeping, eating, cooking, and sanitation; and

WHEREAS, the State Legislature adopted SB 1069 and AB 2299 in order to eliminate barriers to accessory dwelling unit construction that the Legislature has determined is a common-sense, cost-effective approach to accommodate future growth and to encourage infill development in developed neighborhoods; and

WHEREAS, Section 65582.1 of the California Government Code provides

1 that accessory dwelling units are one of the reforms and incentives adopted to facilitate
2 and expedite the construction of affordable housing; and

3 WHEREAS, Section 65882.150(a) of the California Government Code
4 provides that accessory dwelling units are a valuable form of housing; that they may
5 provide housing for family members, students, the elderly, in-home health care providers,
6 the disabled, and others at below market prices within existing neighborhoods; that they
7 may add income and an increased sense of security to homeowners; that they will
8 provide additional rental housing stock; that they offer lower cost housing to meet the
9 needs of existing and future residents within existing neighborhoods, while respecting
10 architectural character; and that they are an essential component of California's housing
11 supply; and

12 WHEREAS, Section 65852.2(a)(4) of the California Government Code
13 provides that any local ordinance that is inconsistent with Section 65852.2 shall be null
14 and void and state law shall apply unless or until the local agency adopts an ordinance
15 consistent with this law; and

16 WHEREAS, on June 1, 2017, and July 6, 2017, the Planning Commission
17 held duly noticed public hearings on the proposed ordinance before making a final
18 recommendation to the City Council; and

19 WHEREAS, the proposed ordinance is consistent with the applicable
20 policies of the Long Beach General Plan and Housing Element; and

21 WHEREAS, it has been determined that the proposed ordinance regulating
22 accessory dwelling units is exempt from the requirements of the California Environmental
23 Quality Act (CEQA), pursuant to CEQA Guidelines Section 15282(h) which exempts the
24 adoption of an ordinance regarding second units in a single-family or multifamily
25 residential zone;

26 WHEREAS, Section 65852.2(a)(1)A of the California Government Code
27 provides that a local agency may designate certain areas within the jurisdiction of the
28 local agency where accessory dwelling units may be permitted; and that the designation

1 of said areas may be based on criteria that may include, but are not limited to, the
2 adequacy of water and sewer services and the impact of accessory dwelling units on
3 traffic flow and public safety;

4 WHEREAS, the City of Long Beach is an older urban coastal city consisting
5 of approximately fifty-two (52) square miles with a residential population of approximately
6 470,000 individuals which do not include the numerous individuals who work, recreate or
7 visit Long Beach on a daily basis;

8 WHEREAS, the residential population and visitor density of the City,
9 particularly in its coastal and downtown core areas, significantly impacts traffic circulation
10 and parking availability on the City's existing street network and off-street parking
11 facilities;

12 WHEREAS, historically as an older city, certain neighborhoods and areas of
13 Long Beach do not have sufficient on or off-street space to accommodate the parking of
14 motor vehicles by residents, businesses, or visitors;

15 WHEREAS, since at least 1986, the City has recognized that the parking of
16 vehicles on certain narrow streets in densely populated areas of the City created a
17 detrimental condition affecting the health, safety and welfare of the community and
18 served to impede and obstruct the free flow of traffic, thus requiring parking restrictions in
19 those areas;

20 WHEREAS, in 1988, the City Council of the City of Long Beach adopted a
21 resolution (C-24607) designating the boundaries of parking-impacted areas of the City
22 and recognizing that in said areas the inadequacy of public and private vehicle parking
23 spaces "is particularly acute;"

24 WHEREAS, in October 2013, the City adopted the Mobility Element of the
25 City's General Plan and recognized that vehicle parking in certain parking impacted areas
26 of the City "has a profound impact not only on those drivers searching for spots, but on a
27 wide range of areas critical to [the] City: the design of the built environment, the cost of
28 development, housing affordability, the flow of traffic, and the community's overall quality

1 of life;"

2 WHEREAS, due to the relatively high density of housing in certain areas of
3 the City and the profound and acute lack of existing parking in these areas, the City
4 Council finds that it is appropriate to require that at least one additional on-site parking
5 space be provided in designated parking impacted areas when a property owner desires
6 to add an Accessory Dwelling Unit to the site as set forth and described in this ordinance
7 in order to promote and facilitate public safety, traffic flow, and the public health, safety
8 and general welfare of those residing, working or recreating in the City.

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

11 Section 1. Section 21.15.050 of the Long Beach Municipal Code is
12 amended to read as follows:

13 21.15.050 Accessory building, accessory structure.

14 "Accessory building or structure" means a detached or attached
15 building or structure, the use of which is subordinate and customarily
16 incidental to that of the main building or structure, or to the main use of the
17 land. An accessory building or structure must be located on the same lot as
18 the main building or structure.

19
20 Section 2. Section 21.15.063 of the Long Beach Municipal Code is
21 amended to read as follows:

22 21.15.063 Accessory use, residential.

23 "Accessory residential use" means a residential use that is
24 customarily incidental and/or necessarily related to a principal nonresidential
25 use of land, building, or structure. An accessory residential use is located on
26 the same lot as the principal nonresidential building or use and is dependent
27 upon the principal nonresidential use for the majority of its use or activity.

28 The occupant of an accessory residential use is employed in or routinely

1 conducts business in the nonresidential space. Accessory residential uses
2 include, but are not limited to, a caretaker's or night watchman's residence
3 (Section 21.15.445), an artist's studio and residence (Section 21.15.240),
4 and parsonage (Section 21.15.2005). "Accessory residential use" does not
5 include accessory dwelling units (Section 21.15.045).

6
7 Section 3. Section 21.15.930 of the Long Beach Municipal Code is
8 amended to read as follows:

9 21.15.930 Dwelling, one-family. See "single-family dwelling."
10

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

13 21.15.1720 Manufactured housing.

14 "Manufactured housing" means a structure, transportable in one or
15 more sections, which, in the traveling mode, is eight (8) body feet or more in
16 width, or forty (40) body feet or more in length, or, when erected on site, is
17 three hundred twenty (320) or more square feet, and which is built on a
18 permanent chassis and designed to be used as a dwelling with or without a
19 permanent foundation when connected to the required utilities, and includes
20 the plumbing, heating, air conditioning, and electrical systems contained
21 therein; except that such term shall include any structure which meets all
22 the requirements of this definition except the size requirements and with
23 respect to which the manufacturer voluntarily files a certification and
24 complies with the standards established under California Health and Safety
25 Code, Division 13, Part 2. "Manufactured home" includes a mobile home
26 subject to the National Manufactured Housing Construction and Safety Act
27 of 1974 (42 U.S.C., Sec. 5401, et seq.).

28 //

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

3 21.16.1770 Mobile home. See "Manufactured housing."
4

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

7 21.15.2400 Secondary housing unit. See "Accessory dwelling unit."
8

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

11 21.15.2410 Single-family dwelling.

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

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

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

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

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

28 //

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

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

3
4 Section 10. 21.51.110.A of the Long Beach Municipal Code is amended to
5 read as follows:

6 A. Additional Dwelling Units.

7 Any use which increases the number of dwelling units in any building
8 or on any lot beyond that permitted in the district, except for accessory
9 dwelling units as described in Section 21.51.276.

10
11 Section 11. Section 21.51.275 of the Long Beach Municipal Code is
12 amended by adding an expiration clause at the beginning to read as follows:

13 21.51.275 Secondary housing units ("granny flats").

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

19
20 Section 12. Section 21.15.045 is added to the Long Beach Municipal
21 Code to read as follows:

22 21.15.045 Accessory dwelling unit.

23 "Accessory dwelling unit" means an attached or a detached
24 residential dwelling unit which provides complete independent living facilities
25 for one or more persons. An accessory dwelling unit is an accessory use
26 and not a principal use of land. It shall include permanent provisions for
27 living, sleeping, eating, cooking, and sanitation, and shall be located on the
28 same lot as the single-family dwelling to which it is subordinate (the primary

1 dwelling), and shall have a separate exterior entrance. An accessory
2 dwelling unit also includes the following:

3 A. An efficiency unit, as defined in Section 17958.1 of the California
4 Health and Safety Code.

5 B. A manufactured home, as defined in Section 18007 of the
6 California Health and Safety Code.

7
8 Section 13. Section 21.15.447 is added to the Long Beach Municipal
9 Code to read as follows:

10 21.15.447 Carport.

11 "Carport" means a permanent roofed structure over a driveway, built
12 for the purpose of sheltering an automobile. A carport is supported by
13 attachment to a building and/or freestanding posts, and is open on all sides
14 that are not attached to a building. A carport may have a solid or trellised
15 roof. "Carport" does not include "porte cochere," or any temporary or non-
16 permanent structure.

17
18 Section 14. Section 21.15.915 is added to the Long Beach Municipal
19 Code to read as follows:

20 21.15.915 Dwelling unit, accessory. See "Accessory dwelling unit."

21
22 Section 15. Section 21.15.935 is added to the Long Beach Municipal
23 Code to read as follows:

24 21.15.935 Dwelling, primary.

25 "Primary dwelling" means a single-family dwelling that is not an
26 accessory dwelling unit. A primary dwelling is a principal use of land.

27 //

28 //

1 Section 16. Section 21.15.2165 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2165 Primary dwelling. See "Dwelling, primary."
4

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

7 5. Creation or expansion of an accessory dwelling unit in
8 conformance with the requirements of Section 21.51.276 (Accessory
9 dwelling units).
10

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

13 3. For the provision of required parking for an accessory
14 dwelling unit, and for required replacement of parking for the primary
15 dwelling when a garage is converted or existing parking spaces are
16 otherwise eliminated to create an accessory dwelling unit.
17

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

20 C. For tandem parking allowed in Subsection 21.41.233.A.3 for
21 an accessory dwelling unit, up to three (3) spaces may be in tandem.
22

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

25 21.51.276 Accessory Dwelling Units.

26 An accessory dwelling unit ("ADU") is an allowed accessory use on a
27 lot having only one detached single family dwelling (a "primary dwelling") and
28 no other principal uses, or principal buildings or structures. An accessory

1 dwelling unit shall have the provisions described in the definition of ADU
2 (Section 21.15.045 – Accessory Dwelling Unit). Permits for ADUs shall be
3 considered ministerially, without discretionary review or a hearing, and the
4 Director of Development Services shall approve or deny an application for an
5 ADU within 120 days after receiving said application. ADUs are subject to
6 the following regulations:

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

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

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

17 B. Categories of Accessory Dwelling Units. The City hereby
18 provides for the permitting of two categories of accessory dwelling units, as
19 follows:

20 1. Limited ADU. A Limited ADU is located in one of the
21 zoning districts in Table 31-1 in which a Limited ADU is indicated as an
22 allowable accessory use, or is located in a Planned Development District
23 (PD) or Specific Plan (SP), or subarea thereof, that allows single-family but
24 not multi-family residential use. A Limited ADU is created solely from the
25 existing floor area of the primary dwelling or an accessory structure. No
26 addition of floor area or expansion of building footprint is allowed when
27 creating a Limited ADU. A Limited ADU is exempt from certain development
28 standards, as provided by this Section; however, any future addition of floor

1 area to a Limited ADU shall require compliance with the provisions of this
2 Section for a Conforming ADU.

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

8 a. A Conforming ADU meets one of the following
9 conditions:

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

12 ii. The lot is located in a permitted residential
13 zoning district other than a single-family residential
14 district, whether or not construction of new floor area is
15 proposed.

16 b. For a lot where an additional principal dwelling is
17 allowed, a Conforming ADU is not permitted, except that a
18 Conforming ADU may be created through conversion of the floor area
19 of an existing attached or detached accessory structure, which may
20 not be expanded, and such a Conforming ADU may not be created or
21 converted from new or existing floor area of the primary dwelling.

22 C. Density. Accessory dwelling units developed pursuant to the
23 requirements of this Section shall not be considered to cause the lot upon
24 which the ADU is located to exceed the allowable density permitted for the
25 lot. For lots not located in a single-family residential zoning district, addition
26 of another principal dwelling unit to a lot is not permitted as long as an ADU
27 is present.

28 D. Development Standards. An accessory dwelling unit shall

1 conform to all development standards of the zone in which the property is
2 located, including but not limited to, parking, height limits, setbacks,
3 projections, lot coverage, landscape, open space, and floor area ratio (FAR),
4 except as specifically provided by this Section, and shall be subject to the
5 following standards, and the provisions of Tables 51.276-1 and 51.276-2:

6 1. Nonconforming Setbacks. An ADU may be located
7 within an existing, permitted structure with non-conforming setbacks,
8 provided that any new construction of floor area complies with the applicable
9 setback standards. Conversion of an existing detached accessory structure
10 with non-conforming setbacks may include a second floor, provided that any
11 new construction complies with the applicable setback standards.

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

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

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

23 b. Any garage door(s) shall be removed from a
24 garage or other accessory structure that is converted to an ADU, and the
25 opening shall be treated and finished to match the building per Subsection
26 21.51.276.D.3.a.

27 c. Any window, door, or deck of a second story ADU
28 shall utilize techniques to lessen views onto adjacent residential lots to

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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.

Table 51.276-1
 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		5,200 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 30% 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 800 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.	
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

1 Notes

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

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

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

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

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

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

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

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

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

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

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

26

27 4. Parking Required. Off-street parking for an accessory
28 dwelling unit and the primary dwelling shall be provided as required in Table

1 51.276-2. Replacement parking for the primary dwelling is required when
2 any on-site parking spaces (or the structures housing them) are demolished,
3 altered, converted, or otherwise eliminated in conjunction with creation or
4 expansion of an ADU. The following requirements shall apply to lots where
5 an ADU is created or expanded:

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

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

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

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

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

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

26 g. Garages for a single-family residence and an ADU shall not
27 exceed a total of nine hundred (900) square feet in size.

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Table 51.276-2
Required Parking for Limited and Conforming Accessory Dwelling Units
and Primary Dwellings

	Location	Parking spaces required	
		ADU (a)	Primary dwelling
	Coastal Zone and/or Parking Impacted Area (b)	1	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.

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

1 entity, as required by Section 21.41.209.

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

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

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

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

21 3. Rebuilding of Existing Accessory Structure for
22 Conversion. An existing garage or other accessory structure that is
23 converted to an ADU, or above which a new ADU is constructed, may be
24 rebuilt as necessary to comply with building, fire, and other life safety codes
25 without loss of rights to nonconforming setbacks.

26 4. Conversion of Nonconforming Second Dwelling Unit to
27 ADU. A nonconforming dwelling unit on a property with no more than two
28 existing dwelling units may be converted to a Conforming ADU, subject to

1 the provisions of this Section and the following:

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

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

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

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

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

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

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

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

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F. Severability Clause. If any provision, clause or section of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect any other provision, clause, or section, or application, and to this end the provisions, clauses and sections of this Ordinance are declared to be severable.

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

//

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Lana 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
<u>Residential Uses</u>																				
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 21.51.276)	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	N	C	C	C	Y ^(a)	C	N	N	N
Residential historic landmark buildings (see Section 21.52.265.5)		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	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	N	C	C	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-H	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	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y	IP
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	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-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
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.

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

1 RESOLUTION NO.
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT A LOCAL
6 COASTAL PROGRAM AMENDMENT TO ADD SECTIONS
7 TO THE CITY'S ZONING REGULATIONS RELATING TO
8 ACCESSORY DWELLING UNITS (ADUs) TO THE
9 CALIFORNIA COASTAL COMMISSION FOR
10 CERTIFICATION
11

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

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

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

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

27 WHEREAS, the City Council hereby finds that the proposed amendments
28 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
10 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
11 follows:

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

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

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
Long 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
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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 _____, 2017, the City of Long Beach adopted an Ordinance (ORD-17-_____) 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 are 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.

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

\$1,781.39 per ADU.

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

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

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

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

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

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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
393 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664