



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

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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

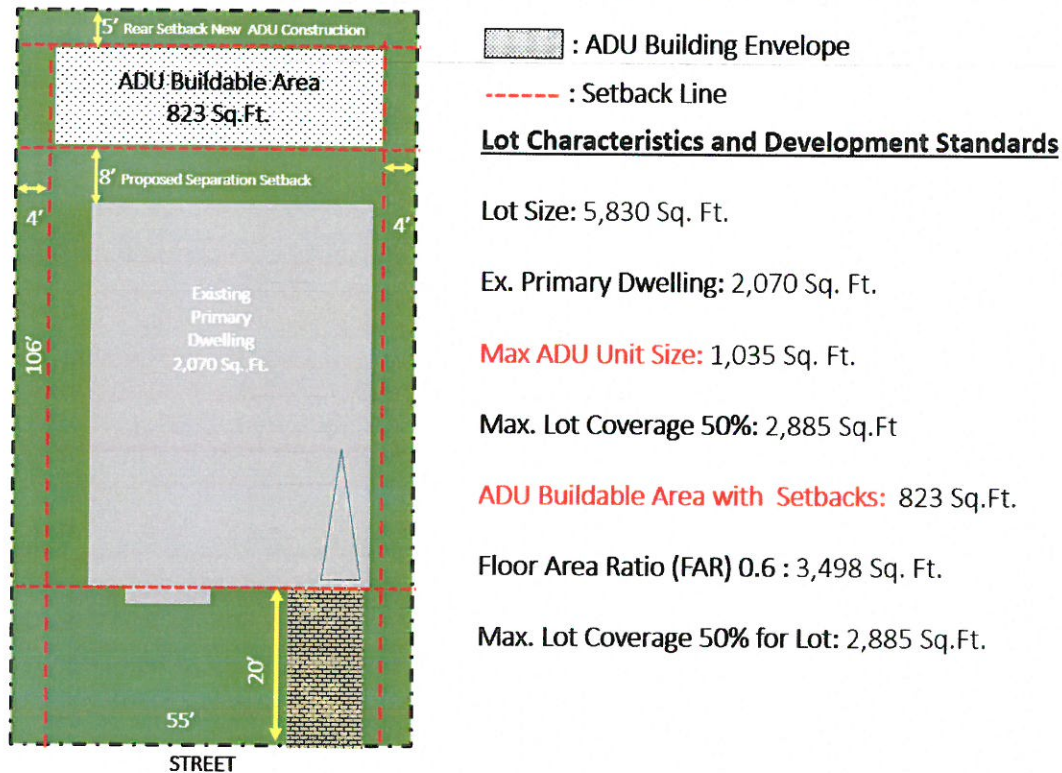
60% of all existing single family dwellings on residentially zoned lots are less than 1,500 Sq.Ft.

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

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: 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	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