



# **City Council**

## **Continued Public Hearing**

**December 12, 2017**

### **Accessory Dwelling Units (Citywide)**

**Zoning Code Amendment (ZCA 17-010), Local Coastal Program  
Amendment (LCPA 17-002)**

**Application No. 1702-04**

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# Background

## In response to the State's Housing Crisis

- Effective January 1, 2017, AB-2299 and SB-1069 streamlined the approval process and reduced cities' abilities to regulate ADUs.
- Long Beach's existing local ADU regulations are now null and void.
- Oct. 8, 2017, Governor Brown signed two bills AB-494 and SB-22 clarifying previous legislation including that not more than one parking space can be required per ADU.



Kristy Lakin ADU, photo credit: Portland Photos  
Retrieved from [www.accessorydwelling.org](http://www.accessorydwelling.org)



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## Background

- On July 6, 2017, the Planning Commission found the Zoning Code Amendment consistent with the General Plan and recommended the City Council adopt the proposed Zoning Code Amendment.
- On October 10, 2017, the City Council held a public hearing on the matter, received a staff presentation, took public testimony, deliberated on the matter and directed staff to make the following changes:
  - Increase the minimum lot area to 5,200 sq.ft.
  - Increase useable open space to 30% of the Gross Floor Area (GFA) of the ADU
  - Reduction in the maximum ADU size to 50% of the GFA of the primary dwelling or 800 sq.ft. (whichever is less)
  - Require parking for ADUs developed in preferential parking districts



# Proposed Development Standards

Standard	State Law	Proposed City Standards	
		Conversion	New Construction
Minimum Lot Size	No Standard	<b>5,200 sq.ft.</b>	
Minimum Lot Width	No Standard	27 ft.	
Maximum Lot Coverage	No Standard	N/A	Same as zoning district.
Floor Area Ratio (FAR)	No Standard	N/A	Same as zoning district.
Side Yard	<ul style="list-style-type: none"> <li>No setback for existing structure</li> <li>5' above garage</li> </ul>	N/A	Same as zoning district or 5', lesser of.
Rear Yard		N/A	5' (detached only).
Building Height	No Standard	N/A	Same as zoning district or 25'/2-story.
Open Space	No Standard	N/A	<b>Equal to 30% of the gross floor area of the ADU</b>

Reduces the number of lots eligible to construct an ADU to approximately 2/3 of all residentially zoned lots.

Increases the quality of the development.



# Proposed Development Standards

Standard	State Law	Proposed City Standard
<b>Maximum Unit Size</b>	<u>Attached ADU</u> 50% of the existing living area of the primary dwelling, with a maximum of 1,200 sq. ft.  <u>Detached ADU</u> 1,200 sq. ft.	50% of the living area of the primary dwelling, or <b>800 sq. ft.</b> , whichever is less.*  *Except that an ADU up to 640 sq. ft. is permitted if the primary dwelling is less than 1,280 sq. ft.

The new lower maximum unit size in combination with area percentage requirement will ensure ADUs are in scale with existing development and remain an accessory use.



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## Parking Districts

- No parking required for the ADU, except in the Coastal Zone and Parking Impacted Area.
- City Council directed staff to include preferential parking districts as an area where parking is required for ADUs.
- Preferential Parking Districts differ from Parking Impacted Areas:
  - Self-selected process which requires majority consent by property owners
  - Designation is more fluid
  - Parking conditions are frequently created by non-resident use of on-street parking during business hours
- Upon review the City Attorney found requiring parking based on the preferential parking district status alone is inconsistent with State law.



# Parking

- 2017 amendments to State law (AB-494 and SB-22), clarifies that no more than one parking space may be required per ADU.

Parking Spaces Required		
Location	ADU	Primary Dwelling
Coastal Zone and/or Parking Impacted Area	1	Same as Existing Number of Spaces
Other Permitted Areas	0	

Revised for consistency with recent changes to State law.



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## ADU Standard Highlights

- Replacement parking for the primary unit is required in all cases where a garage is converted.
- Exterior modifications must be architecturally compatible with the primary dwelling.
- Windows, doors, or decks of a second story ADU shall be designed to preserve a reasonable level of privacy for adjacent residents.
- Ordinance requires a deed restriction to be recorded prior to issuance of a building permit. Restrictions include:
  - Requiring the owner of the property to reside in either unit, unless both units are leased/rented to one person/entity
  - Prohibiting the short-term rental of either unit
  - Restricting the ADU from being sold separately



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## Development Impact Fees

- New development generates demand for new services including:
  - Police
  - Fire
  - Transportation
  - Parks and Recreation Facilities
- The State law reestablishes that Development Impact Fees should be proportionate to their impact.
- Staff is recommending the adoption of an interim Fee Resolution to ensure that ADUs are charged a fee proportionate to their size.



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## Recommendation

Adopt the Zoning Code Amendment (ZCA 17-10) to establish local standards for ADUs consistent with the City's General Plan and with State law; and

Modify the established development impact fee structure for Accessory Dwelling Units in accordance with California Government Code Section 65852.2 pertaining to Accessory Dwelling Units.

