



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

CH-1

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

April 16, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and accept Categorical Exemptions (CE-16-211 and CE 16-236) and Statutory Exemption (SE-17-136);

Declare the Ordinance amending Table 41-1C of Chapter 21.41 of Title 21 (Zoning), of the Long Beach Municipal Code (LBMC), relating to Alcoholic Beverage Manufacturing (ZCA 1609-25), read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 21.15.750, 21.31.220.B.4, 21.41.232, 21.42.030.A.12, 21.42.050.B.2, 21.42.050 of Title 21 of the LBMC, relating to definitions (e.g., rebuild and demolish), refining the height limit exception for solar collectors, and regarding electric vehicle charging, and adding Section 21.27.055, pertaining to modifications to nonconforming structures (ZCA 1608-24), read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 21.25.903.5, 21.25.904.B, 21.51.276, Table 51.276-1, Table 51.276-2 of Title 21 of the LBMC, relating to Accessory dwelling units, and repealing section 21.51.275, pertaining to Secondary Dwelling Units (ZCA 17-007), read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for certification with the California Coastal Commission's October 10, 2018 action. (Citywide)

DISCUSSION

On March 5, 2019, the City Council held a public hearing on Zoning Code Amendments pertaining to: 1) Alcohol Beverage Manufacturing, 2) the 2017 Triennial Building Code Update and the State's Model Water Efficiency standards, and 3) Accessory Dwelling Units (ADUs) (Attachment A - City Council Letter of March 5, 2019). The Zoning Code Amendments reflect the California Coastal Commission's (CCC) October 10, 2018, action

certifying the Local Coastal Program amendments for the aforementioned Ordinances, along with several additional changes, recommended by Development Services staff. After a staff presentation, the City Council took public testimony, deliberated, and directed to staff to return in approximately 30-days with additional information on ADU permit applications and data on lot sizes.

This staff report provides background on the ADU Ordinance and the permitting history of ADUs to date. Attachments A through F provide an overview of all the proposed Zoning Code Amendments.

In 2016, Governor Brown signed new legislation pertaining to ADUs. State regulations went into effect on January 1, 2017 and rendered the City's existing standards null and void, until a local ordinance consistent with State law was adopted. The sweeping change to the existing legislation was made to promote the production of housing (ADUs) that is comparatively more affordable to construct and rent. The legislation reduced local agencies abilities to impose development standards on ADUs.

The City Council directed staff to prepare an Ordinance to regulate ADUs in February 2017. On May 2, 2017, the City Council adopted the 2017 Report on Revenue Tools and Incentives for the Production of Affordable and Workforce Housing and directed staff to implement the recommendations. One of the 29 recommendations was the adoption of an ordinance that supports the development of ADUs.

On June 1 and July 6, 2017, the Planning Commission held public hearings on a Zoning Code Amendment, to regulate ADUs and ultimately recommended it to the City Council for adoption. On October 10, 2017, the City Council held a public hearing on the proposed Ordinance and directed staff to: (1) return with information to increase the minimum lot size to 5,200 square feet; (2) increase the minimum open space required to 30 percent of the area of the ADU; (3) reduce 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 in preferential parking districts.

The ADU Ordinance was adopted in December 2017, tailoring the development standards of ADUs to the City's local development pattern, where possible, rather than being subject to the more permissive regulations of the State (Attachment G - Government Code Section 65852.2).

Since 2017, a total of 153 building permits have been issued for ADUs. Table 1 provides an overview of ADU application activity since January 1, 2017. Table 2 provides an overview of total ADU applications by Council District.

Table 1. Accessory Dwelling Unit Permits

Calendar Year	Building Permits Issued
January 1 st – December 31, 2017	17
January 1 st – December 31, 2018	117
January 1 st – March 4, 2019	19

Note: Numbers are an estimate based on field inquiry results.

Table 2. Total ADU Applications by Council District

Council District	1	2	3	4	5	6	7	8	9
Number of ADU Applications	2	8	13	22	38	13	55	40	40

Attachment H provides maps illustrating the distribution of ADU applications throughout the City, since State law went into effect in 2017.

There are a total 59,803 lots in residential zoning districts developed with a single residence throughout the City, eligible for the development of an ADU, without consideration for other conditions, including lot size. At this point in time, the total number of ADUs permitted is 153, less than 1 percent of the total eligible lots in the City. The CCC acted to certify the City’s ADU Ordinance with several amendments, including the revision of the minimum lot size in the Coastal Zone. CCC staff indicated that the revisions to the City’s local ordinance were made in consultation with the California Department of Housing and Community Development (HCD).

By lowering the minimum lot size throughout the City for ADUs, from 5,200 square feet to 4,800 square feet, an additional 5,820 lots became eligible to build an ADU, based on lot size alone. Table 3 shows the reduction in lot size impact on the distribution of eligible lots citywide. There are many lot variables, which determine whether an ADU can be developed or will actually be developed and cannot be quantified at an aggregate level. This means that although a lot may be eligible, there may be other circumstances, such as current building siting, or lot configuration that may deter owners from moving forward on an ADU.

Table 3. ADU Eligible Lot Distribution

	Percent of ADU Eligible Lots By Council District*								
	1	2	3	4	5	6	7	8	9
≥ 4,800 sq.ft.	1	6	11	13	29	6	15	10	10
≥ 5,200 sq.ft.	1	6	10	12	29	6	16	10	11

*Percentages rounded to the nearest whole number.

The shift to the lower lot size is in line with the intent of the State legislation to eliminate arbitrary standards that restrict the development potential of ADUs. Pursuant to State law, the City will have to resubmit the revised ADU Ordinance to the HCD. The HCD previously contacted Planning Bureau staff expressing concern over the lot size standard, indicating a complaint had been made regarding the minimum lot size standard of the ADU Ordinance. Additionally, the City will soon be updating the Housing Element to 2020, as required by State law. As a part of that process, the Housing Element is submitted to HCD for certification. Legislative changes passed in 2017, related to housing, placed greater emphasis on a jurisdiction’s compliance with the Housing Element regulations. As a result, cities found by HCD to be non-compliant, may face consequences, including loss of access to housing funds and potentially other funding sources, such as gas taxes.

The change to a 4,800 square-foot minimum lot size citywide creates parity between lots in the Coastal Zone and the remainder of the City. ADUs are suitable for a broad cross section of the community from single parents, grandparents, disabled individuals, and college students alike. The initial years of implementation of the City's ADU Ordinance have not shown adverse impacts. Notably, there was no minimum lot size applicable for ADUs from January 1, 2017 through January 19, 2018 (the day before the City's ADU Ordinance went into effect). For consistency of applicability and to maintain a single set of standards citywide, staff recommends that the minimum lot size of 4,800 square feet, which is the CCC-approved lot size for Coastal Zone conforming ADUs, be applied citywide, along with a requirement for annual monitoring and detailed activity report to the City Council.

Public hearing notices were published in the Press-Telegram on March 28, 2019. Staff received one letter in support of the reduced lot size as of the date of preparation of this report (Attachment I – Public Comments).

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), both a Categorical Exemption (CE-16-211 and CE 16-236) and Statutory Exemption (SE-17-136); were issued for the proposed project (Attachment J – Statutory Exemption and Categorical Exemption). The ABM and Triennial Building Code related Amendments to Title 21 qualify, as a Categorical Exemption, in that they clarify provisions that govern existing facilities, constitute minor alternations in land use limitations, and are considered actions by a regulatory agency to protect the environment and natural resources. 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."

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 25, 2019 and by Budget Analysis Officer Julissa José-Murray on March 26, 2019

TIMING CONSIDERATIONS

City Council action is requested on April 16, 2019, to comply with the Coastal Act requirement that the City complete the adoption of the suggested modifications within six months of the CCC's October 10, 2018 action.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

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P:\Planning\City Council Items (Pending)\Council Letters\2019\2019-04-16\ZCA - ABM, Triennial, ADU\ZTA.CCC 04.16.19.v4.docx

- Attachments:
- City Council Ordinances (3)
 - City Council Resolution
 - Attachment A – City Council Staff Reports
 - Attachment B - California Coastal Commission Letters
 - Attachment C – ABM Related Draft Zoning Code Text
 - Attachment D – Triennial Related Draft Zoning Code Text
 - Attachment E – ADU Related Draft Zoning Code Text
 - Attachment F – Local Transit Stops Map
 - Attachment G – Government Code Section 65852.2
 - Attachment H – ADU Location Maps
 - Attachment I – Public Comments
 - Attachment J - Statutory Exemption and Categorical Exemption

APPROVED:



PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona 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 TABLE 41-1C OF
CHAPTER 21.41, RELATING TO ALCOHOLIC BEVERAGE
MANUFACTURING

Section 1. Table 41-1C of Chapter 21.41 of the Long Beach Municipal Code relating to Alcoholic Beverage Manufacturing and Accessory Tasting Room Use is amended to read as follows:

TABLE 41-1C		
Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses		
Use	Required Number of Spaces	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	Commercial Zones	Industrial Zones
1. Manufacturing/Brewing area	None	2 spaces per 1000 SF GFA of ABM facility
2. Accessory Tasting Room area	10 spaces per 1,000 SF GFA of Accessory Tasting Room only	
3. Office space	If greater than or equal to 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation	

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Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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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 SECTION 21.15.750,
21.31.220.B.4, 21.41.232, 21.42.040.B.2, 21.42.050.B.2,
21.42.050.C.1, 21.42.050.C.2, AND BY ADDING SECTIONS
21.27.055 AND 21.42.030.A.12

Section 1. Section 21.15.750 of the Long Beach Municipal Code is
amended to read as follows:

21.15.750 Demolish

"Demolish" means to remove or modify more than fifty percent
(50%) of the exterior walls of an existing building or structure, as
measured by the linear length of the walls or more of one or more major
structural components including exterior walls, structural floor systems,
roof framing systems, and foundation systems; to remove less than fifty
percent (50%) of one or more major structural components where the
proposed demolition of the component(s) would result in cumulative
demolition meeting or exceeding fifty percent (50%) of the entire structure
since January 1, 1977 (based on available City of Long Beach records); or
to remove a structure or a portion of a structure, the cost of which equals
or exceeds fifty percent (50%) of the market value of the structure before
the start of construction based on documented construction bid costs and
either an appraisal by a profession property appraiser or County assessor
data, if it is based on current market values.

2. A wall is considered to be demolished when any of the
following occur above or below grade:

- 1 a. Cladding or framing systems are altered in a manner
- 2 that requires removal and replacement of fifty percent (50%) or more of
- 3 those cladding or framing systems.
- 4 b. Existing support for fifty percent (50%) or more of the
- 5 wall is temporarily or permanently removed such that any portion of the
- 6 remaining floors, roof, ceilings, or other building elements supported by
- 7 the wall cannot remain freestanding without supplemental support.
- 8 c. Additional reinforcement is needed for fifty percent
- 9 (50%) or more of the wall including any remaining portions of the wall and
- 10 cladding to provide structural support (e.g., addition of beams, joists
- 11 and/or rafters, etc., whether alone or alongside existing/retained system
- 12 elements).
- 13 3. Roof framing and structural floor systems shall be
- 14 considered to be demolished when any of the following occur:
- 15 a. The roof and/or floor structural framing is altered in a
- 16 manner that requires removal and replacement of fifty percent (50%) or
- 17 more of the roof or floor structural framing system elements (e.g. trusses,
- 18 joists, and rafters).
- 19 b. The roof and/or floor structural framing system
- 20 requires additional reinforcement for fifty percent (50%) or more of the roof
- 21 and/or floor structural framing including any remaining portions of the roof
- 22 or floor system to provide structural support (e.g. addition of beams, joists
- 23 and/or rafters, etc., whether alone or alongside existing/retained system
- 24 elements).
- 25 4. Foundations shall be considered demolished and the
- 26 entire structure shall be considered demolished when fifty percent (50%)
- 27 or more of the foundation has been removed or modified as measured by
- 28 horizontal surface area (slab foundation) or number of piers, posts

1 caissons, and/or grade beams (pier and caissons).

2 5. For structures without walls or roofs, including fences,
3 patios, decks, or similar, “demolish” means to remove fifty percent (50%)
4 or more of the foundation or structural elements.

5
6 “Modify” includes removal of both interior and exterior cladding of the wall
7 sections. “Modify” does not include repairs associated with Section
8 21.27.090 – restoration of projects consisting solely of exterior façade
9 remodels with no interior reconfiguration.

10
11 Section 2. Section 21.31.220.B.4 of the Long Beach Municipal Code is
12 amended to read as follows:

13 4. Rooftop solar collectors and associated supporting
14 structures may exceed the applicable height limit only if necessary for the
15 sole purpose of solar collection, not otherwise installed on any occupiable
16 areas of the roof, and consistent with the policies of the City of Long
17 Beach Certified Local Coastal Program.

18
19 Section 3. Section 21.41.232 of the Long Beach Municipal Code is
20 amended to read as follows:

21 21.41.233 Parking-Electric vehicle space and charging station requirements.

22 Outside the coastal zone, parking shall comply with Chapter 18.47 of
23 the Long Beach Municipal Code with regard to electric vehicle space and
24 charging station requirements. In the coastal zone, for a building containing
25 three or more dwelling units or a hotel that is constructed, demolished or
26 rebuilt a building site, at least twenty-five percent (25%) of the total number
27 of parking spaces, but in no case less than one, shall be EV spaces capable
28 of supporting future EVSE and five percent (5%) of the total number of

1 parking spaces but in no case less than one (1), shall have EV chargers
2 installed. Calculations for the required number of EV spaces shall be
3 rounded up to the nearest whole number.

4
5 Section 4. Section 21.42.040.B.2 of the Long Beach Municipal Code is
6 amended to read as follows:

7 2. Exceptions. Street trees shall be spaced a reasonable
8 and safe distance from driveways, light standards, intersections, utility poles
9 and street furniture and shall be located only in the prescribed width of
10 parkway at least thirty inches (30") wide between the sidewalk and curb.
11 An in-lieu fee shall be provided for any tree required in Subsection
12 21.42.050.B.1 that is not allowed by these provisions of Chapter 14.28.
13 Such fee shall be established by the City Council by resolution and shall
14 only be used for planting street trees in other locations that do comply with
15 these standards. Such fee shall be paid to the Director of Public Works, and
16 shall be based on the actual cost to the Department of Public Works to
17 obtain and plant a tree.

18
19 Section 5. Section 21.42.050.C.1 of the Long Beach Municipal Code is
20 amended to read as follows:

21 2. Provision of Landscaping. The area between the
22 sidewalk and the curb and between the sidewalk and the private property
23 line, if any, shall be landscaped primarily with live plant material and
24 maintained in a neat and healthy condition. Nonliving material and
25 decorative elements may be used within the parkway in accordance with
26 the provisions of this Chapter. The owner of private property adjoining the
27 public right-of-way shall be responsible for planting and maintaining such
28 landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb,

1 five feet (5'),
2 as provided in Chapter 20.36.

3 a. Applicability of additional requirements. At the time of
4 new development involving Site Plan Review from the Planning Bureau or
5 when a complete Landscape Document Package submittal is required, the
6 Planning Bureau may place additional requirements for parkway
7 landscaping beyond the above, e.g., requiring low to very low water usage
8 plant materials, as defined by WUCOLS, over at least ninety percent (90%)
9 of the total landscaped area.

10
11 Section 6. Section 21.42.050.C.2 of the Long Beach Municipal Code is
12 amended to read as follows:

13 2. Live Planting Material. Groundcover of not more than
14 eight inches (8") in height, accent plantings or shrubbery not more than
15 thirty-two inches (32") in height and street trees are the only plant materials
16 allowed in the parkway. The planting of low-water demand and drought-
17 tolerant plant materials shall be encouraged by the City of Long Beach.
18 Grass (turf) and other high water use plants, characterized by a WUCOLS
19 plant factor of 0.7 to 1.0, are prohibited in parkways and street medians.
20 Trees shall be allowed in parkways and street medians with preference
21 given to native, low water use trees. All irrigation systems shall limit water
22 use to the maximum extent feasible. Automatic drip irrigation and similar
23 low volume systems are encouraged and, if installed, shall be maintained
24 so as to conserve water, and shall not cause water to runoff into the
25 sidewalk or street or pond within the parkway. Use of reclaimed water for
26 irrigation is encouraged. If permanent irrigation systems using potable
27 water are included in the landscape plan, they shall use water conserving
28 emitters (e.g., microspray) and drip irrigation only. Use of reclaimed water

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("gray water" systems) and rainwater catchment systems are encouraged.
Weather based irrigation controllers and, where feasible, other water
conservation measures shall be required.

Section 7. The Long Beach Municipal Code is amended by adding
Section 21.27.055 to read as follows:

21.27.055 Modification.

If a nonconforming structure is demolished and/or rebuilt, as defined
in Sections 21.15.750 and 21.15.2250 of this Title, the structure must be
brought into conformity with the provisions of the Zoning Code and certified
Local Coastal Program, as appropriate.

Section 8. The Long Beach Municipal Code is amended by adding
Section 21.42.030.A.12 to read as follows:

12. The use of invasive plant species, such as those listed
by the California Invasive Plant Council, shall be prohibited in the Coastal
Zone.

Section 9. 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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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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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 21.25.903.5,
21.25.904.B, 21.51.276, TABLE 51.276-1, TABLE 51.276-2;
AND BY REPEALING SECTION 21.51.275, ALL RELATED
TO ACCESSORY DWELLING UNITS

Section 1. Section 21.25.903.C of the Long Beach Municipal Code is
amended to read as follows:

C. Exemptions. The following categories of projects are exempt
from the coastal permit requirement. However, a coastal permit categorical
exclusion (CPCE) shall be obtained pursuant to the procedures indicated
in Section 21.25.906.

1. Minor additions on existing single-family residences for
the first lot located on, adjacent to, across the street from, or abutting the
beach, bay ocean or tidelands. Such addition must be less than ten percent
(10%) of the existing floor area and shall not create an additional story or
loft.

2. All projects (excluding the above) which are consistent
with the Zoning Regulations and which do not require any discretionary
review (e.g., conditional use permit, subdivision map).

3. Traffic improvements which do not:
a. Alter roadway or intersection capacity by more
than ten percent (10%) (except stop signs and stop lights); or
b. Decrease parking (except by establishing a red
curb next to a corner); or

- 1 c. Impair access to the coast.
- 2 4. Public works projects (excluding traffic improvements)
- 3 with an estimated cost of forty-nine thousand nine hundred ninety-nine
- 4 dollars (\$49,999.00) or less.

5
6 Section 2. Section 21.25.904.B of the Long Beach Municipal Code is
7 amended to read as follows:

8 B. Hearing Required. A public hearing shall be required prior to
9 the approval of a local coastal development permit with the exception of
10 local coastal development permits for the creation or expansion of an
11 accessory dwelling unit in conformance with the requirements of Section
12 21.51.276 (Accessory dwelling units) and consistent with Government Code
13 Section 65852.2.

14
15 Section 3. Section 21.51.276 of the Long Beach Municipal Code is
16 amended in its entirety to read as follows:

17 21.51.276 Accessory Dwelling Units.

18 An accessory dwelling unit (“ADU”) is an allowed accessory use on a
19 lot having only one detached single family dwelling (a “primary dwelling”)
20 and no other principal uses, or principal buildings or structures. An
21 accessory dwelling unit shall have the provisions described in the definition
22 of ADU (Section 21.15.045 – Accessory Dwelling Unit). Permits for ADUs
23 shall be considered ministerially, without discretionary review or a hearing,
24 with the exception of projects falling under the categories listed in Sections
25 21.25.903A and 21.25.903.B. Applications for ADUs in the Coastal Zone
26 that are exempt from the coastal development permit requirement shall be
27 processed according to Section 21.25.906. The Director of Development
28 Services shall approve or deny an application for an ADU within one

1 hundred twenty (120) days after receiving said application. Coastal
2 development permits shall be processed according to 21.25.904. ADUs are
3 subject to the following regulations:

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

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

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

14 B. Categories of Accessory Dwelling Units. The City hereby
15 provides for the permitting of two categories of accessory dwelling units, as
16 follows:

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

28 2. Conforming ADU. A Conforming ADU is located in one

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

5 a. A Conforming ADU meets one of the following
6 conditions:

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

9 ii. The lot is located in a permitted residential
10 zoning district other than a single-family residential district, whether or not
11 construction of new floor area is proposed.

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

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

24 D. Development Standards. An accessory dwelling unit shall
25 conform to all development standards of the zone in which the property is
26 located, including but not limited to, parking, height limits, setbacks,
27 projections, lot coverage, landscape, open space, and floor area ratio (FAR),
28 except as specifically provided by this Section, and shall be subject to the

1 following standards, and the provisions of Tables 51.276-1 and 51.276-2:

2 1. Nonconforming Setbacks. An ADU may be located
3 within an existing, permitted structure with non-conforming setbacks,
4 provided that any new construction of floor area complies with the applicable
5 setback standards. Conversion of an existing detached accessory structure
6 with non-conforming setbacks may include a second floor, provided that any
7 new construction complies with the applicable setback standards and the
8 policies of the City of Long Beach Certified Local Coastal Program (LCP).

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

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

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

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

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

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screening between properties.

d. A second story ADU shall be designed to preserve public views of the beach, bay, ocean, or tidelands from public areas in the coastal zone. Techniques, including siting decks to maximize public views of the ocean and using visually permeable guardrails, may be utilized.

e. 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	Within the Coastal Zone	N/A	4,800 sq.ft.
	Outside the Coastal Zone	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 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

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GFA = Gross Floor Area, as defined in Section 21.15.1070

Notes

- (a) See Section 21.51.276.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 21.51.276.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.

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

Parking spaces required	
ADU ^(a, b)	Primary dwelling
1	Same as existing number of spaces.

• Notes:

- (a) The parking required for an ADU is in addition to that required for the primary dwelling.
- (b) An ADU in the coastal zone shall be exempt from the parking requirements if any of the following criteria are met:
- i. The ADU is located within one-half (1/2) mile of public transit.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an existing accessory structure.
 - iv. When there is a car share vehicle located within one block of the ADU.

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.

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

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

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

10 e. The accessory dwelling unit shall be removed at
11 the expense of the property owner upon violation of Section 21.51.276, or
12 upon cessation of the primary land use as a single-family dwelling, including,
13 but not limited to, addition of another principal dwelling unit, or upon a
14 request by any government agency to remove or vacate the structure due to
15 coastal hazards.

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

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

28 3. Rebuilding of Existing Accessory Structure for

1 Conversion. An existing garage or other accessory structure that is
2 converted to an ADU, or above which a new ADU is constructed, may be
3 rebuilt as necessary to comply with building, fire, and other life safety codes
4 without loss of rights to nonconforming setbacks.

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

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

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

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

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

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

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

1 establishment of a primary dwelling on the property; or by conversion of the
2 ADU to a primary dwelling, subject to all applicable codes, laws, and
3 regulations for a primary dwelling.

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

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

14
15 Section 4. Section 21.51.275 of the Long Beach Municipal Code is
16 hereby repealed.

17
18 Section 5. The City Clerk shall certify to the passage of this ordinance
19 by the City Council and cause it to be posted in three (3) conspicuous places in the City
20 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
21 the Mayor.

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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 ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 AUTHORIZING THE DIRECTOR OF DEVELOPMENT
5 SERVICES TO SUBMIT ORDINANCE AMENDMENTS TO
6 THE LONG BEACH ZONING CODE REGULATIONS TO THE
7 CALIFORNIA COASTAL COMMISSION FOR
8 CERTIFICATION AFTER THEIR APPROVAL WITH
9 MODIFICATIONS
10

11 WHEREAS, on October 10, 2018, in San Diego, the California Coastal
12 Commission approved with modifications Local Coastal Program Major Amendment No.
13 2-17 (Alcoholic Beverage Manufacturing and Triennial Building Code Update) and Local
14 Coastal Program Major Amendment No. 3-17 (Accessory Dwelling Units);

15 WHEREAS, on _____, 2019, the City Council adopted three
16 ordinances, namely:

- 17 1. Ordinance No. ORD-19-_____ amending Title 21 relating to Alcoholic
18 Beverage Manufacturing;
19 2. Ordinance No. ORD-19-_____ amending Title 21 relating to definitions
20 (e.g., rebuild and demolish), refining height limit exception for solar collectors, and
21 regarding electric vehicle charging and modifications to nonconforming structures; and
22 3. Ordinance No. ORD-19-_____ amending Title 21 relating to
23 Accessory Dwelling Units;

24 WHEREAS, it is the desire of the City Council to submit the above
25 referenced Zoning Regulation amendments to the California Coastal Commission for its
26 review and certification as implementing amendments to the Local Coastal Program
27 (LCP);

28 WHEREAS, the City Council gave full consideration to all facts respecting

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1 the amendments to the Zoning Regulations at a properly noticed and advertised public
2 hearing, and approved the modifications to the LCP by adopting the ordinance
3 amendments the Zoning Regulations. The proposed Zoning Code regulation
4 amendments are to be carried out in a manner fully consistent with the Coastal Act and
5 become effective in the Coastal Zone immediately upon Coastal Commission certification
6 and approval; and

7 WHEREAS, environmental documentation has been prepared, certified,
8 received and considered as required by law, and the City Council hereby finds that the
9 proposed amendments will not adversely affect the character, livability or appropriate
10 development of the surrounding properties and that the amendments are consistent with
11 the goals, objectives and provisions of the City's General Plan;

12
13 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
14 follows:

15 Section 1. The amendments to Title 21 Zoning Regulations of the City of
16 Long Beach adopted on _____, 2019, by Ordinance No. ORD-19-_____,
17 by Ordinance No. ORD-19-_____, and by Ordinance No. ORD-19-_____, copies
18 of which are attached hereto, and incorporated in this resolution, as Exhibit "A", Exhibit
19 "B", and Exhibit "C", are hereby submitted to the California Coastal Commission for its
20 certification as to those parts of the ordinances that directly affect land use matters in that
21 portion of the California Coastal Zone within the City of Long Beach.

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

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

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

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

H-2

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

March 5, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and accept Categorical Exemptions CE-16-211 and CE 16-236, and Statutory Exemption SE-17-136;

Declare the Ordinance amending Table 41-1C of Chapter 21.41 of Title 21 (Zoning) of the Long Beach Municipal Code (LBMC) relating to Alcoholic Beverage Manufacturing (ZCA 1609-25), read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 21.15.750, 21.31.220.B.4, 21.41.232, 21.42.030.A.12, 21.42.050.B.2, 21.42.050 of Title 21 of the LBMC relating to definitions (e.g., rebuild and demolish), refining the height limit exception for solar collectors, and regarding electric vehicle charging, and adding Section 21.27.055 pertaining to modifications to nonconforming structures (ZCA 1608-24), read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 21.25.903.5, 21.25.904.B, 21.51.276, Table 51.276-1, Table 51.276-2 of Title 21 of the LBMC relating to Accessory dwelling units, and repealing section 21.51.275 pertaining to Secondary Dwelling Units (ZCA 17-007), read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for certification with the California Coastal Commission's October 10, 2018 action. (Citywide)

DISCUSSION

On November 15, 2016 and December 12, 2017, the City Council directed staff by Resolution to submit Local Coastal Program amendments to the California Coastal Commission for the following Ordinances: ORD-16-0025 amending various sections of the Zoning Code to make the Alcohol Beverage Manufacturing regulations more flexible; ORD-16-0028 amending various sections of the Zoning Code for consistency with the Triennial Building Code update; and ORD-17-0031 amending the Zoning Code to establish local Accessory Dwelling Units (ADUs) standards (Attachment A – City Council Staff Reports).

On October 10, 2018, the California Coastal Commission (CCC) considered the aforementioned Ordinances as a part of two separate Local Coastal Program (LCP) amendments (LCP No. 2-17 and LCP No. 3-17). The standard of review for LCP amendments are whether the proposed amendment is adequate to carry out the City's Certified Local Coastal Program Land Use Plan and its consistency with the California Coastal Act. The CCC held a public hearing and certified the LCP amendments with modifications (Attachment B - CCC Letters dated October 11, 2019). The CCC has final authority over these modifications and the City's discretion is limited in these cases. The following provides an overview of the CCC's modifications followed by staff's recommendation and analysis (if any).

CCC's Modifications related to Alcohol Beverage Manufacturing (ABM) included:

- Clarifies parking requirements for ABM office space that is equal to 25 percent of the gross floor area.

Staff is recommending the adoption of the CCC's modification as proposed (Attachment C - ABM Related Draft Zoning Code Amendment).

CCC's Modifications to the Triennial Building Code related Zoning Changes included:

- Revises the definition of demolish and rebuild to be more detailed within the Coastal Zone.
- Clarifies that modifications to structures qualifying a 'demolished' or 'rebuilt' lose any nonconforming rights.
- Adds specific standards of EV spaces within the Coastal Zone.
- Prohibits the use of invasive species in the Coastal Zone.
- Eliminates references to LBMC regulations that are not within the purview of the Certified Local Coastal Program.
- Adds additional language for water conservation including the use of native trees and reclaimed water.

Staff recommends adoption of the CCC modifications above with one exception (Attachment D - Triennial Related Draft Zoning Code Amendment Text). Instead of adopting a definition for 'rebuild' and 'demolition' that is unique to the Coastal Zone, it is proposed that the definition modified by the CCC be applied citywide. Establishing one definition creates a more predictable outcome and one that can be more easily administered. The change simplifies the code, reducing uncertainty for architects, contractors, developers, residents, and staff alike.

The ADU Ordinance (ORD-17-0031) was adopted in December 2017 for the purpose of tailoring the development standards of ADUs to the City's local development pattern, where possible, rather than being subject to the more permissive state regulations of State Government Code Section 65852.2 (Attachment E - Government Code Section 65852.2).

At that that time, the City Council requested that staff return within a year following the adoption with an update on the implementation of the ADUs, before reviewing the CCC's modifications to the related LCP amendment. The following provides an overview of ADUs since January 1, 2017, when the implementation date of the most recent round of substantial overhaul of the state laws were implemented. Since 2017, a total of 142 permits have been issued. In addition, there are 99 additional ADU plan checks in various stages of plan check review. Table 1 below shows the number of building permits issued for Accessory Dwelling Units since January 1, 2017.

Table 1. Accessory Dwelling Unit Permits

Calendar Year	Building Permits Issued
January 1 st – December 31, 2017	22
January 1 st – December 31, 2018	118
January 1 st – January 31, 2019	6

Note: Numbers are an estimate based on field inquiry results.

Notably, approximately 10 percent of the ADUs permitted thus far have been used to permit illegally constructed units, which supports the City's goal to create decent, safe, and affordable housing (Housing Element). The majority of ADUs submitted for permitting consist of the conversion of an existing garage, accessory structure (rumpus room, patio cover), or portion of primary dwelling unit as compared to new construction. Nearly 60 percent of the ADUs that have been submitted are 500 square feet or greater; 800 square feet is the maximum unit size allowed under the City's adopted Ordinance.

The CCC's standard of review of the LCP amendment for City's local ADU ordinance is the Coastal Act.

CCC's Accessory Dwelling Unit (ADU) Modifications included:

- Deletes the proposed exemption from the Coastal Development Permit (CDP) requirement for ADUs.
- Adds language exempting ADUs from the CDP public hearing requirements.
- Deletes Secondary Housing Units.
- Adds clarification that ADUs requiring a CDP can be processed ministerially.
- Adds coastal resource protection measures to non-conforming setback compliance.
- Adds second-story design requirements for the preservation of public views in the Coastal Zone.
- Provides reference to Landscaping Chapter.
- Eliminates the minimum lot size requirement for ADUs resulting from the conversion of an existing structure known as "Limited ADUs."
- Reduces the minimum lot size requirement to 4,800 square feet for "Conforming" ADUs in the Coastal Zone.
- Amends the City-proposed parking requirement for ADUs to one within the Coastal Zone, except when location meets the exemptions prescribed under state law.
- Adds a requirement to remove or vacate an ADU upon request by a Government Agency.

Approval of the modifications is recommended with two exceptions (Attachment F - ADU Related Draft Zoning Code Text). The first exception, is staff is recommending amending the minimum lot size requirement for "Conforming ADUs" and limited ADUs outside the Coastal Zone to 4,800 square feet. The second exception is to apply the CCC's change to one parking stall subject the exemptions of state law.

Specifically, state law prohibits cities from requiring parking for ADUs that satisfy any one of the following conditions:

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;
4. located on a street with permit parking and permits are required but not offered to ADU occupants; or,
5. within one block of a car-share vehicle.

It was determined that nearly all residential property meets the first locational exemption of being located within one-half-mile radius of public transit stops within the City (Attachment G - Long Beach Transit Stop Map) and would be exempt from providing parking for an ADU. The CCC's modification created a three-tier parking requirement for ADUs based on its location within the City. Therefore, the aforementioned change to create one parking standard is proposed for the purpose of applying the standards equitably throughout the City, and simplifying its administration.

Public hearing notices were published in the Press-Telegram on February 15, 2019, and distributed on February 15, 2019, no responses were received as of the date of preparation of this report. Any written testimony received following the preparation of this report will be provided to the City Council prior to the hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), both a Categorical Exemption (CE-16-211 and CE 16-236) and Statutory Exemption SE-17-136; were issued for the proposed project (Attachment - G). The ABM and Triennial Building Code related Amendments to Title 21 qualify, as a Categorical Exemption, in that they clarify provisions that govern existing facilities, constitute minor alternations in land use limitations, and are considered actions by a regulatory agency to protect the environment and natural resources. 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."

This matter was reviewed by Assistant City Attorney Michael J. Mais on February 12, 2019 and by Budget Analysis Officer Julissa José-Murray on February 13, 2019.

TIMING CONSIDERATIONS

City Council action is requested on March 5, 2019, to comply with the Coast Act requirement that the City complete the adoption of the suggested modifications within six months of the CCC's October 10, 2018 action.

HONORABLE MAYOR AND CITY COUNCIL
March 5, 2019
Page 5 of 5

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:


PATRICK H. WEST
CITY MANAGER

LFT:CK;ao

P:\Planning\City Council Items (Pending)\Council Letters\2019\2019-03-05\Zone Code Amendments -ABM, Triennial, ADUZTA.CCC 03.05.19.V3 (003).docx

Attachments: City Council Ordinances (3)
City Council Resolution
Attachment A – City Council Staff Reports
Attachment B -- California Coastal Commission Letters
Attachment C – ABM Related Draft Zoning Code Text
Attachment D – Triennial Related Draft Zoning Code Text
Attachment E -- Government Code Section 65852.2
Attachment F – ADU Related Draft Zoning Code Text
Attachment G – Local Transit Stops Map
Attachment H -- Statutory Exemption and Categorical Exemption



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

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

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, declare the Ordinance amending Sections 21.41.216 (Table 41-1C) and 21.45.114 of Title 21 (Zoning) of the Long Beach Municipal Code, relating to Alcoholic Beverage Manufacturing (ABM) and accessory tasting rooms, read for 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 implementing ordinances portion of the Certified Local Coastal Program; and,

Accept Categorical Exemption CE-16-236. (Citywide)

DISCUSSION

On April 7, 2015, the City Council adopted Ordinance ORD-15-0010 (ABM Ordinance) allowing small-scale alcoholic beverage manufacturing facilities and accessory tasting rooms to operate in commercial zones within the City. These facilities allow for brewing beer, winemaking, or the distilling of spirits. Previously, these types of uses were limited to zones permitting manufacturing uses, with no method to permit accessory tasting rooms.

Customers may consume products produced on-site in the accessory tasting room and may purchase products for off-site consumption. Typical forms of purchases for off-site consumption are growler fills or individual bottles. Growlers are containers of a standard size (typically 64 ounces) that a customer purchases from the ABM and uses for refills.

The ABM regulations are detailed in Title 21, Section 21.45.114, of the Long Beach Municipal Code (LBMC) and include provisions such as a required 500-foot buffer around schools, hours of operation, floor area limitations, and parking requirements.

Since the adoption of the ABM Ordinance 18 months ago, a variety of restaurants with breweries have opened within the City. However, only two ABM establishments have qualified under the ABM development standards. On August 23, 2016, the City Council directed staff and the Planning Commission to review the provisions of the ABM Ordinance, and return within 90 days with opportunities for additional flexibility in the development standards for these facilities.

Staff reviewed the ABM regulations, studied inquiries from prospective breweries, reviewed the regulations for similar establishments in other cities, and compared the Ordinance to other alcohol-related standards in the City. Staff also considered the need to provide the business community with a timely and cost-efficient review process while ensuring that the community standards for alcohol-related uses are maintained. This review revealed that the Ordinance could benefit from additional flexibility and still maintain consistency with the City's existing standards for the regulation of alcohol-related uses. The following section describes the proposed changes, which are provided in red-line/strikethrough format in Exhibit A.

Proposed Amendments:

- In commercial zones, reduce the parking requirement for ABMs to ten spaces per 1,000 square feet for the accessory tasting room, with no additional parking required for the manufacturing area.
- In industrial zones, apply parking to the entire ABM facility at the manufacturing parking ratio, consistent with parking standards for other uses in industrial zones.
- Eliminate preschools and kindergartens from the required 500-foot buffer requirement.
- Add an exemption for ABMs to the required 500-foot distance buffer from elementary, secondary, and high schools within PD-30 (Downtown Plan).
- Allow accessory tasting rooms to remain open in commercial zones on Fridays and Saturdays until 11:00 p.m., but allow for operators to request later hours with the approval of an Administrative Use Permit (AUP).
- Allow ABM facilities over 6,000 square feet to be considered through an Administrative Use Permit process (AUP) instead of a Conditional Use Permit, resulting in cost savings for the applicants, while still allowing full review and assessment in a noticed public hearing process.

The LBMC does not set forth required findings for approval of a Zoning Code amendment. However, this change is consistent with the General Plan, specifically Land Use Element goals regarding managing growth, and ensuring quality development and public safety. On October 20, 2016, the Planning Commission conducted a public hearing and recommended that the City Council approve Zoning Code Amendment No. 1609-25 to revise provisions relating to the regulation of ABM facilities, specifically pertaining to parking regulations, hours of operations, locational requirements, and review processes.

Public hearing notices were distributed on October 31, 2016 and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 16-236) was issued for the proposed project (Exhibit B).

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 31, 2016 and by Budget Analysis Officer Julissa Jose-Murray on October 25, 2016.

TIMING CONSIDERATIONS

City Council action is requested on November 15, 2016, as the City Council asked on August 23, 2016, that staff and the Planning Commission review this item and return to the City Council within 90 days.

Furthermore, because the request is a Zoning Code amendment, Section 21.25.103.A.1 of the Zoning Regulations require a hearing on this item by the City Council within 60 days of the Planning Commission hearing, which took place on October 20, 2016.

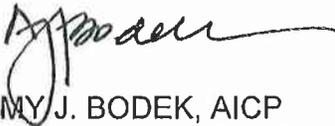
FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct
P:\Planning\City Council Items (Pending)\Council Letters\2016\2016-11-15\ABM Ordinance\ABM Council Letter v4.docx

APPROVED:


PATRICK H. WEST
CITY MANAGER

Attachments: Exhibit A – Redline / Strikethrough Proposed Changes
Exhibit B – Categorical Exemption (CE-16-236)
City Council Ordinance
City Council Resolution

Alcoholic Beverage Manufacturing Proposed Changes

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)											
21.15.055 (Definition)	<p>"Accessory tasting room" means an accessory use associated with an Alcoholic Beverage Manufacturing (ABM) facility use that is devoted to the purchase, consumption and tasting of beer, wine or distilled spirits produced on site. Consumption, tasting and purchase of alcoholic beverages shall be limited to product produced on site. An accessory tasting room may also include ancillary retail sales directly associated with the primary ABM use. An accessory tasting room may not exceed thirty percent (30%) of the gross floor area (GFA) of the ABM facility, not including restrooms serving the accessory tasting room or ABM facility. Food may be sold in a form that is ready to eat at the time of sale; a full-service kitchen is not permitted in an accessory tasting room.</p>											
21.15.135 (Definition)	<p>Alcoholic Beverage Manufacturing (ABM)" means a facility that is used for the production of alcoholic beverages including beer, wine and distilled spirits in accordance with a valid alcohol production license from the State of California. An ABM use may include an accessory tasting room as an accessory use. The accessory tasting room may not exceed thirty percent (30%) of the gross floor area (GFA) of the ABM facility, not including restrooms serving the accessory tasting room or ABM facility. Food may be sold in a form that is ready to eat at the time of sale; a full-service kitchen is not permitted in ABM facilities or accessory tasting rooms.</p>											
Chapter 41 Table 41-1C (Parking)	<table border="1"> <thead> <tr> <th></th> <th><u>Commercial Zones</u></th> <th><u>Industrial Zones</u></th> </tr> </thead> <tbody> <tr> <td>1. Manufacturing/ Brewing area</td> <td>2 spaces per 1,000 SF GFA <u>None</u></td> <td rowspan="2"><u>2 spaces per 1,000 SF GFA of ABM facility</u></td> </tr> <tr> <td>2. Accessory Tasting Room area</td> <td><u>105 spaces per 1,000 SF GFA of Accessory Tasting Room only</u></td> </tr> <tr> <td>3. Office space</td> <td colspan="2">If greater than 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation</td> </tr> </tbody> </table>		<u>Commercial Zones</u>	<u>Industrial Zones</u>	1. Manufacturing/ Brewing area	2 spaces per 1,000 SF GFA <u>None</u>	<u>2 spaces per 1,000 SF GFA of ABM facility</u>	2. Accessory Tasting Room area	<u>105 spaces per 1,000 SF GFA of Accessory Tasting Room only</u>	3. Office space	If greater than 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation	
	<u>Commercial Zones</u>	<u>Industrial Zones</u>										
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3. Office space	If greater than 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation											
21.45.114 (1)	<p>An ABM and accessory tasting room use shall comply with all federal, state and local laws and regulations, including a valid license from the California Alcohol Beverage Control (ABC) Board for the specific type of alcoholic beverage manufacturing occurring on site.</p>											
21.45.114 (2)	<p>An ABM and accessory tasting room use located in a commercial zone shall not exceed six thousand (6,000) square feet of gross floor area (GFA), unless otherwise permitted by an Administrative Conditional <u>Use Permit (CAUP)</u>.</p>											
21.45.114 (3)	<p>An ABM use located in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.</p>											
21.45.114 (4)	<p>An ABM use located in a commercial zone must include an accessory tasting room.</p>											

Code Section	Code Text (Underline = Addition; Strikethrough = Deletion)
21.45.114 (5)	An ABM and accessory tasting room may not be located within five hundred (500) feet of the nearest property line of any preschool, kindergarten, elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located, <u>unless located in PD-30 (Downtown Plan), or permitted by Conditional Use Permit (CUP), in accordance with Section 21.52.201.</u>
21.45.114 (6)	All production activities shall be located completely within the ABM facility. All on-site storage shall be located within the ABM facility. Off-site storage is permitted in those zoning districts where storage and warehousing is permitted.
21.45.114 (7)	The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.
21.45.114 (8)	The ABM and accessory tasting room use shall not be open to the public, except for the following hours:
	Manufacturing and Production: 7:00 a.m. - 7:00 p.m. Monday - Saturday; and
	Accessory Tasting Room (<u>Industrial Zone</u>): 12:00 p.m. - 9:00 p.m. Sunday - Thursday and 11:00 a.m. - 10:00 p.m. Friday - Saturday.
	<u>Accessory Tasting Room (Commercial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday and 11:00 a.m. - 11:00 p.m. Friday - Saturday. Additional hours may be permitted through an Administrative Use Permit (AUP).</u>
21.45.114 (9)	Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 8:00 a.m. - 6:00 p.m. Monday - Friday and 11:00 a.m. - 6:00 p.m. on Saturday; the use of service trucks for the purposes of loading and unloading materials, ingredients, equipment and finished product shall be prohibited on Sunday.
21.45.114 (10)	To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.
21.45.114 (11)	The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.
21.45.114 (12)	The ABM use or accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase.
21.45.114 (13)	A sewage plan and all on site infrastructure shall be approved by the appropriate City departments
21.45.114 (14)	The ABM and accessory tasting room use shall comply with Chapter 8.80 "Noise" of the Long Beach Municipal Code

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)
21.45.114 (15)	A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than thirty (30) days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address.
21.45.114 (16)	No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs or any other obstructions. All advertising, signage or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.
21.45.114 (17)	No publicly accessible exterior pay telephones shall be located on the ABM and accessory tasting room use premises.
21.45.114 (18)	Tours of the ABM and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.
21.45.114 (19)	ABM and accessory tasting room uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences and may be required to install mechanical air filtration systems to the satisfaction of the Director of Development Services.



NOTICE of EXEMPTION from CEQA

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

TO: 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 Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-16-236

Project Location/Address: Citywide

Project Activity/Description: Revise provisions in Title 21 (Zoning Ordinance) relating to Alcoholic Beverage Manufacturing facilities, specifically pertaining to parking requirements, hours of operations, locational requirements, and review processes.

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

Applicant Name: City of Long Beach - Carrie Tai, Current Planning Officer

Mailing Address: 333 West Ocean Boulevard 5th Floor

Phone Number: 562-570-6411

Applicant Signature: *Carrie Tai*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1609-25 Planner's Initials: _____

Required Permits: Zoning Code Amendment, Local Coastal Program amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308 - Actions by Regulatory Agencies for Protection of the Environment

Statement of support for this finding: The proposed amendments relate to the regulation of Alcoholic Beverage Manufacturing facilities, for the purpose of ensuring that no negative impacts could result in negative effects to the surrounding environment.

Contact Person: Carrie Tai

Contact Phone: 562-570-6411

Signature: *Carrie Tai*

Date: 10/19/2016



CITY OF LONG BEACH

H-2

DEPARTMENT OF DEVELOPMENT SERVICES

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

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the Ordinance adopting and amending the 2016 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code by amending and restating Title 18 of the Long Beach Municipal Code in its entirety, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending and restating Title 12, related to Long Beach Oil Code, of the Long Beach Municipal Code in its entirety, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 3.90.020.A, 8.76.010.N, 8.76.210.E, 10.46.100, 21.15.330, 21.15.740, 21.15.750, 21.15.2250, 21.21.406.A, 21.31.220.B.4, and amending and restating Chapter 21.42; and adding Sections 21.15.025 and 21.41.232 of the Long Beach Municipal Code, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution making express findings and determinations relating to the adoption of more restrictive code provisions where appropriate;

Adopt a Resolution authorizing the Director of Development Services to submit a Zoning Code Amendment and Local Coastal Program Amendment (Application 1608-24) to the California Coastal Commission for approval; and,

Accept Categorical Exemptions CE-16-211 and CE-16-224. (Citywide)

DISCUSSION

Every three years, the State of California ("State") adopts the latest edition of the California Building Standards Code and Uniform Housing Code (herein referred to collectively as the "Code") to establish uniform standards for the construction and maintenance of buildings,

electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The 2016 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2016. The 1997 Edition of the Uniform Housing Code, which is the last edition, was adopted by the California Department of Housing and Community Development as provided for in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 5, Section 32. The California Health and Safety Code (HSC) Sections 17958, 18938(b) and 18941.5(a) require that the latest edition of the Code apply to local construction 180 days after publication. Therefore, State law requires that the Code become effective at the local level on January 1, 2017.

Prior to the adoption and enforcement of the Code at the local level, State law permits local governments to amend the Code in certain circumstances. Pursuant to HSC Sections 13143.5(a) and (b), 17958.5, 17958.7 and 18941.5(b), such amendments can only be enacted when an express finding and determination is made that such amendments are reasonably necessary because of local climatic, geological, or topographical conditions that affect the local government. Local amendments, ordinances and regulations necessary to implement civil, administrative, or criminal procedures and remedies to enforce the Code, that do not establish Building Standards as defined in the HSC Section 18909(c), can be enacted without the required express finding and determination.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Bureau, Planning Bureau and the Office of Sustainability have reviewed the Code and are recommending a number of local amendments in order to address concerns of a local nature. The proposed amendments consist of structural, fire and life safety, green building and sustainability, and administrative provisions or procedures. The majority of the proposed amendments are a continuation of previously adopted amendments from prior code adoption cycles. Furthermore, many of these proposed amendments are consistent with those adopted by other local governments in the Southern California area as part of the Los Angeles Regional Uniform Code Program. It is the intent and purpose of the proposed amendments to (1) minimize, prevent and protect the community from natural hazards (e.g., earthquakes, floods, fires, etc.); and (2) improve the health and welfare of the community through green and sustainable construction practices that support the Sustainable City Action Plan.

Title 18 of the Long Beach Municipal Code (LBMC) is the City's code that regulates the construction of buildings and structures. Title 18 is currently based upon the 2013 Edition of the Code. As required by State law, Title 18 will be amended to update all references from the 2013 Edition to the 2016 Edition of the Code. Additionally, two new chapters will be added and one existing chapter will be replaced in its entirety in Title 18. Chapter 18.49 (Existing Building Code) will be added to the Code that will regulate construction work in existing buildings and structures. Chapter 18.50 (Historical Building Code) will be added to the Code that will regulate construction in qualified historical buildings or structures. Chapter 18.76 (Water Submeters), enacted during the 2013 triennial code update, will be deleted to avoid conflict with State Senate Bill 7 in the 2015-2016 Regular Session and the

HONORABLE MAYOR AND CITY COUNCIL

November 15, 2016

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California Health and Safety Code Section 17922.14 relating to the installation of water meters or submeters. The deleted chapter will be replaced with Chapter 18.76 (Expedited and Streamlined Permitting Process for Electric Vehicle Charging Stations) to comply with State Assembly Bill 1236 in the 2015-2016 Regular Session and the California Government Code Section 65850.7 relating to local ordinances for electric vehicle charging stations.

Title 21 of the LBMC is the City's zoning code that regulates land use development within the City. Title 21 contains regulations applied in concert with the Code as part of the development review process. Staff has reviewed those portions of Title 21 that require updating or clarification to maintain consistency with the Code. The proposed changes to Title 21 clarify and update definitions (e.g., decks, balconies, rebuild and demolition), refine the height limit exception for solar collectors, extend entitlement expiration dates, and add a reference to Title 18 regarding electric vehicle charging. In addition, Chapter 21.42 (Landscaping Standards) will be updated to comply with the State's Model Water Efficient Landscape Ordinance approved by the California Water Commission on July 15, 2015. The proposed changes to Title 21 were approved by the Planning Commission on October 6, 2016.

Title 12 of the LBMC is the City's code that regulates the drilling and redrilling for, and the production of, petroleum so that these activities may be conducted in conformance with State statutes, in harmony with other uses of land within the City, and to minimize the economic effect of lessening land values in areas wherein drilling and redrilling for the production of petroleum constitutes an activity which is at variance with the then predominate land use. Title 12 will be amended to update all references to the appropriate State regulations, clarify administrative provisions and procedures necessary to carry out and enforce this title, and establish other land use requirements.

Title 10 of the LBMC is the City's code that regulates vehicles and traffic. Chapter 10.46 (Abandoned Vehicles) will be amended to improve the existing process that City staff utilizes in reducing blight within neighborhoods.

Title 8 of the LBMC is the City's code that regulates the various uses and activities throughout the City to safeguard and protect the health and safety of the community. Chapter 8.76 (Property Maintenance) will be amended to (1) address unapproved materials used on walls, fences or hedges that create blight within neighborhoods; and (2) clarify the City department responsible for ensuring compliance.

Title 3 of the LBMC is the City's code that regulates revenue and finance. Chapter 3.90 (Development Services Center Surcharge) will be amended to delete an obsolete reference to Chapter 18.19 that no longer exists.

The proposed amendments, express findings and determinations, and statement of reasons detailed were presented and discussed at the May 16, 2016, June 20, 2016, July 18, 2016, August 15, 2016, August 29, 2016 and September 19, 2016, meetings of the

HONORABLE MAYOR AND CITY COUNCIL

November 15, 2016

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Board of Examiners, Appeals and Condemnation ("Board"). Input was received from the public and members of the Board. The Board approved the recommendations of the Building Official, Fire Marshal, Planning Manager, Code Enforcement Manager and Sustainability Coordinator at their September 19, 2016 meeting and has forwarded this approval to the City Council for their consideration. Additionally, as previously stated, the Planning Commission approved the recommended revisions to Title 21 on October 6, 2016.

Public notice to increase awareness of the Code included posting information on the Department's website and newsletter, distributing flyers at the Development Permit Center's public counter, multiple press releases, posting information on the City's social networking sites (Facebook, Twitter, etc.), sending the news via E-Blasts using various email distribution lists, and posting in local newspapers. Also, public hearing notices were distributed on November 1, 2016 and November 8, 2016, and no responses were received as of the date of preparation of this report.

The proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA). The purpose of the State-mandated Code is to provide minimum standards to safeguard health, safety and public welfare for all types of development. The amendments to Title 21 qualify as a Categorical Exemption (Exhibit A - CE-16-211) in that they clarify provisions that govern existing facilities, constitute minor alternations in land use limitations, and are considered actions by a regulatory agency to protect the environment and natural resources. The amendments to Titles 3, 8, 10, 12, and 18 qualify as a Categorical Exemption (Exhibit B - CE-16-224) in that they are considered an action by a regulatory agency to protect the environment.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 31, 2016 and by Budget Analysis Officer Julissa Jose-Murray on October 25, 2016.

SUSTAINABILITY

State law requires the adoption of the 2016 Edition of the California Green Building Standards Code (CALGreen Code), which will require residential and nonresidential buildings to be designed and constructed utilizing sustainable construction practices. Coupled with the City's existing or updated Model Landscaping Ordinance, Construction and Demolition Debris Recycling Ordinance, Green Building Ordinance, Low Impact Development Standards, and Expedited and Streamlined Permitting Process for Solar PV Systems, the CALGreen Code will help to preserve and protect the community to realize a healthier, cleaner and more viable environment for the City.

On April 1, 2015, Governor Jerry Brown issued Executive Order B-29-15 (EO). The EO directed the California Department of Water Resources to update the Model Water Efficient Landscape Ordinance (MWELo) in response to the continued drought conditions California is facing. The City is required to adopt, implement and report on the MWELo. Chapter 21.42 Landscaping Standards will be updated to comply with the MWELo. The

HONORABLE MAYOR AND CITY COUNCIL

November 15, 2016

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Planning Bureau will be responsible for the enforcement of the MWELo, including but not limited to, approval of a permit and plan check or design review of a project, and the Building and Safety Bureau will be responsible for the necessary inspections for the compliance with the MWELo.

To address the impact of imminent water supply shortage as the result of a Statewide, multi-year drought, critically low levels in key State reservoirs and significant pumping restrictions on imported water supplies from the State Water Project, it is necessary to increase water conservation efforts to ensure sufficient water resources are available for current and future residents of the City. In coordination with the Long Beach Water Department, proposed amendments to Chapter 18.47 will encourage water conservation in mixed-use buildings by requiring the installation of water meters for residential and nonresidential occupancies to help building owners or tenants to allocate water costs based upon water consumption and create a financial incentive to conserve water.

On November 3, 2015, the City Council requested that the Sustainable City Commission prepare recommendations on approaches to expand electric vehicle (EV) charging infrastructure in Long Beach. On March 24, 2016, the Sustainable City Commission submitted to the City Council EV charging policy recommendations, including building code revisions, developed from policy research of best practices within other California municipalities completed by the Office of Sustainability. On May 3, 2016, the City Council received the EV recommendations and directed that they be incorporated into the triennial code update to Title 18 of the LBMC.

TIMING CONSIDERATIONS

State law requires that the Code become effective on January 1, 2017. City Council action is requested on November 15, 2016, in order to comply with this State-mandated deadline.

FISCAL IMPACT

A total of four positions will be needed to implement the MWELo and expanded EV charging infrastructure programs. Therefore, the following positions were added in the Development Services Fund (EF 337) in the Development Services Department (DV) as part of the Fiscal Year 2017 Adopted Budget: a Planning Aide in the Planning Bureau, and a Combination Building Inspector Aide, a Combination Building Inspector, and an Electrical Plan Checker in the Building and Safety Bureau. The cost of these positions will be offset by fees charged for the services they will provide. The local job impact is unknown at this time.

SUGGESTED ACTION:

Approve recommendation.



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.

HONORABLE MAYOR AND CITY COUNCIL

December 12, 2017

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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.

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

HONORABLE MAYOR AND CITY COUNCIL

October 10, 2017

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

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

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

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

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

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

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

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Statutory Exemption (SE-17-136) was issued for the proposed project (Exhibit H – Statutory Exemption SE-17-136). The project qualifies for a statutory exemption per Section 15282 (h), which provides that, "an Ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code." Pursuant to Section 15273, CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, including obtaining funds for capital projects, necessary to maintain service within existing service areas.

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

TIMING CONSIDERATIONS

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

FISCAL IMPACT

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

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

HONORABLE MAYOR AND CITY COUNCIL
October 10, 2017
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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

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Council.10.10.17_ADU.v4.docx

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) 570-6066

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

CHAIR AND PLANNING COMMISSIONERS

July 6, 2017

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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.

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

CHAIR AND PLANNING COMMISSIONERS

July 6, 2017

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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

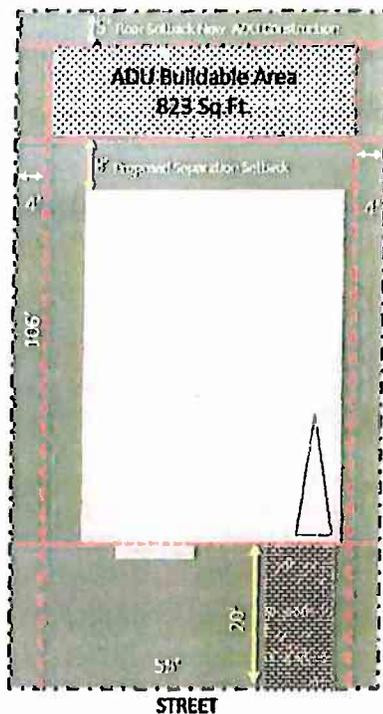
60% of all existing single family dwellings on residentially zoned lots are less than 1,500 Sq.Ft.

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



▭ : ADU Building Envelope

- - - : Setback Line

Lot Characteristics and Development Standards

Lot Size: 5,830 Sq. Ft.

Ex. Primary Dwelling: 2,070 Sq. Ft.

Max ADU Unit Size: 1,035 Sq. Ft.

Max. Lot Coverage 50%: 2,885 Sq.Ft

ADU Buildable Area with Setbacks: 823 Sq.Ft.

Floor Area Ratio (FAR) 0.6 : 3,498 Sq. Ft.

Max. Lot Coverage 50% for Lot: 2,885 Sq.Ft.

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

Page 5 of 7

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

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

Table 3. Comparison of Required Parking State and Proposed Ordinance					
	State Standard	Proposed City Standard			
ADU Parking	May require parking per bedroom or per unit. Except when ADU is: 1 - located within a ½ mile of public transit; 2 - located within an architecturally and historically significant district; 3 - part of an existing primary dwelling; and 4 - located on a street with permit parking and permits are required but not offered to ADU occupants; and 5 - within one block of a car share vehicle.	No parking is required except within the Coastal Zone and Parking Impacted Area.			
		<table border="1"> <tr> <td rowspan="2">Coastal Zone or Parking Impacted Area</td> <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>	Coastal Zone or Parking Impacted Area	ADU ≤ 640 Sq.ft. in area	1 space per unit
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
P:\Planning\PC Staff Reports (Pending)\2017\2017-07-06\ADU\1702-04_PC.STAFF REPORT.07.06.17.doc

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

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



October 11, 2018

Alexis Oropeza, City of Long Beach Planner
City of Long Beach Department of Development Services
333 West Ocean Blvd. – 5th Floor
Long Beach, CA 90802

Re: Long Beach Local Coastal Program (LCP) Amendment No. 2-17 (LCP-5-LOB-17-0052-2)

Dear Ms. Oropeza:

You are hereby notified that the California Coastal Commission, at its October 10, 2018 meeting in San Diego, approved with modifications Local Coastal Program Major Amendment No. 2-17 (Alcoholic Beverage Manufacturing and Triennial Building Code Update). LCP Amendment No. 2-17, which was submitted pursuant to City Council Resolution Nos. RES-16-0110 and RES-16-0112, amends the Implementing Ordinances of the certified LCP to revise regulations relating to alcoholic beverage manufacturing (ABM) and update zoning codes including landscaping regulations, electric vehicle requirements, and the definitions of demolish and rebuild (Triennial Update).

The Commission approved the LCP amendment with suggested modifications. The suggested modifications are attached. Therefore, LCP Amendment No. 2-17 will not be effective for implementation in the City's coastal zone until: 1) the Long Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, 3) the Executive Director certifies that the City has complied with the Commission's October 10, 2018 action, and, 4) the Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's October 10, 2018 action. If six months is not adequate, the City may request additional time to obtain local approval of the suggested modifications. Such requests must be approved by the Commission at a hearing. If you wish to have additional time, please contact Commission staff regarding the appropriate procedure.

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact Dani Ziff at our Long Beach office (562) 590-5071.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Posner', with a long horizontal line extending to the right.

Charles Posner
Supervisor of Planning

cc. Linda Tatum, Planning Bureau Manager

**ATTACHMENT - MODIFICATIONS APPROVED at OCTOBER 10, 2018
COMMISSION MEETING in SAN DIEGO (LCPA NO. 2-17)**

Certification of IP amendment is subject to the following modifications to the certified IP policies. Text proposed by the City to be added to the IP is underlined. Text proposed to be removed by the City is ~~struck through~~. Text added by the modification is ***bold, italicized and underlined***. The City's proposed text that is deleted by the modification is ~~***struck through, bold, italicized, and underlined***~~. Only those subsections of the IP for which modifications are being suggested are shown below.

Modification 1: Correct Table 41-C which, as written, does not have parking requirements for ABM office spaces that equal twenty-five percent (25%) of the gross floor area.

Table 41-C. Alcoholic Beverage Manufacturing and Accessory Tasting Room Use (Parking)

	<u>Commercial Zones</u>	Industrial Zones
1. Manufacturing/Brewing area	2 spaces per 1,000 SF GFA <u>None</u>	<u>2 spaces per 1,000 SF GFA of ABM facility</u>
2. Accessory Tasting Room area	105 spaces per 1,000 SF GFA <u>of Accessory Tasting Room only</u>	
3. Office space	If greater than <i>or equal to</i> 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation.	

Modification 2: Revise the definition of demolish in the coastal zone to clarify the difference between the terms demolish and rebuild and provide more specificity.

21.25.750 Demolish.

A. Outside the coastal zone, “~~D~~demolish” means to remove or modify more than fifty percent (50%) of the exterior walls (structural framing) of an existing building or structure, as measured by the linear length of the walls. ~~Where windows, doors and/or partial wall sections are removed, the corresponding amount of linear length of wall removed shall be calculated on a pro rata basis. For purposes of implementing Chapter 21.27 (Nonconformities) of this Title, “Demolish” shall also include any projects meeting the definition of “rebuild” (Section 21.15.2250).~~

B. In the coastal zone, “demolish” means to remove fifty percent (50%) or more of one or more major structural components including exterior walls, structural floor systems, roof framing systems, and foundation systems; to remove less than 50% of one or more

major structural components where the proposed demolition of the component(s) would result in cumulative demolition meeting or exceeding 50% of the entire structure since January 1, 1977 (based on available City of Long Beach records); or to remove a structure or a portion of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction based on the documented construction bid costs and either an appraisal by a professional property appraiser or County assessor data, if it is based on current market values.

1. A wall is considered to be demolished when any of the following occur above or below grade:

- a. Cladding or framing systems are altered in a manner that requires removal and replacement of fifty percent (50%) or more of those cladding or framing systems.
- b. Existing support for fifty percent (50%) or more of the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceiling, or other building elements supported by the wall cannot remain freestanding without supplemental support.
- c. Additional reinforcement is needed for fifty percent (50%) or more of the wall including any remaining portions of the wall and cladding to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

2. Roof framing and structural floor systems shall be considered to be demolished when any of the following occur:

- a. The roof and/or floor structural framing is altered in a manner that requires removal and replacement of fifty percent (50%) or more of roof or floor structural framing system elements (e.g., trusses, joists, and rafters).
- b. The roof and/or floor structural framing system requires additional reinforcement for fifty percent (50%) or more of the roof and/or floor structural framing including any remaining portions of the roof or floor system to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

3. Foundations shall be considered demolished and the entire structure shall be considered demolished, when fifty percent (50%) or more of the foundation has been removed or modified as measured by horizontal surface area (slab foundation) or by number of piers, posts, caissons, and/or grade beams (pier and posts/caissons).

4. For structures without walls or roofs, including fences, patios, decks, or similar, "demolish" means to remove fifty percent (50%) or more of the foundation or structural elements.

Modification 3: Revise the definition of rebuild in the coastal zone to clarify the difference between the terms demolish and rebuild and provide more specificity.

21.15.2250 Rebuild.

A. Outside of the coastal zone, "Rebuild" means:

1. An addition or additions to a building whereby the (non-garage) area of the building is expanded by more than fifty percent (50%) by construction over an existing the building's existing size, such that the expanded structure contains 150 percent (150%) or more of the square footage of the structure prior to expansion. In calculating the fifty percent (50%) expansion, all construction after January 1, 1990, shall be included; or

2. To modify more than fifty percent (50%) of exterior walls as measured by the linear length of the walls. "Modify" means removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with Section 21.27.090 - Restoration, or projects consisting solely of exterior façade remodels with no interior reconfiguration.

"Rebuild" is used in conjunction with "demolish" (Section 21.15.750) for purposes of implementing Chapter 21.27 (Nonconformities) of this Title. On any project meeting the definition of "rebuild," any existing legal nonconformities on the structure may only continue to be maintained if it is not removed or modified as part of the project, intentionally or otherwise.

B. In the coastal zone, "rebuild" means to modify fifty percent (50%) or more of one or more major structural components including exterior walls, structural floor systems, roof framing systems, and foundation systems; to modify less than 50% of one or more major structural components where the proposed demolition of the component(s) would result in cumulative demolition meeting or exceeding 50% of the entire structure since January 1, 1977 (based on available City of Long Beach records); or to modify a structure or a portion of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction based on the documented construction bid costs and either an appraisal by a professional property appraiser or County assessor data, if it is based on current market values.

1. A wall is considered to be rebuilt when any of the following occur above or below grade:

a. Cladding or framing systems are altered in a manner that requires removal and replacement of fifty percent (50%) or more of those cladding or framing systems.

- b. Existing support for fifty percent (50%) or more of the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceiling, or other building elements supported by the wall cannot remain freestanding without supplemental support.
- c. Additional reinforcement is needed for fifty percent (50%) or more of the wall including any remaining portions of the wall and cladding to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

2. Roof framing and structural floor systems shall be considered to be rebuilt when any of the following occur:

- a. The roof and/or floor structural framing is altered in a manner that requires removal and replacement of fifty percent (50%) or more of roof or floor structural framing system elements (e.g., trusses, joists, and rafters).
- b. The roof and/or floor structural framing system requires additional reinforcement for fifty percent (50%) or more of the roof and/or floor structural framing including any remaining portions of the roof or floor system to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

3. Foundations shall be considered rebuilt and the entire structure shall be considered rebuilt, when 50% or more has been removed or modified as measured by horizontal surface area (slab foundation) or by number of piers, posts, caissons, and/or grade beams (pier and posts/caissons).

4. For structures without walls or roofs, including fences, patios, decks, or similar, "rebuild" means to modify 50% or more of the foundation or structural elements.

"Modify" includes removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with Section 21.27.090 - Restoration, or projects consisting solely of exterior facade remodels with no interior reconfiguration.

Modification 4: Add a section to Chapter 21.27 (Nonconformities) of the City's Zoning Code to clarify that all structures qualifying as 'rebuilt' lose any existing nonconforming rights.

21.27.055 Modifications to nonconforming structures.

If a nonconforming structure is demolished and/or rebuilt, as defined in sections 21.15.750 and 21.15.2250 of this Title, the structure must be brought into conformity with the provisions of the Zoning Code and certified Local Coastal Program, as appropriate.

Modification 5: Revise regulation for exceedance of height allowance for rooftop solar structures to add a requirement for consistency with the policies of the certified LCP, including visual resource protections.

21.31.220.B.4

~~Solar~~Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof, and consistent with the policies of the City of Long Beach certified Local Coastal Program.

Modification 6: Remove reference to municipal codes that are outside the purview of the certified LCP for areas in the coastal zone and add minimum electric vehicle space and charging requirements.

21.41.232 Parking—Electric vehicle space and charging station requirements.

Outside the coastal zone, parking shall comply with Chapter 18.47 of the Long Beach Municipal Code with regard to electric vehicle space and charging station requirements. In the coastal zone, for a building containing three or more dwelling units or a hotel that is constructed, demolished, or rebuilt on a building site, at least twenty-five percent (25%) of the total number of parking spaces, but in no case less than one, shall be EV spaces capable of supporting future EVSE and five percent (5%) of the total number of parking spaces, but in no case less than one (1), shall have EV chargers installed. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

Modification 7: Add a coastal resource protection measure (No. 12) to the landscape requirements.

21.42.030.A Landscaped Area.

All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. Decorative non-living materials such as brick, stone, art, fountains and ponds may be used within the landscaped area provided such materials present an attractive setting consistent with the intent of these landscaping requirements...

12. The use of invasive plant species, such as those listed by the California Invasive Plant Council, shall be prohibited in the coastal zone.

Modification 8: Remove references to municipal codes that are outside the purview of the certified LCP for areas in the coastal zone and add coastal resource protection measures.

21.42.050 Landscaping standards—Public right-of-way (Parkway).

B. Street Trees...

2. **Exceptions.** Street trees shall be spaced *a reasonable and safe distance* from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway *[at least thirty inches (30") wide between the sidewalk and curb] as provided in Chapter 14.28 of this Code.* An in-lieu fee shall be provided for any tree required in Subsection 21.42.050.B.1 that is not allowed by these provisions *of Chapter 14.28...*

C. Parkway Landscaping...

1. **Provision of Landscaping.** The area between the sidewalk and the curb and between the sidewalk and the private property line, if any, shall be landscaped primarily with live plant materials and maintained in a neat and healthy condition. Nonliving material and decorative elements may be used within the parkway and in accordance with the provisions of this Chapter. The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining such landscaping. Sidewalk width shall be responsible for planting and maintaining such landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb, five feet (5') *, as provided in Chapter 20.36...*

2. **Live Planting Material.** Groundcover of not more than eight inches (8") in height, accent plantings or shrubbery not more than thirty-two inches (32") in height and street trees are the only plant materials allowed in the parkway. The planting of low-water demand and drought-tolerant plant materials shall be encouraged by the City of Long Beach. ~~High water demand plant material that require, at maturity, one inch (1") or more of irrigation water per week shall be prohibited.~~ *With the exception of trees, Grass (turf) and other high water use plants, characterized by a WUCOLS plant factor of 0.7 to 1.0, are prohibited in parkways and street medians. Trees shall be allowed in parkways and street medians with preference given to native, low water use trees. All irrigation systems shall limit water use to the maximum extent feasible. Automatic drip irrigation and similar low volume systems are encouraged and, if installed, shall be maintained so as to conserve water, and shall not cause water to runoff into the sidewalk or street or pond within the parkway. Use of reclaimed water for irrigation is encouraged. If permanent irrigation systems using potable water are included in the landscape plan, they shall use water conserving emitters (e.g., microspray) and drip irrigation only. Use of reclaimed water ("gray water" systems) and rainwater catchment systems are encouraged. Weather based irrigation controllers and, where feasible, other water conservation measures shall be required.*

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



October 11, 2018

Alexis Oropeza, City of Long Beach Planner
City of Long Beach Department of Development Services
333 West Ocean Blvd. – 5th Floor
Long Beach, CA 90802

Re: Long Beach Local Coastal Program (LCP) Amendment No. 3-17 (LCP-5-LOB-17-0086-3)

Dear Ms. Oropeza:

You are hereby notified that the California Coastal Commission, at its October 10, 2018 meeting in San Diego, approved with modifications Local Coastal Program Major Amendment No. 3-17 (Accessory Dwelling Units). LCP Amendment No. 3-17, which was submitted pursuant to City Council Resolution No. RES-17-0144, amends the Implementing Ordinances of the certified LCP to revise regarding accessory dwelling units (ADUs).

The Commission approved the LCP amendment with suggested modifications. The suggested modifications are attached. Therefore, LCP Amendment No. 3-17 will not be effective for implementation in the City's coastal zone until: 1) the Long Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, 3) the Executive Director certifies that the City has complied with the Commission's October 10, 2018 action, and, 4) the Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's October 10, 2018 action. If six months is not adequate, the City may request additional time to obtain local approval of the suggested modifications. Such requests must be approved by the Commission at a hearing. If you wish to have additional time, please contact Commission staff regarding the appropriate procedure.

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact Dani Ziff at our Long Beach office (562) 590-5071.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Posner", with a long horizontal line extending to the right.

Charles Posner
Supervisor of Planning

cc. Linda Tatum, Planning Bureau Manager

**ATTACHMENT - MODIFICATIONS APPROVED at OCTOBER 10, 2018
COMMISSION MEETING in SAN DIEGO (LCPA NO. 3-17)**

Certification of IP amendment is subject to the following modifications to the certified IP policies. Text proposed by the City to be added to the IP is underlined. Text proposed to be removed by the City is ~~struck through~~. Text added by the modification is ***bold, italicized and underlined***. The City's proposed text that is deleted by the modification is ~~***struck through, bold, italicized, and underlined***~~. Only those subsections of the IP for which modifications are being suggested are shown below.

Modification 1: Fix a typographical error in the section number.

21.1**~~65~~**.1770 Mobile home. See "Manufactured housing."

~~"Mobile home" means a manufactured dwelling unit capable of being transported to a site on a trailer or on wheels. A mobile home is not considered a building, as defined by the Building Code.~~

Modification 2: Delete City-proposed exemption from coastal development permit requirement for all ADUs, regardless of location and/or coastal resource impacts.

21.25.903.C

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

Modification 3: Add language to exempt ADU projects from the CDP public hearing requirement.

21.25.904 Procedures—Coastal permit.

This section outlines the procedures for issuing coastal permits...

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit ***with the exception of local coastal development permits for the creation or expansion of an accessory dwelling unit in conformance with the requirements of Section 21.51.276 (Accessory dwelling units) and consistent with Government Code Section 65852.2.***

Modification 4: Delete Section 21.51.275 which relates to secondary housing units.

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

~~This Section will remain in effect in the Coastal Zone until such time as new Section 21.51.276 is approved and certified by the California Coastal Commission as an~~

amendment to the Local Coastal Program (LCP). Upon certification, Section 21.51.275 will no longer be in force and effect.

Modification 5: Clarify which ADU projects can be processed ministerially, which require a coastal development permit, and which can be processed as exempt from the coastal development permit requirement.

21.51.276 Accessory Dwelling Units.

An accessory dwelling unit ("ADU") is an allowed accessory use on a lot having only one detached single family dwelling (a "primary dwelling") and no other principal uses, or principal buildings or structures. An accessory dwelling unit shall have the provisions described in the definition of ADU (Section 21.15.045 - Accessory Dwelling Unit). Permits for ADUs shall be considered ministerially, without discretionary review or a hearing, *with the exception of projects falling under the categories listed in Sections 21.25.903.A and 21.25.903.B. Applications for ADUs in the coastal zone that are exempt from the coastal development permit requirement shall be processed according to Section 21.25.906.* ~~and~~ ~~†~~The Director of Development Services shall approve or deny ~~a~~ ministerial application for an ADU within 120 days after receiving said application. *Coastal Development permits shall be processed according to Section 21.25.904.* ADUs are subject to the following regulations:

Modification 6: Add coastal resource protection measures to nonconforming setback compliance requirements, second-story ADU design requirements, and landscaping requirements.

21.51.276.D Development Standards.

An accessory dwelling unit shall conform to all development standards of the zone in which the property is located, including but not limited to, parking, height limits, setbacks, projections, lot coverage, landscape, open space, and floor area ratio (FAR), except as specifically provided by this Section, and shall be subject to the following standards, and the provisions of Tables 51 .276-1 and 51 .276-2:

1. *Nonconforming Setbacks.* An ADU may be located within an existing, permitted structure with non-conforming setbacks, provided that any new construction of floor area complies with the applicable setback standards. Conversion of an existing detached accessory structure with non-conforming setbacks may include a second floor, provided that any new construction complies with the applicable setback standards *and the policies of the City of Long Beach certified Local Coastal Program (LCP).*
2. *Relationship to Other Accessory structures.* The gross floor area of an ADU shall not be counted toward the allowable size of accessory structures specified in Section 21.31.245.

3. Architecture, Design, and Site Planning. An ADU shall be subject to the following criteria for architecture, design, and site planning compatibility:
- a. Exterior modifications to a primary dwelling or accessory building, as well as the construction of a new attached ADU, shall be architecturally compatible with the primary dwelling, including the use of complimentary color palettes, exterior finishes, roof pitch, and other design standards as set forth in Chapter 21.31.
 - b. Any garage door(s) shall be removed from a garage or other accessory structure that is converted to an ADU, and the opening shall be treated and finished to match the building per Subsection 21.51.276.D.3.a.
 - c. Any window, door, or deck of a second story ADU shall utilize techniques to lessen views onto adjacent residential lots to preserve a reasonable level of privacy of adjacent residents. These techniques may include facing a unit entrance away from an interior property line, use of obscured glazing, window placement above eye level, or screening between properties.
 - d. *A second story ADU shall be designed to preserve public views of the beach, bay, ocean, or tidelands from public areas in the coastal zone. Techniques, including siting decks to maximize public views of the ocean and using visually permeable guardrails, may be utilized.*
 - e. ~~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, consistent with Chapter 21.42, 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.

Modification 7: Clarify minimum lot size requirements within and outside the coastal zone.

Table 51.276-1

		<u>Limited ADU</u>	<u>Conforming ADU</u>
<u>Minimum</u>	<u><i>Within the Coastal Zone</i></u>	<u>N/A</u>	<u>4,800 sq. ft.</u>
<u>Lot Size</u>	<u><i>Outside the Coastal Zone</i></u>	<u>5,200 sq. ft.</u>	

Modification 8: Delete City-proposed parking space requirement for all ADUs in the coastal zone.

Table 51.276-2

Location	Parking spaces required	
	ADU ^(a)	Primary Dwelling
<u>Coastal Zone and/or Parking Impacted Area (outside the Coastal Zone)^(b)</u>	<u>1</u>	<u>Same as existing number of spaces</u>
<u>Other permitted areas (outside the Coastal Zone)</u>	<u>0</u>	
<u>Coastal Zone</u>	<u>1^(c)</u>	

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 *outside the coastal zone* 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.

(c) An ADU in the coastal zone shall be exempt from the parking requirement if any of the following criteria are met:

- i. The ADU is located within one-half mile of public transit.**
- ii. The ADU is located within an architecturally and historically significant historic district.**
- iii. The ADU is part of the proposed or existing primary residence or an existing accessory structure.**
- iv. When there is a car share vehicle located within one block of the ADU.**

Modification 9: Add a requirement to remove or vacate an ADU upon request by a government agency in response to coastal hazards.

21.51.276.E. Other Provisions.

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

The accessory dwelling unit shall be removed at the expense of the property owner upon violation of Section 21.51.276, ~~or~~ upon cessation of the primary land use as a single-family dwelling, including, but not limited to, addition of another principal dwelling unit, **or upon a request by any government agency to remove or vacate the structure due to coastal hazards.**

ABM - Draft Zone Text Amendment

(red underline = text to be added and ~~red strike through~~ = text to be deleted).

Table 41-1C of Chapter 21.41 of the Long Beach Municipal Code.

TABLE 41-1C		
Required Number of Parking Spaces for Commercial, Industrial/Manufacturing, and All Other Uses		
Use	Required Number of Spaces	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	Commercial Zones	Industrial Zones
1. Manufacturing/Brewing area	None	2 spaces per 1000 SF GFA of ABM facility
2. Accessory Tasting Room area	10 spaces per 1,000 SF GFA of Accessory Tasting Room only	
3. Office space	If greater than <u>or equal to</u> 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation	

Attachment D

21.15.750 - Demolish.

"Demolish" means to remove ~~or modify more than~~ fifty percent (50%) ~~of the exterior walls of an existing building or structure, as measured by the linear length of the walls or more of one or more major structural components including exterior walls, structural floor systems, roof framing systems, and foundation systems; to remove less than fifty percent (50%) of one or more major structural components where the proposed demolition of the component(s) would result in cumulative demolition meeting or exceeding fifty percent (50%) of the entire structure since January 1, 1977 (based on available City of Long Beach records); or to remove a structure or a portion of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction based on documented construction bid costs and either an appraisal by a profession property appraiser or County assessor data, if it is based on current market values.~~

1. A wall is considered to be demolished when any of the following occur above or below grade:
 - a. Cladding or framing systems are altered in a manner that requires removal and replacement of fifty percent (50%) or more of those cladding or framing systems.
 - b. Existing support for fifty percent (50%) or more of the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceilings, or other building elements supported by the wall cannot remain freestanding without supplemental support.
 - c. Additional reinforcement is needed for fifty percent (50%) or more of the wall including any remaining portions of the wall and cladding to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).
2. Roof framing and structural floor systems shall be considered to be demolished when any of the following occur:
 - a. The roof and/or floor structural framing is altered in a manner that requires removal and replacement of fifty percent (50%) or more of the roof or floor structural framing system elements (e.g. trusses, joists, and rafters).
 - b. The roof and/or floor structural framing system requires additional reinforcement for fifty percent (50%) or more of the roof and/or floor structural framing including any remaining portions of the roof or floor system to provide structural support (e.g. addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).
3. Foundations shall be considered demolished and the entire structure shall be considered demolished when fifty percent (50%) or more of the foundation has been removed or modified as measured by horizontal surface area (slab foundation) or number of piers, posts caissons, and/or grade beams (pier and caissons).
4. For structures without walls or roofs, including fences, patios, decks, or similar, "demolish" means to remove fifty percent (50%) or more of the foundation or structural elements.

"Modify includes removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with Section 21.27.090 – restoration of projects consisting solely of exterior façade remodels with no interior reconfiguration.

~~For purposes of implementing Chapter 21.27 (Nonconformities) of this Title, "Demolish" shall also include any projects meeting the definition of "rebuild" (Section 21.15.2250).~~

21.27.055 Modification

If a nonconforming structure is demolished and/or rebuilt, as defined in sections 21.15.750 and 21.15.2250 of this Title, the structure must be brought into conformity with the provisions of the Zoning Code and certified Local Coastal Program, as appropriate.

21.31.220 - Height limits.

A. **Measurement.** A measurement of height shall use the definition of height contained in Section 21.15.1330.

B. **Exceptions.** The height limitations specified in Table 31-2A shall apply to all elements and equipment on a building, except as follows:

1. Chimneys and vent pipes shall be allowed to exceed the applicable height limit by two feet (2') (when required to exceed roof height by the Uniform Building, Plumbing and Mechanical Codes).
2. Flagpoles, when placed on the roof of a building, may exceed the height of the building by ten feet (10'). When placed on the ground, flagpoles shall not exceed sixty feet (60') in height.
3. Television or radio receiving or transmitting antenna(s) may exceed the applicable height limit according to the provisions contained in Section 21.46.060 (Radio and television antennas).
4. Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, ~~and~~ not otherwise installed on any occupiable areas of the roof, and consistent with the policies of the City of Long Beach Certified Local Coastal Program.
5. The following rooftop elements and equipment in the R-4 zones may extend up to ten feet (10') above the building height:
 - a. Rooftop stair and elevator penthouse enclosures;
 - b. Rooftop heating and air conditioning equipment and ducts; and
 - c. Rooftop safety rails, spas, tubs, barbecues, wet bars, patio covers and similar nonportable rooftop amenities.
6. **R-4-H Height Incentive.** In the R-4-H zone, the height limit shall be as shown in Table 31-3A. Both the minimum lot width and the minimum height must be achieved before the density is allowed to exceed the R-4-N density. Any densities over R-4-N densities in the R-4-H zone are only allowed in true high-rise buildings utilizing the full high-rise package of features required in the Uniform Building Code.

21.41.232 - Parking—Electric vehicle space and charging station requirements.

Outside the coastal zone, parking shall comply with Chapter 18.47 of the Long Beach Municipal Code with regard to electric vehicle space and charging station requirements. In the coastal zone, for a building containing three or more dwelling units or a hotel that is constructed, demolished or rebuilt a building site, at least twenty-five percent (25%) of the total number of parking spaces, but in no case less than one, shall be EV spaces capable of supporting future EVSE and five percent (5%) of the total number of parking spaces but in no case less than one (1), shall have EV chargers installed. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

21.42.030 - General requirements.

The following requirements shall apply to all zoning districts:

A. Landscaped Area. All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. Decorative non-living materials such as brick, stone, art, fountains and ponds may be used within the landscaped area provided such materials present an attractive setting consistent with the intent of these landscaping requirements. All landscape areas shall be completely planted or covered. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, walkways, driveways, parking lots, decks, patios, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

1. A complete Landscape Document Package showing the Estimated Total Water Usage (ETWU) of all proposed plantings falling below the property's specific Maximum Applied Water Allowance (MAWA), as specified in the Landscape Document Package application, shall be required. Selected plants shall not cause the estimated water use to exceed the landscape project's water budget.
2. Non-permeable paving and non-permeable artificial turf shall not cover more than thirty percent (30%) of on-site area that is not covered by structures, driveways, and approved parking pads. To help with on-site stormwater retention and filtration along with reducing the urban heat island effect, the use of permeable and high reflectance paving materials is encouraged.
3. Live plant material shall cover a minimum of fifty percent (50%) of any front setback area.
4. Mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas and areas of creeping or rooting groundcovers to retain soil moisture, regulate soil temperature, suppress weed growth, and improve landscape aesthetics.
5. Compacted soils shall be transformed to a friable condition prior to any planting to aide proper on-site drainage and soil moisture retention.
6. Water-efficient landscape irrigation systems on automated timers and sensors shall be used and abide by all applicable Long Beach Water Department water use prohibitions.
7. Large canopy trees shall be used to help minimize urban heat island effect.
8. Projects shall be designed to minimize or eliminate use of turf.
9. Recirculating water systems shall be used with decorative water features. Where available, recycled water shall be used as a water source.
10. Plants with similar water needs shall be planted together in distinct hydrozones based on their water, soil, sun and shade requirements. Where irrigation is required, plants with different water needs shall be irrigated with separate values. Plant groupings that mix high and low water use plants shall not be permitted.
11. The use of infiltration beds, swales, and basins that allow water to collect and soak into the ground; and retention ponds that retain water, handle excess flow and filter pollutants are highly encouraged in the landscape design.

12. The use of invasive plant species, such as those listed by the California Invasive Plant Council shall, be prohibited in the coastal zone.

B. Maintenance. All landscaped and paved areas shall be maintained in a neat, attractive, orderly and water efficient condition. All paved areas, walls and fences shall be in good repair without broken parts, holes or litter. Dead or diseased plants shall be removed and replaced with plant materials that comply with the provisions of this Chapter.

C. Plans Required. When applicable, a Landscape Document Package shall be approved prior to the issuance of any planning or building permit. For projects proposing landscape area coverage with a minimum of ninety percent (90%) very low to low water use plantings, ETWU and MAWA calculations are not required in the Landscape Document Package submittal. Applicable landscaping, irrigation, planter drainage, water reuse, retention and filtration improvements shall be implemented before any final building and planning inspection is approved.

D. An applicant proposing any new or rehabilitated landscape for a project subject to the requirements of Section 21.42.035 shall prepare and submit a Landscape Document Package at the time of project plan check filing. The Landscape Document Package shall contain the following components:

1. MWELo Project Checklist;
2. Water Efficient Landscape Worksheet;
3. Landscape Design Plan;
4. Irrigation Design Plan;
5. Grading Plan;
6. Soil Management Report.

Approval of the Landscape Document Package shall be required prior to the issuance of building permits and before landscaping is installed. Residential and non-residential projects with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with prescriptive compliance measures identified in the MWELo Project Checklist of the Landscape Document Package. Following landscape installation, a Certificate of Completion signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved Landscape Document Package shall be filed with Development Services. The Certificate of Completion must be deemed approved before a Certificate of Occupancy is issued

21.42.050 - Landscaping standards—Public right-of-way (Parkway)

A. Responsibility. Pursuant to the requirements of this Chapter, the owner of private property adjoining the public right-of-way shall be responsible to plant, install and maintain landscaping in the area between the curb and the private property line for the entire frontage of the property. For any landscaping or paving in the parkway that does not conform or comply with the requirements of this Chapter, the City of Long Beach shall not be responsible for any loss or damage to such landscaping or paving materials in the parkway, such as cast-in-place concrete or paving units set on concrete, associated with street, curb or sidewalk repairs, or any other municipal repair or maintenance function.

B. Street Trees.

1. **Provision of Trees.** One (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length whenever a new dwelling unit is added to the adjoining property or new development requiring discretionary approval, Site Plan Review, or a fence built under the special fence height provisions. Such street tree shall be of a species approved by the Director of Public Works and shall be provided with root barriers and irrigation according to the specifications of the Director of Public Works.

2. **Exceptions.** Street trees shall be spaced a reasonable and safe distance from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway [at least thirty inches (30") wide between the sidewalk and curb], as provided in Chapter 14.28 of this Code. An in-lieu fee shall be provided for any tree required in Subsection 21.42.050.B.1 that is not allowed by these provisions of Chapter 14.28. Such fee shall be established by the City Council by resolution and shall only be used for planting street trees in other locations that do comply with these standards. Such fee shall be paid to the Director of Public Works, and shall be based on the actual cost to the Department of Public Works to obtain and plant a tree.

3. **Removal.** No street tree shall be removed unless found by the Director of Public Works to be dead, dying, or a public hazard due to damage to curb, gutter, sidewalk or roadway or potential for falling, or for replacement of trees in an approved street tree program. Such approval shall be recorded with the Department of Development Services before the tree is removed.

C. Parkway Landscaping.

1. **Provision of Landscaping.** The area between the sidewalk and the curb and between the sidewalk and the private property line, if any, shall be landscaped primarily with live plant material and maintained in a neat and healthy condition. Nonliving material and decorative elements may be used within the parkway in accordance with the provisions of this Chapter. The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining such landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb, five feet (5'), as provided in Chapter 20.36.

a. **Applicability of additional requirements.** At the time of new development involving Site Plan Review from the Planning Bureau or when a complete Landscape Document Package submittal is required, the Planning Bureau may place additional requirements for parkway landscaping beyond the above, e.g., requiring low to very low water usage plant materials, as defined by WUCOLS, over at least ninety percent (90%) of the total landscaped area.

2. **Live Planting Material.** Groundcover of not more than eight inches (8") in height, accent plantings or shrubbery not more than thirty-two inches (32") in height and street trees are the only plant materials allowed in the parkway. The planting of low-water demand and drought-tolerant plant materials shall be encouraged by the City of Long Beach. With the exception of trees, Grass (turf) and other high water use plants, characterized by a WUCOLS plant factor of 0.7 to 1.0, are prohibited in parkways and street medians. Trees shall be allowed in parkways and street medians with preference given to native, low water use trees. All irrigation systems shall limit water use to the maximum extent feasible. Automatic drip irrigation and similar low volume systems are encouraged and, if installed, shall be maintained so as to conserve water, and shall not cause water to runoff into the sidewalk or street or pond within the parkway. Use of reclaimed water for irrigation is encouraged. If permanent irrigation systems using potable water are included in the landscape plan, they shall use water conserving emitters (e.g., microspray) and drip irrigation only. Use of reclaimed water ("gray water" systems) and rainwater catchment systems are encouraged.

Weather based irrigation controllers and, where feasible, other water conservation measures shall be required.

3. **Nonliving Material.** Permeable groundcovers that accept foot traffic, such as decomposed granite, inorganic and organic mulches, and modular paving units set on sand, are the only nonliving materials allowed in the parkway and shall not cover fifty percent (50%) or more of the total parkway area.

4. **Decorative Elements.** Decorative stone, wood or other elements that are smooth-surfaced are allowed in the parkway, and shall not project more than eight inches (8") above the surface.

5. **Exceptions.** The paving of the parkway shall be prohibited, except as follows:

- a. Rights-of-way subject to major uses for commercial or retail purposes, or abutting a major arterial or regional corridor street as designated in the Transportation Element of the General Plan, may be paved for the full depth of the curb to property line area as determined by the City Engineer and the Director of Development Services;
- b. The paving of the parkway is installed by a public utility, the City of Long Beach or another governmental agency for a public purpose;
- c. The paving of the parkway is for a City-approved driveway;
- d. A paved parkway was approved with the subdivision map for the property; or
- e. A standards variance is approved. Such standards variance shall not require public notice and shall be charged the "mini-variance" fee.

6. **Approval of Paving.** If an exception is allowed, the parkway may be paved according to the specification of the Director of Development Services. Prior to paving the parkway, the adjoining property owner must obtain a street improvement permit from the Director of Public Works as provided in Chapter 14.08 of this Code.

D. Parkway Maintenance and Access.

1. **Maintenance of Landscaping.** The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining parkway landscaping free and clear of refuse, noxious weeds, hazardous materials and plants bearing thorns, stickers or other potentially injurious parts. Plants, mulches and inorganic groundcover materials shall not be allowed to overgrow or spill over the edge of the sidewalk or curb.

2. **Maintenance of Traffic Lines of Sight.** For purposes of pedestrian and vehicular safety, all parkway landscaping shall be maintained so as not to interfere with necessary vehicular or pedestrian traffic lines of sight, including views of traffic signage and signals and clear views of vehicles within the roadbed or exiting driveways. Such standards, which include limitations on taller landscape elements within street intersection areas, shall be determined by the City Engineer.

3. **Access through Parkways.**

a. In order to maintain access between the sidewalk and legally parked cars on the curb, a minimum eighteen-inch (18") wide strip or path that accepts foot traffic shall be maintained abutting and parallel to the curb adjacent to legal parking spaces. Additional space may be required as needed at public transit stops at the direction of the City Engineer.

b. In order to prevent obstructions to public access across parkways, continuous hedge-like plantings shall be prohibited. Single specimen shrubs or groupings of elevated landscape materials, including accent plantings or shrubbery of more than eight inches (8") in height, decorative rock and other elements, shall not extend more than six feet (6') along a parkway as measured parallel to the curb, and must be spaced at least thirty-six inches (36") apart as measured parallel to the curb.

c. The berming of earth or other landscape materials of more than twelve inches (12") in height above the sidewalk at its highest point, or the creation of a bioswale or depression of more than twelve inches (12") in depth at its lowest point, shall be prohibited.

d. Fencing of any kind shall be prohibited in parkways, except for curbing of not more than six inches (6") in height intended to contain groundcover material.

Attachment E

Draft Zone Text Amendment

(red underline = text to be added and ~~red strike-through~~ = text to be deleted).

21.25.903 - Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor addition to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).
2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).
3. Traffic improvements which do not qualify for categorical exclusion.
4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.

1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
2. All projects (excluding the above) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
3. Traffic improvements which do not:
 - a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
 - b. Decrease parking (except by establishing a red curb next to a corner); or
 - c. Impair access to the coast.

4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.
- ~~5. Creation or expansion of an accessory dwelling unit in conformance with the requirements of Section 21.51.276 (Accessory dwelling units).~~

21.25.904 - Procedures—Coastal permit.

This Section outlines the procedures for issuing coastal permits. Coastal permits may be considered concurrently with or subsequent to any other procedures required by this Title or the City's subdivision regulations.

A. Jurisdiction.

1. **Planning Commission.** The Planning Commission shall consider all local coastal development permits for developments requiring a tract map, a parcel map, conditional use permit or planned development permit.
2. **Coastal Commission.** The Coastal Commission shall consider all coastal permits for projects located below the mean high tide.
3. **Zoning Administrator.** The Zoning Administrator shall consider all other local coastal development permits.

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit: with the exception of local coastal development permits for the creation or expansion of an accessory dwelling unit in conformance with the requirements of Section 21.51.276 (Accessory dwelling units) and consistent with Government Code Section 65852.2.

C. Findings Required. Prior to approving a local coastal development permit, the responsible hearing body must find:

1. The proposed development conforms to the certified local coastal program including but not limited to all requirements for replacement of low and moderate-income housing; and
2. The proposed development conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. This second finding applies only to development located seaward of the nearest public highway to the shoreline.

D. Date of Final Local Action. The date of final local action is:

1. The date when the appeal period on all local actions has expired without local appeal;
2. The date of action on the local appeal(s); or
3. The date the City is notified by the applicant that the application is approved by operation of law pursuant to Sections 65950 through 65957.1 of the Government Code.

E. Notice of Final Action. Within seven (7) calendar days of the date of the final local action on a local coastal development permit, a notice shall be sent to the Coastal Commission and to any persons who specifically request such notice by submitting a self-addressed, stamped envelope. The notice shall include the written findings of fact required to approve the local coastal development permit and the conditions imposed on the approval, if the permit is approved. Any

notice of final local action shall include the procedures for appeal of the action to the Coastal Commission and an indication as to whether the development is in an appealable area.

F. Appeals to Coastal Commission. All actions on local coastal development permits located seaward of the appealable area boundary, as determined under Section 21.25.908, may be appealed by an aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that:

1. All local appeals of City actions provided for by this Title have been exhausted and no fee was charged the appellant for the appeal; and
2. The Coastal Commission has not appealed the local action.

G. Effective Date. A local coastal development permit shall be effective as follows:

1. **Outside Appealable Area.** On date of final local action;
2. **Within Appealable Area.** At the conclusion of the twenty-first day after final local action, unless:
 - a. **Appeal.** If a permit is appealed, it shall become effective after action on the appeal by the Coastal Commission.
 - b. **Failure to Give Notice.** If notice to the Coastal Commission is not mailed by the City within seven (7) days after final local action, then the permit shall become effective at the conclusion of the fourteenth day after a complete notice is mailed but no sooner than at the conclusion of the twenty-first day after final local action.
 - c. **Inadequate Filing.** If the Coastal Commission notifies the City and the applicant that notice was not received or distributed in a timely manner or that the notice was not complete or does not adequately describe the development, then the permit becomes effective at the conclusion of the fourteenth day after receipt of such a notice from the Coastal Commission or on the date specified by the Coastal Commission.

~~21.51.275 – Secondary housing units ("granny flats").~~

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

~~A. **Lot Size.** No secondary housing unit shall be placed on any lot which contains less than four thousand eight hundred (4,800) square feet of lot area.~~

~~B. **Unit Size.** New construction to create a secondary unit shall not exceed ten percent (10%) of the floor area of the existing principal unit. The secondary unit shall not contain more than one (1) bedroom and not more than six hundred forty (640) square feet of floor area.~~

~~C. **Location.** A secondary housing unit shall be located only on lots which contain existing single-family residences.~~

~~D. **Development Standards.** The secondary unit shall be attached to the principal dwelling unit, and the secondary unit shall comply with the setback, height and lot coverage standards of the zone in which it is located.~~

~~E. Parking. The principal unit shall maintain the existing number of parking spaces and shall provide one (1) additional space if the secondary unit exceeds four hundred fifty (450) square feet of floor area. Parking for the principal and secondary units shall not be in tandem.~~

~~F. Entrance. The entrance to the secondary unit shall not be on the front facade. If the entrance is on the side facade, the entrance shall be set back a minimum of forty feet (40') from the front lot line.~~

~~G. Code Compliance. The principal use to which the secondary unit is added shall be inspected for minimum housing code compliance. The principal unit shall be brought into compliance before occupancy of the second unit is allowed.~~

21.51.276 - Accessory dwelling units.

An accessory dwelling unit ("ADU") is an allowed accessory use on a lot having only one detached single-family dwelling (a "primary dwelling") and no other principal uses, or principal buildings or structures. An accessory dwelling unit shall have the provisions described in the definition of ADU (Section 21.15.045 - Accessory Dwelling Unit). Permits for ADUs shall be considered ministerially, without discretionary review or a hearing, with the exception of projects falling under the categories listed in Sections 21.25.903.A and 21.25.903Ta.B Applications for ADUs in the coastal zone that are exempt from the coastal development permit requirement shall be processed according to Section 21.25.906. and † The Director of Development Services shall approve or deny an ministerial application for an ADU within 120 days after receiving said application. Coastal Development permits shall be processed according to Section 21.25.904. ADUs are subject to the following regulations:

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

1. The zoning districts in Table 31-1 where indicated as an allowable accessory use;
2. A Planned Development District (PD) or Specific Plan (SP), or subarea thereof, that allows residential use at single-family density, subject to the additional restrictions provided in this Section. The Zoning Administrator is authorized to determine if a PD or SP, or subarea thereof, allows for development of an ADU.

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

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

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

- a. A Conforming ADU meets one of the following conditions:
 - i. Construction of new floor area is proposed to create or expand the ADU; or
 - ii. The lot is located in a permitted residential zoning district other than a single-family residential district, whether or not construction of new floor area is proposed.
- b. For a lot where an additional principal dwelling is allowed, a Conforming ADU is not permitted, except that a Conforming ADU may be created through conversion of the floor area of an existing attached or detached accessory structure, which may not be expanded, and such a Conforming ADU may not be created or converted from new or existing floor area of the primary dwelling.

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

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

1. Nonconforming Setbacks. An ADU may be located within an existing, permitted structure with nonconforming setbacks, provided that any new construction of floor area complies with the applicable setback standards. Conversion of an existing detached accessory structure with non-conforming setbacks may include a second floor, provided that any new construction complies with the applicable setback standards and the policies of the City of Long Beach Certified Local Coastal Program (LCP).
2. Relationship to Other Accessory structures. The gross floor area of an ADU shall not be counted toward the allowable size of accessory structures specified in Section 21.31.245.
3. Architecture, Design, and Site Planning. An ADU shall be subject to the following criteria for architecture, design, and site planning compatibility:
 - a. Exterior modifications to a primary dwelling or accessory building, as well as the construction of a new attached ADU, shall be architecturally compatible with the primary dwelling, including the use of complimentary color palettes, exterior finishes, roof pitch, and other design standards as set forth in Chapter 21.31.
 - b. Any garage door(s) shall be removed from a garage or other accessory structure that is converted to an ADU, and the opening shall be treated and finished to match the building per Subsection 21.51.276.D.3.a.
 - c. Any window, door, or deck of a second story ADU shall utilize techniques to lessen views onto adjacent residential lots to preserve a reasonable level of privacy of adjacent residents. These techniques may include facing a unit entrance away from an interior property line, use of obscured glazing, window placement above eye level, or screening between properties.

- d. A second story ADU shall be designed to preserve public views of the beach, bay, ocean, or tidelands from public areas in the coastal zone. Techniques, including siting decks to maximize public views of the ocean and using visually permeable guardrails, may be utilized.

- e. ~~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, ~~con~~ 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	<u>Within the Coastal Zone</u>	<u>5,200 sq. ft., N/A</u>	<u>5,200 sq. ft., 4,800 sq. ft.</u>
	<u>Outside the Coastal Zone</u>		<u>4,800 sq. ft.</u>
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

Notes

- (a) See Section 21.51.276.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 21.51.276.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.

Table 51.276-2

Required Parking for Limited and Conforming Accessory Dwelling Units
and Primary Dwellings

Location	Parking spaces required	
	ADU ^(a,b)	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) An ADU in the coastal zone shall be exempt from the parking requirement if any of the following criteria are met:~~

~~i. The ADU is located within one-half mile of public transit.~~

~~ii. The ADU is located within an architecturally and historically significant historic district.~~

~~iii. The ADU is part of the proposed or existing primary residence or an existing accessory structure.~~

~~iv. When there is a car share vehicle located within one block of the ADU.~~

~~(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 entity, as required by Section 21.41.209.
 - d. The accessory dwelling unit or the primary dwelling may be rented. All rentals shall be for terms of longer than thirty (30) days.
 - e. The accessory dwelling unit shall be removed at the expense of the property owner upon violation of Section 21.51.276, or upon cessation of the primary land use as a single-family dwelling, including, but not limited to, addition of another principal dwelling unit, or upon a request by any government agency to remove or vacate the structure due to coastal hazards.

- f. Prior to the issuance of a building permit for the ADU, the owner/applicant shall record a deed restriction in a form approved by the City that restricts the size and attributes of the ADU consistent with this Section, and requires the above restrictions.
 2. Construction of ADU with New or Rebuilt Primary Dwelling. Construction of an ADU in conjunction with construction of a new primary dwelling (including situations in which the primary dwelling is demolished or rebuilt as defined in this Title) is permitted, subject to the applicable provisions of this Section and all other applicable laws, codes and regulations. When the primary dwelling is demolished or rebuilt, any nonconformities in any existing accessory structures shall be corrected prior to the creation of an ADU on the property.
 3. Rebuilding of Existing Accessory Structure for Conversion. An existing garage or other accessory structure that is converted to an ADU, or above which a new ADU is constructed, may be rebuilt as necessary to comply with building, fire, and other life safety codes without loss of rights to nonconforming setbacks.
 4. Conversion of Nonconforming Second Dwelling Unit to ADU. A nonconforming dwelling unit on a property with no more than two existing dwelling units may be converted to a Conforming ADU, subject to the provisions of this Section and the following:
 - a. The converted unit may be exempt from the maximum ADU size limits, provided that:
 - i. The unit to be converted to an ADU has a floor area less than the other dwelling unit, which shall become the primary dwelling; and
 - ii. The unit to be converted to an ADU is not larger than 1,200 sq. ft.
 - b. The property shall be located in a single-family zoning district, or shall be located in an R-2, R-3, or R-4 zoning district and shall have insufficient lot size for more than one dwelling to be permitted per Tables 31-2A or 31-2B; and
 - c. Any existing parking (whether garage, carport, or open) for both units shall be retained, and may be rebuilt and reconfigured as necessary to comply with building code, and may be modified to be made more conforming to the requirements of the Zoning Regulations.
 5. Nonconformity with Loss of Primary Dwelling. In the event that the primary dwelling is destroyed, abandoned, demolished, or otherwise lost, the accessory dwelling unit shall become a nonconforming use, subject to the provisions of Chapter 21.27 (Nonconformities), and shall not be expanded. This nonconformity may be remedied by the re-establishment of a primary dwelling on the property; or by conversion of the ADU to a primary dwelling, subject to all applicable codes, laws and regulations for a primary dwelling.
 6. Unpermitted Structures. Any structure that is described by Section 21.27.030 shall not be converted or otherwise used in the creation or expansion of an accessory dwelling unit if it cannot first be brought into legal conforming status under the provisions of this Title.
- 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.

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in 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 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 may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

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

(iii) The accessory dwelling unit is either attached 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 total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the 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 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, whichever is less. These spaces may be provided as tandem parking on 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.

(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 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 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 an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall 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 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 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 by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating 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, 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, 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.

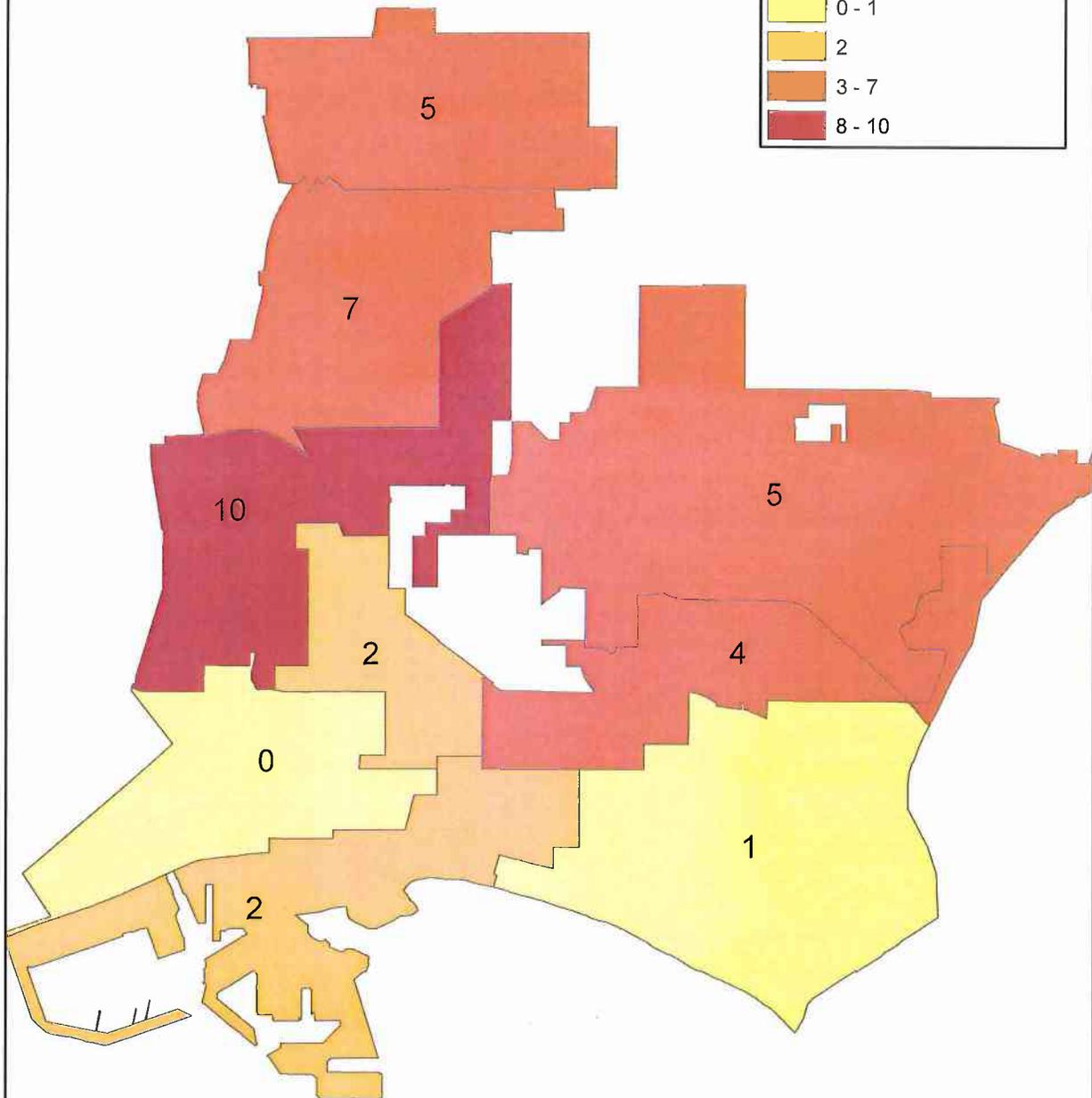
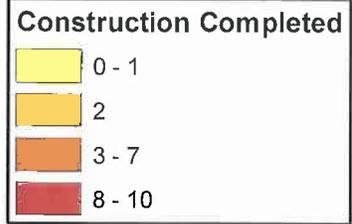
(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)

City of Long Beach Accessory Dwelling Units Built

Total Units Built between January 1, 2017
through December 31, 2018

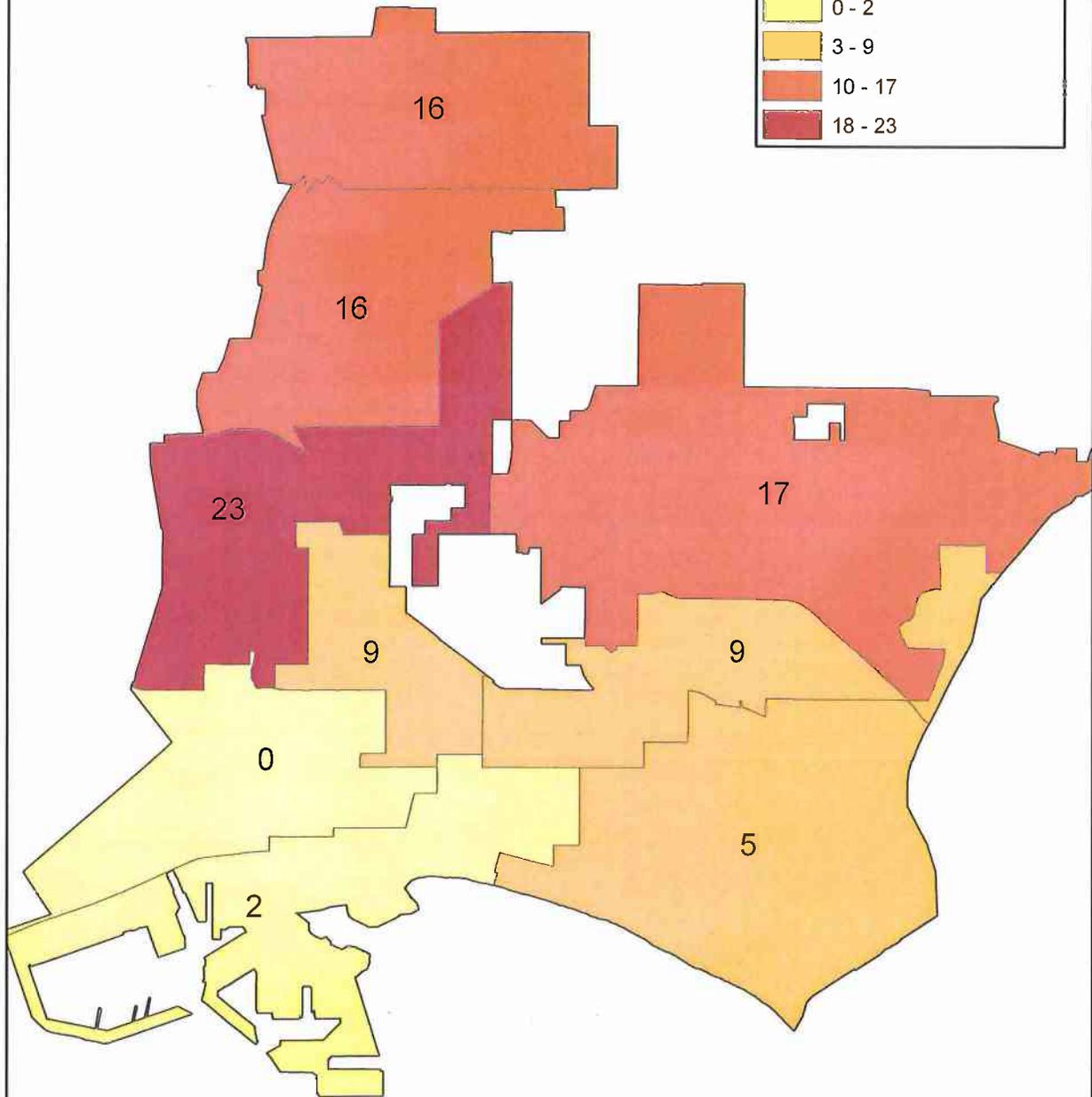
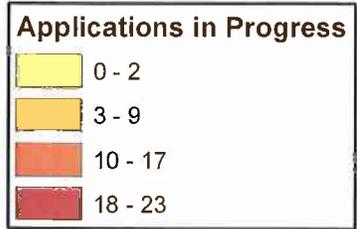


LONG BEACH
DEVELOPMENT SERVICES
BUILDING A BETTER LONG BEACH



City of Long Beach Accessory Dwelling Unit Applications Pending

Applications Received between January 1, 2017
through December 31, 2018 still in Progress

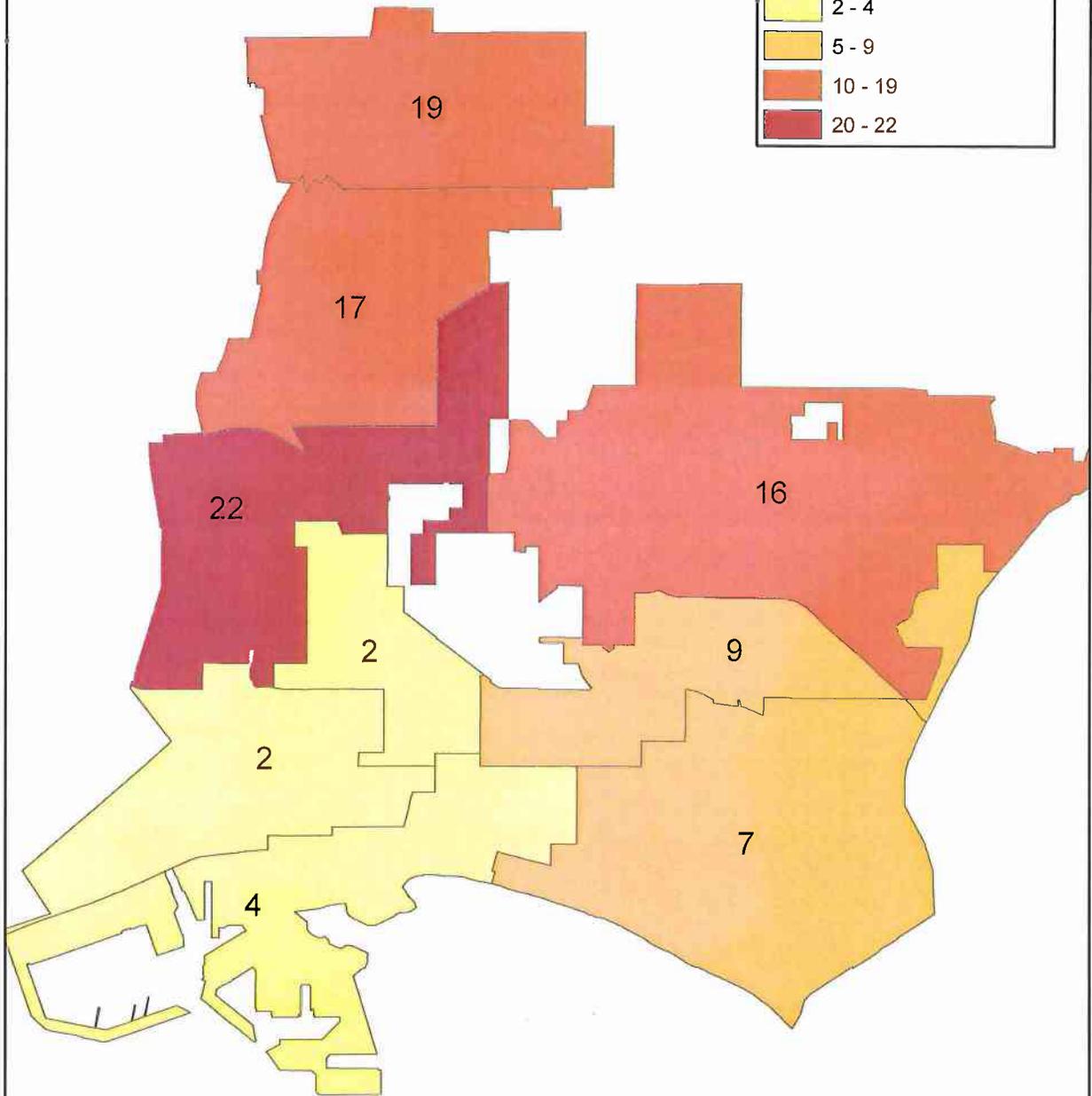


LONG BEACH
DEVELOPMENT SERVICES
BUILDING A BETTER LONG BEACH



City of Long Beach Accessory Dwelling Units Permitted

Total Building Permits Issued between January 1, 2017
through December 31, 2018



LONG BEACH
DEVELOPMENT SERVICES
BUILDING A BETTER LONG BEACH



Attachment I

Brian Wolfe, AIA

5015 E 3rd St
Long Beach, CA 90814
562-412-9448
wolfebrian@gmail.com

March 12, 2019

Linda Tatum, Director
C/O Alexis Oropeza, Planner
Development Services
City of Long Beach
333 W Ocean Blvd,
Long Beach, CA 90802

Re: ADU Ordinance proposed amendment, City file # 19-0161

Dear Director Tatum;

I am a resident and homeowner in Long Beach and very concerned that we appropriately adjust the Accessory Dwelling Unit Ordinance in the pending amendment that will soon be back to City Council for action/approval.

My wife and I love our neighborhood. As we move into retirement, constructing an ADU on our property will allow us to age in place, supplement our fixed income while providing additional affordable housing in a great location.

As a practicing architect I have looked closely at the current requirements and believe strongly that the Lot size minimum should be removed

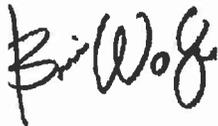
The established form based controls (height limit, setbacks, lot coverage, open space, floor area ratio (FAR) and unit size range) results in appropriately scaled neighborhood development (see attached test fit example for a 4500sf Lot using all R-1-N standards except min lot area). The Lot size minimum is not necessary and discourages innovation. **I strongly support reverting to the 4800 sf lot size as recommended by staff. Table 51.276-1**

I am, however distressed to see the proposed change to require 1 parking stall per ADU across all areas of the city. This is regressive, counter to State Law and out of sync with our own 2013 City Mobility Plan. **The current ordinance language should be maintained for parking with a supplemental row for coastal zone (table 51.276-2)**

When the 5200 sf lot size limitation was imposed by city council in Nov, 2017, it was done with the commitment to re-evaluate in 1 year. That evaluation is in with 142 ADU permits issued (as noted in staff report). This is a very modest quantity and further supports relaxation of the Lot minimum standard.

ADU's can be some of the best affordable housing in our City. Owner occupied, multigenerational, imbedded in existing neighborhoods. ADU's also count towards our state R.H.N.A. obligation; which we are well short of fulfilling, especially in the moderate and below income levels that ADU's would help support. Please craft our local City ordinance to encourage housing innovation and not be burdensome. Please reduce ADU Lot size minimum and retain current tiered parking standard.

Sincerely yours,

A handwritten signature in black ink that reads "Brian Wolfe". The signature is written in a cursive, slightly slanted style.

Brian Wolfe

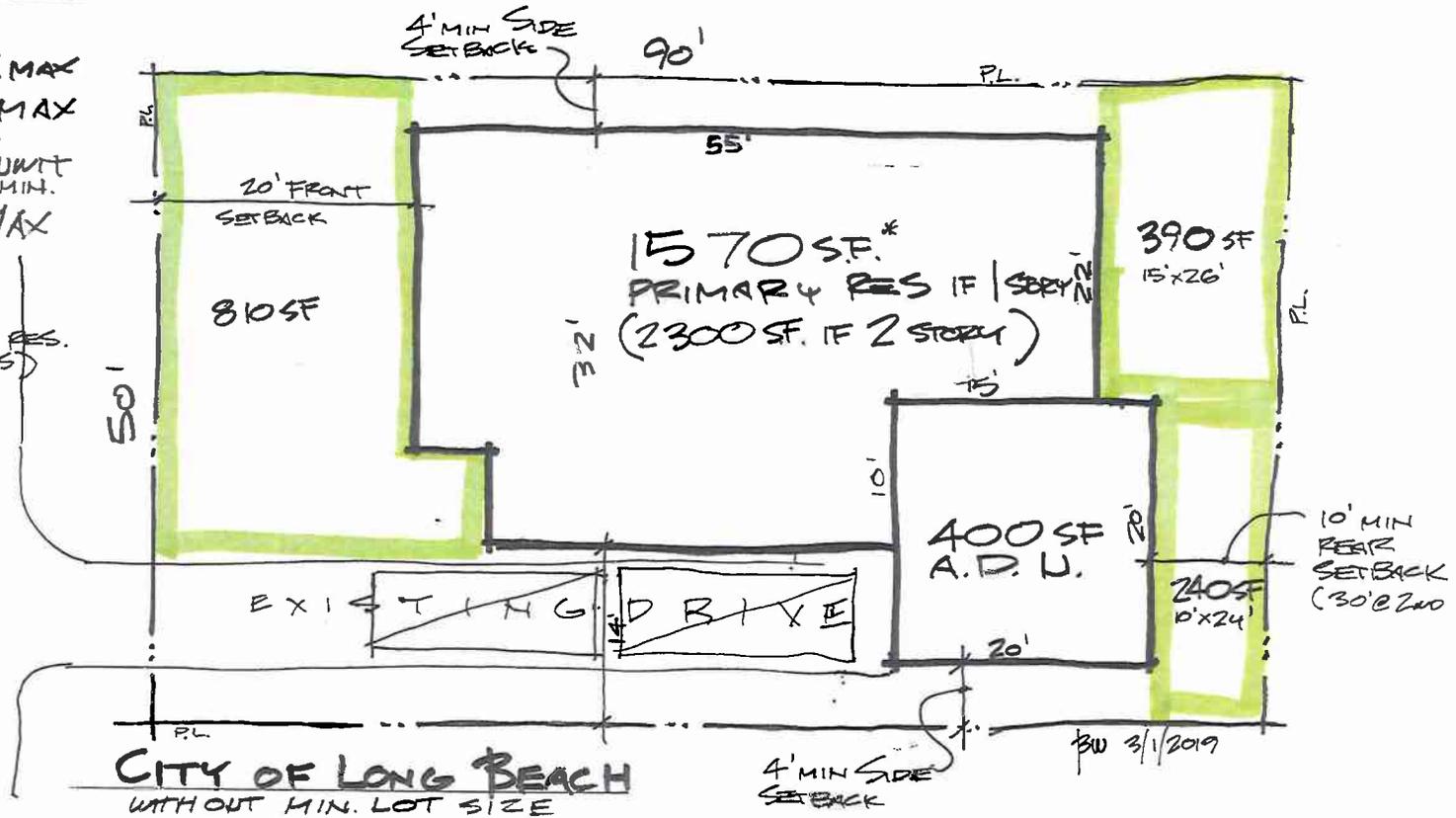
Sent via mail & Email

Attachment

R-1-N ZONE EXAMPLE

LOT SIZE 4500 SF
 LOT COVERAGE 2250 50% MAX
 FAR 2700 0.6 MAX
 USABLE OPEN SPACE 1440 16% / UNIT MIN.
 HT 25' / 2 STORY MAX
 ADU UNIT SIZE 300 SF MIN - 800 SF MAX (OR 50% OF PRIMARY RES. WHICHEVER IS LESS)

*ON THIS EXAMPLE THE PRIMARY RES CAN NOT EXCEED 1850 SF ON ONE LEVEL DUE TO LOT COV. MAX.; HOWEVER, THE SETBACKS & OPEN SPACE REQ PHYSICALLY LIMITS SIZE TO 1570 SF. WITH A 400 SF A.D.U.





NOTICE of EXEMPTION from CEQA

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

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

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

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

Project Title: CE-16-236

Project Location/Address: Citywide

Project Activity/Description: Revise provisions in Title 21 (Zoning Ordinance)
relating to Alcoholic Beverage Manufacturing facilities, specifically
pertaining to parking requirements, hours of operations, locational
requirements, and review processes.

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

Applicant Name: City of Long Beach - Carrie Tai, Current Planning Officer

Mailing Address: 333 West Ocean Boulevard 5th Floor

Phone Number: 562-570-6411

Applicant Signature:

[Handwritten signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1609-25 Planner's Initials:

Required Permits: Zoning Code Amendment, Local Coastal Program amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15308 - Actions by Regulatory Agencies for
Protection of the Environment

Statement of support for this finding: The proposed amendments relate to the
regulation of Alcoholic Beverage Manufacturing facilities, for the purpose
of ensuring that no negative impacts could result in negative effects to
the surrounding environment.

Contact Person: Carrie Tai

Contact Phone: 562-570-6411

Signature: [Handwritten signature]

Date: 10/19/2016



NOTICE of EXEMPTION from CEQA

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

TO: 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 Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-16-211

Project Location/Address: Citywide

Project Activity/Description: Zoning Code Amendment to clarify and update definitions, refine the height limit exception for solar collectors, extend entitlement expiration dates, and add and update references, on matters related to the City's triennial Building Code adoption.

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

Applicant Name: Carrie Tai, Planning Bureau

Mailing Address: 333 West Ocean Blvd, 5th Floor, Long Beach, CA

Phone Number: 562-570-6194

Applicant Signature: [Signature]
Carrie Tai

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1608-24

Planner's Initials: CT

Required Permits: Zoning Code Amendment, Local Coastal Program Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, 15305, 15307, and 15308

Statement of support for this finding: The proposed Zoning Code Amendments are for clarification of existing provisions in Title 21 governing existing facilities, and constitute minor alterations in land use limitations, and actions by regulatory agencies to protect the environment and natural resources.

Contact Person: Carrie Tai

Contact Phone: 562-570-6411

Signature: [Signature]
Carrie Tai

Date: 9/8/2016



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.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 Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: SE-17-136

Project Location/Address: Citywide

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

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

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

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

Phone Number: (562) 570-6194

Applicant Signature: *Alexis Grayson*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1702-04

Planner's Initials: AO/SK

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

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

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

Contact Person: *Scott Kinsey*

Contact Phone: (562) 570-6194

Signature: *Scott Kinsey*

Date: 5/23/17