



## Legislation Text

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**File #:** 17-1116, **Version:** 2

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Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.15.050, 21.15.063, 21.15.930, 21.15.1720, 21.15.1770, 21.15.2400, 21.15.2410, 21.31.360.B, Table 31-1, 21.51.110.A, and 21.51.275; and by adding Sections 21.15.045, 21.15.447, 21.15.915, 21.15.935, 21.15.2165, 21.25.903.C.5, 21.41.233.A.3, and 21.51.276, all related to Accessory Dwelling Units, read and adopted as read. (Citywide)

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

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

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

The amendments requested by the City Council pertaining to minimum lot size, open space, and maximum ADU size have been incorporated into the revised Ordinance. Because the proposed ADU Ordinance included a parking requirement for ADUs within designated Parking Impacted Areas, the City Council directed staff to include a parking requirement for ADUs in a preferential parking district. However, preferential parking districts differ from Parking Impacted Areas in several ways. Parking Impacted Areas were established in 1988 by the City Council based on established findings that on-street parking conditions created a detrimental condition affecting the health, safety, and welfare of the community, in addition to impeding traffic flow. Unlike Parking Impacted Areas, the basis for the establishment of a preferential parking district begins with a self-selection process, whereby at least two-thirds of the residential units of occupancy fronting curbs proposed to be included in the district must sign a petition requesting inclusion. Additionally, the preferential parking designation may be terminated by the City Council when a majority 50 percent, plus one, of the dwelling units in

the district sign a petition based upon, but not limited to, any changes in criteria upon which the original designation was granted. As such, preferential parking districts have a more fluid designation and are not exclusively based on findings of public safety and impact on traffic flow.

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

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

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

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

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Statutory Exemption (SE-17-136) was issued for the proposed project (Exhibit M - Statutory Exemption SE-17-136). The project qualifies for a statutory exemption per Section 15282 (h), which provides that, "an Ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code." Pursuant to Section 15273, CEQA does not

apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, including obtaining funds for capital projects, necessary to maintain service within existing service areas.

This matter was reviewed by Assistant City Attorney Michael J. Mais on November 20, 2017 and by Budget Management Officer Rhutu Amin Gharib on November 22, 2017.

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.

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.

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

**Approve recommendation.**

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER