

ORDINANCE NO. ORD-19-0008

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

The City Council of the City of Long Beach ordains as follows:

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

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.

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

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.

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

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 21.25.903A and 21.25.903.B. Applications for ADUs in the Coastal Zone that are exempt from the coastal development permit requirement shall be

1 processed according to Section 21.25.906. The Director of Development
2 Services shall approve or deny an application for an ADU within one
3 hundred twenty (120) days after receiving said application. Coastal
4 development permits shall be processed according to 21.25.904. ADUs are
5 subject to the following regulations:

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

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

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

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

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

1 Section for a Conforming ADU.

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

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

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

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

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

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

26 D. Development Standards. An accessory dwelling unit shall
27 conform to all development standards of the zone in which the property is
28 located, including but not limited to, parking, height limits, setbacks,

1 projections, lot coverage, landscape, open space, and floor area ratio (FAR),
2 except as specifically provided by this Section, and shall be subject to the
3 following standards, and the provisions of Tables 51.276-1 and 51.276-2:

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

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

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

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

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

26 c. Any window, door, or deck of a second story
27 ADU shall utilize techniques to lessen views onto adjacent residential lots to
28 preserve a reasonable level of privacy of adjacent residents. These

1 techniques may include facing a unit entrance away from an interior property
2 line, use of obscured glazing, window placement above eye level, or
3 screening between properties.

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

9 e. Where a driveway abuts an ADU, a landscape
10 area with a depth between eighteen (18) to thirty-six (36) inches shall be
11 provided for the entire width of the driveway, provided that:

12 i. The landscape area does not reduce the
13 driveway length below the minimum required in this Section when it serves
14 as the required parking; and

15 ii. Existing pedestrian paths and entrances
16 to the ADU and primary dwelling are not negatively impacted, or can feasibly
17 be relocated.

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**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

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

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 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.

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

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

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

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

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

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

26 3. Rebuilding of Existing Accessory Structure for
27 Conversion. An existing garage or other accessory structure that is
28 converted to an ADU, or above which a new ADU is constructed, may be

1 rebuilt as necessary to comply with building, fire, and other life safety codes
2 without loss of rights to nonconforming setbacks.

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

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

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

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

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

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

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

1 regulations for a primary dwelling.

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

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

12
13 Section 4. Section 21.51.275 of the Long Beach Municipal Code is
14 hereby repealed.

15
16 Section 5. The City Clerk shall certify to the passage of this ordinance
17 by the City Council and cause it to be posted in three (3) conspicuous places in the City
18 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
19 the Mayor.

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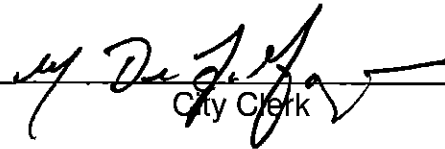
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I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of April 23, 2019, by
the following vote:

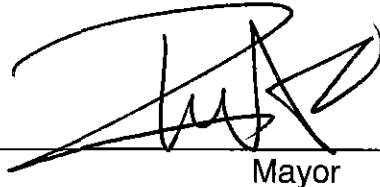
Ayes: Councilmembers: Gonzalez, Supernaw, Mungo, Uranga,
Richardson, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Pearce, Price, Andrews.


City Clerk

Approved: 4/25/19
(Date)


Mayor