

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
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LONG BEACH, CA 90802-4302
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Th13c

LCP-5-LOB-17-0086-3 (Accessory Dwelling Units)

August 9, 2018

EXHIBITS

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Exhibit 1 – Long Beach City Council Ordinance No. ORD-17-0031

Exhibit 2 – Long Beach City Council Resolution No. RES-17-0144

Exhibit 3 – Zoning Code Amendment*

*The changes to Chapter 21 of the City's Zoning Code that were adopted by the City of Long Beach are shown in underlined (added text) and ~~strike-out~~ (eliminated text) text.

Exhibit 1 - ORD-17-0031

Exhibit 1

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California Coastal
Commission

ORDINANCE NO. ORD-17-0031

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING SECTIONS 21.15.050,
6 21.15.063, 21.15.930, 21.15.1720, 21.15.1770, 21.15.2400,
7 21.15.2410, 21.31.360.B, TABLE 31-1, 21.51.110.A, AND
8 21.51.275; AND BY ADDING SECTIONS 21.15.045,
9 21.15.447, 21.15.915, 21.15.935, 21.15.2165, 21.25.903.C.5,
10 21.41.233.A.3, AND 21.51.276, ALL RELATED TO
11 ACCESSORY DWELLING UNITS
12

13
14 WHEREAS, the City Council of the City of Long Beach seeks to implement
15 Senate Bill 1069 (SB 1069)(Chapter 720, Statutes 2016) and Assembly Bill 2299 (AB
16 2299) (Chapter 735, Statutes 2016) through the adoption of regulations concerning
17 accessory dwelling units in residential zones; and

18 WHEREAS, accessory dwelling units are commonly referred to as “second
19 units,” and are additional living quarters on single-family lots that are independent of the
20 primary dwelling unit. They are also known as accessory apartments, accessory
21 dwellings, mother-in-law units, or granny flats. They may be either attached or detached
22 to the primary dwelling unit, and they typically provide complete independent living
23 facilities, including facilities for living, sleeping, eating, cooking, and sanitation; and

24 WHEREAS, the State Legislature adopted SB 1069 and AB 2299 in order
25 to eliminate barriers to accessory dwelling unit construction that the Legislature has
26 determined is a common-sense, cost-effective approach to accommodate future growth
27 and to encourage infill development in developed neighborhoods; and

28 WHEREAS, Section 65582.1 of the California Government Code provides

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1 that accessory dwelling units are one of the reforms and incentives adopted to facilitate
2 and expedite the construction of affordable housing; and

3 WHEREAS, Section 65882.150(a) of the California Government Code
4 provides that accessory dwelling units are a valuable form of housing; that they may
5 provide housing for family members, students, the elderly, in-home health care providers,
6 the disabled, and others at below market prices within existing neighborhoods; that they
7 may add income and an increased sense of security to homeowners; that they will
8 provide additional rental housing stock; that they offer lower cost housing to meet the
9 needs of existing and future residents within existing neighborhoods, while respecting
10 architectural character; and that they are an essential component of California's housing
11 supply; and

12 WHEREAS, Section 65852.2(a)(4) of the California Government Code
13 provides that any local ordinance that is inconsistent with Section 65852.2 shall be null
14 and void and state law shall apply unless or until the local agency adopts an ordinance
15 consistent with this law; and

16 WHEREAS, on June 1, 2017, and July 6, 2017, the Planning Commission
17 held duly noticed public hearings on the proposed ordinance before making a final
18 recommendation to the City Council; and

19 WHEREAS, the proposed ordinance is consistent with the applicable
20 policies of the Long Beach General Plan and Housing Element; and

21 WHEREAS, it has been determined that the proposed ordinance regulating
22 accessory dwelling units is exempt from the requirements of the California Environmental
23 Quality Act (CEQA), pursuant to CEQA Guidelines Section 15282(h) which exempts the
24 adoption of an ordinance regarding second units in a single-family or multifamily
25 residential zone;

26 WHEREAS, Section 65852.2(a)(1)A of the California Government Code
27 provides that a local agency may designate certain areas within the jurisdiction of the
28 local agency where accessory dwelling units may be permitted; and that the designation

1 of said areas may be based on criteria that may include, but are not limited to, the
2 adequacy of water and sewer services and the impact of accessory dwelling units on
3 traffic flow and public safety;

4 WHEREAS, the City of Long Beach is an older urban coastal city consisting
5 of approximately fifty-two (52) square miles with a residential population of approximately
6 470,000 individuals which do not include the numerous individuals who work, recreate or
7 visit Long Beach on a daily basis;

8 WHEREAS, the residential population and visitor density of the City,
9 particularly in its coastal and downtown core areas, significantly impacts traffic circulation
10 and parking availability on the City's existing street network and off-street parking
11 facilities;

12 WHEREAS, historically as an older city, certain neighborhoods and areas of
13 Long Beach do not have sufficient on or off-street space to accommodate the parking of
14 motor vehicles by residents, businesses, or visitors;

15 WHEREAS, since at least 1986, the City has recognized that the parking of
16 vehicles on certain narrow streets in densely populated areas of the City created a
17 detrimental condition affecting the health, safety and welfare of the community and
18 served to impede and obstruct the free flow of traffic, thus requiring parking restrictions in
19 those areas;

20 WHEREAS, in 1988, the City Council of the City of Long Beach adopted a
21 resolution (C-24607) designating the boundaries of parking-impacted areas of the City
22 and recognizing that in said areas the inadequacy of public and private vehicle parking
23 spaces "is particularly acute;"

24 WHEREAS, in October 2013, the City adopted the Mobility Element of the
25 City's General Plan and recognized that vehicle parking in certain parking impacted areas
26 of the City "has a profound impact not only on those drivers searching for spots, but on a
27 wide range of areas critical to [the] City: the design of the built environment, the cost of
28 development, housing affordability, the flow of traffic, and the community's overall quality

1 of life;"

2 WHEREAS, due to the relatively high density of housing in certain areas of
3 the City and the profound and acute lack of existing parking in these areas, the City
4 Council finds that it is appropriate to require that at least one additional on-site parking
5 space be provided in designated parking impacted areas when a property owner desires
6 to add an Accessory Dwelling Unit to the site as set forth and described in this ordinance
7 in order to promote and facilitate public safety, traffic flow, and the public health, safety
8 and general welfare of those residing, working or recreating in the City.

9
10 NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

11 Section 1. Section 21.15.050 of the Long Beach Municipal Code is
12 amended to read as follows:

13 21.15.050 Accessory building, accessory structure.

14 "Accessory building or structure" means a detached or attached
15 building or structure, the use of which is subordinate and customarily
16 incidental to that of the main building or structure, or to the main use of the
17 land. An accessory building or structure must be located on the same lot as
18 the main building or structure.

19
20 Section 2. Section 21.15.063 of the Long Beach Municipal Code is
21 amended to read as follows:

22 21.15.063 Accessory use, residential.

23 "Accessory residential use" means a residential use that is
24 customarily incidental and/or necessarily related to a principal nonresidential
25 use of land, building, or structure. An accessory residential use is located on
26 the same lot as the principal nonresidential building or use and is dependent
27 upon the principal nonresidential use for the majority of its use or activity.

28 The occupant of an accessory residential use is employed in or routinely

1 conducts business in the nonresidential space. Accessory residential uses
2 include, but are not limited to, a caretaker's or night watchman's residence
3 (Section 21.15.445), an artist's studio and residence (Section 21.15.240),
4 and parsonage (Section 21.15.2005). "Accessory residential use" does not
5 include accessory dwelling units (Section 21.15.045).

6
7 Section 3. Section 21.15.930 of the Long Beach Municipal Code is
8 amended to read as follows:

9 21.15.930 Dwelling, one-family. See "single-family dwelling."

10
11 Section 4. Section 21.15.1720 of the Long Beach Municipal Code is
12 amended to read as follows:

13 21.15.1720 Manufactured housing.

14 "Manufactured housing" means a structure, transportable in one or
15 more sections, which, in the traveling mode, is eight (8) body feet or more in
16 width, or forty (40) body feet or more in length, or, when erected on site, is
17 three hundred twenty (320) or more square feet, and which is built on a
18 permanent chassis and designed to be used as a dwelling with or without a
19 permanent foundation when connected to the required utilities, and includes
20 the plumbing, heating, air conditioning, and electrical systems contained
21 therein; except that such term shall include any structure which meets all
22 the requirements of this definition except the size requirements and with
23 respect to which the manufacturer voluntarily files a certification and
24 complies with the standards established under California Health and Safety
25 Code, Division 13, Part 2. "Manufactured home" includes a mobile home
26 subject to the National Manufactured Housing Construction and Safety Act
27 of 1974 (42 U.S.C., Sec. 5401, et seq.).

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Section 5. Section 21.15.1770 of the Long Beach Municipal Code is amended to read as follows:

21.16.1770 Mobile home. See "Manufactured housing."

Section 6. Section 21.15.2400 of the Long Beach Municipal is amended to read as follows:

21.15.2400 Secondary housing unit. See "Accessory dwelling unit."

Section 7. Section 21.15.2410 of the Long Beach Municipal is amended to read as follows:

21.15.2410 Single-family dwelling.

A single-family dwelling is a residential unit designed and intended for occupancy by one (1) family. A single-family dwelling contains one (1) kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes. A single-family dwelling may be attached or detached, as follows:

A. Detached. "Detached single-family dwelling" means one (1) dwelling unit located on a single lot with yard areas that separate that dwelling from other dwellings.

B. Attached. "Attached single-family dwelling" means one (1) dwelling unit on a single lot with one (1) side wall in common with a dwelling on an adjoining lot.

Section 8. 21.31.360.B of the Long Beach Municipal Code is amended to read as follows:

B. Accessory Dwelling Units. Accessory dwelling units shall be prohibited in a PUD.

//

1 Section 9. Table 31-1 in Chapter 21.31 is amended to read as shown on
2 Exhibit "A" attached hereto and made a part hereof word for word.

3
4 Section 10. 21.51.110.A of the Long Beach Municipal Code is amended to
5 read as follows:

6 A. Additional Dwelling Units.

7 Any use which increases the number of dwelling units in any building
8 or on any lot beyond that permitted in the district, except for accessory
9 dwelling units as described in Section 21.51.276.

10
11 Section 11. Section 21.51.275 of the Long Beach Municipal Code is
12 amended by adding an expiration clause at the beginning to read as follows:

13 21.51.275 Secondary housing units ("granny flats").

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

19
20 Section 12. Section 21.15.045 is added to the Long Beach Municipal
21 Code to read as follows:

22 21.15.045 Accessory dwelling unit.

23 "Accessory dwelling unit" means an attached or a detached
24 residential dwelling unit which provides complete independent living facilities
25 for one or more persons. An accessory dwelling unit is an accessory use
26 and not a principal use of land. It shall include permanent provisions for
27 living, sleeping, eating, cooking, and sanitation, and shall be located on the
28 same lot as the single-family dwelling to which it is subordinate (the primary

1 dwelling), and shall have a separate exterior entrance. An accessory
2 dwelling unit also includes the following:

3 A. An efficiency unit, as defined in Section 17958.1 of the California
4 Health and Safety Code.

5 B. A manufactured home, as defined in Section 18007 of the
6 California Health and Safety Code.

7
8 Section 13. Section 21.15.447 is added to the Long Beach Municipal
9 Code to read as follows:

10 21.15.447 Carport.

11 "Carport" means a permanent roofed structure over a driveway, built
12 for the purpose of sheltering an automobile. A carport is supported by
13 attachment to a building and/or freestanding posts, and is open on all sides
14 that are not attached to a building. A carport may have a solid or trellised
15 roof. "Carport" does not include "porte cochere," or any temporary or non-
16 permanent structure.

17
18 Section 14. Section 21.15.915 is added to the Long Beach Municipal
19 Code to read as follows:

20 21.15.915 Dwelling unit, accessory. See "Accessory dwelling unit."

21
22 Section 15. Section 21.15.935 is added to the Long Beach Municipal
23 Code to read as follows:

24 21.15.935 Dwelling, primary.

25 "Primary dwelling" means a single-family dwelling that is not an
26 accessory dwelling unit. A primary dwelling is a principal use of land.

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1 Section 16. Section 21.15.2165 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2165 Primary dwelling. See "Dwelling, primary."
4

5 Section 17. Subsection C.5 is added to Section 21.25.903 of the Long
6 Beach Municipal Code to read as follows:

7 5. Creation or expansion of an accessory dwelling unit in
8 conformance with the requirements of Section 21.51.276 (Accessory
9 dwelling units).
10

11 Section 18. Subsection A.3 is added to Section 21.41.233 of the Long
12 Beach Municipal Code to read as follows:

13 3. For the provision of required parking for an accessory
14 dwelling unit, and for required replacement of parking for the primary
15 dwelling when a garage is converted or existing parking spaces are
16 otherwise eliminated to create an accessory dwelling unit.
17

18 Section 19. Subsection C is added to Section 21.41.233 of the Long
19 Beach Municipal Code to read as follows:

20 C. For tandem parking allowed in Subsection 21.41.233.A.3 for
21 an accessory dwelling unit, up to three (3) spaces may be in tandem.
22

23 Section 20. Section 21.51.276 is added to the Long Beach Municipal
24 Code is amended to read as follows:

25 21.51.276 Accessory Dwelling Units.

26 An accessory dwelling unit ("ADU") is an allowed accessory use on a
27 lot having only one detached single family dwelling (a "primary dwelling") and
28 no other principal uses, or principal buildings or structures. An accessory

1 dwelling unit shall have the provisions described in the definition of ADU
2 (Section 21.15.045 – Accessory Dwelling Unit). Permits for ADUs shall be
3 considered ministerially, without discretionary review or a hearing, and the
4 Director of Development Services shall approve or deny an application for an
5 ADU within 120 days after receiving said application. ADUs are subject to
6 the following regulations:

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

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

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

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

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

1 area to a Limited ADU shall require compliance with the provisions of this
2 Section for a Conforming ADU.

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

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

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

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

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

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

28 D. Development Standards. An accessory dwelling unit shall

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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.

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

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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. 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		5,200 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

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1 Notes

2 (a) See Section 21.51.276.D.1 for existing legal nonconforming setbacks.

3 (b) The rear setback shall be measured to the centerline of the abutting alley,
4 where such exists.

5 (c) For reverse corner lots, the rear yard setback shall be the same as the side
6 yard setback.

7 (d) For sites in PD-11 (Rancho Estates Planned Development District), height is
8 limited to 13 ft., 1 story.

9 (e) For a lot where an additional principal dwelling unit is allowed, a Conforming
10 ADU is not permitted, except as provided in Section 21.51.276.B.2.b.

11 (f) The accessory dwelling unit's gross floor area shall be calculated in
12 accordance with Section 21.15.1070, and shall be counted toward lot coverage and floor
13 area ratio, and against usable open space.

14 (g) Percent of lot area per ADU, to be provided as private or common open
15 space. Usable open space standards of Section 21.31.230 shall apply.

16 (h) The open space required for the ADU is in addition to the open space
17 required by Table 31-2A for the primary dwelling.

18 (i) For a Conforming ADU, if the existing usable open space provided for the
19 primary dwelling is nonconforming, additional usable open space shall be provided for the
20 primary dwelling to conform with the open space requirements of Section 21.31.230 and
21 Table 31-2A.

22 (j) For a site with a primary dwelling of less than 1,280 sq. ft., an ADU up to 640
23 sq. ft. is permitted.

24 (k) The minimum unit size requirements do not establish any exceptions to the
25 maximum unit size allowed.

26

27 4. Parking Required. Off-street parking for an accessory
28 dwelling unit and the primary dwelling shall be provided as required in Table

1 51.276-2. Replacement parking for the primary dwelling is required when
2 any on-site parking spaces (or the structures housing them) are demolished,
3 altered, converted, or otherwise eliminated in conjunction with creation or
4 expansion of an ADU. The following requirements shall apply to lots where
5 an ADU is created or expanded:

6 a. Replacement parking spaces for the primary
7 dwelling shall be provided off-street and shall comply with the requirements
8 of Chapter 21.41 (Off-Street Parking and Loading) including, but not limited
9 to size, parking access, improvements, turning radius, and allowed vehicle
10 parking areas, except as otherwise provided by this Section.

11 b. Parking spaces for an ADU, and replacement
12 parking spaces for the primary dwelling, may be provided within an enclosed
13 garage, a carport, or in an open configuration.

14 c. Use of a tandem parking configuration is allowed.
15 No more than three (3) vehicles may be parked in tandem.

16 d. Parking spaces for an ADU and replacement
17 parking spaces shall be located in the areas on a lot allowed by Section
18 21.41.281 (Vehicle parking in residential setbacks) and shown in Figure 41-3.

19 e. A separate driveway for the ADU, or its
20 replacement parking, is prohibited along the street frontage of the site. This
21 prohibition does not include a driveway or parking area having access only
22 from an alley.

23 f. If an automobile parking lift is used, it shall be
24 located within a fully-enclosed garage, which shall comply with all zoning
25 development standards of the applicable zoning district for a garage.

26 g. Garages for a single-family residence and an ADU shall not
27 exceed a total of nine hundred (900) square feet in size.

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

	Location	Parking spaces required	
		ADU (a)	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) 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

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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.

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

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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.

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CHARLES PARKIN, City Attorney
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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.

Section 21. 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.

//
//

1 I hereby certify that the foregoing ordinance was adopted by the City
2 Council of the City of Long Beach at its meeting of December 19, 2017, by
3 the following vote:

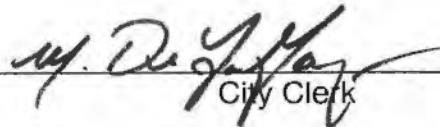
4
5 Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
6 Mungo, Andrews, Uranga, Austin,
7 Richardson.

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9 Noes: Councilmembers: None.

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11 Absent: Councilmembers: None.

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


City Clerk


Mayor

Approved: 12/21/17
(Date)

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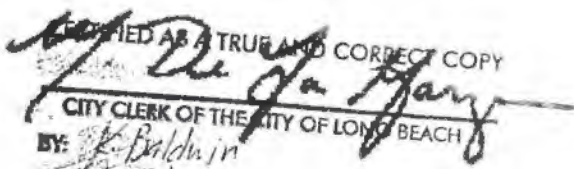
VERIFIED AS A TRUE AND CORRECT COPY

CITY CLERK OF THE CITY OF LONG BEACH
BY: K. Baldwin
DATE: 12/24/17

Table 31-1 Uses

Uses in Residential Zones

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Residential Uses																				
Single-family detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y
Single-family attached	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Duplex	N	N	N	N	Y ^(b)	Y ^(b)	Y	Y	Y	Y ^(c)	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Three-family dwelling	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y
Four-family dwelling	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N	Y
Multi-family dwelling	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
Townhouse	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Modular or manufactured housing unit placed on a permanent foundation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y	N
Mobile home park (as to unsold spaces) (see Section 21.52.243)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y	N
Subdivision of existing mobile home park (see Section 21.52.244)																			C	

Residential Zone District Land Use		R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-J	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP	
Accessory dwelling unit (see Section 21.51.276)	Limited accessory dwelling unit	A	A	A	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
	Conforming accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	N	N	
Special group residence (senior citizen housing, handicapped housing, residential care facility, communal housing, convalescent hospital) (see Section 21.52.271)		N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	
Transitional Housing ^{(e), (f)}		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Supportive Housing ^{(e), (f)}		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Commercial Uses																						
Bed and breakfast inns (see Section 21.52.209)		N	N	N	N	N	N	N	N	N	N	N	N	AP	AP	AP	AP	AP	AP	N	N	N
Office commercial (see Section 21.52.251)		N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	Y ^(a)	C	N	N	N	
Residential historic landmark buildings (see Section 21.52.265.5)		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N	AP
Restaurant (see Section 21.52.269)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-J	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Retail commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ^(a)	N	N	N	N
Through-block commercial (see Section 21.52.279)	N	N	N	C	N	N	N	N	C	N	C	C	C	C	C	C	C	C		
Other Uses																				
Carnival, fiesta, other outdoor exhibition or celebration (see Section 21.53.109)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	T
Church (see Section 21.51.213)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	C	C	C	N	N	N
Common recreational facilities (permitted only for multi-family developments with 21 or more units)	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	A	A	A	Y	Y
Construction trailer (see Section 21.53.103)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N	T
Courtesy parking for nonresidential use (see Section 21.52.221)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	C	C	N	N
Child daycare home - small or large facility (1–14 persons) (see Section 21.51.230)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	A
Daycare center (15 or more persons) (see Section 21.52.249)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	N
Detached accessory room (see Section 21.31.245)	N	N	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	N	Y	N

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Electrical distribution station (see Section 21.52.223)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	N
Group home (1—6 persons) (see Section 21.15.1200)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Home occupation (see Section 21.51.235)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Interim Parks																				
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	IP
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	IP
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y	IP
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N	IP
Private school (elementary) (see Section 21.52.263)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N	N
Recreational vehicles - parking and storage (see Section 21.41.276)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	N
Room rentals (see Section 21.51.270)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A
Sandwiched lot development (see Section 21.52.270)	N	N	N	C	N	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-2-A	R-3-S	R-3-4	R-3-T	R-4-R	R-4-N	R-4-H ^(d)	R-4-U	R-M	R-4-M	RP
Storage of chattel (see Section 21.51.290)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Trailer or dwelling unit used as home sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Vehicle parking and storage (see Section 21.41.281 and 21.41.283)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. Refer to provisions in Chapter 21.52.

A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.

T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.

AP = Administrative use Permit required. Refer to provisions in Chapter 21.52.

IP = Interim park use permit required. Refer to provisions in Chapter 21.52.

Notes:

(a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.

(b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.

(c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.

(d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.

(e) This use does not include uses that meet the definition of "Residential care facility" or "Special group residences" as defined in Chapter 21.15.

(f) Development is subject to the density limits of the zoning district in which it is located.

Exhibit 2 - RES-17-0144



RESOLUTION NO. RES-17-0144

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT TO ADD SECTIONS TO THE CITY'S ZONING REGULATIONS RELATING TO ACCESSORY DWELLING UNITS (ADUs) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, on December 19, 2017, the City Council of the City of Long Beach amended certain provisions of Title 21 of the Long Beach Municipal Code regarding Accessory Dwelling Units (ADUs); and

WHEREAS, it is the desire of the City Council to submit the above referenced amendments to the Long Beach Municipal Code to the California Coastal Commission for its review and approval as a Local Coastal Plan implementing ordinance amendment; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the Long Beach Municipal Code at a properly noticed and advertised public meeting; and

WHEREAS, the City Council approved the proposed amendments to the Long Beach Municipal Code by adopting amendments to Title 21. The proposed amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments are consistent with the City's certified Local Coastal Program and will not adversely affect

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

1 the character, livability or appropriate development in the City of Long Beach and that the
2 amendments are consistent with the goals, objectives and provisions of the General Plan;

3 WHEREAS, the ADU ordinance is Statutorily exempt per CEQA Guidelines
4 Section 15282(g) for the "adoption of an ordinance regarding second units in a single-
5 family or multi-family zone by a city or county to implement the provisions of Sections
6 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the
7 Public Resources Code" and per Section 15265 exempting adoption of coastal plans and
8 programs by local governments.

9
10 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
11 follows:

12 Section 1. The amendments to Title 21 of the Long Beach Municipal
13 Code adopted on December 19, 2017, by Ordinance No. ORD-17- 0031, a
14 copy of which is attached to and incorporated in this resolution, will be submitted to the
15 California Coastal Commission for its earliest review as to that part of the ordinance that
16 directly affects land use matters in that portion of the California Coastal Zone within the
17 City of Long Beach.

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

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

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of December 12, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

M. DeG...
City Clerk

M. DeG...
CERTIFIED AS A TRUE AND CORRECT
CITY CLERK OF THE CITY OF LONG BEACH
BY: *K. Baldwin*
DATE: 12/22/17

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

Exhibit 3 - City's Zoning Code Amendment

Exhibit 3

Page 1 of 9



California Coastal
Commission

Language of the City's current Zoning Code is shown in plain text.

The City's proposed additions are shown in underlined text.

The City's proposed deletions are shown in ~~strike-out text~~.

The City's notes are shown in *italicized text*.

Commission staff's notes are shown in ***starred italicized text***.

21.15.045 Accessory dwelling unit.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit is an accessory use and not a principal use of land. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located on the same lot as the single-family dwelling to which it is subordinate (the primary dwelling), and shall have a separate exterior entrance. An accessory dwelling unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

21.15.050 Accessory building, accessory structure.

"Accessory building or structure" means a detached or attached building or structure, the use of which is subordinate and customarily incidental to that of the main building or structure, or to the main use of the land. An accessory building or structure must be located on the same lot as the main building or structure.

21.15.063 Accessory use, residential.

"Accessory residential use" means a residential use that is customarily incidental and/or necessarily related to a principal nonresidential use of land, building, or structure. An accessory residential use is located on the same lot as the principal nonresidential building or use and is dependent upon the principal nonresidential use for the majority of its use or activity. The occupant of an accessory residential use is employed in or routinely conducts business in the nonresidential space. Accessory residential uses include, but are not limited to, a caretaker's or night watchman's residence (Section 21.15.445), an artist's studio and residence (Section 21.15.240), and parsonage (Section 21.15.2005). "Accessory residential use" does not include accessory dwelling units (Section 21.15.045).

21.15.447 Carport.

"Carport" means a permanent roofed structure over a driveway, built for the purpose of sheltering an automobile. A carport is supported by attachment to a building and/or freestanding posts, and is open on all sides that are not attached to a building. A carport may have a solid or trellised roof. "Carport" does not include "porte cochere," or any temporary or nonpermanent structure.

21.15.915 Dwelling unit, accessory. See "Accessory dwelling unit."

21.15.930 Dwelling, one-family. See "single-family dwelling."

~~“One family dwelling” means a residential unit designed and intended for occupancy by one family. A one family dwelling contains one kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes.~~

21.15.935 Dwelling, primary. "Primary dwelling" means a single-family dwelling that is not an accessory dwelling unit. A primary dwelling is a principal use of land.

21.15.1720 Manufactured housing.

~~"Manufactured housing" means a dwelling unit certified under structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under California Health and Safety Code, Division 13, Part 2. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).~~

21.15.1770 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.~~

21.15.2165 Primary dwelling. See "Dwelling, primary."

21.15.2400 Secondary housing unit. See "Accessory dwelling unit."

~~“Secondary housing unit” means a dwelling unit, accessory to the principal dwelling, provided as an addition to or conversion of an existing single family dwelling.~~

21.15.2410 Single-family dwelling.

A single-family dwelling is a residential unit designed and intended for occupancy by one (1) family. A single-family dwelling contains one (1) kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes. A single-family dwelling may be attached or detached, as follows:

A. Detached. "Detached single-family dwelling" means one (1) dwelling unit located on a single lot with yard areas that separate that dwelling from other dwellings.

B. Attached. "Attached single-family dwelling" means one (1) dwelling unit on a single lot with one (1) side wall in common with a dwelling on an adjoining lot. (21.31.360)

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).

*Table 31-1 in Chapter 21.31 is amended **See Exhibit 1 – ORD-17-0031***

21.31.360

B. Accessory Dwelling Units. Accessory dwelling units shall be prohibited in a PUD.

21.41.233.A

~~3. In an area bounded by Seventh Street on the north, Ocean Boulevard on the south, Alamitos Avenue on the east and the Los Angeles River Flood Control Channel on the west for residential projects with a density of sixty or more dwelling units per acre~~For the provision of required parking for an accessory dwelling unit, and for required replacement of parking for the primary dwelling when a garage is converted or existing parking spaces are otherwise eliminated to create an accessory dwelling unit.

21.41.233

C. For tandem parking allowed in Subsection 21.41 .233.A.3 for an accessory dwelling unit, up to three (3) spaces may be in tandem.

21.51.110

A. Additional Dwelling Units. Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for ~~secondary housing~~ accessory dwelling units as described in Section 21.51.2756.

21.51.275 Secondary housing units ("granny flats").

- 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.

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.

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, and the Director of Development Services shall approve or deny an application for an ADU within 120 days after receiving said application. 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 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.

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. 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 **See Exhibit 1 – ORD-17-0031**

Notes

(a) See Section 21.51.276.0.1 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 13ft., 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.

4. Parking Required. Off-street parking for an accessory dwelling unit and the primary dwelling shall be provided as required in Table 51.276-2. Replacement parking for the primary dwelling is required when any on-site parking spaces (or the structures housing them) are demolished, altered, converted, or otherwise eliminated in conjunction with creation or expansion of an ADU. The following requirements shall apply to lots where an ADU is created or expanded:

a. Replacement parking spaces for the primary dwelling shall be provided off-street and shall comply with the requirements of Chapter 21.41 (Off-Street Parking and Loading) including, but not limited to size, parking access, improvements, turning radius, and allowed vehicle parking areas, except as otherwise provided by this Section.

b. Parking spaces for an ADU, and replacement parking spaces for the primary dwelling, may be provided within an enclosed garage, a carport, or in an open configuration.

c. Use of a tandem parking configuration is allowed. No more than three (3) vehicles may be parked in tandem.

d. Parking spaces for an ADU and replacement parking spaces shall be located in the areas on a lot allowed by Section 21.41.281 (Vehicle parking in residential setbacks) and shown in Figure 41-3.

e. A separate driveway for the ADU, or its replacement parking, is prohibited along the street frontage of the site. This prohibition does not include a driveway or parking area having access only from an alley.

f. If an automobile parking lift is used, it shall be located within a fully-enclosed garage, which shall comply with all zoning development standards of the applicable zoning district for a garage.

g. Garages for a single-family residence and an ADU shall not exceed a total of nine hundred (900) square feet in size.

Table 51.276-2

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

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 reestablishment 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.