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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. 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

<table>
<thead>
<tr>
<th>Setbacks (e)</th>
<th>Limited ADU</th>
<th>Conforming ADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>N/A</td>
<td>Same as zoning district.</td>
</tr>
<tr>
<td>Side Yard</td>
<td>N/A</td>
<td>Same as zoning district, or 5 ft., whichever is less.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>Attached ADU</td>
<td>Same as zoning district. (c)</td>
</tr>
<tr>
<td></td>
<td>Detached ADU</td>
<td>5 ft. (c)</td>
</tr>
</tbody>
</table>

| Building Height | Height Limit | N/A | Same as zoning district, or 25 ft. and 2 stories, whichever is less. (d) |

<table>
<thead>
<tr>
<th>Lot Standards</th>
<th>Number of ADUs Allowed</th>
<th>1 per lot with an existing single-family dwelling only. (e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Within the Coastal Zone</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Outside the Coastal Zone</td>
<td>4,800 sq.ft.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
<td>27 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>N/A</td>
<td>Same as zoning district. (f)</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>N/A</td>
<td>Same as zoning district. (f)</td>
</tr>
<tr>
<td>Minimum Usable Open Space</td>
<td>N/A</td>
<td>Equal to 30% of the gross floor area of the ADU (g), (h), (i)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit Size Requirements</th>
<th>Maximum Unit Size</th>
<th>50% of GFA of the primary dwelling, or 800 sq. ft., whichever is less. (i)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Unit Size (k)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 bedrooms</td>
<td>180 sq. ft. for all Limited ADUs</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>450 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>750 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

| Other Standards | Distance between a detached ADU and principal structure | N/A | 8 ft. |

<table>
<thead>
<tr>
<th>Abbreviations</th>
<th>ft. = feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>sq. ft.</td>
<td>= square feet</td>
</tr>
<tr>
<td>N/A</td>
<td>= not applicable</td>
</tr>
</tbody>
</table>

Notes:
- (a) Height limit:
  - Within the Coastal Zone: 5 ft.
  - Outside the Coastal Zone: Same as zoning district.
- (c) Height limit:
  - Same as zoning district.
- (d) Height limit:
  - Same as zoning district, or 25 ft. and 2 stories, whichever is less.
- (e) Number of ADUs Allowed:
  - 1 per lot with an existing single-family dwelling only.
- (f) Maximum Lot Coverage:
  - Same as zoning district.
- (g) Minimum Usable Open Space:
  - Equal to 30% of the gross floor area of the ADU.
- (h) Minimum Usable Open Space:
  - Equal to 30% of the gross floor area of the ADU.
- (i) Maximum Unit Size:
  - 50% of GFA of the primary dwelling, or 800 sq. ft., whichever is less.
- (k) Minimum Unit Size:
  - 180 sq. ft. for 0 bedrooms.
  - 180 sq. ft. for 1-bedroom ADUs.
  - 180 sq. ft. for 2-bedroom ADUs.
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

<table>
<thead>
<tr>
<th>Parking spaces required</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU(a, b)</td>
<td>Primary dwelling</td>
</tr>
<tr>
<td>1</td>
<td>Same as existing number of spaces.</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Noes: Councilmembers: None.


Approved: 4/25/19
(Date)

City Clerk

Mayor
STATE OF CALIFORNIA   ) ss
COUNTY OF LOS ANGELES  )
CITY OF LONG BEACH )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 24th day of April 2019, I posted three true and correct copies of Ordinance No. ORD-19-0008 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

[Signature]

Subscribed and sworn to before me
this 24th day of April 2019.

[Signature]
CITY CLERK