CHAPTER 21.16 – ACCESSORY DWELLING UNITS

21.16.001. Title. This Chapter shall be known and cited as the Inland Accessory Dwelling Unit Ordinance, or the Inland ADU Ordinance, of the City of Long Beach.

21.16.005. Purpose and Intent. Pursuant to Chapter 13 of the Planning and Zoning Law (§66310 *et seq* of the California Government Code), this Chapter provides for the creation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in areas zoned to allow single-unit or multi-unit residential uses (and including mixed-use zoning districts).

A. This Chapter establishes objective regulations and development standards for ADUs and JADUs, which have the effect of providing for the creation of ADUs and JADUs, and are not so arbitrary, excessive or burdensome as to unreasonably restrict the creation of ADUs and JADUs in permitted locations.

B. The intent of this Chapter is to expand opportunities in the City to create additional access to housing to suit the spectrum of needs of property owners and tenants of all income levels, allow more efficient use of land and existing housing stock and public infrastructure, and provide a diversity of housing choices and opportunities.

C. This Chapter also intends to promote construction of accessory dwelling units and junior accessory dwelling units with high-quality designs through objective standards that are compatible with their surrounding neighborhoods, historic resources, and historic districts;

D. This Chapter intends to preserve the City's visual and aesthetic resources; to promote long-term sustainability; to promote the stability of neighborhoods; and to contribute to a desirable living environment for all residents of Long Beach.

E. Additionally, this Chapter intends that the ADUs and JADUs developed pursuant thereto are permanent dwelling units adding to the long-term housing stock for residential use by owners and tenants, and are not intended for short-term rentals, transient lodging, or visitor-serving development.

21.16.010. Scope and limitations. This Chapter shall govern the construction, conversion, modification or alteration, and legalization of all ADUs and JADUs within the City, with the following exceptions:

A. **Mobile homes.** This Chapter shall not apply to mobile homes or mobile home parks in any zoning district, planned development district, or specific plan, nor shall it apply

to sites located in mobile home zoning districts such as RM and R-4-M and others as may be adopted. A mobile home on a lot or parcel shall not be considered to establish eligibility for an ADU or JADU.

B. **Commercial space.** Conversion to residential use of any building or portion of a building for which the current or most recent permitted principal use is a commercial use or occupancy, whether existing, vacant, or incompletely-improved (core and shell only), shall be pursued through the Adaptive Reuse process provided in the Zoning Regulations, or shall be pursued under the standards of the applicable zoning district, and no application shall be accepted nor approval issued for the conversion of commercial space to ADU(s) or JADU. The term "commercial" here also shall include other non-residential principal buildings and uses such as industrial and institutional, and any accessory building(s) appurtenant to the principal non-residential building(s). However, any principal residential unit(s) created through Adaptive Reuse and for which Certificate of Occupancy has been issued may utilize this Chapter.

C. **Micro-Units.** No micro-unit, proposed or permitted pursuant to Section 21.45.600, shall be considered or counted as a dwelling unit, principal or otherwise, for the purposes of establishing eligibility for an ADU or JADU on the lot or parcel of the micro-unit project. This shall not preclude non-micro-unit principal dwelling units on the same lot or parcel from being considered or counted for the purposes of this Chapter.

D. **Coastal Zone.** Any proposed ADU or JADU development shall be subject to the additional provisions of Division VI of this Chapter.

21.16.015. Definitions and rules of construction. All terms of art used in this Chapter shall have the meanings defined in Chapter 21.15 – Definitions, except as otherwise provided by this Section:

A. The abbreviation "ADU" means Accessory Dwelling Unit and "JADU" means Junior Accessory Dwelling Unit. Where the term "ADU" is used, but the context would reasonably and appropriately also refer to a "JADU," then the term ADU shall include JADU as well.

B. The terms "multi-unit dwelling" and "multiple-unit dwelling" shall have the same meaning.

C. A duplex (defined in Section 21.15.890) and a triplex (defined in Section 21.15.3140) shall be considered a multi-unit dwelling for purposes of this Chapter.

D. Notwithstanding the definition of "Multiple-unit dwelling" in Section 21.15.920, a multi-unit dwelling shall be any building containing two or more dwelling units (not including ADUs or JADUs), or any two or more buildings that are attached, containing a total of two or

more dwelling units (not including ADUs or JADUs), as "attached" is defined in Section 21.15.250.

E. The terms "zone" and "zoning district" (defined Section 21.15.840) are interchangeable, and for a lot that is located in a Planned Development District or Specific Plan, "zone" and "zoning district" shall be construed as a reference to the applicable Planned Development District or Specific Plan, or applicable subarea or district thereof.

F. "Conversion" means converting existing living area of a principal dwelling unit, or existing floor area of a garage or other accessory building area into an ADU or JADU. "Conversion" does not include demolition (defined Section 21.15.750) and rebuild (defined Section 21.15.2250), or as "rebuild" is used for this Chapter, defined below.

G. "Rebuild" means the demolition and reconstruction of an existing building for the purposes of creating an ADU or JADU through conversion of all or part of the rebuilt building. To be considered a rebuild for purposes of this Chapter, the demolition and reconstruction of the building must be necessarily a part of a proposed ADU or JADU project. The definition of "rebuild" in Section 21.15.2250 shall not apply for purposes of this Chapter.

H. "Local Ordinance ADU" means an ADU permitted and regulated by this Chapter pursuant to §66314 *et seq* of the Cal. Gov't Code excepting §66323, and "Local Ordinance JADU" means a JADU permitted and regulated by this Chapter pursuant to §§66333–66339 of the Cal. Gov't Code excepting §66323.

I. "Statewide Exemption ADU" means an ADU or JADU permitted and regulated by this Chapter pursuant to §66323 of the Cal. Gov't Code.

J. **Two-unit residential development (SB 9) terminology.** Section 21.17.015 of the Zoning Regulations shall apply equally to this Chapter.

21.16.020. Minimum requirements. The requirements of this Chapter shall be considered the minimum requirements for ADU and JADU development.

21.16.025. Interpretation. Where the application of the provisions of this Chapter is uncertain, the Zoning Administrator is authorized to interpret the ordinance in accordance with Section 21.10.045 (Interpretation of the Ordinance). When feasible, this Chapter shall be interpreted in a manner that is preferential to the production of more housing in terms of size and/or number of units, where such interpretation does not conflict with the plain requirements of this Chapter.

21.16.030. Conformance with state law. Following adoption of this Chapter by ordinance by the City Council, and upon each subsequent amendment to this Chapter, it shall be submitted to the California Department of Housing and Community Development (HCD) for

review pursuant to Cal. Gov't Code §66326 as long as that section is effective. Following notification by HCD that the ordinance complies with the requirements of state ADU/JADU law, this Chapter shall be considered in conformance with state ADU/JADU law. This conforming status shall persist until one of the conditions specified in Subsection A or B below occur, subject to Subsection C:

A. The State Legislature amends §66310 *et seq* in a manner that, in the judgment of the Director of Community Development, clearly renders this Chapter out of conformance, or

B. The State Legislature amends §66310 *et seq*, and HCD notifies Director of Community Development (or otherwise communicates this information with reasonable directness and specificity) that this Chapter is out of conformance; provided that such notification is received by the Director by the effective date of the amended statute or within 90 days of the Governor's signature of the bill amending the statute, whichever is sooner.

C. Publication by HCD of a new or updated ADU Guidebook or similar publication, or receipt of a letter of technical assistance from HCD by the City or by another local agency or jurisdiction, or other actions taken by HCD per Cal. Gov't Code §66327, in the absence of state legislative action meeting the conditions specified in Subsections A or B above, shall not render this Chapter out of conformance.

21.16.035. Administrative standard of review. Cal. Gov't Code §65585 provides that the California Department of Housing and Community Development (HCD) may enforce state ADU and JADU laws by notifying a local jurisdiction and/or the State Attorney General when HCD finds that a local jurisdiction fails to comply with those laws; however, §66326 provides a process for HCD to review a local agency's ADU/JADU ordinance for conformance to state law following adoption by the local agency. It is reasonable to conclude that an ordinance reviewed by HCD per §66326 and found to be conforming does not violate state ADU/JADU law and should not normally be subject to enforcement under §65585. Therefore, following attainment of conforming status as described in Section 21.16.030, the City's administration of this Chapter shall be presumed to be consistent with state ADU/JADU law, and the City shall owe no deference to further statutory interpretation analysis by HCD on the administration of this Chapter, unless and until this Chapter's conforming status ceases as provided in Section 21.16.030; and when conforming status is reattained, this standard of review shall resume.

21.16.040. Administration of ADU/JADU regulations when out of conformance with state law. In the event that this Chapter becomes out of conformance with Cal. Gov't Code §66314–66332 (ADUs) and/or §§66333–66339 (JADUs) due to amendments to the statute(s)

by the State Legislature, the Director of Community Development, or the Zoning Administrator acting on the Director's behalf, shall interpret and administer the amended statute(s) of the Cal. Gov't Code in a manner that prioritizes meeting the intent of the statute while preserving adherence to the non-conflicting provisions of this Chapter to the greatest extent feasible, until such time as this Chapter may be amended to conform again to state law.

21.16.095. Anything not permitted is prohibited. In keeping with the structure of the Zoning Regulations of the City of Long Beach as a "permissive ordinance," anything pertaining to ADUs or JADUs that is not specifically permitted or provided for in this Chapter shall be prohibited. (This is opposed to a "prohibitive ordinance," where anything that is not specifically prohibited or otherwise restricted is permitted.)

21.16.099. 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.

DIVISION I – GENERAL PROVISIONS AND PROCEDURES

21.16.100. This Division establishes general provisions and procedures applicable to all ADUs and JADUs.

21.16.105. Permitted use. An ADU or JADU shall be used solely as a single-unit dwelling as defined in Section 21.15.2410 (Single-unit dwelling).

A. Conforming home occupations shall be permitted therein per Chapter 21.51.

B. The use of an ADU or JADU for any other residential or quasi-residential use is prohibited, including but not limited to: special group residence, boardinghouse, communal housing, dormitory, residential care facility, shared housing, supportive housing, transitional housing, community correctional reentry center, congregate care, artist studio with residence, and live-work unit. However, this Subsection shall not be construed to prohibit a person's residence in an ADU or JADU based on a protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military

status, or genetic information; but the land use of the ADU or JADU shall be that of single-unit dwellings and not of any of the above list of prohibited uses.

C. Room rental (as provided for in Section 21.51.270) in an ADU or JADU is prohibited, as that Section applies only to one primary dwelling on a lot. However, neither this Subsection nor Section 21.51.270 shall be construed to prohibit the separate rental of a whole ADU or JADU.

D. Short-term rental of any ADU or JADU, or any portion thereof, is prohibited, as defined in Section 21.15.2487 and regulated in Chapter 5.77, LBMC.

E. Any unit permitted as an ADU or JADU shall be maintained as such in perpetuity in conformance with the requirements of this Chapter. This restriction shall not apply if the ADU or JADU is converted to a principal dwelling unit under the provisions of the Zoning Regulations for the applicable zoning district, or legally demolished.

21.16.110. Site requirements. The following site requirements apply to all ADUs and JADUs:

A. **Legal parcel or lot.** The site of a proposed ADU or JADU shall be a legal parcel or lot.

B. **Primary dwelling required on same parcel or lot.**

1. An ADU or JADU shall be located on the same legal parcel or lot as an existing or proposed primary dwelling (as defined in Section 21.15.935). A primary dwelling is a principal unit. An ADU or JADU is not a principal unit and cannot be a primary dwelling.

2. No ADU or JADU shall be permitted if there is no primary dwelling on a lot.

3. The primary dwelling shall be maintained on the lot for as long as an ADU or JADU is present.

4. In the case when multiple dwellings exist or are proposed on a lot, the principal unit, or multi-unit building, most related to a proposed ADU shall be the primary dwelling for that ADU, and when an ADU is attached to a principal unit, that unit shall be the primary dwelling for that ADU. A JADU must always be part of or attached to a single-unit dwelling and that unit shall be the primary dwelling for the JADU.

5. The primary dwelling shall be a single-unit dwelling or multi-unit building, and not any other residential or quasi-residential use, including but not limited to: special group residence, boardinghouse, communal housing, dormitory, residential care facility, shared housing, supportive housing, transitional housing, community correctional reentry center, congregate care, artist studio with residence, and live-work unit.

C. **Minimum lot size.** There is no minimum lot size for creation of an ADU or JADU.

21.16.115. Locations permitted. ADUs and JADUs are permitted in the following locations:

A. **ADU.** An ADU is a permitted accessory use of land on a lot with one or more existing or proposed principal residential dwelling units, in all zoning districts allowing single-unit or multi-unit residential dwelling(s), including mixed-use districts, and any Planned Development District (PD) or Specific Plan (SP), or subarea or district thereof, allowing the same; except that an ADU is prohibited in the RM and R-4-M districts established for mobile homes.

B. **JADUs.** A JADU is a permitted accessory use of land on a lot with an existing or proposed detached single-unit dwelling, where there is no existing or proposed multi-unit dwelling or other residential or quasi-residential use, or any other non-residential use, and shall be located in a zoning district that allows a detached single-unit residential dwelling.

21.16.120. Density, zoning and general plan conformance. An ADU or JADU that conforms the requirements of this Chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use that is consistent with the general plan and zoning designations for the lot. An ADU or JADU shall not be included in density calculation for the purposes of determining conformance with the zoning or general plan.

21.16.125. Building Permit Required. All ADUs and JADUs shall comply with applicable state and local building, fire, health, and utility codes and shall require approval of a building permit (including all required subtrade permits) and any other necessary permits prior to construction, and a certificate of occupancy prior to occupancy.

A. **Change in Occupancy.** The construction of an ADU or JADU shall not constitute a Group R occupancy change, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official finds that the construction of the ADU or JADU could have a specific, adverse impact on public health and safety. This clause does not apply when changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and is subsequently converted for residential use.

B. **Pre-Existing Violations.** The City shall not disapprove an application to develop an ADU or JADU solely due to the presence of nonconforming zoning conditions, building code violations, or unpermitted buildings or structures on the lot or parcel that do not present a threat to public health and safety and are unrelated to the construction of the ADU or JADU. However, any approvals granted under this Chapter shall not constitute authorization for

continuation of the violation(s), or waiver of or estoppel against any future enforcement action.

21.16.130. Review of applications. Permit applications for an ADU or JADU shall be reviewed and acted upon by the Director of Community Development in accordance with the following procedures:

A. **Building permit.** A permit application for an ADU or JADU shall be a building permit application (including all required subtrade permits) and no separate planning or zoning permit application shall be required, except for Historic Preservation permit applications established elsewhere in the Long Beach Municipal Code, and any approvals required by the Local Coastal Program. The building permit application shall be subject to planning and zoning review by the Director of Community Development, in the same manner as any other building permit, to determine compliance with this Chapter.

B. **Ministerial.** A permit application for an ADU or JADU shall be considered and acted upon ministerially without discretionary review or a public hearing.

C. **60-day review.** If there is an existing single-unit or multi-unit dwelling on the lot, the Director of Community Development shall either approve or deny the application for an ADU or JADU within 60 days, subject to the following, and subject to Subsection D below.

1. The 60-day time period shall not commence until the Director receives a completed application, as established in the Long Beach Building Standards Code (Title 18, LBMC), or Section 21.21.201, as applicable.

2. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

3. When the Director provides a notice of incomplete application, or written corrections to the applicant, with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant, the 60-day time period shall be tolled until the applicant resubmits revised application materials pursuant to the Director's corrections. The time an applicant takes to revise and resubmit the application shall be equivalent to a request for delay per Subsection C.2.

4. Any preliminary inquiry, consultation, or courtesy review by City staff, and any other question, request, or submittal not meeting the requirements of the Long Beach Building Standards Code, or Section 21.21.201, as applicable, shall not constitute an application for purposes of this Chapter.

D. **Permit timing.** The following exceptions to the 60-day review requirement shall apply:

1. **Delayed until primary dwelling approved.** If the permit application for an ADU or JADU is submitted with a permit application to develop a new single-unit or multi-unit dwelling on the lot, or to rebuild the same, the Director shall delay acting upon the permit application for the ADU or JADU until acting upon the permit application for the single-unit or multi-unit dwelling. No certificate of occupancy shall be issued and no final building inspection shall be approved for an ADU or JADU before a certificate of occupancy is issued for the single-unit or multi-unit dwelling.

2. **Demolition concurrent with replacement.** A demolition permit for a building or structure that is to be replaced with an ADU or JADU shall be reviewed with the application for the ADU or JADU, and shall be issued at the same time as issuance of the building permits for the ADU or JADU.

3. **Combination of expansion and conversion.** A permit application to expand an existing dwelling unit or an existing accessory building for the purposes of conversion to an ADU or JADU may be combined with the permit application to convert the addition to an ADU or JADU at the discretion of the Building Official, but the Building Official may require separate permit applications if necessary to comply with building code requirements or pursuant to established permitting procedures.

4. **Conversion of new garage area.** When a new single-unit or multi-unit dwelling is constructed on a lot or parcel with new garage(s) that constitute(s) required parking under the Zoning Regulations, no application shall be accepted for conversion of the new garage(s) to an ADU or JADU, until the primary dwelling unit(s) appurtenant to the garage(s) receive(s) a certificate of occupancy.

E. **Written comments for denial.** If the Director denies an application for an ADU or JADU, the Director shall, within the time period prescribed by this Section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

F. **Basis for denial.** No local ordinance, policy, or regulation, other than this Chapter and the other regulations, laws, and policies invoked by this Chapter, shall be the basis for the delay or denial of a permit for an ADU or JADU.

G. **No public notice.** Neither the City, nor the applicant or property owner or builder, shall be required to post a public notice, send a mailed notice, post or send an electronic notice on a website or other computer system, or give any other form of public notice for the application for or issuance of demolition, grading, or building permits for, or substantially related to, a project for an ADU or JADU.

H. **Expiration of plan examination.** Plan examination for which a building permit has not been issued shall expire in accordance with the provisions of the Long Beach Building Standards Code.

I. **Expiration of building permit.** An issued building permit shall expire in accordance with the provisions of the Long Beach Building Standards Code.

21.16.135. Sale, rental, and occupancy requirements. The following requirements shall apply to the sale, rental and occupancy of all ADUs and JADUs:

A. **Not to be sold separately.** An ADU or JADU shall not be sold or conveyed separately, except as provided in Division V of this Chapter.

B. **Rental terms.** If rented, the rental terms for an ADU or JADU shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

C. **JADU owner residency requirement.** A lot developed with a JADU shall be subject to an owner residency requirement as follows:

1. Owner residency requirement. The property owner shall reside in and maintain either the primary dwelling or the JADU on the lot as the property owner's principal place of residence. The property owner shall live on the property as long as the property is developed with a JADU. The property owner shall not rent or lease all the units on the property simultaneously in a manner that precludes owner occupancy.

2. Principal Place of Residence. The principal place of residence shall be the residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one "principal place of residence," and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residence or JADU on the lot is the property owner's principal place of residence as evidenced by qualifying for the homeowner's tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner's tax exemption under the California State Board of Equalization rules may qualify as an owner-occupant.

3. Hardship waiver. In the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the primary dwelling or JADU as the owner's principal place of residence, a property owner or estate representative may apply for a temporary waiver of the owner-occupancy requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner's unit on the property. The Director of Community Development shall review applications for a hardship waiver administratively with no public hearing or public notice. Any granted waiver shall specify the period of time for which it is granted, provided that no such waiver or series of waivers may be granted for a period longer than three consecutive years.

D. **Prior ADU Owner Occupancy Requirement null and void.** With the exception of an owner occupancy covenant recorded for a JADU, any ADU owner occupancy requirement covenant recorded against a property prior to January 1, 2020 shall be null and void.

E. **Removal of Recorded ADU Owner Occupancy Requirement.** With the exception of an owner occupancy covenant recorded for a JADU, the Director of Community Development will, in a form acceptable to the City Attorney, release an ADU owner occupancy requirement recorded against a property prior to January 1, 2020, upon the request of the property owner. No other covenants required pursuant to this Chapter, or contained in the agreement recorded against the property, shall be released.

21.16.140. Preservation of resident amenities for multi-unit dwellings. On a lot with an existing or proposed multi-unit dwelling, conversion of existing or proposed resident amenity or laundry facilities to ADU(s) are restricted as follows:

A. **Amenity facilities.** Common resident amenity rooms or buildings, including game rooms, party rooms, clubhouses, co-working spaces, sports and fitness facilities, and other similar amenity facilities provided for the quality of life of residents shall not be converted to ADU(s) unless all other feasible options and configurations for creating substantially the same permissible number and size of ADU(s) have been exhausted. This restriction does not include storage rooms, utility rooms, building management offices, and similar non-amenity spaces.

B. **Laundry facilities.** Common laundry facilities shall not be converted to ADU(s), unless the facilities are replaced in kind on the lot with the same or greater number and capacity of laundry machines, or if in-unit laundry is provided for each unit on the lot, unless

all other feasible options and configurations for creating substantially the same permissible number and size of ADU(s) have been exhausted.

21.16.145. Shipping containers prohibited. Notwithstanding any other policy or regulation of the City, the Planning Commission, or the Department of Community Development regarding the use of shipping containers for residential construction, the use of shipping containers for construction of an ADU or JADU shall be prohibited. This prohibition shall apply to both Local Ordinance and Statewide Exemption ADUs and JADUs. The reasons for this prohibition are as follows:

A. Despite being inexpensive and easy to obtain, shipping containers are difficult and expensive to place on site and to adapt for building construction and building code compliance;

B. Shipping containers are not equivalent to modular buildings or manufactured homes, and have restricted dimensions, shape, and material characteristics that are poorly suited for construction of human domiciles;

C. Modifying a shipping container for building purposes usually destroys its structural integrity, which then requires potentially costly and complex custom structural reinforcement, or reduces the shipping container to an exterior finish material;

D. Use of shipping containers for building construction is "downcycling" and consumes steel resources that could have otherwise been recycled into steel framing studs and used to frame buildings at a factor of over seven times more resource efficiency by weight than using a shipping container as building material;

E. The visual and aesthetic quality of shipping container architecture is highly subjective and unsuitable for a ministerial approval process, and any discretionary process or design review that would adequately regulate their usage is prohibited by State law for ADU and JADU projects; and

F. Given the high volume of ADU and JADU construction and permit requests in the City at the time of adoption of this Ordinance, prohibiting the use of shipping containers in ADU and JADU construction is necessary for the above-stated reasons in order to expedite housing production, reduce uncertainty for property owners and builders, prevent potentially negative visual and aesthetic impacts to neighborhoods, and provide for compliance with State law.

21.16.150. Urban lot splits and two-unit residential developments (SB 9 units). No new ADU or JADU of any type or configuration shall be permitted on any lot or parcel meeting the

conditions listed in Subsections A and B below. This Section implements Cal. Gov't Code §65852.21(f):

A. An application for an Urban Lot Split is pending or has been approved, and

B. An application for a two-unit residential development (two SB 9 units, or one SB 9 unit and one single-unit dwelling) for the subject lot resulting from the Urban Lot Split is pending or has been approved.

C. If an application meeting the conditions of Subsection A and B is withdrawn, or is otherwise finally given up or forsaken without being realized, then this Section shall not apply.

21.16.155. Two-unit maximum for Urban Lot Split parcels. Any lot or parcel created through an Urban Lot Split, under the authority of Cal. Gov't Code §66411.7 and/or Chapter 20.18 of the Subdivision Regulations (Title 20, LBMC), shall not contain more than two (2) dwelling units of any type, including any ADU(s) and JADU, and no ADU or JADU shall be located on a lot or parcel without a primary dwelling on the same lot or parcel, per Section 21.16.110.B, including a new parcel created through an Urban Lot Split. This Section implements Cal. Gov't Code §66411.7(j).

21.16.190. No Discretionary Exceptions. An ADU or JADU project shall not include a request for an exception to any objective standard by applying for a standards variance, adjustment, use permit, or any other discretionary permit for permitted use, number of units, density, setbacks, height, lot coverage, open space, floor area ratio, or any other applicable objective design or development standard.

DIVISION II – LOCAL ORDINANCE ADUs and JADUs

21.16.200. Local Ordinance ADUs. This Division establishes the regulations and development standards for Local Ordinance ADUs and JADUs, which are permitted and regulated by local ordinance pursuant to Cal. Gov't Code §66314 *et seq* and §§66333–66339, respectively, excepting §66323 (Statewide Exemption ADUs and JADUs). For the remainder of this Division, the term ADU or JADU shall mean a Local Ordinance ADU or JADU, unless the text clearly indicates otherwise.

21.16.201. Application of Division II. This Division shall apply as follows:

A. Any proposed ADU or JADU that feasibly can comply with this Division shall be considered an application for a Local Ordinance ADU or JADU pursuant to this Division, and shall conform to the requirements of this Division.

B. If a proposed ADU or JADU development does not conform to the requirements of this Division and cannot feasibly be revised to conform, then, upon a request by the applicant, the proposed ADU or JADU shall instead be considered an application for a Statewide Exemption ADU or JADU. A Statewide Exemption ADU or JADU project shall be reviewed pursuant to Division III – Statewide Exemption ADUs and JADUs.

21.16.205. Locations permitted. ADUs and JADUs are permitted only in the zoning districts and circumstances established in Section 21.16.115.

21.16.210. Number and configurations permitted. Only one ADU and one JADU are permitted on a lot in the configurations established in Table 16.2-1 below.

A. In addition to an ADU or JADU conforming to this Division, an additional ADU may be possible under Division III – Statewide Exemption ADUs.

B. The maximum number and type(s) of Statewide Exemption ADU(s) permitted by Division III shall not be exceeded, and any existing or proposed ADU or JADU on the lot or parcel, including Local Ordinance ADU(s) or JADU, and any other ADU(s) or JADU, shall count toward this total. For example, if a Statewide Exemption ADU is created through conversion of a portion of the primary dwelling, or through conversion of a detached accessory building, then a Local Ordinance ADU shall not be permitted for the same.

C. Only one (1) JADU is permitted per lot or parcel under any circumstances.

Table 16.2-1

ADU and JADU Configurations

	Configuration	ADU	JADU
	Single-Unit Dwelling sites		
1.	Conversion of living area of existing single-unit dwelling – no addition	Y	Y
2.	New construction or addition attached to existing single-unit dwelling	Y	Y(a)
3.	Conversion of existing attached accessory building – no addition(b)(c)	Y	Y
4.	Conversion of existing attached accessory – with addition(b)(c)	Y	Y(d)
5.	Conversion of detached accessory building – no addition(b)(c)	Y	N
6.	Conversion of detached accessory building – with addition(b)(c)	Y	N
7.	Construction of new detached unit	Y	N
	Multi-Unit Dwelling sites		
8.	Conversion of living area of existing multi-unit dwelling	N	N/A
9.	Conversion of attached non-living area of existing multi-unit dwelling(e)	N(f)	N/A
10.	New construction or addition attached to existing multi-unit dwelling	N	N/A
11.	Conversion of existing attached accessory building – no addition(b)(c)	Y	N/A
12.	Conversion of existing attached accessory building – with addition(b)(c)	Y	N/A

	Configuration	ADU	JADU
13.	Conversion of existing detached accessory building – no addition(b)(c)	Y	N/A
14.	Conversion of existing detached accessory building – with addition(b)(c)	Y	N/A
15.	Construction of new detached ADU(s)	Y	N/A

Notes: Y = permitted, N = not permitted.

(a) Any addition to a single-unit dwelling for the purpose of creating a JADU shall first comply with the applicable development standards for an addition to the single-unit dwelling and receive a certificate of occupancy as such, prior to application for conversion to JADU, unless this requirement is waived by the Building Official per Section 21.16.130.

(b) Does not include existing structures with no building floor area such as carports, patio covers, porches, awnings, and similar structures.

(c) Also includes rebuild.

(d) Any addition to an attached accessory building at a single-unit dwelling for the purpose of creating a JADU shall first comply with the applicable development standards for an addition to the attached accessory building and receive a certificate of occupancy as such, prior to application for conversion to JADU, unless this requirement is waived by the Building Official per Section 21.16.130. The area converted to JADU shall be directly attached to the single-unit dwelling.

(e) Non-living area of the existing multi-unit dwelling does not include attached accessory buildings (such as garages and storage buildings), but includes areas that are an integral part of the building, including but not limited to laundry rooms, community/amenity rooms, manager's offices, utility closets, storage rooms, and the like; however, a basement may be converted.

(f) This type of project may be allowed under Division III – Statewide Exemption ADUs.

21.16.215. Reserved.

21.16.220. Minimum floor area. Notwithstanding other minimum unit size requirements in the Zoning Regulations, Planned Development Districts, or Specific Plans, the minimum floor area for an ADU or JADU shall be as shown in Table 16.2-2.

Table 16.2-2

Minimum unit sizes

ADU/JADU Type	Minimum floor area (sq. ft.)
New construction and conversion of existing buildings	
Efficiency unit	150*
Studio or zero-bedroom unit	240
All other units	450

Notes:

* Any unit less than 240 sq. ft. must meet the definition of an efficiency unit and shall comply with the requirements for an efficiency unit established in Section 21.16.225.

21.16.225. Residential features. Each ADU and JADU shall provide, at a minimum, the following residential features:

A. **Independent living space.** Each ADU and JADU shall be a fully separate, independent living space from any other dwelling unit on the lot, except that a JADU may share sanitation facilities with the primary dwelling per Subsection 21.16.225.C.

B. **Kitchen.** Each ADU and JADU shall have a kitchen, containing at least the minimum requirements specified in Table 16.2-3 based on unit type:

Table 16.2-3
ADU and JADU Minimum Kitchen Requirements

Unit Type	Feature	Minimum Requirement
Efficiency Unit ADU All JADUs	Kitchen sink	A kitchen sink is not required for an efficiency unit or JADU but should be provided if feasible.
	Cooking facility	Hot plate, single burner, or microwave oven
	Counter and storage	• Countertop at least 576 sq. in. (4 sq. ft.) in area for food preparation • Kitchen cabinet space at least 10 cu. ft. in volume
Studio or zero-bedroom ADU	Kitchen sink	Wetbar-type, minimum 1 ¼-inch drain line
	Cooking facility	• Two-burner built-in cooktop, or • Built-in microwave oven, or • Space and utilities for a stove appliance at least 24 inches in both horizontal dimensions.
	Counter and storage	• Countertop at least 864 square inches (6 sq. ft.) in area for food preparation • Kitchen cabinet space at least 15 cu. ft. in volume • Space for a refrigerator at least 30 inches in both horizontal dimensions and at least 66 inches tall.
All other ADUs	Kitchen sink	Standard-size, minimum 1 ½-inch drain line
	Cooking facility	• Built-in cooktop at least 24 inches in both horizontal dimensions, or • Space and utilities for a stove appliance at least 24 inches in both horizontal dimensions
	Counter and storage	• Countertop at least 1,152 square inches (8 sq. ft.) in area for food preparation • Kitchen cabinet space at least 30 cu. ft. in volume • Space for a refrigerator at least 30 inches in both horizontal dimensions and at least 72 inches tall.

C. **Sanitation facilities.** Each ADU and JADU shall have sanitation facilities, consisting of a separate bathroom containing a toilet, a lavatory sink, and a bathtub or shower stall, except that a JADU may share sanitation facilities with the primary dwelling if:

1. The JADU has interior communication (an interior connecting door or hallway) with the primary dwelling,

2. The shared bathroom is adequately accessible to the JADU as determined by the Building Official, and

3. The shared bathroom contains the features required by this Subsection C.

D. **Sleeping room.** Each ADU or JADU shall have a separate sleeping room, except in studio and efficiency units, where a living room is considered a sleeping room.

E. **Exterior access and interior communication.** Each ADU and JADU shall be provided with a separate and direct exterior entrance for each unit, and shall have no interior communication (an interior connecting door or hallway) with any other unit, except that a JADU may have interior communication with the primary dwelling in addition to the separate exterior entrance required by this Subsection. A unit entrance accessible only through a garage or other enclosed building space (except a foyer, lobby, or common hallway) shall be prohibited.

F. **Entrance and door lock restrictions.** Each ADU or JADU shall have a single main exterior door. The ADU or JADU may additionally be provided with one secondary exterior door, which shall not access a sleeping room or a bathroom, except in the case of a studio or efficiency unit where a living room is considered a sleeping room. The secondary exterior door shall be equipped with an interior-operable-only locking mechanism that cannot be operated from the exterior. Additionally, in all ADUs and JADUs, no interior door shall be equipped with an entry lockset or other keyed lock, but a privacy lockset on interior doors shall be permitted.

G. **Efficiency unit occupancy limit.** An efficiency unit shall not be occupied by more than two persons, per California Health and Safety Code §17958.1.

21.16.230. Development Standards for Local Ordinance ADUs and JADUs. The development standards of Sections 21.16.232 through 21.16.248 shall apply to all Local Ordinance ADUs and JADUs:

21.16.232. Development standards – general provisions.

A. **Reduced standards explicitly for ADUs and JADUs.** The reductions and exceptions to the zoning development standards, otherwise normally applicable to

residential development, which are allowed in this Chapter are for the express purpose of promoting the development and maintenance of ADUs and JADUs. If for any reason a permitted ADU or JADU is not maintained on a lot in conformance with this Chapter, the lot shall be brought into compliance with the applicable zoning development standards for residential development, or returned to the vested legal nonconforming condition of the lot prior to the development of the ADU or JADU, including, but not limited to, the zoning requirements for setbacks, lot coverage, usable open space, floor area ratio, and parking.

B. **Other standards not specified.** Except as otherwise specified in this Chapter, ADU and JADU projects developed in accordance with this Chapter shall comply with the zoning development standards applicable to a principal building for the zoning district in which the lot is located.

C. **Base allowance for ADU.** A maximum 800-square-foot attached or detached Local Ordinance ADU, with four-foot (4') side and rear setbacks, may be permitted in compliance with all other development standards for a Local Ordinance ADU, notwithstanding limits on size based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, or requirements for usable open space, front yard and street side yard setbacks, or landscaping, provided that:

1. Any encroachment into the required front yard or street side yard setback shall be of the minimum amount necessary to make an 800-sq. ft. ADU feasible.

2. If a proposed ADU exceeds this 800-square-foot base allowance, the total floor area and lot coverage of the proposed ADU shall be counted against the required development standards and not only the portion of the ADU greater than 800 square feet.

21.16.234. **Maximum unit size.** The maximum unit size for a Local Ordinance ADU and JADU shall be as established in Table 16.2-4.

Table 16.2-4
Local Ordinance ADU and JADU Maximum Unit Sizes

Unit Type	Maximum Size
ADU – Attached to primary dwelling	50% of the floor area of the primary dwelling, or 800 sq. ft., whichever is more(a)
ADU – Conversion of detached accessory building, no addition or expansion.	1,200 sq. ft.(b)
ADU – New construction detached, 0 or 1 bedroom	850 sq. ft.(c)
ADU – New construction detached, 2 bedrooms	1,000 sq. ft.(c)
ADU – New construction detached, 3 or 4 bedrooms	1,200 sq. ft.(c)
JADU (all cases)	500 sq. ft.

Notes:

(a) Includes conversion of primary dwelling space, attached accessory building space, and/or an attached addition to the primary dwelling or the attached accessory building being converted.
(b) Conversion of an existing detached accessory building greater than 1,200 sq. ft. is not permitted as a Local Ordinance ADU but may be permitted as a Statewide Exemption ADU pursuant to Division III of this Chapter.
(c) Includes the area of any addition proposed in conjunction with conversion of a detached accessory buildings under 850, 1,000, or 1,200 sq. ft. (as applicable).

21.16.236. Yard requirements (setbacks). The setback requirements established in Table 16.2-5 shall apply to ADUs and JADUs, subject to the following additional provisions:

A. **Permitted projections.** Certain structures (not including building floor area) may encroach into required yard areas, as permitted in Table 31-3 of the Zoning Regulations, which is included by this reference as if fully set forth in this Chapter.

B. **Utility easements.** All required utility no-build easements shall be provided as required by the concerned utility. Such easements may be greater than the setbacks required by this Section.

C. **Exterior stair encroachments.** Interior (indoor) stairwells or stairways are considered part of the interior building area and shall comply with building setback requirements of Table 16.2-5. Any proposed exterior building stairs also shall comply with the building setback requirements in Table 16.2-5 where feasible. However, proposed exterior stairs may encroach into the required side or rear yard setback, subject to all of the following:

1. There is no other feasible configuration for the ADU or JADU that would not require the stairs to encroach into the required setback area,

2. The proposed encroachment is limited to the minimum amount necessary to provide access to the ADU or JADU,

3. If encroaching into a side yard setback, the other required side yard shall be clear of all projections and encroachments.

4. Sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

5. The stair structure shall have a solid wall at least six feet eight inches (6'-8") high, measured at each walking surface, on any side facing an adjoining property.

6. Use of an exterior stair encroachment into a required side or rear yard setback shall be preferred to prevent the loss of a garage parking space, amenity area, or reduction of proposed unit size or unit count for an ADU or JADU.

Table 16.2-5
Local Ordinance ADU and JADU Setback Requirements

Setback Area	Setback Requirement
New construction	
ADU – Front yard	As required by the zoning district(a)
ADU – Street side yard	As required by the zoning district (a)(b)
ADU – Interior side and rear yards	4 ft., or as required by the zoning district(c), whichever is less(d)(e)
JADU – All setbacks	As required by the zoning district(a)
Conversion or rebuild of existing building	
ADU and JADU – Conversion of existing building	Maintain existing building location(e)(f)
ADU and JADU – Rebuild of existing building	Maintain existing building location(e)(f)(g)
Legalization of unpermitted building area for conversion or rebuild	
Unpermitted principal building area	As required for new construction in this table(e)
Unpermitted accessory building area	As required for new construction in this table(e)

Notes:

(a) If the ADU or JADU is proposed on a second story above an existing primary dwelling that has an existing encroachment into the required front yard or street side yard setback, the ADU or JADU may match but shall not exceed this encroachment.

(b) A street side yard is more comparable to a front yard than it is to an interior side yard or rear yard; therefore, a street side yard setback greater than 4 ft. shall be provided where required by the zoning regulations for the primary dwelling.

(c) This includes reduced side yard setbacks for narrow lots.

(d) Rear yard setback shall be measured from the centerline of an abutting alley where such exists.

(e) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

(f) The existing building may be modified to have a more conforming setback.

(g) Rebuild shall be located on footprint of existing building. Any new building area not within this footprint shall comply with the setback requirement(s) for new construction.

21.16.238. Building Height. Table 16.2-6 establishes building height limits for ADUs and JADUs.

Table 16.2-6
ADU and JADU Height Limits

Project Type	Height Limit(a)
New construction	
ADU – Attached to primary dwelling	25 ft., 2 stories, or as required by zoning district, whichever is less(b)
ADU – Detached, conforming to principal building setbacks	20 ft.(c)
ADU – Detached, encroaching into side or rear principal building setbacks(d)	18 ft.(e)
JADU – Attached to primary dwelling	As required by zoning district(b)
Conversion or rebuild of existing building	
ADU and JADU – Conversion of existing building	Maintain existing building height(c)(f)

ADU and JADU – Rebuild of existing building	As required for new construction in this table(c)
Legalization of unpermitted building area for conversion or rebuild	
Unpermitted principal building area	As required for new construction in this table
Unpermitted accessory building area	As required for new construction in this table

Notes:

(a) Building height for ADUs and JADUs shall be measured as defined in Section 21.15.1330 (Height of building).

(b) ADUs and JADUs of more than two (2) stories are prohibited; however, an ADU or JADU located on the third (3rd) story or higher are permitted up to the principal building height limit.

(c) A roof deck may exceed this height limit, up to the principal building height limit, if conforming to principal building setbacks.

(d) New construction may encroach into side or rear principal building setbacks if greater than required for an ADU, but must conform to required ADU setbacks per Section 21.16.236.

(e) An additional two (2) feet of building height, measured as described in Sections 21.15.1330 and 21.15.1335, may be permitted for a sloped roof to match the roof pitch of the roof of the primary dwelling.

(f) The existing building may be modified to have a more conforming height.

21.16.240. Lot coverage. Lot coverage of all buildings and structures on the lot or parcel shall conform to the requirements and permitted exemptions of the zoning district. ADU and JADU building area shall be counted toward the lot coverage requirement on a lot, except in the circumstance provided in Subsection 21.16.232.C. For the purposes of lot coverage exemption of garage area, a primary unit and an ADU on a lot or parcel shall constitute a "multi-unit dwelling," for this Section only, whether attached or detached, but a primary unit with a JADU alone shall be considered a single-unit dwelling.

21.16.242. Usable open space. Usable open space for the primary dwelling(s) shall conform to the requirements of the zoning district, and if nonconforming, it shall not be made more nonconforming, except in the circumstance provided in Subsection 21.16.232.C, and Section 21.17.242 if the lot contains a two-unit residential development. No usable open space shall be required for an ADU or JADU. Usable open space on the lot may be reconfigured in conformance with the applicable zoning development standards to comply with this Section, including but not limited to the construction of balconies, decks above grade, and roof decks.

A. **Open Space Dimensions.** Dimensions of usable open space shall be provided as required by the standards established for the zoning district.

B. **Combining Usable Open Space and Pedestrian Access.** If the total width of the usable open space is eighteen feet (18') or wider, any pedestrian path incorporated into open space design may be considered usable open space.

C. **Screening of Open Space.** No screening or physical separation of open space shall be required for open space provided pursuant to this Chapter.

21.16.244. Floor area ratio. The maximum ratio of building floor area to lot size shall conform to the requirements of the zoning district. ADU and JADU building area shall be counted toward the floor area ratio total on a lot, except in the circumstance provided in Subsection 21.16.232.C. For the purposes of floor area ratio exemption of garage area, a primary unit and an ADU on a lot or parcel shall constitute a "multi-unit dwelling," for this Section only, whether attached or detached, but a primary unit with a JADU alone shall be considered a single-unit dwelling. All basement area included in an ADU or JADU shall be exempt, in addition to other basement area exemption(s) provided by the Zoning Regulations.

21.16.246. Garage demolition, rebuild, and relocation. An existing garage may be demolished and rebuilt or otherwise replaced in conjunction with an ADU or JADU project subject to the following:

A. The garage shall be located in the same or a more conforming location on the lot with the same or more conforming dimensions as the existing garage, and the best feasible turning radius shall be provided in accordance with Subsection 21.27.060.D.1.

B. The garage shall comply with the applicable height limit for garages, except for any second story ADU above the garage, the height of which is regulated by Section 21.16.238.

C. Rebuild or new construction of a garage (or other parking area such as a carport) that is functionally inaccessible or infeasible to use for parking shall be prohibited.

D. No garage that constitutes required parking for an existing principal unit(s) shall be demolished if it is not rebuilt or converted to an ADU or JADU pursuant to this Chapter or to a residential unit pursuant to Chapter 21.17.

21.16.248. New garage. A new garage proposed in conjunction with an ADU or JADU shall comply with the development standards applicable to a garage for the zoning district, and with the parking development standards of Chapter 21.41, except as otherwise specified in this Chapter.

21.16.250. Design standards for Local Ordinance ADUs and JADUs. ADUs and JADUs shall be subject to the following architectural design standards for both new construction and exterior alterations, which shall be reviewed ministerially by the Director of Community Development. For purposes of this Section, portions of a building or lot considered to be the ADU or JADU shall include all of the contiguous gross floor area of the ADU or JADU, and any

exterior alterations directly attached to, and integral to, the gross floor area of the ADU or JADU.

A. **Prohibition of shiny roofing and siding.** New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.

B. **Garage conversion exterior treatment and finish.** If a garage is converted to an ADU or JADU, the garage door shall be removed, and shall not be retained as a wall or finish material. The garage door opening and any other deleted openings shall be replaced with exterior wall, or residential windows and doors, to match the existing exterior wall covering, trim, and highlights/detailing of the primary dwelling. If the primary dwelling has little or no exterior trim or highlights/detailing, this Subsection shall not be construed to prohibit addition of these architectural features.

C. **Design requirements applicability.** The design requirement of Subsection 21.16.250.D shall apply to new construction attached ADUs and JADUs and new construction detached ADUs that meet any of the following:

1. The ADU or JADU is attached to, or any portion of the ADU is located within 8 feet of the primary dwelling,

2. The ADU or JADU is 2 or more stories tall, or located on a second story, or 16 feet or taller in height,

3. The ADU or JADU is located on a lot with a historic resource, as follows:

a. Listed on the National Register of Historic Places or the California Register of Historic Resources;

b. Designated as a City of Long Beach Historic Landmark building or structure,

c. Located within a designated historic district.

4. More than twenty percent (20%) of the building elevation of the ADU or JADU is not screened from view from the front street or side street by the primary dwelling or by a visually solid fence or wall at least six feet six inches (6’-6”) tall.

D. **Design requirements.** The following design requirements apply to an ADU or JADU meeting any of the thresholds in Subsection 21.16.250.C:

1. **General.** The ADU or JADU shall be constructed using the same architectural style, roof pitch, exterior building materials, colors, and finishes as the primary dwelling, to the greatest extent feasible.

2. **First-Floor Entrances.** First-floor entryways facing a public right-of-way shall be recessed a minimum of four feet from the front façade, or shall include an architectural feature or detail that provides weather protection over the doorway consistent with the applied architectural style.

3. **Front Doors.** Front doors for attached ADUs and JADUs shall be of an architectural style, material, and color complementary to the primary dwelling. A vehicle garage door shall not be used or repurposed as a door for an ADU or JADU.

4. **Roof design.** Attached ADUs and JADUs, and detached ADUs, shall maintain the roof form type(s) and pitch of the primary dwelling to the greatest extent feasible.

5. **Windows.**

a. **Window Relief.** All windows shall provide at least one of the following: window trim, or a windowsill a minimum of one-half inch in thickness, or window recess a minimum of two inches in depth from the surrounding wall plane.

b. **Window Color and Material.** The colors and materials of windows (frame, pane, grille, trim, sill, and other elements) shall be consistent on all elevations of the building.

c. **Attached units.** Attached ADUs and JADUs, and detached ADUs shall use the same window color, material, and proportions (frame, pane, grille, trim, sill, and other elements) as the existing primary dwelling.

6. **Materials and colors.** The ADU or JADU shall use the same exterior wall material, exterior paint color, and roof material as the existing primary dwelling. If the primary dwelling has little or no exterior trim or highlights/detailing, or has poor or low-quality materials, this Subsection shall not be construed to prohibit addition of these architectural features or use of higher-quality materials.

21.16.260. Privacy standards. An ADU or JADU where any portion of the proposed unit is either 2 stories or 16 feet or more in building height shall comply with the following:

A. Decks above grade, roof decks, and balconies of 20 square feet or more, which have an open or transparent guardrail and that face or overlook the adjoining lot, shall be located a minimum of 8 feet from the interior lot lines.

B. Decks, decks above grade, and balconies that are less than 20 square feet, or have a visually solid guardrail or parapet wall, may be located as allowed by Table 31-3 in Chapter 21.31 (Residential Districts).

C. Second story windows that face or overlook the adjoining lot, that are located within 8 feet of the interior lot lines, shall comply with one or more of the following:

1. Be installed a minimum of 60 inches above finish floor to bottom sill.

2. Use translucent or obscured glazing, such as frosted or patterned glass, in all panes.

3. Make use of offset windows such that a perpendicular sight line cannot be drawn from the center of the ADU window in question to any portion of a window on a dwelling unit on an abutting or adjoining lot.

21.16.265. Protection of historic resources. The requirements of this Section are established to protect historic resources that may be potentially impacted by development of an ADU or JADU.

A. **Historic resources.** No ADU or JADU shall be permitted if the project would cause a substantial adverse change in the significance of a historic resource listed on the National Register of Historic Places or the California Register of Historic Resources, designated as a City of Long Beach Historic Landmark or Structure, or located in a designated historic district. The Director of Community Development shall make this determination by reviewing the project for compliance with appropriate Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. This review shall be carried out as part of the ministerial review process established in Section 21.16.130.

B. **Mills Act Contract.** An ADU or JADU proposed for a lot under a Mills Act contract shall comply with all Mills Act guidelines, including design conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. The Director of Community Development shall review the project for compliance as part of the ministerial review process established in Section 21.16.130.

21.16.270. Off-street parking. The following regulations shall apply to parking for ADUs and JADUs.

A. **Parking required.** One parking space shall be provided per ADU, and no parking shall be required for a JADU. However, no parking is required for an ADU if the lot or parcel is located within the Parking Exempt Area or is subject to one of the exceptions below.

1. The ADU is located within one-half (½) mile walking distance of public transit,

2. The ADU is located within a designated Historic District or on a lot or parcel with a designated Historic Landmark,

3. The ADU is converted from or attached to the primary dwelling or an existing accessory building,

4. When on-street parking permits are required on the public street adjacent to the lot or parcel, but are not offered to the occupant of the ADU,

5. When there is a car share vehicle located within one block of the lot or parcel. The burden of proof shall be upon the applicant to demonstrate that the car share vehicle is within one block and is regularly and permanently available at that location, or

6. When the application for the ADU is submitted in conjunction with an application for a new principal single-unit or multi-unit dwelling on the lot or parcel, provided that any of 1 through 5 above also apply.

B. **Parking development standards.** Parking spaces required by this Section may be provided in a garage, carport, open/uncovered parking, or in a mechanical lift inside a garage, and all of these types of parking may be provided in a tandem configuration. The parking spaces shall meet all of the following:

1. A garage, carport, or parking structure shall comply with the applicable development standards in the Zoning Regulations for the building or structure, and Chapter 21.41 (Off-Street Parking and Loading)for the parking spaces and other development standards applicable to parking, except as otherwise specified by this Chapter.

2. A new garage constructed pursuant to this Section shall comply with the development standards of Table 16.2-7.

3. Open/uncovered parking shall be located on a driveway or parking pad, and only in the areas on a lot designated as legal parking areas in accordance with the requirements of Section 21.41.281 and Figure 41-3. A new curb cut, driveway, and parking area(s) that do not lead to a garage may be permitted pursuant to Section 21.41.251 and 21.41.253 to accommodate parking for the ADU, JADU, or primary dwelling.

Table 16.2-7
Garage Development Standards

Development Standard	Requirement
Setback from garage to street frontage property line – garage door facing street frontage (a)	20 ft.
Setback from garage to street frontage property line – garage door not facing street frontage (b)	Same as required for principal building

Side setback – located in front half of lot	Same as required for principal building
Side setback – located in rear half of lot	0 ft. (c)(d)
Rear setback	0 ft. (c)(e)
Garage height	13 ft. (f)

Notes:

(a) Applies to garage with garage door parallel or nearly parallel to street frontage property line from which the driveway accesses the garage (front or street side).

(b) Applies to garage with garage door perpendicular or nearly perpendicular to street frontage property line from which the driveway accesses the garage (front or street side).

(c) Sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

(d) In the rear half of a lot, a garage may be located directly on the rear property line and on one (1) side property line, provided the other side yard is at least three feet (3') wide (except for permitted projections, see Table 31-3).

(e) If the garage takes access from the alley, the required turning radius from garage door to opposite side of the public alley shall be provided as required by Chapter 21.41.

(f) Does not include height of any living space above garage.

C. **Removal of existing required parking.** Existing required parking spaces in a garage, carport, or parking structure for the existing principal residential unit(s) on site may be altered, reduced or eliminated as follows to construct an ADU or JADU:

1. **No replacement parking required.** When an existing garage, carport, or parking structure is converted to an ADU or JADU, those required off-street parking spaces for the existing principal residential unit(s) shall not be required to be replaced, provided that the footprint of the converted ADU or JADU shall be located on the same footprint as the existing garage or other structure.

2. **Existing parking for principal unit(s).** Where required by the Zoning Regulations, and not excepted by Subsection C.1 above, existing parking space(s) for the principal dwelling unit(s) shall be maintained, whether garage or open parking, including all driveway access and required turning radius providing access to the parking space(s).

D. **Existing driveway and open parking.**

1. Existing open parking spaces that are not already used to satisfy another parking requirement may be used to satisfy the parking requirements of this Chapter.

2. Existing driveway and open parking may be maintained when a garage is converted to an ADU or JADU, or when no garage is present on the lot, provided that the applicant shall demonstrate that the parking area(s) in question can adequately accommodate one or more standard or compact parking stalls oriented perpendicular to the street or alley and that the required turning radius and driveway clearance are provided.

E. **Driveway and curb cut removal.** When a garage is converted into an ADU or JADU, and the remaining driveway cannot accommodate the minimum required dimensions for a compact parking space oriented perpendicular to the street or alley, then the driveway shall be removed and replaced with landscaping in accordance with Chapter 21.42, and the curb cut/driveway approach accessing the driveway shall be removed and restored to full-height curb and gutter per Section 21.41.253. The purpose of this requirement is to prevent vehicles parked in a substandard short driveway from overhanging the public sidewalk or alley, which creates an encroachment and a safety hazard in the public right-of-way and may violate the Americans with Disabilities Act of 1990 (ADA).

F. **Driveways and curb cuts – maximum number and width.** The maximum number and widths of driveways and curb cuts for the lot or parcel shall be as specified in Table 41-5, per Section 21.41.251 of the Zoning Regulations.

21.16.275. Landscaping requirements. The following landscaping requirements apply to ADUs and JADUs:

A. **Street trees.** Street trees and parkway landscaping shall be provided as required by Section 21.42.050 for any addition of a new dwelling unit to a lot, including development of an ADU or JADU.

B. **General landscaping.** Landscaping shall be provided on site as required generally by Chapter 21.42, for any project adding a ADU or JADU to the lot or parcel, except in the circumstance provided in Subsection 21.16.232.C.

21.16.280. Trash, recycling, and organic waste. Trash, recycling, and organic waste receptacles shall be provided as follows:

A. One to Three Units on site. For a lot with one to three dwelling units, including ADUs and JADUs, adequate receptacles shall be provided for each ADU and JADU, as required by Chapter 8.60, LBMC.

B. Four or More Units. For a lot with four or more dwelling units, including ADUs and JADUs, common trash area(s) shall be provided with receptacles in sufficient quantity to accommodate all solid waste generated, as required by Chapter 8.60, LBMC. Trash enclosures shall be provided per Section 21.45.167.

C. If the full requirements of this Section cannot be met due to site constraints or if strict application of this Section would render an ADU or JADU project infeasible, then the greatest feasible conformance with this Section shall be provided. The Zoning Administrator is authorized to ministerially approve the placement of trash receptacles/trash enclosures

within required yard areas and reduce or waive other zoning requirements as necessary to allow compliance with this Section.

D. Design guidelines. The following design guidelines for trash receptacles/trash enclosures for ADUs and JADUs are not mandatory but are strongly encouraged, and should be provided whenever feasible:

1. Trash receptacles/trash enclosures should not be located within five feet (5') horizontally or eighteen feet (18') vertically of any dwelling unit window.

2. Trash receptacles/trash enclosures should not be visible from the street frontage of the lot, including front and street side frontages, unless no other configuration is feasible.

3. Trash receptacles/trash enclosures should be secured from access from an alley when not placed for pickup.

DIVISION III – STATEWIDE EXEMPTION ADUs AND JADUs

21.16.300. This Division establishes specific standards for Statewide Exemption ADUs and JADUs, which are ADUs and JADUs required to be permitted by Cal. Gov't Code §66323. For the remainder of this Division, the term ADU or JADU shall mean a Statewide Exemption ADU or JADU, unless the context clearly indicates otherwise.

21.16.301. Application of Division III. If a proposed ADU or JADU development does not conform to the requirements of Division II and cannot feasibly be revised to conform, then, upon a request by the applicant, the proposed ADU or JADU shall be considered an application for a Statewide Exemption ADU or JADU, which shall conform to the requirements of this Division.

21.16.305. Locations permitted. ADUs and JADUs are permitted only in the zoning districts and circumstances established in Section 21.16.115.

21.16.310. Number and configurations permitted. Statewide Exemption ADUs and JADUs are permitted in the number and configurations described in Sections 21.16.312 through 21.16.320. The following additional restrictions apply:

A. Any existing or proposed ADU or JADU on the lot or parcel, including Local Ordinance ADU(s) or JADU, and any other ADU(s) or JADU, shall be counted toward the total number and type(s) permitted under this Division.

B. An attached ADU at a single-unit dwelling created through an addition or new construction is not permitted as a Statewide Exemption ADU, but may be pursued under Division II as a Local Ordinance ADU.

C. Only one (1) JADU is permitted per lot or parcel under any circumstances.

21.16.312. Single-unit dwelling: Conversion – Attached or Detached ADU. One (1) ADU may be created through conversion at a single-unit dwelling using the options listed below. The ADU shall conform to the development standards of Table 16.3-1. An ADU allowed by this Section may be developed in addition to a JADU described in Section 21.16.314 and an ADU described in Section 21.16.316. This Section shall apply to a single-unit dwelling whether or not there is an existing or proposed multi-unit dwelling on the lot or parcel.

A. Converting a portion of an existing single-unit dwelling (may be carried out in conjunction with a JADU per Subsection B below), or

B. Converting an existing accessory building attached to the single-unit dwelling (may be combined with Subsection A above), or

C. Converting an existing detached accessory building.

21.16.314. Single-unit dwelling: Conversion – Attached JADU. One (1) JADU may be created at a single-unit dwelling by converting a portion of a single-unit dwelling and/or an attached accessory building. The lot or parcel shall meet the requirements for a JADU of Section 21.16.115, and only one JADU shall be permitted on a lot regardless of the number of single-unit dwellings on the lot. The JADU shall conform to the development standards of Table 16.3-2. This JADU may be developed in addition to an ADU described in Section 21.16.312 and/or an ADU described in Section 21.16.316. However, if there is an existing or proposed multi-unit dwelling on the lot or parcel, no JADU shall be permitted.

21.16.316. Single-unit dwelling: New construction – Detached ADU. One (1) new detached ADU may be constructed at a single-unit dwelling. The ADU shall conform to the development standards of Table 16.3-3. This ADU may be developed in addition to an ADU described in Section 21.16.312 and a JADU described in Section 21,16,314. This Section shall apply to a single-unit dwelling whether or not there is an existing or proposed multi-unit dwelling on the lot or parcel.

21.16.318. Multi-unit dwelling: Conversion – Attached non-living space to ADU(s). Existing non-living space of a multi-unit dwelling building may be converted to ADU(s), not

to exceed one (1) ADU or twenty-five percent (25%) of the existing permitted number of principal dwelling units, whichever is more. No detached single-unit dwelling on the same lot or parcel shall be counted for purposes of calculating the number of ADUs permitted by this Section. The ADU(s) shall conform to the development standards of Table 16.3-4. These ADU(s) may be developed in addition to the ADU(s) described in Section 21.16.320.

A. **Fractional Densities.** Fractional numbers of units shall not be counted in determining the number of ADUs allowed on the site.

B. **Affordable Incentive.** Notwithstanding Subsection A, a fractional number of units may be rounded up to the next whole number if the resulting additional ADU is constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household in accordance with the requirements of the Zoning Regulations governing deed-restricted affordable housing units.

21.16.320. Multi-unit dwelling: Detached ADUs. Detached ADUs at a multi-unit dwelling may be developed as follows:

A. **Proposed multi-unit dwelling.** Up to two (2) new detached ADUs may be constructed in conjunction with a proposed multi-unit dwelling. The ADU(s) shall conform to the development standards of Table 16.3-5.

1. A lot or parcel that has utilized this provision to create any detached ADUs in conjunction with a proposed multi-unit dwelling shall not be eligible to create any additional detached ADU(s) using the provisions of Subsection B for the same multi-unit dwelling;

2. If only one (1) ADU is developed in conjunction with the proposed multi-unit dwelling, the second allowed ADU may be developed later under this Subsection A.

B. **Existing multi-unit dwelling.** Up to eight (8) detached ADUs, or up to the existing permitted number of principal dwelling units, whichever is less, may be constructed, or converted from existing detached accessory building(s), at an existing multi-unit dwelling, subject to the restrictions of Subsection A. No detached single-unit dwelling on the same lot or parcel shall be counted for purposes of calculating the number of ADUs permitted by this Section. The ADU(s) shall conform to the development standards of Table 16.3-6.

1. A lot or parcel that has utilized this provision shall not be eligible to utilize the provisions of Subsection A in conjunction with a proposed multi-unit dwelling on the same lot or parcel.

2. If fewer than the allowed number of ADUs is developed, the balance of the allowed number of ADUs may be developed later under this Subsection B.

21.16.325. Development Standards. The below Tables 16.3-1 through 16.3-6 establish the development standards for the unit configurations described in Sections 21.16.312 through 21.16.320.

A. **Exemptions.** An ADU or JADU in compliance with this Division is exempt from any other objective development and design standards, limitations, or requirements in this Chapter that are any of the following:

1. Floor area limit based on a percentage of the proposed or existing primary dwelling,

2. Limits on lot coverage, usable open space, and floor area ratio,

3. Front yard setback if compliance would preclude development of a new detached ADU (see notes for Tables 16.3-3 and 16.3-5), and

4. Design standards.

B. **Exterior stair encroachments.** Interior (indoor) stairwells or stairways are considered part of the interior building area and shall comply with building setback requirements established for this Section. Any proposed exterior building stairs also shall comply with the building setback requirements established for this Section where feasible. However, proposed exterior stairs may encroach into the required side or rear yard setback, subject to all of the following:

1. There is no other feasible configuration for the ADU or JADU that would not require the stairs to encroach into the required setback area,

2. The proposed encroachment is limited to the minimum amount necessary to provide access to the ADU or JADU,

3. If encroaching into a side yard setback, the other required side yard shall be clear of all projections and encroachments.

4. Sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

5. The stair structure shall have a solid wall at least six feet eight inches (6’-8”) high, measured at each walking surface, on any side facing an adjoining property.

6. Use of an exterior stair encroachment into a required side or rear yard setback shall be preferred to prevent the loss of a garage parking space, amenity area, or reduction of proposed unit size or unit count for an ADU or JADU.

Table 16.3-1

Single-unit dwelling: Conversion – Attached or Detached ADU Development Standards

Development Standard	Requirement
Number of conversion ADUs permitted	1
Minimum unit size	150 sq. ft.(a)
Maximum unit size	No limit, but only includes the physical dimensions of the existing building.
Addition	Not permitted, except for up to 150 sq. ft. for ingress and egress only(b)
Rebuild of existing building	Allowed, but must maintain same location and physical dimensions as existing building.
Setbacks	May maintain same location as existing building(c)
Building height	Maintain physical dimensions of existing building(d)
Building stories	No limit, but must maintain the physical dimensions of existing building
Exterior access	ADU must have independent exterior access from the proposed or existing single-unit dwelling.

Notes:

(a) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.

(b) The 150-sq. ft. addition for ingress and egress shall conform to the setbacks required for new ADU construction in Table 16.3-3 to the greatest extent feasible; see Subsection 21.16.325.B for exterior stair setbacks. In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

(c) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

(d) If attached to the primary dwelling, the 150-sq. ft. addition for ingress and egress shall conform to the zoning district height limit for the primary dwelling, if the addition conforms to the setback requirements applicable to the primary dwelling. If detached or if the addition encroaches into the setbacks required for the primary dwelling and/or the setbacks required for ADU new construction in Table 16.3-3, the height of the addition shall conform to the height limits required for new ADU construction in Table 16.3-3.

Table 16.3-2

Single-unit dwelling: Conversion – Attached JADU Development Standards

Development Standard	Requirement
Number of JADUs permitted	1(a)
Minimum unit size	150 sq. ft.(b)
Maximum unit size	500 sq. ft.
Addition	Not permitted.
Rebuild of existing building	Allowed, but must maintain same location and physical dimensions as existing building(c)
Setbacks	May maintain same location as existing building(c)
Building height	Maintain physical dimensions of existing building
Exterior access	JADU must have independent exterior access from the proposed or existing single-unit dwelling.

Notes:

(a) No JADU is permitted if there is an existing or proposed multi-unit dwelling on the same lot or parcel.
(b) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.
(c) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

Table 16.3-3
Single-unit dwelling: New construction – Detached ADU Development Standards

Development Standard	Requirement
Number of new construction ADUs permitted	1
Minimum unit size	150 sq. ft.(a)
Maximum unit size	800 sq. ft.
Side and rear setbacks	4 ft., or as required by zoning district, whichever is less(b)(c)(d)(e)
Front yard setback	As required by zoning district(f)
Building height(g)	18 ft. (h)
Exterior access	ADU must have independent exterior access from the proposed or existing single-unit dwelling.

Notes:

(a) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.
(b) This includes reduced side yard setbacks for narrow lots.
(c) Rear yard setback shall be measured from the centerline of an abutting alley where such exists.
(d) See Subsection 21.16.325.B for exterior stair setbacks.
(e) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.
(f) If application of this requirement would preclude construction of an 800-sq. ft. ADU, the proposed ADU may encroach into the required front yard setback. Any encroachment shall be of the minimum amount necessary to make an 800-sq. ft. ADU feasible.
(g) Building height for ADUs and JADUs shall be measured as defined in Section 21.15.1330 (Height of building).
(h) An additional two (2) feet of building height, measured as described in Sections 21.15.1330 and 21.15.1335, may be permitted for a sloped roof to match the roof pitch of the roof of the primary dwelling.

Table 16.3-4
Multi-unit dwelling: Conversion – Attached non-living space to ADU(s) Development Standards

Development Standard	Requirement
Number of conversion ADUs permitted	1, or 25% of the number of existing permitted principal units, whichever is more(a)

Minimum unit size	150 sq. ft.(b)
Maximum unit size	No limit, but only includes the physical dimensions of the existing non-living space to be converted.
Addition	Not permitted
Rebuild of existing building	Not permitted
Setbacks	May maintain same location as existing building (c)
Building height	Maintain physical dimensions of existing building
Building stories	Maintain physical dimensions of existing building
Exterior access	ADU must have independent access from the exterior, or a lobby, foyer, or common hallway.

Notes:

(a) Fractional numbers shall be rounded down (e.g., 1 ADU permitted for 7 principal units).

(b) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.

(c) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

Table 16.3-5

Multi-unit dwelling: New Construction – Detached ADUs Development Standards

Development Standard	Requirement
Number of new construction ADUs permitted(a)	• Proposed multi-unit building on site: 2 • Existing multi-unit building on site: 8 or equal to the number of existing permitted principal units, whichever is less.
Minimum unit size	150 sq. ft.(b)
Maximum unit size	No limit
Side and rear setbacks	4 ft., or as required by zoning district, whichever is less(c)(d)(e)(f)
Front yard setback	As required by zoning district(g)
Building height(h)	18 ft.(i)
Exterior access	Each ADU must have independent exterior access from the proposed or existing multi-unit dwelling.

Notes:

(a) Any proposed or existing detached conversion ADU(s) on the same lot or parcel shall be subtracted from this number.

(b) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.

(c) This includes reduced side yard setbacks for narrow lots.

(d) Rear yard setback shall be measured from the centerline of an abutting alley where such exists.

(e) See Subsection 21.16.325.B for exterior stair setbacks.

(f) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

(g) If application of this requirement would preclude construction of an 800-sq. ft. ADU, the proposed ADU may encroach into the required front yard setback. Any encroachment shall be of the minimum amount necessary to make an 800-sq. ft. ADU feasible.

(h) Building height for ADUs and JADUs shall be measured as defined in Section 21.15.1330 (Height of building).
(i) An additional two (2) feet of building height, measured as described in Sections 21.15.1330 and 21.15.1335, may be permitted for a sloped roof to match the roof pitch of the roof of the primary dwelling.

Table 16.3-6
Multi-unit dwelling: Conversion – Detached ADUs Development Standards

Development Standard	Requirement
Number of conversion ADUs permitted(a)	• Proposed multi-unit building on site: 2 • Existing multi-unit building on site: 8 or equal to the number of existing permitted principal units, whichever is less.
Minimum unit size	150 sq. ft.(b)
Maximum unit size	No limit
Addition	Permitted(c)
Rebuild of existing building	Permitted, must maintain the same location and physical dimensions as existing building(c)(d)
Setbacks	May maintain same location as existing building (c)(d)
Building height	Maintain physical dimensions of existing building(c)
Exterior access	Each ADU must have independent exterior access from the proposed or existing multi-unit dwelling.

Notes:
(a) Any proposed or existing new construction ADU(s) on the same lot or parcel shall be subtracted from this number.
(b) Must meet the definition of an efficiency unit and comply with the requirements for an efficiency unit established in Section 21.16.225.
(c) Any addition shall comply with standards for new construction in Table 16.3-5.
(d) In all cases, sufficient clearance for fire and life safety shall be provided as required by the Building Official and Fire Code Official.

21.16.350. Driveway removal and curb cut closure. The purpose and intent of this Division is to implement the requirements of Cal. Gov't Code §66323. However, §66323 cannot compel creation of an encroachment or hazard onto the public right-of-way, nor compel violation of the Americans With Disabilities Act (Title 42, United States Code), or compel the creation of conditions that will reasonably lead these encroachments, hazards, or violations. These encroachments, hazards, and violations occur when a vehicle that is parked in a driveway overhangs the public right-of-way, including the street, sidewalk, curb, and gutter, or alley.

Therefore, if any ADU or JADU project results in a remaining driveway on private property that cannot accommodate at least a compact parking space in a driveway oriented

perpendicular to the street or alley it accesses, the driveway on private property shall be removed and replaced with landscaping or hardscape that cannot be used for parking, and the curb cut and apron shall be restored to full-height curb and gutter under a permit from the Director of Public Works, prior to issuance of a certificate of occupancy for the ADU or JADU.

21.16.399. Contingency. This Division shall be applicable only so long as Cal. Gov't Code §66323 is operative. If §66323 ceases to be operative, effective, or enforceable for any reason, then this Division shall become inoperative for a period of one year upon the effective date of such change in status of §66323. If no action is taken by the City Council to amend or otherwise make this Division operative again prior to expiration of the one-year period, this Division shall be repealed in its entirety by operation of this Section with no further action on the part of the City Council. This Section shall apply to all projects for which building permits have not been issued at the time of change in status of §66323. The purpose of this Section is to allow the City to make more considered and locally-appropriate choices for ADU regulation if the mandates of §66323 cease.

DIVISION IV – NONCONFORMITIES, LEGALIZATION, AND OTHER PROVISIONS

21.16.400. This Division establishes additional provisions for ADUs and JADUs for nonconformities, legalization, and other miscellaneous provisions.

21.16.405. Nonconformities. Chapter 21.27 (Nonconformities) of the Zoning Regulations shall apply to all nonconforming conditions unless otherwise specified in this Chapter.

A. **Nonconformities resulting from ADU development.** The establishment and use of an ADU or JADU shall not render a lot or parcel nonconforming to the use and density limits of the Zoning Regulations and General Plan, per Section 21.16.120. However, the establishment of an ADU or JADU, as permitted by the reduced development standards of this Chapter for ADUs and JADUs, may result in a development that exceeds the limits of the Zoning Regulations on the lot or parcel, and creates a nonconforming condition with regards to lot coverage, usable open space, floor area ratio, and other standards that apply. Any further development on the lot or parcel, excluding ADU or JADU development permitted by this Chapter, shall be limited by the existence of any such nonconformity, subject to the requirements of Chapter 21.27, unless the nonconformity is eliminated.

B. **Nonconforming ADUs.** Any ADU or JADU that was legally established prior to the effective date of the ordinance adopting this Chapter, and which does not conform to the requirements of this Chapter, shall have vested legal nonconforming rights, but any permit application to expand, alter, modify, or remodel the nonconforming ADU shall be subject to the requirements of this Chapter.

21.16.410. Sites not meeting zoning use requirements. For a lot or parcel located in a zoning district where single-unit and/or multi-unit residential uses are prohibited, such that the site does not meet the requirements of Section 21.16.115, ADU and JADU development otherwise conforming to the requirements of this Chapter shall be permitted nonetheless if the following conditions are met:

A. **General plan.** The lot or parcel is located within a General Plan land use district (PlaceType) that allows single-unit or multi-unit residential use. A PlaceType that does not allow single-unit or multi-unit residential use, but allows other residential or quasi-residential uses, shall not meet the requirement of this Section and ADU and JADU development is not permitted. Other residential or quasi-residential uses include but are not limited to: special group residence, boardinghouse, communal housing, dormitory, residential care facility, shared housing, supportive housing, transitional housing, community correctional reentry center, congregate care, artist studio with residence, and live-work unit, and

B. **Principal residential use.** There is an existing, legally established primary dwelling on the lot or parcel. This Section shall not apply where there is no existing, legally established primary dwelling.

21.16.415. Nonconformity with Loss of Primary Dwelling. In the event that the primary dwelling is destroyed, abandoned, demolished, or otherwise lost, any ADU and/or JADU on the same lot or parcel shall become a nonconforming use, and shall not be expanded or intensified. This nonconformity may be remedied by the re-establishment of a primary dwelling on the property; or by conversion of the ADU(s) to a primary dwelling, subject to all applicable codes, laws, and regulations for a primary dwelling.

21.16.430. Legalization of Unpermitted Units. An unpermitted dwelling unit may be legalized as an ADU or JADU by conforming to the requirements of this Chapter. Legalization of an unpermitted unit as an ADU, and not a JADU, shall be preferred unless it is more conforming to the requirements of this Chapter to legalize the unpermitted unit in question as a JADU.

21.16.435. Legalization of Nonconforming Unpermitted Units. If an unpermitted unit cannot feasibly be legalized pursuant to Section 21.16.430, the following shall apply:

A. The applicant shall demonstrate, by providing satisfactory evidence to the Director of Community Development, that the unpermitted unit in question has been in existence and used as a dwelling unit prior to January 1, 2020. Required evidence may include, but is not limited to, rental receipts, rental agreements, utility bills, telephone directory records, bank statements showing receipt of rent, or other evidence the Director may require to reasonably establish the history of the unpermitted unit.

B. The unpermitted unit shall comply with the requirements of Division I of this Chapter, including the permitted use, site requirements, and locations permitted, in addition to the other procedural and permitting requirements of Division I.

C. If the requirements of Subsections A and B above are met, the Director of Community Development may waive any specific, individual zoning regulations and development standards of Divisions II or III, as applicable, if the application of said standards would preclude legalization of the unpermitted unit as an ADU or JADU. Such waiver(s) shall be limited to the minimum necessary to make legalization of the unpermitted unit feasible.

D. Any unpermitted unit for which the Director finds there is insufficient evidence of establishment prior to January 1, 2020, and which cannot feasibly be legalized pursuant to Section 21.16.430 or this Section, shall not be legalized as an ADU or JADU and shall pursue legalization as otherwise provided by the Zoning Regulations; or, if legalization is not possible, shall be removed or converted to its last legally-permitted state.

E. This Section implements Cal. Gov't Code §66332(a). If the State Legislature amends §66332(a) to change the qualifying date before which an unpermitted unit must have been established in order to be mandated to be legalized as an ADU or JADU, the Director of Community Development shall apply that new date to the administration of this Section as if this Section had been amended to include the new date instead of January 1, 2020.

DIVISION V – SEPARATE SALE OR CONVEYANCE OF ADUS

21.16.500. Purpose. This Division implements Cal. Gov't Code §66341 and §66342 by establishing regulations for the separate sale or conveyance of ADUs and JADUs.

21.16.510. Organization. Subdivision V-1 (Sections 21.16.520 through 21.16.535) establishes regulations for the sale or conveyance of an ADU separately from the primary dwelling to a qualified buyer or qualified non-profit corporation. Subdivision V-2 (Sections 21.16.550 through 21.16.570) establishes regulations for the sale or conveyance of an ADU or JADU separately from the primary dwelling through the condominium conversion process.

SUBDIVISION V-1 – Sale to Qualified Buyer or Qualified Non-Profit Corporation

21.16.520. Sale of ADU to qualified buyer or qualified non-profit corporation. An ADU may be sold or conveyed separately from the primary dwelling to a "qualified buyer" or "qualified non-profit corporation" subject to the requirements of Section 21.16.525. These terms are defined as follows:

A. "Qualified buyer" means persons and families of low or moderate income, as defined in California Health and Safety Code §50093.

B. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to §501(c)(3) of the Internal Revenue Code that has received a welfare exemption under California Revenue and Taxation Code §214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

21.16.525. Requirements for sale to qualified buyer or qualified non-profit corporation. An ADU may be sold or conveyed separately from the primary dwelling to a qualified buyer if all of the following apply:

A. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.

B. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of §402.1 of the California Revenue and Taxation Code.

C. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

1. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

2. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property.

3. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.

4. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

5. If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:

a. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

b. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

c. Procedures for dispute resolution among the parties before resorting to legal action.

d. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to §480.3 of the California Revenue and Taxation Code.

e. Notwithstanding Cal. Gov't Code §66324, if requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.

f. Nothing in this Section limits the ability of an ADU to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to Section 21.16.550.

21.16.530. Certificate of Occupancy required first. No separate sale or conveyance of an ADU from the primary dwelling shall be executed until a certificate of occupancy is obtained for each unit involved in the sale or conveyance.

21.16.535. JADUs excluded. A Junior ADU (JADU) is excluded and shall not be sold or conveyed separately from the primary dwelling pursuant to Section 21.16.520.

SUBDIVISION V-2 – Conversion to Condominiums

21.16.550. Conversion to condominiums permitted. A lot or parcel with a principal unit(s) and ADU(s) may be converted to common interest ownership in the form of condominiums, as defined in California Civil Code §1350, subject to the requirements of Chapters 20.32 and 20.33 of the Subdivision Regulations (Title 20, LBMC).

21.16.555. Four-unit limit. Any application for condominium conversion pursuant to Section 21.16.550 shall be limited to a total of four (4) units on a lot or parcel under any circumstances. A maximum of two ADU condominium units shall be allowed on a lot or parcel where ADU(s) are permitted by this Chapter. In conjunction with the ADU condominium unit(s), conversion also may include up to two principal units into condominiums.

21.16.560. All units required to convert. All residential units on a lot or parcel proposing condominium conversion pursuant to Section 21.16.550 shall be converted, excluding a JADU as described in Section 21.16.565.

21.16.565. JADU separate conversion excluded. A JADU shall not be converted to condominium separately from the primary dwelling pursuant to Section 21.16.550; however, a JADU may be included in the same condominium unit as the primary dwelling.

21.16.570. Urban Lot Splits excluded. Any principal unit, ADU or JADU on a lot or parcel that was created by an Urban Lot Split pursuant to Chapter 20.18 of the Subdivision Regulations or Cal. Gov't Code §66411.7 shall be prohibited from conversion to condominiums pursuant to Section 21.16.550.

DIVISION VI – ADDITIONAL PROVISIONS IN THE COASTAL ZONE

21.16.600. Purpose and authority. When the City administers the certified Local Coastal Program in accordance with the Coastal Act (Cal. Public Resources Code Division 20), acting on behalf of the California Coastal Commission, the City's actions are taken on a level that is co-equal to the authority of State ADU law (Cal. Gov't Code §66310 *et seq*). Specifically, Cal. Gov't Code §66329 provides that no provision of State ADU law supersedes or in any way alters or lessens the effect or application of the Coastal Act (and any Local Coastal Program certified pursuant to the Coastal Act), except that no public hearing shall be required for any Coastal Development Permit for an ADU application. Therefore, this Division establishes additional requirements for ADUs and JADUs in the City Jurisdiction and

Appealable Area of the Coastal Zone for the purposes of mitigating the effects and impacts of ADU/JADU development within the Coastal Zone.

21.16.610. Coastal Act compliance. Notwithstanding the preemptions and mandates of State ADU law (Cal. Gov't Code §66310 *et seq*) and other State laws (e.g., Cal. Gov't Code §65863.2) that would otherwise prohibit inclusion of these requirements outside of the Coastal Zone, the following sections establish additional requirements for ADU and JADU development within the Coastal Zone for the purpose of implementing the Coastal Act and the City's certified Local Coastal Program. No ADU or JADU development shall be approved that does not comply with these requirements.

21.16.620. Sea level rise and flood protection. All ADU and JADU development in the Coastal Zone shall be designed and constructed in compliance with the applicable sea level rise and flood protection measures implemented in the Long Beach Building Standards Code (Title 18, LBMC).

21.16.640. Parking requirements. The following parking requirements apply to all ADU and JADU development in the Coastal Zone, notwithstanding any other parking exception provided by this Chapter or elsewhere in the Zoning Regulations.

A. Required parking. Each new-construction ADU shall be provided with one (1) parking space that conforms to the development standards of Section 21.16.270. This shall not apply to a conversion-only ADU (including the permitted 150 square feet for ingress and egress where applicable).

B. Replacement parking. If a garage or other required parking for a primary dwelling is converted into an ADU or JADU, one replacement parking space shall be provided that conforms to the development standards of Section 21.16.270. This parking space is replacement parking for the primary dwelling and is not exempted by Subsection A above.

C. If it is not feasible to provide a parking space as required by Subsections A or B above, one long-term bicycle parking space or two short-term bicycle parking spaces shall be provided on the lot or parcel, instead of each required auto parking space.