



Administrative Report

L.1., File # 20-1732

Meeting Date: 12/8/2020

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION TO AMEND TITLE 10 CHAPTER 2 (ZONING ORDINANCE) AND TITLE 10 CHAPTER 5 (COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE) OF THE MUNICIPAL CODE AND THE LOCAL COASTAL PLAN PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES CONSISTENT WITH STATE LAW

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3210-20 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING TITLE 10 CHAPTER 2 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES CONSISTENT WITH STATE LAW. FOR INTRODUCTION AND FIRST READING.

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3211-20 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING TITLE 10 CHAPTER 5 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE COASTAL ZONE, CONSISTENT WITH STATE LAW. FOR INTRODUCTION AND FIRST READING.

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2012-094, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION OF AMENDMENTS TO THE COASTAL LAND USE PLAN IMPLEMENTATION ORDINANCE (TITLE 10, CHAPTER 5 OF THE MUNICIPAL CODE) AND REQUESTING REVIEW OF THE AMENDMENTS BY THE STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PERTAINING TO ACCESSORY DWELLING UNITS, CONSISTENT WITH STATE LAW, WHICH IS INTENDED TO BE CARRIED OUT IN A MANNER FULLY IN CONFORMITY WITH THE COASTAL ACT; AND PROVIDING THAT THE AMENDMENTS TO THE CITY'S LOCAL COASTAL PROGRAM WILL TAKE EFFECT AUTOMATICALLY UPON COASTAL COMMISSION APPROVAL PURSUANT TO PUBLIC RESOURCES CODE SECTION 30514 AND TITLE 14, SECTION 13551 OF THE CALIFORNIA CODE OF REGULATIONS.

PROCEDURES:

- a. Open the Public Hearing, take testimony; and

- b. Close the Public Hearing; and
- c. Introduce Ordinances 3210-20 & 3211-20 by title only; and
- d. Adopt Resolution No. CC-2012-094 by title only.

EXECUTIVE SUMMARY

In 2019 the State Senate and Assembly adopted several bills pertaining to housing, and specifically to accessory dwelling units (ADUs). The Governor signed those bills into law in October 2019. The amendments went into effect on January 1, 2020.

On January 10, 2020, the California Department of Housing and Community Development (HCD) provided a summary of changes and the adopted legislation related to ADUs. Since there were several bills adopted that revised the State's regulations on ADUs, it was important to evaluate the sequence of when they were signed into law to determine which revisions are effective. With the HCD summary issued, the City Attorney's office gained further information on the appropriate implementation of the regulations. Most specifically, the designation of streamlined ADUs versus non-streamlined ADUs. That distinction has been incorporated into the proposed ADU ordinances that are before the City Council for consideration.

At the September 2020 Planning Commission meeting a public hearing was held regarding draft ADU ordinances and the Planning Commission recommended adoption of the ordinances to the City Council. The City Council did introduce the ordinances at the October 6, 2020 meeting. Subsequently, and before the ordinances were adopted, HCD provided comments, including revisions necessary for the ordinances to be in compliance with the State regulations. Staff has revised the ordinances accordingly.

The Planning Commission reviewed these revisions at a November 19, 2020 public hearing and recommends by resolution adoption of the ordinances by City Council. This agenda item is presenting the revised draft ordinances for Accessory Dwelling Units incorporating changes to address HCD comments to ensure the ordinances are consistent with State Law.

BACKGROUND

In 2019 the State Senate and Assembly adopted several bills pertaining to housing, and specifically to ADUs. The Governor signed those bills into law in October 2019.

On January 10, 2020, HCD provided a summary of changes and the adopted legislation related to ADUs (see attached). With the HCD summary issued, the City Attorney's office gained further information on the appropriate implementation of the regulations. Most specifically, the designation of streamlined ADUs versus non-streamlined ADUs. That distinction has been incorporated into the City's proposed ADU ordinances. In addition to the January 10, 2020 summary that HCD issued, HCD distributed an Accessory Dwelling Unit Handbook in September 2020 that provided more clarification of the regulations and legislative intent.

The key changes resulting from the legislation include the following:

- Municipalities must allow ADUs in areas zoned to allow residential uses, including multi-family and mixed use
- Junior Accessory Dwelling Units (JADUs) must be allowed under certain streamlined

conditions

- Minimum lot size requirements cannot be required
- Owner-occupancy restrictions are not permitted (sunsets in 2025)
- Jurisdictions may prohibit rentals of less than 30 days in all ADUs
- Jurisdictions may allow (not required) the separate sale or conveyance of an ADU from a primary residence if it was constructed by a qualified nonprofit organization under AB 587 [Redondo Beach's ordinances do not allow this]
- Setbacks:
 - No setback requirement for conversions of existing structures
 - No more than 4' side and rear-yard setbacks can be required for all other ADUs
- Height:
 - Within or attached, same as main structure
 - Detached, a maximum height of no less than 16 feet
 - Cannot limit number of stories in streamlined ADUs
- Minimum and maximum size requirements:
 - Minimum size must allow efficiency units (150 square feet)
 - Different standards for streamlined versus non-streamlined; some streamlined cannot have a maximum size requirement
- Parking:
 - If existing parking area is converted to an ADU, no replacement parking may be required (unless possibly in coastal area [Redondo Beach included in coastal area and HCD did not prohibit it])
 - No parking required for an efficiency or studio ADU
 - No parking required for a streamlined unit (unless possibly in coastal area [Redondo Beach included in coastal area and HCD did not prohibit it])
 - Maximum of 1 space per bedroom or per ADU, whichever is less
 - Must allow tandem parking and parking in setbacks
 - No parking may be required for ADUs:
 - Within ½ mile walking distance of public transit (includes bus stops)
 - Within an architecturally or historically significant district
 - Part of the existing primary residence or a converted accessory structure
 - In areas where on-street parking permits are required but not offered to ADU occupants
 - Within one block of car share vehicles

For additional details regarding the distinction of streamlined and non-streamlined applications and the proposed regulations the City's ordinances address, the October 6, 2020 City Council Administrative Report is attached.

The City Council did introduce the ordinances at a public hearing at their October 6, 2020 meeting. Although the City had provided the draft ordinances to the Coastal Commission and HCD on September 3, 2020 and again on September 24, 2020, the City had not received responses from either agency at the time of City Council introduction of the ordinances.

On October 12, 2020, HCD issued comments, to which the City submitted proposed revisions to address those comments to HCD on October 21, 2020. HCD reviewed the proposed revisions and provided additional comments on October 30, 2020. Final revisions were incorporated into the ordinances to address those additional HCD comments. These correspondences are attached to this Administrative Report.

The main revisions to the draft ordinances due to HCD comments are as follows.

- HCD commented that an ADU or JADU must be allowed on a lot with a proposed or existing multifamily structure. Although the ADU or JADU under streamlined conditions would only be allowed on a lot with an **existing** multifamily structure, HCD pushed the point that an ADU must be allowed on a lot with an existing or **proposed** multifamily structure for non-streamlined. The City's draft ordinances would have only allowed a non-streamlined ADU on a lot with an existing or proposed single family unit. The draft ordinances were revised to address this as follows:
 - The definition of accessory dwelling unit was revised to address this.
[§10-2.402(a) (3.5) for inland and §10-5.402(a) (3.5) for coastal]
 - The standards for other accessory dwelling units (non-streamlined) do include the possible location on a lot with an existing or proposed multifamily dwelling.
[§10-2.1506(c)(2) for inland and §10-5.1506(c)(2) for coastal]
 - Language was added to clarify that non-streamlined is for only one ADU per lot, minimizing the impacts on lots with multifamily (compared to the larger number allowed with multifamily in streamlined).
[§10-2.1506(c) for inland and §10-5.1506(c) for coastal]
 - To address concerns of an applicant trying to take advantage of both streamlined and non-streamlined on the same lot, language was added so that if an ADU is constructed under non-streamlined on a site, the applicant cannot also apply for streamlined units on the same lot. There is already language in the draft ordinances that prohibits an application for a non-streamlined ADU if there is an ADU or JADU on the site.
[§10-2.1506(a) (11) for inland and §10-5.1506(a) (11) for coastal]
- HCD commented that the action taken within 60 days is generally limited to approval or denial, whereas the City's draft ordinances noted corrections through plan check as a possibility. The draft ordinances were revised to address this as follows:
 - The language was revised to say that the City shall act on the required permits within 60 days after receipt of a complete and Code compliant application.
[§10-2.1506(a)(3) a. for inland and §10-5.1506(a)(3) a. for coastal]
- HCD noted that even if the ADU is reviewed at the same time as the single-family dwelling, the ADU streamlining procedures must still be applied. The applicant cannot be forced to wait for the review of the ADU application until after the single-family application is approved. This is applicable to streamlined projects. The draft ordinances were revised to address this as follows:
 - The correction for streamlined was made.
[§10-2.1506(a)(3) b. for inland and §10-5.1506(a)(3) b. for coastal]

- HCD commented that as long as subleases are for a period of longer than 30 days, they can be allowed. The draft ordinances were revised to address this as follows:
 - The City's draft ordinances had "or subleased" in the wrong location in the sentence, which inadvertently prohibited subleases. This was corrected.
[§10-2.1506(b)(1) b. for inland and §10-5.1506(b)(1) b. for coastal and §10-2.1506(c)(9) for inland and §10-5.1506(c)(9) for coastal]
- HCD pointed out that a municipality cannot prohibit an ADU or JADU on a lot with an existing "guest dwelling" unless that term also meets the definition of an ADU. The draft ordinances were revised to address this as follows:
 - The City's definition of guest dwelling does not meet the definition of an ADU, since a guest dwelling does not have kitchen facilities. Therefore, the draft ordinances were revised to remove that limitation.
[§10-2.1506(b)(2) c. for inland and §10-5.1506(b)(2) c. for coastal and §10-2.1506(b)(3) c. for inland and §10-5.1506(b)(3) c. for coastal and §10-2.1506(c)(3) for inland and §10-5.1506(c)(3) for coastal]
- HCD wanted the language regarding streamlined detached with multifamily to be clear that two units are permitted. The draft ordinances were revised to address this as follows:
 - Although the language in City's draft ordinances has the same meaning, the ordinances were revised as, "~~No more than two~~ Two (2) detached accessory dwelling units are permitted per lot."
[§10-2.1506(b)(5) e. for inland and §10-5.1506(b)(5) e. for coastal]
- HCD noted that requiring an entryway to be at least 10 feet from the property line cannot be a requirement if it prevents the development. They stated that State law is very clear that required setbacks can be no greater than 4 feet in the rear and side yard. The draft ordinances were revised to address this as follows:
 - The revised language states the 4' requirement and that 10' is encouraged.
[§10-2.1506(c)(4) e.3. for inland and §10-5.1506(c)(4) e.3. for coastal]
- HCD noted that under streamlined it cannot be a requirement that the exit of an ADU or JADU not face the front property line. They commented that it can be a preference (similar to the issue regarding entryway being at least 10 feet from property line), but it cannot prevent the approval of an application to build an ADU/JADU. The draft ordinances were revised to address this as follows:
 - The revised language states that this is a preference.
[§10-2.1506(b)(2) e. for inland and §10-5.1506(b)(2) e. for coastal]
- HCD pointed out new legislation from AB 3182 that will go into effect January 1, 2021 requiring that not only must a JADU and ADU be allowed on the same site (streamlined), but they may be contained in the same residence. To ensure the City's ordinances are current, the draft ordinances were revised to address this as follows:
 - The sections where it references this in streamlined, noting only one being built under the wholly within has been revised.
[§10-2.1506(b)(2) c. for inland and §10-5.1506(b)(2) c. for coastal and §10-2.1506(b)(3) c.

for inland and §10-5.1506(b)(3) c. for coastal]

The City has also added clarification that the Preservation Ordinance is to be applied (specifically for Mills Act) under non-streamlined. This is allowed per the State regulations.

Since conflicting local provisions are rendered null and void, leaving the State regulations to govern, City staff prepared ADU ordinance revisions that meet the State regulations and implement what local controls are allowed.

The Planning Commission considered these revised ordinances at a public hearing on November 19, 2020. The Planning Commission unanimously adopted a resolution recommending that the City Council amend Title 10, Chapter 5 of the Municipal Code pertaining to ADUs in residential zones in the Coastal Zone consistent with the State law, and that the City Council adopt a finding that the amendments are statutorily exempt from CEQA. The Planning Commission also adopted a resolution with a unanimous vote recommending that the City Council amend Title 10, Chapter 2 of the Municipal Code pertaining to ADUs in residential zones in the Zoning Code consistent with the State law, and that the City Council adopt a finding that the amendments are statutorily exempt from CEQA. Those resolutions are attached to this Administrative Report.

COORDINATION

The preparation of the ordinances was coordinated with the City Attorney's Office.

FISCAL IMPACT

The cost of processing Zoning Code amendments is typically part of the Community Development Department and City Attorney's work plan and incorporated into the fiscal year operating budget.

Due to COVID-19 budget impacts, the Community Development Department prepared, and the City Council authorized, an application for a Local Early Action Planning (LEAP) Grant from HCD. One of the eligible projects for a portion of the LEAP Grant funds was the update to the City's ADU ordinances. The City has been awarded the grant, and on November 10, 2020 the City Council adopted a resolution appropriating the grant funds. \$40,000 of LEAP Grant funding is allocated for the preparation of the ADU ordinances.

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

- Ordinance No. XXXX-20 amending Title 10, Chapter 2 Zoning Ordinance
- Ordinance No. XXXX-20 amending Title 10, Chapter 5 Coastal Land Use Implementing Ordinance
- Resolution No. 2012-XXX authorizing transmittal to Coastal Commission and HCD
- Memorandum from HCD regarding Local Agency Accessory Dwelling Units dated January 10, 2020
- HCD Accessory Dwelling Unit Handbook September 2020
- October 6, 2020 City Council Administrative Report
- HCD Email Comments dated October 12, 2020

- Redondo Beach Letter dated October 21, 2020 Responding to HCD Comments
- HCD Email Comments dated October 30, 2020
- Comparison of Ordinance Text Track Changes for Reference
- Planning Commission Resolution No. 2020-11-PCR-19 adopted 11/19/20 recommending City Council amend Title 10, Chapter 5 of the Municipal Code pertaining to ADUs (pending signatures)
- Planning Commission Resolution No. 2020-11-PCR-18 adopted 11/19/20 recommending City Council amend Title 10, Chapter 2 of the Municipal Code pertaining to ADUs (pending signatures)
- Public Hearing Notice