

From: Miller, Reid@HCD
To: [Brandy Forbes](#)
Cc: [Antonio Gardea](#); [Sean Scully](#); [Lina Portolese](#)
Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach
Date: Friday, October 30, 2020 7:11:40 PM
Attachments: [image001.png](#)



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Hi Brandy,

Apologies for the lateness in getting back to you, but we have reviewed your comments, and were glad to see that most of our concerns were addressed. I have listed below a few items in response to questions or concerns in the memo you sent us:

1. I apologize for the confusion around the “approve or deny” comment that I made. I just wanted to be clear that “acting” on an application meant either approving or denying the application, but I did not intend to suggest that revisions could not be requested. Essentially, the clock would stop when revisions are requested by the City, and it would start again once the City received back the requested revisions from the applicant.
2. Unfortunately, we cannot accommodate your interpretation of State ADU law regarding the construction of ADUs on a site with a proposed or existing multifamily dwelling. Throughout California Government Code 65852.29(a)-(d), it was the clear intent of the legislature to remove language that limits ADUs to sites with a single family dwelling, and expand ADU production to all sites where residential development is permitted. Through the recent changes in ADU law, it was the goal of the legislature to expand ADU production, and to limit ADU production completely on multifamily dwelling sites would run counter to this goal. You are correct, however, that under 65852.2(e), you are only required to allow an ADU on sites with an existing multifamily dwelling. So, under (a)-(d), on a multifamily site (purposed or existing), you would be required to allow one ADU, which would be subject to local development standards. Under (e), on a multifamily site (existing), you would be required to allow two detached ADUs, and at least one interior ADU from non-livable space, none of which are subject to local development standards
3. Your question on whether an ADU must be allowed on a lot with an existing JADU is interesting, as there was a bit of uncertainty around how ADUs and JADUs on the same lot. However, AB 3182 will go into effect on January 1, 2021, and it will require that not only must a JADU and an ADU be allowed on the same site, but they may also both be contained within the primary residence. To be in compliance when this new law goes into effect, I would recommend adding this language to your ordinance.

I think this addresses the main topics of inquiry, but if you have any more questions (or if I missed something), just let me know! We understand that this statute is not the easiest to work through, and we appreciate the work you all have already put in to ensure that your adopted ordinance will be in compliance with State ADU law.

Best,

Reid

From: Brandy Forbes <Brandy.Forbes@redondo.org>
Sent: Tuesday, October 27, 2020 3:28 PM
To: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>
Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>; Lina Portolese <Lina.Portolese@redondo.org>
Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach

Reid,

Thanks so much. That timeframe works just fine.

Brandy Forbes

Community Development Director

Department of Community Development

415 Diamond Street

Redondo Beach, CA 90277

(310) 318-0637 x2200

brandy.forbes@redondo.org

www.redondo.org [redondo.org]



From: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>
Sent: Tuesday, October 27, 2020 3:12 PM
To: Brandy Forbes <Brandy.Forbes@redondo.org>
Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>; Lina Portolese <Lina.Portolese@redondo.org>
Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach

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Hi Brandy,

Thanks for checking in. Yes, I did received your comments, and am in the process of reviewing them. I've had some other projects that have slowed my progress in going through them a bit, but I should be able to provide comments/answers to your questions by the end of this week if that works for you.

Best,

Reid

From: Brandy Forbes <Brandy.Forbes@redondo.org>
Sent: Tuesday, October 27, 2020 12:59 PM
To: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>
Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>; Lina Portolese <Lina.Portolese@redondo.org>
Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach

Reid,

I wanted to check in to see if you received our responses to your comments on our draft ADU ordinances. I'm re-attaching just in case you didn't get them last week. Do you have a timeframe for when you might be able to provide us with feedback on our revisions and our questions? I just want to coordinate our public hearings accordingly.

Thanks so much,

Brandy Forbes

Community Development Director

Department of Community Development

415 Diamond Street

Redondo Beach, CA 90277

(310) 318-0637 x2200

brandy.forbes@redondo.org

www.redondo.org [redondo.org] [gcc02.safelinks.protection.outlook.com]



From: Brandy Forbes
Sent: Wednesday, October 21, 2020 3:57 PM
To: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>
Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>; Lina Portolese <Lina.Portolese@redondo.org>

Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach

Reid,

Our team has had a chance to go through your comments. Attached is the City's response to the comments, with requests for clarification on a few items. Please let me know if you have any questions or would like to discuss once you've had a chance to review.

Thank you,

Brandy Forbes

Community Development Director

Department of Community Development

415 Diamond Street

Redondo Beach, CA 90277

(310) 318-0637 x2200

brandy.forbes@redondo.org

www.redondo.org [redondo.org] [gcc02.safelinks.protection.outlook.com]



From: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>

Sent: Monday, October 12, 2020 11:59 AM

To: Brandy Forbes <Brandy.Forbes@redondo.org>; Lina Portolese <Lina.Portolese@redondo.org>

Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>

Subject: Re: ADU Ordinance (Draft) Comments- Redondo Beach

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Hi Brandy,

I do not intend on providing any more comments, unless you all would like to submit an updated draft at any point. Of course, feel free to email me any time if you have additional questions.

Best,

Reid

From: Brandy Forbes <Brandy.Forbes@redondo.org>
Sent: Monday, October 12, 2020 11:07 AM
To: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>; Lina Portolese <Lina.Portolese@redondo.org>
Cc: Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>
Subject: RE: ADU Ordinance (Draft) Comments- Redondo Beach

Reid,

Thank you for providing your feedback. You note that these are some of the comments. Do you expect to provide more? We don't want to update our ordinance with these and then have to update again with anything additional. Any guidance would be greatly appreciated.

Thanks,

Brandy Forbes

Community Development Director

Department of Community Development

415 Diamond Street

Redondo Beach, CA 90277

(310) 318-0637 x2200

brandy.forbes@redondo.org

www.redondo.org [redondo.org] [gcc02.safelinks.protection.outlook.com]

[gcc02.safelinks.protection.outlook.com]



From: Miller, Reid@HCD <Reid.Miller@hcd.ca.gov>
Sent: Monday, October 12, 2020 10:52 AM
To: Lina Portolese <Lina.Portolese@redondo.org>
Cc: Brandy Forbes <Brandy.Forbes@redondo.org>; Antonio Gardea <Antonio.Gardea@redondo.org>; Sean Scully <Sean.Scully@redondo.org>
Subject: ADU Ordinance (Draft) Comments- Redondo Beach

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opening attachments or links.

Good Morning Lina,

Apologies again for the delay, I had a couple of other draft ADU ordinances come in the last few days that required expedited reviews. Below are some of the comments I had in reading through your draft ordinances:

Comments on Non-Coastal Zone Ordinance:

- On pg. 3, an ADU or JADU must still be allowed on a lot with a proposed or existing multifamily structure as per CA Government Code 65852.2(a)(1)(D)(ii). It is only under 65852.2(e)(1)(C)-(D) that development is limited to lots with existing multifamily structures (in which case 2 detached ADUs would be allowed instead of just one).
- On pg. 4 under (a)(3)(a), taking action is generally limited to approval or denial within 60 days
- On pg. 4/5, 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
- In (6) on pg. 5, existing ADUs can be expanded to 850 square feet for a one-bedroom or 1,000 square feet for more than one bedroom under CA Government Code 65852.2(a)-(d), and up to 800 square feet under (e)
- On pg. 6, as long as subleases are for a period of longer than 30 days, I do not see a reason or justification for them to be limited
- On pg. 7-8, an ADU or JADU must be allowed on all lots with a proposed or existing primary residence. This cannot be limited by the fact that there is already an existing "guest dwelling", unless the guest dwelling also meets the definition of an ADU
- In (e) on pg. 9, just want to be clear that a lot with an existing multifamily structure is entitled to two detached ADUs under CA Government Code 65852.2(e)
- In (e)(3) on pg. 10, requiring an entryway to be at least 10 ft from the property line cannot be a requirement if it prevents the development of an ADU. State law is very clear that required setbacks can be no greater than 4 feet in the rear and side yard.

Comments on Coastal Zone Ordinance:

- On pg. 6-8, I am a bit confused as to what constitutes a "second unit." If second unit is synonymous with "accessory dwelling unit," there are numerous requirements in this section that would not comply with State ADU law
- On pg. 9, same comment as in the on-coastal ordinance regarding ADUs on lots with proposed or existing multifamily structures. An ADU or JADU must still be allowed on a lot with a proposed or existing multifamily structure as per CA Government Code 65852.2(a)(1)(D)(ii). It is only under 65852.2(e)(1)(C)-(D) that development is limited to

lots with existing multifamily structures (in which case 2 detached ADUs would be allowed instead of just one).

- On pg. 12, under (e), it cannot be a requirement that the exit of an ADU or JADU not face the front property line. It can be a preference, but it cannot prevent the approval of an application to build an ADU/JADU
- On pg. 14, (c)(2) should be removed. ADUs must be allowed wherever residential development is allowed, including on lots containing multifamily structures.
- On pg. 14, (c)(3) should be amended to allow JADUs and ADUs on the same lot. An ADU may be built on the same lot as a JADU, provided it is detached and of new construction
- On Pg. 15, (e)(3), same comment as in the non-coastal zone, requiring an entryway to be at least 10 ft from the property line cannot be a requirement if it prevents the development of an ADU. State law is very clear that required setbacks can be no greater than 4 feet in the rear and side yard. (e)(4)-(5) are also potential constraints on ADU development. These may be preferences, but they cannot be requirements that would prevent the approval of an ADU application if they are not met.

If you have any additional questions, or would like to send over another draft at any point, just let me know and I will be happy to assist in any way I can.

Best,

Reid

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