

RESOLUTION NO. 2020-11-PCR-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL AMEND TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES CONSISTENT WITH STATE LAW

WHEREAS, the Housing Element of the General Plan of the City of Redondo Beach provides that the City should enhance the availability of suitable sites for housing development which can accommodate a range of housing by type, size, location, price, and tenure;

WHEREAS, the Housing Element provides that the City should allow flexibility within the City's standards and regulations to encourage a variety of housing types;

WHEREAS, the Housing Element provides that the City should mitigate any potential governmental constraints to housing production and affordability;

WHEREAS, the Housing Element provides that the City should review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to be a constraint on the development of housing, particularly housing for lower and moderate income households and for persons with special needs;

WHEREAS, accessory dwelling units (ADUs) provide a community benefit by expanding the number and type of residential facilities available and assist ADU owners by providing additional affordable space for housing family or friend and/or revenue that may be used for maintenance, upgrades and other costs, in conformance with the Goals, Policies, and Programs of the Housing Element of the City's General Plan;

WHEREAS, if not regulated, ADUs can create nuisances such as overcrowding, illegal vehicle parking, and traffic-flow disruptions. The restrictions of the ADU Ordinance Amendment are necessary to prevent a burden on City services and potential adverse impacts on residential neighborhoods posed by ADUs;

WHEREAS, on October 9, 2019, the California Governor signed bills amending State law (in signature order: Senate Bill 13, Assembly Bill 68, and Assembly Bill 881, Statutes of 2019), effective January 1, 2020, that require the City of Redondo Beach to amend the Zoning Ordinance to conform to State Government Code Sections 65852.2 and 65852.22, seeking to ease the development standards for ADUs and allow the creation of Junior Accessory Dwelling Units (JADUs);

WHEREAS, if a local agency's existing accessory dwelling unit ordinance fails to meet the requirements of Sections 65852.2 and 65852.22, the ordinance shall be null and void and the agency shall thereafter apply the standards established under Sections

65852.2 and 65852.22 for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with Sections 65852.2 and 65852.22;

WHEREAS, the City of Redondo Beach's existing ADU ordinance adopted on April 16, 2019 does not meet the newly adopted amendments to Sections 65852.2 and 65852.22;

WHEREAS, the purpose of this Ordinance is to implement Sections 65852.2 and 65852.22, as amended, and provide for the health, safety, and welfare of City of Redondo Beach citizens by ensuring that development standards are established for ADUs and JADUs that account for local conditions;

WHEREAS, this Ordinance applies to the issuance of building permits and other ministerial permits that pertain to ADUs and JADUs;

WHEREAS, this Ordinance is consistent with Government Code sections 65852.2 and 65852.22 insofar as it attempts to comply with the standards of section 65852.2 and 65852.22 to the greatest extent feasible;

WHEREAS, this Ordinance is consistent with the Zoning Ordinance, the Housing Element of the General Plan, and other regulations of the City of Redondo Beach;

WHEREAS, on November 5, 2020, a notice of public hearing related to the proposed amendments contained herein was published in the Beach Reporter, a newspaper of general circulation in the City; and

WHEREAS, on November 19, 2020, the Planning Commission conducted a duly noticed public hearing, accepted public testimony, and considered the ordinance amendments.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA DOES HEREBY FIND AS FOLLOWS:

SECTION 1. FINDINGS.

- A. The amendments to the City's ADU and JADU ordinance are statutorily exempt from the California Environmental Quality Act (CEQA) as provided by Public Resources Code Section 21080.17 because it implements the provisions of Government Code sections 65852.2 and 65852.22 and CEQA Guidelines sections 15305 (minor alterations to land use limitations) and 15061(b)(3) (common sense exemption).
- B. The amendments to the Zoning Ordinance are consistent with the General Plan.
- C. These amendments do not require a vote of the people under Article XXVII of the City Charter.

SECTION 2. The above recitals are true and correct, and the recitals are incorporated herein by reference as if set forth in full.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ORDAIN AS FOLLOWS:

SECTION 3. AMENDMENT OF CODE. The following terms and definitions are hereby amended in Title 10, Chapter 2, Article 1, Section 10-2.402(a) of the Redondo Beach Municipal Code to read as follows (NOTE: Additions are highlighted as underlined and deletions are highlighted in ~~strikethrough~~):

(3.5) **“Accessory dwelling unit”** shall mean ~~an attached or detached~~ a residential dwelling unit on a lot with a proposed or existing primary residence or multifamily dwelling that is within a proposed or existing primary residence or multifamily dwelling or a structure accessory to a proposed or existing primary residence, or a residential dwelling unit detached from a proposed or existing primary residence or multi-family dwelling ~~which that~~ provides complete independent living facilities for one or more persons and is located on the same lot as the proposed or existing primary residence or multifamily dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated, including a bathroom, kitchen, and sleeping quarters on a residentially zoned lot that already contains no more than one legally established residential unit. An accessory dwelling unit includes an efficiency unit as defined in Section 17958.1 of the California Health & Safety Code and a manufactured home as defined in Section 18007 of the California Health & Safety Code.

(97.5) **“Junior accessory dwelling unit”** shall mean a unit that is no more than 500 square feet in size and is contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

(103.5) **“Living area”** shall mean the interior habitable area of ~~an accessory~~ a dwelling unit, including habitable basements and attics, but does not include ~~required parking spaces in an enclosed private~~ a garage or any nonhabitable accessory structure.

SECTION 4. AMENDMENT OF CODE. Title 10, Chapter 2, Article 3, Division 1, Section 10-2.1506 of the Redondo Beach Municipal Code is hereby amended to read as follows

10-2.1506 Accessory dwelling units in single-family and multi-family residential zones.

Accessory dwelling units and junior accessory dwelling units shall be a permitted uses on lots in residential zones in areas zoned to allow single-family or multifamily dwelling residential use on lots that contain a proposed or existing single-family or an existing multifamily dwelling, provided that the unit, if in a single-family residential zone, complies with this Section all development standards applicable to single-family dwellings in the zone in which the accessory dwelling unit is to be located, or provided the unit, if in a multiple-family residential zone, complies with all development standards applicable to multiple-family dwellings in the zone in which the accessory dwelling unit is to be located.

~~Attached (addition to existing single-family residences) or detached accessory dwelling units shall be subject to Administrative Design Review and conformance with the City's Residential Design Guidelines.~~

An accessory dwelling unit or junior accessory dwelling unit that conforming conforms to with the requirements of this sSection shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the existing General Plan and zoning designations for the lot. In addition, accessory dwelling units shall comply with the following standards:

~~—(a) **Permitted in conjunction with single-family dwelling.** An accessory dwelling unit shall be permitted on a residential lot on which there is already built or proposed to be built no more than one single-family dwelling. An accessory dwelling unit shall not be permitted on any lot already containing two (2) or more dwelling units. At no time shall the lot be allowed to contain both an accessory dwelling unit and a guest dwelling.~~

~~—(b) **Lot area.** An accessory dwelling unit shall be permitted on a lot having 6,000 square feet or more in area in the R-1, or R-1A, zones. An accessory dwelling unit shall be permitted on a lot having 5,000 square feet or more in area in the R-2, R-3, R-3A, RMD, RH-1, RH-2 or RH-3 zones.~~

~~—(c) **Development standards.**~~

(a) **Review and approval.**

(1) **Ministerial Approval.** A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding any local ordinance regulating the issuance of variances or special use permits.

(2) **Building Permit.** Accessory dwelling units and junior accessory dwelling units require a building permit issued in conformance with all Building Codes and this Section. This Section shall not validate any existing accessory dwelling unit or junior accessory dwelling unit constructed without the benefit of City-issued permits.

(3) **Approval Period.**

a. If there is an existing single-family or multi-family dwelling on the lot, the Community Development Director and Chief Building Official shall act on all required permits for accessory dwelling units or junior accessory dwelling units within sixty (60) days after receipt of a complete and Code compliant application.

b. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the applicant is encouraged to submit the accessory dwelling unit and other proposal(s) for combined review by the Community Development Director and Chief Building Official. If the applicant makes this election, the applicant voluntarily forgoes the streamlining procedures of Subsection (b). If the applicant does not elect combined review and the application for the accessory dwelling unit complies with the streamlining procedure of Subsection (b), the Community Development Director and Chief Building Official will apply the streamlining procedure of Subsection (b) to the application, including the sixty (60)-day time period to act on a complete and Code compliant application.

c. If the applicant requests a delay of the City's action on the application for an accessory dwelling unit, the sixty (60)-day time period shall be tolled for the period of the delay.

d. For either option in paragraphs b or c, the certificate of occupancy for the accessory dwelling unit shall not be issued before the certificate of occupancy for the primary dwelling unit.

e. The City may charge a fee to reimburse it for costs incurred to implement the approval process in paragraphs b and c, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) **Noncompliant Proposals.** If the requirements of this Section are not met, the proposed accessory dwelling unit or junior accessory dwelling unit cannot be approved under this Section. Notwithstanding the foregoing, applicants may seek approval of the unit, addition, or renovation under the city's generally applicable standards and procedures, including a variance under Section 10-2.2510.

(5) **Conversion of Existing Residence.** An existing residence may be converted to an accessory dwelling unit in conjunction with development of a new primary dwelling unit, so long as the primary dwelling unit meets required development standards.

(6) **Existing Accessory Dwelling Unit.** An existing accessory dwelling unit or junior accessory dwelling unit may be enlarged or modified only in accordance with the requirements of this Section.

(7) **Density.** To the extent required by California Government Code Section 65852.2, an accessory dwelling unit or junior accessory dwelling unit built in conformance with this Section does not count toward the allowed density for the lot upon which the accessory dwelling unit is located.

(8) **General Plan and Zoning Designations.** Accessory dwelling units and junior accessory dwelling units approved in compliance with this Section are a residential use that is consistent with the City's General Plan and Zoning Ordinance.

(9) **Clean and Waste Water.** Accessory dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity.

a. For accessory dwelling units or junior accessory units built within the proposed space of a single-family dwelling or existing space of a single-family dwelling

or accessory structure, the accessory dwelling unit can be accommodated with the existing water service and existing sewer lateral or septic system, insofar as evidence is provided that the existing water service and existing sewer lateral or septic system has adequate capacity to serve both the primary residence and accessory dwelling unit. No additional water meter shall be required, unless requested by the applicant.

b. Applicants that meet the requirements for streamlined approval of accessory dwelling units or junior accessory units built within existing space of a single-family dwelling or accessory structure under Subsection (b)(2) of this Section shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

c. Applicants that meet the requirements for streamlined approval of accessory dwelling units under Subsection (b)(3)-(5) of this Section or for other accessory dwelling units under Subsection (c) may be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility. Applicants may be required to pay a connection fee or capacity charge proportionate to the burden of the proposed accessory dwelling unit on the water or sewer system based on either its living area or its DFU values as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, as codified in the California Plumbing Code.

(10) **Owner Occupancy.** Any declaration of restrictions regarding owner occupancy previously recorded in conjunction with development of an accessory dwelling unit remains valid and binding on any successor in ownership of the property unless the accessory dwelling unit is removed. For any accessory dwelling unit permitted after January 1, 2025, for single-family residential zones, the primary unit or the accessory dwelling unit shall be occupied by the owner of the property. Prior to the issuance of a building permit for the accessory dwelling unit, a covenant shall be recorded that specifies that no more than one of the units may be rented.

(11) **One Application for Accessory Dwelling Units on Lots with Multifamily Dwellings.** Where an accessory dwelling unit was constructed on a lot with a proposed or existing multifamily dwelling under Subsection (c)(2), an application may not thereafter be submitted under Subsection (b) for a streamlined accessory dwelling unit on the same lot.

(b) **Standards for streamlined accessory dwelling units.** Under California Government Code Section 65852.2(e), the City shall approve the following streamlined accessory dwelling units if the specified development standards and use restrictions are met:

(1) Standards applicable to all streamlined accessory dwelling units and junior accessory dwelling units.

a. The accessory dwelling unit or junior accessory dwelling unit complies with applicable building codes and health and safety regulations; however, the accessory dwelling unit or junior accessory dwelling unit is not required to provide fire sprinklers unless fire sprinklers are required for the primary dwelling. All structures,

however, including accessory dwelling units and junior accessory dwelling units, shall comply with building codes, including, but not limited to, fire rating requirements.

b. The accessory dwelling unit or junior accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty (30) or more consecutive days, but it shall not be rented for overnight lodging or subleased for shorter terms. Neither the primary dwelling nor the accessory dwelling unit or junior accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit.

c. If the accessory dwelling unit or junior accessory dwelling unit will be connected to an onsite water treatment system, the applicant may be required to submit a percolation test completed within the last five (5) years, or if the percolation test has been recertified, within the last ten (10) years.

(2) Within Existing Space (Single-Family) – Accessory Dwelling Units and Junior Accessory Dwelling Units.

a. The accessory dwelling unit or junior accessory dwelling unit is located in a zoning district that allows single-family residential use.

b. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located contains an existing or proposed single-family dwelling.

c. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located contains no more than one accessory dwelling unit or junior accessory dwelling unit.

d. The accessory dwelling unit or junior accessory dwelling unit is wholly within the existing or proposed space of a single-family dwelling or the existing space of a physically attached accessory structure, or requires an addition of no more than one hundred fifty (150) square feet to an existing accessory structure to accommodate ingress and egress.

e. The accessory dwelling unit or junior accessory dwelling unit has exterior access independent from the existing single-family dwelling. Applicants are encouraged to locate the exterior access so that it does not face the front property line.

f. The junior accessory dwelling unit is no greater than five hundred (500) square feet in living area.

g. The existing single-family dwelling or accessory structure has side and rear setbacks sufficient for fire and safety. If the existing dwelling or structure complies with the City's setback requirements as described in this Code, it shall automatically meet this standard.

h. If a junior accessory dwelling unit is proposed, it complies with the requirements of California Government Code section 65852.22.

1. This includes the requirement of a recorded deed restriction for the junior accessory dwelling unit, which shall run with the land and filed with the permitting agency, that prohibits the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers. The deed restriction includes a restriction on the

size and attributes of the junior accessory dwelling unit in conformance with the Redondo Beach Municipal Code and California Government Code Section 65852.22.

2. This includes the requirement that either the primary unit or the junior accessory dwelling unit shall be occupied by the owner of the property. Prior to the issuance of a building permit for the junior accessory dwelling unit, a covenant shall be recorded that specifies that no more than one of the units may be rented. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Detached, New Construction (Single-Family) – Accessory Dwelling Units.

a. The accessory dwelling unit is located in a zoning district that allows single-family residential use.

b. The lot on which the accessory dwelling unit is located contains an existing or proposed single-family dwelling.

c. The lot on which the accessory dwelling unit is located contains no more than one accessory dwelling unit or junior accessory dwelling unit.

d. The accessory dwelling unit is detached from the single-family dwelling.

e. The accessory dwelling unit is new construction.

f. The accessory dwelling unit is located at least four (4) feet from the side and rear lot lines, is no greater than eight hundred (800) square feet in living area, and has a height of no more than sixteen (16) feet, measured from the lowest portion of the building that is above ground to the top most portion of the roof, exclusive of chimneys or vents.

g. Due to fire and life safety building standards, the minimum distance between a dwelling unit and an accessory structure, or between two (2) accessory structures on the same site shall be five (5) feet, unless the structure otherwise meets the Building Code for fire rating.

(4) Wholly Within Existing Space (Two-Family or Multifamily) – Accessory Dwelling Units.

a. The accessory dwelling unit is located in a zoning district that allows residential use.

b. The lot on which the accessory dwelling unit is located contains an existing two-family or multifamily dwelling.

c. The accessory dwelling unit is located within a portion of the existing two-family or multifamily dwelling structure that is not used as livable space.

d. The total number of accessory dwelling units within the dwelling will not exceed twenty-five percent (25%) of the existing number of primary dwelling units within the existing two-family or multifamily dwelling structure, provided that all two-family or multifamily dwellings shall be permitted at least one accessory dwelling unit.

(5) Detached, New Construction (Two-Family or Multifamily) – Accessory Dwelling Units.

- a. The accessory dwelling unit is located in a zoning district that allows residential use.
- b. The lot on which the accessory dwelling unit is located contains an existing two-family or multifamily dwelling.
- c. The accessory dwelling unit is detached from the two-family or multifamily dwelling.
- d. The accessory dwelling unit is located at least four (4) feet from the side and rear lot lines and has a height of no more than sixteen (16) feet, measured from the lowest portion of the building that is above ground to the top most portion of the roof, exclusive of chimneys or vents.
- e. Two (2) detached accessory dwelling units are permitted per lot.
- f. Due to fire and life safety building standards, the minimum distance between a dwelling unit and an accessory structure, or between two (2) accessory structures on the same site shall be five (5) feet, unless the structure otherwise meets the Building Code for fire rating.

(c) Standards for other accessory dwelling units.

These criteria cover accessory dwelling unit applications that do not meet the criteria under California Government Code Section 65852.2(e) for streamlined accessory dwelling units, including accessory dwelling units that are a conversion or use of an existing attached or detached structure accessory to a primary residence and expansion of an existing single family unit beyond one hundred fifty (150) square feet for ingress and egress for an attached accessory dwelling unit. Applications under this Subsection (c) shall be limited to one accessory dwelling unit per lot.

Any accessory dwelling unit that does not meet the criteria of Subsection (b) shall meet the following development standards and use restrictions:

- (1) The accessory dwelling unit is located in a zoning district that allows single-family residential use.
- (2) The lot on which the accessory dwelling unit is located contains an existing or proposed single-family dwelling or multifamily dwelling.
- (3) The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit or junior accessory dwelling unit.
- (4) The accessory dwelling unit meets all nondiscretionary requirements for any single-family dwelling located on the same parcel lot in the same zoning district. These requirements include, but are not limited to, building height, setback, site coverage, floor area ratio, building envelope, payment of any applicable fee, and building code requirements. The following exceptions to these requirements apply:
 - a. No setback is required for an accessory dwelling unit located within an existing living area or existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. A side and rear yard setback of at least four

(4) feet is required for all other accessory dwelling units or portions thereof, including new structures that exceed the footprint of the structure being replaced.

b. The minimum distance between a dwelling unit and an accessory structure, or between two (2) accessory structures on the same site shall be five (5) feet.

c. The minimum lot area per dwelling unit required by the applicable district shall not apply.

d. The height of an accessory dwelling unit shall be no more than sixteen (16) feet, measured from the lowest portion of the building that is above ground to the topmost portion of the roof, exclusive of chimneys or vents. No detached accessory dwelling unit structure shall exceed one story in height.

e. The only architectural and design standards that apply to accessory dwelling units are as follows:

1. The accessory dwelling unit shall use similar exterior siding materials, colors, window types, door and window trims, roofing materials, and roof pitch as the primary dwelling.

2. If the accessory dwelling unit is attached to a primary dwelling, the accessory dwelling unit shall have an entrance separate from the primary dwelling located so that it is not visible from a public street, where feasible.

3. The entrance to a detached accessory dwelling unit shall be located at least four (4) feet from any property line. Applicants are encouraged to locate the entrance at least ten (10) feet from any property line.

4. If the property abuts an alley, any driveway access for an ADU must be provided through the alley.

5. For accessory dwelling units attached to a single-family primary dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.

6. The City shall apply the Preservation Ordinance, Chapter 10-4 of the Redondo Beach Municipal Code, to an application for an accessory dwelling unit under this subsection, including, but not limited to, the enforcement of an existing or future contract between the applicant and the City under the Mills Act (Cal. Government Code Sections 50280-50290 and California Revenue and Taxation Code Sections 439-439.a) to preserve and/or restore a historic structure.

f. Under California Government Code Section 65852.2, no passageway is required in conjunction with the construction of an accessory dwelling unit. "Passageway" is defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

g. The accessory dwelling unit is not required to provide fire sprinklers unless fire sprinklers are required for the primary single-family dwelling.

(5) The living area of the accessory dwelling unit shall not exceed eight hundred fifty (850) square feet for studios or one-bedroom accessory dwelling units or

one thousand (1,000) square feet for accessory dwelling units that provide more than one bedroom.

(6) Limits on the living area of an accessory dwelling unit based on percentage of proposed or existing primary dwelling size, lot coverage, floor area ratio, open space, or lot size shall not be used to reduce the living area of the accessory dwelling unit below eight hundred (800) square feet or limit the height of the accessory dwelling unit below sixteen (16) feet.

(7) The minimum living area of the accessory dwelling unit shall be no less than one hundred fifty (150) square feet or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

(8) Parking.

a. A minimum of one off-street parking space for the accessory dwelling unit, in addition to the spaces required for the single-family primary dwelling, shall be provided for accessory dwelling units unless:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit. For the purpose of this paragraph, public transit shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. Where there is a car share vehicle located within one block of the accessory dwelling unit.

b. Notwithstanding any other provisions of this Code, the required parking space may be located as a tandem space in an existing driveway or in the required setbacks, and may have a permeable, all-weather surface, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. All parking spaces provided shall have dimensions that conform with the requirements of Section 10-2.1704.

c. When a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement off street parking spaces are not required. When replacement spaces are provided, they may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, enclosed spaces, unenclosed spaces, or tandem spaces, or by the use of mechanical automobile parking lifts; provided, that the spaces and driveway comply with

the requirements found in Section 10-2.1704 to the extent those requirements do not conflict with this Section.

(9) The accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty (30) or more consecutive days, but it shall not be rented or subleased for shorter terms. Neither the single-family primary dwelling nor the accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit.

(10) No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any accessory dwelling unit with a living area of less than seven hundred fifty (750) square feet. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the primary dwelling unit.

~~All attached accessory dwelling unit shall comply with the development standards of the underlying zone applicable to the primary unit, including, but not limited to, setbacks, height, stories, floor area ratio, outdoor living space, and other general regulations.~~

~~(1) **Accessory dwelling unit size.** The living area of the accessory dwelling unit and the non-habitable areas, including, but not limited to, the garage space(s), shall be included in calculating the gross floor area ratio.~~

~~— a. Notwithstanding Section 10-2.1512, in residential zones, the minimum size of an accessory dwelling unit shall be one hundred fifty (150) square feet of living area.~~

~~— b. The maximum size of an accessory dwelling unit shall be:~~

~~1. Six hundred (600) square feet of living area for a detached accessory building; or~~

~~2. Six hundred (600) square feet of living area or fifty (50%) percent of the living area of the existing residence, whichever is less for an addition to the primary residence (i.e., an attached accessory dwelling unit).~~

~~(2) **Height.** A detached accessory dwelling unit shall comply with the height limit included in the development standards for accessory structures in residential zones.~~

~~(3) **Setbacks.** A detached accessory dwelling unit shall comply with the setback requirements included in the development standards for accessory structures in residential zones. Notwithstanding the general applicability of setback requirements, no setback shall be required for conversion of an existing accessory building to an accessory dwelling unit.~~

~~(4) **Setbacks between buildings on the same lot.** Pursuant to Section 10-2.1500(a) of this chapter, the minimum setback between the primary dwelling and a detached accessory dwelling unit shall be not less than five (5) feet.~~

~~(5) **Entries.** If the accessory dwelling unit is attached to the primary unit, a separate entrance to the accessory dwelling unit shall be located so as not be visible from the public street, where feasible.~~

~~(6) **Parking.**~~

~~_____ a. _____ Two (2) enclosed parking spaces shall be required for the primary dwelling. In addition to the parking required for the primary residence per Section 10-2.1704, there shall be at least one parking space provided per accessory dwelling unit. This additional parking shall be located on the same lot for which the accessory dwelling unit is requested, and shall be kept free, clear and accessible for the parking of a vehicle at all times. Parking space dimensions shall conform with the requirements of Section 10-2.1704.~~

~~_____ b. _____ Parking for accessory dwelling units may be waived if the applicant can demonstrate compliance with listed exemptions, as provided in State law, as may be amended from time to time.~~

~~_____ c. _____ The accessory dwelling unit shall utilize the same vehicular access that serves the primary unit.~~

~~_____ d. _____ The development shall comply with all parking regulations pursuant to Article 5 of this chapter.~~

~~_____ e. _____ If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, the off-street parking spaces shall be replaced.~~

~~The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~**(d) Occupancy.** Either the primary unit or the accessory dwelling unit shall be occupied by the owner of the property. Prior to the issuance of a building permit for the accessory dwelling unit, a covenant shall be recorded that specifies that no more than one of the units may be rented.~~

~~**(e) Existing structures.** No existing building on the lot shall be approved as an accessory dwelling unit, unless the Community Development Director and Chief Building Official determine that the use of the building as an accessory dwelling unit is compliant with all Building Codes. This Section shall not validate any existing accessory dwelling unit constructed without the benefit of City-issued permits.~~

~~Notwithstanding any other applicable requirements, the City shall approve an application for a building permit to create an accessory dwelling unit, if the unit is contained within the existing habitable area of a single-family residence, or other accessory structure, has independent exterior access from the existing residence, and provides setbacks sufficient for fire safety.~~

SECTION 5. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 6. SEVERANCE. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7. FORWARD TO CALIFORNIA DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. That the City Clerk forward a copy of this Ordinance to the California Department of Housing and Urban Development so the above noted State Departments will be informed of the action of the City Council.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2020.

Dan Elder, Chair
Planning Commission
City of Redondo Beach

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Brandy Forbes, Community Development Director of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2020-11-PCR-18 was duly passed, approved, and adopted by the Planning Commission at a regular meeting of the said Planning Commission held on the 19th day of November, 2020, by the following vote:

AYES: Chair Elder, Commissioners Toporow, Ung, Godek, Hinsley, and
 Strutzenberg

NOES: None

ABSENT: None

Brandy Forbes, AICP
Community Development Director

APPROVED AS TO FORM:

City Attorney's Office