



Administrative Report

K.1., File #PC20-0938

Council Action Date: 5/21/2020

TO: PLANNING COMMISSION
FROM: BRANDY FOBES, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: LEGISLATIVE UPDATE ON ACCESSORY DWELLING UNITS

TITLE

DISCUSSION AND CONSIDERATION OF BRIEFING ON STATE ADOPTED ACCESSORY DWELLING UNIT RELATED LEGISLATION

RECOMMENDATION: RECEIVE AND FILE

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.

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 is being incorporated into the City's proposed ADU ordinances.

This report provides these updates/summaries.

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.

The Community Development Office received legislative summaries from the City's lobbyist Arnold and Associates, Inc. and from the State Office of Planning and Research (OPR) regarding the 2019 State adopted bills. The summary from Arnold and Associates, Inc. includes new legislation that became effective January 1, 2020 that pertains to Housing, Community and Economic Development. The OPR summary is a compilation of bills pertaining to local and regional governance. Neither is the exhaustive list of all bills adopted or all bills that may be relevant to local and regional government. However, both summaries list pertinent housing legislation, including new regulations pertaining to ADUs. Both summaries are attached.

On November 21, 2019, Community Development Department staff attended a webinar provided by the CA-APA, in conjunction with HCD, regarding important bills related to ADUs. This webinar focused specifically on the ADU bills that were signed into law and became effective as of January 1, 2020, including AB 68 (Ting), AB 587 (Friedman), AB 670 (Friedman), AB 671 (Friedman), AB 881 (Bloom), and SB 13 (Wieckowski). Attendees of the webinar received information on how the provisions of these bills work together and are chaptered into law, legislative objectives, compatibility with local ADU ordinances, implications for housing element updates, and recommendations for implementation that impact the processing of ADU development applications.

Subsequently, 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 is being incorporated into the City's proposed ADU ordinances.

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
- 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)
 - No parking required for an efficiency or studio ADU
 - No parking required for a streamlined unit (unless possibly in coastal area)
 - 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

Below are the regulations for **streamlined** applications versus what the City of Redondo Beach may regulate regarding **non-streamlined** ADUs. There may be slightly more flexibility regarding parking requirements for the coastal area than inland.

Streamlined ADUs

Regardless of any other provisions, a City must approve applications for streamlined ADUs that meet the following standards, and may not impose any other standards.

Single Family	Multi-Family
<p><i>"Wholly Within"</i></p> <ul style="list-style-type: none"> • One ADU or JADU is allowed • To be on lot with existing or proposed single family residence (SFR) • ADU or JADU must be wholly within existing or proposed SFR or existing attached accessory structure, with an expansion of up to 150 square feet (sf) if expansion is to accommodate ingress/egress • Direct exterior access is required • Side and rear yard setbacks must be sufficient for fire safety • No ADU size limit can be imposed (must be entirely within existing footprint of SFR with only up to 150 sf additional expansion for ingress/egress) • JADU limits can be imposed (500 sf limit; recorded deed restriction prohibiting separate sale, limiting size, and allowing rental of only one of the units; owner occupancy requirement) 	<p><i>"Non-livable Space Conversion"</i></p> <ul style="list-style-type: none"> • At least one ADU and up to 25% of existing units in multi-family dwelling (MFD) are allowed • To be on lot with existing MFD • ADU is to be a conversion of non-livable space of existing structure, (i.e., storage rooms, boiler rooms, passageways, attics, basements, garages) • ADU must be wholly within existing MFD, but can only be conversion of non-livable space • No ADU size limit can be imposed
<p><i>"New Detached"</i></p> <ul style="list-style-type: none"> • One ADU is allowed • An ADU under this section may be combined with one JADU under "Wholly Within" category • To be on lot with existing or proposed SFR • Residential or mixed-use zoning • Detached from the SFR • New construction (conversion of detached accessory structure would constitute non-streamlined) • 4 ft. side and rear yard setbacks • 800 sf limit • 16 ft. height limit • 5 ft. minimum distance between structures for fire protection (City of Redondo Beach requirement) 	<p><i>"New Detached"</i></p> <ul style="list-style-type: none"> • Not more than two detached ADUs are allowed • To be on lot with existing MFD • Detached from the MFD • New construction • 4 ft. side and rear yard setbacks • No ADU size limit can be imposed • 16 ft. height limit • 5 ft. minimum distance between structures for fire protection (City of Redondo Beach requirement)

For all four streamlined categories:

- ADUs must be allowed in any residential or mixed-use zoning
- No minimum lot size can be imposed
- No maximum floor area ratio between primary dwelling and ADU/JADU can be imposed
- ADUs must comply with Building, Fire, and Health Codes
- Short-term rentals (less than 30 days) are prohibited
- Separate conveyance of ADUs is not allowed
- City cannot require owner occupancy of ADU or main unit (sunsets January 2025)
- City cannot require correction of existing non-conforming conditions, although applicants are encouraged to correct
- No fire sprinklers can be required unless required for primary SFD
- If on-site water system, City can require certain percolation tests
- Separate connections for clean and waste water can be required for ADUs larger than 500 sf or where existing system lacks adequate capacity
- City shall act on application within 60 days
- Parking:
 - In coastal zone, possibility that one parking space per ADU or JADU, provided on same lot as the ADU or JADU, could be required (City of Redondo Beach will propose this)
 - In inland zone, City cannot require parking for streamlined ADU or JADU
 - City cannot require replacement parking of converted spaces
 - Parking in tandem or in setbacks must be allowed
- Coastal Development Permit (CDP):
 - No CDP and public hearing required if ADU within existing SFR and does not affect major structural components
 - If CDP required, public hearing waived if
 - ADU meets development standards for non-streamlined project
 - ADU has no potential to adversely impact coastal resources
 - Project is consistent with City's Local Coastal Program
 - ADU has no adverse effect on access to coast
 - City does not receive a request for public hearing within 15 working days after notice of hearing waiver issued

Non-Streamlined ADUs

For ADU applications that do not meet the standards for streamlining, the City can impose some standards, such as parking, height, setback, landscaping, architectural review, maximum size, and historic resource protections. The City is considering non-streamlined standards to apply to lots with existing or proposed SFRs only. Lots with existing MF dwellings would not be eligible for construction of ADUs under these non-streamlined standards. As well, JADUs would not be allowed in non-streamlined cases.

For all non-streamlined ADUs:

- ADUs could be limited to SFR zoning
- No minimum lot size can be imposed
- No maximum floor area ratio between primary dwelling and ADU/JADU can be imposed

- ADU must comply with Building, Fire, and Health Codes
- Short-term rentals (less than 30 days) are prohibited
- Separate conveyance of ADUs is not allowed
- City cannot require owner occupancy of ADU or main unit (sunsets January 2025)
- City cannot require correction of existing non-conforming conditions, although applicants are encouraged to correct
- No fire sprinklers can be required unless required for primary SFD
- If on-site water system, City can require certain percolation tests
- Separate connections for clean and waste water required for ADUs larger than 500 sf or where existing system lacks adequate capacity
- City shall act on application within 60 days
- ADU may be within, attached to, or detached from existing SFR
- City can limit it so the ADU can only be on a lot with existing or proposed SFR (not MFR)
- City can require that no existing ADU or JADU to be located on the site
- City can require ADU to comply with building height, setback, site coverage, floor area ratio, building envelope, and payment of any applicable fees
- Size:
 - Maximums as low as 850 sf limit (studio/1 bedroom) or 1000 sf (>1 bedroom)
 - Formulas for maximum size based on percentage of proposed or existing primary dwelling size, lot coverage, floor area ratio, open space, or lot size cannot reduce living area below 800 sf or limit height below 16 ft.
 - Must still allow an efficiency unit (minimum 150 sf)
- Entrances:
 - Can restrict attached ADUs to have direct (independent) exterior access
 - Can restrict attached ADU at gain access from rear or side only
 - Can restrict detached ADU access to at least 10 ft. from property line
- Height limit:
 - 16 ft. maximum height for detached (cannot go below that)
 - Can limit detached ADU to one-story
- Setbacks:
 - No setback can be required for existing or replacement structures
 - 4 ft. minimum side and rear yard for new construction and for ADUs that exceed footprint of existing structure or structure being replaced
 - 5 ft. minimum distance between structures
- Parking:
 - In coastal zone, possibility that one parking space per ADU, provided on same lot as the ADU, could be required regardless of waivers (see inland zone).
 - In inland zone, one space can be required per ADU, provided on same lot as the ADU, unless
 - within ½ mile of public transit
 - in historic district
 - on-street parking permits required but not offered to ADU occupant
 - ADU is within or attached to existing SFR or accessory structure
 - car share vehicle is located within 1 block
 - Parking in tandem or in setbacks must be allowed

- Replacement spaces for garage or carport demolition or conversion required in coastal zone; replacement cannot be required in inland zone
- Coastal Development Permit (CDP):
 - No CDP and public hearing required if ADU within existing SFR and does not affect major structural components
 - If CDP required, public hearing waived if
 - ADU meets development standards for non-streamlined project
 - ADU has no potential to adversely impact coastal resources
 - Project is consistent with City's Local Coastal Program
 - ADU has no adverse effect on access to coast
 - City does not receive a request for public hearing within 15 working days after notice of hearing waiver issued

Since conflicting local provisions are rendered null and void, leaving the State regulations to govern, the next step is for City staff to prepare ADU ordinance revisions that meet the State regulations and implement what local controls are allowed. Staff have been working on the draft ordinances and will review them with the Planning Commission at a public hearing in an upcoming meeting.

ATTACHMENTS

- 2019 - Arnold & Associates Summary Housing Bills Enacted
- 2019 - OPR Legislative Summary
- Memorandum from California Department of Housing and Community Development regarding Local Agency Accessory Dwelling Units dated January 10, 2020