Pending Signatures

RESOLUTION NO. 2020-09-PCR-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL AMEND TITLE 10, CHAPTER 5 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES CONSISTENT WITH STATE LAW

WHEREAS, Section 30001.5 of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code) provides that the one of the basic goals of the state for the coastal zone is to assure orderly, balanced utilization and conservation of the coastal zone resources taking into account the social and economic needs of the people of the state;

WHEREAS, Coastal Act Section 30001.5 provides that one of the basic goals of the state for the coastal zone is to maximize public access to and along the coast to maximize public recreational opportunities in the coastal zone;

WHEREAS, Coastal Act Section 30004 provides that to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement;

WHEREAS, Coastal Act Section 30005 provides that the Coastal Act is not a limitation on the power of a city to adopt and enforce regulations not in conflict with the Coastal Act or to impose further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone;

WHEREAS, Coastal Act Section 30500 provides that each local government in California lying in the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction that shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided;

WHEREAS, Coastal Act Section 30519 provides that development review authority shall be delegated by the Coastal Commission to the local agency through a certified local coastal program;

WHEREAS, the California Coastal Commission certified the local coastal program of the City of Redondo Beach (LCP) on June 18, 1981 and subsequently certified amendments to the LCP;

WHEREAS, the LCP provides that by requiring adequate parking for new developments within the coastal zone in the past, the City has assured adequate parking accessibility to the beach and the Harbor-Pier area and that this policy will be continued

by assuring the adoption of adequate parking standards in the implementing ordinance of the LCP;

WHEREAS, the LCP provides that the total supply of on-street parking within the Coastal Zone will be retained to assure adequate parking access to the beach and Harbor-Pier area;

WHEREAS, the LCP provides that multifamily dwellings must provide two parking spaces per unit as well as one guest space per every four residential units in the Coastal Zone;

WHEREAS, the LCP provides that major usage of on-street parking in the Coastal Zone shall be for recreational parking needs;

WHEREAS, a 1978 beach user's survey indicated that 70% of the beachgoers in the City of Redondo Beach access the beach by automobile;

WHEREAS, the LCP requires adequate parking for new developments within the Coastal Zone;

WHEREAS, the City of Redondo Beach implements the LCP through its Coastal Land Use Plan Implementation Ordinance set forth in Redondo Beach Municipal Code Chapter 10-5;

WHEREAS, Chapter 10-5 provides that the broad purposes of the Zoning Ordinance for the coastal zone are, among other things, to maximize public access, ensure compatibility between land uses, and ensure adequate provision of off-street parking;

WHEREAS, on October 9, 2019, the California Governor signed legislative bills as amendments to 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 its Zoning Ordinance to conform to State Government Code Sections 65852.2 and 65852.22, pertaining to the regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

WHEREAS, under State Government Code Sections 65852.2 and 65852.22, if a local agency has an existing ADU ordinance that fails to meet the requirements of Sections 65852.2 and 65852.22, that ordinance shall be null and void and that agency shall thereafter apply the standards established in the State's Government Code for the approval of ADUs, unless and until the agency adopts an ordinance that complies with the State Government Code;

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, traffic-flow disruptions, and loss of off-street parking in the coastal zone that will inhibit access to publicly accessible beaches and the Harbor-Pier area. The restrictions of the ADU Ordinance Amendment are necessary to prevent a burden on City services, potential adverse impacts on residential neighborhoods, and loss of public access to the City's public beaches and Harbor-Pier area posed by ADUs;

WHEREAS, in Ordinance No. 2912-03 adopted on October 7, 2003, the City of Redondo Beach adopted regulations for Second Dwelling Units in the coastal zone of the City, codified in Chapter 10-5 of the Redondo Beach Municipal Code;

WHEREAS, on February 18, 2004, the California Coastal Commission certified Chapter 10-5 as compliant with the Coastal Act and the LCP;

WHEREAS, the City amended Chapter 10-5 in Ordinance No. 3187-19 adopted on April 16, 2019;

WHEREAS, the existing provisions of Chapter 10-5 have not been considered for certification by the Coastal Commission and do not meet the new requirements of Government Code Sections 65852.2 and 65852.22;

WHEREAS, Government Code Section 65852.2 states that, "Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the Coastal Act except that the local government shall not be required to

hold public hearings for coastal development permit applications for accessory dwelling units;"

WHEREAS, the California Coastal Commission issued memos on April 18, 2017 and November 20, 2017 to provide guidance to jurisdictions located within the Coastal Zone for implementing amendments to their local coastal plans to be consistent with revised Government Code section 65852.2;

WHEREAS, the Coastal Commission recommends that the City of Redondo Beach amend the LCP and Chapter 10-5 to align with the new ADU requirements;

WHEREAS, under Government Code Section 65852.2 the City of Redondo Beach may, by ordinance, provide for the creation of ADUs in residentially zoned areas in the coastal zone and impose standards on ADUs that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places;

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

WHEREAS, this ADU Ordinance Amendment is consistent with Government Code section 65852.2 and the Coastal Act in so far as it attempts to comply with the standards in section 65852.2 to the greatest extent feasible while including limited modifications to protect coastal resources in the coastal zone of the City;

WHEREAS, requiring ADUs to provide off-street parking in neighborhoods adjacent to publicly accessible beaches and the Harbor-Pier area will enhance coastal resources, namely coastal access;

WHEREAS, the adoption of parking standards for ADUs in this Ordinance implements the LCP by promoting the City's beach access policies to diligently enforce parking standards and retain the total supply of on-street parking;

WHEREAS, under Government Code Sections 65852.2(d) and (e), the City is not permitted to require replacement of off-street parking spaces lost through conversion of private garages, carports, or covered parking structures to ADUs and is required to approve conversions of off-street parking spaces to ADUs within existing multifamily residential buildings at a ratio of up to one ADU for every four units in a multifamily building;

WHEREAS, the conversion of private garages, carports, and covered parking structures to ADUs in the coastal zone could result in the loss of substantial off-street parking spaces;

WHEREAS, 3,207 dwelling units in multifamily residential buildings of four or more units currently located in the coastal zone are eligible to convert off-street parking spaces to accessory dwelling units, which, along with conversions of off-street parking spaces in multifamily buildings of two and three units, could cause a potential loss of more than 748 off-street parking spaces in the coastal zone;

WHEREAS, the loss of off-street parking spaces in the coastal zone resulting from the City's application of the off-street parking provisions of Government Code Section 65852.2 could significantly undermine a core policy of the Coastal Act and the LCP to maximize public access to the beach and Harbor-Pier area;

WHEREAS, the State provided in Government Code Section 65852.2(l) that nothing in Section 65852.2 shall supersede or in any way alter or lessen the effect of the Coastal Act;

WHEREAS, in accordance with Government Code Section 65852.2(l), the City has modified this Ordinance to require at least one off-street parking space for each ADU in the coastal zone to achieve a reasonable balance between the objective of Section 65852.2 to encourage the development of accessory dwelling units and the strong public policy of the Coastal Act and the LCP to maximize public access to the beach and Harbor-Pier area;

WHEREAS, issuance of building permits or any other applicable ministerial permit of approval that pertain to ADUs, JADUs, and combinations thereof will be subject to all provisions as set forth below, unless otherwise specified in this Ordinance, notwithstanding other existing zoning provisions and regulations of the City of Redondo Beach;

WHEREAS, on September 3, 2020, a notice of public hearing related to the proposed amendments contained herein was published in the Daily Breeze, a newspaper of general circulation in the City; and

WHEREAS, on September 17, 2020, the Planning Commission conducted a duly noticed public hearing, accepted public testimony, and considered the ordinance amendments.

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

SECTION 1. FINDINGS.

A. In compliance with the California Environmental Quality Act of 1970, as amended (CEQA), and State and local guidelines adopted pursuant thereto,

the City Council of the City of Redondo Beach determined that the Municipal Code amendments qualify for CEQA statutory and general rule exemptions. Under Public Resources Code Section 21080.17, CEQA does not apply to adoption of an ordinance to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code (i.e. the State Accessory Dwelling Unit law). Furthermore, the adoption of an ordinance to implement state law will not result in direct or reasonable foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and the activity is not a considered a project under CEQA and therefore qualifies for the general rule exemption under Section 15061(b)(3) of the CEQA Guidelines.

B. The amendments to the Coastal Land Use Plan Implementation Ordinance are consistent with the General Plan and Local Coastal Program.

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**.** On February 18, 2004, the California Coastal Commission certified Title 10, Chapter 5 of the Redondo Beach Municipal Code as compliant with the Coastal Act. On April 16, 2019, by Ordinance No. 3187-19, the City of Redondo Beach amended Chapter 10-5 to read as set forth in Sections 4, 5, 6, 7, and 8 of this Ordinance. The Coastal Commission has not considered the amendments to Chapter 10-5 for certification as compliant with the Coastal Act and the City's Local Coastal Program. Because the provisions of Chapter 10-5 in effect prior to the current provisions adopted in Ordinance No. 3187-19 had been certified by the Coastal Commission, the City sets forth the now rescinded provisions of Chapter 10-5 regarding Second Dwelling Units that had been certified by the Coastal Commission for informational purposes.

10-5.1506 Second units in single-family and multi-family residential zones.

Second units shall be a permitted use on all lots in residential zones, provided the unit, if in a single-family residential zone, complies with all development standards applicable to single-family dwellings in the zone in which the second 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 second unit is to be located. Second units shall be subject to Administrative Design Review and conformance with the City's Residential Design Guidelines. *A* second unit conforming with the requirements of this section 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, Coastal Land Use Plan and zoning

designations for the lot. In addition, second units shall comply with the following standards:

(a) **Permitted in conjunction with single-family dwelling.** *A* second unit shall only be permitted on a residential lot on which there is already built one single-family dwelling. *A* second dwelling 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 a second unit and a guest dwelling.

(b) **Unit size in single-family zones.** Notwithstanding Section 10-5.1512, in single-family residential zones, the minimum size of a second unit, whether attached or detached, shall be 400 square feet and the maximum size shall be 600 square feet, excluding garages.

(c) **Lot area.** No second unit shall be permitted on a lot having less than 6,000 square feet in area in the R-1 or R-2 zones. No second unit shall be permitted on a lot having less than 5,000 square feet in area in the R-3A or RMD zones, or on a lot having less than 3,112 square feet in the RH-I, RH-2 or Rl-1-3 zones.

(d) **Setbacks, height, stories, maximum floor area ratio, outdoor living space.** All second units 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. The floor area of the second unit shall be included for purposes of determining the floor area of buildings on the lot when calculating floor area ratio. Notwithstanding the height and story limits applicable to the primary unit, in single-family zones a detached second unit shall be limited to one story and a maximum height of fifteen (15) feet.

(e) **Setbacks between dwelling units on the same lot.** Pursuant to Section 10-5.1502 of this chapter, the minimum setback between the primary dwelling and a detached second unit shall be not less than twenty (20) feet.

(f) **Parking.**

(1) In single-family residential zones, two enclosed parking spaces shall be required for the primary dwelling and two enclosed parking spaces shall be required for the second unit;

(2) In multi-family residential zones, two parking spaces including at least one enclosed space shall be required for the primary dwelling and two parking spaces including at least one enclosed space shall be required for the second unit.

(3) The second unit shall utilize the same vehicular access that serves the primary unit.

(4) The development shall comply with all parking regulations pursuant to Article 5 of this chapter.

(g) **Occupancy.** In single-family residential zones, either the primary unit or the second unit shall be occupied by the owner of the property. Prior to the issuance of a building permit for the second unit, a covenant shall be recorded that specifies that no more than one of the units may be rented.

(h) **Entries.** In single-family residential zones, if the second unit is attached to the primary unit, a separate entrance to the second unit shall not be permitted unless it is located on the side or at the rear of the building.

(i) **Variances and modifications.** In single-family residential zones, no second unit shall be granted a variance or modification from any standards in this chapter. No

second unit shall be permitted on any lot having any building or structure that was granted a variance or modification from any standards in this chapter or does not conform to all development standards in this chapter.

(j) **Conversions of guest dwellings or other buildings on the lot to a second unit.** No existing building on the lot shall be approved as a second unit unless the Community Development Director and Chief Building Official determine that the use of the building as a second unit will be in compliance with all development standards of this section and chapter and with all Building Codes.

(§ 3, Ord. 2912 c.s., eff. November 6, 2003, as amended by§ I, Ord. 3102 c.s., eff. February 8, 2013, and§ 1, Ord. 3107 c.s., eff. February 8, 2013)

SECTION 4. AMENDMENT OF CODE. The following terms and definitions are hereby amended to read as follows in Title 10, Chapter 5, Article 1, Section 10-5.402 (a) of the Redondo Beach Municipal Code (NOTE: Additions are highlighted as underlined and deletions are highlighted in ~~strikeout~~):

(3.5) "**Accessory Dwelling Unit"** shall mean ~~an attached or detached~~ a residential dwelling unit within a proposed or existing primary residence or within a structure accessory to an existing primary residence, or a residential dwelling unit detached from an existing primary residence ~~which~~ that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. 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.

(104.5) "**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.

(110.5) "**Living area**" shall mean the interior habitable area of 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 building.

SECTION 5. AMENDMENT OF CODE. The following terms and definitions are hereby omitted from Title 10, Chapter 5, Article 1, Section 10-5.402 (a) of the Redondo Beach Municipal Code (NOTE: Additions are highlighted as underlined and deletions are highlighted in ~~strikeout~~):

~~(164) **"Second unit"** shall mean an attached or detached residential dwelling unit which provides complete independent living facilities including a bathroom, kitchen, and~~

~~sleeping quarters for one or more persons on a residentially zoned lot that already contains one legally established residential unit.~~

SECTION 6. AMENDMENT OF CODE**.** Title 10, Chapter 5, Article 3, Division 1, Section 10-5.1506, of the Redondo Beach Municipal Code is hereby amended to read as follows (NOTE: Additions are highlighted as underlined and deletions are highlighted in ~~strikeout~~):

10-5.1506 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 dwelling 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 (additions 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 ~~s~~Section 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) 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 application. Such action includes, but is not limited to, approval, denial, or corrections through plan check.

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, the Community Development Director and Chief Building Official will apply the streamlining procedure of Subsection (b) to the application for the accessory dwelling unit, including the sixty (60)-day time period, after the applicant obtains the approval of the Community Development Director and Chief Building Official for the other proposal(s).

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.

(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 for shorter terms or subleased. 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.

d. The applicant shall provide one off-street parking space per accessory dwelling unit or junior accessory dwelling unit that complies with the requirements of Section 10-5.1704 on the same lot as the accessory dwelling unit or junior accessory dwelling unit and dedicated for non-exclusive use by the occupant(s) of the accessory dwelling unit or junior accessory dwelling unit. 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 on specific site or regional topographical or fire and life safety conditions. The parking space for the primary dwelling and the accessory dwelling unit or junior accessory dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit or junior 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 of Section 10-5.1704.

(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 does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest dwelling, unless a junior accessory dwelling unit is built under this Subsection (2) and an accessory dwelling unit is built under Subsection (3).

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, which shall 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 be 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 does not contain another accessory dwelling unit or guest dwelling but may contain a 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. No more than 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.

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 unit. Under this Subsection for standards for other accessory dwelling units, accessory dwelling units are not permitted on lots containing a two-family or multifamily dwelling structure.

(3) The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest dwelling.

(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 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 the single-family primary dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.

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. The applicant shall provide one off-street parking space for each accessory dwelling unit that complies with the requirements of Section 10-5.1704 on the

same lot as the accessory dwelling unit and dedicated for non-exclusive use by the occupant(s) of the accessory dwelling unit. 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 is required.

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 10-5.1704.

c. The parking spaces for the primary dwelling and the accessory dwelling unit 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 of Section 10-5.1704.

(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 for shorter terms or subleased. 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 or junior 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.

~~(a) Permitted in conjunction with single-family dwelling. An accessory dwelling unit shall only 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 six thousand (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 five thousand (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. All attached accessory dwelling units 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 10-5.1512, in residential zones, the minimum size of an accessory dwelling unit, whether attached or detached, shall be one hundred fifty (150) square feet.

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 structure to an accessory dwelling unit.

(4) Setbacks between buildings on the same lot. Pursuant to Section 10-5.1500(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) parking spaces shall be required for the primary dwelling. In addition to the parking required for the primary residence per Section 10-5.1704, 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. The required off-street parking space may be provided as tandem parking on a driveway that complies with the size and spacing requirements of Section 10-5.1704(c)(1). 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.~~

~~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.~~

~~(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 7. AMENDMENT OF CODE. Title 10, Chapter 5, Article 10, Sections 10-5.2208(a)(1) and 10-5.2217, of the Redondo Beach Municipal Code, including the amendments that were adopted per Ordinance 3187-19 on April 16, 2019 that was not certified by the California Coastal Commission, are hereby amended to read as follows (NOTE: Additions are highlighted as <u>underlined</u> and deletions are highlighted in ~~strikeout~~):

10-5.2208 Exemptions and Categorical Exclusions.

(a) Exemptions**.** The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section:

(1) **Improvements to existing single-family residences**. Improvements to existing single-family residences (including: (a) all fixtures and other exterior structures directly attached to the residence; (b) ancillary structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds; (c) landscaping; and (d) an accessory dwelling unit contained entirely within the existing single-family dwelling unit that will not involve removal or replacement of major structural components (e.g. roofs, exterior walls, or foundations) shall be exempt from the requirement for a Coastal Development Permit with the exception of the following:

a. Improvements resulting in additional dwelling unit(s) on the property, whether detached or attached.
b. Improvements to any structure where either the structure or the improvement is located on a beach, in a wetland or stream, or where the structure or proposed improvements would encroach seaward of the mean high tide line, within an ESHA or, in an area designated as highly scenic in a certified land use plan, or within fifty (50) feet of a coastal bluff edge.
c. Improvements on property that is located between the sea and first public road paralleling the sea, or within three hundred (300) feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission, when such improvements would constitute or result in any of the following:
    1. An increase of ten (10%) percent or more of the internal floor area of existing structure(s) on the building site or an additional improvement of ten (10%) percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(a) and/or this subsection;
    2. The construction of an additional story or loft or increase in building height of more than ten percent (10%);
    3. The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective works or docks.
d. Expansion or construction of a water well or septic system.
e. In areas that the Coastal Commission has declared by resolution after a public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use such as, but not limited to, swimming pools or the construction or extension of any landscaping irrigation system.
f. Any improvement where the Coastal Development Permit issued for the original structure indicates that future additions would require a Coastal Development Permit.
g. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within fifty (50) feet of the edge of a coastal bluff or stream, in an ESHA, or in areas of natural

vegetation designated by resolution of the Coastal Commission after a public hearing as a significant natural habitat.

10-5.2217 Public Hearing Waiver for Minor Development.

Consistent with the provisions of A.B. 1303 (from 1995) which became effective January 1, 1996 and A.B. 2299 and SB 1069 (from 2016), which became effective January 1, 2017, the City may waive a public hearing ~~requirement may be waived for the following subject to the requirements of this section.~~on a Coastal Development Permit for applications for:

(a) ~~"Minor development" means~~ a minor development that satisfies the requirements of Subsection (c) and all of the following requirements:

(1) The development is consistent with the City of Redondo Beach Certified Local Coastal Program;

(2) The development requires no discretionary approvals other than a Coastal Development Permit;

(3) The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(b) ~~"Accessory dwelling unit"~~ an accessory dwelling unit that is not otherwise exempt from a Coastal Development Permit in accordance with Section 10-5.2208 and that satisfies the requirements of Subsection (c) and all of the following requirements:

(1) The accessory dwelling unit is directly attached to, or detached from, an existing single-family residence and complies with the development standards required in Section 10-5.1506;

(2) The accessory dwelling unit has no potential to adversely impact coastal resources pursuant to Chapter 3 policies of the Coastal Act;

(3) The accessory dwelling unit is consistent with the City of Redondo Beach Certified Local Coastal Program; and

(4) The accessory dwelling unit has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(c) The City may waive the requirement for a public hearing on a Coastal Development Permit application for a ~~"~~minor development~~," as that phrase is defined above,~~ or an accessory dwelling unit~~,~~ if all of the following occur:

(1) Notice as provided in Section 10-5.2216(e) of this article is sent to all persons required to be notified under Section 10-5.2216 as well as to all other persons known to be interested in receiving notice.

(2) No request for public hearing is received by the City within fifteen (15) working days after the date of sending the notice pursuant to subsection (b)(1) of this section.

(d) Requests for hearing must be made in writing to the City Community Development Department. Upon receipt of a request for a hearing, the City shall schedule the matter

for a public hearing and issue notice of such hearing consistent with the provisions of Section 10-5.2216(a) and (b) of this article.

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 5, Article 12, Section 10-5.2500 (a)(7), of the Redondo Beach Municipal Code, including the amendments that were adopted per Ordinance 3187-19 on April 16, 2019 that was not certified by the California Coastal Commission, is hereby amended to read as follows (NOTE: Additions are highlighted as underlined and deletions are highlighted in ~~strikeout~~):

> (7) The addition of an accessory dwelling unit or the addition of two (2) units on a lot that already contains an existing single-family residence (see definition of accessory dwelling unit in Section 10-5.402);

SECTION 9. 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 10. 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 11. FORWARD TO CALIFORNIA COASTAL COMMISSION AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. The City Clerk shall forward a copy of this Ordinance to the California Coastal Commission and the California Department of Housing and Urban Development so the above noted State Departments will be informed of and have the opportunity to comment on the action of the City Council and the California Coastal Commission shall have the opportunity to consider this Ordinance for certification as compliant with the Coastal Act and the City's Local Coastal Program.

PASSED, APPROVED AND ADOPTED this 17th day of September, 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. 2020-09-PCR-016 was duly passed, approved, and adopted by the Planning Commission at a regular meeting of the said Planning Commission held on the 17th day of September, 2020, by the following vote:

AYES: Chair Elder, Commissioners Glad, Ung, Hinsley, and Strutzenberg

NOES: Commissioner Toporow

ABSENT: Commissioner Rodriguez

_____
Brandy Forbes, AICP
Community Development Director

APPROVED AS TO FORM:

_____
City Attorney's Office