

**CITY OF REDONDO BEACH
PLANNING COMMISSION AGENDA
Thursday, May 21, 2020
CITY COUNCIL CHAMBER**

**THIS VIRTUAL MEETING IS HELD PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED BY
GOVERNOR NEWSOM ON MARCH 17, 2020.**

REGULAR MEETING OF THE PLANNING COMMISSION - 7:00 P.M.

- A. CALL MEETING TO ORDER**
- B. ROLL CALL**
- C. SALUTE TO THE FLAG AND INVOCATION**
- D. APPROVE ORDER OF AGENDA**
- E. CONSENT CALENDAR**

Business items, except those formally noticed for public hearing, or those items pulled for discussion or agendaized as "Old Business" or "New Business" are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar items will be approved in one motion. The Chair will call on anyone wishing to address the Commission on any Consent Calendar item on the agenda, which has not been pulled for discussion. Each speaker will be permitted to speak only once and comments will be limited to a total of three minutes.

- E.1. [Approval of Affidavit of Posting for the Planning Commission Meeting of May 21, 2020.](#)**
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR
- E.2. [Approval of the minutes from the Regular Planning Commission Meetings of February 20, 2020 and March 19, 2020.](#)**
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR
- E.3. [Receive and file Strategic Plan Update of March 17, 2020.](#)**
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR
- E.4. [Receive and file written communications and Blue Folder items.](#)**
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

- F. EXCLUDED CONSENT CALENDAR ITEMS**
- G. AUDIENCE OATH**
- H. EX PARTE COMMUNICATIONS**

This section is intended to allow all officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings.

- I. PUBLIC HEARINGS**

- I.1. [Consideration of an Exemption Declaration and Lot Line Adjustment to restore three underlying lots to the original subdivision configuration, creating three legal conforming parcels on properties located in a Single-Family Residential \(R-1A zone.\)](#)
[PROPERTY OWNER: LA19A,LLC](#)
[APPLICANT: Same as owner](#)
[LOCATION: 1731-1735 Armour Lane](#)
[CASE NO: LLA-2021-01](#)
[RECOMMENDATION: Adopt resolution approving the Exemption Declaration and Lot Line Adjustment subject to the findings and conditions contained therein.](#)
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

J. ITEMS CONTINUED FROM PREVIOUS AGENDAS

K. ITEMS FOR DISCUSSION, PRESENTATION OR ACTION

Items for discussion prior to action.

- K.1. [Discussion and consideration of briefing on State adopted Accessory Dwelling Unit related legislation](#)

[RECOMMENDATION: Receive and file](#)
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

L. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

M. COMMISSION ITEMS AND REFERRALS TO STAFF

N. ITEMS FROM STAFF

- N.1. [COVID-19 Emergency Orders Update](#)
CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

O. COUNCIL ACTION ON PLANNING COMMISSION MATTERS

P. ADJOURNMENT

The next meeting of the Planning Commission of the City of Redondo Beach will be a Regular Meeting to be held at 7:00 p.m. on Thursday, June 18, 2020 in the Redondo Beach City Council Chamber, 415 Diamond Street, Redondo Beach, California.

**ALL PLANNING COMMISSION MEMBERS ARE PARTICIPATING BY
VIRTUAL MEETING. MEMBERS OF THE PUBLIC MAY ONLY PARTICIPATE
BY EMAIL/ECOMMENT.**

Planning Commission meetings are broadcast live through Spectrum Cable, Channel 8, and Frontier Communications, Channel 41.

TO PARTICIPATE BY WRITTEN COMMUNICATION BEFORE 3:00PM DAY OF MEETING:
Written materials pertaining to matters listed on the posted agenda received after the agenda has been published will be added as supplemental materials under the relevant agenda item. Public comments may be submitted by email to PlanningRedondo@redondo.org. Emails must be received before 3:00 p.m. on the date of the meeting to ensure Commissioners and staff have the ability to review materials prior to the meeting.

TO PARTICIPATE DURING THE MEETING BY EMAIL: Submit by EMAIL with the subject line PUBLIC COMMENT ITEM# (Insert Agenda Item Number) to PlanningRedondo@redondo.org during meeting, prior to the close of public comment on an item, and it will be read into the record during public comment.

eCOMMENT: WRITTEN COMMUNICATION MAY BE ENTERED DIRECTLY ON WEBSITE AGENDA PAGE:

- 1) Public comments can be entered before and during the meeting.
- 2) Select a SPECIFIC AGENDA ITEM to enter your comment;
- 3) Public will be prompted to Sign-Up to create a free personal account (one-time) and then comments may be added to each Agenda item of interest.
- 4) Public comments entered into eComment (up to 2200 characters; equal to approximately 3 minutes of oral comments) will become part of the official meeting record.

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An agenda packet is available 24 hours at www.redondo.org under the City Clerk.



Administrative Report

E.1., File #PC20-0939

Council Action Date:5/21/2020

TITLE

Approval of Affidavit of Posting for the Planning Commission Meeting of May 21, 2020.



Community Development
Planning Division

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

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations indicated below.

Legislative Body	Planning Commission
Posting Type	Regular Meeting Agenda
Posting Locations	415 Diamond Street, Redondo Beach, CA 90277 ✓ City Hall Bulletin Board, Door “4” ✓ City Clerk’s Counter, Door “1”
Meeting Date & Time	May 21, 2020 7:00 p.m.

As Planning Analyst of the City of Redondo Beach, I declare, under penalty of perjury, the document noted above was posted at the date displayed below.

Lina Portolese, Planning Analyst

Date: May 18, 2020



Administrative Report

E.2., File #PC20-0940

Council Action Date:5/21/2020

TITLE

Approval of the minutes from the Regular Planning Commission Meetings of February 20, 2020 and March 19, 2020.

1. CALL MEETING TO ORDER

A Regular Meeting of the Planning Commission was called to order by Chair Elder at 7:00 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

2. ROLL CALL

Commissioners Present: Hinsley, Rodriguez, Strutzenberg, Toporow, Ung, Vice Chair Glad, Chair Elder

Commissioners Absent: None

Officials Present: Brandy Forbes, Community Development Director
Sean Scully, Planning Manager
Marianne Gastelum, Assistant Planner
Lina Portolese, Planning Analyst
Maria Shafer, Recording Secretary

3. SALUTE TO THE FLAG

Commissioner Toporow led those assembled in the Salute to the Flag.

APPROVAL OF ORDER OF AGENDA

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to approve the Order of Agenda as presented. Motion carried unanimously.

CONSENT CALENDAR

4. APPROVAL OF AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION MEETING OF February 20, 2020

5. APPROVAL OF THE MINUTES FROM THE REGULAR MEETING OF January 16, 2020

6. RECEIVE AND FILE THE STRATEGIC PLAN UPDATE OF: Discussed under Item No. 10

7. RECEIVE AND FILE WRITTEN COMMUNICATIONS

Commissioner Strutzenberg pulled Item 5 from the Consent Calendar for separate

discussion and consideration.

Motion by Commissioner Toporow, seconded by Commissioner Rodriguez, to approve the Consent Calendar with the exception of Item No. 5, as presented. Motion carried unanimously.

AUDIENCE OATH

Chair Elder administered the Audience Oath for members of the public sitting in the audience.

EX PARTE COMMUNICATIONS

Chair Elder reported speaking with Holly Osborne regarding Item No. 5; speaking with Councilmember Emdee, staff at the Redwood Animal Hospital regarding Item No. 9; speaking with Councilmember Horvath on Item No. 10 and with Holly Osborne regarding Item No. 11.

Commissioner Hinsley reported speaking with staff regarding Item No. 9.

EXCLUDED CONSENT CALENDAR ITEMS

5. APPROVAL OF THE MINUTES FROM THE REGULAR MEETING OF January 16, 2020

Commissioner Hinsley reported having edits to the minutes of January 16, 2020 but did not have time to organize them.

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to open public comments. Motion carried unanimously.

Holly Osborne read proposed corrections to the minutes of January 16, 2020 and distributed copies of her suggested changes.

Motion by Commissioner Toporow, seconded by Commissioner Rodriguez, to receive and file the written corrections to the minutes of January 16, 2020 distributed by Holly Osborne. Motion carried unanimously.

Motion by Commissioner Hinsley, seconded by Commissioner Rodriguez, to postpone approval of the minutes from the regular meeting of January 16, 2020 to the next Planning Commission meeting. Motion carried unanimously.

PUBLIC HEARINGS

8. Public Hearing to consider an Exemption Declaration, Conditional Use Permit, and Coastal Development Permit to allow the operation of a restaurant over

2,000-square feet in size on property located within a Mixed-Use (MU-3C) zone, in the Riviera Village Overlay Zone, in the Coastal Zone.

PROPERTY OWNER: Buena Vista Real Estate Holdings
APPLICANT: Same as owner
LOCATION: 221 Avenue I
CASE NO.: CUP-2020-02; CDP-2020-02

RECOMMENDATION: Adopt a resolution approving the Exemption Declaration, Conditional Use Permit, and Coastal Development Permit subject to the findings and conditions contained therein

Motion by Commissioner Ung, seconded by Vice Chair Glad, to open the public hearing. Motion carried unanimously.

Assistant Planner Marianne Gastelum presented details of the staff report addressing background, previous approval of the design and the addition of a condition requiring a full-time parking attendant on site, rear elevation parking entrance, parking, Coastal Development Permit, proposed layout, capacity, zoning, hours of operation, administrative approvals, and the need for a CUP to allow tenant improvements. She noted there will be no exterior changes, other than signage.

Commissioner Ung noted the hours of operation in the 2015 resolution listed a closing time at 12:00 midnight and the new resolution calls for a closing time at 2:00 a.m. and asked about the discrepancy. Assistant Planner Gastelum reported the application lists the closing time at 2:00 a.m.

Commissioner Hinsley asked whether construction is involved and Assistant Planner Gastelum reported the storage area is already built and the applicant is proposing to install an opening with steps, between the restaurant and the storage area, which will involve minor construction. She added the entrance to subterranean parking is through the existing alley and addressed office and restaurant hours of operation.

Commissioner Strutzenberg's discussed the eight bicycle parking spaces required under the 2015 resolution and Planning Manager Scully reported the conditions are specific to the operation of the restaurant versus the prior resolution. Assistant Planner Gastelum offered to add Conditions No. 25 and 26 from the previous resolution to the subject resolution.

Community Development Director Brandy Forbes explained the current resolution is supplemental to the 2015 resolution and is not meant to replace it other than the hours of operation for the restaurant.

Commissioner Rodriguez noted the 2015 resolution related to the construction of the building, but the current item is a conditional use permit for the restaurant, only and will not replace the original resolution.

Chair Elder suggested adding clarifying language that the new resolution applies only to the restaurant.

Vice Chair Glad added that the new resolution does not negate the 2015 resolution or conditions of approval and it would be simpler to state the new resolution is supplemental.

Commissioner Strutzenberg discussed the expedited area and expressed concerns with the possibility of seating in that area. He suggested adding the following to Condition of Approval No. 2: No interior seating is allowed other than in the main dining area of 749-square feet.

In response to Commissioner Hinsley's question, Assistant Planner Gastelum reported there will be six outside, patio seats.

Community Development Director Forbes noted the addition of Condition of Approval No. 10 as follows: This resolution is supplemental to the previous approval for the site approved in Resolution No. 2015-10-PCR-014 and does not replace that approval unless otherwise specified in this resolution.

In response to Commissioner Strutzenberg's question, Assistant Planner Gastelum reported the building construction project has been finalized, other than the restaurant space, and addressed the customer waiting area.

Commissioner Toporow asked about the bar area and Assistant Planner Gastelum noted the project is a sit-down restaurant and the bar area is for employees to make and pickup drinks.

Chair Elder invited the applicant or his representative to the podium.

Louie Tomaro, Architect, addressed the building completion; identified the customer waiting area; discussed the valet stand, parking signage and venting and grease traps and noted the need to connect the storage area to the restaurant.

Dan Nguyen, Property Owner, addressed hours of operation; reported the restaurant will close at 2:00 a.m. to stay consistent with other restaurants in the area and reported bicycle racks and electric vehicle charging spaces are located underground.

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to close the public hearing. Motion carried unanimously.

Motion by Commissioner Rodriguez, seconded by Commissioner Strutzenberg to adopt a resolution approving the Exemption Declaration, Conditional Use Permit, and Coastal Development Permit subject to the findings and conditions contained therein, with Condition No. 2, as amended and with the addition of Condition No. 10.

Commissioner Hinsley offered a friendly amendment to the motion to add Condition No. 11 as follows: Directional signage to the rear parking entrance shall be placed at the front of the building. The friendly amendment was accepted by Commissioners Rodriguez and Strutzenberg.

The motion carried unanimously.

9. Public Hearing to consider amendments to Title 10, Chapter 2 (Zoning Ordinance) and Title 10, Chapter 5 (Coastal Land Use Plan Implementing Ordinance) of the Redondo Beach Municipal Code to add animal kenneling as a conditionally permitted use in certain zoning districts and adopt standards of operation. The Planning Commission will also consider adoption of Resolutions recommending the amendments to the City Council.

PROPERTY OWNER:	N/A
APPLICANT:	City of Redondo Beach
LOCATION:	All Commercial (C) and Industrial (I) Zones
CASE NO.:	ZOA-2020-01

RECOMMENDATION: Provide input and adopt resolutions recommending the ordinance amendments to the City Council

Motion by Commissioner Ung, seconded by Commissioner Toporow, to open the public hearing. Motion carried unanimously.

Planning Analyst Lina Portolese presented details of the staff report addressing background, Council referral of the item to the Planning Commission, current regulations, zoning, options for regulations, other regulations, a survey of other cities, residential buffer regulations, City Council consideration and recommendations.

Community Development Director Forbes added City Council determined the residential buffer would limit the locations to very few areas where kennels would be appropriate and Council is interested in using a minimum separation requirement between kennel businesses instead to limit the number within a geographic area.

Vice Chair Glad asked whether operators would be required to conduct business indoors, without the residential buffer and reported she heard many concerns from residents regarding kennels being close to residential properties and noise.

Community Development Director Forbes stated those are the types of regulations Council asked the Planning Commission to ~~consider~~ **provide feedback**. The Commission could set limits in terms of proximity to residences, requiring sound attenuation, setting the distance from the business rather than the property line and others.

Planning Analyst Portolese noted similar uses currently in the code are from site boundaries, not tenant space boundary.

In reply to Commissioner Strutzenberg's question, Planning Analyst Portolese stated the definition of animal kennel relates specifically to dogs and cats only and reported the suggested buffer distance could be increased beyond 300 feet.

Commissioner Strutzenberg discussed consideration of indoor/outdoor areas, ambient noise and negative impacts to public parks.

Community Development Director Forbes addressed challenges with Code Enforcement.

Commissioner Strutzenberg discussed limiting the number of animals per site, enforcing licensing checks and limiting the total number of facilities within the City.

In response to Commissioner Hinsley's question, Community Development Director Forbes stated that CUP findings are under the zoning code.

Planning Analyst Portolese added the findings would still need to be made under the CUP, aside from what would be incorporated under Title 6 and would incorporate the conditions of approval under Title 6.

Commissioner Hinsley discussed the California Health and Safety Code, ensuring quality of life for residents and having to go about-and-beyond the Safety Code.

In reply to Commissioner Ung's question, Planning Analyst Portolese addressed the number of facilities currently in the City, noting they mostly involve overnight care related to hospitals. She added staff is unaware of complaints related to those facilities.

Commissioner Ung discussed codes from other cities, determining capacity, addressing enclosures, existing standards for enclosures and potential locations and spaces. Among the potential locations as explained by Planing Analyst Portolese showed the currenty city zoning map potential sites that have 500 foot buffer from residential subject to more research. Locations included the North East commercial site, the North Industrial site, 182nd St. Industrial/Commercial site, Hernondo/PCH site, Green St. storange site, and the middle of the Riviera Village commercial zone site.

Commissioner Toporow felt strongly that kennels should not be anywhere near residential properties and discussed facilities needing to meet their breakeven point in terms of capacity and noted odor, health, environmental and noise problems.

Community Development Director Forbes reported the Planning Commission could consider shifting the distance requirement to the distance from residential properties or it could look at the zoning map to determine the areas were kennels would be appropriate.

Chair Elder expressed concerns with quality-of-life impacts and noted there are few locations available in the City for this type of facility.

Vice Chair Glad felt there is no place in the City boundaries were this type of business fits adding that she could not see bringing a business into the City, to the detriment of residents and other businesses. Although the current prospective applicant seems responsible, that does not guarantee that other operators would be.

Discussion followed regarding noise complaints received regarding comparable facilities in other cities.

Commissioner Strutzenberg added that consideration should be given to impacts to other businesses as well. He discussed cities where these types of facilities are not permitted and noted the impacts outweigh the benefits of such businesses.

Commissioner Rodriguez discussed locating such facilities in industrial areas through CUPs which would examine each applicant on a case-by-case basis.

Motion by Vice Chair Glad, seconded by Commissioner Toporow, to open public comments. Motion carried unanimously.

Cami Barth referenced Puppy Academy in Hermosa Beach where residents are happy about the facility with 20-30 dogs; listed her education and background as a certified trainer; explained her plans for the facility and noted she is currently in a residential area and has received no complaints.

Motion by Commissioner Hinsley, seconded by Commissioner Rodriguez, to extend speaker's time. Motion carried unanimously.

Ms. Barth reported each dog will have an individual nook and responded to questions from the Commission regarding the need for outdoor spaces, minimum space requirements of 1,000 to 1,500 sq. ft. indoor and 500 sq. ft. outside space and staffing of 3 to 5 people for a 40 dog kennel.

Commissioner Strutzenberg discussed the need to consider future applicants, difficulties with staffing and challenges with implementation of the plan.

Commissioner Ung noted the issue is about trying to develop an ordinance that would be applicable to anyone wanting such a business in the City. The ordinance cannot be tailored to individual business models but needs to be considered from an overall standpoint.

In response to Commissioner Ung's question, Ms. Barth identified potential properties at the old Tarzan Paddle Board Shop, the corner of P.C.H. at Pearl St. she is considering for her business.

Ms. Barth responded to questions from Commissioner Hinsley regarding the required outdoor space, pickups and drop-offs, the possibility of considering locating in an industrial area and impacts of noise on animals. Reviewed the zoning map for the locations Ms. Barth had identified and were in the coastal zone and or adjacent to residential.

Chair Elder noted the biggest challenge would be noise complaints and the ordinance would need to be very explicit relative to responses to noise complaints.

Ms. Barth distributed written copies of her comments.

Motion by Chair Elder, seconded by Vice Chair Glad, to receive and file Ms. Barth's

written comments. Motion carried unanimously.

Discussion followed regarding the possibility of boarding cats, noise impacts to other animals and determining appropriate areas where such a facility would work. It as noted staff is not proposing this use in the Coastal Zone.

Marilyn Singleton-Brown spoke in opposition to the zoning amendment; discussed quality of life issues; noted enforcement would be difficult; stated the Police have better things to do; stressed this type of business is not a good fit in the City; opposed having such facilities near residential areas and opined it is wrong to consider dogs over people.

Dan Brown referenced the proposed location on Pearl Street and addressed adjacent properties, concerns with public safety, barking and noise, and spoke in opposition to the project.

Peter Barth spoke in support of the zoning amendment and reported that currently, Ms. Barth works out of her home and there has been only one complaint.

Motion by Commissioner Strutzenberg, seconded by Vice Chair Glad, to extend speaker's time. Motion carried unanimously.

Discussion followed regarding whether Ms. Barth's current business violates City codes as it states residents cannot have more than three dogs.

Community Development Director Forbes redirected the discussion to the agenda item, not the particular business.

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to close public testimony. Motion carried unanimously.

Commissioner Hinsley discussed allowing the use in commercial or industrial areas with a 300-foot buffer to residential areas and noted the need for an official map indicating where those uses are permitted.

In response to Commissioner Hinsely, Planning Analyst Portolese reviewed the City's zoning map and summarized the commercial and industrial zones which are not immediately adjacent to residential properties. She stated that although limited, there would still be some areas that would allow the use even with a residential buffer distance.

Chair Elder referenced the General Plan update and potential zoning changes and felt that would be a challenge in terms of producing a map of allowed areas.

Vice Chair Glad reiterated her concerns regarding noise; discussed limiting the use to industrial areas but noted challenges with that, as well. She voiced concerns regarding the use also impacting commercial uses such as restaurants in addition to residential. She spoke about the compacted density in the City and felt there is no appropriate place

in the City for the use.

Chair Elder spoke positively about the qualifications of the potential applicant, but reiterated concerns about proximity to residential areas and noted whatever is crafted, must be City-wide.

Commissioner Rodriguez discussed City Council direction to develop guidelines and commented on additional regulations.

Vice Chair Glad recommended not permitting the use in the City but if Council is interested in permitting it, she agreed with providing guidelines and additional regulations including the addition of a buffer to residential and commercial zones.

Commissioner Strutzenberg agreed with Vice Chair Glad and believed Council was not recommending approval of the use, but merely seeking the Planning Commission's input.

Commissioner Hinsley voiced concerns that prohibiting the use in the City would increase illegal uses in residential areas.

Chair Elder asked about the possibility of simplifying enforcement and Community Development Director Forbes acknowledged challenges with enforcement and reported with violations to the noise ordinance, the CUP could be rescinded.

In reply to Commissioner Toporow's question regarding odor enforcement, Planning Manager Scully reported odors fall into the same nuisance abatement ordinance.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to recommend to the City Council that in consideration of the City's density and zoning configuration, a kennel facility is not practical or feasible in the City of Redondo Beach.

Vice Chair Glad offered a friendly amendment that if the City Council decides it wants to move forward, to recommend a 300-ft. buffer from residential areas, commercial areas, schools, and parks and adequate measures to control noise, odor and dust.

Commissioners Strutzenberg and Toporow accepted the friendly amendment.

Planning Analyst Portolese reported that depending on Council action, a new ordinance would still need to be considered by the Planning Commission.

Commissioner Ung discussed recommending the additional regulations listed in staff report to the City Council.

Discussion followed regarding requiring dog licenses and vaccinations and testing for all dogs, concerns about potential bad operators, limiting facility sizes and the number of animals and on-site overnight personnel.

The amended motion was restated.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to recommend to the City Council that in consideration of the City's density and zoning configuration, a kennel facility is not practical or feasible in the City of Redondo Beach. If the City Council decides it wants to move forward, to recommend a 300-ft. buffer from residential areas, commercial areas, schools, and parks and adequate measures to control noise, odor and dust as well as additional regulations as listed in the staff report. The motion carried with Commissioners Hinsley and Ung, opposed. The dissenting voters of Hinsley and Ung each acknowledged that they voted no because they did not agree with the recommended 300-foot buffer from commercial.

OLD BUSINESS

10. Commission input related to development of goals and objectives for the City's Strategic Plan

RECOMMENDATION: Receive and file report and provide input to City Council as appropriate

Community Development Director Forbes introduced the item and deferred to Councilmember Horvath for a report.

Council Member Horvath explained the strategic planning process; noted City Council felt it important to get input from the various commissions regarding the need for the City to set long-term strategic goals and presented details of three options for creating 10-year goals covering the 2016-2026 timeframe.

Discussion followed regarding the ability of the Planning Commission as well as individual residents to provide input on this matter.

Commissioner Strutzenberg discussed the list as a to-do list of aspirational goals, the need for goals to be specific, measurable and attainable, and recommended a "pairing down" of Option 3.

Discussion followed regarding addressing jobs and jobs imbalance, sea-level rise and the AES property.

Commissioner Hinsley discussed developing policy directives, examples of what would fall under each, and collection and sources of data.

Vice Chair Glad reported previous ten-year goals were not detailed; offered a happy medium would be appropriate, providing some details, as needed and discussed opportunities to create zoning, the need to change zoning, the need for high-income jobs, parks and open space for older kids, the need to consider the target audience, campuses, traffic, crime and safety, a ban on smoking/cannabis and rent control.

Councilmember Horvath reported the City has a lot of renters and addressed the need for permanent, supportive housing.

Commissioner Ung discussed Option 3 noting there should be some level of detail; noted goals must be measurable and reachable; spoke about prioritizing goals; questioned the use of "create" as implying it does not exist; felt Option 3 is more policy-related and suggested creating an accountability matrix noting difficulties in implementation if policies are not being enacted.

Community Development Director Forbes reported the City Council will look at the bigger picture and make decisions setting direction for staff.

Commissioner Ung discussed the importance of having a connection between goals and policies adding that goals must be attainable.

Commissioner Rodriguez stated his preference of Option 3.

Chair Elder thanked Councilmember Horvath for his presentation and noted his preference for Option 3, as it includes details.

Discussion followed regarding coordinating with other agencies to help the City reach its goals and creating collaboration.

Commissioner Strutzenberg noted the need to consider what can be eliminated, such as Moss Adams and discussed simplifying processes.

In response to Commissioner Hinsley's question, Community Development Director Forbes reported City Council requested written communication, noted taking good notes including the Commission's general consensus for Option 3 and will generate sufficient recommendations and comments provided by the Commission to present at the March meeting and finalize recommendations to Council.

Commissioner Hinsley discussed three-year goals as being more specific than ten-year goals; agreed with including focus on renters and felt ten-year goals should be specific to policies and directives rather than being detailed.

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to receive and file the report and direct staff to return with a draft letter summarizing recommendations to City Council with the opportunity for additional input. The motion carried unanimously.

NEW BUSINESS - None

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

COMMISSION ITEMS AND REFERRALS TO STAFF

Commissioners Toporow and Hinsley asked staff about when the Feb. 2020 referral to staff to agendize a discussion of housing and open space would be coming back to the commission. Director Forbes responded due to workload that June would likely be on the agenda.

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~~to place a discussion about open space and housing on a future agenda.~~

Chair Elder asked about the impacts of Proposition 13 on approved projects that have not yet been built; inquired about impacts to schools resulting in the elimination of developer impact fees and requested a legal opinion from the City if Proposition 13 passes.

ITEMS FROM STAFF

11. Community Development Director's update on recent Accessory Dwelling Unit (ADU) State legislation

RECOMMENDATION: Receive and file report

Community Development Director Forbes provided a brief report highlighting changes in the State legislation and reported the ordinances will be considered by the Planning Commission in the near future.

Commissioner Strutzenberg asked about the number of units in the City that will be impacted with the new law.

Community Development Director Forbes reported she will provide detailed information on ADU's at an upcoming meeting and urged Commissioners to email her with questions.

Commissioner Hinsley discussed impacts to sewer and water and Community Development Director Forbes reported the information will be included in the report, especially as it relates to multi-family housing.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to receive and file the report. The motion carried unanimously.

Chair Elder invited public comments.

Holly Osborne discussed a recent meeting in Torrance, the importance of getting legislators to push back to consider impacts to parking and urged the public to contact their representatives and write letters regarding SB 50 and learn what the City of Torrance is doing to address the subject.

Commissioner Rodriguez motioned, seconded by Vice Chair Glad, to close public comments. The motion carried unanimously.

COUNCIL ACTION ON PLANNING COMMISSION MATTERS - None

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Rodriguez motioned, seconded by Vice Chair Glad, to adjourn at 11:26 p.m. to a Regular

meeting to be held at 7:00 p.m. on Thursday, March 19, 2020, in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California. Motion carried unanimously.

Respectfully submitted,

Brandy Forbes
Community Development Director

I. OPENING SESSION

1. CALL MEETING TO ORDER

A Regular Meeting of the Planning Commission was called to order by Chair Elder at 7:00 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

2. ROLL CALL

Commissioners Present: Hinsley, Rodriguez (via teleconference), Strutzenberg (via teleconference), Toporow (via teleconference), Ung, Vice Chair Glad (via teleconference), Chair Elder

Commissioners Absent: None

Officials Present: Brandy Forbes, Community Development Director
Sean Scully, Planning Manager
Stacey Kinsella, Associate Planner
Maria Shafer, Recording Secretary

3. SALUTE TO THE FLAG

Commissioner Hinsley led the assembly in the Salute to the Flag.

Chair Elder asked for a moment of silence in honor of those affected by the COVID-19 pandemic.

II. APPROVAL OF ORDER OF AGENDA

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to approve the Order of Agenda as presented. Motion carried unanimously, by roll call vote.

III. CONSENT CALENDAR

4. APPROVAL OF AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION MEETING OF March 19, 2020

5. APPROVAL OF THE MINUTES FROM THE REGULAR MEETINGS OF January 16, 2020 and February 20, 2020

6. RECEIVE AND FILE THE STRATEGIC PLAN UPDATE OF: February 18, 2020

7. RECEIVE AND FILE WRITTEN COMMUNICATIONS

Commissioner Hinsley pulled Item 5 from the Consent Calendar for separate discussion and consideration.

Motion by Commissioner Ung, seconded by Commissioner Hinsley, to approve the Consent Calendar with the exception of Item No. 5, as presented. Motion carried unanimously, by roll call vote.

IV. AUDIENCE OATH

Chair Elder administered the Audience Oath for members of the public sitting in the audience.

V. EX PARTE COMMUNICATIONS

Commissioner Hinsley reported speaking with the applicant and Councilmember Nehrenheim regarding Item No. 9.

Commissioner Rodriguez reported speaking with a neighbor regarding a couple of the items.

VI. EXCLUDED CONSENT CALENDAR ITEMS

5. APPROVAL OF THE MINUTES FROM THE REGULAR MEETINGS OF January 16, 2020 and February 20, 2020

Commissioner Hinsley referenced Blue Folder Items relative to edits he suggested to the January 16, 2020 minutes and edits recommended by resident Holly Osbourne.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to approve the minutes from the regular meeting of January 16, 2020, as amended. Motion carried unanimously, by roll call vote.

Commissioner Hinsley submitted suggested edits to the meeting minutes of February 20, 2020 which will be incorporated into the final minutes and returned to the Commission for approval at the next regular meeting.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to continue approval of the regular meeting minutes of February 20, 2020 to the next regular meeting of the Planning Commission. Motion carried unanimously, by roll call vote.

VII. PUBLIC HEARINGS

8. Public Hearing to consider an Exemption Declaration and Planning Commission Design Review to allow the installation of a monument sign for a church on property located within a Low-Density Multiple-Family Residential (R-3) zone.

PROPERTY OWNER: Journey South Bay Church
APPLICANT: Same as owner
LOCATION: 2761 190th Street
CASE NO.: PCDR-2020-02

RECOMMENDATION: Adopt a resolution approving the Exemption Declaration and Planning Commission Design Review subject to the findings and conditions contained therein.

Motion by Commissioner Ung, seconded by Commissioner Hinsley, to open the Public Hearing. Motion carried unanimously, by roll call vote.

Planning Manager Sean Scully presented the staff report addressing location, existing conditions, previous and proposed monument signs, the need to conform to current regulations, proposed location, design and architecture and recommendations.

In reply to Commissioner Strutzenberg's question regarding whether temporary signage was permissible, Planning Manager Scully stated the application tonight would remove the need for those signs and that while the applicant worked with staff on the proposed sign, the City did not conduct enforcement.

It was noted there is a condition requiring removal of temporary banners and signs.

Commissioner Ung asked about the height and width requirements and discussed lifting the sign for increased visibility.

In response to Commissioner Hinsley's question regarding zoning, Planning Manager Scully reported churches are permitted in the R-3 zone with a Conditional Use Permit and would need to meet the setback requirements of the specific zone.

Discussion followed regarding allowances for temporary banners through the permit process.

Chair Elder invited the applicant to the podium.

Scott Demerjian, Superior Electrical Advertising, addressed setbacks; reported the sign ties into the design of the building and has been paired down significantly from the original design and noted there will be no need for temporary signs or banners in the future.

There were no other speakers.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to close the Public Hearing. Motion carried unanimously, by roll call vote.

Discussion followed regarding adding the PowerPoint presentation to the minutes and

consistency of the findings with the General Plan.

Motion by Commissioner Rodriguez, seconded by Commissioner Toporow, to adopt a resolution approving the Exemption Declaration and Planning Commission Design Review subject to the findings and conditions contained therein. Motion carried, by roll call vote, with Commissioner Strutzenberg, opposed.

9. Public Hearing to consider an Appeal of the administrative denial by the Community Development Director for a street-facing garage along the front elevation for a new two-story single-family residence on property located within a Single-Family Residential (R-1) zone, within the neighborhood referred to as "The Avenues".

PROPERTY OWNER:	Christopher Quezambra
APPLICANT:	Same as owner
LOCATION:	748 Avenue A
CASE NO.:	APL-2020-01

RECOMMENDATION: Adopt resolution denying the appeal subject to the findings contained therein.

Motion by Commissioner Ung, seconded by Commissioner Hinsley, to open the Public Hearing. Motion carried unanimously, by roll call vote.

Associate Planner Stacey Kinsella presented the staff report addressing location, existing conditions, surrounding uses, residential design guidelines, neighborhood characteristics, details of the proposed project, building height, the appeal and responses from staff and recommendations.

In response to Commissioner Rodriguez's question, Associate Planner Kinsella reported the alley is 12 feet in width and the backup distance is 25 feet. Commissioner Rodriguez reported it is difficult to maneuver through the alley and noted it is overgrown with weeds.

Commissioner Strutzenberg referenced Architectural Design Guidelines relative to "the architecture and intensity of new residential developments should respect the character and scale of older residences with the neighborhood"; addressed increases in the FAR and felt that the project does not respect the design guidelines.

Community Development Director Brandy Forbes reported the applicant wanted to have a determination on the driveway prior to moving forward with the full application.

Associate Planner Kinsella addressed staff's acknowledgement of the increased FAR and noted a more comprehensive design review will take place when the project is revised and ready for submittal.

Vice Chair Glad addressed the street view; expressed concern regarding the design

providing a usable front yard and felt it is out of character with the rest of the neighborhood.

In response to Commissioner Hinsley's question, Community Development Director Brandy Forbes confirmed the actions required tonight and reported the applicant will be able to appeal the decision of the Planning Commission to the City Council.

Chair Elder felt the design is not consistent with the neighborhood.

Commissioner Hinsley pointed out a nearby residence with a front-facing garage and stated he would like to address it.

Chair Elder invited the applicant to the podium.

Christopher Quezambra spoke about the importance of the project to his family; opined a rear-facing garage will limit the size of the back yard; noted safety concerns; opined a driveway next to the house would take up too much landscaping and reported designing the garage door to look like a folding-door patio system.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to extend the speaker's time. Motion carried unanimously, by roll call vote.

Mr. Quezambra listed reasons for not having a rear-facing garage in the alley including the lack of space, that the alley is not well-maintained and noted he will most-likely sell the house if he is unable to move forward with the project.

Commissioner Strutzenberg referenced the approval of the near-by residence with a front-facing garage and concerns by that planner regarding the front-facing garage.

Mr. Quezambra responded to questions from Commissioner Hinsley regarding purchase of the house and noted when he bought the house, the house nearby, with a front-facing garage, was under construction. Commissioner Hinsley expressed concerns regarding the size of the house.

In reply to Commissioner Ung's question, Mr. Quezambra reported he was not aware that The Avenues had residential guidelines when he bought the property.

Discussion followed regarding the size of the back yard with a rear-facing garage and the size of the front yard with a front-facing garage.

In response to an inquiry from Chair Elder regarding complaints from neighbors regarding the proposed design, Mr. Quezambra reported the neighbors were noticed.

Associate Planner Kinsella reported receiving one email from a real estate agent noting she advises potential buyers in The Avenues of the existing design guidelines.

Commissioner Ung asked about the poorly-maintained alley and who is responsible for

doing so.

Community Development Director Forbes stated it would be the responsibility of the owner of the encroaching property landscape; reported Code Enforcement is on a complaint-based system and noted the problem can now be addressed as staff is aware of the issue.

There were no other speakers.

Motion by Commissioner Rodriguez, seconded by Vice Chair Glad, to close the Public Hearing. Motion carried unanimously, by roll call vote.

Commissioner Rodriguez noted the project exceeds the FAR and in reply to his question regarding FAR bonuses, Associate Planner Kinsella reported the applicant could request additional design features (i.e., an additional second-floor side setback in two different sections); addressed the minimum width of a single-family driveway and the setbacks from the property line for the different garage options.

In response to Commissioner Strutzenberg's question regarding FAR bonuses including a second-story side setback, Associate Planner Kinsella reported there is a minimum 8 foot, second-story side setback for a cumulative length of 15 feet or more. Commissioner Strutzenberg commended staff for upholding the design guidelines

Commissioner Hinsley asked about the possibility of a semi-subterranean front garage and Community Development Director Forbes stated it would not be compatible with the neighborhood. She confirmed a side driveway would need to meet the minimum width of 9 feet and explained the process for changing design guidelines.

Motion by Commissioner Ung, seconded by Commissioner Toporow, to adopt resolution denying the appeal subject to the findings contained therein. Motion carried by roll call vote, with Commissioners Hinsley and Strutzenberg, opposed.

10. Public Hearing to consider an Exemption Declaration and Amendment to a Conditional Use Permit for the interior reconfiguration of an existing music school within a commercial building on property located in a Mixed-Use (MU-1) zone.

PROPERTY OWNER:	1806-12 Artesia LLC
APPLICANT:	4/100 Music WLA VII Corp.
LOCATION:	1806 Artesia Boulevard
CASE NO.:	PAA-2020-01

RECOMMENDATION: Adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit subject to the findings and conditions contained therein.

Motion by Commissioner Hinsley, seconded by Commissioner Toporow, to open the Public Hearing. Motion carried unanimously, by roll call vote.

Associate Planner Stacey Kinsella presented the staff report addressing location, zoning, parking, existing conditions, site map, grade changes between Mixed-Use and Residential properties, original approval, floorplans, the proposed amendment, acoustical analyses, proposed Conditions of Approval, and recommendations. She added there will be no changes to the operation of the business.

Commissioner Strutzenberg referenced the Planning Commission meeting minutes of July 19, 2012 relative to submission of additional decibel readings and Associate Planner Kinsella reported she did not find additional readings in the original CUP file. Commissioner Strutzenberg noted what was built was not what was approved, and Associate Planner Kinsella confirmed existing conditions are not in compliance with the original use permit.

Commissioner Hinsley referenced a Blue Folder Item submitted by the applicant addressing the discrepancy.

Commissioner Toporow noted the Blue Folder Item explained the discrepancy well and was well-written.

Commissioner Hinsley asked about monitoring decibel readings by the applicant and Associate Planner Kinsella explained staff is requesting one set of decibel readings when rehearsal rooms are in use to verify the acoustical analysis was correct, prior to issuance of a certificate of occupancy.

In response to Commissioner Ung's inquiry regarding construction phasing, Associate Planner Kinsella suggested asking the applicant.

Chair Elder invited the applicant to the podium.

Jesse Bornstein, applicant, referenced the Blue Folder Item he submitted; thanked the Planning Commission for its consideration; discussed construction phasing and reported they will do sound testing during construction and submit the results to Planning.

At Commissioner Hinsley's request, Mr. Bornstein agreed with the requirement to decrease volumes if complaints are received, until such as time as further upgrades to the wall and/or ceiling assemblies are installed. Associate Planner Kinsella agreed to add the following language to Condition of Approval No. 6: "The business operator shall agree to lower the music volume to a level considered reasonable, as determined by the City or until they can provide further upgrades to the wall and/or ceiling assemblies to further reduce the decibel level outside the building and at the back of the property line and retest until the noise level is within allowable noise levels."

Commissioner Ung felt the statement relative to "results in complaints" is ambiguous and suggested adding language that "exceeds 60 dB or results in complaints".

Commissioner Toporow noted they have different locations without complaints and reported

they have expertise and a good track record.

Associate Planner Kinsella added there have been no Code Enforcement or Police issues related to the Redondo Beach site.

Commissioner Strutzenberg referenced Item No. 5 in the current resolution and noted it would be helpful to identify what is happening at the time of the acoustic readings and archive them properly for future reference. He suggested adding language that certified records of acoustic readings will be kept as part of the use permit.

Chair Elder invited the applicant to the podium.

Stephen Roberts spoke in support of the project noting there is a need for kids to learn their craft; suggested decreasing the volume when complaints are received and urged the business owner and residents to work together.

There were no other speakers.

Motion by Commissioner Ung, seconded by Commissioner Hinsley, to close the Public Hearing. Motion carried unanimously, by roll call vote.

Motion by Commissioner Toporow to adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit subject to the findings and conditions contained therein.

Commissioner Hinsley offered a friendly amendment to add the following modifications to Condition No. 5: When the new rehearsal rooms are in operation the applicant shall provide, prior to final approval, daytime decibel level readings taken by a licensed professional at the rear of the building and at the south property line and kept with the original use permit and kept with the operations conditions.

Commissioner Strutzenberg suggested omitting "prior to final approval" and noted the changes are to protect the applicant more than anything.

Commissioner Toporow suggested including the language, "within the first two months of operation" rather than "prior to final approval".

Associate Planner Kinsella suggested it could still be "before final approval" of the whole site, as the building official could grant a temporary certificate of occupancy for the rehearsal rooms to be utilized for the readings.

Community Development Director Forbes suggested, "before issuance of the final certificate of occupancy".

Commissioner Ung noted that if the CUP indicates it they do not submit the required readings, it is void.

Discussion followed regarding proposed changes to Condition No. 6.

Motion by Commissioner Toporow, seconded by Commissioner Ung, to adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit subject to the findings and conditions contained therein, as amended. Motion carried unanimously, by roll call vote.

11. Public Hearing to consider an Exemption Declaration and Amendment to an existing Conditional Use Permit, Coastal Development Permit and Planning Commission Design Review to allow the expansion of an existing restaurant into an adjacent tenant space. The following land use entitlements were previously granted: Conditional Use Permit for a restaurant that exceeded 2,000 square feet in size, Coastal Development Permit for an improvement that increased the intensity of use of the structure, and Planning Commission Design Review for overlap parking for the restaurant within a multiple tenant shopping center on property located in a Commercial (C-2A) zone, in the Coastal Zone.

PROPERTY OWNER:	Hoshizaki Investment Company
APPLICANT:	Charlinc, Inc. dba Charlie's.
LOCATION:	601 – 607 N. Pacific Coast Highway
CASE NO.:	PAA-2020-02

RECOMMENDATION: Adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit, Coastal Development Permit, and Planning Commission Design Review subject to the findings and conditions contained therein.

Motion by Commissioner Ung, seconded by Commissioner Strutzenberg, to open the public hearing. Motion carried unanimously, by roll call vote.

Community Development Director Forbes presented the staff report addressing entitlements, location, surrounding uses, tenant spaces, parking, prior expansions into adjacent tenant spaces, proposed changes to the exterior, floorplan, code required parking and recommendations.

Commissioner Strutzenberg confirmed the total number of parking spaces and asked about existing overlap parking spaces allocated for the complex. Planning Manager Scully reported all of the parking is shared parking for the center.

Discussion followed regarding evaluation of parking every time a new tenant moves into the complex.

Chair Elder invited the applicant to the podium.

Stephen Roberts addressed parking; commented on their years in operation serving the

community and thanked the Planning Commission for its consideration.

Commissioner Rodriguez reported visiting the complex various times and noted he never had issues with parking.

There were no other speakers.

Motion by Commissioner Ung, seconded by Vice Chair Glad, to close the public hearing. Motion carried unanimously, by roll call vote.

Motion by Commissioner Ung, seconded by Vice Chair Glad, to adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit, Coastal Development Permit, and Planning Commission Design Review subject to the findings and conditions contained therein. Motion carried unanimously, by roll call vote.

12. Public Hearing to consider an Exemption Declaration and Amendment to an existing Conditional Use Permit to allow the expansion of an existing restaurant into an adjacent tenant space within a multi-tenant commercial shopping center on property located in a Commercial (C-2) zone.

PROPERTY OWNER:	Kabushikikaisha Chokoudo
APPLICANT:	BiZee LLC dba Avenue A Bar and Grill
LOCATION:	800 S. Pacific Coast Highway
CASE NO.:	PAA-2020-03

RECOMMENDATION: Adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit subject to the findings and conditions contained therein.

Motion by Commissioner Ung, seconded by Commissioner Hinsley, to open the public hearing. Motion carried unanimously, by roll call vote.

Planning Manager Scully presented the staff report addressing location, surrounding uses, existing conditions, details of the project, Conditional Use Permit, Environmental Review, use of the expanded area, and recommendations.

Commissioner Hinsley confirmed the present Conditional Use Permit is supplemental to previous Conditional Use Permits.

Commissioner Ung discussed the calculation of parking spaces noting the change in use of the extension for games requires no additional parking.

Community Development Director Forbes reported the extension will be used as an accessory to the restaurant.

Chair Elder invited the applicant to the podium.

Gary Zinger, applicant, reported there will be no eating or drinking in the gaming area.

Discussion followed regarding the purpose of tables on the side of the gaming area, adequacy of parking, parking limitations relative to snack shops, counting bar stools as seating, prohibiting or limiting additional seating in the gaming area, being clear that no additional food service will be allowed in the gaming area, support of the project by the community and prohibiting BBQing or smoked foods.

Commissioner Strutzenberg suggested amending language to Item No. 4 in the resolution to state, "The 900 square foot tenant space shall not incorporate more than 200 square feet of additional dining area".

There were no other speakers.

Motion by Commissioner Ung, seconded by Commissioner Toporow, to close the public hearing. Motion carried unanimously, by roll call vote.

Motion by Commissioner Rodriguez, seconded by Commissioner Strutzenberg, to adopt resolution approving the Exemption Declaration and Amendment to a Conditional Use Permit subject to the findings and conditions contained therein, as amended. Motion carried unanimously, by roll call vote.

VIII. OLD BUSINESS

13. Commission input related to development of goals and objectives for the City's Strategic Plan

RECOMMENDATION: Receive report and finalize and approve recommendations to City Council.

Community Development Director Forbes presented the report addressing background, previous consideration, and recommendations by the Planning Commission.

Chair Elder spoke about the jobs imbalance issue and questioned whether it should be included considering the uncertainty of the current pandemic and its economic impacts.

Commissioner Hinsley suggested prioritizing some of the suggested goals and he and Commissioners Strutzenberg and Ung made edits to the letter.

Motion by Commissioner Toporow, seconded by Commissioner Rodriguez, to receive the report, finalize the letter and approve recommendations to City Council as amended. Motion carried unanimously, by roll call vote.

IX. NEW BUSINESS - None

X. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XI. COMMISSION ITEMS AND REFERRALS TO STAFF

Commissioner Rodriguez wished Chair Elder a Happy Birthday.

Commissioner Strutzenberg referenced the Governor's new directive regarding the COVID-19 pandemic and asked if there are items that the Planning Commission could discuss without a public hearing.

Community Development Director Forbes reported for public meetings, the public must be allowed the opportunity to comment on agenda and non-agenda items. The City is looking at different technologies that may allow teleconferencing with the opportunity for the public to comment via telephone or email.

XII. ITEMS FROM STAFF – None

XIII. COUNCIL ACTION ON PLANNING COMMISSION MATTERS - None

XIV. ADJOURNMENT

There being no further business to come before the Commission, Commissioner Hinsley motioned, seconded by Commissioner Ung, to adjourn at 10:45 p.m. to a Regular meeting to be held at 7:00 p.m. on Thursday, April 16, 2020, in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California. Motion carried unanimously.

Respectfully submitted,

Brandy Forbes
Community Development Director



Administrative Report

E.3., File #PC20-0941

Council Action Date:5/21/2020

TITLE

Receive and file Strategic Plan Update of March 17, 2020.



Administrative Report

H.17., File #20-0734

Council Action Date: 3/17/2020

To: MAYOR AND CITY COUNCIL
From: JOE HOEFGEN, CITY MANAGER

TITLE

RECEIVE AND FILE THE PERIODIC UPDATES TO THE SIX-MONTH STRATEGIC PLAN OBJECTIVES ESTABLISHED AT THE STRATEGIC PLANNING RETREAT HELD ON OCTOBER 22, 2019

EXECUTIVE SUMMARY

On October 22, 2019, the City Council held a Strategic Planning Workshop to review Strategic Plan objectives covering the recent six-month period (April 15, 2019 through October 15, 2019), completed a SWOT analysis (identifying Strengths, Weaknesses, Opportunities and Threats), identified possible 10-year goals for the City, and also listed specific objectives for the next six-month period of October 15, 2019 until April 15, 2020. The objectives set were adopted by the City Council at the December 10, 2019 Council Meeting. Periodic updates are provided to the Mayor and Council to enable them to monitor the City's progress. This current update is the second of the October 22, 2019 Strategic Planning session's six-month objectives. The City Council has set April 28, 2020 at 3:00 PM as the next Strategic Planning Session.

BACKGROUND

The City Council's Strategic Plan directs the development of the City budget, program objectives, and performance measures. The goals provide the basis for improving services, and preserving a high quality of life in the City.

The City began strategic planning in 1998 with the creation of the first three-year strategic plan covering the period of 1998-2001. In October 2001, a second three-year plan was developed for 2001-2004. At the February 25, 2003 retreat, these Core Values were added: Openness and Honesty, Integrity and Ethics, Accountability, Outstanding Customer Service, Teamwork, Excellence, Environmental Responsibility, and Fiscal Responsibility. A third three-year plan was developed in March 2004, covering the period of 2004-2007, and included a vision statement. In September 2007, the fourth three-year plan was developed with new goals and objectives. A fifth three-year plan was developed on March 3, 2010. The sixth three-year strategic plan goals were developed on September 12, 2013. The seventh three-year strategic plan goals were confirmed at the September 14, 2016 meeting. Finally, the eighth three-year strategic plan goals were confirmed at the October 22, 2019 meeting with the option of modifying them after further public review and adoption of the 10-year goals. The following are the five strategic plan goals for 2019-2022. They are not in priority order:

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THREE YEAR GOALS 2019-2022

- Modernize City communications systems
- Vitalize the Waterfront, Artesia Corridor, Riviera Village and South Bay Galleria
- Ensure sustainability, livability, and health by completing the General Plan update and by implementing environmentally responsible programs
- Assess, prioritize, and plan for park/open space acquisition and for reconstruction of major City facilities and infrastructure
- Maintain a high level of public safety with public engagement

At the October 22, 2019 Strategic Planning, the City Council identified possible 10-year goals for further consideration, through an iterative process, as listed below:

City of Redondo Beach Draft 10-Year Goals as identified on October 22, 2019
2019-2029 (not in priority order)

Through community engagement:

- Ensure long-term financial security/stability
- Foster environmental sustainability and livability
- Prepare and enact a comprehensive transportation and mobility plan
- Implement innovative public safety, health, well-being, and quality of life initiatives
- Equitably streamline organizational processes to improve efficiency, transparency, and accessibility for the City as a whole

The above draft 10-year goals would replace the previously approved 10-year goals covering 2016-2026 which are shown below (not in priority order)

- Be the premier waterfront location on the West Coast
- Secure funding for new safety facilities and City Hall
- Create the most innovative law enforcement agency in America
- Secure a voter-approved plan for a de-industrialized AES site
- Revitalize the South Bay Galleria
- Increase and enhance parks and public open space

Based on subsequent City Council direction, information related to the setting of 10-year goals is being shared with all City Commissions for their review and input. The City Manager provides periodic updates to the adopted six-month objectives to enable the Mayor and City Council to monitor the City's progress on the Strategic Plan. This is the second update to the current Strategic Plan prior to the development of the next six-month Strategic Plan.

COORDINATION

All departments participated in the development of the Strategic Plan and in providing the attached update.

FISCAL IMPACT

The total cost for this activity is included in the Mayor and City Council's portion of the FY 2019-2020 Adopted Annual Budget.

ATTACHMENTS

Strategic Plan Update Six Month Objectives March 17, 2020

CITY OF REDONDO BEACH SIX-MONTH STRATEGIC OBJECTIVES

October 15, 2019 – April 15, 2020

ACM=Assistant City Mgr CD=Community Development PW=Public Works WED=Waterfront and Economic Development CS=Community Services IT=Information Technology FS=Financial Services HR=Human Resources
FD= Fire PD=Police

THREE-YEAR GOAL: <i>Modernize City communication systems</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. Ongoing	IT Director, working with several departments, SBCCOG staff and consultants	Regional Broadband: Continue involvement in the development of the South Bay Fiber Network (SBFN) with the City of Redondo Beach actively participating in the plan.		X		Network build under way, tentative completion in June, 2020. Connections to SBFN tentatively scheduled for July, 2020.
2. By January 31, 2020	Fire Chief, working with LA County Beaches and Harbor, RB IT, City Attorney, and CM	Review of BEELS: Prepare a report for City Council consideration related to possible implementation of the Beach Emergency Evacuations Lights System (BEELS) by LA County to assist with evacuation of hearing-impaired patrons at the beach and pier.	X			Report completed February 4, 2020
3. By January 31, 2020	City Clerk, working with CS and IT Director	Election Voter Outreach. In partnership with LA County, coordinating identification of facilities for Vote Centers, and enhancing public information to ease Redondo Beach voters into the new voting center model by providing educational materials and information, e.g., enhanced website presence, public access TV (Ch. 41 & 8) and other public outreach opportunities via City newsletter, posters, and/or flyers.	X			
4. By April 15, 2020	CD Director, working with IT Director	Building and Planning Permit Requirements Checklist: In order to proactively communicate general building and planning permit requirements, a checklist of typical City plan check needs will be prepared and posted on the City's website.			X	Drafts of checklists are being prepared. Completion date revised.
5. By April 15, 2020	City Manager working with IT and Library Directors	Communications Task Force: Conduct meetings of the previously appointed task force focused on ways to improve and enhance City communication systems			X	Due to workload will be either deferred to next planning period or postponed indefinitely.
6. By April 15, 2020	IT Director, working with all City departments	Phone System Replacement: Present to the City Council for consideration a replacement for the City's current, aging telecommunications system.		X		Finalists selected for product demonstrations March 18 and 19.
7. By April 15, 2020	IT Director, working with CD, PW and FS Directors	Tyler Munis Building Permits Re-implementation: Re-implement building permits module to current standards which will enable the following: 1. Code Enforcement module implementation 2. Building Permits online Citizen Self Service Portal 3. Building Inspector real-time remote access to Building Permit system 4. Creation of Engineering electronic permit forms 5. Integration with City GIS system			X	Revised Date to June, 2020. Site Report completed. Staff/Munis working sessions under way.

8. By April 15, 2020	IT Director working with FS, HR Directors and all City Departments	Tyler Munis Payroll System Upgrades: Implement Munis Executime Time & Attendance module to enable daily time entry and ongoing time entry tracking and management.			X	Munis v11.3 has to be upgraded to v2019.1 in order to implement. 2019 install into Test environment completed 03/12/2020. Go Live to new version tentatively scheduled for June 2, 2020.
9. By April 15, 2020	IT Director working with FS, HR Directors and all City Departments	Tyler Munis Employee Self-Service: Implement self-service portal which will allow employees access to accrual inquiry, pay history, update W2/W4 information, address changes etc.		X		Installed and functional. Setup and configuration under way.
10. By April 15, 2020	IT Director working with FS Director	Tyler Munis Business License: Tyler staff to perform Investment Analysis of Business License module to outline opportunities for business process and functionality improvements.		X		

THREE-YEAR GOAL: <i>Vitalize the Waterfront, Artesia Corridor, Riviera Village and South Bay Galleria</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By December 17, 2019	WED Director	EIFD Formation Status: Provide an update to the City Council on the status of the Enhanced Infrastructure Financing District (EIFD) along Herondo and 190 th Streets formed by the City and recently approved for partnership by Los Angeles County.	X			Presented EIFD Update to City Council on February 11, 2020
2. By February 18, 2020	PW Director, working with WED and CD Directors	Riviera Village Mobility: Present to City Council a recommendation for award of a professional services contract to conduct a mobility review of Riviera Village with an emphasis on walkability in the Village			X	Preparing a BRR for discussion as part of the Mid-Year Budget review on March 17, 2020.
3. By February 18, 2020	PW Director	Water Filling Stations: Respond to the West Basin Municipal Water District grant program for the possible installation of a grant funded water filling station in Redondo Beach.		X		
4. By March 9, 2020	WED Director, working with PW Director and Fire Chief	Feasibility Study - Mole C Public Boat Ramp: Update the feasibility analysis for the installation of a Public Boat Ramp at Mole C and present the findings to the Harbor Commission for review and input.			X	Due to staff turnover at contracted consulting firm work has been delayed – expected presentation to harbor Commission April 13, 2020
5. By March 17, 2020	PW Director, working with WED and CD Directors	Artesia Corridor Mobility: Present to City Council a recommendation for award of a professional services contract to conduct high level mobility review of the Artesia Corridor involving pedestrians, bicycles, public transit and vehicular movement.			X	Preparing a BRR for discussion as part of the Mid-Year Budget review on March 17, 2020.
6. By April 13, 2020	WED Director, working with Fire Chief	Feasibility Study - White Sea Bass: Conduct a feasibility analysis for a White Sea Bass grow out pen within King Harbor and present the findings to the Harbor Commission for review and input.		X		

THREE-YEAR GOAL: Ensure sustainability, livability, and health by completing the General Plan update and by implementing environmentally responsible programs						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By December 31, 2019	CD Director working with Arnold and Associates, Inc.	SB 330 and Other Newly Adopted Housing Regulations: Provide a briefing on SB 330 and other adopted housing-related legislation and their impacts.	X			Presentation provided at January 7, 2020 City Council meeting.
2. By April 15, 2020	CD Director working with PW Director and City Attorney	Environmental Commission: Explore options for the formation of an Environmental Commission.			X	Started research on other municipalities' commissions.
3. By April 15, 2020	CD Director working with City Attorney	ADU Ordinances: Revise the ADU ordinance to address the State's new legislation and present the Ordinance to the Planning Commission and to City Council for consideration of adoption.			X	After providing presentation at January 7, 2020 City Council meeting and receiving California Housing and Community Development (HCD) memo, staff is preparing ordinance. To Planning Commission as early as April. Then to Council.
4. By March 17, 2020	CS Director	CDBG Consolidated Plan: Present to the City Council the 2020-2024 CDBG Consolidated Plan and 2020 CDBG Action Plan with local funding allocation recommendations.			X	Rescheduled to April 7, 2020
5. By April 15, 2020	CD Director	Residential Design Guidelines: Once SB2 Grant Funding is in place, issue RFP and select consultant and start project to update Residential Design Guidelines		X		Received grant award letter from HCD on Feb 24, 2020. Once finalize Standard Agreement for Funding Distribution, can issue RFP for consultant.
6. By April 15, 2020	CD Director	Housing Element: Once SB2 Grant Funding is in place, issue an RFP and select consultant and begin Housing Element update		X		Received grant award letter from HCD on Feb 24, 2020. Once finalize Standard Agreement for Funding Distribution, can select consultant.
7. By April 15, 2020	CD Director	Regional Housing Needs Allocation: Continue to track and address data issues and concerns, regarding current RHNA process, and develop and present strategies for City Council consideration for possible City response.		X		Ongoing.

8. By April 15, 2020	CD Director	Artesia/Aviation Corridor Area Plan: Host Community Meeting on the AACAP with GPAC's recommendations and present the plan to the Planning Commission and City Council for consideration of approval.		X	The community meeting for the AACAP was Thursday, February 27, 2020. To Planning Commission at April meeting and then to Council in May.
9. By April 15, 2020	CD Director	General Plan Update: Ensure GPAC Land Use recommendations are in compliance with new State housing regulations signed into law. Recommendations will be forwarded to Planning Commission and City Council for draft land use maps for consideration of approval of environmental study (initiates CEQA technical studies).		X	Contract amendment with Placeworks and contract with Veronica Tam to review land use recommendations with RHNA and new housing legislation considered by Council on March 17, 2020.

THREE-YEAR GOAL: Assess, prioritize, and plan for park/open space acquisition, and for reconstruction of major City facilities and infrastructure						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By January 21, 2020	CS Director	Pat Dreizler Facility Dedication: Present a report to the City Council on potential recreation locations to be named in honor of Redondo Beach resident and former Recreation Director Patricia Dreizler.			X	Presenting to Recreations & Parks Commission at March 11 meeting
2. By March 17, 2020	PW Director, working with CS Director	Skatepark Alternatives: Present to the City Council a report outlining concepts and preliminary cost estimates on alternative skatepark sites and amenities.			X	Consultant completed conceptual plans. Presentation revised to March 31, 2020.
3. By February 26, 2020	CS Director	Wyland Mural Archiving: Report to the Public Art Commission available technologies to archive Wyland Mural #31, "Grey Whale Migration", potential locations for a new Wyland mural, and report recommendations to the City Council.			X	Scheduled for May mtg.
4. By March 17, 2020	PW Director, working with CS Director	Park Conditions Reporting: Present a report to the City Council regarding options for cataloging, reporting and tracking park and park amenities, their condition and maintenance using technology resources.			X	Revised to April 7, 2020
5. On April 14, 2020	PW Director, working with ACM and FS Director	City Facility Funding and Reconstruction Plan Options: Present a high-level report to the City Council regarding possible financing options for the replacement/reconstruction of major City facilities.		X		

THREE-YEAR GOAL: Maintain a high level of public safety with public engagement						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By December 17, 2019	CS Director, working with CD Director, City Attorney and Police Chief	Homelessness Plan Update: Report to the City Council on the status of City's 5-Year Plan to Address Homelessness.	X			
2. By January 13, 2020	CD Director working with PW Director and Fire Chief	Local Hazards Mitigation Plan Presentation: Present to the City Council an overview of the draft Local Hazard Mitigation Plan (LHMP) prior to submission to FEMA and CalOES.	X			Presentation of the LHMP to City Council occurred on February 4, 2020.
3. On February 18, 2020	Fire Chief, working with CM and FS Director	Defibrillators BRR: Present to the City Council a Budget Response Report for replacement of aging defibrillators located in City facilities.			X	Mid-Year Budget will be March 17, 2020
4. On February 18, 2020	Fire Chief, working with CM and FS Director	FD Position Upgrades BRR: Present to the City Council a Budget Response Report regarding the cost and impact of upgrading all remaining Firefighter positions to Firefighter/Paramedic positions.			X	Mid-Year Budget will be March 17, 2020
5. By March 2, 2020	Fire Chief, working with CM	FD Review: Present to the City Council options for conducting a third party review of the Fire Department.			X	Mid-Year Budget will be March 17, 2020
6. By March 17, 2020	Police Chief, working with FS and IT Directors	Police Camera Technology: Research and implement body worn and in-car camera technologies and prepare a Mid-Year budget Response Report for City Council review.		X		BRR is submitted, RFP complete and vendor selected. CA's office is reviewing contract for March 17 th meeting.
7. By April 7, 2020	Library Director	Library Staff Online Training: Implement an online training program for public services library staff on how to effectively interact with homeless patrons in the library.		X		Majority of assigned staff have begun training; fifteen have completed.
8. By April 7, 2020	PW Director	LED Stop Signs: Present to the City Council a status report on the installation of LED stop signs.		X		
9. By April 7, 2020	Police Chief, working with CS Director	Deploy the Community Police Sub Station: Finish the build out of the new community engagement trailer (Community Police Substation) recently purchased by the Police Foundation and deploy it at least once in every district		X		Still awaiting delivery
10. By April 15, 2020	CD Director	Supplemental Code Enforcement Staffing: Explore the cost and possible use of part-time or contract services to assist with City Code Enforcement efforts.		X		
11. By March 17, 2020	Police and Fire Chiefs, working with FS Director and CMI	RCC Quote: Present to City Council the information received from RCC following the request for a formal quote for Police and Fire Dispatch services and explore other forms of regionalized communication.		X		Initial report is back from RCC. CM and Chief to meeting with mayor and councilmembers to detail the findings.

THREE-YEAR GOAL: Other						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. On December 17, 2019	CM working with State and Federal Legislative Advocates	State and Federal Legislative Advocates Contracts: Prepare a report for City Council action for possible continuation of contracts for State and Federal Legislative advocacy services.	X			
2. On March 17, 2020	City Clerk, working with City Attorney and CM	Manhattan Beach Sunshine Policy and Packet Distribution: Provide a report to City Council on the history and content of the Manhattan Beach Sunshine policy including possible earlier distribution of the City Council packet. Follow-up on Moss Adams Internal Controls Recommendations:			X	Rescheduled for April 21, 2020
3. By January 31, 2020	FS Director working with City Clerk and City Treasurer	1. Financial Reporting to the City Clerk and the City Treasurer: As recommended by Moss Adams, establish regular financial reporting by the Financial Services Department to the City Clerk and the City Treasurer for identification/analysis of any irregularities or significant changes.	X			Provided monthly to the City Clerk are expenditure reports, copies of manual journal entries, and a listing of outstanding purchase orders. Notification of vendor setup additions/changes are provided on an ongoing basis. Provided monthly to the City Treasurer are property tax remittance advices, revenue and expenditure reports, cash account trial balances, accounts payable check registers, daily cash reports, and cash reconciliations.
4. By February 29, 2020	FS Director working with HR Director	2. Pay Code Creation Request Form: Develop a pay code creation request form to be completed by the Human Resources Department for use by payroll staff within the Financial Services Department when creating new pay codes, to assist in the collaboration recommended by Moss Adams.	X			A pay code creation request form has been developed and will be used for the next request.
5. By April 7, 2020	FS Director working with City Clerk, City Treasurer, City Attorney and CM	3. Ordinance to Establish the Financial Services Department: As recommended by Moss Adams, prepare an ordinance for City Council consideration which establishes a Financial Services Department and defines its powers and duties as encompassing the tactical operations of financial management in the City, including a formal delegation of financial activities from the City Clerk and the City Treasurer.		X		
6. By April 15, 2020	FS Director working with HR Director	4. Munis Employee Pay and Master File Access Limitations: In conjunction with the implementation of the Employee Self-Service (ESS) Munis module, adjust payroll staff's access to Munis employee pay and master files as recommended by Moss Adams.		X		



Administrative Report

E.4., File #PC20-0942

Council Action Date:5/21/2020

TITLE

Receive and file written communications and Blue Folder items.



Administrative Report

I.1., File #PC20-0934

Council Action Date: 5/21/2020

To: PLANNING COMMISSION
From: STACEY KINSELLA, ASSOCIATE PLANNER

TITLE

Consideration of an Exemption Declaration and Lot Line Adjustment to restore three underlying lots to the original subdivision configuration, creating three legal conforming parcels on properties located in a Single-Family Residential (R-1A) zone.

PROPERTY OWNER: LA19A, LLC
APPLICANT: Same as owner
LOCATION: **1731-1735 Armour Lane**
CASE NO: LLA-2021-01
RECOMMENDATION: Adopt resolution approving the Exemption Declaration and Lot Line Adjustment subject to the findings and conditions contained therein.

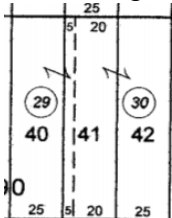
DEPARTMENT'S RECOMMENDATION:

The Planning Division recommends that the Planning Commission makes the findings as set forth in the staff report and attached resolution, approve the Lot Line Adjustment, and adopt the Exemption Declaration subject to the plans and applications submitted.

BACKGROUND

The project includes three lots that currently function as two building sites. The existing sites are 1731 and 1735 Armour Lane. Each site has an existing one-story single-family residence built by the same owner in 1957.

The three underlying lots are all 100 feet deep, however, the lot widths vary. 1731 Armour Lane includes Lot 40 and five feet of Lot 41. At some point, the five feet was deeded to Lot 40 for an adjusted lot width of 30 feet. Prior to the Subdivision Map Act, it was common for property owners to deed portions of their lots to adjacent properties. 1735 Armour Lane includes Lot 42 and is tied to the remaining 20 feet of Lot 41, for a total tied width of 45 feet.



When the existing building at 1735 Armour Lane is demolished, the lot tie ceases to exist. Thus, Lot 42 remains 25 feet in width and Lot 41 is left with only 20 feet in width. The applicant wishes to 45

restore Lot 41 to the standard R-1A Zone lot width of 25 feet. This adjustment will bring all three lots back to their original configuration with 25 feet of street frontage for each site.

DETAILED DESCRIPTION OF REQUEST:

The application requests that the two building sites go back to being three separate 25-foot wide lots. In order to restore the original lot widths, the five feet deeded to Lot 40 needs to be returned to Lot 41. Technically, no adjustments need to be made to Lot 42. Once the lot tie is broken through the demolition of the existing house, the original underlying 25-foot wide lot remains intact. Lot 41, however, is left with a substandard width at 20 feet and Lot 40 is left a larger than standard width at 30 feet.

The applicant has provided a conceptual site plan as well as a conceptual front elevation, all reflecting the intent to build one new home on each parcel. Lot line adjustment exhibits have also been prepared reflecting the existing lot configurations and the proposed lot configurations.

EVALUATION OF REQUEST:

Pursuant to Code Section 10-1.1101 the purpose of reviewing lot line adjustments is to ensure that the new lot lines "provide code-conforming parcels consistent with all property development standards". Per Code Section 10-1.1111, "[t]he Commission shall approve the lot line adjustment unless it finds the adjustment will not conform to the zoning and building ordinance of the City or will be contrary to the General Plan".

The minimum lot size in the R-1A Zone is 2,500 square feet per Section 10-2.1528. This section also defines the minimum width as 25 feet and the depth as 100 feet. Lot 41 is currently 20 feet in width and 100 feet in depth resulting in only 2,000 square feet in overall size. Per the Development Standards outlined in Code Section 10-2.504, the required side yard setback is 3 feet which would result in a building width of only 14 feet. The typical R-1A Zone house is 19 feet in width and this barely accommodates a standard two-car garage. If left with only 14 feet of buildable width, Lot 41 would not be able to construct the required two-car garage. The required rear setback for an R-1A lot is 16 feet and the related outdoor living space is 400 square feet. The required 400 square feet of outdoor living space is comprised of that rear 16 feet multiplied by the width of the lot at 25 feet. If the lot is only 20 feet in width, then the outdoor living space within the 16-foot rear yard would only be 320 square feet. Lot 41 would ultimately need an increased rear yard setback, further reducing the size of the buildable house, in order to meet the outdoor living space requirements. The requested lot line adjustment would restore Lot 41 to its standard lot width, providing a fully buildable lot consistent with the Development Standards.

Based upon the evidence provided, the proposed adjustment appears to comply with the Zoning Ordinance in relationship to lot width and size. Lots 40 and 41 would each be returned to the standard width of 25 feet which will not only be Code-compliant, but will ensure that both lots are fully buildable.

ENVIRONMENTAL STATUS:

The proposed lot line adjustment is Categorically Exempt from further environmental analysis pursuant to Section 15315 of the Guidelines to the California Environmental Quality Act (CEQA).

ATTACHMENTS

Exemption Declaration

Draft Resolution

Application

Lot Line Adjustment Exhibits A and B

Conceptual Drawings



Administrative Report

I.1., File #PC20-0934

Council Action Date: 5/21/2020

To: PLANNING COMMISSION
From: STACEY KINSELLA, ASSOCIATE PLANNER

TITLE

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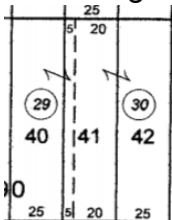
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EVALUATION OF REQUEST:

Pursuant to Code Section 10-1.1101 the purpose of reviewing lot line adjustments is to ensure that the new lot lines "provide code-conforming parcels consistent with all property development standards". Per Code Section 10-1.1111, "[t]he Commission shall approve the lot line adjustment unless it finds the adjustment will not conform to the zoning and building ordinance of the City or will be contrary to the General Plan".

The minimum lot size in the R-1A Zone is 2,500 square feet per Section 10-2.1528. This section also defines the minimum width as 25 feet and the depth as 100 feet. Lot 41 is currently 20 feet in width and 100 feet in depth resulting in only 2,000 square feet in overall size. Per the Development Standards outlined in Code Section 10-2.504, the required side yard setback is 3 feet which would result in a building width of only 14 feet. The typical R-1A Zone house is 19 feet in width and this barely accommodates a standard two-car garage. If left with only 14 feet of buildable width, Lot 41 would not be able to construct the required two-car garage. The required rear setback for an R-1A lot is 16 feet and the related outdoor living space is 400 square feet. The required 400 square feet of outdoor living space is comprised of that rear 16 feet multiplied by the width of the lot at 25 feet. If the lot is only 20 feet in width, then the outdoor living space within the 16-foot rear yard would only be 320 square feet. Lot 41 would ultimately need an increased rear yard setback, further reducing the size of the buildable house, in order to meet the outdoor living space requirements. The requested lot line adjustment would restore Lot 41 to its standard lot width, providing a fully buildable lot consistent with the Development Standards.

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ATTACHMENTS

Exemption Declaration

Draft Resolution

Application

Lot Line Adjustment Exhibits A and B

Conceptual Drawings



CITY OF REDONDO BEACH

EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: May 21, 2020

PROJECT ADDRESS: 1731-1735 Armour Lane

PROPOSED PROJECT: Consideration of an Exemption Declaration and Lot Line Adjustment to restore three underlying lots to the original subdivision configuration, creating three legally conforming parcels on properties located in a Single-Family Residential (R-1A) zone

In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to:

Section 15315 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), which states, in part, that the division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when division is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access are provided; does not have an impact on the environment. This finding is supported by the fact that the proposed parcels will not result in new parcels, and comply with the General Plan and zoning ordinance.

The subject site is neither located within an area designated as an environmental resource of hazardous or critical concern, nor within an officially designated, state scenic highway, nor within a hazardous waste site included on any list compiled pursuant to Section 65962.5 of the Government Code. The project is not a successive project in the same place that may have a cumulative impact over time nor will the project have a significant effect on the environment due to unusual circumstances.

Stacey Kinsella

Stacey Kinsella
Associate Planner

RESOLUTION NO. *****

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF REDONDO BEACH APPROVING AN EXEMPTION
DECLARATION AND LOT LINE ADJUSTMENT TO RESTORE
THREE LEGAL LOTS LOCATED WITHIN A SINGLE FAMILY
RESIDENTIAL (R-1A) ZONE AT 1731-1735 ARMOUR LANE**

WHEREAS, an application was filed on behalf of the owners of property located at 1731-1735 Armour Lane for approval of an Exemption Declaration and consideration of a Lot Line Adjustment on properties located within a Single Family Residential (R-1A) zone; and

WHEREAS, notice of the time and place of the public hearing where the Exemption Declaration and application would be considered was given pursuant to State law and local ordinances by publication in the Easy Reader, by posting the subject property, and by mailing notices to property owners within 300 feet of the exterior boundaries of the subject property; and

WHEREAS, the Planning Commission of the City of Redondo Beach has considered evidence presented by the applicant, the Planning Division, and other interested parties at the public hearing held on the 21st day of May, 2020 with respect thereto.

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

1. The lot line adjustment conforms to the City of Redondo Beach Zoning Ordinance and is consistent with the Comprehensive General Plan.
2. The proposed parcels meet the minimum size, width, and depth as outlined in Section 10-2.1528.
3. The lot line adjustment will result in lots of sufficient size that can be properly developed in accordance with the standards of the Zoning Ordinance.
4. The lot line adjustment will result in lots of a size commensurate and compatible with the size of existing lots in the immediate vicinity.
5. The lot line adjustment will preserve property values.
6. The parcels would not be detrimental to the surrounding subdivision pattern, orientation, or configuration and/or be smaller than the prevailing parcel size in the surrounding area.

7. The lot line adjustment does not directly or indirectly result in the creation of a parcel that would be inappropriate in size and/or configuration to the development standards contained in the Zoning Ordinance.
8. The project is Categorically Exempt from the preparation of environmental documents, pursuant to Section 15315 of the Guidelines of the California Environmental Quality Act (CEQA).

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

Section 1. Based on the above findings, the Planning Commission does hereby approve the Exemption Declaration and Lot Line Adjustment pursuant to the plans and application considered by the Planning Commission at its meeting of the 21st day of May, 2020.

Section 2. The approved lot line adjustment shall become null and void if not vested within 36 months after the Planning Commission's approval.

Section 3. Prior to seeking judicial review of this resolution, the applicant is required to appeal to the City Council. The applicant has ten days from the date of adoption of this resolution in which to file the appeal.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 21st day of May, 2020.

Planning Commission Chair
City of Redondo Beach

ATTEST:

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

I, Brandy Forbes, Community Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. ***** was duly passed, approved, and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 21st day of May, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

Brandy Forbes, AICP
Community Development Director

APPROVED AS TO FORM:

City Attorney's Office

CITY OF REDONDO BEACH
PLANNING DIVISION

RECEIVED BY:

SK

DATE RECEIVED:

2/21/2020

APPLICATION FOR LOT LINE ADJUSTMENT

Application is hereby made to the Planning Commission of the City of Redondo Beach, pursuant to the provisions of, Title 10 of the Redondo Beach Municipal Code, for a public hearing for a Lot Line adjustments(s) on the property described below.

PART I - GENERAL INFORMATION

A	APPLICANT INFORMATION	
	STREET ADDRESS OF PROPERTY: 1731 ARMOUR LANE	
	EXACT LEGAL DESCRIPTION OF THE PROPERTY: APN: 4160-009-029 LOT 40 and the West 5 feet of Lot 41 BLOCK: 125 TRACT: Redondo Villa Tract APN: 4160-009-030 LOTS 41 and 42, Except from Lot 41 the West 5 feet thereof BLOCK: 125 TRACT: Redondo Villa Tract	ZONING: R-3
	RECORDED OWNER'S NAME: LA19A, LLAC, A CALIFORNIA LIMITED LIABILITY COMPANY TAYLOR CARLSON, AUTHORIZED SIGNER MAILING ADDRESS: 26880 Aliso Viejo Parkway, #100 Aliso Viejo, CA 92656 TELEPHONE: 949-481-7026	AUTHORIZED AGENT'S NAME: SROUR & ASSOCIATES ATTN: STACY STRAUS MAILING ADDRESS: 1001 6 th Street, Ste 110 Manhattan Beach, CA 90266 TELEPHONE: 310-372-8433
B	SHOWINGS: <i>It shall be shown that the following circumstances are found to apply. Give full and complete answers</i>	
	1. Indicate the present use of the property and buildings thereon (if any) and the expectable future use of the parcel or parcels which would be altered by the proposed Lot Line Adjustment: The applicant currently owns lots 40, 41, and 42 in Block 125 of the Redondo Villa Tract, where two structures, each of which is used as a single family residence, exists. The applicant seeks to realign the lot lines and restore the lots to their original configuration, when the City was subdivided, and create three legally conforming parcels, eligible for separate ownership. The applicant proposes to build three single family residences on the newly created lots in this R1 zone, conforming to all City zoning requirements that are code compliant.	

2020 0386

	<p>2. Indicate how the proposed adjusted parcel or parcels will front on, or have adequate access to a public street (not alley) of adequate width to carry the quantity and kind of traffic generated by the uses allowed in the land use district in which they are located:</p> <p>The project site is located on a fully improved public street and will provide adequate visibility, driveway access and turn-around to allow vehicles to safely enter and exit driveway and parking areas. Development plans include modifications to existing curbcut to reduce the size and realign in order to achieve necessary access for the three homes. There will be no change to traffic patterns or pedestrian access. Access to the parcels will not be affected by the lot realignment.</p>			
	<p>3. Indicate how the proposed Lot Line Adjustment will not be detrimental to the surrounding lot pattern and will not create lots smaller than the prevailing lot size in the area where they would be located:</p> <p>The realignment of the lots will create three lots consistent with all other lots in this tract, and meet minimum lot size as required by the City, as well as consistent with the prevailing lot distribution of the area.</p>			
	<p>4. Indicate how the revision of the proposed parcel(s) would be in conformance with the intent and purpose of the Comprehensive General Plan for the City of Redondo Beach;</p> <p>The realigned lots will be restored to the intended 25 x 100' (approximately) lot configuration and will not result in any limitation on current use of the adjacent property or potential development of the subject property pursuant to Code provisions within the R-1A, Single Family Residential of 14.6 DU/Acre zone.</p>			
<p><i>It is desirable, but not required, to have the signatures of owners of property in the immediate area affected, certifying that they have no objection to the proposed Parcel Map. Use reverse of this sheet if more space is needed.</i></p>				
NAME	ADDRESS	LOT	BLOCK	TRACT

OWNER'S AFFIDAVIT

Project address: 1731 – 1735 ARMOUR LANE, RB 90278

Project description: Lot Line Adjustment to create three conforming lots

I, Taylor Carlson, being duly sworn, depose and say I am the owner of all of the property involved and that this application has been prepared in compliance with the requirements pritned herein. I further certify, under penalty of perjury that the foregoing statements and information presented herein are in all respects true and correct to the best of myknowledge and belief.

Signature(s): 

Taylor Carlson, Authorized Signer
LA19A, LLAC
A CALIFORNIA LIMITED LIABILITY COMPANY

ADDRESS:
26880 Aliso Viejo Parkway, #100
Aliso Viejo, CA 92656

TELEPHONE:
949-481-7026

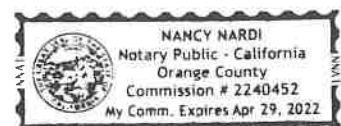
Subscribed and sworn to (or affirmed) before me this 19th day of February, 20 20,
by Taylor Carlson, proved to me on the basis of satisfactory

evidence to be the person(s) who appeared before me.


FILING CLERK OR NOTARY PUBLIC

State of California)
County of Orange) ss

Seal



GOODMAN AVENUE



OWNER'S INFORMATION:

PREPARED BY:

REGISTERED PROFESSIONAL ENGINEER

CYNTHIA A. DE LEON

No. C-31604
Exp. 12-31-20

CIVIL

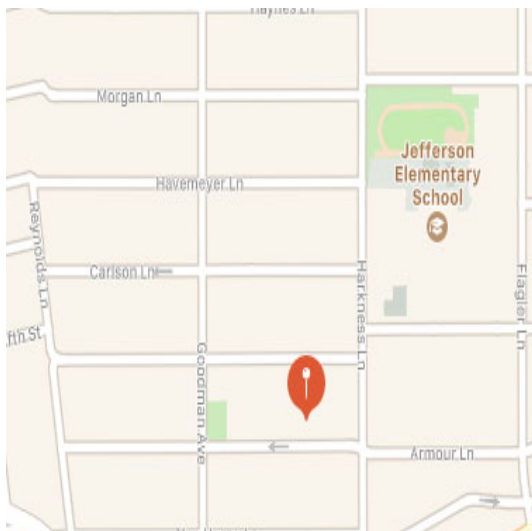
STATE OF CALIFORNIA

Cynthia A. de Leon

01/2020

05/01/2020
(e.signed)

EXISTING PARCEL	EXISTING LOT AREA (SF)
1	3000
2	4500



MAP SHOWING LOT LINE ADJUSTMENT ON
1731 & 1735 ARMOUR LANE
LOTS 40, 41 & 42, IN BLOCK 125 OF REDONDO VILLA TRACT,
M.B. 10/90-91, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

APPROVED BY:

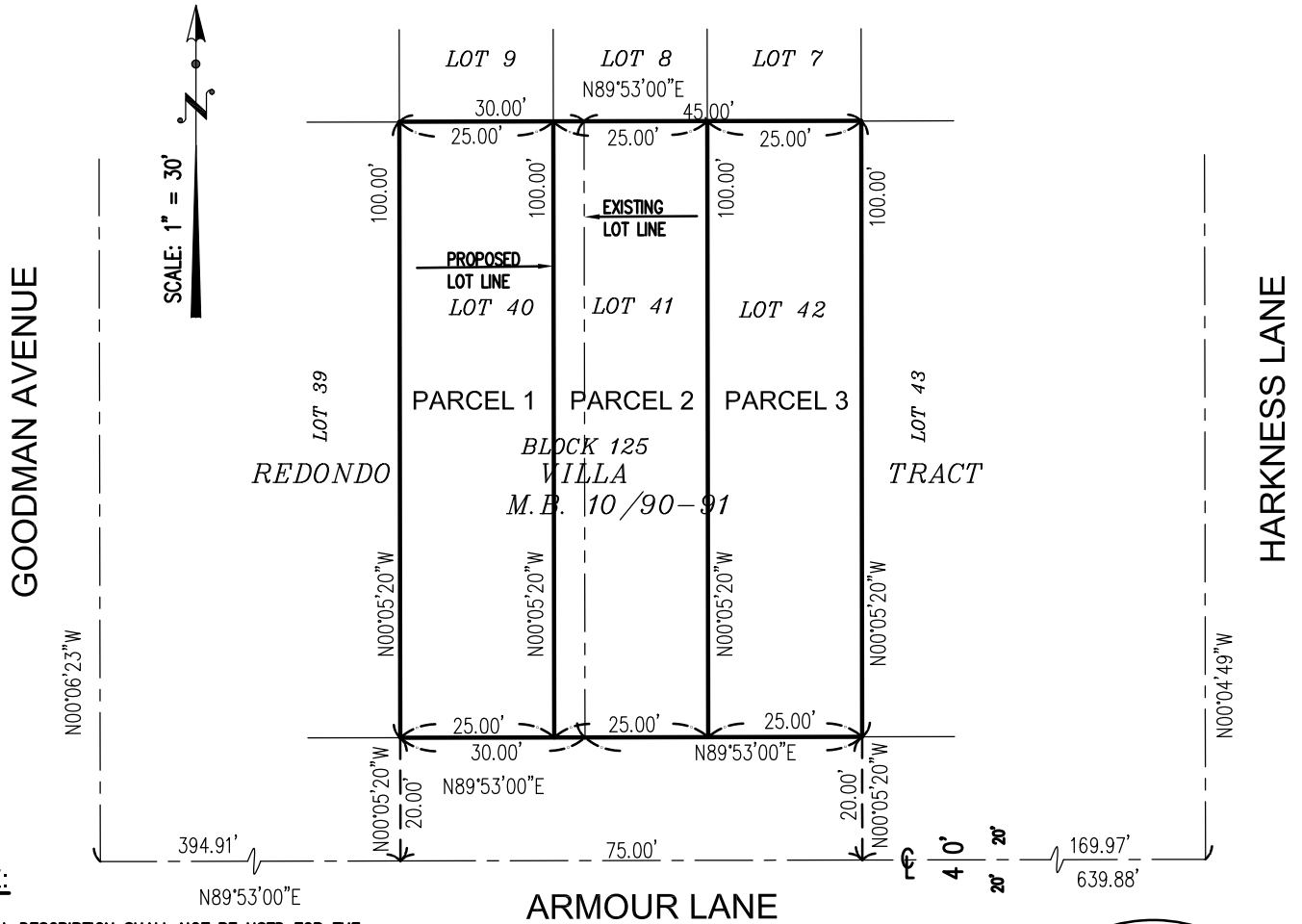
ANDREW S. WINJE, PE
CITY ENGINEER

DATE _____

SCALE:
1"=30'

SHEET 1 OF 2

EXHIBIT A
PROPOSED PARCELS 1, 2 & 3

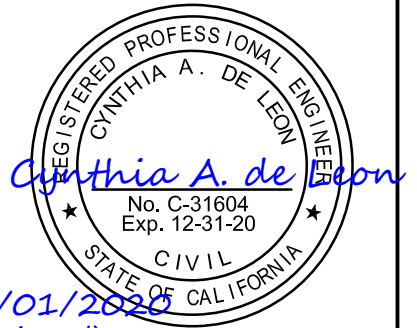


THIS LEGAL DESCRIPTION SHALL NOT BE USED FOR THE
DIVISION AND/OR CONVEYANCE OF LAND IN VIOLATION OF
THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA,

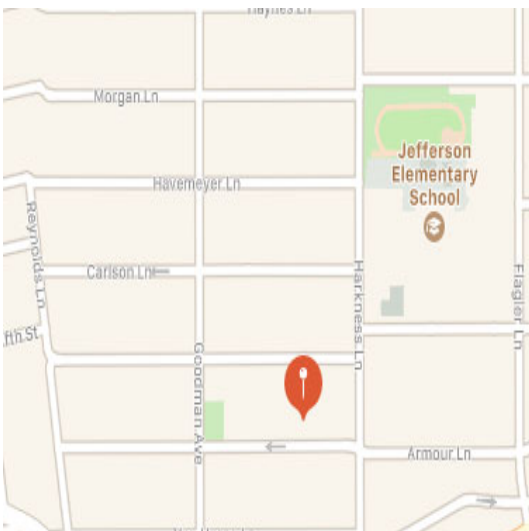
LA19A, LLC
1731 & 1736 ARMOUR LANE,
REDONDO BEACH, CA

PARCEL	PROPOSED LOT AREA (SF)
1	2500
2	2500
3	2500

CYNTHIA A. DE LEON
RCE 31604
EXPIRES ON DECEMBER 31, 2020
M&G ENGINEERING AND LAND SURVEYING, INC
347 S. ROBERTSON BOULEVARD
BEVERLY HILLS, CA 90211



05/01/2020
(e.signed)



CITY OF REDONDO BEACH
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES DIVISION

MAP SHOWING LOT LINE ADJUSTMENT ON
1731 & 1735 ARMOUR LANE
LOTS 40, 41 & 42, IN BLOCK 125 OF REDONDO VILLA TRACT,
M.B. 10/90-91, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

APPROVED BY:

ANDREW S. WINJE, PE
CITY ENGINEER

DATE _____

SCALE:
1"=30'

SHEET 2 OF 2

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT
EXISTING PARCELS
1731 & 1735 ARMOUR LANE

PARCEL 1: (APN 4160-009-029)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 40 AND THE WEST 5 FEET OF LOT 41 IN BLOCK 125 OF REDONDO VILLA TRACT, IN THE CITY OF REDONDO BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID PROPERTY, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN THE DEED RECORDED AUGUST 26, 1957 IN BOOK 55434 PAGE 372 OF OFFICIAL RECORDS.

CONTAINING 3000 SQUARE FEET, MORE OR LESS

**FOR THE PROPERTY COMMONLY KNOWN AS:
1731 ARMOUR LANE, REDONDO BEACH, CA 90272**

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT
EXISTING PARCELS
1731 & 1735 ARMOUR LANE

PARCEL 2: (APN 4160-009-030)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 41 AND 42 IN BLOCK 125 OF REDONDO VILLA TRACT, IN THE CITY OF REDONDO BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM LOT 41 THE WEST 5 FEET THEREOF.

ALSO EXCEPT ALL MINERALS, OIL, GAS, WATER, CARBONS AND HYDROCARBONS UNDER SAID LAND BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, BUT WITHOUT RIGHT OF SURFACE ENTRY, AS RESERVED BY BOB W. ROCKHOLD AND NANCY J. ROCKHOLD, HUSBAND AND WIFE, IN DEED RECORDED AUGUST 26, 1957 IN BOOK 55438 PAGE 102 OF OFFICIAL RECORDS.

CONTAINING 4500 SQUARE FEET, MORE OR LESS

**FOR THE PROPERTY COMMONLY KNOWN AS:
1735 ARMOUR LANE, REDONDO BEACH, CA 90272**

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT
PROPOSED PARCELS
1731 & 1735 ARMOUR LANE

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LOT 40 IN BLOCK 125 OF REDONDO VILLA TRACT, IN THE CITY OF REDONDO BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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CONTAINING 2500 SQUARE FEET, MORE OR LESS

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT
PROPOSED PARCELS
1731 & 1735 ARMOUR LANE

PARCEL 2:

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CONTAINING 2500 SQUARE FEET, MORE OR LESS

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT
PROPOSED PARCELS
1731 & 1735 ARMOUR LANE

PARCEL 3:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 42 IN BLOCK 125 OF REDONDO VILLA TRACT, IN THE CITY OF REDONDO BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID PROPERTY, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN THE DEED RECORDED AUGUST 26, 1957 IN BOOK 55434 PAGE 372 OF OFFICIAL RECORDS AND IN DEED RECORDED AUGUST 26, 1957 IN BOOK 55438 PAGE 102 OF OFFICIAL RECORDS.

CONTAINING 2500 SQUARE FEET, MORE OR LESS

EXHIBIT "B"
LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT

NOTE:

THIS LEGAL DESCRIPTION SHALL NOT BE USED FOR THE DIVISION AND/OR CONVEYANCE OF LAND IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA.



Cynthia A. de Leon 05/01/2020

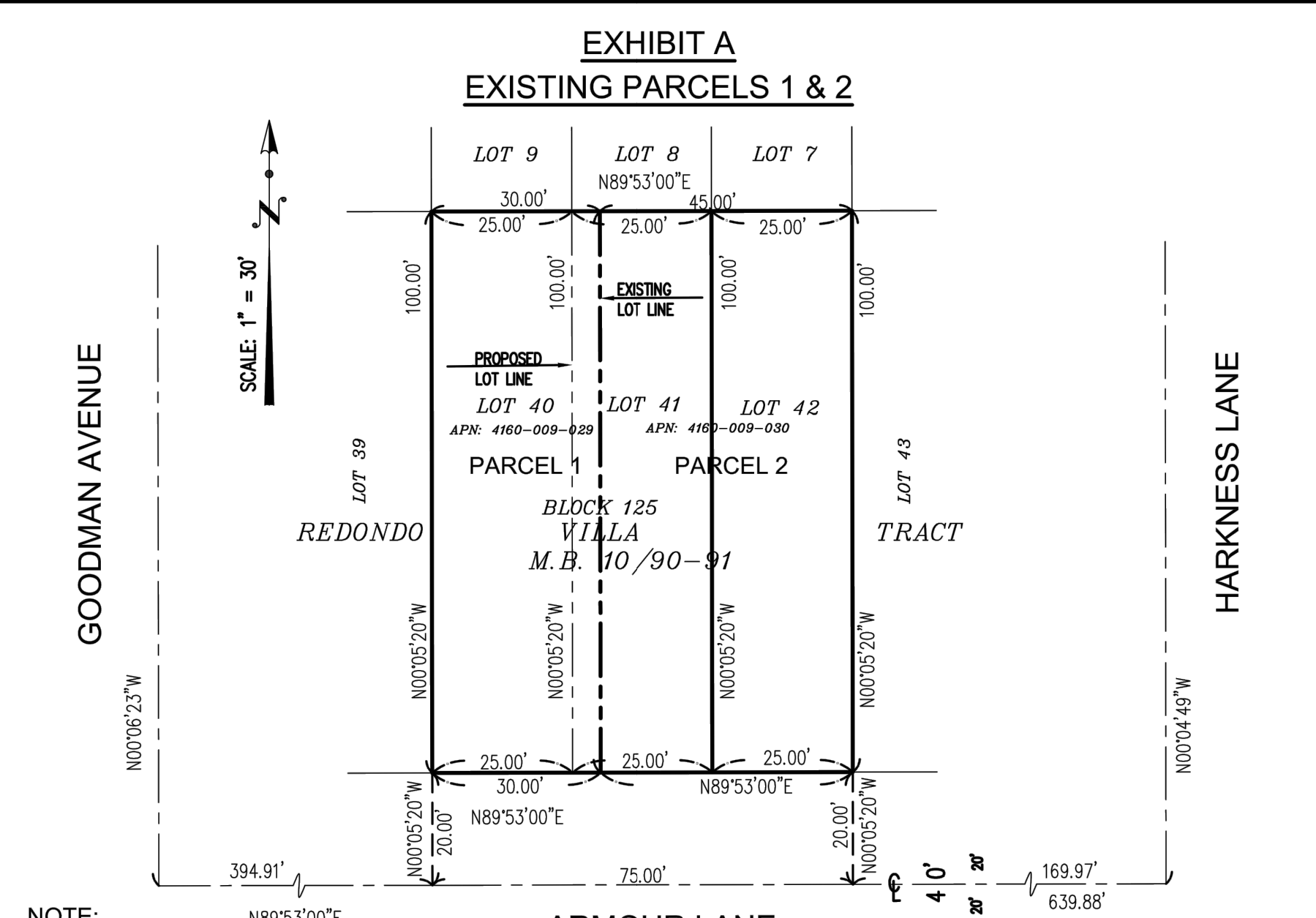
CYNTHIA A. DE LEON, PE DATE *(e.signed)*
RCE 31604 EXP. 12/31/2020

ANDREW S. WINJE, PE DATE
CITY ENGINEER

LEGAL DESCRIPTION

EXHIBIT A

EXISTING PARCELS 1 & 2



NOTE:

THIS LEGAL DESCRIPTION SHALL NOT BE USED FOR THE DIVISION AND/OR CONVEYANCE OF LAND IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA.

OWNER'S INFORMATION:

LATBA, LLC
1731 & 1735 ARMOUR LANE,
REDONDO BEACH, CA

PREPARED BY:

CYNTHIA A. DE LEON
RCE 31604
EXPIRES ON DECEMBER 31, 2020
M&G ENGINEERING AND LAND SURVEYING, INC
347 S. ROBERTSON BOULEVARD
BEVERLY HILLS, CA 90211

EXISTING PARCEL

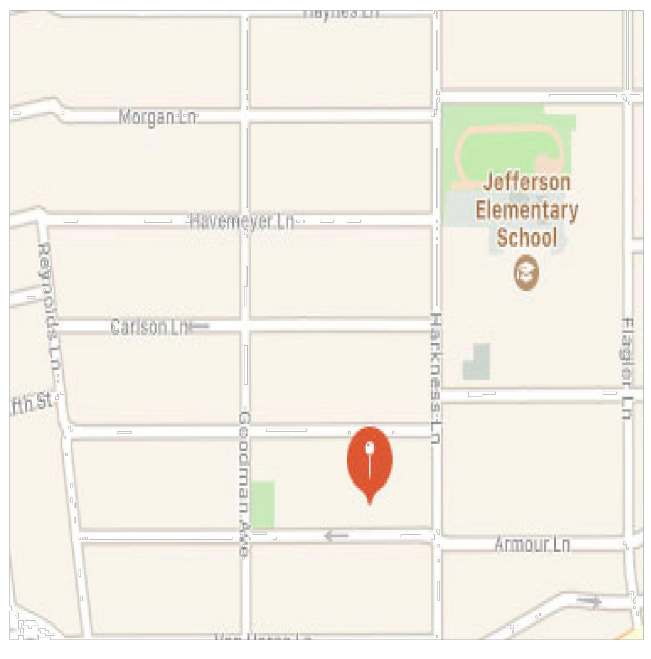
EXISTING LOT AREA (SF)

1

3000

2

4500



CITY OF REDONDO BEACH
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES DIVISION

MAP SHOWING LOT LINE ADJUSTMENT ON
1731 & 1735 ARMOUR LANE
LOTS 40, 41 & 42, IN BLOCK 125 OF REDONDO VILLA TRACT,
M.B. 10/90-91, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

APPROVED BY:

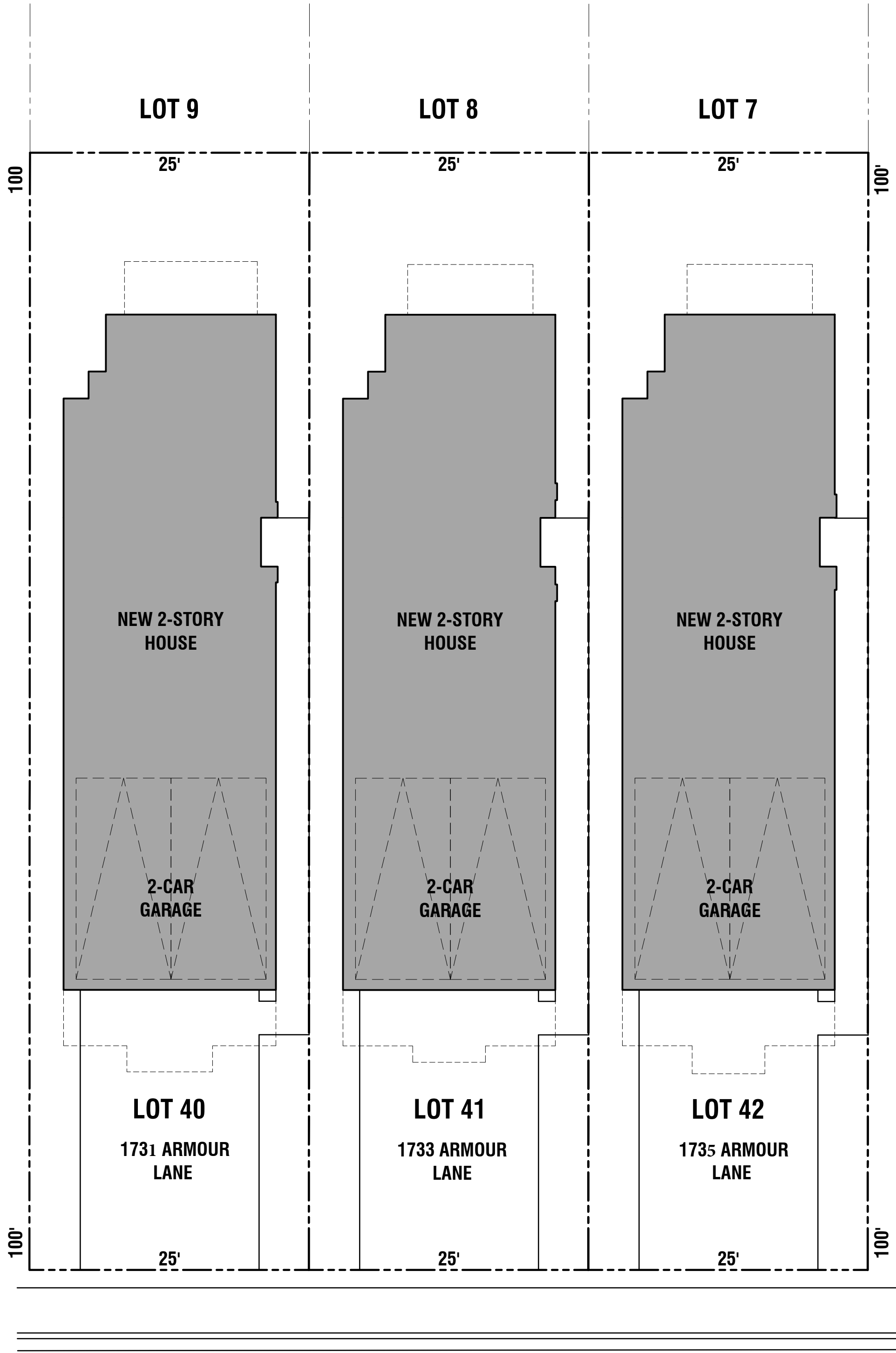
ANDREW S. WINJE, PE
CITY ENGINEER

SCALE:

1"=30'

SHEET 1 OF 2

SITE PLAN



NORTH

1/8" = 1'-0"

ARMOUR LANE

SHEET INDEX

A.0

COVER SHEET

A.1

FLOOR PLANS - LOT 40

A.2

ELEVATIONS - LOT 40

A.3

FLOOR PLANS - LOT 41

A.4

ELEVATIONS - LOT 41

A.5

FLOOR PLANS - LOT 42

A.6

ELEVATIONS - LOT 42

A.7

FRONT ELEVATIONS ONLY - ALL LOTS

A.8

ROOF PLANS - ALL LOTS

SCOPE OF WORK

LOT LINE ADJUSTMENT ON 1731 & 1735 ARMOUR LANE
AND DEVELOPMENT OF LOTS 40, 41, AND 42 IN BLOCK 25
OF REDONDO VILLA TRACT. M.B. 10/90-91, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA.

Bassenian | Lagoni
ARCHITECTURE • PLANNING • INTERIORS

Copyright 2020 Bassenian | Lagoni Architects

2031 Orchard Drive, Suite 100
Newport Beach, CA USA 92660
tel. +1 949 553 9100
fax +1 949 553 0548

1731 - 1733 - 1735 ARMOUR LANE

Redondo Beach , California

0 2 4 8

918.19134

A . 0

05.12.20

THOMAS JAMES
HOMES



TRANSITIONAL COASTAL
1731 ARMOUR LANE - LOT 40

CONTEMPORARY COASTAL
1733 ARMOUR LANE - LOT 41

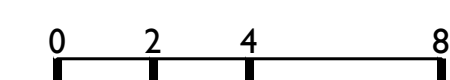
TRADITIONAL COASTAL
1735 ARMOUR LANE - LOT 42

FRONT ELEVATIONS - ALL LOTS

View from Armour Lane

1731 - 1733 - 1735 ARMOUR LANE

Redondo Beach , California



918.19134



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):
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 - If CDP required, public hearing waived if
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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



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

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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

Arnold and Associates, Inc.

Legislative Advocates and Consultants

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New 2019 Legislation (Effective 1/1/2020) Re: Housing, Community and Economic Development

[AB 38](#) ([Wood](#) D) Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation.

Would require the Natural Resources Agency, by July 1, 2021, and in consultation with the State Fire Marshal and the Forest Management Task Force, to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience, and safety, as specified. The bill would require the Natural Resources Agency to make the review publicly available on its internet website. On or after July 1, 2021, the bill would require a seller of real property located in a high or very high fire hazard severity zone to provide specified documentation to the buyer that the real property is in compliance with the wildfire protection measures as specified or a local vegetation management ordinance, or enter into an agreement with the buyer pursuant to which the buyer will obtain documentation of compliance, as provided.

[AB 58](#) ([Rivas, Luz](#) D) Homeless Coordinating and Financing Council.

Would require the Governor to appoint a representative from the State Department of Education to be a member of the Homeless Coordinating and Financing Council.

[AB 68](#) ([Ting](#) D) Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires such an ordinance to impose standards on accessory dwelling units, including, among others, lot coverage. Current law also requires such an ordinance to require that the accessory dwelling units to be either attached to, or located within, the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.

[AB 139](#) ([Quirk-Silva](#) D) Emergency and Transitional Housing Act of 2019.

Current law authorizes a local government to impose only those development and management standards that apply to residential or commercial development within the same

zone, however, a local government may impose specified objective standards, including standards for off-street parking based on demonstrated need, as specified. This bill would instead authorize a local government to apply a written objective standard that provides sufficient parking to accommodate the staff working in the emergency shelter, except as provided.

AB 143 (Quirk-Silva D) Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose.

Current law, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, specifies additional provisions applicable to a shelter crisis declared by one of those jurisdictions. Among other things, existing law authorizes the city, county, or city and county that declares a shelter crisis pursuant to these provisions, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities in the homeless shelters, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Current law requires the Department of Housing and Community Development to review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. Existing law requires the department to provide its findings to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance. This bill would extend the time within which the department is required to provide its findings to those legislative committees to 90 calendar days of receiving the draft ordinance.

AB 173 (Chau D) Mobilehomes: payments: nonpayment or late payments.

Current law requires the Department of Housing and Community Development, when a person who is not currently the registered owner of a manufactured home or mobilehome applies to the department for registration or transfer of registration of the manufactured home or mobilehome prior to December 31, 2019, and meets other specified requirements including, among others, payment of any charges assessed by the department during the period between the time the applicant took ownership interest or December 31, 2015, whichever is later, and the time the applicant applies for relief, to waive all outstanding charges assessed by the department prior to the transfer of title of the manufactured home or mobilehome, release any lien imposed with respect to those charges, issue a duplicate or new certificate of title or registration card, and amend the title record of the manufactured home or mobilehome. This bill would extend the date for an application under these provisions to December 31, 2020, and would refer to that program as the Register Your Mobilehome Program.

[AB 178](#) ([Dahle](#) R) Energy: building standards: photovoltaic requirements.

Would, until January 1, 2023, specify that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, before January 1, 2020, is required to comply with the photovoltaic requirements, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and is not required to comply with any additional or conflicting photovoltaic requirements in effect at the time of repair, restoration, or replacement.

[AB 188](#) ([Daly](#) D) Fire insurance: valuation of loss.

Current law provides that the measure of indemnity in fire insurance under an open policy is the expense to replace the thing lost or injured in its condition at the time of the injury, with the expense computed as of the start of the fire. Current law also provides that under an open policy that requires payment of actual cash value, the measure of the actual cash value recovery is the policy limit or the fair market value of the structure, whichever is less, in the case of a total loss to the structure. In the case of a partial loss to the structure or loss to its contents, the actual cash value recovery under existing law is the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less. This bill would delete the provisions regarding the actual cash value of the claim of total loss to the structure and would instead require that the actual cash value of the claim, for either a total or partial loss to the structure or its contents, be the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less.

[AB 206](#) ([Chiu](#) D) Public nuisance: abatement: lead-based paint.

Would make a property owner, or agent thereof, who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation, and all public entities, immune from liability in any lawsuit seeking to recover any cost associated with that abatement program. The bill would prohibit participation in a lead paint abatement program from being considered as evidence that a property constitutes a nuisance, or is substandard or untenable, as provided.

[AB 230](#) ([Brough](#) R) Disabled veteran business enterprises.

Current law states the intent of the Legislature that every state procurement authority meet or exceed a DVBE participation goal of a minimum of 3% of total contract value. Current law requires a department awarding a contract to, upon completion of that contract, require the prime contractor that entered into a subcontract with a DVBE to certify specified information to the awarding department, including, among other things, the amount each DVBE received from the prime contractor. This bill would require that information to include proof of payment for work done by the DVBE, upon request of the awarding department, and the amount and percentage of work the prime contractor committed to provide to one or more DVBEs under the contract.

[AB 338](#) ([Chu](#) D) **Manufactured housing: smoke alarms: emergency preparedness.**

Would require all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold on or after January 1, 2020, or rented pursuant to a rental agreement entered into on or after January 1, 2020, to have installed in each room designed for sleeping a smoke alarm that is operable on the date of rental or transfer of title, is installed in accordance with the manufacturer's installation instructions, and has been approved and listed by the Office of the State Fire Marshal. The bill also would require that specified information regarding all smoke alarms installed in the used manufactured home, used mobilehome, or used multifamily manufactured home be provided to the purchaser or renter thereof.

[AB 361](#) ([Voepel](#) R) **Military Department: support programs.**

Current law authorizes the Adjutant General to establish support programs, including morale, welfare, recreational, training, and educational programs, for the benefit of the Military Department. Current law authorizes the Adjutant General and the Military Department to solicit and accept funds or other donations, to be deposited into the California Military Department Support Fund. This bill would name the support programs established by the Adjutant General the California Military Department Foundation.

[AB 377](#) ([Garcia, Eduardo](#) D) **Microenterprise home kitchen operations.**

Would prohibit a microenterprise home kitchen operation from producing, manufacturing, processing, freezing, or packaging milk or milk products, including, but not limited to, cheese and ice cream. The bill would modify the conditions for a city, county, or city and county to permit microenterprise home kitchen operations within its jurisdiction. The bill would modify the inspections and food safety standards applicable to microenterprise home kitchen operations. The bill would prohibit an internet food service intermediary or a microenterprise home kitchen operation from using the word "catering" or any variation of that word in a listing or advertisement of a microenterprise home kitchen operation's offer of food for sale.

[AB 430](#) ([Gallagher](#) R) **Housing development: Camp Fire Housing Assistance Act of 2019.**

Current law authorizes a development proponent to submit an application for a development permit that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards,

including that the development is a multifamily housing development that contains 2 or more residential units. This bill would authorize a development proponent to submit an application for a residential development, or mixed-use development that includes residential units with a specified percentage of space designated for residential use, within the territorial boundaries or a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, specified cities that is subject to a similar streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards.

AB 436 (Aguilar-Curry D) Alcoholic beverages: tied-house restrictions: advertising: City of Napa.

The Alcoholic Beverage Control Act generally prohibits a manufacturer, winegrower, distiller, bottler, or wholesaler, among other licensees, or agents of these licensees, from paying a retailer for advertising. The act creates a variety of exceptions from this prohibition. This bill would also allow beer manufacturers, winegrowers, rectifiers, distilled spirits manufacturers, craft distillers, or distilled spirits manufacturer's agents to purchase advertising space and time in connection with an on-sale retail licensed premises, subject to specified conditions, including that the licensed premises is operated as an integral part of an opera house located in the City of Napa, as described.

AB 496 (Low D) Business and professions.

With respect to the Department of Consumer Affairs, existing law provides that the Governor has power to remove from office any member of any board appointed by the Governor for specified reasons, including incompetence. This bill would instead provide that the appointing authority has power to remove a board member from office for those specified reasons.

AB 587 (Friedman D) Accessory dwelling units: sale or separate conveyance.

Current property tax law establishes a welfare exemption under which property is exempt from taxation if the property is owned and operated by a nonprofit corporation that is organized and operated for the purpose of building and rehabilitating single-family or multifamily residences for sale, as provided, at cost to low-income families. This bill would authorize a local agency to allow, by ordinance, an accessory dwelling unit that was created pursuant to the process described above to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met.

AB 622 (Chen R) Service of process or subpoena.

Current law requires that any person be granted access to a gated community for a reasonable period of time for the sole purpose of performing lawful service of process or service of subpoena, as specified. This bill would expand that access requirement to include covered multifamily dwellings, as defined.

[AB 653](#) ([Bloom](#) D) State armories.

Would authorize the Director of General Services, with the approval of the Adjutant General, to lease a portion of the West Los Angeles Armory to the County of Los Angeles. The bill would require the lease to be for a period of 5 years, and to include options for 4 extensions of 5 additional years each, as specified.

[AB 669](#) ([Holden](#) D) Attorney General: assurance of voluntary compliance.

Would specify that the Attorney General is authorized to accept an assurance of voluntary compliance, in lieu of a stipulated judgment, to resolve an action brought in the name of the people of the state. The bill would require an assurance of voluntary compliance accepted by the Attorney General to be filed with and subject to approval by the court. The bill would require an assurance of voluntary compliance filed with and approved by the court to be enforceable in the same manner, with the same remedies, and to the same extent, as a stipulated judgment or a permanent injunction.

[AB 670](#) ([Friedman](#) D) Common interest developments: accessory dwelling units.

The Davis-Stirling Common Interest Development Act, governs the management and operation of common interest developments. Current law prohibits the governing document of a common interest development from prohibiting the rental or leasing of any separate interest in the common interest development, unless that governing document was effective prior to the date the owner acquired title to their separate interest. This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units.

[AB 671](#) ([Friedman](#) D) Accessory dwelling units: incentives.

Would require a local agency to include a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, or moderate-income households in its housing element. The bill would require the Department of Housing and Community Development to develop a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of accessory dwelling units with affordable rent, as specified. The bill would require the department to post that list on its internet website by December 31, 2020.

[AB 728](#) ([Santiago](#) D) Homeless multidisciplinary personnel teams.

Would, in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura, expand the goals of the homeless adult and family multidisciplinary personnel team to include facilitating the expedited identification, assessment, and linkage of individuals at risk of homelessness, as defined, to housing and supportive services, and the expedited prevention of homelessness.

AB 737 (Eggman D) Residential care facilities for the elderly: licensing and regulation.

The California Residential Care Facilities for the Elderly Act requires any person seeking a license for a residential care facility for the elderly to file an application with the department, as specified. The act requires an application to include specific information, including the name of any person who holds a beneficial ownership interest of 10 percent or more in a facility, and generally any other information the department requires for the proper administration and enforcement of the act. This bill would clarify that the application requirements described above apply to entities and agents signing on behalf of entities and that an applicant is required to provide or cause to be provided, at the department's request, any additional information related to consideration of the application regarding any entity that is an applicant or holds a beneficial ownership interest of 10% or more.

AB 747 (Levine D) Planning and zoning: general plan: safety element.

Would, upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a local hazard mitigation plan, require the safety element to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. The bill would authorize a city or county that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives to use that information in the safety element to comply with this requirement by summarizing and incorporating by reference that other plan or document in the safety element.

AB 775 (Chau D) Massage therapy.

The Massage Therapy Act until January 1, 2021, provides for the certification and regulation of massage therapists and massage practitioners by the California Massage Therapy Council. Current law requires an applicant for certification as a massage therapist to complete 500 hours of education from an approved school, and requires the council to develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of massage schools. This bill would instead require the council to develop policies, procedures, rules, or bylaws governing the requirements and process for approving, denying approval of, imposing corrective action on, or unapproving schools.

AB 779 (Low D) Acupuncture: place of practice: wall license.

Current law requires an acupuncture licensee, within 30 days of licensure, to register each of the licensee's places of practice or notify the Acupuncture Board if the licensee does not have a place of practice. Current law requires an acupuncturist to post a wall license at their place of practice and, if the acupuncturist has more than one place of practice, to obtain and post a duplicate wall license at each place of practice. This bill would require a licensee to apply to the board to obtain a wall license for each place of practice and to renew each wall license biennially.

AB 881 (Bloom D) Accessory dwelling units.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires the ordinance to designate areas where accessory dwelling units may be permitted and authorizes the designated areas to be based on criteria that includes, but is not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. This bill would require a local agency to designate these areas based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. The bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

AB 892 (Holden D) Transfers of real property.

Current civil law provides that a multiple listing service (MLS), as defined, may be used by real estate agents and appraisers to prepare market evaluations and appraisals of real property and makes an agent or appraiser responsible for the truth of their representations and statements, as specified. This bill would require a multiple listing service to retain and make accessible on its computer system, if any, all listing and other information placed in the multiple listing service by an agent or appraiser for no less than 3 years from the date the listing was placed. The bill would prohibit these provisions relating to multiple listing services from altering the obligations of a licensed real estate broker to retain documents relating to transactions for which a real estate broker license is required, as specified.

AB 919 (Petrie-Norris D) Alcoholism and drug abuse recovery or treatment programs.

Current law prohibits specified persons, programs, or entities, such as an alcoholism or drug abuse treatment facility or a person employed by, or working for, an alcohol or other drug program, from giving or receiving anything of value for the referral of a person who is seeking alcoholism or drug abuse recovery and treatment services. Current law authorizes the State Department of Health Care Services to investigate allegations of violations of those provisions, and authorizes the department to assess various penalties upon a person, program, or entity

that is found in violation of those provisions. This bill would require laboratories or certified outpatient treatment programs that lease, manage, or own housing that is offered to individuals using the laboratory or outpatient treatment services to maintain separate housing contracts stating that payment for the housing is the patient's responsibility and does not depend on insurance benefits.

AB 957 (Committee on Housing and Community Development) Housing Omnibus.

Current law, until December 31, 2028, requires the housing element to contain, among other components, an inventory of land suitable for residential development, which includes, among other things, residentially zoned sites that are capable of being developed at a higher density, including the airspace above sites owned or leased by a city, county, or city and county, as specified. This bill would instead provide that the inventory of land suitable for residential development, until December 31, 2028, includes, among other things, residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county, as specified.

AB 960 (Maienschein D) CalWORKs: homeless assistance.

The CalWORKs program provides permanent housing assistance to pay for the last month's rent and security deposits, up to 2 months of rent arrearages, or standard costs of deposits for utilities, as specified. Existing law requires payments to providers for temporary shelter and permanent housing and utilities to be made on behalf of the families requesting these payments. Current law prohibits payments from being made to a housing provider unless it is a commercial establishment, shelter, or person in the business of renting properties who has a history of renting properties. This bill would remove the requirement that a person in the business of renting properties have a history of renting properties in order to receive payments. The bill would additionally authorize payments to a housing provider with which the families requesting assistance have executed a valid lease, sublease, or shared housing agreement.

AB 1010 (Garcia, Eduardo D) Housing programs: eligible entities.

Current law sets forth the general responsibilities and roles of the Business, Consumer Services and Housing Agency, the Department of Housing and Community Development, and the California Housing Finance Agency in carrying out state housing policies and programs. Existing law defines various terms for these purposes, including, but not limited to, the terms "local agency," "local public entity," and "nonprofit housing sponsor." This bill would expand those definitions, as applicable, to include a duly constituted governing body of an Indian reservation or rancheria, or a tribally designated housing entity, as specified. This bill contains other related provisions and other existing laws.

AB 1018 (Frazier D) Real estate appraisers.

Current law defines and regulates the activities of home inspectors and specifies that this law does not exempt a home inspector from other provisions that define and regulate the activities of architects, professional engineers, contractors, and structural pest control operators. This bill would prohibit a home inspector from giving an opinion of valuation on a property. The bill would specify that the law regulating home inspectors does not exempt a home inspector from law regulating real estate appraisers.

AB 1026 (Wood D) Electricity: interconnection rules.

Current law requires the Public Utilities Commission to enforce the rules governing the extension of service by a gas or electrical corporation to new residential, commercial, agricultural, and industrial customers. Current law requires an electrical or gas corporation to permit a new or existing customer who applies for an extension of service from that corporation to install the extension in accordance with the regulations of the commission and any applicable specification of the corporation. This bill would provide that only those construction and design specifications, standards, terms, and conditions that are applicable to a new extension-of-service project by an electrical or gas corporation at the time the application for the extension of service is approved, as specified, apply to the new project for the 18 months following the approval date of the application.

AB 1032 (Quirk D) Ticket sellers: equitable ticket buying process: use or sale of services.

Current law defines a ticket seller for specified purposes to mean a person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theater, or any other entertainment event. Current law makes it unlawful for a person to intentionally use or sell software to circumvent a security control or measure that is used to ensure an equitable ticket buying process. Existing law makes a violation of the laws regulating ticket sellers a misdemeanor. This bill would, for purposes of the prohibition on the intentional use or sale of certain software, specify that the equitable ticket buying process is for event attendees, and that a control or measure that is used to ensure an equitable ticket buying process includes limits on the number of tickets that a person can purchase.

[AB 1106](#) ([Smith](#) D) Los Angeles County: notice of recordation.

Current law authorizes the Los Angeles County Recorder, following the adoption of an authorizing resolution by the Los Angeles County Board of Supervisors, to mail a notice of recordation to the party or parties executing a deed, quitclaim deed, or deed of trust within 30 days of the recording of one of those documents, and, until January 1, 2020, also authorizes the recorder to provide notice by mail to a party or parties subject to a notice of default or notice of sale of a property, within a prescribed period following recordation. This bill would extend, until January 1, 2030, the provisions authorizing the recorder to provide notice by mail to a party or parties subject to a notice of default or notice of sale of a property.

[AB 1110](#) ([Friedman](#) D) Rent increases: noticing.

Would require 90 days' notice if a landlord of a residential dwelling with a month-to-month tenancy increases the rent by more than 10% of the amount of the rent charged to a tenant annually.

[AB 1118](#) ([Rubio, Blanca](#) D) Land use: livability issues for older adults.

Would require the Secretary of California Health and Human Services, in developing the Master Plan for Aging, to consider applying, on behalf of the State of California, to join the AARP Network of Age-Friendly States and Communities.

[AB 1164](#) ([Gloria](#) D) Surplus state real property: disposal.

Current law authorizes the Director of General Services to dispose of surplus state real property subject to a prescribed process and legislative authorization. Current law requires that surplus state property not needed by a state agency be offered to local agencies and then to nonprofit affordable housing sponsors prior to being offered to private entities or individuals. This bill would authorize the director to dispose of a property known as the San Diego State Office Building, as specified, pursuant to these provisions.

[AB 1188](#) ([Gabriel](#) D) Dwelling units: persons at risk of homelessness.

Would authorize a tenant to temporarily permit the occupancy of their dwelling unit by a person who is at risk of homelessness, as defined, regardless of the terms of the lease or rental agreement, with the written approval of the owner or landlord of the property, and subject to extension under certain circumstances. The bill would authorize an owner or landlord to adjust the rent payable under the lease during the time the person who is at risk of homelessness is

occupying the dwelling unit, as compensation for the occupancy of that person, and would require the terms regarding the rent payable in those circumstances to be agreed to in writing by the owner or landlord and the tenant.

[AB 1197](#) ([Santiago D](#)) California Environmental Quality Act: exemption: City of Los Angeles: supportive housing and emergency shelters.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would, until January 1, 2025, exempt from the requirements of CEQA certain activities approved or carried out by the City of Los Angeles and other eligible public agencies, as defined, related to supportive housing and emergency shelters, as defined.

[AB 1199](#) ([Petrie-Norris D](#)) State property: Fairview Developmental Center.

Current law authorizes the Director of General Services, with the consent of the State Department of Developmental Services, to let to a nonprofit corporation, for a period not to exceed 55 years, up to 5 acres of real property located within the grounds of the Fairview State Hospital, which is also known as the Fairview Developmental Center, for specified purposes and subject to certain conditions. This bill would require, if land within the grounds of the Fairview Developmental Center is reported as excess and the department determines that the land is needed by more than one state agency, that the department conduct a public hearing and receive public input regarding the use of the land before transferring it to any state agency.

[AB 1232](#) ([Gloria D](#)) Affordable housing: weatherization.

Would require the Department of Community Services and Development to coordinate with the California Energy Commission and the State Department of Public Health's Office of Health Equity, by January 1, 2021, to identify best practices from model programs and funding mechanisms, and provide a recommended action plan.

[AB 1255](#) ([Rivas, Robert D](#)) Surplus public land: inventory.

Would, require each county and each city to make a central inventory of specified surplus land and excess land identified pursuant to law on or before December 31 of each year. The bill would require the city or county to make a description of each parcel and its present uses a matter of public record and to report this information to the Department of Housing and Community Development (HCD) no later than April 1 of each year, beginning April 1, 2021, as provided, but would authorize HCD to delay implementation of this requirement for one year. The bill would require a county or city, upon request, to provide a list of its surplus governmental properties to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

AB 1392 (Mullin D) State Lands Commission: grant of trust lands: City of Redwood City.

Would grant and convey in trust to the City of Redwood City, in the County of San Mateo, and to its successors, all of the rights, title, and interests of the state, acquired and held by the state acting by and through the commission, subject to the common law public trust, pursuant to a specified agreement approved by the commission, in specified lands known as the Maple Street Site (Trust Addition Lands), as described. The bill would require the City of Redwood City to hold these lands in trust for the same purposes and subject to the same conditions, restrictions, and requirements of certain other grants of public trust lands, as described, pursuant to a specified statute, as amended.

AB 1399 (Bloom D) Residential real property: rent control: withdrawal of accommodations.

Current law authorizes a public entity acting pursuant to the Ellis Act to require an owner who offers accommodations for rent or lease within a period not exceeding 10 years from the date on which they were withdrawn, as specified, to first offer the unit to the tenant or lessee displaced from that unit by the withdrawal, subject to certain requirements. If the owner fails to comply with this requirement, the owner is liable to a displaced tenant or lessee for punitive damages not to exceed 6 months' rent. This bill would prohibit a payment of the above-described punitive damages from being construed to extinguish the owner's obligation to offer the accommodations to a prior tenant or lessee, as described above.

AB 1482 (Chiu D) Tenant Protection Act of 2019: tenancy: rent caps.

Would, with certain exceptions, prohibit an owner, as defined, of residential real property from terminating a tenancy without just cause, as defined, which the bill would require to be stated in the written notice to terminate tenancy when the tenant has continuously and lawfully occupied the residential real property for 12 months, except as provided. The bill would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. The bill, if the violation is not cured within the time period set forth in the notice, would authorize a 3-day notice to quit without an opportunity to cure to be served to

terminate the tenancy. The bill would require, for no-fault just cause terminations, as specified, that the owner, at the owner's option, either assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified, or waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due.

AB 1483 (Grayson D) Housing data: collection and reporting.

Would require a city, county, or special district to maintain on its internet website, as applicable, a current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special district, applicable to a proposed housing development project, all zoning ordinances and development standards, and annual fee reports or annual financial reports, as specified. The bill would require a city, county, or special district to provide on its internet website an archive of impact fee nexus studies, cost of service studies, or equivalent, as specified. By requiring a city or county to include this information on its internet website, the bill would impose a state-mandated local program.

AB 1485 (Wicks D) Housing development: streamlining.

The Planning and Zoning Law requires that a development be subject to a requirement mandating a minimum percentage of below market rate housing based on one of 3 specified conditions. This bill would modify that condition to authorize a development that is located within the San Francisco Bay area, as defined, to instead dedicate 20% of the total number of units to housing affordable to households making at or below 120% of the area median income with the average income of the units at or below 100% of the area median income, except as provided.

AB 1486 (Ting D) Surplus land.

Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus

land. The bill would specify that the term “district” includes all districts within the state, and that this change is declaratory of existing law.

[AB 1487](#) ([Chiu](#) D) San Francisco Bay area: housing development: financing.

Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Bay Area Housing Finance Authority (hereafter the authority) and would state that the authority’s purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The bill would provide that the governing board of the Metropolitan Transportation Commission serve as the governing board of the authority.

[AB 1497](#) ([Holden](#) D) Hosting platforms.

Would include within the definition of “housing accommodation” under the California Fair Employment and Housing Act a building, structure, or portion thereof that is occupied, or intended to be occupied, pursuant to a transaction facilitated by a hosting platform, as defined. The bill would include findings and declarations regarding the intent of these provisions as they relate to existing housing laws.

[AB 1519](#) ([Low](#) D) Healing arts.

The Dental Practice Act provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to the executive officer. These provisions are in effect only until January 1, 2020, and, upon repeal of those provisions, the board will be subject to review by the appropriate policy committees of the Legislature. This bill would instead authorize the appointing authority to remove from office at any time a member of the board appointed by that authority for the reasons specified above.

[AB 1745](#) ([Kalra](#) D) Shelter crisis: emergency bridge housing community: City of San Jose.

Current law, until January 1, 2022, upon a declaration of a shelter crisis by the City of San Jose, authorizes emergency housing to include an emergency bridge housing community for the homeless, as specified. Existing law, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, authorizes the city to adopt by ordinance reasonable local standards for emergency bridge housing communities, subject to

specified requirements, including review by the Department of Housing and Community Development. This bill would extend the repeal date of these provisions to January 1, 2025. The bill would extend the date that an affordable housing unit identified in the city's housing plan is required to be available for a resident of an emergency bridge housing community to live in to January 1, 2025.

AB 1763 (Chiu D) Planning and zoning: density bonuses: affordable housing.

Would require a density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units, exclusive of managers' units, are for lower income households, as defined. However, the bill would provide that a housing development that qualifies for a density bonus under its provisions may include up to 20% of the total units for moderate-income households, as defined. The bill would also require that a housing development that meets these criteria receive 4 incentives or concessions under the Density Bonus Law and, if the development is located within ½ of a major transit stop, a height increase of up to 3 additional stories or 33 feet.

AB 1783 (Rivas, Robert D) H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development.

Would prohibit the provision of state funding, as defined, for the purposes of funding predevelopment of, developing, or operating any housing used to comply with the federal law requirement to furnish housing to H-2A workers and would require an employer, as defined, or other recipient of state funding who utilizes state funding for these purposes to reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes. The bill would exempt from these provisions any contract or other enforceable agreement pursuant to which the state or a state agency provides funding that was entered into prior to January 1, 2020. The bill would also make various conforming changes to other laws. This bill contains other related provisions and other existing laws.

AB 1813 (Committee on Insurance) Insurance.

Current law requires a notice of cancellation or a notice of nonrenewal of a policy of property insurance to include specified information about the reasons for the cancellation or nonrenewal. Current law requires an insurer that does not offer at least 50 percent above the residential dwelling coverage limit to an applicant for a policy of residential property insurance to provide a disclosure regarding the department's Homeowners Coverage Comparison Tool. On or after July 1, 2020, this bill would require a notice of cancellation or a notice of nonrenewal of a policy of property insurance to include a statement that the policyholder may have the department review the cancellation, and would require those notices to include specified contact information for the Department of Insurance.

SB 6 (Beall D) Residential development: available land.

Would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

SB 13 (Wieckowski D) Accessory dwelling units.

Would authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

SB 18 (Skinner D) Keep Californians Housed Act.

Current law requires a tenant or subtenant in possession of a rental housing unit under a month-to-month lease at the time that property is sold in foreclosure to be provided 90 days' written notice to quit before the tenant or subtenant may be removed from the property. Current law also provides tenants or subtenants holding possession of a rental housing unit under a fixed-term residential lease entered into before transfer of title at the foreclosure sale the right to possession until the end of the lease term, except in specified circumstances. Current law repeals these provisions as of December 31, 2019. This bill would delete the above-described repeal date, thereby extending the operation of these provisions indefinitely.

SB 222 (Hill D) Discrimination: veteran or military status.

Would state findings and declarations of the Legislature regarding the importance of housing for veterans and its priority, and declare that housing discrimination on the basis of veteran or military status is against public policy. This bill contains other related provisions and other existing laws.

SB 234 (Skinner D) Family daycare homes.

Under current law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Current law authorizes a city, county, or city and county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home. This bill would instead require a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.

SB 235 (Dodd D) Planning and zoning: housing production report: regional housing need allocation.

Would authorize the County of Napa and the City of Napa to reach a mutually acceptable agreement to allow one of those jurisdictions to report on its annual production report to the Department of Housing and Community Development those completed entitlements, building permits, and certificates of occupancy issued by the other jurisdiction for the development of housing if certain conditions are met. The bill would require the Board of Supervisors of the County of Napa and the City Council of the City of Napa to each hold a public hearing to solicit public comment on the proposed agreement and to make specified written findings based on substantial evidence before approving the agreement. The bill would make conforming changes with respect to the production report required to be submitted to the department.

SB 242 (Roth D) Land use applications: Department of Defense: points of contact.

Current law requires a planning agency to refer any proposed action to adopt or substantially change a general plan to specified entities, including a branch of the United States Armed Forces if certain conditions are met, including the branch providing a California mailing address and the Department of Defense providing electronic maps of low-level flight paths to the Office of Planning and Research. This bill would delete the provision related to the Department of Defense described above, and instead require a branch of the United States Armed Forces to provide the office with a point of contact before a planning agency is required to refer a proposed action to adopt or substantially amend a general plan.

SB 249 (Nielsen R) Land use: Subdivision Map Act: expiration dates.

The Subdivision Map Act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified. This bill would, within the County of Butte, authorize the legislative body to extend the expiration date, by up to 36 months, of any approved tentative map or vesting tentative map that meets certain criteria, including that it was approved on or after January 1, 2006, and not later than March 31, 2019, and that it relates to the construction of single or multifamily housing, as specified.

SB 274 (Dodd D) Mobilehome parks: tenancies.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. The law requires, among other things, that the management of a mobilehome park comply with noticing and other specified requirements in order to terminate a tenancy in a mobilehome park because of a change of use of the mobilehome park. This bill would require management to offer the previous homeowner a right of first refusal to a renewed tenancy in the park if the park is destroyed due to a fire or other natural disaster and management elects to rebuild the park in the same location.

SB 280 (Jackson D) Building standards: fall prevention.

Would, at the next triennial building standards rulemaking cycle that commences on or after January 1, 2020, require the Department of Housing and Community Development to investigate possible changes to the building standards in the California Residential Code for adoption by the California Building Standards Commission to promote aging-in-place design, as specified.

SB 293 (Skinner D) Infrastructure financing districts: formation: issuance of bonds: City of Oakland.

Current law authorizes a legislative body of a city or county to designate one or more infrastructure financing districts, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public capital facilities of communitywide significance. Current law specifies procedures for the preparation and adoption of an infrastructure financing plan and the issuance of bonds by a district, including requiring that the issuance of bonds be approved by 2/3 of the voters residing within the boundaries of the district voting on the proposition. Current law authorizes the inclusion of a provision for the division of taxes in an infrastructure financing plan. Current law establishes certain alternative procedures for the formation and financing activities of a waterfront district, as defined, in the City and County of San Francisco. This bill would establish alternative procedures for the formation of an infrastructure financing district by the City of Oakland under these provisions.

SB 308 (Jones R) Estates and trusts: instrument.

Current law defines “instrument” for purposes of the Probate Code to mean a will, trust, deed, or other writing that designates a beneficiary or makes a donative transfer of property. Current law, the Trust Law, regulates the creation, modification, and termination of trusts and the administration of trusts by trustees on behalf of beneficiaries. This bill would revise the definition of instrument under the Probate Code to mean a will, a document establishing or modifying a trust, a deed, or any other writing that designates a beneficiary or makes a donative transfer of property.

SB 323 (Wieckowski D) Common interest developments: elections.

Would, among other things, require an association to provide general notice of the procedure and deadline for submitting a nomination as a candidate at least 30 days before any deadline for submitting a nomination. The bill would require an association to disqualify a person from nomination as a candidate for not being a member at the time of the nomination. The bill would authorize an association to disqualify a person from being nominated or from serving on the board for specified reasons, including the failure to pay regular and special assessments. The bill would require the rules to require retention of, as association elections materials, both a candidate registration list and a voter list, which would be required to be made available to members to verify the accuracy of their individual information, in accordance with specified timeframes.

SB 324 (Rubio D) Street lighting systems: City of Temple City.

Would, in addition to the Landscaping and Lighting District of the City of Temple City's existing authority to perform specified maintenance and operations under the Street Lighting Act of 1919, authorize that district to also perform maintenance and make improvements pursuant to the Landscaping and Lighting Act of 1972.

SB 329 (Mitchell D) Discrimination: housing: source of income.

The California Fair Employment and Housing Act prohibits housing discrimination, including discrimination through public or private land use practices, decisions, or authorizations, based on specified personal characteristics, including source of income. Current law defines the term "source of income" for purposes of the provisions relating to discrimination in housing accommodations described above, to mean lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. Current law specifies that for the purposes of this definition, a landlord is not considered a representative of a tenant. This bill would instead define the term for purposes of those provisions, to mean verifiable income paid directly to a tenant or to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies, as specified.

SB 330 (Skinner D) Housing Crisis Act of 2019.

The The Housing Accountability Act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. This bill would, until January 1, 2025, specify that an application is deemed complete for these purposes if a preliminary application was submitted, as specified.

SB 339 (Jones R) Engineers, land surveyors, and geologists and geophysicists: nondisclosure agreements: reporting.

Would specify that if a licensee under the Professional Engineers Act or under the Professional Land Surveyors' Act who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Engineers Act, or of the Professional Land Surveyors' Act, as applicable to the licensee, to the board. The bill would also specify that those provisions in each of the acts would not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

SB 450 (Umberg D) California Environmental Quality Act exemption: supportive and transitional housing: motel conversion.

Would, until January 1, 2025, exempt from CEQA projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing, as defined, that meet certain conditions. Because the lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

SB 507 (Atkins D) San Diego Unified Port District: territory held in trust: State Lands Commission: grant of trust lands: City of San Diego.

Current law authorizes the establishment of the San Diego Unified Port District for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego and for the promotion of commerce, navigation, fisheries, and recreation. This bill would grant in trust to the district certain additional tidelands and submerged lands held by the state within the San Diego Bay, subject to certain terms and conditions, as specified.

SB 530 (Galgiani D) Construction industry: discrimination and harassment prevention.

Would authorize a building and construction trades apprenticeship program to provide prevention of harassment training programs for journey-level workers, and would require the apprenticeship program to maintain certain records and to issue a certificate of completion to the apprentice or journey-level worker.

SB 534 (Bradford D) Insurers: minority, women, LGBT, veteran, and disabled veteran business enterprises.

Current law requires each admitted insurer with premiums written equal to or in excess of \$100,000,000 to provide information to the Insurance Commissioner on all of its community development investments and community development infrastructure investments in California. This bill would require those insurers to also report to the commissioner on their minority, women, LGBT, veteran, and disabled veteran-owned business procurement efforts, as specified. Under the bill, a failure to report the information by the reporting deadline would subject the admitted insurer to civil penalties to be fixed and enforced by the commissioner, as provided.

SB 568 (Portantino D) Public holidays: Armenian Genocide Remembrance Day.

Current law prescribes the holidays in this state for community colleges. This bill would authorize Glendale Community College's governing board, pursuant to a memorandum of understanding, to provide that April 24 shall be a Glendale Community College holiday known as "Armenian Genocide Remembrance Day."

SB 578 (Jones R) Vacation Ownership and Time-share Act of 2004: incentives.

Current law requires a deficit subsidy agreement or buy down subsidy agreement entered into after July 1, 2005, to provide that if there is a dispute between the parties, the issue shall be submitted to arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Current law also provides that, if there is a dispute between the developer and the association with respect to the questions of satisfaction of the conditions for exoneration or release of the security, the issue be submitted to arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. This bill would authorize the issues to be submitted to arbitration in accordance with the rules of another third-party arbitration organization selected by the parties and in accordance with existing provisions governing arbitration.

SB 623 (Jackson D) Multifamily Housing Program: total assistance calculation.

Current law creates the Multifamily Housing Program under the administration of the Department of Housing and Community Development to provide a standardized set of program rules and features applicable to all housing types, based on the existing California Housing Rehabilitation Program. Current law requires that of the total assistance provided under the Multifamily Housing Program, a specified percentage that is proportional to the percentage of lower income renter households in the state that are lower income elderly renter households, as reported by the United States Department of Housing and Urban Development on the basis of the most recent decennial census conducted by the United States Census Bureau, be awarded to units restricted to senior citizens. That calculation, known as the total assistance calculation, excludes assistance for certain projects related to housing for homeless youths and supportive housing for target populations. This bill would, instead, require the total assistance calculation described above use data as reported by the United States Department of Housing and Urban Development on the basis of the most recent American Community Survey or successor survey conducted by the United States Census Bureau.

SB 638 (Allen D) Leases: electric vehicle charging stations: insurance coverage.

Current law requires a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements, including the lessee maintaining in full force and effect a lessee's general liability insurance policy in the amount of one million dollars (\$1,000,000), as provided. This bill would remove the requirement to obtain a general liability insurance policy, and instead require the lessee to obtain personal liability coverage, in an amount not to exceed 10 times the annual rent charged for the dwelling, covering property damage and personal injury proximately caused by the installation or operation of the electric vehicle charging station.

SB 644 (Glazer D) Tenancy: security deposit: service members.

Current law regulates the terms and conditions of residential tenancies, and prohibits a landlord from demanding or receiving security for a rental agreement for residential property, however denominated, in an amount or value in excess of an amount equal to 2 months' rent, in the case of unfurnished residential property, and an amount equal to 3 months' rent, in the case of furnished residential property, in addition to any rent for the first month paid on or before initial occupancy. This bill, notwithstanding that provision and as specified, would prohibit a landlord from demanding or receiving security from a service member who rents residential property in which the service member will reside in an amount or value in excess of an amount equal to one months' rent, in the case of unfurnished residential property, or in excess of an amount equal to 2 months' rent, in the case of furnished residential property, as specified.

SB 646 (Morrell R) Local agency utility services: extension of utility services.

The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term “fee” for these purposes. This bill would revise the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the water connection or sewer connection.

SB 652 (Allen D) Entry doors: display of religious items: prohibitions.

Current law regulates the terms and conditions of residential tenancies, and prohibits a landlord from interfering with a tenant’s quiet enjoyment of the premises. Current law prohibits a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances. This bill would, with certain exceptions, prohibit a property owner, as defined, from enforcing or adopting a restriction that prohibits the display of religious items on an entry door or entry door frame of a dwelling.

SB 744 (Caballero D) Planning and zoning: California Environmental Quality Act: permanent supportive housing.

CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law authorizes the court, upon the motion of a party, to award attorney’s fees to a prevailing party in an action that has resulted in the enforcement of an important right affecting the public interest if 3 conditions are met. This bill would specify that a decision of a public agency to seek funding from, or the department’s awarding of funds pursuant to, the No Place Like Home Program is not a project for purposes of CEQA.

SB 751 (Rubio D) Joint powers authorities: San Gabriel Valley Regional Housing Trust.

The Joint Exercise of Powers Act authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. Current law authorizes the agreement to set forth the manner by which the joint powers authority will be governed. That act specifically authorizes the creation of the Orange County Housing Finance Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low, very

low, and low income within the County of Orange, as specified. This bill would similarly authorize the creation of the San Gabriel Valley Regional Housing Trust, a joint powers authority, by the County of Los Angeles and any or all of the cities within the jurisdiction of the San Gabriel Valley Council of Governments, with the stated purpose of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within the San Gabriel Valley.



OPR Legislative Summary 2019



**2019
Legislative
Bill
Summary**

INTRODUCTION

This publication is a compilation of bills pertaining to local and regional governance that the Governor signed in 2018. This publication is intended to be comprehensive, but it is not exhaustive of all bills that may be relevant to local and regional government.

In general, chaptered legislation went into effect on January 1, 2019. Bills that contain an urgency clause took effect immediately upon the Governor's signature.

The Governor's Office of Planning and Research staff remains at your disposal to answer any question regarding the content of this publication.

Special thanks to Marissa Fuentes for her assistance with this document.

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California Environmental Quality Act (CEQA)

AB 29 (Holden) State Highway Route 710 / SB 7 (Portantino) Surplus nonresidential property and State Highway Route 710

Deems infeasible Alternatives F-5, F-6, and F-7 in the December 2012 Alternatives Analysis Report developed by the Los Angeles Metropolitan Transportation Authority, in addition to any other freeway or tunnel alternatives to the Interstate 710 North Gap Closure Project.

AB 143 (Quirk-Silva) Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose

Extends the sunset date from 2021 to 2023 for an existing exemption under the California Environmental Quality Act (CEQA) that applies to the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco during a declared shelter crisis. The bill additionally extends the exemption to the Counties of Alameda and Orange, any city located within those counties, and the City of San Jose.

Subsequent to the declaration, the local governments are authorized to suspend health, housing, or safety regulations related to homeless shelters upon adoption of an ordinance that ensures minimal public health and safety standards. Local governments are required to develop a plan to address the shelter crisis, subject to Legislative review. Under these conditions, actions taken by a local government to make public land available for homeless shelters are not subject to CEQA review. *(Urgency measure)*

AB 430 (Gallagher) Housing development: Camp Fire Housing Assistance Act of 2019

Establishes a ministerial approval process for housing development in the cities of Biggs, Corning, Gridley, Live Oak, Orland, Willows, Yuba City, and Oroville that meet specified objective planning standards. Development proponents are required to hold at least one public meeting on the project before submitting an application. Project approvals expire after three years, but may receive a one-time, one-year extension if the developer demonstrates significant progress. Project approvals do not expire if the project includes investments in affordable housing, and approvals for all projects remain valid once vertical construction has been initiated. These provisions expire on January 1, 2026.

AB 782 (Berman) California Environmental Quality Act: exemption: public agencies: land transfers

Creates a CEQA exemption for the acquisition, sale, or other transfer of interest in land, as well as the granting or acceptance of funds, by a public agency for conservation purposes.

AB 1197 (Santiago) California Environmental Quality Act: exemption; City of Los Angeles: supportive housing and emergency shelters

Creates a CEQA exemption for certain activities approved or executed by the City of Los Angeles and other eligible public agencies related to supportive housing and emergency shelters funded by

the Homeless Emergency Aid Program; the Homeless Housing, Assistance, and Prevention Program; Measure H sales tax proceeds; and bonds issued pursuant to Proposition HHH. The bill also creates an exemption for the adoption of two local ordinances related to emergency shelters and supportive housing.

AB 1515 (Friedman) Planning and zoning: community plans: review under the California Environmental Quality Act

Prohibits a court from invalidating a development approval that was granted based on a community plan that meets specified criteria, if the development was approved or had a complete application prior to the community plan being challenged in court over the community plan's compliance with CEQA.

AB 1560 (Friedman) California Environmental Quality Act: transportation: major transit stop

Revises the definition of "major transit stop" under CEQA to include bus rapid transit, as defined as a public mass transit service that includes all of the following features: 1) full-time dedicated bus lanes or operation in a separate right-of-way with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods, 2) transit signal priority, 3) efficient fare collection system, 4) all-door boarding, and 5) defined stations.

AB 1783 (R. Rivas) H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development

Creates a streamlined, ministerial approval process for farmworker housing on agricultural land. The bill also prohibits use of specified state housing funds for H-2A worker housing.

AB 1824 (Committee on Natural Resources) California Environmental Quality Act: exemption for closure of railroad grade crossing

Creates a CEQA exemption for the closure of a railroad grade crossing by order of the California Public Utilities Commission if the Commission finds that there is a threat to public safety. The exemption would not apply to crossings for high-speed rail or a project carried out by the High-Speed Rail Authority. This exemption would expire on January 1, 2025.

SB 450 (Umberg) California Environmental Quality Act exemption: supportive and transitional housing: motel conversion

Creates a CEQA exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing. This exemption expires on January 1, 2025.

SB 632 (Galgiani) California Environmental Quality Act: State Board of Forestry and Fire Protection: vegetation treatment program: final program environmental impact report

Directs the Board of Forestry and Fire Protection to complete and certify its Programmatic Environmental Impact Report for the vegetation treatment program by February 1, 2020.

SB 743 (Hertzberg) School facilities: design-build projects

Specifies that design-build contracts executed between the L.A. Unified School District and a design-build entity or its subcontractors must include terms allowing the school district to retain discretion over certain actions, and that activities after the design phase comply with applicable laws (including CEQA). If these conditions are met, then the procurement and award of a design-build contract would be compliant with CEQA.

SB 744 (Caballero) Planning and zoning: California Environmental Quality Act: permanent supportive housing

Clarifies and broadens the existing streamlined approval process for supportive housing developments created by AB 2162 (Chiu), and creates a CEQA exemption for application or award of funding through the No Place Like Home Program. Requires concurrent preparation of the administrative record for No Place Like Home projects that do not qualify as a use by right, and establishes shorter timelines for legal challenges to these projects.

Climate Change

AB 65 (Petrie-Norris) Coastal protection: climate adaptation: project prioritization: natural infrastructure: local general plans

Requires the State Coastal Conservancy to prioritize projects that use natural infrastructure to support coastal climate adaptation when allocating Proposition 68 funding. Information on such projects would be provided to the Office of Planning and Research for consideration for inclusion in the Adaptation Clearinghouse. The bill revises several definitions of "natural infrastructure" existing within statute.

AB 293 (E. Garcia) Greenhouse gases: offset protocols

Directs the Compliance Offsets Protocol Task Force to consider the development of additional greenhouse gas offset protocols, including management or conservation of natural and working lands, and the restoration of wetlands. Requires the Task Force to make recommendations on methodologies to allow groups of landowners to develop natural and working lands offset projects under the approved protocols.

SB 351 (Hurtado) Climate change: Transformative Climate Communities Program

Requires the Strategic Growth Council to consider applications from disadvantaged unincorporated communities to the Transformative Climate Communities Program.

SB 400 (Umberg) Reduction of greenhouse gas emissions: mobility options

Adds bike sharing and electric bicycles as mobility options under the Clean Cars 4 All Program.

SB 576 (Umberg) Coastal resources: Climate Ready Program and coastal climate change adaptation, infrastructure, and readiness program

Directs the Ocean Protection Council to establish and administer a coastal climate adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve coastal climate resilience. The Council would be required to coordinate with certain entities and share information, including providing information to the Office of Planning and Research for consideration of inclusion in the Adaptation Clearinghouse.

Housing

AB 68 (Ting) Land use: accessory dwelling units / AB 881 (Bloom) Accessory dwelling units / SB 13 (Wieckowski) Accessory dwelling units

Make numerous changes to laws regarding accessory dwelling units and junior accessory dwelling units related to ministerial approval, parking requirements, minimum square footage requirements, lot coverage requirements, minimum or maximum square footage, occupancy, setbacks, fees, and application review timelines.

AB 587 (Friedman) Accessory dwelling units: separate sale or conveyance

Authorizes a local agency to allow, by ordinance, an accessory dwelling unit created by a nonprofit corporation receiving a welfare exemption to be sold or conveyed separately from the primary residence, provided the sale or conveyance includes an enforceable restriction that ensures the property will be preserved for affordable housing.

AB 670 (Friedman) Common interest developments: accessory dwelling units

Voids any condition contained in any deed or other security instrument affecting the transfer or sale of any interest in planned development, as well as any provision in a governing document, that effectively prohibits or restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit meeting established minimum standards on a lot zoned for single-family housing.

AB 671 (Friedman) Accessory dwelling units: incentives

Requires a local agency to include in its housing element a plan that incentivizes and promotes the creation of accessory dwelling units that are affordable to very low, low-, or moderate-income households. Requires the Department of Housing and Community Development to develop a list of existing state grants and financial incentives for affordable accessory dwelling units, and post this list on its website by December 31, 2020.

AB 957 (Committee on Housing and Community Development) Housing omnibus

Specifies that the inventory of land suitable for residential development contained within the housing element to include residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a local government. Authorizes the Department of Housing and Community Development to provide grants to counties for rental assistance. Expands the definition of long-term rental assistance to include rental subsidies provided to supportive housing, private-market landlords, and sponsors master leasing private-making apartments. Limits the amount of long-term rental assistance a county may provide to no more than two times the fair market rent for the market area. *(Urgency measure)*

AB 1010 (E. Garcia) Housing programs: eligible entities

Changes the definitions applicable to specified housing programs, including “local agency,” “local public entity,” “nonprofit corporations,” “eligible applicant,” and “nonprofit housing sponsor” to include a governing body of an Indian reservation or rancheria, or a tribally designated housing entity. Authorizes the Department of Housing and Community Development to modify or waive various requirements for state financing for housing development if tribal law would not satisfy the requirements for financing.

AB 1483 (Grayson) Housing data: collection and reporting

Requires a local government to maintain a schedule of fees and affordability requirements imposed on housing development, all zoning ordinances and development standards, and annual fee or finance reports on its website. Local governments would also be required to maintain archives of impact fee nexus studies, cost of service studies, or equivalent reports.

Requires the Department of Housing and Community Development to revise the Statewide Housing Plan to include a 10-year housing strategy. Development of the strategy would be supported by a workgroup that includes representatives from the Department of Technology, metropolitan planning organizations, local governments, academic institutions, and nonprofits. The strategy must include an evaluation of data priorities, a strategy to achieve more consistent terminology for housing data across the state, and an assessment of the quality of data submitted by annual reports and recommendations based on that assessment.

AB 1487 (Chiu) San Francisco Bay area: housing development: financing

Establishes the Bay Area Housing Finance Authority to address the San Francisco Bay area's housing affordability crisis. The Authority would have the power to raise, administer, and allocate funds regionally to produce affordable housing, preserve existing units, and protect vulnerable tenants.

SB 330 (Skinner) Housing Crisis Act of 2019

Prohibits an affected city or county (defined based on Census Bureau definitions of urbanization) from enacting a development policy or standard that would reduce intensity of land use, impose design review standards that are not objective, limiting the amount of housing (imposing development moratoriums, limiting land use approvals or permits, capping housing units, or capping

population). Changes in land use intensity may occur if a reduction in intensity occurs concurrently with an equivalent increase in intensity.

The bill additionally makes numerous changes to housing permitting. Preliminary applications for housing may be submitted and must contain specified information. Local governments would be prohibited from applying ordinances to a development after a preliminary application is submitted, and cannot hold more than five hearings on approval of a housing project that complies with objective standards when the preliminary application is deemed complete. Any determination that a housing project is on a historic site would need to occur at the time of the preliminary application being deemed complete, and reduced timelines for approval after completion of an Environmental Impact Report. If a housing development requires demolition of residential property, the project may only be approved if there is no net loss of affordable housing, the project increases housing density, existing residents may occupy their units up to six months before the start of construction, and the developer agrees to provide relocation benefits to occupants of affordable units.

These provisions would expire on January 1, 2025.

Land Use & Planning

AB 139 (Qurik-Silva) Emergency and Transitional Housing Act of 2019

Authorizes a local government to apply written objective standards to emergency shelters stipulating provision of sufficient parking to accommodate staff. Revises the criteria assessed to determine the need for emergency shelter.

During local government reviews of the housing element, the efficacy of the housing element goals, policies, and actions to meet the community's housing needs would need to be considered. Housing needs allocations would need to include the housing needs of individuals and families experiencing homelessness.

AB 747 (Levine) Planning and zoning: general plan: safety element

Requires local governments, on or after January 1, 2022, to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

AB 948 (Kalra) Coyote Valley Conservation Program

Authorizes the Santa Clara Valley Open Space Authority to establish and administer the Coyote Valley Conservation Program to address the resource and recreational goals of the Coyote Valley.

AB 1100 (Kamalger-Dove) Electric vehicles: parking requirements

Requires local ordinances to count electric vehicle charging stations as parking spaces to meet minimum parking requirements applied to development projects.

AB 1255 (R. Rivas) Surplus public land: inventory

Requires local governments to make a central inventory of surplus and excess public land on or before December 31 of each year. The inventory must include a description of each parcel and its present use. This information must be submitted to the Department of Housing and Community Development annually beginning April 1, 2021, and be available upon request without charge. The Department of Housing and Community Development must provide this information to the Department of General Services for inclusion in a digitized inventory of all state-owned excess parcels.

AB 1730 (Gonzalez) Regional transportation plans: San Diego Association of Governments: housing

Requires that, for the purposes of complying with federal law, the updated regional transportation plan, sustainable communities strategy, and Programmatic Environmental Impact Report adopted by SANDAG on October 9, 2015, to remain in effect until SANDAG adopts its next update to the regional transportation plan on or before December 31, 2021. This update would be exempt from the California Environmental Quality Act. SANDAG would be required to submit an implementation report reviewing its most recent sustainable communities strategy. SANDAG would have limited eligibility for the Solutions for Congested Corridors Program until December 31, 2021. Local governments within SANDAG's jurisdiction would be required to undertake the sixth update their housing elements on or before April 30, 2021, and the seventh no later than 18 months after the first update to the regional transportation plan adopted in 2029.

AB 1763 (Chiu) Planning and zoning: density bonuses: affordable housing

Requires a density bonus to apply to development projects that make all units affordable to lower income households, with up to 20% of the total units authorized to be available to moderate-income households. Development projects meeting these criteria may receive four incentives or concessions under Density Bonus Law, and a height increase of up to three additional stories or 33 feet if the development is located within a ½ mile of a major transit stop. Density bonuses of up to 80% could be provided, and any controls on maximum density would not apply if the development is within ½ mile of a major transit stop. 20% of the units would be subject to a 55-year restriction on housing affordability, and the remaining units would be rented at rates consistent with the maximum rent levels for a housing development receiving an allocation of state or federal low-income housing tax credits. Upon the request of the developer, the local government would be prohibited from imposing a vehicular parking requirement.

SB 6 (Beall) Residential development: available land

Requires the Department of Housing and Community Development to provide the Department of General Services with a list of local lands available and suitable for residential development identified in a local government's housing element. The Department of General Services would be required to create a database of this information that is publicly accessible on the department's website. A local

government's inventory of land would need to be submitted electronically for housing element updates occurring on or after January 1, 2021.

SB 99 (Nielsen) General plans: safety element: emergency evacuation routes

Requires a local government to review and update the safety element during the next revision of the housing element occurring on or after January 1, 2020, to identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

SB 242 (Roth) Land use applications: Department of Defense: points of contact

Streamlines reporting requirements for development projects and General Plan amendments relating to land use around military installations, training routes, and special use airspace.

Local Government

AB 116 (Ting) Local government

Authorizes a public finance authority of an enhanced infrastructure financing district to issue bonds without submitting a proposal to the voters. The authority would be required to hold three public hearings on an enhanced infrastructure financing plan.

AB 600 (Chu) Local government: organization: disadvantaged unincorporated communities

Specifies that annexations of two or more areas contiguous to a disadvantaged unincorporated community that are individually less than 10 acres but cumulatively more than 10 acres cannot occur within five years of each other unless an application for annexation of the disadvantaged unincorporated community has been filed in the past five years, or a majority of voters in the area oppose annexation.

AB 1628 (R. Rivas) Environmental justice

Revises the definition of "environmental justice" in the Coretse-Knox-Hertzberg Local Government Act of 2000, the California Coastal Act, and Government Code to include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to those actions.

Transportation

AB 285 (Friedman) California Transportation Plan

Requires the Department of Transportation to include in the California Transportation Plan how the state will achieve maximum feasible emissions reductions to meet its 2030 climate goals, and how the Plan is consistent with, and supports attainment of, state and national ambient air quality standards. Beginning in the third update to the Plan, to be complete by December 31, 2025, the Department

must also include a forecast of the impacts of advanced and emerging technologies on the infrastructure, access, and transportation systems, as well as a review of progress made in implementing past Plans.

The bill additionally requires the Strategic Growth Council to complete a report by January 31, 2022 that provides an overview of the California Transportation Plan, Sustainable Communities Strategies, and alternative planning strategies, and how these plans influence the configuration of a statewide, multi-modal transportation system. The report must additionally review and provide recommendations to better align and coordinate the following grant programs to support statewide goals: the Affordable Housing and Sustainable Communities Program, the Transit and Intercity Capital Rail Program, the Low Carbon Transit Operators Program, the Transformative Climate Communities Program, the Sustainable Transportation Planning Grant Program, and other relevant transportation funding programs.

Wildfires & Natural Disasters

AB 38 (Wood) Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation

Requires the Natural Resources Agency, in consultation with the State Fire Marshall and the Forest Management Task Force, to review the regional capacity of each county containing very high fire hazard severity zones to improve forest health and fire resilience. This review must occur by July 1, 2021, and on or after that date, a seller of property in a high or very high fire hazard severity zone must provide documentation to a buyer demonstrating compliance with wildfire protection measures. Otherwise, the buyer and seller must enter into an agreement whereby the buyer will obtain documentation of compliance.

On or after January 1, 2021, a seller of property with a home constructed before January 1, 2020 in a high or very high fire hazard severity zone must provide a disclosure to a buyer containing information related to fire hardening improvements on the property and a list of features that might make the home vulnerable to wildfire and flying embers. On or after July 1, 2025, the disclosure must also include the State Fire Marshall's list of low-cost retrofits.

The Office of Emergency Services and the Department of Forestry and Fire Protection must develop and administer a comprehensive wildfire mitigation grant program to encourage cost-effective retrofits and structure hardening. This program is contingent upon an appropriation by the Legislature, and is repealed on July 1, 2025.

AB 111 (Committee on Budget) Wildfire agencies: public utilities: safety and insurance

Creates the California Catastrophe Council to oversee the California Earthquake Authority and the Wildfire Fund Administrator. Requires the California Public Utilities Commission to establish the Wildfire Safety Division by January 1, 2020, and take specified actions related to wildfire safety. After July 1, 2021, this division would be administered by the Office of Energy Infrastructure Safety within the

Natural Resources Agency, created by this bill. The Wildfire Safety Division would be advised by the 7-member Wildfire Safety Advisory Board, also established by this bill.

AB 178 (Dahle) Energy: building standards: photovoltaic requirements

Until January 1, 2023, authorizes residential construction to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area where a state of emergency was declared before January 1, 2020 to be built to the solar photovoltaic standards that were in place at the time of the building's original construction.

AB 188 (Daly) Fire insurance: valuation of loss

Requires that the actual cash value of a claim for the total of partial loss due to a fire of a structure and its contents be equal to the cost to repair, rebuild, or replace the lost property, minus a fair and reasonable depreciation based on its condition at the time of the incident or the policy limit, whichever is less.

AB 836 (Wicks) Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program

Establishes a pilot program within the State Air Resources Board to provide grant funding to retrofit ventilation systems to create a network of clean air centers to mitigate the adverse public health impacts of wildfires and other smoke events. The Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program is contingent upon an appropriation by the Legislature, and would end on January 1, 2025.

SB 167 (Dodd) Electrical corporations: wildfire mitigation plans

Requires electrical corporations to include protocols in their wildfire mitigation plans related to mitigating the public safety impacts of deenergizing portions of the electrical distribution system that consider the impacts on customers receiving medical baseline allowances. Electrical corporations would be authorized to deploy or provide financial assistance for backup electrical resources to customers receiving medical baseline allowances that meet specified requirements.

SB 190 (Dodd) Fire safety: building standards: defensible space program

Requires the State Fire Marshall to develop a model defensible space program that local governments may use in their enforcement of defensible space requirements. This program must be developed in consultation with representatives from local, state, and federal fire agencies; local government; building officials; utility companies; the building industry; insurers and insurance research corporations; and the environmental community. The State Fire Marshall would also be required to develop a Wildland-Urban Interface Fire Safety Building Standards Compliance training for local building officials, builders, and fire service personnel, as well as a listing of products and construction assemblies that comply with fire safety building standards.

SB 209 (Dodd) Office of Emergency Services: Wildfire Forecast and Threat Intelligence Integration Center

Requires the Office of Emergency Services and the Department of Forestry and Fire Protection to establish and administer the Wildfire Forecast and Threat Intelligence Integration Center, which would serve as the state's organizing hub for wildfire forecasting, weather information, and threat intelligence gathering, analysis, and dissemination.

SB 560 (McGuire) Wildfire mitigation plans: deenergizing of electrical lines: notifications: mobile telephony service providers

Requires that electrical corporations provide notice to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure of an impending deenergization of electrical lines. Electrical corporations would also be required to include protocols for deenergization in their wildfire mitigation plan.

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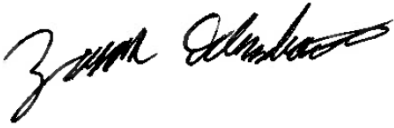
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**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties



FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 653, Statutes of 2019 (Senate Bill 13)
Chapter 655, Statutes of 2019 (Assembly Bill 68)
Chapter 657, Statutes of 2019 (Assembly Bill 587)
Chapter 178, Statutes of 2019 (Assembly Bill 670)
Chapter 658, Statutes of 2019 (Assembly Bill 671)
Chapter 659, Statutes of 2019 (Assembly Bill 881)

This memorandum is to inform you of the amendments to California law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs. (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881).

This recent legislation, among other changes, addresses the following:

- Development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) & (e)(1)) until January 1, 2025.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement offstreet parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).

- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Section (a)(3) and (b)).
- Clarifies “public transit” to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code Section 65852.22).
- Allows upon application and approval, an owner of a substandard ADU 5 years to correct the violation, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n)).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Gov. Code Section 65852.26).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code Section 65583 and Health and Safety Code Section 50504.5) (Attachment D).

For assistance, please see the amended statutes in Attachments A, B, C and D. HCD continues to be available to provide preliminary reviews of draft ADU ordinances to assist local agencies in meeting statutory requirements. In addition, pursuant to Gov. Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact HCD’s ADU team at adu@hcd.ca.gov.

ATTACHMENT A

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

(AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units 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. Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, ~~but~~ but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing ~~single-family~~ dwelling.

(iii) The accessory dwelling unit is either attached ~~to,~~ or located ~~within the living area of the~~ within, the proposed or existing primary ~~dwelling or~~ dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of~~ If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ existing primary dwelling.

(v) The total floor area of ~~floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing ~~garage~~ living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling 124

unit that is ~~constructed above a garage-~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, 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.

(III) This clause shall not apply to a an accessory dwelling unit that is described in subdivision (d).

(xi) When 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, ~~and- the local agency requires-~~ shall not require that those offstreet ~~offstreet~~ parking spaces 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. This clause shall not apply to a unit that is described in subdivision (d)-~~ replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application-~~ 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 Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, ~~within 120 days after receiving the application.~~ permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. 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 permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs that it incurs ~~as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature,~~ incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph-~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that-~~ If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph- and that agency shall thereafter apply the standards established in this

subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or* denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ used or imposed, including any owner-occupant requirement, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-~~occupant or~~ that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and 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. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a)~~ within 120 days after receiving the application. (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. 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 permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~(c) (C) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ Any other minimum or maximum size for an accessory dwelling unit, ~~or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance~~ or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units ~~shall~~ 126 not be required to provide fire sprinklers if they are not required for the primary residence. 800 square

foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(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) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure,~~ has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process. within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) ~~Accessory-~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service-~~ service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

~~(A)~~ (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant 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- charge, unless the accessory dwelling unit was constructed with a new single-family home.

~~(B)~~ (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size- square feet ~~or the number of its plumbing fixtures-~~ drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

~~(h) Local (1) agencies-~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the ¹²⁸ department shall notify the local agency and shall provide the local agency with a reasonable time,

no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(i) (j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which ~~that~~ provides complete independent living facilities for one or more persons. 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 multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(A) (3) An efficiency unit, "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(5) (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means 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.

~~(6)~~ (11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(j) (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, 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 Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit.

that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, 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.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When 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 local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) 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 Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. 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 permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, ~~including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, subject to subparagraph (B), a local agency may require *an applicant for a permit issued pursuant to this subdivision to be an owner-occupant* or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and 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. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. 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 permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(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) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structure¹³⁴ that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e),¹³⁵ a local agency, special district, or water corporation shall not require the applicant 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, unless the accessory dwelling unit was constructed with a new single-family home dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit 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 multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means 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.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in 137 paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit

for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~
become operative on January 1, 2025.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. 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) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on 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.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the structure, and ~~require the inclusion of an existing bedroom.~~ proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, ~~with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

~~(B) (A) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ appliances.

~~(C) (B)~~ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether~~ if the junior accessory dwelling unit ~~is in compliance~~ complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the

applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ a single-family ~~structure~~ residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

ATTACHMENT B

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020 Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

ATTACHMENT C

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1

AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

ATTACHMENT D

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6

AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.



Administrative Report

N.1., File #PC20-0943

Council Action Date:5/21/2020

TITLE

COVID-19 Emergency Orders Update