



Administrative Report

L.1., File # 22-4398

Meeting Date: 8/16/2022

To: MAYOR AND CITY COUNCIL
From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

PUBLIC HEARING TO CONSIDER THE CALIFORNIA COASTAL COMMISSION'S REQUIRED MODIFICATIONS TO AMEND THE TITLE 10 CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE OF THE REDONDO BEACH MUNICIPAL CODE AND THE LOCAL COASTAL PLAN PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES CONSISTENT WITH STATE LAW

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3242-22 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING TITLE 10, CHAPTER 5 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE COASTAL ZONE, CONSISTENT WITH STATE LAW AND INCORPORATING CALIFORNIA COASTAL COMMISSION MODIFICATIONS

PROCEDURES:

- a. Open the Public Hearing, take testimony; and
- b. Close the Public Hearing; and
- c. Introduce Ordinance No. 3242-22 by title only.

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. The amendments went into effect on January 1, 2020.

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 was incorporated into the ADU ordinances that were adopted by City Council on January 12, 2021.

At the September 2020 Planning Commission meeting a public hearing was held regarding draft ADU ordinances (one for inland zoning and one for coastal zoning) and the Planning Commission recommended adoption of the ordinances to the City Council. The City Council approved the

ordinances for introduction on October 6, 2020. Subsequently, and before the ordinances were adopted, HCD provided comments, including revisions necessary for the ordinances to be in compliance with State regulations. Staff revised the ordinances accordingly and the ordinances were reconsidered by the Planning Commission at their November 2020 meeting. City Council later introduced the revised ordinances on December 8, 2020 and adopted them on January 12, 2021. A resolution to forward Ordinance 3211-20 regarding the coastal ADU regulations to the California Coastal Commission was also adopted, and the ordinance was transmitted on January 28, 2021.

The California Coastal Commission considered Ordinance 3211-20 at their April 6, 2022 meeting and approved the amendments to the Local Coastal Program (LCP) with modifications. The LCP amendments will not be effective for implementation in the City's coastal zone until the City adopts local amendments that incorporate the Commission's modifications. The major modification approved by the Commission was for the City to require replacement parking on site when a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU.

The Coastal Act requires that the City's adoption of the modifications be completed within six months of the Commission's April 6, 2022 action. Therefore, the deadline for the City Council adoption of the modifications is October 6, 2022. This agenda item provides for the public hearing needed to introduce the local ordinance that would adopt the Coastal Commission's modifications. If approved for introduction by the City Council, the ordinance would be returned for consideration of adoption on September 20, 2022.

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. On January 10, 2020, HCD provided a summary of changes and the adopted legislation related to ADUs. 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 was incorporated into the City's proposed ADU ordinances. In addition to the January 10, 2020 summary that HCD issued, HCD distributed an Accessory Dwelling Unit Handbook in September 2020 that provided more clarification of the regulations and legislative intent.

City Council did introduce the ordinances at a public hearing at their October 6, 2020 meeting. Although the City had provided the draft ordinances to the Coastal Commission and HCD on September 3, 2020 and again on September 24, 2020, the City had not received responses from either agency at the time of City Council introduction of the ordinances.

On October 12, 2020, HCD issued comments, to which the City submitted proposed revisions to address those comments to HCD on October 21, 2020. HCD reviewed the proposed revisions and provided additional comments on October 30, 2020. Final revisions were incorporated into the ordinances to address those additional HCD comments.

Since conflicting local provisions are rendered null and void, leaving the State regulations to govern, City staff revised the draft ADU ordinances to meet the State regulations and HCD's comments in order to implement what local controls are allowed.

The Planning Commission considered these revised ordinances at a public hearing on November 19, 2020. City Council introduced the revised ordinances on December 8, 2020 and adopted them on January 12, 2021. A resolution to forward Ordinance 3211-20 for the coastal ADU regulations to the California Coastal Commission (CCC) was also adopted, and the coastal ordinance was transmitted to the CCC on January 28, 2021.

The CCC considered Ordinance 3211-20 at their April 6, 2022 meeting and approved the amendments to the Local Coastal Program (LCP) with modifications. The proposed modifications to be adopted are provided in the attached CCC staff report dated March 24, 2022 and addendum dated April 4, 2022 and were adopted by the CCC on April 6, 2022. These were incorporated into the ordinance for introduction for this agenda item. A version of the ordinance, with tracked changes, is attached to show how the CCC modifications were incorporated. The LCP amendments will not be effective for implementation in the City's coastal zone until the following have been completed:

- 1) The Redondo Beach City Council adopts the Commission's suggested modifications,
- 2) The City Council forwards the adopted suggested modifications to the Commission by resolution,
- 3) The Executive Director certifies that the City has complied with the Commission's April 6, 2022 action, and
- 4) The Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate.

The major modification that CCC approved was for Redondo Beach to require replacement parking on site when a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU. Although the State's ADU regulations have limitations for parking requirements regarding ADUs, the ADU regulations are not to supersede or in any way alter or lessen the effect or application of the California Coastal Act. Therefore, these modifications were determined necessary by the CCC to maintain the effect of the California Coastal Act.

The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's April 6, 2022 action. Therefore, the deadline for the City Council adoption of the modifications is October 6, 2022. This agenda item provides for the public hearing and introduction of the ordinance adopting the Coastal Commission's modifications. If approved for introduction staff would schedule the ordinance for City Council consideration of adoption on September 20, 2022. The resolution to forward the adopted modifications will be considered with the adoption of the ordinance at the same meeting. This timeline complies with the deadline for adoption.

COORDINATION

The preparation of the ordinances was coordinated with the City Attorney's Office.

FISCAL IMPACT

Funding for the processing of Zoning Code amendments is part of the Community Development Department and City Attorney's Office annual work plans and operating budgets.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Ordinance No. 3242-22 amending Title 10, Chapter 5 Coastal Land Use Implementing Ordinance Incorporating CCC Modifications
- Ordinance Exhibit A
- California Coastal Commission Letter Regarding Modifications dated May 2, 2022
- Letter of Transmittal to CCC ADU Ord Amendment 2021 dated January 28, 2021
- CCC Staff Report with Proposed Modifications March 24, 2022
- CCC Staff Report with Proposed Modifications ADDENDUM April 4, 2022
- Draft Tracked Changes Comparing Originally Adopted ADU Ordinance w CCC Modifications Draft Ordinance
- City Council Administrative Report December 8, 2020
- City Council Administrative Report October 6, 2020
- HCD Email Comments dated October 12, 2020
- Redondo Beach Letter dated October 21, 2020 responding to HCD Comments
- HCD Email Comments dated October 30, 2020
- Planning Commission Resolution No. 2020-11-PCR-19 adopted November 19, 2020 recommending City Council amend Title 10, Chapter 5 of the Municipal Code pertaining to ADUs (pending signatures)
- Public Hearing Notice