



**Honorable Mayor and Members of the Hermosa Beach City Council**

**CONSIDERATION OF ZONE TEXT AMENDMENT 24-03, VIA REGULAR ORDINANCE AND URGENCY ORDINANCE, AMENDING CHAPTER 17.21 OF THE HERMOSA BEACH MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

CEQA: Determine the action is statutorily exempt from the California Environmental Quality Act under Section 21080.17 of the Public Resources Code.

(Planning Manager Alexis Oropeza)

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**Recommended Action:**

Staff recommends City Council:

1. Conduct a public hearing to consider amendments to Hermosa Beach Municipal Code, Title 17, pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units;
2. Determine whether the project is categorically exempt from the California Environmental Quality Act;
3. Introduce, on first reading, the proposed ordinance approving zone text amendment 24-03 (**Attachment 1**); and
4. Adopt via urgency ordinance the proposed ordinance approved the proposed zone text amendments (**Attachment 2**).

**Executive Summary:**

The proposed ordinance would amend Chapter 17.21 of the Hermosa Beach Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”). At its October 15, 2024, meeting, the Planning conducted a public hearing and recommended City Council approval of the zone text amendment. An urgency ordinance is needed to implement the ordinance before state law goes renders the City’s regulations null and void on January 1, 2025.

**Background:**

Beginning in 2017, the California Legislature approved, and the Governor signed into law, a number of bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. The City’s local regulations were amended multiple times to reflect the amendments to state law. The most recent amendments to the City’s zoning ordinance were adopted in 2023 to address clarifications in the code required by the California Department of Housing and Community Development as part of the City’s effort to obtain a certified Housing Element.

**Past Board, Commission, and Council Actions**

Meeting Date	Description
<a href="#">May 15, 2018</a>	Planning Commission first reading of the ADU Ordinance
<a href="#">June 25, 2018</a>	Planning Commission recommends City Council approve Zone Text Amendment 18-1, thereby establishing local standards for State mandated ADUs
<a href="#">July 24, 2018</a>	City Council first reading of the ADU Ordinance
<a href="#">August 28, 2018</a>	City Council adopts Ordinance No. 18-1385
<a href="#">December 9, 2019</a>	Planning Commission recommends City Council approve Zone Text Amendment 19-2, thereby amending the Municipal Code regarding ADUs
<a href="#">January 14, 2020</a>	City Council adopts Urgency Ordinance No. 20-1403U
<a href="#">January 28, 2020</a>	City Council adopts Ordinance No. 20-1204
<a href="#">November 15, 2022</a>	Planning Commission recommends City Council approve Zone Text Amendment 22-02, thereby amending the Municipal Code regarding ADUs and JADUs
<a href="#">November 29, 2022</a>	City Council continued the item to the December 13, 2022 meeting
<a href="#">December 13, 2022</a>	City Council adopts Ordinance No. 22-1456U
<a href="#">May 16, 2023</a>	Planning Commission recommends City Council approve Zone Text Amendment 23-01, thereby amending the Municipal Code regarding ADUs
<a href="#">June 13, 2023</a>	City Council approves Zone Text Amendment 23-01, moving the Planning Commission recommendation and lifting the prohibition on roof decks on ADUs
<a href="#">July 11, 2023</a>	City Council adopts Ordinance No. 23-1462
<a href="#">October 15, 2024</a>	Planning Commission recommends City Council approve Zone Text Amendment 24-03, thereby amending Chapter 17.21 of the Hermosa Beach Municipal Code Regarding ADUs and JADUs

In September 2024, the Governor signed into law two bills—Assembly Bill (AB) 2533 and Senate Bill (SB) 1211—approved by the state legislature, which further amended state ADU law, as summarized below.

At its October 15, 2024 meeting, the Planning Commission considered the proposed amendments along with the additional changes and recommended City Council approval with the exception the change in height.

**Analysis:**

Zone Text Amendment 24-03 proposes to amend Chapter 17.21 of the City's Zoning Ordinance to comply with AB 2533 and SB 1211, described as follows:

## **AB 2533 – Unpermitted ADUs and JADUs**

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, Section 66332(a)–(f).)

## **SB 1211 – Replacement Parking Requirements; Multifamily ADUs**

### *Replacement Parking*

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, Section 66314(d)(11).)

### *Multifamily ADUs*

SB 1211 further defines *livable space* in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within “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 ....” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “‘Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, Section 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, Section 66323(a)(4)(A)(ii).) SB 1211 does

not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, Section 66323(a)(4).)

Both AB 2533 and SB 1211 take effect January 1, 2025. To remain valid, the City's ADU ordinance must comply with requirements imposed by AB 2533 and SB 1211. Adopting the proposed ordinance (Exhibit A to Attachment 1) ensures that the City's ADU ordinance will be valid under AB 2533 and SB 1211.

### **Other Proposed Accessory Dwelling Unit Ordinance Updates**

In reviewing development proposals, staff has encountered common challenges to developing Accessory Dwelling Units in Hermosa Beach under standards largely set by the State legislature. To continue to encourage the development of Accessory Dwelling Units in the City in accordance with the City's certified Housing Element, staff proposes several areas of increased flexibility for Accessory Dwelling Units, as follows:

- 1) **Building Separation – Defer to Building Code. (Section 17.21.050 (B))**  
Currently, City regulations require an 8-foot separation in the Single-Family Residential (R-1) zone and Multiple-Family Residential (R-3) zones between any buildings used for human habitation. Meanwhile the separation is 6 feet in the Two Family Residential (R-2) and Limited Multiple-Family Residential (R-2B) zones. ADU regulations presented by State law relate less to zones and are designed to encourage more ADUs whenever possible. As such, staff recommends including a specific provision in Chapter 17.21 to allow building separation between ADUs and another habitable structure to be designed in accordance with the Building Code. (Traditional residential construction methods would typically require a 6-foot building separation.)
  
- 2) **Increase height limit/allowance for detached ADUs (Section 17.21.040 (B))**  
The existing height limit for detached ADUs is 16 feet, with an 18-foot height limit allowed when the City is within one-half mile walking distance of a major transit stop or a high-quality transit corridor. An additional two-feet of height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. Given that only select parts of the City are within a distance of a high-quality transit corridor, and because the City's goals include having clear, unambiguous standards and encouraging ADUs, staff proposed simplifying the height limit to a maximum of 20' for detached ADUs in all situations. Although the 20-foot height limit is lower than the maximum residential height allowed in any residential zone, the Planning Commission found that increasing the height in all areas could increase construction costs and obstruct views. As a result, this amendment was not recommended by the Planning Commission and has been removed.

### Urgency Ordinance Analysis

Without the adoption of the urgency ordinance, the City's current regulations would be rendered null and void (**Attachment 2**) on January 1, 2025, when the latest state amendment goes into effect. The urgency ordinance should be considered to preserve the remaining local control and to maintain consistency with the certified Housing Element.

### General Plan Consistency:

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. The Housing Element, which is a component of the General Plan was adopted separately on August 8, 2023 and certified by the California Housing and Community Development Department on August 1, 2024. The Zone Text Amendment supports several PLAN Hermosa goals and policies listed below.

#### *Governance Element*

### **Goal 5. Small beach town character is reflected throughout Hermosa Beach.**

#### Policy

- **5.3 Clear regulations.** Establish clear, unambiguous regulations and policies to clearly communicate the City's expectations for new development.

*The zone text amendment would align the city's zoning ordinance with state law and promote the policy of establishing clear regulations and policies.*

#### *Land Use Element*

### **Goal 2. Neighborhoods provide for diverse needs for residents of all ages and abilities and are organized to support healthy and active lifestyles.**

#### Policies

- **2.3 Balanced neighborhoods.** Promote a diverse range of housing unit types and sizes within the allowed densities.
- **2.6 Diversity of building types and styles.** Encourage a diversity of building types and styles in areas designated for multi-family housing, ranging from duplex/triplex/fourplex to courtyard housing to multi-housing projects.

*The proposed zone text amendment aligns with the policies to encourage a diversity of housing options by providing opportunities for ADUs and JADUs in conformance with state law.*

#### *Housing Element*

### **Issue Area 2. New Affordable Housing**

- **Policy 2.1** The City will continue to promote the development of a variety of housing types and styles to meet the existing and projected housing
- **Policy 2.2** The City will continue to encourage the development of safe, sound, and decent housing to meet the needs of varying income groups.
- **Policy 2.6** The City will encourage the addition of ADU and JADU units as a strategy to provide new housing units for low- and moderate-income households.

**Accessory Dwelling Unit Program** – establishes the city will review new legislation each year and update ADU regulations as necessary to ensure conformance with state law. In addition, it establishes the city’s commitment to:

- Facilitate the development of 95 ADUs over the eight-year planning period, over the RHNA projection of 64 ADUs.

*The proposed zone text amendment is a direct response to the review of current legislation. These changes are vital to encourage and facilitate the construction of ADUs and JADUs in full alignment with state law.*

**Environmental:**

Under California Public Resources Code Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by Section 66313. Therefore, adopting the proposed ordinance is statutorily exempt from CEQA because it implements state ADU law.

**Public Notification:**

A legal ad for the November 12, 2024, City Council hearing was published in the Easy Reader on October 31, 2024. As of the writing of the report, staff has received no public comments.

**Fiscal Impact:**

There is no fiscal impact associated with the recommended action.

**Attachments:**

1. Draft Ordinance
2. Draft Urgency Ordinance
3. Senate Bill 1211 (Chaptered)
4. Senate Bill 2533 (Chaptered)
5. Planning Commission Resolution No. 24-20 (Partially Signed)
6. Public Notification Package

**Respectfully Submitted by:** Alexis Oropeza, Planning Manager

**Noted for Fiscal Impact:** Brandon Walker, Administrative Services Director

**Legal Review:** Patrick Donegan, City Attorney  
**Reviewed by:** Angela Crespi, Deputy City Manager  
**Approved:** Suja Lowenthal, City Manager