

Attachment F

HCD Comment Summary

Table 1 below summarizes the comments received by HCD as part of their review of the City's ADU ordinance and identifies how the City proposes to address those comments. The comments received by HCD are intended to guide the City in addressing the State ADU law changes that went into effect on March 27, 2024, and January 1, 2025.

| Table 1. HCD Letter Summary | | | |
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| Comment # | HCD Comment | Proposed Revision | Explanation |
| 1 | Remove reference to "legally established" from the ordinance. | "Required to correct legally established nonconforming zoning condition(s), building code violation(s), and/or unpermitted structure(s) that do/does not present a threat to public health and safety..." | State ADU Law prohibits cities from denying a permit for an ADU/JADU to correct nonconforming violations whether or not the nonconformity was legally established. |
| 2 | Add note of the exception for units under Government Code Section 66323. | "...units as provided in this section and California Government Code Section 66323... " | 66323 Units are protected and not subject to additional development standards outside of State ADU Law. |
| 3 | Remove the restriction on the combination of 66323 Units that can be constructed. | "Maximum Number of Accessory Dwelling Units Allowed. Unless precluded by Government Code Section 66323 the following" | 66323 Units are protected and multiple ADUs/JADUs may be built on a single property, therefore, a reference to State ADU Law is included. |
| 4 | Remove the restriction on parcels for multi-unit "lots" to align with the Building Code definition. | No change required. | The NBMC already defines "lot" for the purpose of a multi-unit development. The building code definition of "lot" is not codified in State ADU Law and therefore not applicable. |
| 5 | Remove requirements that ADUs conform to underlying zoning standards, and 'other' unspecified provisions not in the ADU ordinance. | Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit..." | State ADU Law allows a local jurisdiction to impose objective standards on ADUs and JADUs, with the exception of ADUs and JADUs that are specifically protected under Section 66323 of the Government Code (i.e. 66323 Units). |
| 6 | Specify that building and demolition permits are reviewed and issued concurrently | No change required. | This section relates to the replacement of existing detached garages with ADUs. |

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| | for JADUs that replace detached garages. | | JADUs are not permitted to replace detached garages, therefore, this comment does not apply. |
| 7 | Clarify the height limitations to ensure building heights and stories for attached ADUs are not restricted. | No change required. | The City's existing ADU Ordinance is more permissive than State ADU Law. Imposing the requested amendment would impose a height limit that is lower than currently permitted by the underlying zoning districts. |
| 8 | Add note of the exception for units under Government Code Section 66323 to not limit the size of detached ADU on lots with multifamily dwellings. | "Development Standards. Except as modified by this subsection or authorized by California Government Code Section 66317 and 66323, an accessory dwelling unit..." | 66323 Units are protected and not subject to additional development standards outside of State ADU Law. |
| 9 | Cite the California Building Code to regulate the minimum size for ADUs and JADUs. | "...minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit or as required by the California Building Code (CBC). " | JADUs may be smaller in some cases than an "efficiency unit" as defined by the CBC. Therefore, a reference to the CBC is included to determine the minimum size required for a JADU. |
| 10 | Exclude JADUs from replacement parking requirements. | "No Replacement Parking Necessary. Outside the coastal zone, when a garage, carport, or covered parking structure covered or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. Outside the coastal zone, when a garage is demolished in conjunction with the construction of a junior accessory dwelling unit at the same location or converted to a junior accessory dwelling unit, that off-street parking space is not required to be replaced. Accessory dwelling units and or junior accessory dwelling | Replacement parking for JADU garage conversions is not required per Government Code Section 66334, therefore, a new sentence is introduced to provide clarity. In addition, no changes to Title 21 are proposed given that replacement parking in the coastal zone is required for both ADUs and JADUs (as permitted by State Law). |

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| | | unit shall not displace required uncovered parking spaces Refer to Section 21.48.200(F)(8)(e) for replacement parking in the coastal zone." | |
| 11 | Amend to allow for the sale or separate conveyance of ADUs established by a non-profit. | "No Separate Conveyance. Except as authorized in California Government Code 66341, An accessory dwelling..." | There is a very narrow exception in State ADU Law that requires cities to allow separate conveyance (i.e. separate sale) of ADUs for non-profits. |
| 12 | Remove owner occupancy restrictions for ADUs. | No change required. | This revision is not necessary given the existing ADU ordinance does not require owner occupancy of ADUs, and specifies that owner occupancy is only required for JADUs. |
| 13 | Remove the requirement of a deed restriction on ADUs. | <p>"Prior to the issuance of a building and/or grading permit for an accessory dwelling unit and/or junior accessory dwelling unit, the property owner shall record a deed restriction with.."</p> <p>and</p> <p>"This deed restriction shall remain in effect so long as the accessory dwelling unit and/or junior accessory dwelling unit exists on the lot."</p> | Deed restrictions will no longer be required for ADUs. State ADU Law only allows deed restrictions to be required for JADUs. |