

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 13, 2021

Oscar Martinez, Planning and Environmental Manager
Community Development Department
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

Dear Oscar Martinez:

RE: City of Torrance Accessory Dwelling Units (ADUs) Ordinance

Thank you for submitting the City of Torrance's (City) accessory dwelling unit (ADU) Ordinance Number 3889, adopted May 4, 2021. The ordinance was received by the California Department of Housing and Community Development (HCD) on May 24, 2021. HCD is submitting these written findings pursuant to Government Code section 65852.2, subdivision (h). HCD requests that the City provide a written response to these findings no later than January 12, 2022. HCD will review and consider any written response received from the City before that date in advance of taking further action authorized by Government Code section 65852.2, subdivision (h).

The adopted ordinance meets many statutory requirements. However, the ordinance must be revised to comply with State ADU Law as follows:

- *Allowed areas for the creation of ADUs:* Municipal Code section 92.2.10.c) constrains the development of ADUs on sites with a proposed or existing multifamily dwelling structure. State ADU Law allows ADUs to be created on sites that are zoned to allow single-family or multifamily dwelling residential use where a proposed or existing dwelling exists, regardless of whether it is a single-family or multifamily dwelling. (Gov. Code, § 65852.2, subd. (a)(1)(D)(ii).) Subdivision c) of the municipal code is limited to sites that contain an existing or proposed single-family dwelling. Thus, the local ordinance is impermissibly narrow as to the location of ADUs.
- *Allowed areas for the creation of junior accessory dwelling units (JADUs):* Municipal Code section 92.2.11 governs JADUs. Subdivision c) of that section of the municipal code limits JADUs to the R-1 Zone. However, local agencies must allow JADUs to be created on lots zoned for single-family residences with a proposed or existing single-family residence on the lot. (Gov. Code, §§ 65852.2, subds. (a)(1), (e)(1), and 65852.22, subd. (a).) Although HCD has not comprehensively evaluated

the City's zoning code, it observes that the R-2 and R-3 zones also permit single-family residences. The City should review its code for compliance with state law to assure that JADUs are permitted on lots that are zoned to allow single-family residences, including the R-2 and R-3 zones. The City should address how it will comply with these findings in its response to HCD.

- *Types of ADUs allowed:* Municipal Code section 92.2.10 limits the methods for creating an ADU to (1) conversion of existing space within a proposed or existing dwelling or accessory structure or (2) by creating a new detached accessory dwelling unit. Under state law, ADUs are also permitted to be created as an attachment or addition to the primary dwelling or accessory structure on sites with multiple detached single-family dwellings. (Gov. Code, § 65852.2, subd. (a)(1)(D)(iii).) Section 92.2.10 must be amended to comply with this provision of state law.
- *Number of ADUs allowed per site:* Municipal Code section 92.2.10.d.1), limits the number of ADUs to one per lot. This limitation conflicts with several provisions in State ADU Law, particularly with respect to multifamily dwellings. Pursuant to Government Code section 65852.2, subdivisions (e)(1)(C) and (e)(1)(D), State ADU Law allows multiple ADUs to be created on a site within an existing multifamily dwelling structure. Non-livable space within the structure may be converted into at least one ADU, with the potential for additional units if the number of units does not exceed 25 percent of the existing dwelling units in the structure. As an alternative, not more than two ADUs, detached from the dwelling structure, may be created on the lot. The detached structures may be conversions of existing structures or new construction. (Gov. Code, § 65852.2, subds. (e)(1)(C) and (e)(1)(D).)

Section 92.2.10 should be revised to clarify that the sites with an existing multifamily dwelling structure may allow multiple ADUs to be created either through conversion of non-livable space within the dwelling structure, or with units detached from the primary dwelling. Further, ADUs created under subdivision (e) are exempt for compliance with local agency development standards contained in the adopted ADU ordinance.

- *Owner-occupancy:* Under State ADU Law, an owner-occupant requirement *shall not* be imposed on a site that proposes to create an ADU. (Gov. Code, § 65852.2, subd. (a)(6).) Section 92.2.10 purports to impose an owner-occupant requirement on ADUs constructed between now and 2025, but to waive the requirement temporarily until 2025. This is inconsistent with state law, which provides the universe of standards that may be imposed on ADUs. "No additional standards ... shall be used or imposed." (Gov. Code, § 65852.2, subd. (a)(6).) Section 92.2.10 should make clear that the entire standard does not apply to any ADUs permitted between January 1, 2020 through December 31, 2024.

The date on this letter shall serve as the start of the 30-day period for the local agency to respond to these findings prior to HCD taking any other action authorized pursuant to Government Code section 65852.2, subdivision (h). Please note that HCD may notify the Attorney General's Office in the event that the City fails to take appropriate and timely action under section 65852.2, subdivision (h).

HCD appreciates the City's efforts provided in the preparation and adoption of an ADU ordinance and welcomes the opportunity to assist the City of Torrance in fully complying with State ADU Law. Please feel free to contact Greg Nickless, of our staff, at 916-274-6244 or at greg.nickless@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Zisser", with a long horizontal stroke extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability