



**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM**

DATE: June 10, 2020

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

BY: Eric Haaland, Associate Planner
Angelica Ochoa, Associate Planner

SUBJECT: Housing/Accessory Dwelling Unit Ordinance Study Session

RECOMMENDATION

Staff recommends that the Planning Commission **DISCUSS** the information presented by Staff and **DIRECT** that a Public Hearing be scheduled for permanent Municipal Code and Local Coastal Program Amendments.

BACKGROUND

Concerns for statewide adequacy of housing quantities have increased in recent years, leading to State Bills as early as 2016 requiring that cities relax regulations to permit Accessory Dwelling Units (ADU), and more recently, prohibiting the net loss of existing housing units. The City previously did not restrict the loss of housing units, and permitted only Guest House/Accessory Living Quarters spaces with single-family homes, as supplemental living areas to primary dwellings. A guest house has separate exterior access, one habitable room, no more than 500 square feet, no more than 3 useable plumbing fixtures, and no kitchen. Provision of a kitchen changes a habitable space to a dwelling unit.

Effective January 1, 2020, Senate Bill (SB) 330—requires that “[a]n affected city . . . shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.” This effectively bans the decrease in the number of housing units on a site.

On January 21, 2020, the City Council adopted Urgency Ordinance Nos. 20-0002-U and 20-0003-U (replacing initial matching ordinances adopted December 17, 2019), amending the Municipal Code and Local Coastal Program, to implement the State regulations regarding demolition and replacement units until December 15, 2020.

Additional State law in 2019 amended California Government Code Section 65852.2, further limiting local jurisdictions' ability to regulate or limit accessory dwelling units ("ADUs"), in continuation of the State's initial mandate for ADUs in 2016. Effective January 1, 2020, the bills— Assembly Bill (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 —required cities to adopt an ordinance that complies with the new restrictions and includes specific standards.

The City Council adopted Urgency Ordinance Nos. 20-0004-U and 20-0005-U (replacing initial matching ordinances adopted December 17, 2019) to amend regulations to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). These Urgency Ordinances will also expire on December 15, 2020.

The City's initial adoption of these 2019 State regulations was done with temporary urgency ordinances to meet the January 1, 2020, deadline. Since urgency ordinances are not valid longer than a year, permanent ordinances must be adopted by the City Council, after Planning Commission review and recommendation through the public hearing process. The lack of a local ordinance would require the City to comply only with State law on these matters, taking away the ability for the City to apply additional regulations specific to the City's character and development patterns. Coastal Commission approval would also be required for the Local Coastal Program ordinances. Since January 21, staff has had an opportunity to evaluate the new State regulations. The permanent ordinances will include staff-recommended provisions to improve the clarity and ease-of-use of the ordinances.

DISCUSSION

The ADU urgency ordinances mentioned above, have somewhat modest changes to the regulations already in effect. Establishing firm 1,000, 850, and 800 square-foot size limits (for certain situations), instead of the original 1,200 square-foot suggested maximum, and a no-replacement-parking provision related to construction of an ADU, are the most substantial changes. The City had set a 700 square-foot maximum size for ADUs after reconsidering earlier limits. Replacing existing required parking being displaced by proposed ADU's was often the most difficult challenge for applicants, but the State has now pre-empted City parking requirements for ADUs involving garage conversions. The attached City Council report, dated January 21, 2020 summarizes the new changes for 2020, previous ADU experiences, and issues in conflict with current zoning requirements. Four projects proposing to add ADU's to single-family homes have been submitted since January 1, 2020.

The replacement urgency ordinances mentioned above, have applied to applicable projects submitted in 2020. A number of projects were submitted prior to the year-end deadline to avoid the dwelling unit replacement requirement. Also, a less than typical number of projects is currently being submitted due to pandemic-related issues. Two projects that have been submitted in 2020, propose ADU's as replacement units, but are not in compliance with permitted minimum dwelling unit replacement options as Staff has currently identified in the attached spreadsheets.

Issues and observations thus far identified from recent questions and proposals regarding redevelopment of properties with multiple existing dwellings include the following:

- Properties that currently exceed the number of units permitted by the zoning code (legally), must continue to maintain that number of units. The zoning code prohibits the expansion or alteration (as defined) of residential development that exceeds the number of permitted units. It may be appropriate to adjust nonconforming regulations, or the definition of the term “alteration”.
- ADUs are not permitted in the Beach Area (Area Districts III & IV, see attached map) except for specific exception cases provided in Section 65852.2(e)(l) of the State Government Code (excerpt attached).
- An ADU can only be a replacement unit when proposed with a single-family residence (SFR). A single affordable JADU can be a replacement unit in conjunction with multiple primary units in all areas. These facts mean existing multiple-family developments greater than three units, must be replaced by all-primary-units, less one, which could be a JADU. While an inland three-unit development can be replaced by a relatively flexible SFR/ADU/JADU combination, the most flexible Beach Area option is an SFR, with a JADU, and a detached ADU (10-foot minimum separation). All two-unit developments at least have the option of replacement by an SFR and JADU.
- Some existing developments with multiple units, and nonconforming parking, may not be able to be redeveloped, when they do not have enough vehicular access for conforming parking that would be required for the original number of units.
- A Condominium standards exception allowing condos on RH-zoned corner walk-street sites is negated for existing triplex development, since it is only applicable to projects proposing two units. Amending that exception language could make it applicable to two condos plus a JADU.

General ADU issues:

- Accessory structures generally have a maximum gross floor area, but the ADU ordinance does not identify such a standard. Section 10.74.040(5) refers to “buildable floor area” conformance, which appears redundant to subsection (6). It may be appropriate to broaden that term to “floor area” or “gross floor area”.
- Conversion of an existing garage to an ADU allows removal of required parking for the existing house. However, the existing driveway might remain, and be useable/accessible for outdoor parking. The zoning code generally does not permit open parking in setbacks, and an issue may arise as to whether the existing curb cut for the driveway must be removed. Preparation for these situations appears to be necessary.

- An "ADU" is defined as a residential dwelling unit, either attached or detached from a primary dwelling unit, an efficiency unit and a manufactured home which includes provisions for living, sleeping, eating, and cooking. The definition is silent on what "cooking" includes, and the permanent ordinance will clarify and define "cooking" to minimally include a fixed-in-place stove top appliance.

CONCLUSION

Staff recommends that the Planning Commission discuss the study session information presented, accept public comments, and direct Staff to schedule a public hearing for permanent Municipal Code and Local Coastal Program Amendments.

Attachments:

- A. Urgency Ordinance No. 20-0002-U (Municipal Code Dwelling Replacement)
- B. Urgency Ordinance No. 20-0003-U (Coastal Program Dwelling Replacement)
- C. Urgency Ordinance No. 20-0004-U (Municipal Code ADU)
- D. Urgency Ordinance No. 20-0005-U (Coastal Program ADU)
- E. Excerpt of Government Code Section 65852.2(e)(1)
- F. City Council Replacement Unit Report, dated 1/21/20, without attachments
- G. City Council ADU Report, dated 1/21/20, without attachments
- H. Inland Dwelling Unit Replacement Options spreadsheet
- I. Beach Area Dwelling Unit Replacement Options spreadsheet
- J. Inland ADU Addition Options spreadsheet
- K. Beach Area ADU Addition Options spreadsheet
- L. 2020 ADU/JADU Summary Handout
- M. Area District Map

ATTACHMENT A

URGENCY ORDINANCE NO. 20-0002-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING INTERIM ORDINANCE NO. 19-0019-U AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE RESIDENTIAL DEVELOPMENT PROJECTS THAT REQUIRE THE DEMOLITION OF DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0019-U, adopted on December 17, 2019, amends Manhattan Beach Municipal Code Section 10.12.020 to regulate residential development projects that require the demolition, remodel or alteration of legal residential dwelling units. Ordinance No. 19-0019-U is hereby extended in full force and effect, as modified herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Municipal Code Section 10.12.020(Q) is amended to read as follows:

“(Q). The City shall not approve a residential development project that will require the demolition of legal residential dwelling units unless the project is consistent with Government Code Section 66300(d), as the same may be amended from time to time. For purposes of this subsection, a residential development project shall include remodels/alterations, as well as the construction of a single-family dwelling.

A junior accessory dwelling unit, as defined in Section 10.74.020 of this Code, may be constructed to comply with this subsection, and the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant, unless the owner is a government agency, land trust, or housing organization; (ii) the junior accessory dwelling unit is to be rented only for terms of 30 days or longer; (iii) the junior accessory dwelling unit is to be rented only for an “affordable rent” as defined in Health and Safety Code Section 50053; (iv) the junior accessory dwelling unit is not to be sold or conveyed separately from the single-family dwelling; (v) the property owner and all successors in interest shall maintain the junior accessory dwelling unit and the property in accordance with all applicable junior accessory dwelling unit requirements and standards, including the restrictions on the size and attributes of the junior accessory dwelling unit provided in Government Code Section 65852.22; and (vi) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0019-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0019-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0019-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of residential development projects that reduce the total number of residential dwelling units in the City. The City is also assessing the ways in which recently adopted State Housing Laws will affect the review and approval of proposed residential development projects. As the Legislature noted in its findings for Senate Bill No. 330, "California is experiencing a housing supply crisis, with housing demand far outstripping supply." The Legislature also found that this housing crisis has resulted in – among other things – increased poverty and homelessness, longer commute times, higher exposure to fire hazard, and increasing greenhouse gas emissions. Residential development projects that reduce the number of dwelling units in the City will exacerbate the housing crisis and its various consequences. Unless the City adopts this interim urgency ordinance, the City may be compelled to approve a residential development project that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate restrictions on the approval of residential development projects in the City and in particular areas. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if new residential development projects reduce the number of dwelling units in the City, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for such projects which is required in order to comply with the City's Zoning Ordinance would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to

establish permanent regulations for residential development projects that require the demolition of dwelling units. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that extension of this Ordinance is necessary to prevent the approval of residential development projects with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0002-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0002-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

ATTACHMENT B

URGENCY ORDINANCE NO. 20-0003-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING INTERIM ORDINANCE NO. 19-0020-U AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO REGULATE RESIDENTIAL DEVELOPMENT PROJECTS THAT REQUIRE THE DEMOLITION OF DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0020-U, adopted on December 17, 2019, amends Manhattan Beach Local Coastal Program Section A.12.020 to regulate residential development projects that require the demolition, remodel or alteration of legal residential dwelling units. Ordinance No. 19-0020-U is hereby extended in full force and effect, as modified herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Local Coastal Program Section A.12.020(P) is amended to read as follows:

“(P). The City shall not approve a residential development project that will require the demolition of legal residential dwelling units unless the project is consistent with Government Code Section 66300(d), as the same may be amended from time to time. For purposes of this subsection, a residential development project shall include remodels/alterations, as well as the construction of a single-family dwelling.

A junior accessory dwelling unit, as defined in Section A.74.020 of this Local Coastal Program, may be constructed to comply with this subsection, and the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant, unless the owner is a government agency, land trust, or housing organization; (ii) the junior accessory dwelling unit is to be rented only for terms of 30 days or longer; (iii) the junior accessory dwelling unit is to be rented only for an “affordable rent” as defined in Health and Safety Code Section 50053; (iv) the junior accessory dwelling unit is not to be sold or conveyed separately from the single-family dwelling; (v) the property owner and all successors in interest shall maintain the junior accessory dwelling unit and the property in accordance with all applicable junior accessory dwelling unit requirements and standards, including the restrictions on the size and attributes of the junior accessory dwelling unit provided in Government Code Section 65852.22; and (vi) that any violation will be subject to penalties as provided in Local Coastal Program Chapter 1.04. Proof of recordation of the covenant shall be

provided to the City at a time deemed appropriate by the Director of Community Development.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0020-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0020-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0020-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of residential development projects that reduce the total number of residential dwelling units in the City. The City is also assessing the ways in which recently adopted State Housing Laws will affect the review and approval of proposed residential development projects. As the Legislature noted in its findings for Senate Bill No. 330, “California is experiencing a housing supply crisis, with housing demand far outstripping supply.” The Legislature also found that this housing crisis has resulted in – among other things – increased poverty and homelessness, longer commute times, higher exposure to fire hazard, and increasing greenhouse gas emissions. Residential development projects that reduce the number of dwelling units in the City will exacerbate the housing crisis and its various consequences. Unless the City adopts this interim urgency ordinance, the City may be compelled to approve a residential development project that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate restrictions on the approval of residential development projects in the City and in particular areas. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if new residential development projects reduce the number of dwelling units in the City, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for such projects which is required in order to comply with the City’s Local Coastal Program would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to establish permanent regulations for residential development projects that require the demolition of dwelling units. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that extension of this Ordinance is necessary to prevent the approval of residential development projects with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.


SECTION 7. Internal Consistency. Any provisions of the Local Coastal Program, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Local Coastal Program for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0003-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0003-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

ATTACHMENT C

URGENCY ORDINANCE NO. 20-0004-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING AND AMENDING INTERIM ORDINANCE NO. 19-0021-U AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0021-U, adopted on December 17, 2019, amends Manhattan Beach Municipal Code Chapter 10.74 to allow accessory dwelling units and junior accessory dwelling units consistent with state law. Ordinance No. 19-0021-U is hereby extended in full force and effect, as amended herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Municipal Code Chapter 10.74 is hereby amended to read as follows:

“Chapter 10.74 - Accessory Dwelling Units

- Section 10.74.010 – Purpose and Applicability
- Section 10.74.020 – Definitions
- Section 10.74.030 – General Requirements and Application Procedure
- Section 10.74.040 – ADU Standards
- Section 10.74.050 – JADU Standards
- Section 10.74.060 – Fees and Utility Connections
- Section 10.74.070 – Appeals

Section 10.74.010 - Purpose and Applicability.

The purpose of this Chapter is to implement the requirements of Government Code Sections 65852.2 and 65852.22 to allow Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with state law.

Section 10.74.020 - Definitions.

“Accessory Dwelling Unit” or “ADU” has the meaning ascribed in Government Code Section 65852.2, as the same may be amended from time to time. Notwithstanding the foregoing, the term “ADU” does not include a Guest House (or Accessory Living Quarters), as defined in Municipal Code Section 10.04.030.

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of the Primary Dwelling, or the remodeling of the Primary Dwelling, and shares a common wall with the Primary Dwelling.

“Detached ADU” means an ADU that is constructed as a separate structure from the Primary Dwelling, which does not share any walls with the Primary Dwelling.

“Existing Structure” means an existing single-family dwelling, multi-family dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and any other applicable laws.

“Junior Accessory Dwelling Unit” or “JADU” has the meaning ascribed in Government Code Section 65852.22, as the same may be amended from time to time.

“Primary Dwelling”, for purposes of this chapter, means the existing or proposed single-family dwelling on the lot where an ADU would be located.

“Public Transit”, for purposes of this chapter, has the meaning ascribed in Government Code Section 65852.2(j), as the same may be amended from time to time.

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU that satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, and the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.

1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU or JADU complies with the requirements contained in this chapter and any other applicable law.
 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 3. Where an ADU permit application is submitted with an application for a single-family dwelling or multi-family dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU or JADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.

Section 10.74.040 - ADU Standards.

Excepting those ADUs approved pursuant to Subsection 10.74.030(C), ADUs shall comply with the following standards:

- A. Location Restrictions: One ADU shall be allowed on a lot with a proposed or existing single-family dwelling that is zoned RS, RM, RH, or RPD within Area District I and Area District II. For fire safety purposes, no ADUs shall be permitted in Area District III or Area District IV.
- B. Development Standards:
 1. Size, General: An ADU is limited to a maximum of two bedrooms. Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. Two bedroom ADUs shall not exceed 1,000 square feet of gross floor area.

2. Additional Size Limitations for Attached ADUs: If there is an existing or proposed Primary Dwelling, an Attached ADU shall not exceed fifty percent of the gross floor area for the Primary Dwelling.
 3. Height for Detached ADUs: A Detached ADU shall not exceed 16 feet in height; or, when located above a garage, shall not exceed 25 feet in height subject to applicable standards provided in this Title.
 4. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.
 5. Standards: An ADU shall conform to all open space, buildable floor area, minimum lot size, and front and corner side yard setback regulations applicable to the zoning district in which the property is located, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, the regulation(s) at issue shall be waived to permit such an ADU.
 6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. Design and Features:
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.

3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that face less than 15 feet away from a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
 6. A permanent foundation shall be required for all ADUs.
 7. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- F. Parking Requirements (ADU):
1. In addition to the off-street parking space(s) required for the Primary Dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the existing Primary Dwelling or all or part of an existing accessory structure or building;

- d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
2. Required setbacks, yards and open space shall not be used for parking except that:
 - a. Parking may be located within an enclosed accessory building as permitted by Municipal Code Section 10.52.050; and
 - b. Parking may be located outside of the front yard setback on existing driveways existing prior to January 1, 2019, that are conforming in width and clearance.
 3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Municipal Code Chapter 10.64.
 4. When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

Section 10.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

- A. A JADU shall be a maximum of 500 square feet of buildable floor area. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
- B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
- C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.

- E. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
- F. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- G. No additional parking is required for a JADU.

Section 10.74.060 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.
- B. With the submittal of the ADU Permit or prior to receiving a building permit if no ADU Permit is required, the owner of an ADU or JADU must submit letters of service availability for water and sewer disposal to the Building Official.

Section 10.74.070 - Appeals.

The applicant may appeal City decisions pursuant to Municipal Code Chapter 10.100.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0021-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective

immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0021-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0021-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs and JADUs to be built on lots in various areas of Manhattan Beach. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), and Assembly Bill 881 ("AB 881") amend Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on ADUs and JADUs. In the absence of a State-compliant ordinance on January 1, 2020, the City's existing ADU regulations may be considered null and void pursuant to Government Code Section 65852.2(a)(4), and the City would then be required to approve any ADU that meets minimal State criteria. Areas of Manhattan Beach vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations. Unless the City adopts this interim urgency ordinance, the City would be required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the City and in particular areas. The City is also studying the safety risks, including the risk of fire, posed by an increase in the construction of ADUs and JADUs on lots in various areas of Manhattan Beach.

Staff continues to study, revise, and draft proposed permanent regulations, which both the Planning Commission and City Council must then consider after receiving input from residents at public hearings. The new ADU and JADU regulations will also require an amendment to the City's Local Coastal Plan. The City Council finds that property owners are likely to submit applications for ADUs and JADUs before new regulations become effective. These applications would cause confusion and ambiguity regarding the applicability of provisions in the City's current ADU regulations, at least some of which are compliant with the new legislation, and the State standards, with potentially inconsistent and unfair results for City residents. The establishment of these ADUs has the potential to conflict with the City's permanent ADU and JADU regulations, which will be adopted in compliance with Government Code Sections 65852.2 and 65852.22 after further study of the appropriate standards and locations for ADUs and JADUs in Manhattan Beach. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if the City is required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations

and standards for ADUs and JADUs in the City and in particular areas, and that the approval of ADUs and JADUs under existing standards would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to establish permanent regulations for ADUs and JADUs. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that this Ordinance is necessary to prevent the establishment of ADUs and JADUs with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of

any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.


ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0004-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0004-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

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ATTACHMENT D

URGENCY ORDINANCE NO. 20-0005-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING AND AMENDING INTERIM ORDINANCE NO. 19-0022-U AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0022-U, adopted on December 17, 2019, amends Manhattan Beach Local Coastal Program Chapter A.74 to allow accessory dwelling units and junior accessory dwelling units consistent with state law. Ordinance No. 19-0022-U is hereby extended in full force and effect, as amended herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Local Coastal Program Chapter A.74 is hereby amended to read as follows:

"Chapter A.74 - Accessory Dwelling Units

Section A.74.010 – Purpose and Applicability
Section A.74.020 – Definitions
Section A.74.030 – General Requirements and Application Procedure
Section A.74.040 – JADU Standards
Section A.74.050 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

The purpose of this Chapter is to implement the requirements of Government Code Sections 65852.2 and 65852.22 to allow Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with state law.

Section A.74.020 - Definitions.

"Accessory Dwelling Unit" or "ADU" has the meaning ascribed in Government Code Section 65852.2, as the same may be amended from time to time. Notwithstanding the foregoing, the term "ADU" does not include a Guest House (or Accessory Living Quarters), as defined in Local Coastal Program Section A.04.030.

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of the Primary Dwelling, or the remodeling of the Primary Dwelling, and shares a common wall with the Primary Dwelling.

“Detached ADU” means an ADU that is constructed as a separate structure from the Primary Dwelling, which does not share any walls with the Primary Dwelling.

“Existing Structure” means an existing single-family dwelling, multi-family dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and any other applicable laws.

“Junior Accessory Dwelling Unit” or “JADU” has the meaning ascribed in Government Code Section 65852.22, as the same may be amended from time to time.

“Primary Dwelling”, for purposes of this chapter, means the existing or proposed single-family dwelling on the lot where an ADU would be located.

“Public Transit”, for purposes of this chapter, has the meaning ascribed in Government Code Section 65852.2(j), as the same may be amended from time to time.

Section A.74.030 - ADUs and JADUs Permitted.

- A. An ADU or JADU is permitted in the Coastal Zone, provided it satisfies the requirements of:
 - 1. Government Code Section 65852.2(e)(1), as the same may be amended from time to time;
 - 2. California Building Standards Code, as amended by the City;
 - 3. City building permit requirements; and
 - 4. Any other applicable laws.
- B. An applicant may apply for a Minor Exception, pursuant to Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.

Section A.74.040 - JADU Standards.

JADUs shall comply with the following requirements:

- A. A JADU shall be a maximum of 500 square feet of buildable floor area. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.

- B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
- C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.
- E. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
- F. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Local Coastal Program Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- G. No additional parking is required for a JADU.

Section A.74.050 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.
- B. Prior to receiving a building permit, the owner of an ADU or JADU must submit letters of service availability for water and sewer disposal to the Building Official.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report

describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0022-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0022-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0022-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs and JADUs to be built on lots in various areas of Manhattan Beach. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), and Assembly Bill 881 ("AB 881") amend Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on ADUs and JADUs. In the absence of a State-compliant ordinance on January 1, 2020, the City's existing ADU regulations may be considered null and void pursuant to Government Code Section 65852.2(a)(4), and the City would then be required to approve any ADU that meets minimal State criteria. Areas of Manhattan Beach vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations. Unless the City adopts this interim urgency ordinance, the City would be required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the City and in particular areas. The City is also studying the safety risks, including the risk of fire, posed by an increase in the construction of ADUs and JADUs on lots in various areas of Manhattan Beach.

Staff continues to study, revise, and draft proposed permanent regulations, which both the Planning Commission and City Council must then consider after receiving input from residents at public hearings. The new ADU and JADU regulations will also require an amendment to the City's Local Coastal Plan. The City Council finds that property owners are likely to submit applications for ADUs and JADUs before new regulations become effective. These applications would cause confusion and ambiguity regarding the applicability of provisions in the City's current ADU regulations, at least some of which are compliant with the new legislation, and the State standards, with potentially inconsistent and unfair results for City residents. The establishment of these ADUs has the potential to conflict with the City's permanent ADU and JADU regulations, which will be adopted in compliance with Government Code Sections 65852.2 and 65852.22 after further study of the appropriate standards and locations for ADUs and JADUs in

Manhattan Beach. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if the City is required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the Coastal Zone and other areas of the City, and that the approval of ADUs and JADUs under existing standards would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to establish permanent regulations for ADUs and JADUs. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that this Ordinance is necessary to prevent the establishment of ADUs and JADUs with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. Internal Consistency. Any provisions of the Local Coastal Program, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Local Coastal Program for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by

a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.


ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0005-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0005-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

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Excerpt of Government Code section 65852.2(e)(1),

. . . 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 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.

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City of Manhattan Beach

Legislation Text

File #: 20-0043, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Eric Haaland, Associate Planner

SUBJECT:

Public Hearing to Consider Extending Urgency Ordinance No. 19-0019-U and Urgency Ordinance No. 19-0020-U Requiring an Equal Number of Replacement Units for Residential Dwelling Units that are Demolished (Community Development Director Tai).

- a) **CONDUCT PUBLIC HEARING**
- b) **ADOPT URGENCY ORDINANCE NOS. 20-0002-U AND 20-0003-U EXTENDING THE INTERIM ZONING ORDINANCES FOR 10 MONTHS AND 15 DAYS**

RECOMMENDATION:

Staff recommends that the City Council adopt Urgency Ordinance Nos. 20-0002-U and 20-0003-U extending Interim Ordinance Nos. 19-0019-U and 19-0020-U to require an equal number of replacement units for residential dwelling units that are demolished.

FISCAL IMPLICATIONS:

There is no direct fiscal impact associated with the adoption of the attached Ordinance Nos. 20-0002-U and 20-0003-U. However, development of the permanent Zoning Code Amendments and companion Local Coastal Program for demolition requirements, will require additional staff time and resources.

BACKGROUND:

Recent State law added California Government Code Section 66300 requiring that an equal number of replacement units be provided for residential dwelling units that are demolished. Effective January 1, 2020, Senate Bill (SB) 330-requires that “[a]n affected city . . . shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.”

On December 17, 2019, the City Council adopted Interim Ordinance Nos. 19-0019-U and 19-0020-U to amend Municipal Code and Local Coastal Program regulations to require that housing be replaced on a one-to-one basis. Each Ordinance is effective for 45 days and will expire on January 31, 2020, unless extended.

DISCUSSION: Interim Regulations

The draft Ordinance would extend Interim Ordinance Nos. 19-0019-U and 19-0020-U, which implements the new State requirements. The new statute requires that housing must be replaced on a one-to-one basis. In other words, if a triplex is proposed to be demolished, the builder must construct 3 units.

“Housing development project” is not defined in Section 66300, and the definition of this term provided in a separate section of the Government Code is ambiguous. The proposed ordinance would clarify that the replacement requirement applies to a proposal for a single-family home, as well as all other types of housing. To avoid any possible ambiguity as to whether a single family house is considered a “housing development project,” staff has drafted an ordinance consistent with the intent of the statute. The ordinance will allow property owners who wish to demolish a duplex and build a single family house to build a single family house, provided a second unit (which may or may not be an ADU) is built.

It is common for new residential development projects in Manhattan Beach to permanently eliminate existing dwelling units. Duplexes and triplexes are often replaced by single-family homes, and neighboring properties are sometimes merged for a single dwelling’s use, by preference of the developer. The proposed Municipal Code and LCP ordinances would implement the State intent to preserve the number of existing housing units. The regulations would prohibit approval of projects that would reduce the number of legal dwelling units Citywide. Clarification is provided that a Junior Accessory Dwelling Unit (JADU) can be used to replace a demolished dwelling unit in Area Districts III and IV (beach area) if it qualifies as an “affordable” housing unit. With certain exceptions, ADUs are not otherwise permitted in Area Districts III and IV. A separate report detailing the new ADU and JADU regulations is included in this agenda.

The proposed regulation language would require projects to replace existing units on-site, and would allow the alteration and remodeling of existing legal nonconforming residential units to conform to the new regulations.

Ongoing Studies and Council Questions

Staff will study the City’s interim development activity with respect to demolishing dwelling units, and State responses to the new regulations, in the coming year. It is expected that Accessory Dwelling Units (ADU) will be commonly used as replacement units for existing multi-family development, and adjustments are likely to be made to the interim ADU regulations that are the subject of a separate item on this agenda. Issues expected to be clarified include:

- Replacement of dwelling units that are nonconforming uses.
- Replacement of dwelling units that are nonconforming to design standards.

- Quantities of ADUs that can be used as replacement units.

INTERIM URGENCY ORDINANCE:

The proposed Interim Ordinances would extend Interim Ordinance Nos. 19-0019-U and 19-0020-U through December 17, 2020, unless the City Council repeals or extends it at a future hearing. Staff will return with a regular ordinance at a future City Council hearing, after Planning Commission review and recommendation through the public hearing process.

The City Council must make the following finding to adopt the Interim Urgency Ordinance and it must pass by a four-fifths vote:

There is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

PUBLIC OUTREACH/INTEREST:

A legal notice was published in the Beach Reporter on January 9, 2020. Future Planning Commission and City Council public hearings for the Zoning Code Amendments will also be noticed.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it is an ordinance regarding replacement of demolished units to implement the provisions of Government Code Section 66300.

LEGAL REVIEW:

The City Attorney has reviewed this report and approved as to form, as well as the interim ordinances.

Attachments:

1. Urgency Ordinance No. 20-0002-U Extending Urgency Ordinance No. 19-0019-U
2. Urgency Ordinance No. 20-0003-U Extending Urgency Ordinance No. 19-0020-U
3. Ordinance No. 19-0019-U (December 17, 2019)
4. Ordinance No. 19-0020-U (December 17, 2019)

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City of Manhattan Beach

Legislation Text

File #: 20-0044, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director

Angelica Ochoa, Associate Planner

Eric Haaland, Associate Planner

SUBJECT:

Public Hearing to Consider Extending Urgency Ordinance No. 19-0021-U and Urgency Ordinance No. 19-0022-U for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (Community Development Director Tai).

a) **CONDUCT PUBLIC HEARING**

b) **ADOPT URGENCY ORDINANCE NOS. 20-0004-U AND 20-0005-U EXTENDING THE INTERIM ZONING ORDINANCES FOR 10 MONTHS AND 15 DAYS**

RECOMMENDATION:

Staff recommends that the City Council adopt Urgency Ordinance Nos. 20-0004-U and 20-0005-U extending Interim Ordinance Nos. 19-0021-U and 19-0022-U to amend regulations to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

FISCAL IMPLICATIONS:

There is no direct fiscal impact associated with the adoption of the attached Ordinance Nos. 20-0004-U and 20-0005-U. However, development of the permanent Zoning Code Amendments for ADUs and JADUs, and then processing future applications for ADUs and JADUs, will require additional staff time and resources.

BACKGROUND:

Recent State law amended California Government Code Section 65852.2 and further limits local jurisdiction's ability to regulate or limit accessory dwelling units ("ADUs"). Effective January 1, 2020, the bills- Assembly Bill (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 -require cities to adopt an ordinance that complies with the new restrictions and includes specific standards. Cities without such an ordinance must approve any ADU that meets minimal State criteria. Below is a summary of the central provisions in the proposed Ordinances, which implement the new State law.

On December 17, 2019, the City Council adopted Interim Ordinance Nos. 19-0021-U and 19-0022-U to amend regulations in the City's Zoning Code and the Local Coastal Program for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), as described below. Each

Ordinance is effective for 45 days and will expire on January 31, 2020, unless extended.

DISCUSSION:
Interim Regulations

The draft Ordinance would extend Interim Ordinance Nos. 19-0021-U and 19-0022-U amending regulations to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), which revise the areas where ADUs may be permitted, revise local development standards, and implements the new State requirements regarding square footage, setbacks, height, and parking. These regulations do not impact the City's regulations over Guest Houses (or Accessory Living Quarters) under Municipal Code Section 10.52.050.

An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary dwelling. A JADU is a similar dwelling but must be attached to a primary dwelling and not exceed 500 square feet in area.

Under the interim standards, ADUs are generally prohibited in Area Districts III and IV (beach area) for fire and traffic safety reasons. However, in coordination with other State Housing Bills, specifically the housing replacement bill, which is the impetus of a separate item on this agenda, provision of an ADU would be permitted as replacement housing for an existing legal unit being demolished. They are permitted on residential lots in Area Districts I and II, subject to the specified standards and requirements summarized below.

The following ADU regulations that were in effect from 2016 to 2018 were affected by with the new State requirements:

- Minimum lot area requirement
- Location restriction, allowed in Area Districts I and II only with SFR
- Maximum square footage of 700 square feet
- Minimum setbacks of 3 to 5 feet depending on location of ADU
- Maximum height of 15 feet for one story ADU's and 22 feet for two story ADU's
- Parking requirement for replacement ADU's
- Owner occupant requirement

To comply with the new law, the Interim Zoning Ordinance includes the following standards:

- **Square footage** -
Detached ADUs
Maximum square footage is 850 square feet for studio and one-bedroom units. Two bedroom ADUs shall not exceed 1,000 square feet of gross floor area.
Attached ADUs
The ADU shall not exceed fifty percent (50%) of the gross floor area for the primary dwelling, but in no case shall the ADU be less than 220 square feet, nor more than 1,000 square feet in floor area.
- **Setbacks** - ADUs must be 4 feet from rear and side lot lines. If ADU is converted from existing legal space, no additional setbacks are required.

- **Height** - Detached ADUs shall not exceed 16 feet in height; or, when located above a garage, shall not exceed 25 feet in height subject to certain limitations.
- **Parking** - One off-street parking space is required for a detached ADU, unless certain exceptions are met (most, if not all, will meet exceptions), in addition to the required parking for the primary residence. No replacement parking for an existing residence would be required when an ADU is converted from a garage, carport or covered parking structure, displaces that parking, as long as the ADU remains.
- **JADU's** - A JADU would be permitted on a site in addition to a regular ADU, under certain circumstances, with only a building permit. JADUs must be located entirely within the walls of an existing or proposed single family primary dwelling unit, be a minimum of 220 square feet in area and maximum of 500 square feet of area, have a separate entry and no required parking.

Ongoing Studies

Staff will study the City's interim development activity of ADUs, and State responses to the new regulations, in the coming year, and expects adjustments to be made to the interim regulations in the permanent ordinances to be adopted in late 2020.

To provide the City Council with context on ADU development activity within the City, staff researched the number of single family residences with new and remodeled guest houses and accessory structures in the City for the three years preceding the allowance of ADUs. Accessory structures counted included detached rumpus rooms, shops, pool houses, or cabanas, which could be converted to ADUs. For 2018, there were 6 new guest houses and 1 accessory structure, and for 2019, there were 3 new guest houses and 12 accessory structures. According to the current (2014) Housing Element, there are 11,482 single family residential units and a total of 14,929 dwelling units (single and multi-family) in the entire City. Based on this and GIS data information, staff estimates that there are about 8,000 single family residential units in Area Districts I and II in the RS, RM, RH and RPD zones, where most ADU development is expected.

INTERIM URGENCY ORDINANCES:

The proposed Interim Ordinances would extend Interim Ordinance Nos. 19-0021-U and 19-0022-U through December 17, 2020, unless the City Council repeals or extends it at a future hearing. In addition, the operative language in the ordinances has been modified slightly to mirror language in the state statute. Staff will return with a regular ordinance at a future City Council hearing, after Planning Commission review and recommendation through the public hearing process.

The City Council must make the following finding to adopt the Interim Urgency Ordinance and it must pass by a four-fifths vote:

There is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

PUBLIC OUTREACH/INTEREST:

A legal notice was published in the Beach Reporter on January 9, 2020. Future Planning Commission

and City Council public hearings for the permanent Zoning Code Amendments will also be noticed.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is an ordinance regarding accessory dwelling units to implement the provisions of Government Code Section 65852.2.

LEGAL REVIEW:

The City Attorney has reviewed this report and approved as to form, as well as the interim ordinances.

Attachments:

1. Urgency Ordinance No. 20-0004-U Extending Urgency Ordinance No. 19-0021-U
2. Urgency Ordinance No. 20-0005-U Extending Urgency Ordinance No. 19-0022-U
3. Urgency Ordinance No. 19-0021-U (December 17, 2019)
4. Urgency Ordinance No. 19-0022-U (December 17, 2019)

Minimum Dwelling Replacement Options - Inland

Existing Permitted Development (includes ADUs) To Be Demolished	Replacement Options																				Comments
	SFR	SFR + Detached ADU	SFR + Attached ADU	SFR + JADU	SFR + Detached ADU + JADU	SFR + Attached ADU + JADU	SFRS + Multiple ADUs	SFR + ADU + Multiple JADUs	Two Primary Units	Two Primary Units + ADU	Two Primary Units + JADU	Two Primary Units + ADU + JADU	Two Primary Units + Multiple ADUs	Two Primary Units + ADU + Multiple JADUs	Three Primary Units	Three or More Primary Units + JADU	Four or More Primary Units	Four Or More Primary Units + ADU			
1 Existing Unit	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2 Existing Units	No	Yes	Yes	Yes	-	-	No	No	No	Yes	-	-	-	-	-	-	-	-	-	-	
3 Existing Units	No	No	No	No	Yes	Yes	No	No	No	No	No	Yes	-	-	-	Yes	-	-	-	-	ADUs cannot be replacement units. Only JADUs can be replacement units.
4 or More Existing Units	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	ADUs cannot be replacement units. Only JADUs can be replacement units.

***Things to Remember:**

- 1) "Primary Units" Includes apartments and condos
- 2) An ADU can only be a replacement unit in conjunction with an SFR. ADUs cannot be replacement units in conjunction with multiple primary units. A single affordable JADU can be a replacement unit in conjunction with multiple primary units.
- 3) Replacement min pre-empts density max found in MBMC 10.12.030
- 4) All JADUs built as a replacement unit must be "affordable"

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Minimum Dwelling Replacement Options - Beach Area

Existing Permitted Development (includes ADUs) To Be Demolished	Replacement Options																			Comments	
	SFR	SFR + Detached ADU	SFR + Attached ADU	SFR + Affordable ADU	SFR + Detached JADU	SFR + Attached ADU + JADU	SFRS + Multiple ADUs	SFR + ADU + Multiple JADUs	Two Primary Units	Two Primary Units	Two Primary Units + ADU	Two Primary Units + Affordable JADU	Two Primary Units + ADU + JADU	Two Primary Units + Multiple ADUs	Two Primary Units + ADU + Multiple JADUs	Three Primary Units	Three or More Primary Units + Affordable JADU	Four or More Primary Units	Four or More Primary Units + ADU		
1 Existing Unit	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2 Existing Units	No	Yes	No	Yes	-	-	-	-	-	Yes	-	-	-	-	-	-	-	-	-	-	Replacement pre-empts density max. in MBMC 10.12.030
3 Existing Units	No	No	No	No	Yes	No	No	No	No	No	No	Yes	-	-	-	Yes	-	-	-	-	Replacement pre-empts corner walk-street condo max
4 or More Units	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	-	Yes	Yes	No	-	Replacement pre-empts density max in MBMC 10.12.030

*Things to Remember:

- 1) "Primary Units" includes apartments and condos
- 2) An ADU can only be a replacement unit in conjunction with an SFR. ADUs cannot be replacement units in conjunction with multiple primary units. A single affordable JADU can be a replacement unit in conjunction with multiple primary units.
- 3) Replacement min pre-empts density max found in MBMC 10.12.030
- 4) All JADUs built as a replacement unit must be "affordable"

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Addition of ADU/JADU Options - Inland

Primary Units	SFR + Detached ADU	SFR + Attached ADU	SFR + JADU	SFR + JADU + Detached ADU	SFR + Multiple ADUs	SFR + Multiple JADUs	Two Primary Units + ADU	Two Primary Units + JADU	Two Primary Units + ADU + JADU	Two Primary Units + Multiple ADUs	Two Primary Units + Multiple JADUs	Two or More Pre-Existing Primary Units + Converted Common Area to ADU or JADU	Two or More Pre-Existing Primary Units + One or Two Detached ADUs
SFR	Yes	Yes	Yes	Yes	No	No	-	-	-	-	-	-	-
Two or More Primary Units	-	-	-	-	-	-	No	No	No	No	No	Yes	Yes

*Things to Remember:

- 1) Primary Unit includes apartments and condos
- 2) JADUs are always attached to the primary unit

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Addition of ADU/JADU Options - Beach Area

Primary Units	SFR + Detached ADU	SFR + Attached ADU	SFR + JADU	SFR + JADU + Detached ADU	SFR + Multiple ADUs	SFR + Multiple JADUs	Two Primary Units + ADU	Two Primary Units + JADU	Two Primary Units + ADU + JADU	Two Primary Units + Multiple ADUs	Two Primary Units + Multiple JADUs	Two or More Pre-Existing Primary Units + Converted Common Area to ADU or JADU	Two or More Pre-Existing Primary Units + One or Two Detached ADUs
SFR	Yes	No	No	No	No	No	-	-	-	-	-	-	-
Two or More Primary Units	-	-	-	-	-	-	No	No	No	No	No	Yes	Yes

*Things to Remember:

- 1) Primary Unit includes apartments and condos
- 2) JADUs are always attached to the primary unit

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Accessory Dwelling Units (ADU) & Junior Accessory Dwelling Units (JADU)

MBMC Chapter 10.74 – Ordinance No. 20-0004-U & 20-0005-U
(Expires 12/15/2020)

An **ADU** is a residential unit, either attached or detached from a Primary Dwelling Unit, which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot that a Primary Dwelling Unit is situated.

A **JADU** is a unit that is no more than 500 square feet in size and contained **entirely within an existing single-family structure**. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Requirements	ADU (Gov't Code Section 65852.2)	JADU (Gov't Code Section 65852.22)
Location	RS, RM, RH, or RPD within Area District I and II (see map).	
# of ADU/JADU per Lot	One*	One*
	*Both an ADU & JADU are permitted on the same lot, but no more than one each.	*Both an ADU & JADU are permitted on the same lot, but no more than one each.
Maximum Size	Studio/One Bedroom: <p style="text-align: center;">≤ 850 sq. feet</p> Two Bedroom: <p style="text-align: center;">≤ 1,000 sq. feet</p> Additionally, attached ADUs must be ≤ 50% of floor area for Primary Dwelling.	≤ 500 sq. feet The area of a shared sanitation facility shall not be included in the maximum area of a JADU.
Height	Detached*: 1 Story: <p style="text-align: center;">≤ 16 feet</p> If located <u>above a garage</u> : <p style="text-align: center;">≤ 25 feet</p> *Measured from weighted average of local grades around the perimeter of the ADU Attached: <p style="text-align: center;">Same as Primary Dwelling, or</p> <p style="text-align: center;">≤ 16 feet if it is within Primary Dwelling's required side and rear yards</p>	Same as Primary Dwelling

This handout is a summary of the key points of the ADU development standards. Please see Chapter 10.74 for the complete regulations and discuss your proposed project with a Planner before you submit to building plan check.
A Change of Address application and permit fee are required.



Accessory Dwelling Units (ADU) & Junior Accessory Dwelling Units (JADU)

MBMC Chapter 10.74 – Ordinance No. 20-0004-U & 20-0005-U
(Expires 12/15/2020)

	ADU (Gov't Code Section 65852.2)	JADU (Gov't Code Section 65852.22)
Setbacks	<p>Detached:</p> <p style="padding-left: 40px;">≥ 4 feet from side and rear lot lines, and ≥ 10 feet from Primary Residence and other accessory buildings</p> <p>Attached:</p> <p style="padding-left: 40px;">≥ 4 feet from side and rear lot lines</p> <p>No required setback within an existing building or within a building constructed in the same location and dimensions as an existing building.</p>	Completely within the walls of Primary Dwelling.
Kitchen	Required	Efficiency Kitchen Required (Gov't Code Section 65852.22)
Entrance	Separate exterior entry from the main entrance to the single-family dwelling	Separate exterior entry from the main entrance to the single-family dwelling
Covenant	<p style="text-align: center;">Required;</p> <ul style="list-style-type: none"> • No owner-occupancy necessary • ADU is to be rented for ≥ 30 days • ADU cannot be sold separately from Primary Dwelling • ADU and property must be maintained to all ADU and Code standards • Violations subject to penalties 	<p style="text-align: center;">Required;</p> <ul style="list-style-type: none"> • Must be owner-occupant of either the Primary Dwelling or the JADU • JADU is to be rented for ≥ 30 days • JADU cannot be sold separately from Primary Dwelling • JADU and property must be maintained to all JADU and Code standards • Violations subject to penalties
Parking	<p style="text-align: center;">One off-street parking space for each ADU, except when</p> <ul style="list-style-type: none"> • Located one-half mile from Public Transit • Located within a historic district • Part of the existing Primary Dwelling • Located in off-street parking permits area but not offered to an ADU occupant • Located one block away from car share vehicle parking space 	No additional parking is required

Additional Design & Features for ADUs:

- If a lot has both a Guest Quarters 10.04.030 and an ADU, one, but not both, must be attached to Primary Dwelling.
- An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
- If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
- If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
- For any second-story Detached ADU, all exterior openings, including windows and doors, that face less than 15 feet away from a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
- A permanent foundation shall be required for all ADUs.
- Refuse containers shall comply with Municipal Code Section 5.24.030.

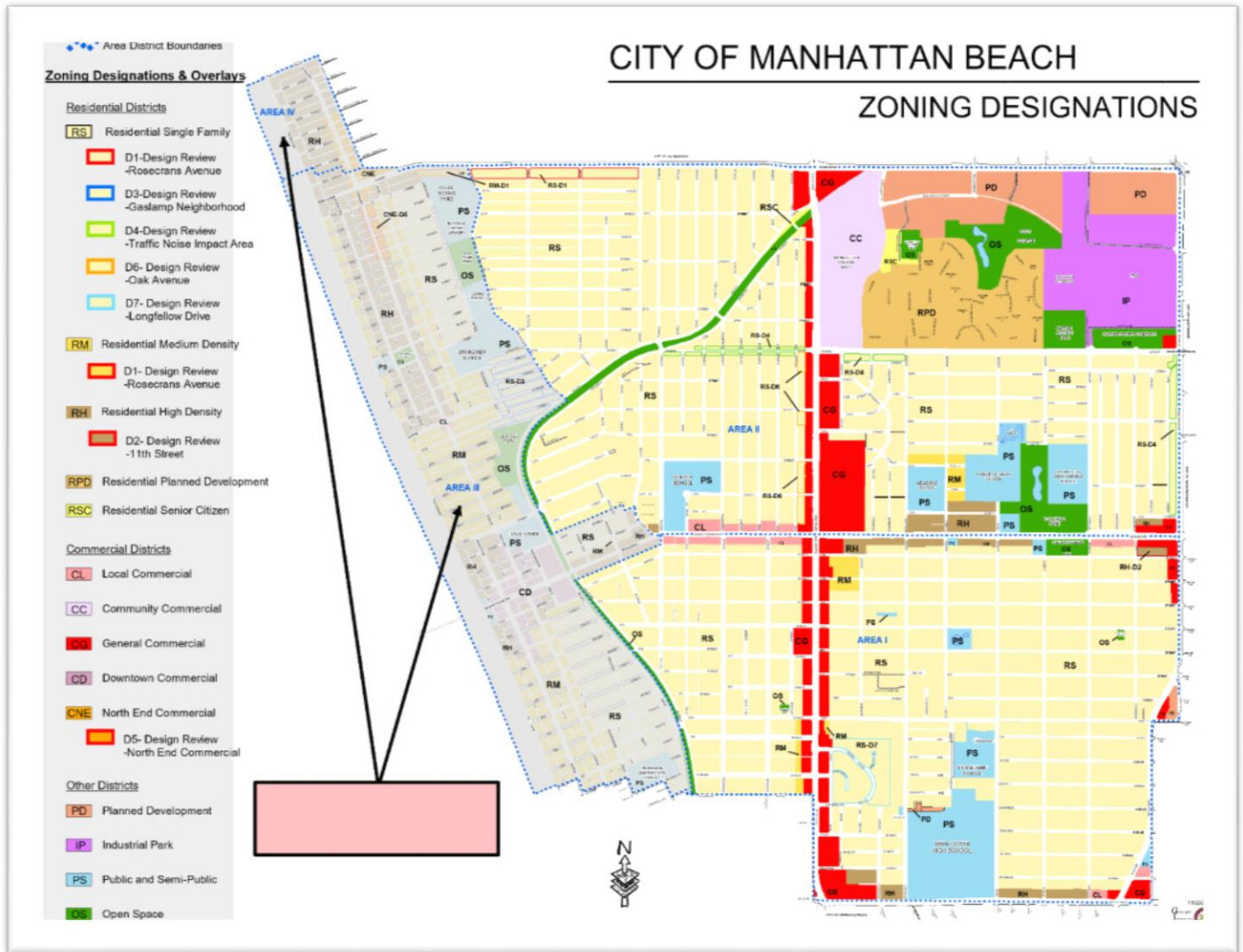
This handout is a summary of the key points of the ADU development standards. Please see Chapter 10.74 for the complete regulations and discuss your proposed project with a Planner before you submit to building plan check.

A Change of Address application and permit fee are required.



Accessory Dwelling Units (ADU) & Junior Accessory Dwelling Units (JADU)

MBMC Chapter 10.74 – Ordinance No. 20-0004-U & 20-0005-U
(Expires 12/15/2020)



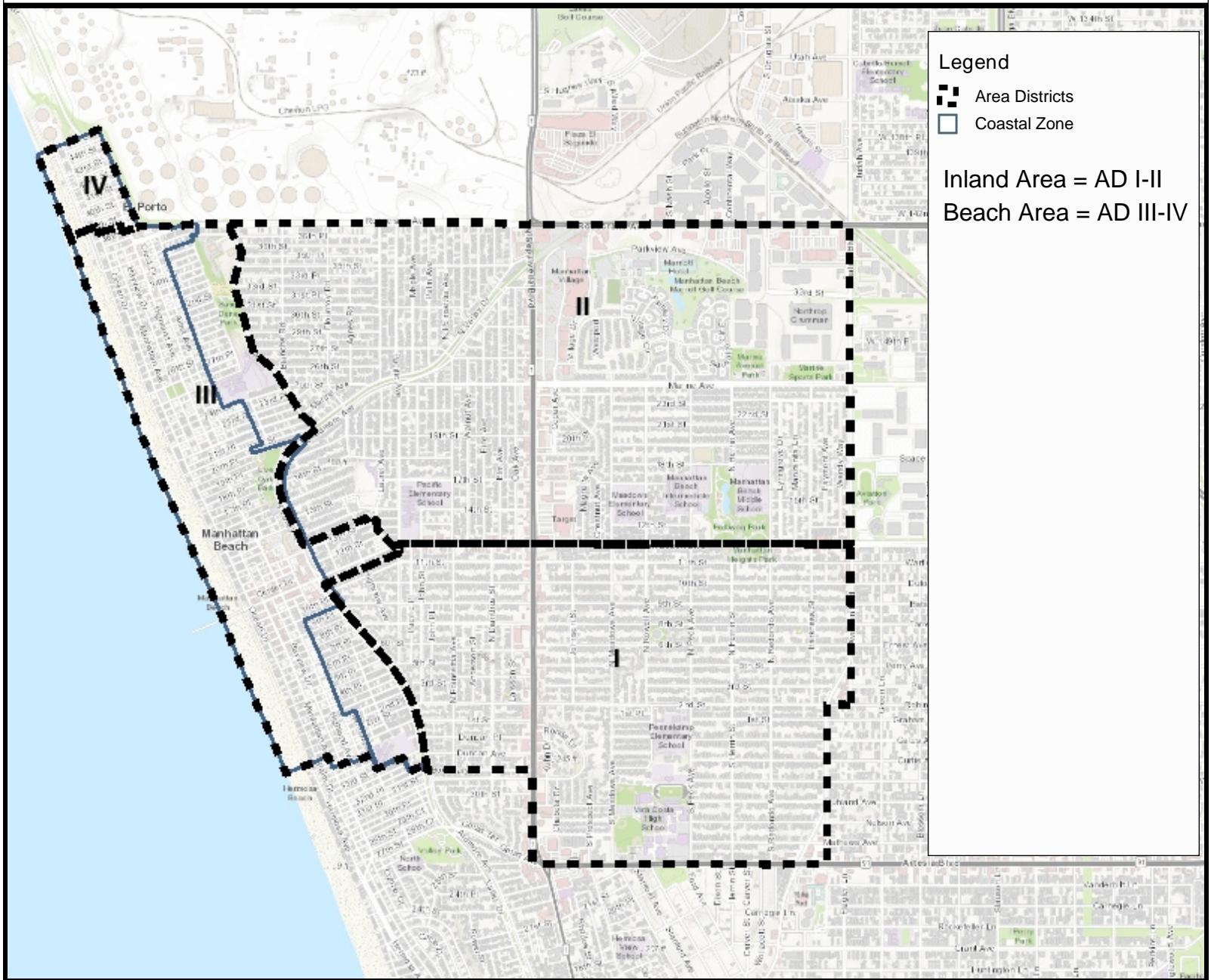
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A Change of Address application and permit fee are required.

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Manhattan Beach Area Districts (I-IV)

ATTACHMENT M



Legend

- Area Districts
- Coastal Zone

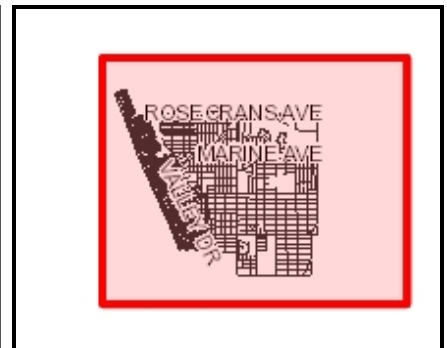
Inland Area = AD I-II
 Beach Area = AD III-IV

5,739.6 0 2,869.80 5,739.6 Feet



Scale: 1: 34,438

Notes



This map is a user generated static output from the "MB GIS Info" Intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.