

Attachment D
6th Cycle Housing Element
Programs 1, 17, 23, 25, 28

6 Program Implementation

Program 1: Accessory Dwelling Units

Accessory dwelling units (ADUs) help meet the City's housing needs for all income levels and provide a housing resource for older adults, students, and extremely low-, very low-, low- and moderate-income households. After passage of new State ADU laws effective January 1, 2017, and January 1, 2020, the City applied State standards in evaluating ministerial applications for ADUs and has adopted ordinances consistent with State law. The City will continue to apply regulations from Chapter 10 of the City's Municipal Code, known as the Planning and Zoning Ordinance (Zoning Code), that allow accessory units by right in all residential or mixed-use zoning districts (zones) in accordance with State law.

From 2017 to 2019, three ADUs were permitted and constructed in the City. However, an Interim ADU Ordinance was in place through 2020 to implement the updated State laws, and in January 2021, the City Council adopted the City's current ADU and junior accessory dwelling unit (JADU) ordinance. Relaxed regulations for ADUs and JADUs dramatically increased their production beginning in 2020. Between January 1, 2020, and September 2021, the City's ADU Ordinance resulted in 11 ADUs permitted.

The City's current ADU Ordinance's associated Local Coastal Program (LCP) amendments are currently under review by the California Coastal Commission. The City will continue to work with and encourage the California Coastal Commission to approve recommended edits for final certification. Once the LCP amendments are certified, the City shall submit its ADU Ordinance to the California Department of Housing and Community Development (HCD) for review. The City's current ADU Ordinance contains provisions that go beyond those set forth in State law, and include the following:

- Consistent with State law, the City permits one ADU and one JADU. Beyond those requirements under State law, the City offers more flexibility by permitting two ADUs on a lot with a proposed or existing single-family dwelling.³
- Consistent with State law, the City permits ADUs for existing multifamily dwelling units. Beyond those requirements under State law, the City permits one ADU on a lot with a newly constructed multifamily development.⁴

The Housing Element may satisfy its RHNA requirement through methods alternative to the identification of sites. One such methodology is through an analysis of the expected number of ADUs and JADUs to be developed within the RHNA projection period. The full analysis in **Appendix E, Sites Analysis and Inventory (Section 5.4)**, used the trends in ADU construction since January 2018 to estimate new production; however, this only accounts for the effect of new laws without taking into account the local program the City will adopt to incentivize and promote the creation of ADUs, and the recent ADU Ordinance that the City adopted in January 2021. As fully

³ ADUs on Lots with a Single-Family Residence. A maximum of two total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts; however, only one ADU shall be allowed on a property that also has a JADU. Only one detached ADU is allowed on a property (Manhattan Beach Municipal Code Section 10.74.040).

⁴ ADUs on Lots with New Multi-Family Developments. In all Area Districts, one ADU shall be allowed on a lot with a newly constructed multifamily development (Manhattan Beach Municipal Code Section 10.74.040).

explained in **Appendix E**, the City permitted 3 ADUs in 2020, 15 ADUs in 2021, 18 ADUs to date in 2022 (January 2022 -July 2022), and an additional four ADU permit applications received in July 2022 are currently under City review. Not accounting for the applications under review or the second half of 2022, an average of 12 ADUs were permitted per year over the last 3 years (2020-2022). Based on the local incentives, ADU and JADU trends since January 2018, recent sharp upward trends in 2021 following adoption of the local ordinance, and permits currently under City review, a conservative estimate of the number of units to be produced under this approach is an average of 10 ADUs each year during the projection period (see **Appendix E** for the full Accessory Dwelling Unit Projection analysis).

The Community Development Department reviews and approves ADU entitlements and tracks the timely review of ADU applications and building permits issued. The Community Development Department collects data annually on planning entitlements and building permits for ADUs for the Housing Element Annual Progress Report, and will continue to do so per the ADU projection assumptions in the Sites Inventory (see **Program 19, No Net Loss**, for objectives and timelines tied to ADU monitoring).

Under Assembly Bill (AB) 671 (2019), local agencies must include a plan in their Housing Element to incentive and promote the creation of ADUs that can be offered at affordable rent for very low-, low-, or moderate-income households. As such, a primary objective of this Accessory Dwelling Unit Program is to promote the development of housing units for lower-income persons or households. To comply with AB 671 and support the goal of permitting an average of 10 ADUs annually, including ADUs affordable to extremely low-, very low-, low-, and moderate-income households, the Community Development Department will develop tools to streamline the approval process and market ADU construction. These public engagement and information tools may include information packets on the entitlement process, a dedicated web page including a step-by-step guide on the entitlement process, preparation of Frequently Asked Questions (FAQs) for distribution at the planning counter or community meetings, and other engagement tools.

As part of **Program 19, No Net Loss**, the City will review the ADU trends to date at the planning cycle mid-point (by November 2025), and determine if the City is on track to achieve the annual average goal of 10 building permits issued for ADUs. If the City is not on track and there is not an appropriate buffer of sites to make up for the difference as fully explained in **Program 19**, the Community Development Department will further review and develop additional incentives and review and reallocate existing staffing resources as needed to achieve its goal. Additional incentives may include direct outreach mailings to property owners, technical assistance, and financial assistance.

Objectives	• Coordinate with the California Coastal Commission for the current ADU Ordinance’s associated LCP Amendments. Following final certification of LCP amendments, submit the ADU Ordinance to HCD for review.
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	• Amend the ADU Ordinance if needed to conform to future amendments to State law and submit to HCD. Process LCP Amendments as required. • Incentivize affordable ADUs: Develop public engagement and informational tools to streamline the approval process and market ADU/JADU construction, including ADUs affordable to lower- and moderate-income households, to achieve an annual average goal of 10 building permits issued for ADUs. These tools may include information packets on the entitlement process, a dedicated web page including a step-by-step guide of the entitlement process, preparation of Frequently Asked Questions (FAQs) for distribution at the planning counter or community meetings, and other engagement tools. • Based on the results of the planning cycle mid-point review of ADU trends, including affordability, to be completed as part of Program 19, No Net Loss, review and develop additional incentives to encourage ADU/JADU development if needed. Additional incentives may include outreach to property owners, technical assistance, and financial assistance. • Issue building permits for an average of 10 ADUs annually.
Timeframe	• Submit ADU Ordinance and future amendments to HCD for review within 60 days of final certification of associated ADU amendments to the LCP by the California Coastal Commission. • Annual monitoring of ADU programs. • Develop public engagement and informational tools for ADU/JADUs incentive program by January 2024. • Based on the planning cycle mid-point review to be completed by November 2025 as part of Program 19, No Net Loss, adopt additional incentives to encourage ADU/JADU development by June 2026. • Ongoing tracking of ADU permits issued throughout the planning period and reported annually.
Responsible Agency	Community Development Department
Funding Sources	City General Fund
Relevant Policies	1.2, 2.1, 2.2, 2.3, 4.1
Relevant Programs	Program 19: No Net Loss
Fair Housing Issue	Disproportionate Housing Needs
Contributing Factor(s)	The availability of affordable units in a range of sizes

Program/Action Type	New Housing Choices and Affordability in Areas of Opportunity • Incentivize ADUs affordable to lower- and moderate-income households throughout the community. • Increase ADU production by an average of five times compared to the yearly average¹ in the previous planning period and issue building permits for an average of 10 ADUs annually.
1. Average is based on 2017-2020 ADU permits issued as fully discussed in Appendix E, Section 5.4, Accessory Dwelling Unit Projections.	

Program 17: Manufactured Housing

As defined in the MBMC, a mobile home is considered a manufactured home, which includes factory-built housing on a permanent foundation. State law requires that the City's Zoning Code permit manufactured housing in the same manner and in the same zone(s) as conventional single-family dwellings in zones that permit single-family dwellings (Government Code Section 65852.3). Although the current Zoning Code includes manufactured homes as a multifamily residential classification, MBMC Section 10.52.100 dictates that manufactured housing is only permitted in residential zoning districts, and is not allowed as an additional unit on an already developed lot or as an ADU on an already developed lot. To comply with State law, the City will amend the Zoning Code to clarify that manufactured housing is treated as a single-family dwelling and is permitted in all of the same zones and same manner as other single-family structures, including in commercial or mixed-use zones.

State law requires that cities and counties allow mobile home parks (including condominium and cooperative parks) on all land planned and zoned for residential land use, provided, however, that a use permit may be required (Government Code Section 65852.7). The MBMC does not currently define mobile home parks; therefore, it also does not identify zoning districts in which this use is permitted. To comply with State law, the City will amend the MBMC to permit mobile home parks on all land zoned or planned for residential land uses. In addition, the City will enforce mobile home park replacement and relocation requirements in accordance with State law (Government Code Section 65863.7).

Objectives	• Amend the MBMC to ensure consistency with State law regarding manufactured homes. • Amend the MBMC to ensure consistency with State law regarding mobile home parks.
Timeframe	• Amend the MBMC and submit related LCP Amendment applications by March 2023.

Responsible Agency	Community Development Department
Funding Sources	City General Fund
Relevant Policies	1.2, 2.2, 2.4, 4.1

Program 23: Preserving Housing Capacity

Section 10.12.030 of the MBMC establishes standards to avoid “mansionization.” These provisions act to discourage construction of overly large dwellings that are out of scale with the surrounding neighborhood. These provisions include increased setback and open space requirements for new single-family residences. In addition to issues of scale, the large dwellings are also more costly, and lead to increased pressure to demolish modest dwellings in favor of lavish structures affordable only to the most affluent. In an effort to incentivize multifamily housing while continuing to disincentivize “mansionization,” the City provides an exception for minimum and maximum lot sizes for multifamily housing with three or more dwelling units in accordance with Section 10.12.030.k of the MBMC. The City also provides an exception to a lot merger of parcels for existing religious assembly and public or private school uses, when the site is used as a single building site under Section 11.32.090 of the MBMC.

Many single-family homes in the City have been previously constructed on double lots. The maximum lot standards noted above help prevent consolidation of lots for the purpose of developing large, single dwelling units. However, under Section 10.52.050.F of the MBMC, property owners in residential zones may develop contiguous separate lots as one site without requiring a lot merger, with only detached accessory structure(s) on one or more of the lots, which includes guest houses, garages and parking areas, and pools. For development standards, with the exception of the parking calculation, the lots are treated as separate. This presents property owners with the opportunity to buy adjacent lots with existing unit(s) for the purpose of demolishing the unit(s) and developing only detached accessory structure(s), ultimately reducing the City’s overall housing stock. To mitigate the loss of dwelling units through demolition and to conserve the existing housing stock, the City will amend the MBMC to eliminate provision 10.52.050.F from the Zoning Code such that all parcels operating as one site will need to be consolidated and therefore be subject to existing maximum lot size requirements.

Further, while the City incentivizes lot consolidation for multifamily residential developments, as detailed in **Program 16, Lot Consolidation Incentive**, the City will refrain from approving any merger that would result in a net loss in residential capacity and conflict with the no-net-loss provisions of SB 330 (see **Program 26, Replacement Requirements**).

Objectives	• Continue to implement Sections 10.12.030 and 11.32.090 of the MBMC to prevent mansionization and lot mergers that reduce future housing capacity. • Amend the Zoning Code to eliminate provision 10.52.050.F to mitigate the loss of dwelling units through demolition and to conserve the existing housing stock.
Timeframe	• Ongoing implementation of Sections 10.12.030 and 11.32.090 of the MBMC throughout the planning period. • Amend the Zoning Code by January 2024.
Responsible Agency	Community Development Department
Funding Sources	City General Fund

Relevant Policies	1.1, 1.2, 1.3, 1.4, 2.1
Fair Housing Issue	Disproportionate Housing Needs
Contributing Factor(s)	Land use and zoning laws
Program/Action Type	Housing Mobility Strategies; Place-based Strategies to Encourage Community Conservation and Revitalization • Prevent reductions in the City's overall housing stock and preserve opportunities for multifamily developments through targeted Zoning Code amendments to prevent consolidation of lots for the purpose of developing large, single dwelling units.

Program 25: Reasonably Accommodate Housing for Persons with Physical and Developmental Disabilities

The City adopted a Reasonable Accommodation Ordinance in 2013 to comply with reasonable accommodation procedures of the Fair Housing Act, and one request was received and approved during the 5th Cycle planning period. These procedures are codified in Chapter 10.85 of the MBMC, establishing the City's procedures related to requests for reasonable accommodations. The process provides a deviation procedure that is available to applicants for circumstances where the existing zoning regulations would preclude residential development for persons with disabilities. Requests for a reasonable accommodation shall be reviewed by the Community Development Director, and may, in their discretion, refer applications to the Planning Commission for consideration.

Although requests are seldomly referred to the Planning Commission for their consideration and there are no public hearing or noticing requirements tied to their review, the MBMC does not outline the bases on which a decision on the matter could or should be deferred to the Planning Commission. In an effort to proactively remove ambiguities that may impose extra hurdles for people with disabilities, the City will amend the reasonable accommodation procedures to remove discretionary referrals to the Planning Commission, and the requests shall be reviewed and may be granted solely by the Director. In addition, the City will not require a fee for reasonable accommodation applications and will remove any fees related to reasonable accommodation applications during the community development departments next fee study and corresponding fee schedule update, and develop materials and outreach methods to increase public awareness and ease of access to policies, programs, and processes addressing reasonable accommodation.

Objectives	• Amend the MBMC to remove potential barriers for people with disabilities, including persons with developmental disabilities, related to requests for reasonable accommodations, and in accordance with current fair housing laws. • Develop outreach and dissemination programs and materials for the public and City staff. • Accept reasonable accommodation applications without required fees in accordance with fair housing laws. • Complete fee study and remove reasonable accommodation application fees from fee schedule.
Timeframe	• Amend the MBMC by March 2023. • Develop outreach and dissemination materials by January 2024. • Accept reasonable accommodation applications without required fees in accordance with fair housing laws throughout planning period.

	Complete fee study and corresponding fee schedule updates to remove fees for reasonable accommodation applications by January 2025.
Responsible Agency	Community Development Department
Funding Sources	City General Fund
Relevant Policies	1.2, 2.4, 3.1, 4.1, 4.2, 4.3
Fair Housing Issue	Fair Housing Enforcement and Outreach Capacity
Contributing Factor(s)	Lack of accessible forums (e.g., reasonable accommodation procedures)
Program/Action Type	New Housing Choices and Affordability in Areas of Opportunity Accessibility modification programs and other measures that proactively enhance accessibility, including removing fees for applications.

Program 28: Specialized Housing Types to Assist Persons with Special Needs

Employee Housing

Pursuant to the State Employee Housing Act (Section 17000 et seq. of the Health and Safety Code), employee housing for agricultural workers consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household is permitted by right in a zoning district that permits agricultural uses by right. Therefore, for properties that permit agricultural uses by right, a local jurisdiction may not treat employee housing that meets the above criteria any differently than an agricultural use. The Employee Housing Act also requires that any employee housing providing accommodations for six or fewer employees be treated as a single-family structure, with no Conditional or Special Use Permit or variance required.

Employee housing is not currently defined in the MBMC because the City does not currently have any zones that permit agricultural uses, and no agricultural land exists in the City; accordingly, no specific provisions are included regarding this use. If the Zoning Code is ever amended to add a zoning district that permits agricultural uses, the City will make corresponding MBMC amendments related to agricultural workers and current employee housing requirements consistent with State law, to assist in the production of this special housing type to serve lower-income households, including extremely low-income households.

Emergency Shelters

Pursuant to State law, local governments must identify one or more zoning categories that allow emergency shelters (year-round shelters for people experiencing homelessness) without discretionary review. Emergency shelters serve those experiencing homelessness, including extremely low-income households and those with special housing needs. In compliance with State law, the MBMC allows emergency shelters by-right in the Public and Semi-Public (PS) and Industrial Park (IP) zones subject to non-discretionary approval. However, the City will amend the MBMC to ensure that parking requirements for emergency shelters accommodate the staff working in the shelter and do not require more parking than other residential or commercial uses within the same zone (AB 139, 2019), and remove current emergency shelter application fees related to reviewing emergency shelters requests in the PS and IP zones.

Supportive Housing

State law mandates that local jurisdictions consider supportive housing a residential use of property allowed subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The MBMC allows supportive housing as a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone in accordance with State law.

In addition, State law provisions have recently been modified to require approval of supportive housing that meets the specified requirements of State law as a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses (AB 2162). Additionally, no minimum parking may be required for units occupied by supportive housing residents if the development is located within 0.5 miles of a public transit stop (Government Code Section 65915). The City will amend the MBMC to comply with current State law. This amendment will provide additional housing opportunities for lower-income households, including extremely low-income housing and those with special housing needs.

Low-Barrier Navigation Centers

Low-Barrier Navigation Centers are housing-first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. The MBMC does not currently define Low-Barrier Navigation Centers; therefore, it also does not identify zoning districts in which this use is permitted.

The City will amend the MBMC to permit the development of Low-Barrier Navigation Centers that meet the requirements of State law as a use by-right, without requiring a discretionary action, in mixed-use and nonresidential zones that permit multifamily uses (AB 101). This use will increase opportunities to serve those experiencing homelessness, including extremely low-income households and those with special housing needs.

Residential Care Facilities

Residential Care Facilities serving six or fewer persons, referred to as Residential Care, Limited in the MBMC, are a permitted use in all residential zones (RS, RM, RH, RPD, and RSC) in conformance with State law. Residential Care Facilities serving seven or more persons, referred to as Residential Care, General in the MBMC, is classified as a public and semipublic use under

Section 10.08.040 - Public and Semipublic Use Classifications of the MBMC. As such, these facilities are conditionally permitted uses requiring a Use Permit in the PS (Public and Semi-Public) zone. Further, the City facilitates additional opportunities for development of Residential Care, General by permitting these facilities in two additional zoning categories (residential and commercial), including the RH, RPD, RSC, and CG, subject to a Use Permit. As of August 2022, a residential care (general, serving seven or more) facility is currently in plan check. The assisted living project for older adults will consist of 95 rooms (115 total beds), a facility kitchen, and common areas (foyer, parlor, bistro, private dining room, general dining rooms, activity rooms, and staff rooms). The project will include 64 assisted living rooms and 31 memory care rooms for Alzheimer's patients and individuals with memory loss. The project is expected to be completed and increase assisted living opportunities for older adults and people with disabilities in the City during the planning period.

Due to the complexity associated with Residential Care Facilities, the necessary infrastructure, and requirements tied to state licensing, opportunities to remove the discretionary permit are limited. However, the City will amend the Zoning Code to allow residential care facilities serving seven or more in the RS and RM zones, and mitigate any constraints that may be posed by a Use Permit by ensuring an objective approval process, that is more predictable and transparent. Currently, Residential Care, General facilities are subject to the broader findings for all Use Permits outlined in Section 10.84.060 - Required Findings, of the MBMC. The City will amend the Zoning Code to include findings specific to Use Permits for Residential Care, General (serving seven or more persons) facilities, regardless of licensing. The City will ensure the findings are objective and improve certainty in the development approval process to better facilitate the production of Residential Care Facilities to serve the needs of the community.

Separately, but sharing a common goal, the City provides reasonable accommodation procedures for those with disabilities as outlined in Program 25. Through implementation of Program 25, the City will remove discretionary referrals to the Planning Commission, and the requests shall be reviewed and may be granted solely by the Director. The process provides a deviation procedure that is available to applicants for circumstances where the existing development regulations would preclude residential development for persons with disabilities.

Objectives	• Ensure the MBMC continues to be consistent with State law and case law relative to special needs housing through ongoing review and amendments, as required under State law. • Amend the MBMC to ensure that any application for supportive housing or a Low-Barrier Navigation Center is processed "by right" in accordance with State law. • Amend the MBMC to permit supportive housing in accordance with State law. • Amend the parking requirements for emergency shelters to ensure consistency with State law. • Amend the MBMC to permit Residential Care, General (serving seven or more persons) facilities in the RS and RM zones.
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	• Amend the MBMC to include findings specific to Use Permits for Residential Care, General (serving seven or more persons) facilities, regardless of licensing, that are objective and improve certainty in the development approval process. • Complete fee study and remove emergency shelter application fees from fee schedule.
Timeframe	• Annual monitoring of State laws regarding special needs housing, throughout the planning period. • Adopt policies and procedures for processing supportive housing and Low-Barrier Navigation Centers by January 2023. • All Zoning Code amendments as identified in the objectives (including as they relate to supportive housing, emergency shelters, and residential care facilities) to the MBMC by March 2023. • Complete fee study and corresponding fee schedule updates to remove fees for emergency shelter applications by January 2025.
Responsible Agency	Community Development Department
Funding Sources	General Fund
Relevant Policies	1.2, 2.2, 2.4, 4.1, 4.2, 4.3
Fair Housing Issue	Fair Housing Enforcement; Disparities in Access to Opportunity for Persons with or without Disabilities
Contributing Factor(s)	Regulatory barriers to providing housing and supportive services for persons with disabilities; Lack of zoning for a variety of housing types
Program/Action Type	New Housing Choices and Affordability in Areas of Opportunity • Increasing housing choices and affordability by removing regulatory barriers to development (e.g., going beyond State law requirements and implementing fair housing practices by completing amendments to the Zoning Code to allow residential care facilities in all residential zones, including RS and RM zone). • Improve certainty in the development approval process through objective processes and code amendments to remove regulatory barriers and increase housing choices and opportunities for special housing types in areas with access to opportunity and resources. • Zoning to allow supportive housing by right and increase housing choices, and opportunities for the development of supportive housing community wide and therefore in Highest opportunity areas.