

Draft Redline MBMC Code Sections

10.04.030 Definitions.

Abutting or adjoining: Having district boundaries or lot lines in common.

Acre, Gross: A measure of land area.

Acre, Net: A measure of developable land area, after excluding existing dedicated rights-of-way and flood control and drainage easements.

Alley: A public way having a width of not more than twenty feet (20') permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter: To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Alteration: (See Alter).

Alternative-fuel Vehicle Charging Systems: Equipment used to recharge a vehicle that uses alternative energy as fuel, such as compressed natural gas (CNG), electricity or other non-petroleum derived fuels.

Amendment: A change in the wording, context or substance of this title, or a change in the district boundaries on the zoning map.

Animal, Domestic: Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large: An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Area District: One of four areas designated on the zoning map for purposes of defining property development regulations that establish minimum lot areas, minimum yards, and maximum area coverage appropriate for that area.

Area, Lot, Parcel, or Site: The horizontal area within the property lines excluding public-access corridors, flood control and drainage easements, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Areas, Specified Anatomical: Human genitals (pubic region), buttocks, or female breasts below a point immediately above the upper line or curve of the areola when less than completely and opaquely covered; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Balcony: A cantilevered platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet not exceeding forty-two inches (42") above the platform surface.

Basement: Any floor level, or portions thereof, below the first story in a building. Any building having only one floor level shall be classified as a basement unless such a floor level qualifies as a first story as defined herein. A floor level may be divided between portions qualifying as a basement and portions qualifying as a story. Any portion qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s), which disqualifies that area as a basement (see graphic illustration).



Blockface: The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.

Body Art: Term for any activity or combination of activities defined herein as tattooing and/or body piercing. It shall not include activities such as, or similar to, cutting of the skin or subcutaneous tissue, cutting or modification of cartilage or bone, implantation, branding, deep tissue penetration, threading, stapling or any other invasive procedure, which constitutes the practice of medicine requiring license as a physician and a business operated as a medical clinic.

Body Art Studio: A business located on permanent premises or facility used or operated in whole or in part as a tattoo or body piercing studio. This use excludes "body piercing, incidental," as defined in this Section 10.04.030.

Body Piercing: Penetration of the skin to make, generally permanent in nature, a hole, mark, or scar.

Body Piercing, Incidental: The provision of ear-piercing or similar services as an incidental part of a retail sales establishment, with majority of the business consisting of related retail sales.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. Buildings or portions of buildings that are attached by a minimum of 6 feet of common wall or a solid roof area having a minimum eight foot (8') dimension in all horizontal directions shall be considered a single building.

Bulk Storage: A large or primary area devoted to the storage of stock merchandise in enclosed areas inaccessible to the public, incidental to a primary use.

Caretaker's quarters: A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Cellar: (See Basement).

Chimney: A hollow shaft containing one or more passageways, vertical or nearly so, for conveying products of combustion to the outside atmosphere.

City: The City of Manhattan Beach.

Cluster, Building: A group of buildings located in close proximity to each other and oriented towards a visible area of focus, which is separated from other groups of buildings on the same site by a large average distance.

Coastal Zone: A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

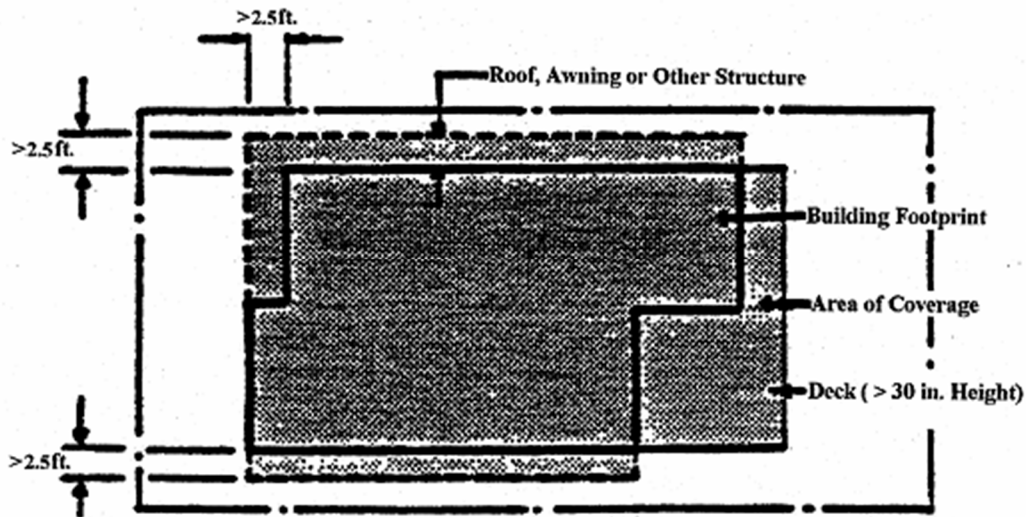
Collection Buildings: Buildings with a gross floor area of two hundred twenty-five (225) square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Conditionally Permitted: Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Condominium: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building: A building that fully meets the requirements of Title 9 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

Coverage, Lot or Site: The percentage of a site covered by roofs, soffits, or overhangs extending more than two and one-half feet (2.5') from a wall and by decks more than thirty inches (30") in height.



LOT COVERAGE

Daylight Plane: An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum yard applicable at such point on the site.

Deck: A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also: Balcony).

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. This ordinance establishes "area districts," "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which modify base district regulations.

Dwelling, Multi-family: A building containing two (2) or more dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling Unit: One (1) or more rooms with a single kitchen, designed for occupancy by one (1) family for living and sleeping purposes.

Environmental Impact Report (EIR): A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

Family: A single individual or two (2) or more persons living together as a single housekeeping unit in a dwelling unit.

Floor Area, Buildable: The total enclosed area of all stories of a building, measured to the outside face of the structural members in exterior walls, and thirty percent (30%) of the area of all basements of a building that are not entirely below local grade, and including halls and the area of the stairs, but excluding floor area under stairs and those portions of a basement that are entirely below grade (see graphic illustration). The following elements also are excluded from a determination of buildable floor area:

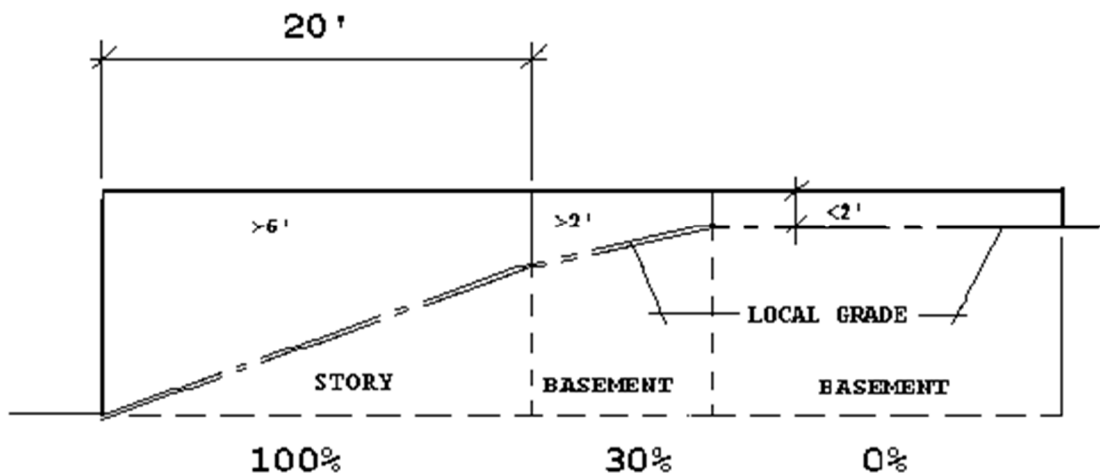
Commercial and Industrial Districts: That area used exclusively for vehicle parking and loading and in service and mechanical rooms, enclosed vertical shafts, or elevators.

Single-family Residential Districts:

Area Districts I and II: That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided. Up to two hundred (200) square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2').

Area Districts III and IV: That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided. Up to two hundred (200) square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2').

Multi-family Residential Districts: That area used exclusively for vehicle parking and loading. Up to two hundred (200) square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2').



PROPOSED BASEMENT/STORY CONDITIONS COUNTED AS BFA

Floor Area Factor (FAF): The factor utilized in determining buildable floor area.

Floor Area, Gross: The total area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, vertical shafts (including elevators and vent shafts), and unenclosed usable areas not surrounded by exterior walls which are under a horizontal projection of a solid roof or floor above. In addition, the following shall be included: basements, garages and covered supports.

Floor Area, Gross Leasable: The total leasable area within a building, excluding spaces shared by multiple tenants such as, but not limited to: lobbies, circulation (including hallways, elevators and stairs), utility and mechanical equipment rooms, and public restrooms.

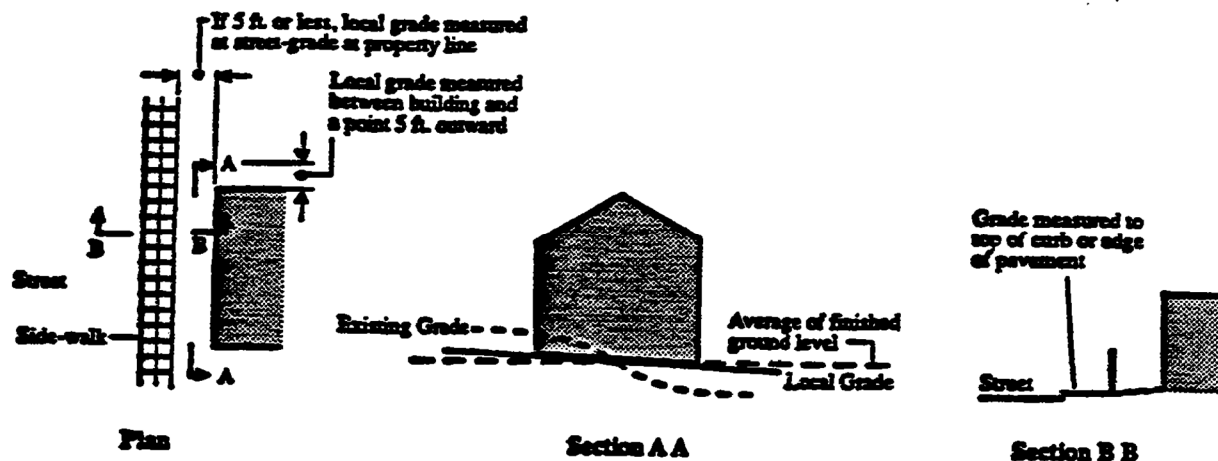
General Plan: The City of Manhattan Beach General Plan, as amended.

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

Grade, Ground Level Finished: The average of the finished ground level at the exterior perimeter of all walls of a building. In cases where walls are parallel to and within five feet (5') of a front or corner side property line, the ground level shall be measured at the property line.

Grade, Local: The ground elevation adjacent to a specified location on the exterior of a building (existing or finished, whichever is lower). It is to be taken as the lowest point on a line between the location specified and the nearest property line if the property line is within five feet (5') of the building, or, if not, between the building and a point five feet (5') outward from the building. For purposes of determining height above or below grade for a specified location on a building not on its perimeter, the local grade shall be considered to be the local grade corresponding to the nearest perimeter location.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.



GRADE STANDARDS

Greywater Retention/Detention Features: A device or system designed to collect, store, and transport greywater, as defined by the California Plumbing Code, which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Guest House (or Accessory Living Quarters): Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one ~~(1)~~ single family residence, ~~except as provided for in Section 10.52.050(F) Residential Zones-Adjacent Separate Lots with Common Ownership.~~ This A Guest House, or accessory living quarters, shall be a maximum of ~~five hundred (500)~~ square feet in size, limited to one ~~(1)~~ habitable room, and contain a maximum of three ~~(3)~~ plumbing fixtures. This definition does not include an accessory dwelling unit as defined in Section 10.74.

Height: A vertical dimension measured from local grade, unless otherwise specified.

Home Occupation: Occupations conducted in a dwelling unit or accessory building in a residential district that are incidental to the principal residential use of a lot or site.

Illumination, Direct: Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Kitchen: A room or other interior space designed, intended or used for the preparation of food.

Landscaping: An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior: A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

Landscaping, Perimeter: A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Lot: A site or parcel of real property delineated with a number or other separate designation on a plat duly recorded in the office of the County Recorder.

Lot, Corner: A site bounded by two (2) or more adjacent street property lines that have an angle of intersection of not more than one hundred thirty-five degrees (135°).

Lot Depth: The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the most distant point on any other lot line where there is no rear-lot line.

Lot, Key: The first lot to the rear of a reverse corner lot, whether or not separated by an alley.

Lot or Property Line, Rear: A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five degrees (45°) of being parallel to the front lot line, a line ten feet (10') in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

Lot or Property Line, Front: The street or alley property line of an interior lot. The front property line of a corner lot shall be the shorter street or alley property line, provided that where one street or alley property line is at least seventy-five percent (75%) of the length of the other street or alley property line, the Community Development Director shall determine the location of the front property line. In no case shall the front property line of a street-alley lot adjoin the alley which is approximately parallel to the street.

Lot or Property Line, Interior: A lot line not abutting a street.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

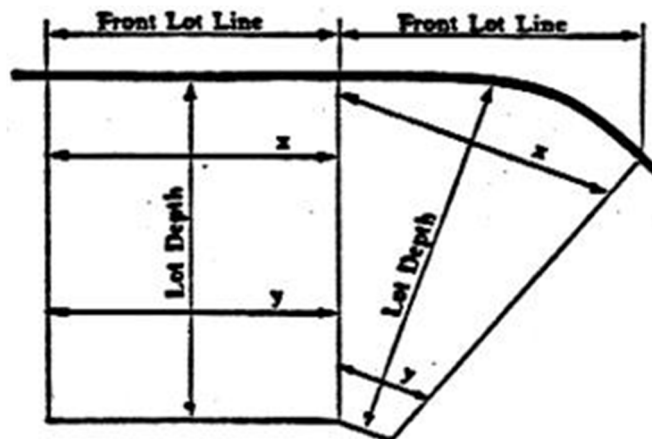
Lot or Property Line, Street: A lot line abutting a street.

Lot, Reverse Corner: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Street-Alley: A lot having frontage on a street and an alley.

Lot, Through: A site bounded by parallel, or approximately parallel, street property lines that are not side property lines.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points twenty feet (20') from the front lot line and twenty feet (20') from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



$$\text{Lot Width} = (x + y)/2$$

LOT DEPTH AND LOT WIDTH

Maintenance and Repair: Reconstruction or renewal of any part of an existing building for the purpose of its preservation.

Manufactured Home: A modular housing unit on a permanent foundation that conforms to the National Manufactured Housing Construction and Standards Act. For purposes of this definition, a mobile home is considered a manufactured home.

Mezzanine: An intermediate floor placed within a room, and meeting the requirements of a mezzanine contained in the Building Regulations (Title 9, Chapter 9.01 of the Municipal Code).

Multi-Family Transient Use: Rental or lease of a multi-family dwelling unit for a period of less than thirty (30) days.

Municipal Code: The Municipal Code of the City of Manhattan Beach, as amended.

Nonconforming Structure: A structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.

Nonconforming Use: A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Shared: An open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Total: The sum of private open space and shared open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, that is not more than seventy-five percent (75%) covered by buildable floor area, and has a minimum dimension of five feet (5') in any direction, and a minimum area of forty-eight (48) square feet; minus any parking facilities, driveways, utility or service areas, or any required front or side yards.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Living Area: (See Open Space, Usable).

Parking Structure: A non-enclosed or semi-enclosed area containing a ceiling or roof, used primarily for the temporary storage of motor vehicles, constructed either above or below grade, freestanding, or as part of a building.

Permeable Surface: An uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Permitted: Permitted without a requirement for approval of a use permit or temporary use permit.

Porch: A covered or uncovered platform at an entrance to a dwelling unit.

Pre-existing: In existence prior to the effective date of this title.

Project: Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this title.

Proscenium, Garage: The structural frame of a garage door.

Roof or Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Room (Space), Habitable: A space in a structure meeting the requirements of the Building Regulations (Title 9, Chapter 9.01 of the Municipal Code) for sleeping, living, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Setback Line: A line within a lot parallel to, and the required setback distance from, a corresponding lot line, which is the boundary of any specified front, side or rear yard, or a line otherwise established to govern the location of buildings, structures or uses. Where the corner of a lot has been rounded off for purposes of public right-of-way dedication, the setback line shall be parallel to the original unaltered lot line. Where no minimum front, side or rear setbacks or yards are specified, the setback line shall be coterminous with the corresponding lot line.

Sexual Activities, Specified: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

"Single Housekeeping Unit: A traditional family or the functional equivalent of a traditional family, whose members are a non-transient interactive group of one (1) or more persons, where if consisting of more than one (1) person, such persons jointly occupy a single dwelling unit, jointly use common areas, share household activities and responsibilities (e.g., meals, chores, and expenses), and where, if the unit is rented, leased, or subleased all adult members living on the premises jointly agree to occupy and be responsible for the entire premises of the dwelling unit under a single written rental agreement or lease and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Single-Family Transient Use: Rental or lease of a single-family dwelling unit for a period of less than thirty (30) days.

Site: A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this title, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located.

Specific Plan: A plan for a defined geographic area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Stormwater Retention/Detention Feature: A device or system of improvements that captures, retains and subsequently releases stormwater runoff from a site at a lesser volume and/or slower rate than it is collected, while holding the runoff in temporary storage for the purposes of infiltration, bioretention, and/or storage with beneficial use such as landscape irrigation.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the portion of a building included between the finished floor level directly above a basement or a usable or unused under-floor space is more than four feet (4') above local grade, as defined herein, for more than fifty percent (50%) of the total perimeter or is more than six feet (6') above local grade, as defined herein, at any point, such basement or usable or unused under-floor space shall be considered a story. A floor level may be

divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (see graphic illustration under "Basement" definition).

Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below local grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than six feet (6') below local grade, as defined herein, at any point.

Street: A recorded public way, other than an alley, which provides access to abutting property.

Structure: Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a driveway, walk, fence or wall (used as a fence or boundary grade retaining wall). A wall forming a below-grade well (e.g., egress, light, ventilation) shall be considered to be a structure.

Swimming Pools and Hot Tubs: Water-filled enclosures having a depth of eighteen inches (18") or more used for swimming or recreation.

Tattoo: An art form in which pigments are inserted under the surface of the skin of a human being by pricking with a needle or otherwise to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other retail or service establishment.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Visible: Likely to be noticed by a person of average height walking on a public street or sidewalk.

Walk Street: A street in the beach area for pedestrians where vehicular access is not permitted. The location of walk streets is shown in the Infrastructure Element of the General Plan.

Weighted Average: An average calculated from pro-rated or proportionately distributed data.

Wind Energy System, Small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to generate electricity on the property where the system is located.

Window, Required: An exterior opening in a habitable room meeting the area requirements of the Building Regulations (Title 9, Chapter 19 of the Municipal Code).

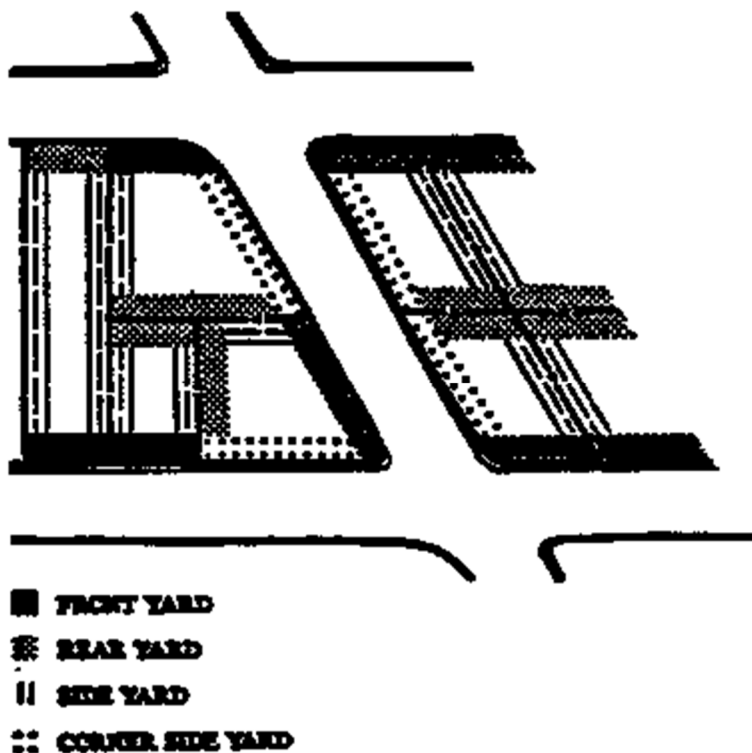
Yard: An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this title, including a front yard, side yard, or rear yard.

Exception: Siding material extending not more than 0.1 feet beyond the frame and foundation of a structure may occupy a yard.

Yard, Front: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a setback line parallel thereto on the site. The front yard of a through lot shall adjoin the street property line which adjoins the front yards of the neighboring lots adjoining said street property line, unless no pattern of front yards exists, in which case, the Community Development Director shall determine the location of the front yard. A through lot shall have two (2) front yards if both of its opposing street property lines adjoin blockfaces, or portions of blockfaces, which conform to existing front yard patterns as determined by the Director.

Yard, Rear: A yard, extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a setback line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side: A yard extending from the setback line of the front yard, or the front property line of the site where no front yard is required, to the setback line of the rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a setback line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.



YARD TYPES

Zoning Ordinance: The Planning and Zoning Ordinance of the City of Manhattan Beach, as amended.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91, 10-3.304; Ord. No. 1839, Amended, 07/05/91; Ord. No. 1889, Amended, 12/16/93; Ord. No. 1891, Amended, 01/06/94; Ord. No. 1903, Amended, 05/05/94; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 1049, eff. November 18, 2003; § 2, Ord. 1050, eff. January 1, 2004; § 2, Ord. 2111, eff. March 19, 2008; § 4, Ord. 2146, eff. August 4, 2011; § 2, Ord. 2155, eff. February 17, 2012, § 3, Ord. 15-0009, adopted June 16, 2015, and § 8, Ord. 18-0024, eff. Jan. 18, 2019)

10.08.030 Residential use classifications.

- A. Daycare Center.** As defined in California Health and Safety Code Section 1596.76, as that section may be amended from time to time, a day care center means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and includes child care centers licensed pursuant to California Health and Safety Code Section 1596.951, as that section may be amended from time to time.
- A-B. Day Care, Small Family Home.** Non-medical care and supervision of six (6) or fewer persons, including those who reside at the home, on a less than twenty four (24) hour basis. This classification includes only those services and facilities licensed by the State of California.
- B-C. Day Care, Large Family Home.** Non-medical care and supervision of seven (7) to twelve (12) children, including those who reside at the home, on a less than twenty four (24) hour basis. This classification includes only those services and facilities licensed by the State of California.
- C-D. Emergency Shelter.** Per California Government Code Section 65582(g), as that section may be amended from time to time, housing with minimal supportive services for homeless persons that limits occupancy by homeless persons to six (6) months or less and that does not deny emergency shelter due to a person's inability to pay.
- D-E. Group Residential.** Shared living quarters with not more than five (5) guest rooms and without separate kitchen or bathroom facilities for each guest room, and where either of the following apply:
- Lodging and meals for compensation are provided by pre-arrangement for definite periods for not more than nine (9) persons, or
 - Rooms, beds or spaces within the living quarters are rented to ten (10) or more individuals by pre-arrangement for definite periods.
- Shared living quarters with six (6) or more guest rooms or where lodging and meals for compensation are provided for ten (10) or more persons shall be considered a Visitor Accommodation.
- F. Low Barrier Navigation Center.** As defined by California Government Code Section 65660(a), as that section may be amended from time to time, a low barrier navigation center means a Housing First, low-barrier, service-enriched shelter 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.
- F-G. Multi-family Residential.** Two (2) or more dwelling units on a site. This classification includes manufactured homes.
- F-H. Multi-family Transient Use.** Rental or lease of a multi-family dwelling unit for a period of less than thirty (30) days.
- I. Residential Care, Limited.** Twenty-four (24) hour non-medical care for six (6) or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.
- G-J. Residential Care, General.** A home or facility that provides twenty-four (24) hour non-medical care for seven (7) or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- H-K. Single-Family Residential.** Buildings containing one (1) dwelling unit located on a single lot. This classification includes manufactured homes.
- I-L. Single-family Transient Use.** Rental or lease of a single-family dwelling unit for a period of less than thirty (30) days.
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J-M. Supportive Housing. ~~As defined in California Government Code Section 65582(n), as that subsection may be amended from time to time, h~~Housing occupied by a specified target population, ~~as defined in California Government Code Section 50675.1465582 (p) as may be amended from time to time, of the California Health and Safety Code~~ that has no limit on length of stay, and that is linked to onsite or offsite services that assist the resident in retaining ~~the~~ housing, improving ~~his or her~~their health status, maximizing ~~his or her~~their ability to live, and - when possible - work in the community. Supportive housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

K-N. Transitional Housing. Rental housing operated under program requirements that terminate assistance to residents and recirculate the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from the initial occupancy date of the recipient. Transitional housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 13-0006, eff. August 1, 2013 and §§ 4, 5, Ord. 15-0009, adopted June 16, 2015)

10.08.040 Public and semipublic use classifications.

- A. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.
- B. **Convalescent Facilities.** Establishments providing care on a twenty-four (24) hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- C. **Cultural Institutions.** Nonprofit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- D. **Day Care, General.** Provision of non-medical care for seven (7) or more persons on a less than twenty-four (24) hour basis. This classification includes nursery schools, pre-schools, and day-care centers for children or adults.
- E. **Emergency Health Care Facility.** Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. Emergency health care facilities are part of the emergency medical services system as defined by California Health and Safety Code.
- F. **Farmers' Market.** A County certified farmers' market consisting of indoor or outdoor sales of produce and other agricultural products in a non-prepared condition, on a less-than-daily basis, as an accessory use to the primary use of a site.
- G. **Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- H. **Heliports.** Pads and facilities enabling takeoffs and landings by helicopter.
- I. **Hospitals.** Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis where patients may be admitted for a 24-hour stay or longer. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.
- J. **Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
- K. **Park and Recreation Facilities.** Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- L. **Public Safety Facilities.** Facilities for public safety and emergency services, including police and fire protection.
- M. **Religious Assembly.** Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
- ~~N. **Residential Care, General.** Twenty-four (24) hour non-medical care for seven (7) or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.~~
- NO. **Schools, Public or Private.** Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- OP. **Utilities, Major.** Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (with the exception of telecommunications facilities regulated in Manhattan Beach Municipal Code Chapter 13.02),

and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

PQ. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1883, Amended, 07/15/93; § 3, Ord. 2075, eff. July 7, 2005; §§ 5, 6, Ord. 17-0028, eff. January 20, 2018)

10.12.020 Land use regulations: RS, RM, RH, RPD, and RSC districts.

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 10.84. The letters "P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters "PDP" and "SDP" designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter 10.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

RS, RM, RH, RPD, and RSC DISTRICTS LAND USE REGULATIONS						
P — Permitted PDP — Precise Development Plan SDP — Site Development Permit U — Use Permit L — Limited, (See additional use regulations) - — Not Permitted						
	RS	RM	RH	RPD	RSC	Additional Regulations
Residential Uses						(A)
<u>Daycare Center</u>	-	P	P	P	P	
Day Care, Small Family Home	P	P	P	P	P	(P)
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	(P)
Group Residential	-	-	U	-	U	
Multi-family Residential						
5 or fewer units	-	P	P	P	U	(B)(C)(L)(P)
6 or more units	-	PDP/SDP	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O)(P)
Multi-family Transient Use	-	-	-	-	-	
<u>Residential Care, General</u>	U	U				
Residential Care, Limited	P	P	P	P	P	
Single-family Residential	P	P	P	P	P	(C)(P)
Single-family Transient Use	-	-	-	-	-	
<u>Supportive Housing</u>	P	P/PDP/SDP	P/PDP/SDP	P/PDP/SDP	P/U	(Q)
<u>Transitional Housing</u>	P	P/PDP/SDP	P/PDP/SDP	P/PDP/SDP	P/U	(R)
Public and Semipublic						(A)(D)
Clubs and Lodges	-	-	L-1	U	-	
Day Care, General	-	-	-	-	-	
Park and Recreation Facilities	L-2	L-2	L-2	L-2	-	
Public Safety Facilities	U	U	U	U	-	
Religious Assembly	L-3	L-3	L-3	U	-	

Residential Care, General	<u>U</u>	<u>U</u>	U	U	U	(S)
Schools, Public or Private	U	U	U	U	-	
Utilities, Major	U	U	U	U	U	
Utilities, Minor	P	P	P	P	P	
Accessory Uses	P/U	P/U	P/U	P/U	P/U	(A)(E)(F)(G)(H)(I) (J)(M)(N)
Temporary Uses						(H)
Commercial Filming, Limited	U	U	U	U	-	
Marketing/Sales Office	-	U	U	P	P	
Personal Property Sales	P	P	P	P	-	(K)
Street Fairs	U	U	U	U	-	
Nonconforming Uses						(I)(J)

RS, RM, RH, RPD, and RSC Districts: Additional Use Regulations

- L-1 Use permit required and only neighborhood-oriented uses occupying less than two thousand five hundred (2,500) square feet are permitted.
- L-2 Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs.
- L-3 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.
- L-22 Application for an administrative large family day care permit to the Director of Community Development is required and shall be made on forms provided by the City and shall include such information as may be reasonably required by the Director for a complete understanding of the request. The application shall be accompanied by a filing fee and a notification packet including all properties within a one hundred foot (100') radius of the subject property. Said notification shall be completed not less than ten (10) days prior to the date on which the decision will be made on the application.
 No hearing on the application for a permit shall be held before the decision is made by the Director unless a hearing is requested by the applicant or other affected person. The Director's decision shall be based on whether or not the proposed use would be compatible with the surrounding neighborhood. The applicant or other affected person may appeal the decision and the appellant shall pay the cost of the appeal. Said appeal shall be made to the Planning Commission by filing a written appeal, on forms provided by the Department of Community Development accompanied by the necessary notification packet (described above). Any such appeal shall suspend the permit until resolution of the appeal by the Planning Commission. Use of a single family dwelling for these purposes shall not constitute a change of occupancy per the State Housing Law or local building ordinances.
 Large family day care homes shall be considered as single family residences per State and local building and fire codes.
 Each home used in this manner shall meet the fire and life safety standards adopted by the Community Development Department and Fire Department.
 The property to be used in this manner shall conform to all applicable development standards as stated in the Manhattan Beach Municipal Code.

(A) See Section 10.52.020, Exterior materials in R districts.

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- (B) A use permit is required for condominium development or conversion of three (3) or more units; see Chapters 10.84 and 10.88. Condominium development, or conversion, of two (2) units are exempt from the use permit requirement. An application to create 10 or fewer parcels with 10 or fewer units that meets the requirements of California Government Code Sections 66499.41 and 65852.28 shall not require a use permit. Any addition or modification to a condominium unit or development subsequent to the original construction of that unit or development that would result in an increase in the amount of livable space, or a significant exterior structural or architectural alteration, shall require an amendment to the use permit previously obtained. In order for a residential apartment building to qualify for a condominium conversion, a certificate of occupancy must have been issued prior to January 1, 1982.
- (C) See Section 10.6052.1790, Manufactured homes.
- (D) Facilities on sites of two (2) acres or more are subject to the regulations of Chapter 10.28 (PS district) precluding those of this chapter. See Section 10.28.020, PS district applicability.
- (E) See Section 10.52.070, Home occupation in R districts.
- (F) See Section 10.52.050, Accessory structures, which permits Guest Houses, ~~or~~ accessory living quarters, and caretaker's quarters as defined in Section 10.04.030. See also Chapter 10.74 Accessory Dwelling Units.
- (G) See Section 10.52.080, Swimming pools and hot tubs.
- (H) See Section 10.84.110, Temporary use permits.
- (I) See Chapter 10.68, Nonconforming uses and structures.
- (J) See Chapter 10.72, Signs.
- (K) An administrative permit issued by the Community Development Director is required.
- (L) Alternative Parking Plan for Senior Citizen Housing. Applications for a use permit for a senior citizen housing project shall include a contingency plan, addressing what will be done to ensure compliance with parking requirements if occupancy can not be limited to senior citizens because of market conditions or other factors.
- (M) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc. not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section 10.04.030) are prohibited, except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.
- (N) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of Section 6.08.020 of this Code).
- (O) Residential developments that qualify for a density bonus pursuant to Chapter 10.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments that do not receive a density bonus shall apply for a site development permit.
- (P) Each single-family residential and multi-family residential dwelling unit may only be occupied by a single housekeeping unit as defined in Section 10.04.030, except as provided in Section 10.08.030.
- (Q) Supportive Housing that meets the requirements of Section 10.60.180 shall be a ministerial by-right approval processed pursuant to that section. Supportive Housing that does not meet the requirements

of Section 10.60.180 shall be processed in the same manner as, and subject only to those restrictions that apply to, other residential dwellings of the same type in the same zone.

(R) Transitional Housing shall be processed in the same manner as, and subject only to those restrictions that apply to, other residential dwellings of the same type in the same zone.

(S) Residential Care, General shall be permitted with a Use Permit pursuant to Chapter 10.84, subject to the following conditions: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) one thousand feet separation from any other general residential care facility;

(T) Daycare Centers shall be permitted within, or on the same property as multifamily housing with five units or more.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91, 10-3.502; Ord. No. 1864 , Amended, 02/18/93; Ord. No. 1891 , Amended, 01/06/94; § 2, Ord. 1951 , eff. July 4, 1996; § 2, Ord. 2049 , eff. November 18, 2003; § 3, Ord. 13-0006, eff. August 1, 2013 and §§ 6, 7, Ord. 15-0009, adopted June 16, 2015, § 8, Ord. 16-0029 , eff. Dec. 20, 2016, and § 5, Ord. 18-0022 , eff. Dec. 6, 2018)

10.12.030 Property development regulations: RS, RM, and RH districts.

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Lot Dimensions							
Area (sq. ft.)							(A)(B)(C)(K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft.)							
Minimum	50	50	50	40	40	40	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%- 3 min.	10%- 3;10	10%- 3;10	10%- 3 min.	10%- 3;10	10%- 3;10	(D)(E)(F)
Corner Side (percentage-ft.)	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	(D)(E)(T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H)(P)
Maximum Buildable Floor Area							(I)
Lot Area (Sq. Ft.)							(V)
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		2250 +0.7	2250 + 0.9		2250 +0.7	2250 +0.9	
4,800 or less	0.7			0.7			

More than 4,800	240 +0.65			240 +0.65			
Minimum Lot Area per Dwelling Unit (sq. ft.)	7,500	3,750	1,000	4,600	2,300	1,000	(A)(U)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Lot Dimensions					
Area (sq. ft.)					(A)(B)(C)(J) (K)
Minimum	2,700	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	7,000	
Width (ft.)					
Minimum	30	30	30	30	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3 min.	10%—3;10	10%-3;10	10%—3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	30	(H)(P)
Maximum Buildable Floor Area					
Lot Area (Sq. Ft.)	1.6	1.6	1.7	1.7	(I)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,700	1,350	850	850	(J)(A)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section 10.60.140
Performance Standards	See Section 10.60.120

Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Accessory Dwelling Units	See Chapter 10.74
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

- A. See Section 10.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.
- B. See Section 10.60.030, Development on lots divided by district boundaries.
- C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.
- D. **Permitted Projections into Required Yards.** See Section 10.60.040, Building projections into yards.
- E. **Setbacks.**
 1. **Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3'). In the RM and RH Zones side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five feet (5').

Exceptions—Side Setbacks. Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.
 2. **Reverse Corner Side Setback.** Reverse corner lots in Area Districts I and II shall have the following side yards:
 - a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.
 - b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:
 - i. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;
 - ii. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

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- iii. The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

3. **Rear Setback:**

- a. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10').

F. **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

1. **Exceptions.** If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

G. **Alley Setback Exceptions.** Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.

Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

H. **Maximum Height of Structures.** See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section 10.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times the minimum side setback; in Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen feet (15'). The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

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- I. **Maximum Buildable Floor Area.** The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

- J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.
- K. **Lot Dimensions—Area.** Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section 10.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three (3) or more dwelling units, in order to encourage development of multifamily housing in these areas.
2. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500') of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter 10.84.
3. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.
4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmere, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
5. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious

assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.

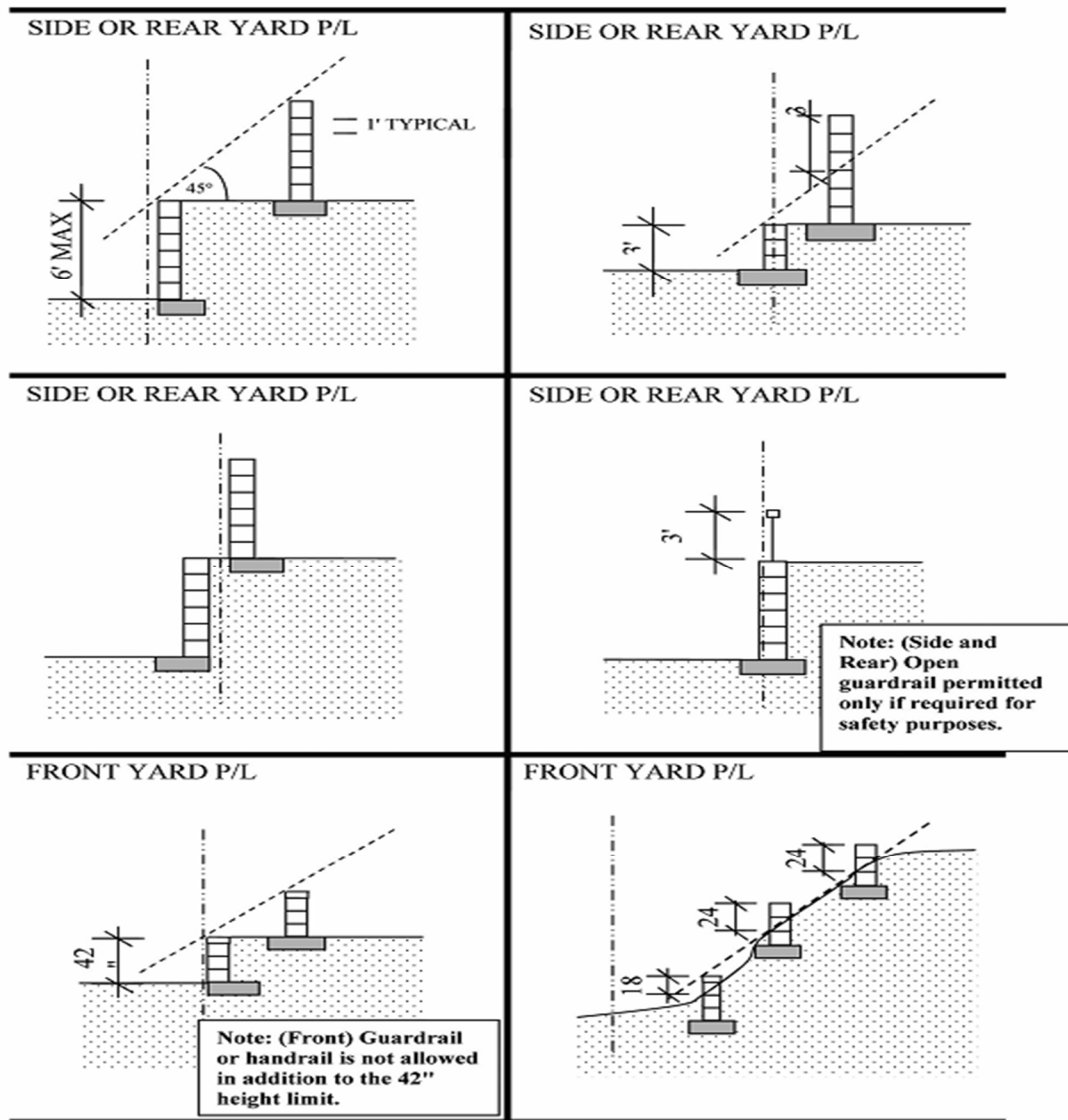
6. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.
 7. The RSC—Residential Senior Citizen Zone, which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.
 8. The RPD—Residential Planned Development Zone which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.
- L. (Reserved)
- M. **Open Space Requirement.** The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:
1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.
 2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½) of the total required open space.
 3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.
- N. **Semi-Circular Driveways.** Semi-circular driveways are permitted within front yards on lots with widths of eighty feet (80') or more, subject to the following standards:
- a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.
 - b. The semi-circular driveway does not have to provide access to the garage.
- O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.
- a. **Exceptions for Area Districts III and IV.** The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.
- P. **Fences, Walls, and Hedges.** The maximum height of a fence, wall, or hedge shall be six feet (6') in required side or rear yards, and forty-two inches (42") in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight

plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6') fence is allowed, provided such additional height over six feet (6') meets one (1) of the following criteria.
 - a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11').
 - b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8') and shall not extend closer than three feet (3') to any part of any building.
 - c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8'), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12'). If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does impede public views of the ocean, the beach, or to and along the shoreline.
2. Architectural screen walls not to exceed six feet (6') six inches (6") in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14') back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.



PERMITTED FENCE/WALL/HEDGE HEIGHTS

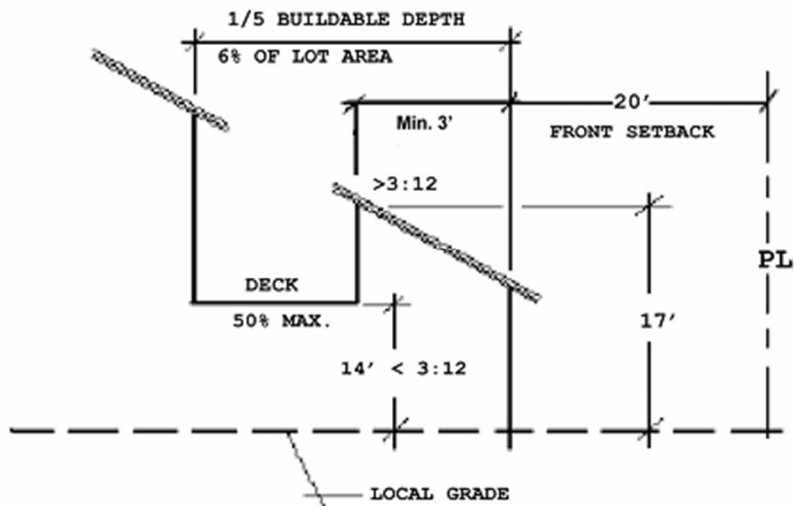
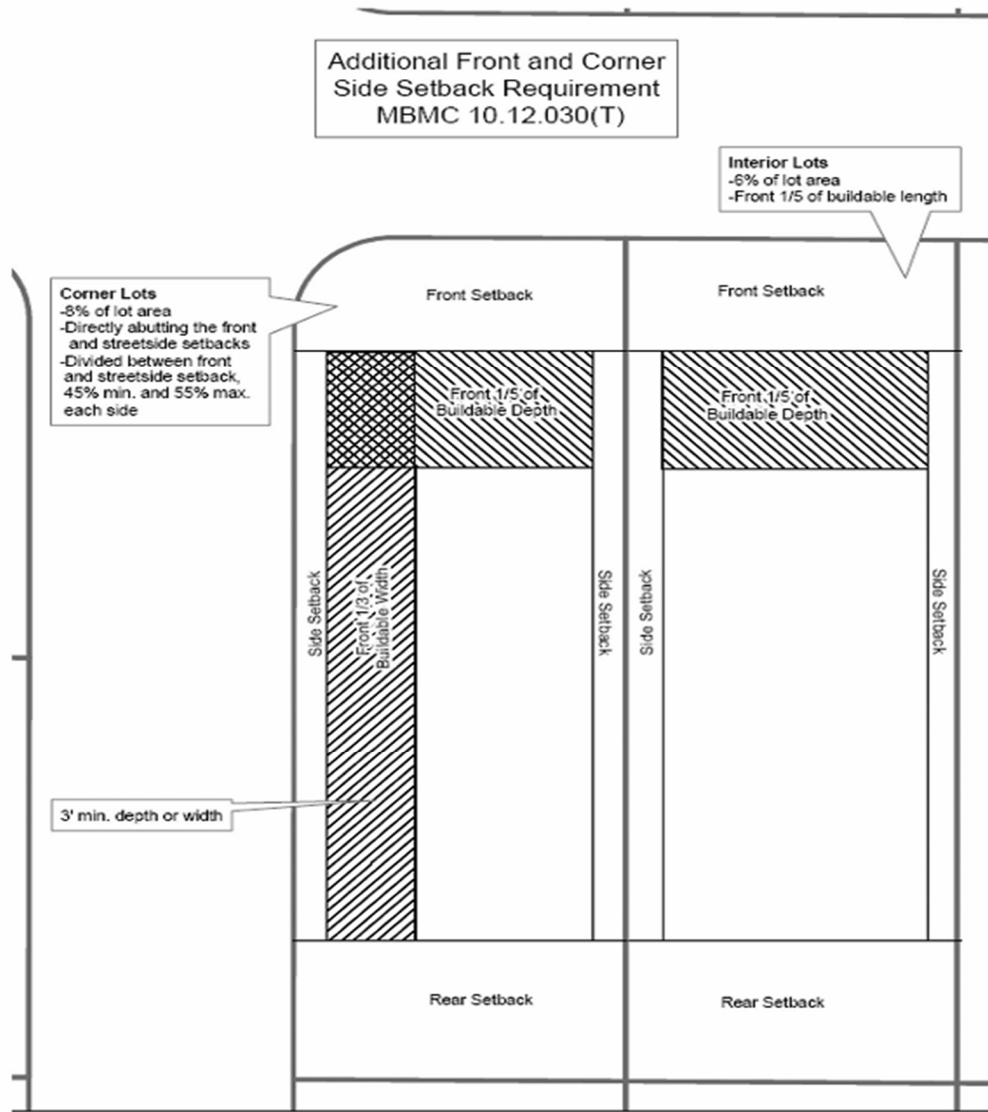
- Q. **Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

- R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

Exception: A detached accessory dwelling unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040.B.2.c.

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- S. **House Moving.** For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.
- T. **Additional Front and Corner Side Setback Requirement—RS Properties, Area Districts I and II.** In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:
1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (twenty percent (20%)) of the lot's buildable depth.
 2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of forty-five percent (45%) and a maximum of fifty-five percent (55%) of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third [thirty-three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of three feet (3') of depth or width and shall be distributed to provide building wall articulation.
 3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).
 4. A maximum of one-half of said area shall be designed or useable as roof top deck surfaces.
 5. Building projections above said area shall be considered as projections within a front yard.
- Exceptions:
1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.
 2. This requirement may be reduced for a small, wide, shallow, multiple front yard and/or unusually shaped lots or other unique conditions subject to approval of a minor exception.
 3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.
 4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.



**ADDITIONAL FRONT SETBACK REQUIREMENT
MBMC 10.12.030T**

- U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be granted a lot consolidation bonus incentive when two (2) or more parcels are consolidated into a single building site according to the following formula:

Combined Parcel Size		Base Density Increase
General	Site Inventory Parcels*	
Less than 0.50 acres		No increase
	0.30 acres to 0.49 acres	5% increase
0.50 acres to 0.99 acres		5% increase
1.00 acre or more		10% increase

*Applicable to sites identified in Appendix E - Site Analysis and Inventory: Tables 8, 9, 10, and 15 of the certified 6th Cycle Housing Element.

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter 10.94.

- V. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be exempt from these maximum lot size limitations.

10.16.020 CL, CC, CG, CD, and CNE districts: land use regulations.

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 10.84. The letters "P/U" -means that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters "PDP" and "SDP" designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter 10.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in this title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

CL, CC, CG, CD, and CNE DISTRICTS: LAND USE REGULATIONS	P — Permitted U — Use Permit L — Limited, (See Additional Use Regulations) PDP — Precise Development Plan SDP — Site Development Permit - — Not Permitted
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	CL	CC	CG	CD	CNE	Additional Regulations
Residential						
Day Care, Small Family Home	P	-	-	U	L-11	
Day Care, Large Family Home	L-23	-	-	L-23	L-23	
Single-Family Residential	U	-	-	U	L-11	(I)(J)(Q)
<u>Transitional Housing</u>	<u>P/PDP/SDP</u>		<u>P/PDP/SDP</u>	<u>P/PDP/SDP</u>	<u>P/PDP/SDP</u>	<u>(S)</u>
<u>Supportive Housing</u>	<u>P/PDP/SDP</u>		<u>P/PDP/SDP</u>	<u>P/PDP/SDP</u>	<u>P/PDP/SDP</u>	<u>(R)</u>
<u>Low Barrier Navigation Center</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
Multi-Family Residential	L-30	-	L-30			(I)(J)(P)
5 Units or Less	P			P	P	
6 Units or More	PDP/SDP			PDP/SDP	PDP/SDP	
Public and Semipublic						(A)
Clubs and Lodges	U	U	U	U	U	
Cultural Institutions	U	U	U	U	U	
Day Care, General	U	U	U	U	U	
Emergency Health Care	U	U	U	U	U	
Government Offices	L-10	P	P	P	P	
Hospitals	-	U	U	-	-	
Park & Recreation Facilities	P	P	P	P	P	
Public Safety Facilities	U	U	U	U	U	
Religious Assembly	L-21	-	L-21	-	-	
Residential Care, General	-	-	U	-	-	
Schools, Public or Private	U	U	U	-	-	
Utilities, Major	U	U	U	U	U	

Utilities, Minor	P	P	P	P	P	
Mixed-Use						
Mixed-Use	L-30		L-30			(B)(O)
Non-Residential Component	P/U			P/U	P/U	
Residential 5 or Less Units	P			P	P	
Residential 6 or Less Units	PDP/SDP			PDP/SDP	PDP/SDP	
Commercial Uses						(B)(K)(L)
Adult Businesses	-	-	L-5	-	-	(C)
Ambulance Services	-	-	U	-	-	
Animal Sales & Services						
Animal Boarding	-	-	U	U	-	
Animal Grooming	P	P	P	P	P	
Animal Hospitals	-	-	U	L-25	-	
Animals						
Retail Sales	P	P	P	P	P	
Artists' Studios	P	P	P	P	P	
Banks and Savings & Loans	P	P	P	L-26	P	
With Drive-Up Service	-	U	U	U	-	
Body Art Studios	-	U	U	-	-	(N)
Building Materials and Services	-	-	P	-	-	
Catering Services	P	P	P	P	P	
Commercial Filming	U	U	U	U	U	
Commercial Recreation and Entertainment	-	P	P	L-7	L-7	(D)
Communication Facilities	-	P	P	L-27	P	
Eating and Drinking Establishments	U	U	U	U	U	(E)
w/ Fast-Food or Take-Out Service	U	U	U	L-7	L-7	
Drive-Through	-	U	U	-	-	
Food and Beverage Sales	L-9	P	P	L-9	L-9	
Funeral and Interment Services	-	-	L-5	-	-	
Laboratories	-	-	U	-	-	
Maintenance and Repair Services	P	P	P	P	P	
Nurseries	P	P	P	-	-	
Offices, Business and Professional	P	P	P	L-24, L-26, L-28	L-24	
Pawn Shops	-	-	U	-	-	
Personal Improvement Services	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Psychic Advisor	-	-	P	-	-	
Research and Development Services	-	-	U	-	-	
Retail Sales	P	P	P	L-29	P	
Secondhand Appliances/Clothing	-	-	P	U	U	
Swap Meets, Recurring Travel Services	P	P	P	P	P	
Vehicle Equipment/Sales and Services						
Automobile Rentals	-	P	P	-	-	
Automobile Washing	-	-	L-8	-	-	
Commercial Parking	-	U	U	U	U	
Service Stations	U	U	U	U	-	(F)
Vehicle Equip. Repair	-	-	L-6	L-6	-	

Vehicle Equip. Sales and Rentals	-	P	P	-	-	
Vehicle Storage	-	-	U	-	-	
Visitor Accommodations						
Hotels and Motels and Time Shares	-	U	U	U	U	
Residential Hotels	-	-	U	-	-	
Warehousing and Storage, Ltd.	-	-	P	-	-	
Industrial						(B)
Industry, Custom	L-7	L-7	P	L-7	L-7	
Industry, Limited	-	-	L-7	-	-	
Wholesaling, Distribution and Storage	-	-	U	-	-	
Accessory Uses						
Accessory Uses and Structures	P/U	P/U	P/U	P/U	P/U	
Temporary Uses						(G)
Animal Shows	-	-	U	-	-	
Christmas Tree Sales/Pumpkin Sales	P	P	P	P	P	
Circus and Carnivals	-	U	-	U	U	
Commercial Filming, Limited	-	U	U	U	U	
Food Truck Sales	-	U	U	-	-	
New Year's Eve	U	U	U	U	U	
Real Estate Sales	P	P	P	P	P	
Retail Sales, Outdoor	P	P	P	P	P	
Street Fairs	U	U	U	U	U	
Trade Fairs	-	U	U	-	-	
Nonconforming uses						(H)

C Districts: Additional Land Use Regulations

- L-4 Only allowed above ground level with a use permit.
- L-5 Only mortuaries are allowed, subject to a use permit.
- L-6 A use permit is required, and body and fender shops are permitted only as part of a comprehensive automobile-service complex.
- L-7 Only "limited" or "small-scale" facilities, as described in use classifications, are allowed with a use permit.
- L-8 Attended facilities permitted; unattended facilities allowed with a use permit.
- L-9 A use permit is required for Food and Beverage establishments operating between 10:30 p.m. and 6 a.m.
- L-10 Only post offices and other offices occupying less than two thousand five hundred (2,500) square feet are permitted.
- L-11 Single-family residential permitted if located (1) on a site which fronts on Crest Drive; or (2) on the rear half of a site which fronts on Highland Avenue; or (3) on a site which fronts on the east side of Highland Avenue between 38th Place to the south and Moonstone Street to the north; or (4) on a site which does not abut Rosecrans Avenue or Highland Avenue; otherwise a use permit is required.

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- L-21 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.
- L-23 See Section 10.12.020 (L-22): regulations for "Day Care, Large Family Home".
- L-24 A use permit is required for a project with more than two thousand five hundred (2,500) square feet of buildable floor area.
- L-25 Animal Hospitals as defined in MBMC 10.08.050 require a Use Permit. Veterinary services, as defined as medical treatment for small animals, is a permitted use on the ground floor provided the proposed facilities are entirely enclosed, soundproofed, and air-conditioned. Overnight boarding is allowed only if associated with the on-site Veterinary services.
- L-26 Permitted above ground floor. Use is also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas.
- L-27 Permitted above ground floor.
- L-28 Optometrist office is permitted in ground floor spaces adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component. Optometrist office is also permitted above the ground floor.
- L-29 In addition to any other applicable regulations regulating square footage or retail floor space, a Use Permit is required for the establishment of any retail use proposed to contain more than one thousand six hundred (1,600) square feet of sales floor area. For the purposes of this section, "sales floor area" is defined as the total area of a tenant space, measured from the inside walls, excluding rooms or areas that are permanently inaccessible to the public, including, but not limited to, storage rooms, offices associated with the retail tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building.
- L-30 See Chapter 10.50, Residential Overlay District
- (A) Facilities on sites of two (2) acres or more are subject to the regulations of Chapter 10.28 (PS District) precluding those of this chapter. See Section 10.28.020: PS District Applicability.
- (B) A use permit is required for a single use or tenant project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) square feet of land area. A master use permit is required for a multiple use or tenant project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) square feet of land area. See Section 10.84 for use permit provisions.
- Exception: The building floor area or lot area thresholds above shall not apply to mixed-use developments as defined in Section 10.08.050(Q).
- (C) The exterior walls of an adult business shall be at least two hundred feet (200') from an R district and a school, and at least one thousand feet (1,000') from the exterior walls of another adult business.
- (D) See Section 10.56.050: Game centers.
- (E) See Section 10.56.020: Eating and drinking establishments with take-out service. An establishment providing group entertainment is subject to Title 4, Article 4, Dances and Cafe Entertainment and must obtain a permit from the City Manager.
- (F) See Section 10.56.030, Service stations, vehicle/equipment repair, and automobile washing.
- (G) See Section 10.84.110, Temporary use permits.
- (H) See Chapter 10.68, Nonconforming uses and structures.
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- (I) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section 10.04.020) are prohibited except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.
 - (J) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of Section 6.08.020 MBMC).
 - (K) Valid discretionary permits approved prior to January 17, 1991 may satisfy the requirement for an individual use permit or master use permit, provided the scope of the project, including use(s) approved and intensity (buildable floor area) of development, remain in substantial conformance with the approved project, and the project complies with all conditions of approval. The Community Development Director shall approve the conversion of such permits in conformance with this section.
 - (L) A use permit, or use permit amendment, shall be required for any new alcohol license or modification to an existing alcohol license.
 - (M) Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with use permits and other discretionary zoning approvals that limit the hours of operation may operate for extended hours for New Year's Eve as designated in Section 6.01.330 of the Businesses, Professions and Trades Code.
 - (N) A use permit shall be required for any new body art studio use as set forth in Section 10.56.070: Body Art Studios. In addition, body art studios shall comply with the regulations set forth therein. Body art studios are not permitted in CG zoned parcels that are adjacent to RS-D6 (Oak Avenue Overlay District) zoned parcels.
 - (O) The commercial component of a mixed-use development shall be subject to land use regulations in this section.
 - (P) Residential developments that qualify for a density bonus pursuant to Chapter 10.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments of six (6) or more units that do not receive a density bonus shall apply for a site development permit.

(Q) See Section 10.60.170 – Manufactured homes for additional development standards.

(R) Supportive Housing that meets the requirements of Section 10.60.180 shall be a ministerial by-right approval processed pursuant to that section. Supportive Housing that does not meet the requirements of Section 10.60.180 shall be processed in the same manner as, and subject only to those restrictions that apply to, other residential dwellings of the same type in the same zone.

(S) Transitional Housing shall be processed in the same manner as, and subject only to those restrictions that apply to, other residential dwellings of the same type in the same zone.

10.52.050 Accessory structures.

- A. **Timing.** Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; ~~this shall not prohibit development allowed in subsection F of this section.~~

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
 - a. Retention/detention features installed entirely below local grade.
 - b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five-foot (5') clearance from the property line is maintained.
 - c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040(D), stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

- C. **Maximum Height.** The maximum height of an accessory structure shall be twelve feet (12'), subject to the provisions of this subsection. Additional height shall be permitted, as provided in Section 10.60.060; Exceptions to height limits. For the purpose of this Section, height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure.

Exceptions.

1. The maximum height of any portion of an accessory structure which has a minimum three (3) in twelve (12) roof slope, and has a single roof ridge-line located at approximately the center of the structure, may be fifteen feet (15').
2. The maximum height of any portion of an accessory structure containing a Guest House or accessory living quarters, as defined in this title, constructed directly above a garage, may be twenty-two feet (22'), when that portion is not located within a required yard, or when it takes vehicle access from a rear alley and is located at least three feet (3') from all property lines.

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- D. **Relation to Property Lines.** An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s) (See Section 10.64.110(C); Aisle Dimensions, for exceptions applicable to detached alley-accessed garages). Building projections within the required setback area as prescribed in this section are permitted in accordance with Section 10.60.040; Building projections into required yards or open space.

Exceptions.

1. Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet (3'), providing there is zero clearance between said fence, wall or retaining wall and accessory structure.
 2. RS properties located in Area Districts I and II: All accessory structures that require a building permit must comply with front and side yard setbacks, and any portion of an accessory structure located in the rear yard setback shall be at least three feet (3') from side and rear property lines.
 - a. Street-alley lot. Detached accessory structures other than garages may be located on a rear property line, or shall be not less than three feet (3') from said property line. See Section 10.64.110(C); Aisle Dimensions, for standards applicable to detached alley-accessed garages.
 - b. Accessory structures may be located on a side and/or rear yard property line if said property line immediately abuts a commercial district.
 - c. An accessory structure that is nonconforming only because of its setback from the side and/or rear property lines may be enlarged or altered regardless of the estimated construction cost to determine the fifty percent (50%) valuation per Section 10.68.030(E), provided that no exterior portion of the accessory structure that occupies a required setback is altered unless the alteration eliminates the non-conformity.
- E. **RS District.** In an RS district, the total gross floor area of accessory structures more than four feet (4') in height that are not attached to a dwelling shall not exceed nine hundred (900) square feet or twelve percent (12%) of lot area, whichever is more.
- F. ~~**Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one (1) site, with only detached accessory structure(s) on one (1) or more of the lots, subject to the following criteria.~~
- ~~1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).~~
 - ~~2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).~~
 - ~~3. One (1) of the lots must be developed with a residential dwelling unit as the principal structure.~~
 - ~~4. The development is in compliance with current zoning code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total buildable floor area on all of the common ownership lots combined.~~
 - ~~5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.~~

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- ~~6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.~~
- ~~7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title:~~
- ~~a. Guest House (or accessory living quarters) in compliance with the requirements of Section 10.04.030.~~
- ~~b. Other accessory structures in compliance with subsection E of this section.~~
- ~~c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.~~
- ~~d. Other accessory structures that are not included as gross floor area or square footage, including, but not limited to, pools and spas, sports courts, decks, and patios.~~

G. Swimming Pools and Hot Tubs.

1. A swimming pool or hot tub and related equipment may occupy a required rear yard or side yard but shall not be within five feet (5') of a property line.

Exception: A swimming pool or hot tub and related equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of subsection D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

2. All pools and hot tubs shall be fenced, as required by Title 9, Chapter 48 of the Municipal Code.

- H. **Decks.** No accessory structure deck or green roof/deck more than thirty inches (30") in height shall be located in a required yard.
- I. **In RPD District.** The location of accessory structures shall comply with the requirements of the RPD permit.
- J. **Separation.** The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings on the same lot shall not be less than ten feet (10').
- K. Accessory Dwelling Units constructed in compliance with Chapter 10.74 are not subject to the provisions of this Section 10.52.050.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1891, Amended, 01/06/94; §§ 12, 13, Ord. 2111, eff. March 19, 2008, § 8, Ord. 2146, eff. August 4, 2011, and §§ 6, 7, Ord. 18-0024, eff. Jan. 18, 2019)

10.52.100 Repealed Manufactured homes.

- A. **Purpose.** It is the intent of the City to provide opportunities for the placement of manufactured homes in R districts, consistent with state law, and to ensure that such manufactured home is designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.
- B. **General Requirements.** Manufactured homes may be used for residential purposes if such manufactured home has been granted a Certificate of Compatibility and is located in an R district. Manufactured homes also may be used for temporary uses, subject to the requirements of a temporary use permit issued under Chapter 10.84.
- C. **Requirements for Certificates of Compatibility.** Manufactured homes may be located in any R district where a single-family detached dwelling is permitted, subject to the same restrictions on density and to the same property development regulations, provided that such manufactured home receives a Certificate of Compatibility. The Community Development Director shall issue such certificate if the manufactured home meets the design and locational criteria of this subsection.
- The certificate shall be valid for two (2) years and may be renewed for subsequent periods of 2 years if the location and design criteria of this section are met. More specifically, the location and design of manufactured homes shall comply with the following criteria in order to protect neighborhood integrity, provide for harmonious relationship between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on residential lots:
1. **Location Criteria.** Manufactured homes shall not be allowed:
 - a. On substandard lots that do not meet the dimensional standards of Chapter 10.12;
 - b. As an additional unit on an already developed lot;
 - c. As an accessory building or use on an already developed lot; or
 - d. On lots with an average slope of more than ten percent (10%), or on any portion of a lot where the slope exceeds fifteen percent (15%).
 2. **Design Criteria.** Manufactured homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
 - a. Each manufactured house must be at least sixteen feet (16') wide;
 - b. It must be built on a permanent foundation approved by the Community Development Director;
 - c. It must have been constructed after June 1, 1979, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;
 - d. The unit's skirting must extend to the finished grade;
 - e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;
 - f. The roof must have a pitch of not fewer than three inches (3") vertical rise per twelve inches (12") horizontal distance;
 - g. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent editions of the Uniform Building Code fire rating approved in the City of Manhattan Beach;
 - h. The roof must have eaves or overhangs of not less than one foot (1');
 - i. The floor must be no higher than twenty inches (20") above the exterior finished grade; and
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j. ~~Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.~~

D. ~~**Cancellation of State Registration.** Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured house, the owner shall provide to the Community Development Director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the Community Development Director with a statement to that effect from the dealer selling the home.~~

~~(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 2049, eff. November 18, 2003)~~

10.56.080 Emergency shelters.

This section sets forth the requirements for the establishment and operation of emergency shelters.

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:
1. Zoning Conformance Required. Emergency shelters may be established and operated in the Public/Semi-Public (PS) District and Industrial Park (IP) District subject to non-discretionary approval of a zoning clearance in compliance with which must be submitted on electronic forms provided by the City and include all information required by the form and applicable submittal checklist for a complete understanding of the applications subject to Chapter 10.80;
 2. Management and Operations Plan. An application for a permit to establish and operate an emergency shelter shall be accompanied by a management plan, which should incorporate the following: hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, house rules regarding use of alcohol and drugs, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.
- B. Development Standards. In addition to other standards set forth in the Municipal Code, emergency shelters shall conform to the following standards.
1. Maximum of twenty-five (25) beds.
 2. Minimum separation of three hundred feet (300'), measured from the property line, shall be maintained between emergency shelters.
 3. One (1) parking space ~~per four (4) beds, plus one (1) space~~ for each staff member on duty during peak hours of operation. Parking lot and access improvements shall be designed to meet City standards.
 4. On-site waiting and client intake areas shall be provided in the emergency shelter building. Outdoor waiting areas, if provided, shall be visually screened from the public right-of-way and from adjacent land uses.
 5. The emergency shelter shall provide at least one qualified on-site manager during all hours of operation and at least one hour prior to and after shelter operating hours.
 6. The maximum length of stay by an individual in an emergency shelter shall not exceed six months in any consecutive 12-month period. No individual shall be denied emergency shelter because of an inability to pay.
 7. Site and building lighting shall be provided for safety and security in a manner consistent with Chapter 10.64.
 8. A private storage area, such as a closet or a locker may be provided with each on-site bed. Regulations regarding personal storage use shall be set by City-approved policy, posted onsite, and provided upon intake to all clients.
 9. Toilets, sinks, and showers shall be provided on-site. The emergency shelter manager shall be responsible for ensuring that all restroom and shower facilities comply with the City's Building Code requirements.

(§ 9, Ord. 13-0006, eff. August 1, 2013)

10.56.090 Low Barrier Navigation Center.

- A. The purpose of this section is to establish development standards for low- barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law.
- B. A non-discretionary zoning clearance shall be made on electronic forms provided by the City and include all information required by the form and applicable submittal checklist for a complete understanding of the proposal and is required prior to establishment of any low- barrier navigation center meeting the criteria set forth in this section.
- C. Applications shall be processed through a ministerial action without discretionary review or a hearing in accordance with the timelines identified in state law.
- D. A low-barrier navigation center is a use by-right in areas zoned for mixed-use and nonresidential uses that allow for multifamily development, if it meets the following requirements:
 - 1. Connected Services. Services to connect people to permanent housing through a services plan that identifies staffing for those services are offered.
 - 2. Coordinated Entry System. A coordinated entry system is linked to the low- barrier navigation center that allows staff in the interim facility or staff who co-locate in the facility mayto conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - 3. Code Compliant. The low barrier navigation center shall complyes with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - 4. Homeless Management Information System. A system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations, is available.

10.60.170 Manufactured homes.

A. **Purpose.** It is the intent of the City to provide opportunities for the placement of manufactured homes in all districts and in the same manner that allow for single-family residential dwellings, consistent with California Government Code Section 65852.3, as those provisions may be amended from time to time.

B. General Requirements.

1. **Location.** Manufactured homes may be located in any district where a single-family detached dwelling is permitted.

2. **Development Standards.** Manufactured homes shall be subject to the same single-family residential development regulations within the applicable zone in which the manufactured home is located.

3. **Design Criteria.** Manufactured homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

- a. Each manufactured house must be at least sixteen feet (16') wide;
- b. It must be built on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code and approved by the Community Development Director;
- c. It must have been constructed after June 1, 1979, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;
- d. Exterior siding, including skirting, must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;
- e. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent editions of the Uniform Building Code fire rating approved in the City of Manhattan Beach;
- f. The roof must have eaves or overhangs of not less than one foot (1');
- g. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.

4. **Age Limitation.** No more than ten (10) years may have elapsed between the manufacture date of a manufactured home and the application date for a building permit to install the manufactured home on a permanent foundation.

C. **Mobile Home Parks.** Mobile home parks, as defined in Section 18214 of the Health and Safety Code, shall be allowed with a Use Permit in all districts zoned and planned for residential land uses, consistent with California Government Code Section 65852.7, as those provisions may be amended from time to time.

1. **Closure or Conversion of Use.** Any mobile home park closure or conversion to another use shall be subject to Government Code Section 65863.7 and 66427.4, as may be amended from time to time.

D. **Cancellation of State Registration.** Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured house, the owner shall provide to the Community Development Director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the Community Development Director with a statement to that effect from the dealer selling the home.

10.60.180 By Right Supportive Housing.

- A. Supportive Housing and Transitional Housing. Pursuant to California Government Code Section 65583(c)(3), as those provisions may be amended from time to time, transitional and supportive housing generally constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district. However, state law also requires that qualifying supportive housing projects be a use by right. This section ensures compliance with California Government Code Section 65650 *et seq.*, as those provisions may be amended from time to time.
- B. Up to 50 Units Permitted By Right. Pursuant to California Government Code Section 65651, as those provisions may be amended from time to time, a supportive housing development with up to 50 units shall be permitted by right in all zones where multi-family and mixed-use residential development are permitted through a non-discretionary zoning clearance, provided the development satisfies all of the following requirements:
1. A supportive housing development shall be subject to the objective development standards and policies that apply to other multifamily development within the same zone, except that if the supportive housing development is located within one-half mile of a public transit stop, the units intended for occupancy by supportive housing residents shall not be subject to any minimum parking requirement.
 2. All units within the development are subject to a recorded affordability restriction for 55 years.
 3. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are receiving or will receive public funding to ensure housing is affordable to lower income households. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
 4. The applicant shall provide the City with the information required by Government Code Section 65652, as that section may be amended from time to time.
 5. Nonresidential floor area. Onsite supportive services shall be provided in the following amounts:
 - a. For a development with 20 or fewer total units, at least 90 square feet per unit shall be provided.
 - b. For a development with more than 20 units, at least 3 percent of the total floor area shall be provided and limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - c. The floor area dedicated to administrative office space shall not exceed 25 percent of the total floor area.
 6. Units within the development, excluding managers' units, shall include at least one bathroom and a kitchen or other cooking facilities, including, at a minimum, a stovetop, a sink, and a refrigerator.

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7. If applicable, the applicant shall replace any dwelling units on the site of the supportive housing development in the same manner provided in paragraph (3) of subdivision (c) of Government Code section 65915.
 8. Notwithstanding any other provision of this Section to the contrary, the City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
 - a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 - b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain the project's financial feasibility.
 - c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.
 - C. A supportive housing project with more than 50 units shall not be processed under this section and shall instead be subject only to those restrictions and processes that apply to other residential uses of the same type in the same zoning district.

10.64.030 Off-street parking and loading spaces required.

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED		
Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Single-Family Residential: Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling less than 3,600 square feet	2 enclosed per unit. (See Minor Exception-Chapter 10.84 for existing structure provisions)	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. (See Minor Exception-Chapter 10.84 for existing structure provisions)	
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multifamily Residential (includes condominiums)	2 spaces, including 1 enclosed/unit. (2 enclosed per condominium unit.) In area district IV, both spaces must be enclosed. In building with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.	
Guest Parking	Condominiums: 1.0 space/unit. Apartments: 0.25 space/unit for buildings with 4 or more units. Guest parking spaces may be a compact car size. All compact spaces shall be clearly labeled "Compact." Required guest spaces for condominiums only may be in tandem configuration provided that, except for lots on The Strand, none other than resident spaces of the same unit are blocked and that such a configuration would not result in undue traffic hazard. (See following illustration "Condominium Guest Parking Provisions"). In no case shall a guest space block two tandem spaces. The dimension of standard, compact, and tandem parking spaces for all required and additional spaces	

	shall be in accordance with the provisions of this Code.	
<u>Residential Care, General</u>	<u>1 per 3 beds</u>	
Residential Care, Limited	<u>Parking requirement subject to primary residential use. 1 per 3 beds</u>	-
Senior Citizen	.5 per unit, plus: 1 accessible and designated guest space/5 units, one space per non-resident employee and 1 (11' w x 30' l x 10' h) loading area.	
<u>Supportive Housing</u>	<u>Parking requirement subject to primary residential use. Exception: no parking required if within ½ mile of public transit stop.</u>	
<u>Emergency Shelter</u>	<u>1 per each staff member or employee on duty during peak hours.</u>	
<u>Low Barrier Navigation Center</u>	<u>1 per each staff member or employee on duty during peak hours.</u>	
Public and Semipublic		
Clubs and Lodges	1 per 100 sq. ft. used for assembly purposes.	3
Cultural Facilities	1 per 300 sq. ft. gross floor area plus upper level uncovered decks or terraces.	3
Day Care, General	1 per 7 children; maximum enrollment based on maximum occupancy load.	-
Government Offices	1 per 300 sq. ft. gross floor area.	2
Heliports	As specified by use permit.	-
Hospitals	1 per 1.5 beds.	3
Maintenance and Service Facilities	1 per 500 sq. ft.	1
Park and Recreation Facilities	As specified by use permit for private facilities.	As specified by Use Permit
Public Safety Facilities	As specified by the Community Development Director.	3
Religious Assembly	1 per 100 sq. ft. seating area.	3
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by use permit.	3
Schools, Public or Private	As specified by use permit.	1
Utilities, Major	As specified by use permit.	1
Commercial		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.	-
Animal Sales and Services:		
Animal Boarding	1 per 400 sq. ft.	-
Animal Grooming	1 per 400 sq. ft.	-
Animal Hospitals	1 per 400 sq. ft.	1
Animals, Retail Sales	1 per 250 sq. ft.	1
Artists' Studios	1 per 1,000 sq. ft.	-
Banks and Savings and Loans:	1 per 300 sq. ft.	2
Drive-Up Service	Queue space for 5 cars per teller.	-
Body Art Studios	1 per 300 sq. ft.	1
Building Materials and Services	1 per 1,000 sq. ft. of lot area	1
Catering Services	1 per 400 sq. ft.	1

Commercial Recreation and Entertainment:		
Billiard/Pool Hall	1 per each pool table, plus parking associated with other uses of the establishment.	1
Bowling Alleys	4 per lane, plus 1 per 250 sq. ft. for other areas.	1
Electronic Game Centers	1 per 400 sq. ft.	-
Health/Fitness Centers	1 per 200 sq. ft. activity area, plus 1 per 250 sq. ft. for other areas.	1
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.	1
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats.	1
Other Commercial Recreation and Entertainment	As specified by the Community Development Director.	
Communications Facilities	1 per 500 sq. ft.	2
Eating and Drinking Establishments:		
General	1 per 50 sq. ft. seating area including cocktail lounge.	
With Live Entertainment	1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. dance floor	1
Take-Out Service	1 per 75 sq. ft. gross floor area plus outdoor seating area; plus queue space for 5 cars for drive-up service.	1
Food and Beverage Sales	1 per 200 sq. ft.	1
Furniture and Appliance Stores	1 per 600 sq. ft. if gross floor area exceeds 5,000 sq. ft.; otherwise, 1 per 200 sq. ft. Calculation shall include outdoor area used for continuous storage or display of merchandise	1
Funeral and Interment Services	1 per 50 sq. ft. seating area.	1
Hardware Stores	1 per 600 sq. ft. if gross floor area exceeds 5,000 sq. ft.; otherwise, 1 per 200 sq. ft.	1
Horticulture, Limited	1 per 2 acres.	-
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marine Sales and Services	1 per 350 sq. ft.	-
Nurseries	1 per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, plus 1 per 250 sq. ft. gross floor area.	-
Offices, Business and Professional	1 per 300 sq. ft.	1
Offices, Medical and Dental	1 per 200 sq. ft.	1
Offices, Medical Urgent Care	1 per 200 sq. ft.	1
Pawn Shops	1 per 250 sq. ft.	1
Personal Improvement Services:	1 per 250 sq. ft.	-
Dance or Music Studio	1 per 600 sq. ft.	-
Personal Services	1 per 300 sq. ft.	1
Psychic Advisor	1 per 300 sq. ft.	-
Research and Development Services	1 per 400 sq. ft.	-

Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for first 5,000 sq. ft.; 1 per 250 sq. ft. thereafter; bulk storage area for establishments over 5,000 sq. ft.; 1 per 1,000 sq. ft., or as specified by use permit.	1
Vehicle/Equipment Sales and Services: (vehicle/equipment inventory, storage, and service areas shall not be used to satisfy parking requirements)		
Automobile Rentals	1 per 400 sq. ft.; plus 2 storage spaces.	1
Automobile Washing	1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station.	-
Service Stations	1 per 2,500 sq. ft. lot area; plus 1 per 500 sq. ft. of service bay and storage area.	-
Vehicle/Equipment Repair	1 per 300 sq. ft.	1
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of lot or floor area (including showrooms) devoted to sales or rentals.	1
Vehicle Storage	1 per 500 sq. ft.	-
Visitor Accommodations:		
Hotels, Motels and Time Share	1.1 per guest room; plus 1 per 50 sq. ft.	1
Facilities	banquet seating area, and 1 per passenger transport vehicle (minimum of 2 stalls) plus parking for other uses and facilities as required by this schedule.	
Limited	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls).	-
Residential Hotels	1.1 per room.	1
Warehousing and Storage, Ltd.	1 per 1,000 sq. ft.	-
Industrial		
Industry, Custom and General	1 per 1,000 sq. ft.	2
Industry, Limited	1 per 750 sq. ft.	2
Industry, Research and Development	1 per 400 sq. ft.	2
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.	2

SCHEDULE B: LOADING SPACES REQUIRED

	Number of Spaces Required	
Gross Floor Area (sq. ft.)	10' × 20' × 10' Vertical Clearance	12' × 35' × 14' Vertical Clearance
Use Classification Group 1		
0 to 3,000		
3,001 to 15,000		0
15,001 to 50,000		1
50,001 and over		2
Use Classification Group 2		
0 to 10,000	1	
10,001 to 20,000		1
20,001 and over	1	1
Use Classification Group 3		
0 to 30,000		1
30,001 to 100,000		2

100,001 and over		3
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(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1850, Amended, 04/02/92; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 2, Ord. 1963, eff. July 5, 1997; § 5, Ord. 1977, eff. March 5, 1998; § 2, Ord. 2050, eff. January 1, 2004; § 15, Ord. 2111, eff. March 19, 2008 and § 8, Ord. 2155, eff. February 17, 2012; § 8, Ord. 17-0028, eff. January 20, 2018)

Chapter 10.74 ACCESSORY DWELLING UNITS

10.74.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Chapter 13 of Division 1 of Title 7 of the California Government Code to allow accessory dwelling units and junior accessory dwelling units consistent with state law.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.020 Definitions.

As used in this Chapter, terms are defined as follows and shall be in accordance with Government Code Section 66313, as that statute is amended from time to time:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. 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. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

"Accessory structure" for the purpose of this chapter means a structure that is accessory and incidental to a dwelling located on the same lot.

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

"Detached ADU" means an ADU that is constructed as a separate structure from any primary dwelling, and does not share any walls with a 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" means a unit that is not more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities.

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

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

"Public transit," means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fare, run on fixed routes, and are available to the public or as prescribed in Government Code Section 66313, as the same may be amended from time to time.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another or as prescribed by Government Code Section 66313.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.030 General requirements and application procedure.

The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

- A. Before constructing an ADU or a JADU or converting an existing structure, or portion of a structure to an ADU or JADU, or legalizing an unpermitted ADU or JADU per section 10.74.080, 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.

10.74.040 Approval of ADUs and JADUs.

- A. **Building Permit Only Subject to Government Code Section 66323.** An applicant shall not be subject to the standards included in paragraphs B through D of Section 10.74.050 of this Code or be required to submit an application for an ADU permit under subsection B of this section, and may instead seek building permit approval for an attached ADU or ~~or a~~ JADU, (or both), and a detached ADU, where the proposal satisfies the requirements of Government Code Section 66323, as the same may be amended from time to time. Such ADUs and JADUs shall be subject to the California Building Standards Code, as amended by the City, the JADU requirements in Section 10.74.060 of this Code, and any other applicable state or federal laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of thirty (30) days or longer ~~and shall be subject to the generally applicable covenant requirements in Section 10.74.050(A)(3).~~
- B. **ADU Permit.** Except as allowed under subsection A, no ADU shall be created without a permit in compliance with the standards set forth in sections 10.74.030.
 1. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable permits prior to the construction of the ADU or JADU.
 2. Projects Subject to ADU Permit Review. For those applications that do not qualify under subsection (A) above, the Director of Community Development or 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 complies with the requirements contained in this chapter and any other applicable law.
 3. Where an ADU permit application is submitted with an application for a primary 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.

C. **Processing Timelines and Procedures.**

Projects subject to Section 10.74.040(A), (B) and 10.74.060 are subject to ministerial approvals and shall be processed within the timelines established by California Government Code Section 66317 and 66335.

- D. ~~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 or in Chapter 13 of Division 1 of Title 7 of the California Government Code. A minor exception may not be requested for site or lot conditions.~~

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.050 ADU and JADU Requirements and Development Standards.

- A. The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

1. **Height.** All ADUs shall comply with the height limits prescribed in Government Code Section 66321.

- a. Height for detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure.
- b. A detached ADU located directly above a detached garage or directly below a detached garage that does not qualify as a basement shall not exceed a total height of twenty-six feet (26').

2. **Fire Sprinklers.** Fire Sprinklers shall not be required if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling as prescribed in Government Code Section 66314 and 66323.

3. ~~Rental Term Covenant Required. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.~~

- a. ~~For ADUs 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 thirty (30) days or longer; (ii) the ADU is not to be sold or conveyed separately from the primary dwelling (unless otherwise required by state law); (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 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.~~

- B. ~~For JADUs, see covenant requirements set forth in Section 10.74.060(F).~~ In addition to the requirements in Section 10.74.050(A), the following requirements apply to ADUs subject to Section 10.74.040(B):

1. **Location Restrictions/Number Permitted:**

- a. **ADUs on Lots with a Single-Family Residence.** A maximum of two (2) total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts. Only one (1) detached ADU is allowed on a property. This shall include any ADUs allowed by Section 10.74.040(A).

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- b. **ADUs on Lots with ~~New~~ Multi-Family Developments.** In all Area Districts, the total amount of ADUs permitted on a lot is prescribed in Government Code Section 66323 (a) (3) and (4).

2. **Development Standards:**

- a. **Size, General.** All ADUs shall comply with the minimum and maximum square footage requirements prescribed in Government Code Section 66321.
- i. If there is an existing single-family residence, a newly constructed attached ADU shall not exceed fifty percent (50%) of the buildable floor area of the existing single-family residence.
- ii. Application of other development standards in this section or any other section may further limit the size of an attached ADU. Notwithstanding, no percent-based size limits in this section or any other section, front setbacks, floor area ratio, or open space requirements may require the ADU to be less than 800 square feet of interior livable space.
- b. **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 (4'), and the front setback shall be as required for the primary structure.
- c. **Separation:** A detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
- d. **Standards:** An ADU shall, to the maximum extent possible, conform to all open space and, buildable floor area, ~~and minimum lot size~~ regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in subsection (c) above, except in the following cases:
- i. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.040(A).
- ii. Where the application of such standards would not permit construction of an ~~eight hundred (800) square foot~~ ADU that has 800 square feet of interior livable space that is sixteen feet (16') in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.
- e. Except as provided in subsection (d)(i) and (d)(ii), 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 unless the project complies with all requirements in Government Code Section 66323(a).~~

~~C.D.~~ **Design and Features:**

1. An ADU shall not have any outdoor deck at a height greater than thirty inches (30") above local grade if the deck is located in the primary dwelling's required yards. A landing for the purposes of ingress and egress shall be permitted at the minimum size required by the UBC.
2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
3. An ADU shall have a separate exterior access.
4. For any second-story detached ADUs located on non-alley lots, all exterior openings, including windows and doors, except a main entry into the ADU, that are within twelve feet (12') of and facing a rear property line and/or within ten feet (10') of and facing a side interior property line shall be fitted with translucent glazing and satisfy one (1) of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet (5') above the finished floor level at the window's

lowest point. Notwithstanding the foregoing, a proposed bedroom in a second-story detached ADU shall comply with egress requirements in the California Building Standard Code.

5. A kitchen, in conformance with applicable health and safety requirements, including at least one (1) permanently installed stovetop appliance, shall be required for all ADUs.
6. A permanent foundation shall be required for all ADUs.
7. Refuse containers shall comply with Municipal Code Section 5.24.030.

DE. Parking Requirements:

1. ~~1.~~ In addition to the off-street parking space(s) required for the primary dwelling, no more than one (1) off-street parking space shall be provided for each ADU or per bedroom, whichever is less.

a. ~~Exceptions. No parking under this subsection (D) is required in the following situations; except when:~~

a.

i. ~~a.~~ The ADU is located within one-half (½) mile walking distance of public transit as defined by Government Code Section 66313, as amended from time to time;

i.

ii. ~~b.~~ The ADU is located within an architecturally and historically significant historic district;

ii.

~~c.~~ The ADU is part of the existing primary dwelling or all or part of an existing accessory structure or building;

iii.

iv. ~~d.~~ The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant;

v. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle;

vi. The ADU is an efficiency unit; or

vii. The ADU is part of a permit application for a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Gov. Code Section 66322(a).

2. The parking space may be provided in setback areas or as tandem parking as defined by Government Code Section 66313, as amended from time to time, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
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. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced if the project meets any of the criteria set forth in Government Code Section 66322(a), as amended from time to time.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.060 JADU Standards.

JADUs shall comply with the following requirements and Government Code Section 66333 as amended from time to time:

- A. A JADU shall be a maximum of five hundred (500) square feet ~~of of buildable floor area~~ interior livable space ~~and a minimum of one hundred fifty (150) square feet, or an alternate minimum area for an "efficiency unit" that is adopted by the City.~~ 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 and enclosed uses within the dwelling, such as attached garages.
- 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. If a JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.
- E. A JADU shall include an efficiency kitchen, which shall include : (i) a cooking facility with appliances, and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- 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) if the JADU has shared sanitation facilities with the existing structure, 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 longer than thirty (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 66333-66339; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided prior to final building inspection.
- G. No additional parking is required for a JADU.

(Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

Editor's note(s)—Ord. No. 21-0001, § 5, adopted January 19, 2021 and effective February 19, 2021, in effect, repealed § 10.74.050 and enacted a new § 10.74.050 as set out herein. Former § 10.74.050 pertained to parking and derived from Ord. 18-0024, § 5, eff. Jan. 18, 2019.

10.74.070 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 Government Code Sections 66324, 11.5, 66338, and 66341, as amended from time to time.
- B. With the submittal of the ADU permit or prior to receiving a building permit if no ADU permit is required, the owner of the subject property shall submit letters of service availability for water and sewer disposal to the Building Official.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.080 Unpermitted ADUs and JADUs.

- A. Unpermitted ADUs and JADUs constructed before 2020 shall be permitted if the project complies with the provisions set forth in Government Code Section 66332.11.7, as amended from time to time.
1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - i. The ADU or JADU violates applicable building standards, or
 - ii. The ADU or JADU does not comply with state ADU or JADU law or this chapter.
 2. Exceptions:
 - i. Notwithstanding subsection (A)(1) above, the city may deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
 - ii. Subsection (A)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

Chapter 10.85 REASONABLE ACCOMMODATIONS

10.85.010 Specific purposes.

In conformance with state and federal fair housing laws, this chapter establishes the City's procedures related to requests for reasonable accommodations from the strict application of the City's land use and zoning regulations to allow disabled persons an equal opportunity to use and enjoy a dwelling.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.020 Definitions.

"Disabled; disabled person" means a person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the fair housing laws.

"Eligible person" means a disabled person, a disabled person's representative, or a real estate developer building housing for disabled persons.

"Fair housing laws" means the "Fair Housing Act" (42 U.S.C. § 3601 et seq.), the "Americans with Disabilities Act" (42 U.S.C. § 12101 et seq.), and the "California Fair Employment and Housing Act" (California Government Code § 12900 et seq.), as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.

"Major life activity" means physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

"Physical or mental impairment" means any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed "mental retardation"), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a physical or mental impairment.

"Reasonable accommodation" means any deviation requested and/or granted from the City's zoning and land use laws, rules, regulations, policies, procedures, practices, or any combination thereof, that may be reasonable and necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.030 Requesting reasonable accommodations.

- A. In order to make housing available to disabled persons, any eligible person may request a reasonable accommodation from the strict application of land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for a reasonable accommodation shall be submitted on an application form established by the Community Development Director.

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- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection, unless required by state or federal law.
 - D. A request for a reasonable accommodation from the strict application of the City's regulations, policies, practices or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect a person's obligations to comply with other applicable regulations not at issue in the requested accommodation.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.040 Reviewing authority.

- A. Requests for a reasonable accommodation shall be reviewed by the Community Development Director using the criteria set forth in Section 10.85.050. ~~The Community Development Director may, in his discretion, refer applications to the Planning Commission for consideration.~~
- B. The Community Development Director ~~may~~shall either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 10.85.050.
- C. If necessary to reach a determination on the request for reasonable accommodation and consistent with fair housing laws, the Community Development Director may request additional information from the applicant, and engage in an interactive process with the applicant to exchange information to identify, evaluate, and implement a reasonable accommodation or modification that allows the individual with a disability equal opportunity to use and enjoy a dwelling.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.050 Required findings.

The request for a reasonable accommodation shall be approved, or approved with conditions, if the reviewing authority finds that all of the following findings can be made:

- A. The dwelling, which is the subject of the request for reasonable accommodation, will be used by a disabled person;
- B. The requested accommodation is necessary to make housing available to a disabled person;
- C. The requested accommodation will not impose an undue financial or administrative burden on the City; and
- D. The requested accommodation will not require a fundamental alteration in the nature of the City's zoning ordinance.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.060 Written decision.

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the findings required by Section 10.85.050. All written decisions shall give notice of the applicant's right to appeal and to request a reasonable accommodation in the appeals process. The notice of decision shall be sent to the applicant by certified mail.
 - B. The written decision shall be final, unless the applicant appeals the decision pursuant to Chapter 10.100.
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- C. While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the property shall remain in full force and effect.

D. Prior to the issuance of any permits related to an approved reasonable accommodation, the applicant, or property owner if different, shall record a covenant in the county recorder's office, on a form approved by the city attorney, acknowledging and agreeing to comply with the terms and conditions of the approved reasonable accommodation, including bringing property or structure into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted in order allow the reasonable accommodation.

(§ 12, Ord. 13-0006, eff. August 1, 2013)

10.85.070 Expiration.

- A. A reasonable accommodation shall lapse if the exercise of rights does not occur within one hundred eighty (180) days after the issuance of the final decision.
- B. The rights conferred by an approved accommodation shall not run with the land and shall expire when the disabled person for whom the accommodation was granted no longer resides at the property, unless the Director makes either of the following findings: (1) that such accommodation is physically integrated with the property and cannot feasibly be removed or altered or (2) the property is now occupied by another disabled person who requires the accommodation to have an equal opportunity to use and enjoy the dwelling. The Community Development Director may request documentation that subsequent occupants are disabled persons. Failure to provide such documentation within thirty (30) days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodations.

(§ 12, Ord. 13-0006, eff. August 1, 2013)