

RESOLUTION NO. PC 20-08

A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO
MUNICIPAL CODE CHAPTER 10.74 AND SECTIONS 10.12.030 AND 10.68.030
RELATED TO ACCESSORY DWELLING UNITS

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY FIND
AND RESOLVE AS FOLLOWS:

Section 1. The Planning Commission hereby makes the following findings:

- A. Ordinance No. 19-0021-U, was adopted on December 17, 2019 as an Urgency Ordinance to modify regulations for new accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"), and Ordinance No. 20-0004-U was adopted on January 21, 2020 to extend the regulations until December 15, 2020. In adopting Ordinance No's. 19-0021-U, and 20-0004-U, the City Council made a number of legislative findings to support the adoption and extension on an urgency basis.
- B. The City studied the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs to be built on lots in various areas of the City. Effective January 1, 2020, Assembly Bills (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 amended Government Code Section 65852.2 to further limit the standards cities may impose on ADUs and require city ordinances to incorporate State-mandated standards for certain types of ADUs. In 2020, the State again amended Government Code Section 65852.2 through the enactment of SB 1030 and AB 3182. As amended, Government Code Section 65852.2 allows the City to designate areas where ADUs may be permitted and to establish objective standards related to parking, height, setback, lot coverage, landscaping, and architectural review, which must be applied ministerially except where a property owner is seeking an exception to the adopted standards. Areas of the City vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations and these regulations reflect those variations, given that some areas of the City have high density, small lot sizes, restricted circulation, and are almost entirely built out.
- C. On October 28, 2020 the Planning Commission conducted a duly noticed public hearing on ADU and related standards, and reviewed proposed text amendments to the Zoning Ordinance of the City's Municipal Code.
- D. The Planning Commission public hearing notice for October 28, 2020 included a ¼ page display ad public notice published in *The Beach Recorder*, a newspaper of general circulation in Manhattan Beach.
- E. The proposed text amendments have been prepared in accordance with Government Code Sections 65853, *et seq.*
- F. The proposed text amendments are exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, *et seq.*, ("CEQA")) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to

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CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

G. The proposed text amendments are consistent with the General Plan Goals and Policies because the amendments:

Achieve a strong, positive community aesthetic (Land Use Element Goal LU-3).

Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics (Land Use Element Goal LU-4).

Preserve the scale of development in existing residential neighborhoods (Housing Element Policy 1).

Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups (Housing Element GOAL II).

Encourage the development of additional low and moderate-income housing (Housing Element Policy 5).

Allow second units in residential areas (Housing Element Program 5e).

Section 2. The Planning Commission hereby recommends to the City Council that Manhattan Beach Municipal Code Chapter 10.74 be amended to read as follows:

"Chapter 10.74 - Accessory Dwelling Units

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

Section 10.74.010 - Purpose and Applicability.

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

Section 10.74.020 - Definitions.

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

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of 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.

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

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

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

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

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 3. Where an ADU permit application is submitted with an application for a 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.
 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that

1 does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception
2 may not be requested for site or lot conditions.

- 3 F. An applicant may apply for ADUs and JADUs meeting the requirements of Government
4 Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section 10.74.040,
5 but in no case shall the combined number of ADUs and JADUs be greater than two on a
6 property with a single-family residence.

7 **Section 10.74.040 – Local ADU Standards.**

8 Excepting those ADUs that satisfy the requirements of Government Code Section 65852.2(e)(1),
9 ADUs shall comply with the following standards:

10 A. Location Restrictions/Number Permitted:

- 11 1. ADUs on Lots with a Single-Family Residence. A maximum of two total ADUs shall
12 be allowed on a lot with a proposed or existing single-family dwelling within all Area
13 Districts; however, only one ADU shall be allowed on a property that also has a
14 JADU. Only one detached ADU is allowed on a property.
- 15 2. ADUs on Lots with New Multi-Family Developments. In all Area Districts, one ADU
16 shall be allowed on a lot with a newly constructed multi-family development.
- 17 a. Multi-Family Redevelopments. Notwithstanding the limitation in paragraph
18 2 above, more than one ADU, up to 25 percent of the number of pre-
19 existing multi-family dwelling units on the property, shall be allowed where
20 the applicant proposes to demolish an existing multi-family development to
21 build a new multi-family development. For any property that is considered
22 a nonconforming use pursuant to 10.68.020.A because it does not meet
23 the current site area per dwelling unit requirement, the total resulting
24 number of units on the property, including ADUs, shall not be greater than
25 the number of pre-existing units on the property.

26 B. Development Standards:

- 27 1. Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet
28 of gross floor area. ADUs with two or more bedrooms shall not exceed 1,200 square
29 feet of gross floor area. The minimum size of an ADU shall be 220 square feet, or an
30 alternate minimum area for an "efficiency unit" that is adopted by the City.
- 31 a. Additional Size Limitations for Attached ADUs: If there is an existing single-
32 family residence, a newly constructed Attached ADU shall not exceed fifty
percent of the gross floor area of the existing single-family residence.
- 33 2. Height for Detached ADUs shall be measured from the weighted average of the
34 local grades around the perimeter of the detached structure, and:
- 35 a) A Detached ADU shall not exceed 16 feet in height; or
36 b) A Detached ADU located above a detached garage or below a
37 detached garage that does not qualify as a basement shall not exceed
38 25 feet in height.
- 39 3. Setbacks: No setback shall be required for an ADU that is within an Existing
40 Structure or within a structure constructed in the same location and dimensions as an

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Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.

4. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.

5. Standards: An ADU shall conform to all open space, buildable floor area, minimum lot size, and front setback regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:

- a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).
- b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.

C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.

D. Design and Features:

- 1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
- 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
- 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
- 4. An ADU shall have a separate exterior access.
- 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
- 6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.
- 7. A permanent foundation shall be required for all ADUs.
- 8. Refuse containers shall comply with Municipal Code Section 5.24.030.

E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code

Chapter 1.04. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.

F. Parking Requirements (ADU):

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

Section 10.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

1. A JADU shall be a maximum of 500 square feet of buildable floor area and a minimum 220 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.
2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.

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1 Section 5. The Planning Commission hereby recommends to the City Council that the
2 Manhattan Beach Municipal Code Sections 10.68.030(A)-(C), regarding nonconforming uses, be
3 amended to read as follows:

4 "A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged
5 unless required by law, or unless the moving, alteration, or enlargement will result in the
6 elimination of the nonconformity.

7 **Exceptions.**

8 1. Minor enlargement of a structure, the use of which is nonconforming with respect to
9 a use permit approval, is permitted, provided said enlargement, accomplished
10 cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the
11 total pre-existing buildable square feet occupied by said use that is legally
12 established as of the effective date of the ordinance codified in this title.

13 2. During the period that the dwelling unit replacement requirement of State
14 Government Code Section 66300(d) is in effect, existing dwelling units occupying a
15 site that do not conform with the current site area per dwelling unit regulations for
16 the district in which the use is located may be altered by remodeling if the proposed
17 work does not enlarge the structure.

18 B. No structure partially occupied by a nonconforming use shall be moved, altered, or
19 enlarged in such a way as to permit the enlargement of the space occupied by the
20 nonconforming use.

21 **Exceptions.**

22 1. Minor enlargement of a structure, the use of which is nonconforming with respect
23 to a use permit approval, is permitted, provided said enlargement, accomplished
24 cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the
25 total pre-existing buildable square feet occupied by said use that is legally
26 established as of the effective date of the ordinance codified in this title.

27 2. During the period that the dwelling unit replacement requirement of State
28 Government Code Section 66300(d) is in effect, existing dwelling units occupying
29 a site that do not conform with site area per dwelling unit regulations for the district
30 in which the use is located may be altered by remodeling if the proposed work does
31 not enlarge the structure.

32 C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part
of the structure or site, or another structure or site which it did not occupy on the effective
date of the ordinance codified in this title, or of the amendments thereto that caused it to
become a nonconforming use, or in such a way as to displace any conforming use
occupying a structure or site, except as permitted in this section."

1 Section 6. The Secretary of the Planning Commission shall certify to the adoption of this
2 Resolution and shall make this resolution readily available for public inspection.

3 October 28, 2020

4 
5 _____
6 Planning Commission Chair

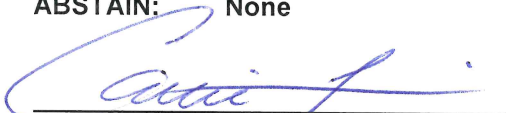
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9 I hereby certify that the foregoing is a full, true, and
10 correct copy of the Resolution as **ADOPTED** by the
11 Planning Commission at its regular meeting of **October**
12 **28, 2020** and that said Resolution was adopted by the
13 following vote:


14 **AYES:** Fournier, Burkhalter,
15 Thompson, Ungoco,
16 Chairperson Morton

17 **NOES:** None

18 **ABSENT:** None

19 **ABSTAIN:** None

20 
21 _____
22 **Carrie Tai, AICP**
23 Secretary to the Planning Commission

24 
25 _____
26 **Rosemary Lackow**
27 Recording Secretary

RESOLUTION NO. PC 20-09

A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO LOCAL
COASTAL PROGRAM CHAPTER A.74 AND SECTIONS A.12.030 AND A.68.030
RELATED TO ACCESSORY DWELLING UNITS

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY FIND
AND RESOLVE AS FOLLOWS:

Section 1. The Planning Commission hereby makes the following findings:

- A. Ordinance No. 19-0022-U, was adopted on December 17, 2019 as an Urgency Ordinance to modify regulations for new accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"), and Ordinance No. 20-0005-U was adopted on January 21, 2020 to extend the regulations until December 15, 2020. In adopting Ordinance No's. 19-0022-U, and 20-0005-U, the City Council made a number of legislative findings to support the adoption and extension on an urgency basis.
- B. The City studied the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs to be built on lots in various areas of the City. Effective January 1, 2020, Assembly Bills (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 amended Government Code Section 65852.2 to further limit the standards cities may impose on ADUs and require city ordinances to incorporate State-mandated standards for certain types of ADUs. As amended, Government Code Section 65852.2 allows the City to designate areas where ADUs may be permitted and to establish objective standards related to parking, height, setback, lot coverage, landscaping, and architectural review, which must be applied ministerially except where a property owner is seeking an exception to the adopted standards. Areas of the City vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations and these regulations reflect those variations, given that some areas of the City have high density, small lot sizes, restricted circulation, and are almost entirely built out.
- C. On October 28, 2020 the Planning Commission conducted a duly noticed public hearing on ADU and related standards, and reviewed proposed text amendments to the City's Local Coastal Program Implementation Plan.
- D. The Planning Commission public hearing notice for October 28, 2020 included a ¼ page display ad public notice published in *The Beach Recorder*, a newspaper of general circulation in Manhattan Beach.
- E. The proposed text amendments have been prepared in accordance with Government Code Sections 65853, *et seq.*
- F. The proposed text amendments are exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, *et seq.*, ("CEQA")) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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G. The proposed text amendments are consistent with the General Plan Goals and Policies because the amendments:

Achieve a strong, positive community aesthetic (Land Use Element Goal LU-3).

Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics (Land Use Element Goal LU-4).

Preserve the scale of development in existing residential neighborhoods (Housing Element Policy 1).

Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups (Housing Element GOAL II).

Encourage the development of additional low and moderate-income housing (Housing Element Policy 5).

Allow second units in residential areas (Housing Element Program 5e).

H. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program.

I. The proposed amendments are consistent with the policies of Chapter 3 of the Coastal Act, will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water.

Section 2. The Planning Commission hereby recommends to the City Council that Manhattan Beach Local Coastal Program Implementation Plan Chapter A.74 be amended to read as follows:

"Chapter A.74 - Accessory Dwelling Units

Section A.74.010 – Purpose and Applicability

Section A.74.020 – Definitions

Section A.74.030 – General Requirements and Application Procedure

Section A.74.040 – Local ADU Standards

Section A.74.050 – JADU Standards

Section A.74.060 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

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

Section A.74.020 - Definitions.

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

"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.

1 "Detached ADU" means an ADU that is constructed as a separate structure from any Primary
2 Dwelling, and does not share any walls with a Primary Dwelling.

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

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

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

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

12 **Section A.74.030 - General Requirements and Application Procedure.**

13 A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of
14 a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the
15 requirements of this section.

16 B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards
17 Code, as amended by the City, and any other applicable laws.

18 C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to
19 submit an application for an ADU permit under subsection D of this section, and may
20 instead seek building permit approval for an ADU or JADU, or both, where the proposal
21 satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may
22 be amended from time to time, the California Building Standards Code, as amended by
23 the City, and any other applicable laws. An ADU or JADU approved pursuant to this
24 subsection shall be rented only for terms of 30 days or longer.

25 D. Projects Subject to ADU Permit Review and Timelines.

26 1. The Director of Community Development or his/her designee shall ministerially
27 review and approve an ADU permit application and shall not require a public
28 hearing, provided that the submitted application is complete and demonstrates
29 that the ADU complies with the requirements contained in this chapter and any
30 other applicable law.

31 2. ADU permit applications subject to ministerial approval shall be processed within
32 the timelines established by California Government Code Section 65852.2.

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.

4. In addition to obtaining an ADU permit, the applicant shall be required to obtain
a building permit and any other applicable construction or related permits prior to
the construction of the ADU.

- 1 E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Local Coastal
2 Program Implementation Plan Section A.84.120, for the establishment of an ADU or
3 JADU in an existing legal structure that does not comply with the ADU or JADU standards
4 provided in this chapter. A Minor Exception may not be requested for site or lot conditions.
5
6 F. An applicant may apply for ADUs and JADUs meeting the requirements of Government
7 Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section A.74.040, but
8 in no case shall the combined number of ADUs and JADUs be greater than two on a
9 property with a single-family residence.

10 **Section A.74.040 – Local ADU Standards.**

11 Excepting those ADUs that satisfy the requirements of Government Code Section 65852.2(e)(1),
12 ADUs shall comply with the following standards:

13 A. Location Restrictions/Number Permitted:

- 14 1. ADUs on Lots with a Single-Family Residence. A maximum of two total ADUs shall
15 be allowed on a lot with a proposed or existing single-family dwelling within all Area
16 Districts; however, only one ADU shall be allowed on a property that also has a
17 JADU. Only one detached ADU is allowed on a property.
18
19 2. ADUs on Lots with New Multi-Family Developments. In all Area Districts, one ADU
20 shall be allowed on a lot with a newly constructed multi-family development.
21
22 a. Multi-Family Redevelopments. Notwithstanding the limitation in paragraph
23 2 above, more than one ADU, up to 25 percent of the number of pre-
24 existing multi-family dwelling units on the property, shall be allowed where
25 the applicant proposes to demolish an existing multi-family development to
26 build a new multi-family development. For any property that is considered
27 a nonconforming use pursuant to Local Coastal Program Implementation
28 Plan Section A.68.020.A because it does not meet the current site area per
29 dwelling unit requirement, the total resulting number of units on the
30 property, including ADUs, shall not be greater than the number of pre-
31 existing units on the property.

32 B. Development Standards:

- 1 Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet
2 of gross floor area. ADUs with two or more bedrooms shall not exceed 1,200 square
3 feet of gross floor area. The minimum size of an ADU shall be 220 square feet, or an
4 alternate minimum area for an "efficiency unit" that is adopted by the City.
5
6 a. Additional Size Limitations for Attached ADUs: If there is an existing single-
7 family residence, a newly constructed Attached ADU shall not exceed fifty
8 percent of the gross floor area of the existing single-family residence.

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2. Height for Detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure, and:

- a) A Detached ADU shall not exceed 16 feet in height; or
- b) A Detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.

3. 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. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.

5. Standards: An ADU shall conform to all open space, buildable floor area, minimum lot size, and front setback regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:

- a. ADUs that are not required to obtain an ADU permit as provided in Local Coastal Program Implementation Plan Section A.74.030(C).
- b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.

C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.

D. Design and Features:

- 1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
- 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
- 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
- 4. An ADU shall have a separate exterior access.
- 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.

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

E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.

F. Parking Requirements (ADU):

1. In addition to the off-street parking space(s) required for the Primary Dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the existing Primary Dwelling or all or part of an existing accessory structure or building;
 - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
2. Required setbacks, yards and open space shall not be used for parking except that:
 - a. Parking may be located within an enclosed accessory building as permitted by Local Coastal Program Implementation Plan Section A.52.050; and
 - b. Parking may be located outside of the front yard setback on existing driveways existing prior to January 1, 2019, that are conforming in width and clearance.
3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Local Coastal Program Implementation Plan Chapter A.64.

- 1 4. When the ADU is created by converting or demolishing a garage, carport or
2 covered parking structure, replacement of parking space(s) eliminated by the
3 construction of the ADU shall not be required as long as the ADU remains in use
4 as a legal ADU. Existing driveways that formerly served parking spaces that have
5 been converted to an ADU may remain for parking.

6 **Section A.74.050 - JADU Standards.**

7 JADUs shall comply with the following requirements:

- 8 1. A JADU shall be a maximum of 500 square feet of buildable floor area, and a minimum
9 of 220 square feet, or an alternate minimum area for an "efficiency unit" that is adopted
10 by the City. The buildable floor area of a shared sanitation facility shall not be included in
11 the maximum buildable floor area of a JADU.
12 2. A JADU must be contained entirely within the walls of the existing or proposed single-
13 family dwelling.
14 3. A separate exterior entry from the main entrance to the single-family dwelling shall be
15 provided to serve a JADU.
16 4. A JADU may include separate sanitation facilities, or may share sanitation facilities with
17 the existing or proposed single-family dwelling.
18 5. A JADU shall include an efficiency kitchen meeting the requirements of Government
19 Code Section 65852.22.
20 6. Covenant Required: The property owner shall record a declaration of restrictions, in a
21 form approved by the City Attorney, placing the following restrictions on the property, the
22 property owner, and all successors in interest: (i) the property owner shall be an owner-
23 occupant of either the Primary Dwelling or the JADU, unless the owner is a government
24 agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of
25 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-
26 family dwelling; (iv) the property owner and all successors in interest shall maintain the
27 JADU and the property in accordance with all applicable JADU requirements and
28 standards, including the restrictions on the size and attributes of the JADU provided in
29 Government Code Section 65852.22; and (v) that any violation will be subject to penalties
30 as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall
31 be provided prior to final building inspection.
32 7. No additional parking is required for a JADU.

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Section A.74.060 - Fees and Utility Connections.

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

Section 3. The Planning Commission hereby recommends to the City Council that the Manhattan Beach Local Coastal Program Implementation Plan Section A.12.030 "Property Development Standards for All Area Districts" table be amended to add a row referring to "Accessory Development Units" as follows:

Accessory Structures	See Section A.52.050
<u>Accessory Dwelling Units</u>	<u>See Chapter A.74</u>
Exterior Materials	See Section A.52.020

Section 4. The Planning Commission hereby recommends to the City Council that Manhattan Beach Local Coastal Program Implementation Plan Section A.12.030(R) be amended to read as follows:

"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 A.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 A.74.040(B)."

Section 5. The Planning Commission hereby recommends to the City Council that the Manhattan Beach Local Coastal Program Implementation Plan Sections A.68.030(A)-(C), regarding nonconforming uses, be amended to read as follows:

"A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity.

1 **Exceptions.**

- 2 1. Minor enlargement of a structure, the use of which is nonconforming with respect
- 3 to a use permit approval, is permitted, provided said enlargement, accomplished
- 4 cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the
- 5 total pre-existing buildable square feet occupied by said use that is legally
- 6 established as of the effective date of the ordinance codified in this title.
- 7 2. During the period that the dwelling unit replacement requirement of State
- 8 Government Code Section 66300(d) is in effect, existing dwelling units occupying a
- 9 site that do not conform with the current site area per dwelling unit regulations for
- 10 the district in which the use is located may be altered by remodeling if the
- 11 proposed work does not enlarge the structure.
- 12 B. No structure partially occupied by a nonconforming use shall be moved, altered, or
- 13 enlarged in such a way as to permit the enlargement of the space occupied by the
- 14 nonconforming use.

15 **Exceptions.**

- 16 1. Minor enlargement of a structure, the use of which is nonconforming with respect
- 17 to a use permit approval, is permitted, provided said enlargement, accomplished
- 18 cumulatively in one (1) or more projects, does not exceed ten percent (10%) of
- 19 the total pre-existing buildable square feet occupied by said use that is legally
- 20 established as of the effective date of the ordinance codified in this title.
- 21 2. During the period that the dwelling unit replacement requirement of State
- 22 Government Code Section 66300(d) is in effect, existing dwelling units occupying
- 23 a site that do not conform with site area per dwelling unit regulations for the
- 24 district in which the use is located may be altered by remodeling if the proposed
- 25 work does not enlarge the structure.
- 26 C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part
- 27 of the structure or site, or another structure or site which it did not occupy on the effective
- 28 date of the ordinance codified in this title, or of the amendments thereto that caused it to
- 29 become a nonconforming use, or in such a way as to displace any conforming use
- 30 occupying a structure or site, except as permitted in this section."

31 Section 6. The Secretary of the Planning Commission shall certify to the adoption of this

32 Resolution and shall make this resolution readily available for public inspection.

October 28, 2020



Planning Commission Chair

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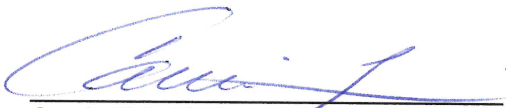
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting of **October 28, 2020** and that said Resolution was adopted by the following vote:

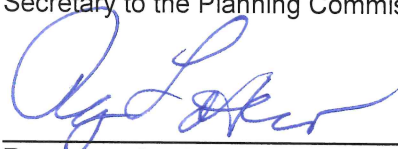
AYES: Fournier, Burkhalter,
Thompson, Ungoco,
Chairperson Morton

NOES: None

ABSENT: None

ABSTAIN: None


Carrie Tai, AICP
Secretary to the Planning Commission


Rosemary Lackow
Recording Secretary