



## Legislation Details (With Text)

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**Type:** Public Hearing - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 1/21/2020      **Final action:** 1/21/2020

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

a) CONDUCT PUBLIC HEARING

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

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council Regular Meeting	adopted	Pass
1/21/2020	1	City Council Regular Meeting	adopted	Pass

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

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

**SUBJECT:**

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

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

**RECOMMENDATION:**

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

replacement units for residential dwelling units that are demolished.

### **FISCAL IMPLICATIONS:**

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

### **BACKGROUND:**

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

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

### **DISCUSSION:**

#### **Interim Regulations**

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

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

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

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

### **Ongoing Studies and Council Questions**

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

- Replacement of dwelling units that are nonconforming uses.
- Replacement of dwelling units that are nonconforming to design standards.
- Quantities of ADUs that can be used as replacement units.

### **INTERIM URGENCY ORDINANCE:**

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

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

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

### **PUBLIC OUTREACH/INTEREST:**

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

### **ENVIRONMENTAL REVIEW:**

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

### **LEGAL REVIEW:**

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

ordinances.

**Attachments:**

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