

ORDINANCE NO. 23-0014

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ADDING CHAPTERS 10.78 AND 11.40, AND AMENDING
SECTIONS 10.12.020, 11.04.030, AND 11.12.040, OF THE
MANHATTAN BEACH MUNICIPAL CODE TO IMPLEMENT
SENATE BILL 9 (SB 9)

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS
FOLLOWS:

SECTION 1. The City Council hereby adds Chapter 10.78 (SB 9 Unit Developments) to Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code to read as follows:

“Chapter 10.78 – SB 9 Unit Developments

Section 10.78.010 – Purpose and Applicability

Section 10.78.020 – Definitions

Section 10.78.030 – General Requirements and Application Procedure

Section 10.78.040 – Local Standards

Section 10.78.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Government Code Section 65852.21 to allow a proposed housing development containing no more than two residential units on a single lot within a single-family residential zone. Except as expressly provided in this chapter or Government Code Section 65852.21, all other applicable regulations in the Municipal Code shall apply.

Section 10.78.020 Definitions.

"Existing residence," for purposes of this chapter, means a dwelling unit that has been constructed legally.

"Flag lot," for purposes of this chapter, means a lot resulting from a subdivision of land wherein the lots or parcels of land are laid out one behind the other, with only one lot or parcel of land (referred to as the front lot) having frontage on a public street, other than a driveway or access easement for the rear lot.

"Primary dwelling unit," for purposes of this chapter, means a single-family residence that is not an ADU or JADU.

"Principal residence," for purposes of this chapter, means the owner-occupied residence on the property.

Section 10.78.030 General requirements and application procedure.

- A. The project is located on a parcel within the RS Single-Family Residential Zoning District.
- B. Applicants are required to submit an application, accompanied by a fee set by the City Council, including submittal documents required by the Community Development Director.
- C. The applicant and the property owner shall provide a sworn statement affirming eligibility with the regulations contained in this chapter.
 - 1. The City, at the applicant's expense, may conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.
- D. All new residential units shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- E. Applications submitted pursuant to this chapter shall be considered ministerially, without discretionary review or a hearing, consistent with state law.

Section 10.78.040 Local standards.

Residential developments pursuant to Government Code Section 65852.21 shall also comply with the following standards:

- A. **Number of Units Permitted**
 - 1. A maximum of two primary dwelling units may be permitted on an RS zoned lot that has not undergone an urban lot split pursuant to Chapter 11.40.
 - 2. A maximum of four total units shall be permitted on a lot that has not undergone an urban lot split pursuant to Chapter 11.40, inclusive of ADUs and JADUs. The maximum number of units permitted may be any combination of primary dwelling units, ADUs, or JADUs, provided that the total permitted number of units per lot is not exceeded, and is subject to the limitations on the development of ADUs and JADUs found in Chapter 10.74 (Accessory Dwelling Units).
 - 3. A maximum of two units shall be permitted on a lot that has been created by an urban lot split pursuant to Chapter 11.40, inclusive of ADUs and JADUs.
- B. **Development Standards**
 - 1. **Demolition Cap.** Residential development pursuant to Government Code Section 65852.21 may not involve the demolition of more than 25 percent of the existing exterior structure walls of an existing dwelling, unless the site has not been occupied by a tenant in the last three years.
 - 2. **Configuration.** Primary dwelling units, may be attached to, adjacent to, or detached from, any other dwelling unit on the parcel, subject to subsection (B)(1).
 - 3. **Height.** New units shall be subject to the RS base district and Area District regulations as defined in Section 10.12.030.
 - 4. **Setbacks**

- a. New units, inclusive of attached garages, shall be built no less than four feet from the side and rear property lines, and comply with the underlying zoning district front setback requirement.
 - i) Exception. For flag lots, the front setback shall be measured from the portion where the “flag pole” meets the flag portion of the lot and to the face of the structure.
 - b. No new setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure.
 - c. Detached primary dwelling units shall have a minimum ten-foot building separation from each other.
- 5. Parking**
- a. Required parking shall be accessed via an alley for a parcel abutting an alley.
 - b. One enclosed or partially enclosed parking space is required for each new unit created pursuant to the regulations in this chapter, except when the parcel upon which the unit is created is located within one block of a car share vehicle or within one-half (½) mile walking distance to:
 - i) A high quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - ii) A major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - c. If the residential development requires the conversion or demolition of a garage, carport, or covered parking structure required under Chapter 10.64, replacement parking space(s) shall be provided in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts, without adversely impacting traffic flow and public safety.
 - d. The placement and dimensions of all new and replaced parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Chapter 10.64.
- 6. Additional Requirements**
- a. Non-public utility electrical elements such as wires, conduits, junction boxes, and switch and panel boxes shall be screened from view from adjacent public rights-of-way.
 - b. Refuse containers shall comply with Section 5.24.030.
 - c. All flashing, sheet metal vents, and pipe stacks shall be painted to match the adjacent roof or wall material.
 - d. Residential units developed pursuant to this chapter shall not be owned or conveyed separately from the other primary unit on the same lot.
 - e. Notwithstanding any provision of Government Code Section 65852.21 or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:
 - i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

- ii) Housing that has been occupied by a tenant in the last three years.
- 7. **Exceptions.** The Community Development Director shall approve an exception to any of the objective standards specified herein that would have the effect of physically precluding the construction of up to two primary dwelling units or that would physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area.
- 8. **Covenant Required.** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney prior to issuance of a building permit, placing the following restrictions on the property, the property owner, and all successors in interest.
 - a. Non-residential uses on the site shall be prohibited except as allowed by Section 10.52.070;
 - b. Short-term rentals for periods less than 30 days of any unit on the site shall be prohibited;
 - c. Access to the public right-of-way/alley shall be maintained in perpetuity;
 - d. All required parking shall be maintained; and
 - e. The property owner and all successors in interest shall maintain the residential development(s) and the property in accordance with all applicable Government Code Section 65852.21 requirements and standards.
- 9. **Denial.** The Community Development Director may deny an application for an urban lot split pursuant to Government Code Section 65852.21 by making the following findings in writing based upon a preponderance of evidence:
 - a. The proposal would have a specific, adverse impact upon the public health and safety or the physical environment as defined in Government Code Section 65589.5(d)(2); and
 - b. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

SECTION 2. The City Council hereby amends Section 10.12.020 (Land Use Regulations: RS, RM, RH, RPD, and RSC Districts) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code to read as follows:

“Section 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 10.68. 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. 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)
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						
SB 9 unit development	P	-	-	-	-	(Q)
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	-	-	-	-	-	
Residential Care, Limited	P	P	P	P	P	
Single-family Residential	P	P	P	P	P	(C)(P)
Single-family Transient Use	-	-	-	-	-	

(Q) Only for SB9 unit development projects pursuant to Government Code section 65852.21, as may be amended from time to time, and in accordance with Chapter 10.78. ”

SECTION 3. The City Council hereby adds Chapter 11.40 (Urban Lot Splits) to Title 11 (Subdivisions) of the Manhattan Beach Municipal Code to read as follows:

“Chapter 11.40 – Urban Lot Splits

Section 11.40.010 – Purpose and Applicability

Section 10.40.020 – Definitions

Section 10.40.030 – General Requirements and Application Procedure

Section 10.40.040 – Local Standards

Section 11.40.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Government Code Section 66411.7 to allow an urban lot split for a parcel within a single-family residential zone. Except as expressly provided in this chapter or Government Code Section 66411.7, all other applicable regulations in the Municipal Code and Subdivision Map Act shall apply.

Section 11.40.020 Definitions.

"Flag lot," for purposes of this chapter, means a lot resulting from a subdivision of land wherein the lots or parcels of land are laid out one behind the other, with only one lot or parcel of land (referred to as the front lot) having frontage on a public street, other than a driveway or access easement for the rear lot.

"Primary dwelling unit," for purposes of this chapter, means a single-family residence that is not an ADU or JADU.

"Principal residence," for purposes of this chapter, means the owner-occupied residence on the property.

"Urban Lot Split," for purposes of this chapter, means a parcel map subdivision permitted pursuant to Government Code Section 66411.7.

Section 11.40.030 General requirements and application procedure.

- A. The parcel is located within the RS Single-Family Residential Zoning District.
- B. An urban lot split application shall be submitted and processed in accordance with Title 11 (Subdivisions).
- C. The applicant and the property owner shall provide a sworn statement affirming eligibility with the regulations contained in this chapter.
 - 1. The City, at the applicant's expense, may conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.
- D. Applications submitted pursuant to this chapter shall be considered ministerially, without discretionary review or a hearing, consistent with state law.

Section 11.40.040 Local standards.

Urban lot splits shall comply with Government Code Section 66411.7 and the following standards:

- A. **Parcel Size.** The resulting parcels shall not be smaller than 40% of the existing parcel proposed for subdivision and must be at least 1,200 square feet in area.
- B. **Number of Units Permitted**
 - 1. Any lot created by an urban lot split pursuant to this chapter shall be limited to a maximum of two units, inclusive of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).
 - 2. The maximum number of units permitted on a lot may be any combination of primary dwelling units, ADUs, or JADUs, provided that the total permitted number of units per lot is not exceeded, and is subject to the limitations on the development of ADUs and JADUs found in Chapter 10.74 (Accessory Dwelling Units).

C. Additional Requirements

1. The width of any lot resulting from an urban lot split shall not be less than 20 feet wide.
2. New driveways proposed for parcels created by an urban lot split on interior lots without alley access are limited to a maximum width of 10 feet if the proposed frontage of the new parcel is 30 feet or less.
3. Required parking shall be accessed via an alley for a parcel abutting an alley.
4. No flag lots shall be created as a result of an urban lot split if the subject property is adjacent to an alley, located on a corner, or a through lot.
5. The parcel map shall demonstrate the ability to access the public right-of-way in perpetuity, and state it is for the purpose of an urban lot split in accordance with Government Code Section 66411.7.
6. Notwithstanding any provision of Government Code Section 66411.7 or any local law, the urban lot split shall not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that has been occupied by a tenant in the last three years.

D. Separate Conveyance

1. Within the resulting lot:

Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
2. Between the resulting lots:

Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate the lots for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

E. Covenant Required. The property owner shall record a declaration of restrictions, in a form approved by the City Attorney prior to recordation of the parcel map, placing the following restrictions on the property, the property owner, and all successors in interest:

1. Non-residential uses on the site shall be prohibited except as allowed by Section 10.52.070;
2. Short-term rentals for periods less than 30 days of any units on the site shall be prohibited;
3. Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;
4. Access to the public right-of-way/alley shall be maintained in perpetuity;
5. All required parking shall be maintained;
6. Except as provided in Government Code Section 66411.7 for community land trusts and qualified non-profit corporations, the owner of the property for which

an urban lot split is proposed shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split; and

7. The property owner and all successors in interest shall maintain the properties in accordance with all applicable Government Code Section 66411.7 requirements and restrictions.
- F. **Denial.** The Community Development Director may deny an application for an urban lot split pursuant to Government Code section 66411.7 by making the following findings in writing based upon a preponderance of evidence:
1. The proposal would have a specific, adverse impact upon the public health and safety or the physical environment as defined in Government Code Section 65589.5(d)(2); and
 2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

SECTION 4. The City Council hereby amends Section 11.04.030 (Required Maps) of Title 11 (Subdivisions) of the Manhattan Beach Municipal Code to read as follows:

“Section 11.04.030 Required maps.

- A. A tentative and final map shall be required for any subdivision, including urban lot splits pursuant to Government Code section 66411.7, a condominium project, stock cooperative project or community apartment project for which a tentative and final map is required by the Subdivision Map Act.
- B. A tentative and final map shall be required for any subdivision, for which a tentative and final map is not required by the Subdivision Map Act, except when the Subdivision Map Act specifically provides that no map shall be required for a particular type of project.
- C. No tentative or final map shall be required for lot line adjustments.”

SECTION 5. The City Council hereby amends Section 11.12.040 (Expiration) of Title 11 (Subdivisions) of the Manhattan Beach Municipal Code to read as follows:

“Section 11.12.040 Expiration.

- A. Approved or conditionally approved tentative maps shall expire thirty-six (36) months after such approval or conditional approval. Upon application by the subdivider, filed with Community Development prior to the expiration of the tentative map, the Planning Commission may extend the date on which the map expires. Each extension granted shall not exceed twelve (12) months and the total extension period shall not exceed three (3) years.
- B. Urban Lot Splits. Notwithstanding paragraph A., tentative maps that are approved or conditionally approved pursuant to Government Code Section 66411.7 and Chapter 11.40 of this Code shall expire pursuant to Government

Code Section 66452.6, no later than forty-eight (48) months after such approval or conditional approval.”

SECTION 6. CONSISTENCY WITH GENERAL PLAN AND ZONING CODE'S NOTICE AND HEARING REQUIREMENTS. The proposed zoning text amendments will be consistent with the General Plan Goals and Policies as they are consistent with the City's Housing Element of the General Plan in that it will “facilitate the development of housing through the removal of local regulatory constraints.” The proposed zoning text amendments are also consistent with the notice and hearing requirements of the City's Zoning Code.

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

SECTION 8. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 9. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

ADOPTED on December 19, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney