



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Senior Planner

DATE: February 5, 2008

SUBJECT: Consideration of a City Council 2005-2007 Work Plan Item on Mansionization in Residential Areas as Recommended by the Planning Commission: Amendments to Various Sections of the Zoning Code (Title 10) and the Local Coastal Program Including but not Limited to: 1) Increase Setbacks and Open Space, 2) Limit Lot Mergers, 3) Encourage the Retention of Existing Smaller Homes, and 4) Allow Accessory Structures on Adjacent Common Ownership Lots.

RECOMMENDATION:

Staff recommends that the City Council **CONDUCT THE CONTINUED PUBLIC HEARING, WAIVE FURTHER READING, INTRODUCE ORDINANCE NO. 2111 (ZONING CODE AMENDMENTS), INTRODUCE ORDINANCE NO. 2112 (LOCAL COASTAL PROGRAM AMENDMENTS), AND CONTINUE TO FEBRUARY 19, 2008 FOR ADOPTION.**

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action

BACKGROUND:

Public Review Process

This City Council Work Plan item was initiated in July 2005 with the adoption of the 2005-2007 Work Plan. However, Mansionization has been studied and addressed with Code Amendments for many years beginning with ZORP (Zoning Ordinance Revision Program) in 1990. A series of amendments to address residential Bulk and Volume (BV) standards were then adopted in May 2002, January 2004, and September 2004. The City Council 2004-2005 Work Plan included revisions to the Minor Exception provisions to encourage the retention of smaller non-conforming homes, which were adopted in January 2005. New large lot and lot merger regulations were also studied with this Work Plan.

Through the 2005-2007 Work Plan item, the City Council determined that a comprehensive approach to residential Mansionization would be most effective and in December 2005 formed the Mansionization Issues Committee to study and make recommendations on the issues which

were divided into four categories:

- 1) Increase Setbacks and Open Space
- 2) Limit Lot Mergers
- 3) Encourage the Retention of Existing Smaller Homes
- 4) Allow Accessory Structures on Adjacent Common Ownership Lots

The Mansionization Committee met thirteen times and developed a set of recommendations that were reviewed by the Planning Commission and City Council. The Planning Commission discussed Mansionization issues at eleven meetings as well as two joint meetings with the City Council. The City Council has discussed Mansionization related issues at nine meetings, not including tonight's meeting. A Study Session was held with the Council on December 4, 2007 as well as a public hearing was conducted on January 15, 2008. Those reports provided all of the background information and attachments.

All together thirty-five well attended public meetings, workshops and public hearings have been held to discuss residential Mansionization issues with this 2005-2007 Work Plan item.

Mansionization Committee Goals

On February 9, 2006, at the first meeting of the Committee, four broad goals were defined and agreed upon as follows:

1. Preserve neighborhood character
2. Space between buildings (setbacks) is important
3. Examine new Minor Exception for small homes criteria
4. Encourage "quality" private open space

Throughout the Committees' thirteen meetings, discussions, and following through to their recommendations, these goals continued to be referred to.

City Council Direction

On June 26, 2007 a special City Council study session was held which included a windshield tour of the City to view residential development constructed under different Zoning Code standards. At that meeting the City Council discussed the Mansionization Committees' recommendations and directed staff and the Planning Commission to conduct public hearings and evaluate proposed Code Amendments related to Mansionization as recommended by the Committee.

Planning Commission public hearings

The Planning Commission held six public hearings from July through November 2007. On November 14, 2007 the Planning Commission adopted, with a 5:0 vote, PC Resolution 07-17 recommending to the City Council revisions to address residential Mansionization.

DISCUSSION:

The attached draft Code language (Exhibit B) incorporates the direction provided by the City Council as well as the discussion and direction that has been provided by the Planning

Commission through the series of public hearings they conducted. The language is organized by the four topic areas and new text is shown as underlined while text proposed to be deleted is shown as ~~strikeout~~. Also attached are the draft Ordinances, Ordinance No. 2111 (Zoning Code Amendments) and Ordinance No. 2112 (Local Coastal Program Amendments). (Exhibits D and E)

At the January 15th meeting the City Council held a public hearing and had extensive public testimony and discussion on the proposed revisions. At that meeting the Council was able to reach consensus on the majority of the proposed Amendments and requested staff to provide further information on five specific items as follows:

1. **Minor Exception-** Broaden to allow flexibility for odd-shaped or small sized lots; not just for lots that have impacts to BFA
2. **Minor Exception Notice-** Review section that requires additions that match existing non-conforming setbacks to provide neighbor notification
3. **Multiple Unmerged Large Lots-** Review requirements that prohibit new mergers over the maximum lot size in Area District III- (Beach Area), specifically looking at the Strand, Downtown, and other neighborhoods
4. **Side Setback- RM and RH Zones-Area Districts I and II-** Address elimination of 5' setback cap
5. **Streetside Setback Corner Lots- All Zones- Area Districts I and II-** Continue 3-5 foot setback, 10% of lot width; do not eliminate the 5' cap

The following provides a discussion and options for the five specific items. The options are shown in Exhibit A as ***bold/italics/underlined*** text.

1. Minor Exception- Broaden to allow flexibility for odd-shaped or unusual lots; not just for lots that have impacts to BFA

Section 10.84.120 of the Minor Exception Code (pages 10-11, Exhibit B) provides language that allows a Minor Exception application to request an exception from Section 10.12.030 (T) for a reduction in the 6% or 8% bulk-volume setback, 15% open space requirement, and/or side and rear setbacks for small, wide, shallow or multiple front yards lots where the building is not able to obtain its permitted BFA due to these requirements.

At the last Council meeting a resident with a 60' wide by 45' deep full size lot in the RS Zone in the Beach Area expressed concerns that with the new side, rear and open space requirements that his lot would have a reduced building footprint area that would limit his design options, although the BFA would not be impacted. This Minor Exception provision would then not apply to his lot and a Variance would be required for a reduction in any of the development standards. The Council thought that it may be appropriate to allow more flexibility for unusual lots not just those lots that have their BFA impacted. The Minor Exception process includes findings to ensure neighborhood compatibility, and no significant detrimental impact, as shown on Exhibit B page 14.

Exhibit A, page 1 provides two options for Code language; Option A is similar to the originally proposed language and Option B provides more flexibility.

2. Minor Exception Notice- Review section that requires additions that match existing non-conforming setbacks to provide neighbor notification

Currently the Zoning Code allows a second or third story addition to match the existing non-conforming setback if the project valuation is less than 50% and neighbor notification is required. The proposed amendments would allow a first, second or third story addition to match the existing non-conforming setback and the project may exceed 50% and neighbor notification is required. (pages 12-13, Exhibit B).

One resident with a proposed remodel expressed concerns about the neighbor notification process and the Council asked staff to address this issue. The proposed amendments throughout the Minor Exception section provides much more flexibility to encourage the retention of existing smaller homes. Neighbor notification is required for projects that exceed 3,000 SF in area as well as projects where non-conforming setbacks are being matched with new construction. Staff felt that neighbor notice for these more significant types of projects that could potentially have more impact on neighbors would be appropriate. Staff would suggest revising the language to allow up to 4,000 SF with the notice for consistency with the other Minor Exception applications.

Exhibit A, pages 2-3 provide two options for Code language; Option A is similar to the original proposed language with neighbor notification and Option B does not require neighbor notification.

3. Multiple Unmerged Large Lots- Review requirements that prohibit new mergers over the maximum lot size in Area District III- (Beach Area), specifically looking at differences in the Strand, Downtown, and other neighborhoods.

Currently the Zoning Code has no maximum lot size. Residents have expressed concerns that when multiple lots are merged that the larger lot, and then new development on that lot, may be out of character with the neighborhood. Of particular concern is development of larger multi-family housing developments in the Beach Area. A number of residents expressed concern at the meetings about this issue, particularly the property located on the Strand north of 36th Street. In the proposed code amendments there is an exemption to allow larger lots outside of the Beach Area in Area Districts I and II, to encourage multi-family housing in those areas which tend to be on or near major arterials, and already have larger lot sizes.

Throughout the City there are a number of lots that are not merged but are developed with older multi-family units that were constructed prior to the City requirement to merge lots. There are also other lots have been legally merged. There is no way to visually distinguish which are multiple unmerged lots and which lots are one large legal lot.

The public had mixed, and some strongly opposite, opinions on mergers of existing multiple unmerged large lots. Some felt that these lots should be allowed to be merged as they have historically been used as single lots and therefore a legal merger would not change the lot and block patterns or neighborhood characteristic. The Mansionization Committee also had these opposing opinions. The Planning Commission felt that it was important to limit all new mergers, have consistent regulations, and that new construction should comply with all new development standards including lot size. At the last meeting the City Council asked that this issue be further addressed and that possibly different Code criteria be provided for different areas in the City to reflect the neighborhood character within a particular area.

Staff provided notice of the proposed amendments through the publication of a quarter page ad in the Beach Reporter. Additionally courtesy notices were mailed to all multi-family property owners in Area District III that may be affected by the proposed multiple unmerged large lot regulations, about 8 property owners. Exhibit C provides a map of all of these multi-family lots in Area District III that staff believes will be affected, excluding those that are exempt.

Exhibit A, pages 4-6 provides two options for Code language. Option A is the original proposed language that provides an exception from the maximum lot size for multi-family development in Area Districts I and II. Option B provides the same exception and also allows review of larger lot sizes in multi-family zones in Area Districts III and IV (excluding the Strand) with a Use Permit application. A Use Permit would require a noticed public hearing before the Planning Commission and findings would need to be approved to ensure that there are not adverse impacts to the neighborhood with the proposal. Additionally, language was added to both options in Section 10.12.030 (K), to provide for rounding of lot dimensions as some lots are a fraction over the standard sizes, as shown in page 4, Exhibit A.

4. Side Setback- RM and RH Zones-Area Districts I and II- Address elimination of 5' setback cap

The Zoning Code requires a side setback of 10% of the lot width with a 3' minimum and a 5' maximum. The proposed amendment would eliminate the 5' cap on side yard setbacks, which will impact all lots over 50' in width (pages 1-3, Table in Section 10.12.030, and text in Section 10.12.030 (E), Exhibit B).

One resident with a 75 foot wide lot expressed a concern that this would have an impact on the larger RH lots in Area Districts I and II, which he felt was in conflict with the Lot Merger regulations which specifically exempt Area District I and II in order to encourage the development of multi-family housing in these areas. He felt that the increased setbacks would reduce density and negatively affect design. The Planning Commission supported the revision as it was consistent with the goals of providing increased setbacks and more open space. The Council asked staff to provide options to address the elimination of the side setback cap.

Exhibit A, pages 7-8 provides two options for Code language. Option A is the original proposed language that eliminates the 5' side setback cap in all Area Districts and zones. Option B provides a side yard setback cap of 10 feet only for the RM and RH zones in Area Districts I and II, with no cap anywhere else.

5. Streetside Setback Corner Lots- All Zones- Area Districts I and II- Continue 3-5 foot setback, 10% of lot width; do not eliminate the 5' cap

The Zoning Code requires a side setback of 10% of the lot width with a 3' minimum to 5' maximum. This criteria applies to both interior and streetside yards. The proposed amendment would eliminate the 5' cap on all side yard setbacks in Area Districts I and II, which will impact all lots over 50' in width (pages 1-3, Table in Section 10.12.030, and text in Section 10.12.030 (E), Exhibit B).

Some members of the Council felt that streetside yards on corner lots should possibly be treated differently than interior side yards since there is no neighbor on the streetside that is impacted with light, air, and privacy concerns. The Planning Commission addressed streetside setbacks in terms of articulation to break up the bulk and mass of buildings from the public view. The Commission felt that the combination of the increasing setbacks, requiring the bulk-volume setback wrap around on corner lots, and increased open space, met the established goals.

Exhibit A, pages 9-10 provides two options for Code language. Option A is the original proposed language that eliminates the 5' streetside setback cap. Option B maintains the current provisions with a streetside setback of 10% of the lot width with a 3' minimum to 5' maximum.

General Plan

The City is required by State law to prepare and maintain a General Plan that reflects the long-term vision of the community. The Plan should help to guide decision-makers when reviewing development and other public policy issues that affect the community. One of the required portions of the General Plan is the Housing Element. The State has specific guidelines required for preparation of the Housing Element consistent with the State goal of providing decent housing and a suitable living environment for every California family. The primary goal of the City of Manhattan Beach Housing Element is to "promote the development of suitable housing to meet the existing and projected demands while protecting the vitality of the existing residential neighborhoods in the City."

The proposed Code revisions consider these goals and provide a balanced approach to providing housing while still preserving and protecting the character of residential neighborhoods. The proposed amendments do not specifically reduce density. The increased setbacks and open space, limits on lot size, provisions to encourage remodels and additions to existing homes and allowance for accessory structures, addresses these goals established in the General Plan and Housing Element.

The City's current Housing Element was adopted by the City Council and certified by the State in 2003. The Housing Element is currently being updated and through that process the City's goals and the State housing requirements will again be addressed. Staff has included specific findings in the attached Ordinances which state that the proposed Amendments are consistent with the City's General Plan including the certified Housing Element.

CONCLUSION:

Staff recommends that the City Council conduct the continued public hearing, waive further reading, introduce Ordinance No. 2111 (Zoning Code Amendments), introduce Ordinance No. 2112 (Local Coastal Program Amendments), and continue the discussion to February 19, 2008 for final adoption of the Ordinances.

EXHIBITS

- A. Options A and B- Code Amendments- ***Bold/italics/underlined*** related to, Minor Exceptions, Minor Exception Notice, Multiple Unmerged Large Lots, Side Setback- RM and RH Zones-Area Districts I and II, and Streetside Setback Corner Lots- All Zones- Area Districts I and II.-
- B. Code Amendments- Redline-strikeout recommended by Planning Commission on November 14, 2007
- C. Map- Lot Mergers- Developed multiple lots larger than the maximum lot size (Excluding Exemptions)
- D. Ordinance No. 2111 (Zoning Code Amendments)
- E. Ordinance No. 2112 (Local Coastal Program Amendments)
- F. Letters and e-mails- Norma Hessman; 1-15-08, Julie Gallas; 1-16-08, Jeffrey P. Neu 1-17-08, Martha Andreani 1-24-08, John Clark, 1-27-08

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

1. MINOR EXCEPTION- Broaden to allow flexibility for odd-shaped or small sized lots; not just for lots that have impacts to BFA

Sections 10.84.120 and A.84.120 entitled Use Permits, Variances and Minor Exceptions
Section 10.84.120 Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10,68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., and 10.12.030 and 10.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section

Exception Allowed

Option A

10.12.030 (T)

Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, **where the building is not able to obtain its permitted Buildable Floor Area due to these requirements.**

Option B

10.12.030 (T)

Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, **and /or other unusually shaped lots, where the building is not able to obtain its permitted Buildable Floor Area due to these requirements.**

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

2. MINOR EXCEPTION NOTICE- Review section that requires additions that match existing non-conforming setbacks to provide neighbor notification

10.68.030 D and E, 10.12.030 and 10.12.030 (R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yards, matching the existing legal non-conforming setback(s).
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Option A

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 4,000 square feet, whichever is less.

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in *Bold Italics Underline*

Option B

B. Minor Exception Application with Notice. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

~~*2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:*~~

~~*a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less.*~~

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in *Bold Italics Underline*

3. **MULTIPLE UNMERGED LARGE LOTS-** Review requirements that prohibit new mergers over the maximum lot size in Area District III- (Beach Area), specifically looking at the Strand, Downtown, and other neighborhoods

Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and “Property Development Standards For Area Districts III and IV”

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I</u> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u> RS	<u>Area District II</u> RM	<u>Area District II</u> RH	Additional Regulations
Lot Dimensions							(A) (B) (C) (K)
Area (sq. ft) 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	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	Additional Regulations
Lot Dimensions					(A) (B) (C) (J) (K)
Area (sq. ft) 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	

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in *Bold Italics Underline*

- (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.*

Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 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.

Option A:

Exceptions.

1. *Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.*
2. 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 (date of approval of this Ordinance).
3. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, 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.
4. 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 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.
5. 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.
6. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in *Bold Italics Underline*

7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Option B:

Exceptions.

1. *Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.*

2. *Properties zoned RM, RH and CL in Area Districts III and IV that are developed with three 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 (date of approval of this Ordinance).

4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, 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 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 40,000 square feet per the Zoning Code requirements.

8. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

4. SIDE SETBACK- RM AND RH ZONES-AREA DISTRICTS I AND II-
Address elimination of 5’ setback cap

Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks

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.

Option A:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
<u>Side (percentage-ft.)</u>	10%- 3 min.	<u>10%- 3 min.</u>	<u>10%- 3 min.</u>	10%- 3 min.	<u>10%- 3 min.</u>	<u>10%- 3 min.</u>	(D)(E)(F)
<u>Corner Side (percentage-ft.)</u>	10%- 3 min.	<u>10%- 3 min.</u>	<u>10%- 3 min.</u>	10%- 3 min.	<u>10%- 3 min.</u>	<u>10%- 3 min.</u>	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3’).

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

Option B:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
<u>Side (percentage-ft.)</u>	10% - 3 min.	<u>10%- 3;10</u>	<u>10%- 3;10</u>	10% - 3 min	<u>10%- 3;10</u>	<u>10%- 3;10</u>	(D)(E)(F)
<u>Corner Side (percentage-ft.)</u>	10% - 3min.	<u>10%- 3;10</u>	<u>10%- 3;10</u>	10% - 3 min.	<u>10%- 3;10</u>	<u>10%- 3;10</u>	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3') **and in the RM and RH Zones in Area Districts I and II, setbacks need not exceed ten feet (10')**.

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

5. STREETSIDE SETBACK CORNER LOTS- ALL ZONES- AREA DISTRICTS I AND II- Continue 3-5 foot setback, 10% of lot width; do not eliminate the 5' cap

Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks

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.

Option A:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%- 3' min.	10%- 3' min.	10%- 3' min.	10%- 3' min.	10%- 3' min.	10%- 3' min.	(D)(E)(F)
<u>Corner Side (percentage- ft.)</u>	<u>10%-3 min.</u>	<u>10%-3 min.</u>	<u>10%-3 min.</u>	<u>10%-3 min.</u>	<u>10%-3 min.</u>	<u>10%-3 min.</u>	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3').

Exhibit A
City Council February 5, 2008
Options A and B
Proposed Code Amendments
Options Shown in Bold Italics Underline

Option B:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10% - 3' min	10% - 3' min	10% - 3' min	10% - 3' min	10% - 3' min	10% - 3' min	(D)(E)(F)
<u>Corner Side</u> <u>(percentage- ft.)</u>	<u>10%-</u> <u>3;5</u>	<u>10%-</u> <u>3;5</u>	<u>10%-</u> <u>3;5</u>	<u>10%-</u> <u>3;5</u>	<u>10%-</u> <u>3;5</u>	<u>10%-</u> <u>3;5</u>	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).**Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3') **and need not exceed five feet (5') on the corner side.**

INCREASE OPEN SPACE AND SETBACKS

Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks

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	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (<u>percentage-ft.</u>)	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E)(F)
Corner Side (<u>percentage- ft.</u>)	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E) (T)
Rear (ft.)	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	(D)(E)(F)(G)

Note: ~~In the RS districts, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.~~

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PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)
Side (<u>percentage- ft.</u>)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F)(G)

Note: ~~In the RS district, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.~~

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).**Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3') and need not exceed five feet (5').

(1) **Exceptions--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;

(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.

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Rear Setback:

(1) In Area Districts I and II, the rear setback (RS) shall be determined as follows: $RS = 0.3 \times (\text{lot depth in feet}) - 20$; provided that the minimum setback is ~~ten-twelve feet (10')~~ twelve feet (12') and the maximum required setback is ~~twenty-five feet (25')~~.

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

Section 10.12.030 (F) and A.12.030 (F) Building Height and Required yards of the Property Development Regulations: RS, RM, and RH districts

(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-five feet (25')~~ 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.

Section 10.12.030 (H) and A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts

(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 ~~shall not~~ 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 is 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 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

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

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to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

Section 10.12.030 (M) and A.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts

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, ~~containing 2,333 square feet or less of buildable floor area~~, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 15% open space shall be required for the basement square footage.

~~(2) For single family dwellings in Area Districts III and IV and multifamily dwelling units in all districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.~~

(3) The amount of a dwelling unit's required open space located above the second story shall ~~not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story~~ (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

(4) 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 15% of the added buildable floor area, until the total open space requirement provided in this Section is attained.

Section 10.12.030 (T) and A.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts

(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 eight-percent (6%) (~~8%~~) of the lot area, and shall be located entirely within the front one-fifth (1/5) [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 45% and a maximum of 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 (1/5) [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 (1/3) [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 3' of depth or width and shall be distributed to provide building wall articulation.

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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).

3. A maximum of one-half (1/2) of said area shall be designed or useable as roof top deck surfaces.

4. 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, shallow, or multiple front yard lot if it prevents the lot from attaining its permitted buildable floor area 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.

LIMIT LOT MERGERS

Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and “Property Development Standards For Area Districts III and IV”

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I</u> <u>RS</u>	<u>Area District I</u> <u>RM</u>	<u>Area District I</u> <u>RH</u>	<u>Area District II</u> <u>RS</u>	<u>Area District II</u> <u>RM</u>	<u>Area District II</u> <u>RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft) Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) <u>(K)</u>
<u>Maximum</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<u>10,800</u>	<u>10,800</u>	<u>10,800</u>	
<u>Width (ft) Minimum</u>	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> <u>RS</u>	<u>Area District III</u> <u>RM</u>	<u>Area District III</u> <u>RH</u>	<u>Area District IV</u> <u>RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft) Minimum</u>	2,700	2,700	2,700	2,700	(A) (B) (C) (J) <u>(K)</u>
<u>Maximum</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
<u>Width (ft.) Minimum</u>	30	30	30	30	

(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. Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in

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accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 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 or more dwelling units, in order to encourage development of multi-family housing in these areas.

2. 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 (date of approval of this Ordinance).

3. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, 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.

4. 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 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.

5. 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.

6. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Section 11.32.090 and A.32.090 Reversions to Acreage and Mergers

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

[11.32.010 Reversions to acreage.](#)

[11.32.020 Merger of contiguous parcels.](#)

[11.32.030 Merger of contiguous parcels--Conditions.](#)

[11.32.040 Merger of contiguous parcels--Notice of intent.](#)

[11.32.050 Merger of contiguous parcels--Hearing.](#)

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[11.32.060 Merger of contiguous parcels--Determination of merger.](#)

[11.32.070 Merger of contiguous parcels--Determination of non-merger.](#)

[11.32.080 Merger of contiguous parcels--Request by property owner.](#)

[11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use](#)

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one 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.

ENCOURAGE THE RETENTION OF EXISTING SMALLER HOMES

Sections 10.84.010 and A.84.010 Use Permits, Variances and Minor Exceptions

Section 10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of this ordinance by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this ordinance.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and ~~small~~ additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes. ~~Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming Code provisions. The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-~~

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~~conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.~~

Sections 10.84.120 and A.84.120 entitled Use Permits, Variances and Minor Exceptions

Section 10.84.120 Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

~~**Valuation less than 50%.** Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E), as provided below.~~

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
10.12.030 and 10.68.030 D.	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed.
10.60.040(H)	and, r Reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.
10.60.050	Alternative reference point for height measurement for pre-existing structures that have height nonconformities.

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Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., and 10.12.030 and 10.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
<u>10.12.030</u>	<u>Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.</u>
<u>10.12.030</u>	<u>Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.</u>
<u>10.12.030 (M)</u>	<u>Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.</u>
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback for small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area.</u>
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.</u>
<u>10.12.030(T)</u>	<u>Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for</u>

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remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.

10.12 – 10.68

Non-compliant construction due to Community Development staff review or inspection errors.

10.68.030 D and E, 10.12.030 and 10.12.030 (R)

Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yards, matching the existing legal non-conforming setback(s).

10.68.030 D. and E.

Alterations, remodeling and ~~small~~—additions (enlargements) to existing smaller ~~older~~ legal non-conforming structures dwelling units.

10.68.030 E.

Alterations and remodeling to existing legal non-conforming structures.

A. **Minor Exception Application without Notice.** All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section 10.68.030 D and E. must meet the following criteria:

1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .
2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable

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Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less.

C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements- Minor Exception Applications with notice.

Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, ~~copies of deeds, any required power of attorney,~~ plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site;

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4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. **Notice to Property Owners- Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. ~~with application submittal items 3 and 4 above.~~ Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- F. **Director's Review and Action-All Minor Exceptions.**
1. **Notice of Decision.** After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant ~~and City Council~~ a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above. ~~previously noticed pursuant to A and B above.~~
 2. **Findings.** In making a determination, the Director shall be required to make the following findings: ~~consider the following criteria:~~
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the

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Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. **Additional Criteria- Sections 10.68.030 D and E or Sections 10.68.030 D and E, 10.12.030 and 10.12.030 (R).** When making a determination to approve an exception to Section 10.68.030 D. and E, or Sections 10.68.030 D and E, 10.12.030 and 10.12.030 (R), the Director shall also require ~~consider~~ the following criteria to be met, in addition to the ~~criteria~~ findings in Section 10.84.120 (F) 2., as stated above:

- ~~1. Whether deviation from Code is minor in nature.~~
- ~~2. Evidence that significant detrimental impact to surrounding neighbors is absent.~~
- ~~3. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.~~
- ~~4. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.~~

~~2. When making a determination to approve an exception to Section 10.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 2:~~

- ~~a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section 10.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.~~

1. New construction must conform to all current Code requirements except as permitted by this Chapter.

2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:

- a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
- b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
- c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
- d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.

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- e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
- ~~a. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.~~
3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
 7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
 9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
 10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

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H. **Additional Criteria- Section 10.12.030 (T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030 (T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 (F) 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
5. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

I. **Additional Criteria Section 10.12.030 (T) – Corner Lots.** When making a determination to approve an exception to Section 10.12.030 (T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 F 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030 (T).
2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
4. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

E.J. **Conditions of Approval.** In approving a minor exception permit, the Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this ordinance and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;

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2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

F. **K. Effective Date: Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

Sections 10.64.030 and A.64.030 Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required

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 <u>Minor Exception- Chapter 10.84 for existing structure provisions</u>)	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. (See <u>Minor Exception- Chapter 10.84 for existing structure provisions</u>)	

Sections 10.68.010 and A.68.010 Nonconforming Uses and Structures- Specific Purposes

10.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by ~~prohibiting~~ regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

Sections 10.68.030 and A.68.030 Alterations and enlargements of nonconforming uses and structures

10.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.

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4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.

~~5. 6. Where a minor exception to allow extra retaining wall height, reduced additional front yard setbacks, non-compliant construction due to staff error, or for remodeling and small additions to existing smaller homes, has been approved in accordance with Chapter 10.84 of this Code.~~

Sections 10.60.040 H. and A.60.040 H. Minor Exceptions Site Regulations-All Districts- Building projections into required yards or required open space

10.60.040 Building projections into required yards or required open space.

Projections into required yards or required open space shall be permitted as follows:

~~H. **Minor Exceptions.** The Community Development Director may grant minor exceptions: for the construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, from the limits on projections of reconstructed raised grade stairways, architectural archways, covered entries and covered porches into required yards and required open space for pre-existing structures under the provisions of Section 10.84.120. (Reserved)~~

ALLOW ACCESSORY USE OF ADJACENT COMMON OWNERSHIP LOTS

Sections 10.04.030 (Definitions)

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 single family residence, except as provided for in Section 10.52.050 F / A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Sections 10.52.050 B. and A.52.050 B. Accessory Structures

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. below.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet 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 basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

~~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.~~

Sections 10.52.050 F. and A.52.050 F. Accessory Structures

F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one 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).

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2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
3. One 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.
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/A.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E/A.52.050 E.
 - 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.

MISCELLANEOUS CLEAN-UP ITEMS

Section 10.04.030- Definitions- Floor Area, Buildable-Areas excluded from a determination of Buildable Floor Area

Single Family Residential Districts:

Area Districts I and II: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 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: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 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’).

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) <u>(G)</u>
Side (<u>percentage- ft.</u>)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F) <u>(G)</u>

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(G) **Rear 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.

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, and 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
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures <u>and Uses</u>	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
<u>Substandard Lots</u>	See Section 10.60.020 and 11.32.030 and (J)
<u>Building Projections into Setbacks</u>	See Section 10.60.040
<u>Landscaping</u>	See Section 10.60.070
<u>Accessory Structures</u>	See Section 10.52.050
<u>Exterior Materials</u>	See Section 10.52.020
<u>Home Occupation</u>	See Section 10.52.070
<u>Tree Preservation</u>	See Section 10.52.120

Section 10.12.030 (P) and A.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts

(P) **Fences, and Walls, and Hedges.** The maximum height of a fence, ~~or~~ wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In addition, all fences, ~~and~~ 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) ~~adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.)~~ to the corresponding top of the fence/wall/hedge ~~said barrier portion~~, 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 (45) degree 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, ~~or~~ wall or hedge having additional non-retaining height shall be permitted wherever a six (6) foot fence is allowed, provided such additional height over six (6) feet meets one 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 (11) feet.

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet 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 (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. 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 not impede public views of the ocean, the beach, or to and along the shoreline.

2. Architectural screen walls not to exceed six (6) feet six (6) inches 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 (14) feet 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 (1/2) the lot width.

~~For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to the corresponding top of said barrier portion;~~

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~~including any attachments. If more than one (1) fence/wall is located within a required yard, any portion of a fence/wall is located within a required yard, and portion of a fence/wall that projects above a forty five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall, shall be counted toward the height measurement of the lowest fence/wall.~~






MULTIPLE UNMERGED LARGE LOTS

AREA DISTRICTS III AND IV
GREATER THAN MAXIMUM
LOT SIZE (EXCLUDING
EXEMPTIONS AND SINGLE FAMILY)



AREA III

Legend

-  Area Districts
-  Multiple Unmerged Lots
-  Parcels
-  OS - Open Space
-  PS - Public and Semi-Public

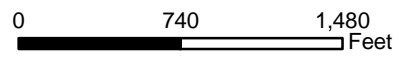


Exhibit C

MULTIPLE UNMERGED LARGE LOTS AREA DISTRICT III AND IV				
No.	Address	Lot Size	No. of Lots	No. of Units
1	540 Rosecrans Ave	11,658	3	Daycare
2	3608 The Strand	9,332	2 2/3	11
3	2700 Highland Ave	9,824	3	6
4	1401 Manhattan Ave	8,550	3	10
5	747 12th St and 740 13th St	20,322	6	25
6	320 11th St	8,100	3	12
7	1000 Highland Ave	13,332	4	16
8	313 9th St or 900 Highland Ave	13,332	4	15

ORDINANCE NO. 2111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING AND SUBDIVISIONS ORDINANCE- TITLES 10 AND 11) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, does hereby find, determine and declare as follows:

WHEREAS, in 1990 ZORP (Zoning Ordinance Revision Program) was adopted which substantially revised the residential development standards in the Zoning Code, reducing the height of homes, limiting homes in most area to 2-stories, reducing Buildable Floor Area (BFA), increasing rear yard setbacks, and increasing parking, in addition to other new development standards, and;

WHEREAS, on April 16, 2002, new Bulk Volume standards (BV I) were adopted with Ordinance No. 2032 which required an additional 6% front yard setback, allowed many basements to not count towards BFA, and required that a third garage door be setback an additional 5 feet, and;

WHEREAS, on December 2, 2003, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted with Ordinance No. 2050 which still excluded many basements from being counted as BFA, however the basement area counts towards BFA for parking purposes only, the 6% front yard setback was required on both front yards on through lots, egress, light and ventilation wells were not permitted in setbacks, and on corner lots building walls over 25 feet in height are required to have an additional setback, and;

WHEREAS, on September 7, 2004, the Bulk Volume Standards were further revised (BV III) with the adoption of Ordinance No 2061 to increase the additional 6% front yard setback to 8% and the 8% front yard setback was required on both front yards on through lots, and;

WHEREAS, on March 2, 2004 the City Council adopted the 2004-2005 Work Plan which included several items related to mansionization in residential areas. On April 6, 2004 the Council prioritized the Work Plan items, and on April 13, 2004 the City Council held a joint meeting with the Planning Commission to discuss the Work Plan items, and;

WHEREAS, on January 4, 2005 Code Amendments were adopted related to the 2004-2005 Work Plan to revise the Minor Exception section of the Zoning Code to encourage the retention of existing smaller non-conforming homes and allow them to expand up to 2,000 square feet. In September 2004 the bulk-volume additional requirements were revised to require 8% instead of 6% additional front yard setback, and;

WHEREAS, on January 26, February 23, and March 23, 2005 the Planning Commission held public hearings to discuss amendments related to lot mergers and large lot regulations. On April 27, 2005 the Planning Commission tabled the lot merger study pending further City Council direction, and;

WHEREAS, on June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization, and;

WHEREAS, on July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions on October 12, 2005 and made a recommendation to

approve a maximum lot size on November 9, 2005 which was considered by Council on December 6, 2005, and;

WHEREAS, on December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization, and;

WHEREAS, the Mansionization Issues Committee met thirteen times, from February 2006 through March 2007, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted duly noticed public hearings on October 25 and November 15, 2006 and public testimony was invited and received, regarding three proposed Code Amendments, based on initial recommendations from the Mansionization Issues Committee, related to lot mergers, Minor Exception regulations to encourage retention of small homes, and accessory structures on adjacent lots under common ownership. The Committee at that time had not completed their review and recommendations related to setback and open space revisions, and;

WHEREAS, on November 26, 2006 the Planning Commission tabled discussion on the three proposals from the Mansionization Committee after the City Council provided direction to review all of the Mansionization Committees recommendations at one time, and;

WHEREAS, the Mansionization Issues Committee completed their review and developed a comprehensive set of recommendations on March 15, 2007 that were then presented conceptually to the City Council, and;

WHEREAS, On April 3, 2007 the City Council considered the Mansionization Committees recommendations related to Lot Mergers and directed staff to prepare a Moratorium on lot mergers, and;

WHEREAS, on April 17, 2007 a Lot Merger Moratorium was adopted by the City Council and subsequently extended on May 15, 2007, and amended on June 5, 2007, and;

WHEREAS, on May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations, and;

WHEREAS, on June 26, 2007 the City Council conducted a special study session which included a windshield survey of the City to review the residential development and provide further direction to the Planning Commission on the proposed Mansionization Code Amendments, and;

WHEREAS, the Planning Commission held public hearings to review and discuss the Mansionization Committees recommendations and the City Council direction on July 25, August 8, September 5 and 12, October 10, and November 14, 2007, and on November 14 adopted Resolution No. PC 07-17 recommending to the City Council approval of the Code Amendments, and;

WHEREAS, all of the Planning Commission and City Council public hearings included public notices or a one-quarter page display ad published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a Study Session on December 4, 2007, on the proposed Code Amendments related to Mansionization, and scheduled a public hearing for January 15, 2008, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on January 15, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after accepting public input and discussing the item, provided direction on the Amendments to staff and continued the public hearing to February 5, 2008, and;

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received, and;

WHEREAS, the public hearing held by the City Council was advertised by a 1/4 page ad published on January 3, 2008 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted the continued public hearing on February 5, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after discussing the item, introduced Ordinance No. 2111, and;

WHEREAS, the applicant for the subject project is the City of Manhattan Beach, and;

WHEREAS, the subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of single building sites created by merging two or more lots, by encouraging the remodeling and enlargement of existing homes to less than the maximum allowed, by increasing setback and open space requirements, and allowing accessory use of adjacent common ownership lots, and;

WHEREAS, the Lot Merger regulations establish a new maximum lot size in all Area Districts and residential zones with a few exceptions. The maximum lot sizes were established so that the majority of two originally subdivided lots could be merged. These square footages exceed two times the minimum lot size in order to capture the size of the majority of original subdivided lots looking at existing standard lot patterns and the size of originally subdivided lots. The lot sizes are generally two times the following lot sizes: Area District I- 50' by 150'; Area District II- 40' by 135', and Area Districts III and IV- 33.33' by 105', and;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code, and;

WHEREAS, the proposed amendment to the Title 10 and 11 of the Municipal Code (Zoning and Subdivision Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1: of the Land Use Element, to maintain the low-profile development and smalltown atmosphere of Manhattan Beach, by encouraging the retention of smaller homes, limiting lot mergers, and increasing setbacks and open space.

Policy LU-1.2: of the Land Use Element, to require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape, by increasing open space and setbacks, and allowing detached accessory structures on adjacent common ownership lots.

Goal LU-2 of the Land Use Element, to encourage the provision and retention of private landscaped open space, by increasing setbacks and open space.

Goal LU-3 of the Land Use Element, to achieve a strong, positive community aesthetic, by limiting the size of lot mergers.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers and encouraging retention of smaller homes the patterns of existing lots and development, as well as neighborhood character will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, and encouraging remodeling and enlargement of existing homes, and use of adjacent commonly owned parcels for accessory structures, and increasing setbacks and open space home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings.

Policy 1.1 of the Housing Element which states that the City will continue to maintain and conserve the character of its existing residential neighborhoods. support a diversity of housing types to accommodate existing and future needs. By increasing setbacks and open space, limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will maintain and conserve neighborhood character.

Policy 1.2 of the Housing Element which states that the City will continue to promote the maintenance of existing housing units and property. By limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will promote the maintenance of existing housing units and property.

Policy 2.1 of the Housing Element which states that the City will ensure that new residential development is compatible with surrounding residential development. By increasing setbacks and open space, limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will ensure that new residential development is compatible with surrounding residential development.

Policy 4.1 of the Housing Element which states that the City will continue to evaluate ways in which development review may be streamlined. By encouraging remodels and additions to existing homes through an administrative review process, development review is streamlined.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapters 10.04 (Definitions) of the Manhattan Beach Municipal Code as follows:

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 single family residence, except as provided for in Section 10.52.050 F / A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Floor Area, Buildable-

Single Family Residential Districts:

Area Districts I and II: That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 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 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 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’).

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled “Development Standards For Merged Lots” and modifies the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I RS	Area District I RM	Area District I RH	Area District II RS	Area District II RM	Area District II RH	Additional Regulations
Lot Dimensions							
Area (sq. ft) Minimum	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft) Minimum	50	50	50	40	40	40	

(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.**

Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 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.

Option A:
Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.
2. 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 (date of approval of this Ordinance).

3. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, 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.

4. 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 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.

5. 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.

6. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Option B
Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.

2. Properties zoned RM, RH and CL in Area Districts III and IV that are developed with three 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 (date of approval of this Ordinance).

4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, 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 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 40,000 square feet per the Zoning Code requirements.

8. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

SECTION 4. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks of the Manhattan Beach Municipal Code by amending Section 10. as follows:

All Options:

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.

Option A--Side Setback RM and RH Zones:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Option B- Side Setback RM and RH Zones::

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (percentage- ft.)	10%-3 min.	10%-3;10	10%-3;10	10%-3 min.	10%-3;10	10%-3;10	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Option A—Streetside Setback-Corner Lots- All Zones:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

Option B—Streetside Setback-Corner Lots- All Zones:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(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)

All Options:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) (G)
Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)

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
Solar-assisted Water Heating	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
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

Option A- Side Setback RM and RH Zones::

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3').

Option B- Side Setback RM and RH Zones::

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3') and in the RM and RH Zones in Area Districts I and II, setbacks need not exceed ten feet (10').

Option A- Streetside Setback-Corner Lots- All Zones:

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3').

Option B- Streetside Setback-Corner Lots- All Zones:

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3') and need not exceed five feet (5') on the corner side.

All Options:

(1) Exceptions--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;
- (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.

Rear Setback:

- (1) In Area Districts I and II, the rear setback (RS) shall be determined as follows: $RS = 0.3 \times (\text{lot depth in feet}) - 20$; provided that the minimum setback is twelve feet (12').
- (2) In Area District III, RS District, non-alley lots abutting residential at the rear with 2,700 square foot or more in lot area, the rear setback shall be 10 feet.

SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (F) Building Height and Required Yards of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code by amending Section 10. as follows:

(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.

SECTION 7. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) (G)
Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F) (G)

(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.

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

(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 is 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 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

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.

SECTION 9. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

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 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 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 (1/2) 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 15% of the added buildable floor area, until the total open space requirement provided in this Section is attained.

SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

(P) Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches 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 (45) degree 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 (6) foot fence is allowed, provided such additional height over six (6) feet meets one of the following criteria.

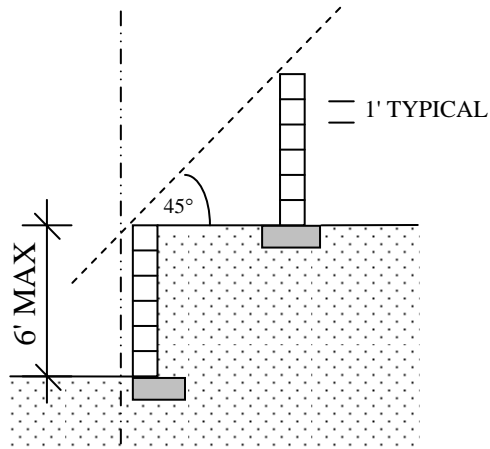
a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven (11) feet.

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet to any part of any building.

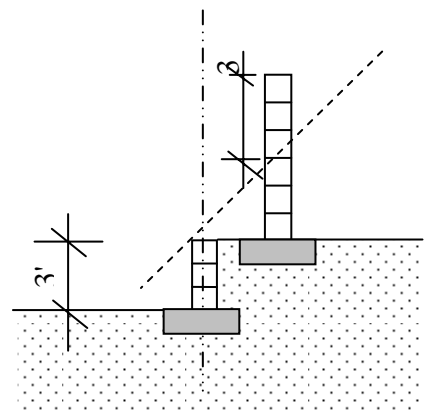
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. 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 (6) feet six (6) inches 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 (14) feet 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 (1/2) the lot width.

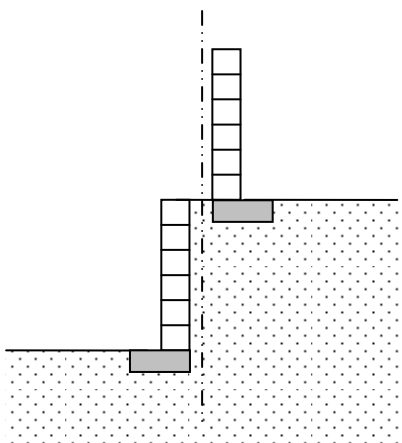
SIDE OR REAR YARD P/L



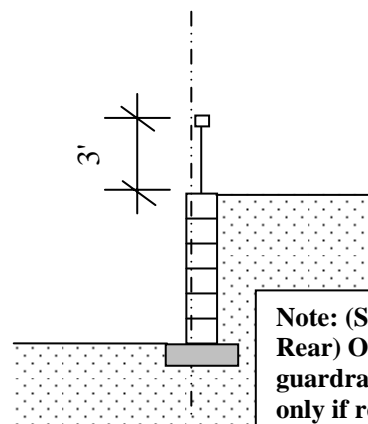
SIDE OR REAR YARD P/L



SIDE OR REAR YARD P/L

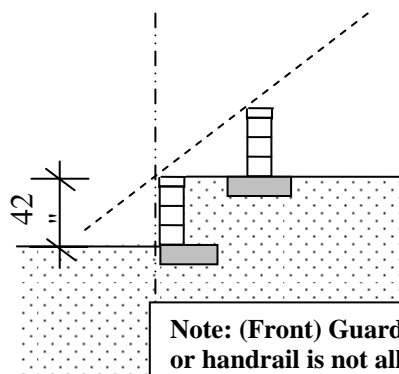


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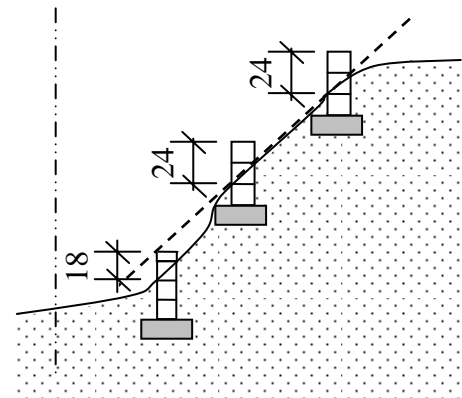
Note: (Side and Rear) Open guardrail permitted only if required for safety purposes.

FRONT YARD P/L



Note: (Front) Guardrail or handrail is not allowed in addition to the 42\" height limit.

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

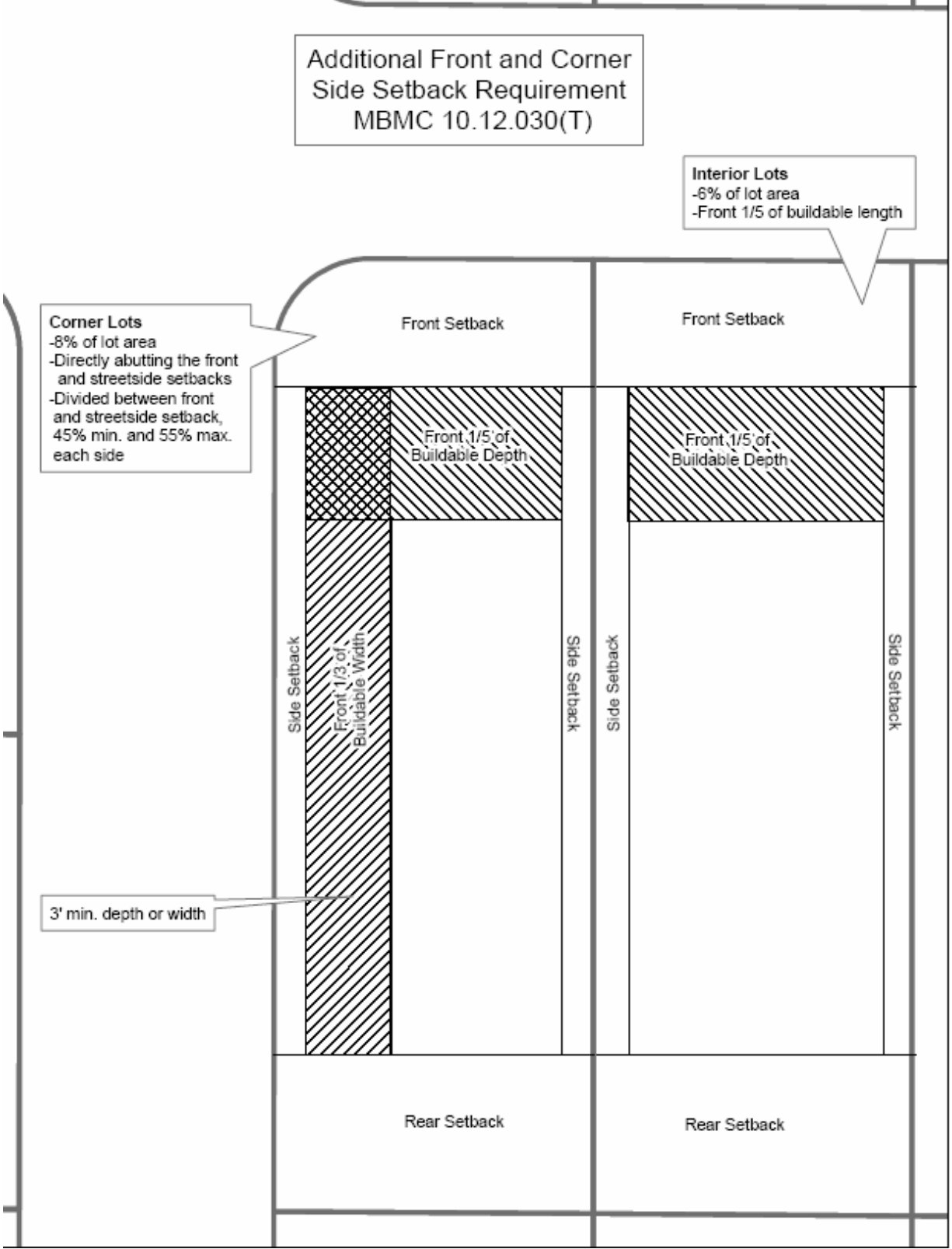
SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

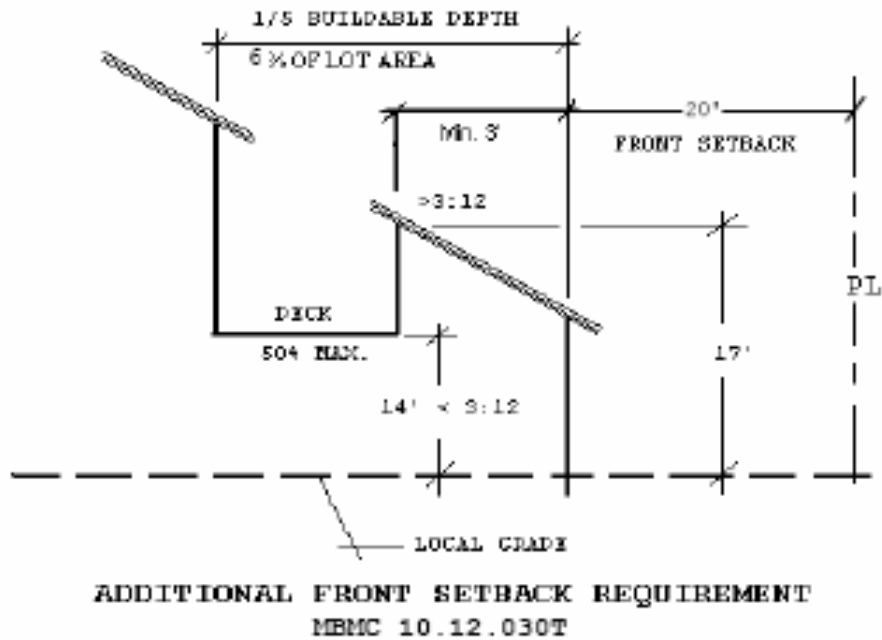
(T) Additional Front and Corner Side Setback Requirement--RS Properties, Area Districts I and II. In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:

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 (1/5) [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 45% and a maximum of 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 (1/5) [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 (1/3) [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 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).
3. A maximum of one-half (½) of said area shall be designed or useable as roof top deck surfaces.
4. 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, shallow, or multiple front yard lot if it prevents the lot from attaining its permitted buildable floor area 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.





SECTION 12. The City Council of the City of Manhattan Beach hereby modifies Sections 10.52.050 Accessory Structures of the Manhattan Beach Municipal Code as follows:

- 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. below.
 Exceptions.
 1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
 2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
 3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet 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 basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

SECTION 13. The City Council of the City of Manhattan Beach hereby modifies Sections 10.52.050 Accessory Structures of the Manhattan Beach Municipal Code by adding Section 10.52.050 F. as follows:

- F. Residential Zones-Adjacent Separate Lots with Common Ownership. Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one 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 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.
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/A.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E/A.52.050 E.
 - 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.

SECTION 14. The City Council of the City of Manhattan Beach hereby modifies Sections 10.60.040 H. Minor Exceptions of Title 10, of the Manhattan Beach Municipal Code entitled Site Regulations-All Districts- Building projections into required yards or required open space, as follows:

10.60.040 Building projections into required yards or required open space.
 Projections into required yards or required open space shall be permitted as follows:

H. (Reserved)

SECTION 15. The City Council of the City of Manhattan Beach hereby modifies Sections 10.64.030 of Title 10, of the Manhattan Beach Municipal Code entitled Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required, as follows:

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
Multi-family 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.	
Residential Care, Limited	1 per 3 beds.	-
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.	

SECTION 16. The City Council of the City of Manhattan Beach hereby modifies Sections 10.64.090 of Title 10, of the Manhattan Beach Municipal Code entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:

10.64.090 Parking space dimensions.

Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage housing fewer cars, or with door at of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more 6 cars with access via aisle	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area ict IV)	9.0 x 36 (9.0 x 33)	-
Non-Residential	Angle spaces	8.5 x 18	8.0 x 15
All	Parallel spaces	8.0 x 22	8.0 x 22

Exceptions:

1. Existing legal nonconforming parking spaces may remain nonconforming with regards to width, depth, and vertical clearance for up to a maximum of one foot (1') in each dimension, per space, without regard to value of site alteration. See Minor Exception- Chapter 10.84 for additional provisions for existing parking spaces and existing structures.

SECTION 17. The City Council of the City of Manhattan Beach hereby modifies Sections 10.68.010 of Title 10, of the Manhattan Beach Municipal Code entitled Nonconforming Uses and Structures- Specific Purposes, as follows:

10.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

SECTION 18. The City Council of the City of Manhattan Beach hereby modifies Sections 10.68.030 of Title 10, of the Manhattan Beach Municipal Code entitled Alterations and enlargements of nonconforming uses and structures, as follows:

10.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.
4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.
5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section 10.60.040(G), Building projections into required yards or required open space-Chimneys, for standards.
6. Where a minor exception has been approved in accordance with Chapter 10.84 of this Code.

SECTION 19. The City Council of the City of Manhattan Beach hereby modifies Sections 10.84.010 of Title 10, of the Manhattan Beach Municipal Code entitled Use Permits, Variances and Minor Exceptions, as follows:

Section 10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of this ordinance by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this ordinance.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

SECTION 20. The City Council of the City of Manhattan Beach hereby modifies Sections 10.84.120 of Title 10, of the Manhattan Beach Municipal Code entitled Use Permits, Variances and Minor Exceptions, as follows:

Both Options:

Section 10.84.120 Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., and 10.12.030 and 10.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development

- regulations.
- 10.12.030 (M) Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
- 10.12.030 (P) Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
- Option A:**
10.12.030 (T) Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. **This may be applied to small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area due to these requirements.**
- Option B:**
10.12.030 (T) Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. **This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots.**
- Both Options:**
10.12.030 (T) Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
- 10.12.030(T) Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
- 10.12 – 10.68 Non-compliant construction due to Community Development staff review or inspection errors.
- 10.68.030 D, 10.12.030 and 10.12.030 (R) Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
- 10.68.030 D. and E. Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
- 10.68.030 E. Alterations and remodeling to existing legal non-conforming structures.
- A. Minor Exception Application without Notice. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section 10.68.030 D and E. must meet the following criteria:
1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .

2. Alterations and remodeling to existing legal non-conforming structures. No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

- a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

Option A:

2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

- a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 4,000 square feet, whichever is less.

Option B:

- ~~2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:~~

- ~~a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 4,000 square feet, whichever is less.~~

C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements- Minor Exception Applications with notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site;
 4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. Notice to Property Owners- Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- F. Director's Review and Action-All Minor Exceptions.
1. Notice of Decision. After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above.
 2. Findings. In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.
- G. Additional Criteria- Sections 10.68.030 D and E. When making a determination to approve an exception to Section 10.68.030 D. and E, the Director shall also require the following criteria to be met, in addition to the findings in Section 10.84.120 (F) 2., as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community

Development.

- c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
 7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
 9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
 10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.
- H. Additional Criteria- Section 10.12.030 (T). Interior Lots. When making a determination to approve an exception to Section 10.12.030 (T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 (F) 2:
1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
 2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
 3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
 4. The area provided outside of the additional front setback area shall meet all of the criteria

established in Section 10.12.030 (T) 2.-4.

5. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.
- I. Additional Criteria Section 10.12.030 (T) – Corner Lots. When making a determination to approve an exception to Section 10.12.030 (T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 F 2:
 1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030 (T).
 2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
 3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
 4. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.
 - J. Conditions of Approval. In approving a minor exception permit, the Director may impose reasonable conditions necessary to:
 1. Achieve the general purposes of this ordinance and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
 2. Protect the public health, safety, and general welfare; or
 3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.
 - K. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

SECTION 18. The City Council of the City of Manhattan Beach hereby adding Section 11.32.090 of Title 11, Chapter 11.32 of the Manhattan Beach Municipal Code entitled Reversions to Acreage and Mergers, as follows:

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

- 11.32.010 Reversions to acreage.
- 11.32.020 Merger of contiguous parcels.
- 11.32.030 Merger of contiguous parcels--Conditions.
- 11.32.040 Merger of contiguous parcels--Notice of intent.
- 11.32.050 Merger of contiguous parcels--Hearing.
- 11.32.060 Merger of contiguous parcels--Determination of merger.
- 11.32.070 Merger of contiguous parcels--Determination of non-merger.
- 11.32.080 Merger of contiguous parcels--Request by property owner.
- 11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use
 A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one 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.

SECTION 19. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 20. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 21. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 22. A staff review of the proposed amendments per Sections 2-18 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 23. Ordinance No.'s 2102 and 2103, Urgency Ordinances Imposing a Moratorium on Lot Mergers, are rescinded on the effective date of this Ordinance.

SECTION 24. The effective date of the proposed amendments adopted by reference in Sections 2-18 of this Ordinance shall be subject to the following applications:

A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the MBMC Title 10 in effect on the date that the application for a discretionary project is deemed complete. Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the MBMC in effect on the day that the application was deemed complete.

B. Building permits for non-discretionary projects shall be issued or denied pursuant to the MBMC in effect on the date that the complete building permit application is submitted to the City.

C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-18 of this Ordinance.

SECTION 25. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 26. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 5th day of February, 2008.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

ORDINANCE NO. 2112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH LOCAL COASTAL PROGRAM (COASTAL ZONE ZONING ORDINANCE) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, does hereby find, determine and declare as follows:

WHEREAS, in 1990 ZORP (Zoning Ordinance Revision Program) was adopted which substantially revised the residential development standards in the Zoning Code, reducing the height of homes, limiting homes in most area to 2-stories, reducing Buildable Floor Area (BFA), increasing rear yard setbacks, and increasing parking, in addition to other new development standards, and;

WHEREAS, on April 16, 2002, new Bulk Volume standards (BV I) were adopted with Ordinance No. 2032 which required an additional 6% front yard setback, allowed many basements to not count towards BFA, and required that a third garage door be setback an additional 5 feet, and;

WHEREAS, on December 2, 2003, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted with Ordinance No. 2050 which still excluded many basements from being counted as BFA, however the basement area counts towards BFA for parking purposes only, the 6% front yard setback was required on both front yards on through lots, egress, light and ventilation wells were not permitted in setbacks, and on corner lots building walls over 25 feet in height are required to have an additional setback, and;

WHEREAS, on September 7, 2004, the Bulk Volume Standards were further revised (BV III) with the adoption of Ordinance No 2061 to increase the additional 6% front yard setback to 8% and the 8% front yard setback was required on both front yards on through lots, and;

WHEREAS, on March 2, 2004 the City Council adopted the 2004-2005 Work Plan which included several items related to mansionization in residential areas. On April 6, 2004 the Council prioritized the Work Plan items, and on April 13, 2004 the City Council held a joint meeting with the Planning Commission to discuss the Work Plan items, and;

WHEREAS, on January 4, 2005 Code Amendments were adopted related to the 2004-2005 Work Plan to revise the Minor Exception section of the Zoning Code to encourage the retention of existing smaller non-conforming homes and allow them to expand up to 2,000 square feet. In September 2004 the bulk-volume additional requirements were revised to require 8% instead of 6% additional front yard setback, and;

WHEREAS, on January 26, February 23, and March 23, 2005 the Planning Commission held public hearings to discuss amendments related to lot mergers and large lot regulations. On April 27, 2005 the Planning Commission tabled the lot merger study pending further City Council direction, and;

WHEREAS, on June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization, and;

WHEREAS, on July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions on October 12, 2005 and made a recommendation to approve a maximum lot size on November 9, 2005 which was considered by Council on December 6,

2005, and;

WHEREAS, on December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization, and;

WHEREAS, the Mansionization Issues Committee met thirteen times, from February 2006 through March 2007, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted duly noticed public hearings on October 25 and November 15, 2006 and public testimony was invited and received, regarding three proposed Code Amendments, based on initial recommendations from the Mansionization Issues Committee, related to lot mergers, Minor Exception regulations to encourage retention of small homes, and accessory structures on adjacent lots under common ownership. The Committee at that time had not completed their review and recommendations related to setback and open space revisions, and;

WHEREAS, on November 26, 2006 the Planning Commission tabled discussion on the three proposals from the Mansionization Committee after the City Council provided direction to review all of the Mansionization Committees recommendations at one time, and;

WHEREAS, the Mansionization Issues Committee completed their review and developed a comprehensive set of recommendations on March 15, 2007 that were then presented conceptually to the City Council, and;

WHEREAS, On April 3, 2007 the City Council considered the Mansionization Committees recommendations related to Lot Mergers and directed staff to prepare a Moratorium on lot mergers, and;

WHEREAS, on April 17, 2007 a Lot Merger Moratorium was adopted by the City Council and subsequently extended on May 15, 2007, and amended on June 5, 2007, and;

WHEREAS, on May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations, and;

WHEREAS, on June 26, 2007 the City Council conducted a special study session which included a windshield survey of the City to review the residential development and provide further direction to the Planning Commission on the proposed Mansionization Code Amendments, and;

WHEREAS, the Planning Commission held public hearings to review and discuss the Mansionization Committees recommendations and the City Council direction on July 25, August 8, September 5 and 12, October 10, and November 14, 2007, and on November 14 adopted Resolution No. PC 07-17 recommending to the City Council approval of the Code Amendments, and;

WHEREAS, all of the Planning Commission and City Council public hearings included public notices or a one-quarter page display ad published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a Study Session on December 4, 2007, on the proposed Code Amendments related to Mansionization, and scheduled a public hearing for January 15, 2008, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on January 15, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after accepting public input and discussing the item, provided direction on the Amendments to staff and continued the public hearing to February 5, 2008, and;

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received, and;

WHEREAS, the public hearing held by the City Council was advertised by a 1/4 page ad published on January 3, 2008 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted the continued public hearing on February 5, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after discussing the item, introduced Ordinance No. 2111, and;

WHEREAS, the applicant for the subject project is the City of Manhattan Beach, and;

WHEREAS, the subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of single building sites created by merging two or more lots, by encouraging the remodeling and enlargement of existing homes to less than the maximum allowed, by increasing setback and open space requirements, and allowing accessory use of adjacent common ownership lots, and;

WHEREAS, the Lot Merger regulations establish a new maximum lot size in all Area Districts and residential zones with a few exceptions. The maximum lot sizes were established so that the majority of two originally subdivided lots could be merged. These square footages exceed two times the minimum lot size in order to capture the size of the majority of original subdivided lots looking at existing standard lot patterns and the size of originally subdivided lots. The lot sizes are generally two times the following lot sizes: Area District I- 50' by 150'; Area District II- 40' by 135', and Area Districts III and IV- 33.33' by 105', and;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code, and;

WHEREAS, the proposed amendment to the Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1: of the Land Use Element, to maintain the low-profile development and smalltown atmosphere of Manhattan Beach, by encouraging the retention of smaller homes, limiting lot mergers, and increasing setbacks and open space.

Policy LU-1.2: of the Land Use Element, to require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape, by increasing open space and setbacks, and allowing detached accessory structures on adjacent common ownership lots.

Goal LU-2 of the Land Use Element, to encourage the provision and retention of private landscaped open space, by increasing setbacks and open space.

Goal LU-3 of the Land Use Element, to achieve a strong, positive community aesthetic, by limiting the size of lot mergers.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers and encouraging retention of smaller homes the patterns of existing lots and development, as well as neighborhood character, will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, and encouraging remodeling and enlargement of existing homes, and use of adjacent commonly owned parcels for accessory structures, and increasing setbacks and open space home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings.

Policy 1.1 of the Housing Element which states that the City will continue to maintain and conserve the character of its existing residential neighborhoods. support a diversity of housing types to accommodate existing and future needs. By increasing setbacks and open space, limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will maintain and conserve neighborhood character.

Policy 1.2 of the Housing Element which states that the City will continue to promote the maintenance of existing housing units and property. By limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will promote the maintenance of existing housing units and property.

Policy 2.1 of the Housing Element which states that the City will ensure that new residential development is compatible with surrounding residential development. By increasing setbacks and open space, limiting the size of merged lot building sites, encouraging remodels and additions to existing homes and allowing for accessory structures, the City will ensure that new residential development is compatible with surrounding residential development.

Policy 4.1 of the Housing Element which states that the City will continue to evaluate ways in which development review may be streamlined. By encouraging remodels and additions to existing homes through an administrative review process, development review is streamlined.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

WHEREAS, the proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapter A.04 (Definitions) of the Coastal Zone Zoning Ordinance by amending Section A.04.030 (Definitions) as follows:

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 single family residence, except as provided for in Section A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Floor Area, Buildable-

Single Family Residential Districts:

Area Districts III and IV: That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 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’).

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III RM	Area District III RH	Area District IV RH	Additional Regulations
Lot Dimensions				
Area (sq. ft)				(A) (B) (C) (J)
Minimum	2,700	2,700	2,700	(K)
Maximum	7,000	7,000	7,000	
Width (ft)				
Minimum	30	30	30	

(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.

Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section A.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 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.

Option A:

Exceptions.

1. 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 (date of approval of this Ordinance).

2. 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 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.

Option B:

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts III and IV that are developed with three or more dwelling units, excluding those located on The Strand, subject to review and approval of a Use Permit in accordance with Chapter A.84.
2. 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 (date of approval of this Ordinance).
3. 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 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.

SECTION 4. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 Property Development Regulations: RM, and RH districts related to minimum setbacks of the Coastal Zone Zoning Ordinance by amending Section A.12.030 as follows:

A.12.030 Property development regulations: RM, and RH districts.
 The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section A.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 III AND IV

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Minimum Setbacks				
Front (ft.)	5	5	5	(A)(B)(D) (G)
Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (ft.)	1	1	1	(D)
Rear (ft.)	5	5	5	(D)(E)(F)(G)

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 A.60.150
Building Separation	(R)

Off-Street Parking and Loading	See Chapter A.64 (Q)
House Moving	(S)
Underground Utilities	See Section A.60.110
Refuse Storage Area	See Section A.60.100
Outdoor Facilities	See Section A.60.080
Screening of Mechanical Equipment	See Section A.60.090
Solar-assisted Water Heating	See Section A.60.140
Performance Standards	See Section A.60.120
Nonconforming Structures and Uses	See Chapter A.68
Signs	See Chapter A.72
Condominium Standards	See Section A.52.110
Minor Exceptions	See Section A.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section A.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section A.60.040
Landscaping	See Section A.60.070
Accessory Structures	See Section A.52.050
Exterior Materials	See Section A.52.020
Home Occupation	See Section A.52.070
Tree Preservation	See Section A.52.120

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (E) as follows:

E).Setbacks.

(1) Side. Ten percent (10%) of lot width but not less than three feet (3').

SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (F) Building Height and Required Yards of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (F) as follows:

(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.

SECTION 7. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (G) as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Minimum Setbacks				
Front (ft.)	5	5	5	(A)(B)(D) (G)
Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (ft.)	1	1	1	(D)

Rear (ft.)	5	5	5	(D)(E)(F) (G)
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(G) Alley Setback Exceptions: 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.

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (H) as follows:

(H) Maximum Height of Structures. See Section A.60.050, Measurement of height, and Section A.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 A.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 is 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 3 times the minimum side setback; In Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

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 A.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.

SECTION 9. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (M) Open Space Requirement of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (M) as follows:

(M) Open Space Requirement. The minimum usable open space (private and shared) in 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 both districts, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 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 (1/2) 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, additional usable open space shall be provided equal to 15% of the added buildable floor area, until the total open space requirement provided in this Section is attained.

SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (P) Fences and Walls of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (P) as follows:

(P) Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section A0.64.150, and the traffic vision clearance on corner lots of Section A.60.150 (Chapter 3.40).

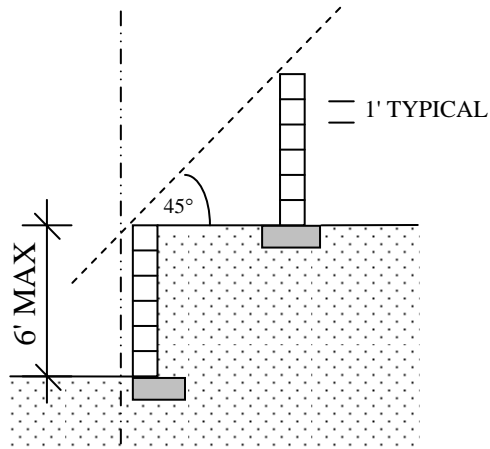
For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a

required yard, any portion of a fence/wall/hedge that projects above a forty-five (45) degree 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.

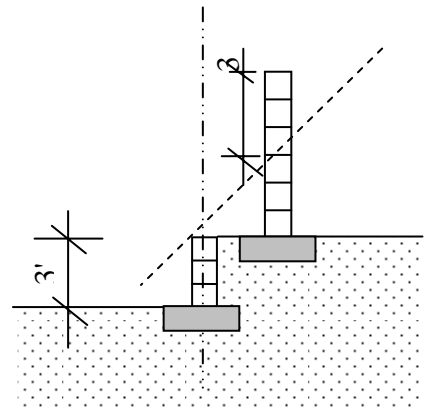
Exceptions:

1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six (6) foot fence is allowed, provided such additional height over six (6) feet meets one 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 (11) feet.
 - b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet 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 (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. If a coastal development permit is required for a fence by Sections A.96.040 and A.96.050 of this title, the additional height of the fence may be approved only if the additional height does not impede public views of the ocean, the beach, or to and along the shoreline.
2. Architectural screen walls not to exceed six (6) feet six (6) inches 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 (14) feet 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 (1/2) the lot width.

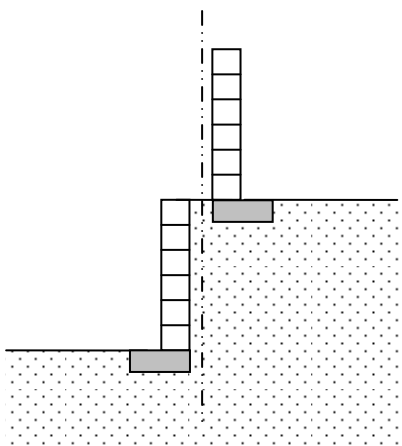
SIDE OR REAR YARD P/L



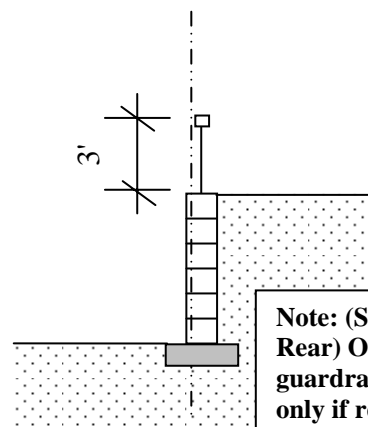
SIDE OR REAR YARD P/L



SIDE OR REAR YARD P/L

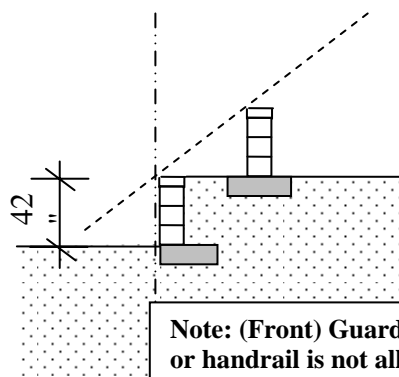


SIDE OR REAR YARD P/L



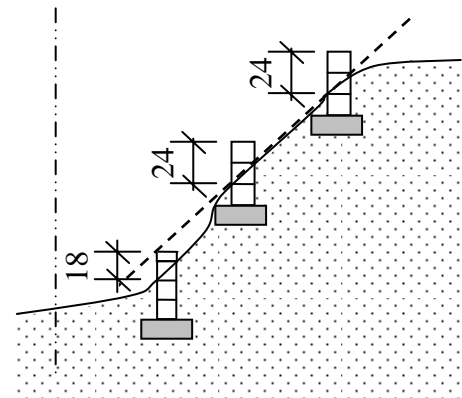
Note: (Side and Rear) Open guardrail permitted only if required for safety purposes.

FRONT YARD P/L



Note: (Front) Guardrail or handrail is not allowed in addition to the 42" height limit.

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Sections A.52.050 Accessory Structures of the Coastal Zone Zoning Ordinance by amending Section A.52.050 B as follows:

- 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. below.
- Exceptions.
1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
 2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
 3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet in height.
 4. Architectural screen walls may be located in the front yard of a site pursuant to Section A.12.030 (P).
 5. One basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

SECTION 12. The City Council of the City of Manhattan Beach hereby modifies Section A.52.050 Accessory Structures of the Coastal Zone Zoning Ordinance by adding Section A.52.050 F as follows:

- F. Residential Zones-Adjacent Separate Lots with Common Ownership. Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one 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 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.
 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 A.04.030.
 - b. Other accessory structures in compliance with Section A.52.050 E.
 - 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.

SECTION 13. The City Council of the City of Manhattan Beach hereby modifies Section A.60.040 H. Minor Exceptions of the Coastal Zone Zoning Ordinance entitled Site Regulations- All Districts- Building projections into required yards or required open space, as follows:

A.60.040 Building projections into required yards or required open space.
 Projections into required yards or required open space shall be permitted as follows:

H. (Reserved)

SECTION 14. The City Council of the City of Manhattan Beach hereby modifies Section A.64.030 of Title 10, of the Coastal Zone Zoning Ordinance entitled Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required, as follows:

A.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
Multi-family 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.	
Residential Care, Limited	1 per 3 beds.	-
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.	

SECTION 15. The City Council of the City of Manhattan Beach hereby modifies Section A.64.090 of Title 10, of the Coastal Zone Zoning Ordinance entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:

A.64.090 Parking space dimensions.
 Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage housing fewer cars, or with door at of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more 6 cars with access via aisle	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area ict IV)	9.0 x 36 (9.0 x 33)	-
Non-Residential	Angle spaces	8.5 x 18	8.0 x 15
All	Parallel spaces	8.0 x 22	8.0 x 22

Exceptions:

1. Existing legal nonconforming parking spaces may remain nonconforming with regards to width, depth, and vertical clearance for up to a maximum of one foot (1') in each dimension, per space, without regard to value of site alteration. See Minor Exception- Chapter A.84 for additional provisions for existing parking spaces and existing structures.

SECTION 16. The City Council of the City of Manhattan Beach hereby modifies Section A.68.010 of Title 10, of the Coastal Zone Zoning Ordinance entitled Nonconforming Uses and Structures- Specific Purposes, as follows:

A.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

SECTION 17. The City Council of the City of Manhattan Beach hereby modifies Section A.68.030 of Title 10, of the Coastal Zone Zoning Ordinance entitled Alterations and enlargements of nonconforming uses and structures, as follows:

A.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located,

except as provided for in Chapter A.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter A.84, Minor Exception.

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.

2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.

3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section A.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.

4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section A.60.040 (G), Building projections into required yards or required open space—Chimneys, for standards.

6. Where a minor exception has been approved in accordance with Chapter A.84 of this Code.

SECTION 18. The City Council of the City of Manhattan Beach hereby modifies Section A.84.010 of Title 10, of the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Section A.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of this ordinance by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one or more of the use classifications listed in Chapter A.08. Further, Chapter A.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this ordinance.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

SECTION 19. The City Council of the City of Manhattan Beach hereby modifies Section A.84.120 of the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Both Options:

Section A.84.120 Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section A.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections A.68.030 D and E., and A.12.030 and A.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
A.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
A.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
A.12.030 (M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
A.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.

Option A:

A.12.030 (T) Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area due to these requirements.

Option B:

A.12.030 (T) Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement,

side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots.

Both Options:

- A.12.030 (T) Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
- A.12.030(T) Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
- A.12 – A.68 Non-compliant construction due to Community Development staff review or inspection errors.
- A.68.030 D, A.12.030 and setbacks or required building setback(s). Construction of a first, second or third story residential addition that would project into required separation yard, matching the existing legal non-conforming A.12.030 (R)
- A.68.030 D. and E. Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures
- A.68.030 E. Alterations and remodeling to existing legal non-conforming structures.

A. Minor Exception Application without Notice. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section A.68.030 D and E. must meet the following criteria:

1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .
2. Alterations and remodeling to existing legal non-conforming structures. No limit to the total existing Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section A.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section A.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

- a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

Option A:

2. Applications for minor exceptions from Sections A.68.030 D, A.12.030, and A.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections A.68.030 D, A.12.030, and A.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 4,000 square feet, whichever is less.

Option B:

~~2. Applications for minor exceptions from Sections A.68.030 D, A.12.030, and A.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections A.68.030 D, A.12.030, and A.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:~~

~~a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 4,000 square feet, whichever is less.~~

- C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.
 - 1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 - 2. Written statements to support the required findings and criteria of this Code section.
 - 3. A vicinity map showing the location and street address of the development site.
- D. Submittal Requirements- Minor Exception Applications with notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:
 - 1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 - 2. Written statements to support the required findings and criteria of this Code section.
 - 3. A vicinity map showing the location and street address of the development site;
 - 4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 - 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. Notice to Property Owners- Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding

property owners as provided in Section D above. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.

- F. Director's Review and Action-All Minor Exceptions.
1. Notice of Decision. After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above.
 2. Findings. In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.
- G. Additional Criteria- Sections A.68.030 D and E. When making a determination to approve an exception to Section A.68.030 D. and E, the Director shall also require the following criteria to be met, in addition to the findings in Section A.84.120 (F) 2., as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
 3. A minimum of 10% of the existing structure, based on project valuation as defined in Section A.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section A.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter A.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.

6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. Additional Criteria- Section A.12.030 (T). Interior Lots. When making a determination to approve an exception to Section A.12.030 (T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section A.84.120 (F) 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section A.12.030(T).
2. The percentage of area that is provided outside of the additional front setback area, as established in Section A.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section A.12.030 (T) 2.-4.
5. The proposed project is consistent with the Purpose stated in Section A.12.010 H.

I. Additional Criteria Section A.12.030 (T) – Corner Lots. When making a determination to approve an exception to Section A.12.030 (T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section A.84.120 F 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section A.12.030 (T).
2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
3. The area abutting the streetside setback shall meet all of the criteria established in Section A.12.030 (T) 2.-4.
4. The proposed project is consistent with the Purpose stated in Section A.12.010 H.

- J. Conditions of Approval. In approving a minor exception permit, the Director may impose reasonable conditions necessary to:
 - 1. Achieve the general purposes of this ordinance and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
 - 2. Protect the public health, safety, and general welfare; or
 - 3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

- K. Effective Date: Appeals. Unless appealed in accordance with Chapter A.100 of the Manhattan Beach Municipal Code., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section A.100.030 Manhattan Beach Municipal Code.

SECTION 20. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 21. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 22. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 23. A staff review of the proposed amendments per Sections 2-18 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 24. Ordinance No.'s 2102 and 2103, Urgency Ordinances Imposing a Moratorium on Lot Mergers, are rescinded on the effective date of this Ordinance.

SECTION 25. The effective date of the proposed amendments adopted by reference in Sections 2-18 of this Ordinance shall be subject to the following applications:

A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the MBMC Title 10 in effect on the date that the application for a discretionary project is deemed complete. Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the MBMC in effect on the day that the application was deemed complete.

B. Building permits for non-discretionary projects shall be issued or denied pursuant to the MBMC in effect on the date that the complete building permit application is submitted to the City.

C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-18 of this Ordinance.

SECTION 26. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 27. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 5th day of February, 2008.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

January 15, 2008
copies to: - Laura, Rick

To: City Council

Subject: Mansionization Work Plan

My name is Norma Hessman and my address is 3120 Alma Avenue, Manhattan Beach, California, 90266. I purchased my single story beach cottage in 1951 and I have occupied this home for the past 56 years. The house was built in 1925 and has 1400 square feet, but was adequate for my family of 2 children. I have occupied this home for the past 56 years and have maintained the house and yard to the maximum.

My home is located on a corner lot with curbs on Alma, on 32nd Street, and Vista Drive. I pay taxes on 172 feet of streets but can seldom park at my own home because the owners of the mansions have three plus cars and two car garages filled with junk and they park at my house. And the developers also use my curbs to park the vehicles of the workers who come from afar. These workers are nasty to me when I ask them to please refrain from parking in front of my garage. I know that a building permit in San Francisco specifies that all vehicles of workers must park their cars off street. Expensive tickets are given to violators.

Manhattan Beach must require that vehicles belonging to non-residents who are working on a house development be parked on the building site or elsewhere in a legal space and transportation be provided to work site by developers! On street sweeping days these vehicles spend hours cruising around to avoid parking violation citations.

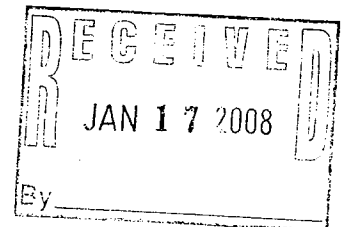
I dislike the ugly tall buildings on such small lots and predict that these "mansions" will become the victims of the wrecking crews in the future- probably 30 years from now when the owners become seniors and can't negotiate all those steps. I'm happy in my small cottage and plan to stay here until they take me out in a box. That can't be too far in the future because I'm 88 years of age.

Sincerely,

Norma Hessman

EXHIBIT
F

cc 2/5/08



Laurie B. Jester

From: julie gallas [julie.gallas@gmail.com]
Sent: Wednesday, January 16, 2008 8:53 AM
To: Laurie B. Jester
Subject: Fwd: Jan. 15 meeting

----- Forwarded message -----

From: julie gallas <julie.gallas@gmail.com>
Date: Jan 16, 2008 8:51 AM
Subject: Fwd: Jan. 15 meeting
To: Wayne Powell <beachbum2u2@yahoo.com>, John Clark <flyfast@earthlink.net>

----- Forwarded message -----

From: julie gallas <julie.gallas@gmail.com>
Date: Jan 16, 2008 8:49 AM
Subject: Jan. 15 meeting
To: ntell@citymb.info, Richard Montgomery <rmontgomery@citymb.info>, jaldinger@citymb.info, pcohen@citymb.info, mward@citymb.info

First, a big thankyou to all of you for the fortitude to sit there all of those hours and go over all the many details explaining mansionization, setbacks, air space, mergers, etc. with the public. That was a very informative meeting. I was especially pleased with the overall consensus of working on articulation of new homes, maintaining open space on individual lots, and most importantly 2 lot merger maximums.

I must confess I was caught off guard, though not particularly surprised, with Mr. Schuman's impassioned midnight appeal for his 3 lot merger based on the need for affordable multi-family dwellings in Manhattan Bch. He stated that the state requirements are "right around the corner" and that this is one of the issues the City Council claimed as a priority. Well----I think we all need to appreciate one major fact. Mr. Schuman's property is Strand front, beach view, and one of the prime pieces of property in Manhattan Bch. He will not be building multifamily dwellings, he will be building high-end condominiums which by virtue of their location will be quite pricey. That is completely in his right, but he should be up front about it.

Because he will be building additional condominiums in a neighborhood existing of 2 and 3 unit condos on single lots, 3608 should be in conformity with the neighborhood. Dividing 2 and 2/3 lots in half would already give him above average sized parcels. This would require airspace between the 2 lots, but still allow a large structure on each. I consistently heard 2 lot merger maximums in the meeting last night, both from Council and Laurie from the Planning Commission. I truly hope that will be honored in this case. He is not trying to satisfy state requirements for affordable multifamily dwellings.

As an aside, I found it extremely condescending when he joked about "didn't the residents notice the big building when they moved in?" It is not as if we just joined together and signed a petition to knock the apartment down. It has always been here. However, if the owner choses to knock it down and reconfigure the structure, he needs to comply with the CURRENT regulations that are in effect. He does

not get to try to imply that he will be aiding the community by building one type of structure when in fact it will be a personal gain.

Again, thank you for reading yet one more e-mail on this topic.

Julie Gallas
112 36th Pl,

Laurie B. Jester

From: Jeffrey P. Neu [jeffreypneu@hugoneu.com]
Sent: Friday, January 18, 2008 11:39 AM
To: Laurie B. Jester
Cc: Richard Thompson
Subject: Re: 2920 Agnes Rd

Thank you for your help. Do you think it's nessecary for me to say anything at the next planning meeting. Jeff

----- Original Message -----

From: Laurie B. Jester <ljester@citymb.info>
To: Jeffrey P. Neu
Cc: Richard Thompson <rthompson@citymb.info>
Sent: Fri Jan 18 14:17:35 2008
Subject: RE: 2920 Agnes Rd

Mr. Neu-

We will propose language in the Code at the next CC meeting to accommodate situations like yours where the dimensions are just slightly larger- so we will propose rounding all fractions of dimensions down to the nearest whole number which would make you a 40 by 135- and right at the max of 10,800 which allows the merger- which is what the intent of the new provisions are.

Laurie Jester

-----Original Message-----

From: Jeffrey P. Neu [mailto:jeffreypneu@hugoneu.com]
Sent: Thursday, January 17, 2008 9:20 PM
To: Laurie B. Jester
Subject: 2920 Agnes Rd

Laurie,

Thank you for talking to me today. I have attached the assessor's map. Please advise if this parcel can be merged as per the new rules that are being proposed. Please call me if you have any questions 310-505-5575.

Thank you,

Jeffrey Neu

01/18/2008

Laurie B. Jester

From: John Clark [flyfast@earthlink.net]
Sent: Sunday, January 27, 2008 6:27 PM
To: Mitch Ward; Portia P. Cohen; Jim Aldinger; Nick Tell; Richard Montgomery
Cc: Bob Bohner; David Lesser; Wayne Powell; Sandra Seville-Jones; jfasola@citymb.info; Richard Thompson; Laurie B. Jester
Subject: Unjust Lot Merger Exemption

City Council Members:

At the last City Council meeting (which went past 1:00 AM), developer Robert Schumann lobbied at the last minute to get an unjust lot merger exemption under the pretense of meeting exaggerated state mandates for multi-family housing.

Mr. Schumann has made numerous lot merger exemption/grandfathering attempts over the past year for his property at 3604-3608 The Strand, which have been previously rejected. We hope the City Council will not fall for this latest absurd ruse and will properly reject this exemption demand.

We do not need a project that will be out of scale and character with the surrounding neighborhood. Development like this contradicts our city's General and Local Coastal Plans approved by the state.

We respectfully request that the City Council does not grant an unwarranted special privilege exemption to develop inappropriate condos on The Strand and in other areas where they don't fit in and will overshadow the surrounding neighborhood.

John Clark
Manhattan Beach

310-796-1166

Laurie B. Jester

From: Liza Tamura
Sent: Monday, January 28, 2008 10:58 AM
To: Geoff Dolan; Richard Thompson; Laurie B. Jester
Subject: FW: Mansionization Issues/February 5, 2008

FYI - sorry I didn't forward this earlier, I was out of the office Friday afternoon. In any event, here it is as an FYI.

*Liza Tamura
City Clerk
City of Manhattan Beach
(310) 802-5055*

From: Kathy Clark [mailto:kathymb2005@mac.com]
Sent: Friday, January 25, 2008 2:18 PM
To: Liza Tamura
Subject: Mansionization Issues/February 5, 2008

Hi Liza,

Martha said that she successfully sent this to the City Council but received non-deliverable e-mail notifications from the staff e-mail. Would you please be sure that Geoff, Richard and Laurie receive a copy of this e-mail.

Thanks,

Kathy Clark

From: Martha Andreani
Sent: Thursday, January 24, 2008 4:47 PM
To: 'jaldinger@citymb.info'; 'pcohen@citymb.info'; 'Richard Montgomery'; Nick Tell; 'mward@citymb.info'
Cc: Geoffrey Dolan; 'Richard Thompson'; Laurie Jester; ltamura@citymb.info
Subject: Mansionization Issues/February 5, 2008

Mayor Aldinger, Mayor Pro Temp Montgomery, Councilmembers Cohen, Tell and Ward:

It was another one of those very-late-night Council Meetings on January 15, and although I am disappointed that the matter of "mansionization issues" was carried forward to February 5th for further Council deliberation, I respect that you were tired (we all were!) and you will discuss these important issues with renewed vigor – and perhaps improved knowledge of the recommendations presented in the staff report – at your next meeting.

I will be out of the country and unable to attend the February 5 meeting. For your discussion and decisions at your next meeting, I'd like to stress the following regarding "mansionization". First of all, the problem of large-box homes is a very real problem created by very real developers that are in town to maximize their profits. Many of these developers do not care about the "character" of each of our unique neighborhoods and the General Plan goal of preserving our "small-town atmosphere". They care only about maximizing their profits by maximizing square

01/28/2008

footage. We cannot stop residents from selling their older homes for a profit, so we must control what a developer builds on a lot (or lots, if we permit 2 lots to be merged).

Increasing Setbacks and Open Space: This received a lot of attention from Staff, Planning Commissioners and the public – and Council can do more. Increasing the rear setback from 10' to 12' is good – but it is not as good as it used to be. Please consider going back to the requirement for a 15' rear yard setback. (That received a lot of support at the Planning Commission level.)

Decreasing the existing 8% front yard setback to 6% is also a step backward in meeting open space goals and decreasing visual bulk/volume. By decreasing setback requirements, we allow a larger home to be built on a lot – it's just that simple. Architects can provide articulation in building design given any setback requirements.

Planning Commissioners stated that in their tour of homes they couldn't really see the difference between a 6% setback and an 8% setback; however, it should be noted that they were unable to compare two similar homes. And some proponent architects say that since you can't really tell the difference between a 6% and 8% setback, they want the extra footage for building design. There you have it; less open space equals larger homes.

Another reason it is difficult to see the difference between a 6% and 8% setback is because so much of the setback is hardscape. Let's meet some "green goals" now and require that at least 50% of the front yard and rear yard setbacks must be landscape. When we're dealing with setbacks now, we can also deal with green now. Why wait for this to come up at another time.

MBRA believes that basements should be considered in BFA and the calculation of open space requirements for all new development. (However, to encourage remodels perhaps only some percentage of the basement area should apply to BFA.)

Limit Lot Mergers: My personal preference regarding lot mergers would be to permit (I would even encourage) only two non-standard lots to be merged. Since the merging of two typical lots has the potential of changing neighborhood characteristics, I believe this important issue to be put before the voters. Most members of MBRA, however, are in favor of allowing 2 lots to be merged if the requirement for open space is at least doubled.

The MBRA does not support "grandfathering" of unmerged properties that have structures built across the unmerged property lines. We strongly supports the recommendation that when existing unmerged adjacent lots under common ownership that are larger than two lots but currently developed and used as one lot are developed with new structures, or substantially remodeled, then the new development must be subject to all of the new residential development standards (including lot size, setback and open space requirements, building height, etc.).

We hear Robert Schumann, the owner of the properties at 3406 – 3408 The Strand ask for something different from the above, even though he has been told no. Let me take a few sentences to state why we should continue to say no to him (and others in similar situations that might ask). While larger numbers of condos/apartments may be appropriate east of Sepulveda because they are in scale with their surrounding neighborhoods, his request for an exemption is out of character, scale and lot pattern for what is currently built on The Strand. His proposed project (even though he fails to clearly define what the project will be) would be out of scale and not be compatible with the predominantly single-family homes and low-intensity housing. The City is not taking away his property rights. Instead, the City would be asserting—and protecting-- the rights of the community. Our General Plan doesn't state that we must provide multi-family housing everywhere within the city; instead, only in areas where it fits in with the surrounding neighborhood. The Land Use goals specifically state that we must maintain our low-profile, small-town atmosphere and unique neighborhoods, free from intrusion by incompatible development. This is also reiterated in our city's certified Local Coastal Program, which mandates the reduction of building bulk in the coastal zone. RH and RM zoning does not require multi-unit housing as Mr. Schumann states. It merely allows a higher concentration or dwelling units within an area – smaller lots with less setback requirement.

Encouraging the retention of existing smaller homes: Allowing existing smaller homes to expand beyond 3,000 sq ft while retaining all non-conformities that are not safety issues is likely to result in some very large non-conforming residences, especially in Districts III and IV. Would it be possible to have a one car garage with a 3,000 to 4,000 sq ft house?!

What is included in the 50% is also in question. We understand that new windows and a new roof are considered in calculating what makes up the 50% remodel. Remodels and upgrades would nearly always include new windows and roofing, but these do not actually add to the new useable floor area. Residents should not have to choose

between getting the additional space they desire and not be able to upgrade and coordinate the new construction with the existing residence. The most esthetically pleasing additions are the residences that don't appear like there was an addition.

Despite the fact that City Staff, Planning Commissioners and many residents have spent years studying these complex issues, there is a well-founded fear that the current proposals will not be sufficient to curb the mansionization trend in Manhattan Beach. While the community feels that it is time to move forward with new building regulations, there is a strong desire to have assurance that we will stop the building of oversized structures which change the character of our neighborhoods and the community as a whole. In an effort to finalize mansionization for the time being but put in additional safety guards, please consider adding building foot print caps for each of the four districts of the city so that residents have some confidence that there will not be structures in their neighborhood larger than the cap allowed. This could be done as a formula in comparison to lot size, thus addressing the most common complaint in discussing the topic of mansionization -- that a residence is too big and out of scale for the size of the lot. Please do not "rubber stamp" a recommendation until you achieve the desired goal.

Allow accessory structures on adjacent common ownership lots: We agree with the recommendations, except we believe that some accessory structures (e.g., pool, pool house, basketball court and lighting, guest house, etc.) should be subject to neighborhood notification.

Miscellaneous clean-up items: Allowing all required parking to be excluded from counting BFA sounds good, but may not work. In fact, it may exacerbate neighborhood parking problems. If garages were used to park cars, we would agree wholeheartedly. However, we know that more often than not garages are used for storage, an exercise room, etc. This becomes an enforcement issue since staff plan checkers do not know what a garage may become. This needs Council's further consideration.

City Staff, Planning Commissioners and many residents have spent many months looking at these issues. A particular thank you goes to Rich Thompson and Laurie Jester for their many hours spent in developing, listening to comments and questions, and revising their staff reports. Thank you, Councilmembers, for your continued time and attention to these complex and important issues.

Martha Andreani
President
Manhattan Beach Residents Association