



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Wilson and Members of the City Council

THROUGH: Geoff Dolan, City Manager

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

DATE: January 4, 2005

SUBJECT: Consideration of Planning Commission Recommendation to Approve Zoning Code Amendments and Local Coastal Program (LCP) Amendments Regarding Minor Exceptions to Encourage Home Remodels and Small Additions (City of Manhattan Beach)

RECOMMENDATION:

Staff recommends that the City Council Adopt Ordinance No. 2068 (Zoning Code Amendments), Ordinance No. 2069 (Local Coastal Program Amendments), and Resolution No. 5059 (Local Coastal Program Amendments to California Coastal Commission).

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Ordinances for this item were introduced at a public hearing on December 21, 2004. The City Council made minor changes to the Ordinances to clarify that more than one Minor Exception could be applied for on one site over a number of years, as long as the total size for the existing home plus all additions did not exceed 2000 square feet. If a property owner desires the home to exceed 2000 square feet in size then the entire home would need to be brought into conformance with the current Zoning Code. Additionally, a Resolution transmitting the Local Coastal Program Amendments to the California Coastal Commission is provided.

Attachments: A. Ordinance No. 2068 (Zoning Code Amendments)
B. Ordinance No. 2069 (Local Coastal Program Amendments)
C. Resolution No. 5059 (Local Coastal Program Amendments to California Coastal Commission)

ORDINANCE NO. 2068

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY ZONING CODE (CHAPTERS 10.68 AND 10.84) TO PROVIDE A NEW PROCESS FOR REMODELS AND SMALL ADDITIONS TO EXISTING SMALLER OLDER LEGAL NON-CONFORMING HOMES

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 does hereby find, determine and declare as follows:

WHEREAS, on February 21, 2004, the City Council held a special session and developed the 2004-2005 Work Plan, and;

WHEREAS, on March 2, 2004, the City Council formally adopted the 2004-2005 Work Plan, and;

WHEREAS, on April 6, 2004 the City Council identified and prioritized five of these Work Plan Items assigned to the Community Development Department, and;

WHEREAS, on April 16, 2004 the City Council and Planning Commission held a joint Work Plan meeting to discuss and provide direction on the prioritized projects, and;

WHEREAS, on August 25, 2004 the Planning Commission discussed the proposed Code Amendments, and continued the discussion to October 13, 2004, which was scheduled as a public hearing, and;

WHEREAS, pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on the proposed Code Amendments related to Minor Exceptions to provide a process to encourage home remodeling and small additions to smaller older legal non-conforming homes, on October 13, 2004, and continued the public hearing to October 27, 2004, and;

WHEREAS, on October 27, 2004 the Planning Commission adopted Resolution No. P.C. 04-19 recommending to the City Council approval of Code Amendments to encourage home remodeling and small additions to smaller older legal non-conforming homes, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on the proposed Code Amendments related to Minor Exceptions to provide a process to encourage home remodeling and small additions to smaller older legal non-conforming homes, on November 16, 2004, and continued the public hearing to December 7 and 21, 2004, and;

WHEREAS, on December 21, 2004 the City Council introduced Ordinance No. 2068 recommending to the City Council approval of Code Amendments to encourage home remodeling and small additions to smaller older legal non-conforming homes, and;

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

WHEREAS, public noticing included one page display ads in a newspaper of general circulation (Beach Reporter), in addition courtesy notices were mailed to interested parties, and;

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

WHEREAS, the purpose of the proposed Amendments is to provide a process to encourage home remodeling and small additions to existing smaller legal non-conforming homes, 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.

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 City Council made the following findings with regard to the proposed changes:

1. The proposed amendments are consistent with the City of Manhattan Beach General Plan as follows:

Goal LU-1: Maintain the low-profile development and smalltown atmosphere of Manhattan Beach.

Goal LU-3: Achieve a strong, positive community aesthetic.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Policy LU-4.4: Encourage the preservation and enhancement of unique residential homes and buildings throughout Manhattan Beach to preserve the culture and history of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Manhattan Beach hereby APPROVES of the proposed amendments to the Manhattan Beach Municipal Code (Chapters 10.68 and 10.84) as follows:

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Section 10.68.030 of Title 10, of the Manhattan Beach Municipal Code, entitled Nonconforming Uses and Structures, to add a new Section 10.68.030 E. 5. to the Exceptions as follows:

Section 10.68.030 E. Exceptions

5. 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.

SECTION 3. The City Council of the City of Manhattan Beach hereby amends Section 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.

Variations 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.

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

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:

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.
10.60.040(H)	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, 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.

Projects that involve new structures or remodels without limits of project valuation, as provided below:

Applicable Section	Exception Allowed
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- 10.12.030(P) Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
- 10.12 – 10.68 Non-compliant construction due to Community Development staff review or inspection errors.
- 10.68.030 E. Remodeling and small additions to existing smaller older legal non-conforming dwelling units.

A. Application. Applications for 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, copies of deeds, any required power of attorney, plans and mapping documentation in the form prescribed by the Community Development Director.
- 2. A vicinity map showing the location and street address of the development site;
- 3. 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
- 4. 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 3 above and shall be accompanied by mailing labels.

B. Notice to Property Owners. After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners 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.

C. Director's Review and Action. After the commenting deadline date, 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 (E) below. Notice of the decision also shall be mailed to all those individuals previously noticed pursuant to A and B above.

- 1. In making a determination, the Director shall consider the following criteria:
 - a. Whether deviation from Code is minor in nature.
 - b. Evidence that significant detrimental impact to surrounding neighbors is absent.
 - c. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
 - d. 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:

- 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.
 - b. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - 1. 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.
 - 2. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - 3. Minor alterations to integrate a new 2nd floor into an existing 1st floor, as determined to be necessary by the Director of Community Development.
 - 4. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
 - c. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.
 - d. Parking spaces may remain non-conforming 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.
 - e. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks.
 - f. After completion of the project(s) that is subject to the Minor Exception approval(s), no further additions shall be permitted unless the entire structure is brought into conformance with the current Code requirements.
- D. 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.
- E. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 M.B.M.C., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 M.B.M.C.

SECTION 4. All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 5. Any provisions of the 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 6. 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 7. A staff review of the proposed amendments per Section 2 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 8. 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 9. 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 4th day of January, 2005.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

ORDINANCE NO. 2069

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY LOCAL COASTAL PROGRAM (CHAPTERS A.68 AND A.84) TO PROVIDE A NEW PROCESS FOR REMODELS AND SMALL ADDITIONS TO EXISTING SMALLER OLDER LEGAL NON-CONFORMING HOMES

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, on February 21, 2004, the City Council held a special session and developed the 2004-2005 Work Plan, and;

WHEREAS, on March 2, 2004, the City Council formally adopted the 2004-2005 Work Plan, and;

WHEREAS, on April 6, 2004 the City Council identified and prioritized five of these Work Plan Items assigned to the Community Development Department, and;

WHEREAS, on April 16, 2004 the City Council and Planning Commission held a joint Work Plan meeting to discuss and provide direction on the prioritized projects, and;

WHEREAS, on August 25, 2004 the Planning Commission discussed the proposed Code Amendments, and continued the discussion to October 13, 2004, which was scheduled as a public hearing, and;

WHEREAS, pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on the proposed Code Amendments related to Minor Exceptions to provide a process to encourage home remodeling and small additions to smaller older legal non-conforming homes, on October 13, 2004, and continued the public hearing to October 27, 2004, and;

WHEREAS, on October 27, 2004 the Planning Commission adopted Resolution No. P.C. 04-19 recommending to the City Council approval of Code Amendments to encourage home remodeling and small additions to smaller older legal non-conforming homes, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on the proposed Code Amendments related to Minor Exceptions to provide a process to encourage home remodeling and small additions to smaller older legal non-conforming homes, on November 16, 2004, and continued the public hearing to December 7 and 21, 2004, and;

WHEREAS, on December 21, 2004 the City Council introduced Ordinance No. 2068 recommending to the City Council approval of Code Amendments to encourage home remodeling and small additions to smaller older legal non-conforming homes, and;

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

WHEREAS, public noticing included one page display ads in a newspaper of general circulation (Beach Reporter), in addition courtesy notices were mailed to interested parties, and;

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

WHEREAS, the purpose of the proposed Amendments is to provide a process to encourage home remodeling and small additions to existing smaller legal non-conforming homes, 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.

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 City Council made the following findings with regard to the proposed changes:

1. The proposed amendments are consistent with the City of Manhattan Beach General Plan as follows:

Goal LU-1: Maintain the low-profile development and smalltown atmosphere of Manhattan Beach.

Goal LU-3: Achieve a strong, positive community aesthetic.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Policy LU-4.4: Encourage the preservation and enhancement of unique residential homes and buildings throughout Manhattan Beach to preserve the culture and history of the City.

2. The proposed amendments are consistent with the City of Manhattan Beach Local Coastal Program as follows:

Policy II.B.2: Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Manhattan Beach hereby **APPROVES** of the proposed amendments to the Manhattan Beach Municipal Code (Chapters A.68 and A.84) as follows:

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Section A.68.030 of Title 10, of the Manhattan Beach Municipal Code, entitled Nonconforming Uses and Structures, is follows to add a new Section A.68.030 E. 5 to the Exceptions as follows:

Section A.68.030 Exceptions

5. 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 A.84.

SECTION 3. The City Council of the City of Manhattan Beach hereby amends Section A.84.010 of the City of Manhattan Beach Local Coastal Program 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 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, 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. 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-conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.

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:

Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section A.68.030(E), as provided below:

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) which result in existing structures becoming nonconforming to residential development regulations.
A.60.040(H)	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, reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.

A.60.050 Alternative reference point for height measurement for pre-existing structures that have height nonconformities.

Projects that involve new structures or remodels without limits of project valuation, as provided below:

Applicable Section	Exception Allowed
A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
A.12 – A.68	Non-compliant construction due to Community Development staff review or inspection errors.
A.68.030 E.	Remodeling and small additions to existing smaller older legal non-conforming dwelling units.

A. Application. Applications for 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, copies of deeds, any required power of attorney, plans and mapping documentation in the form prescribed by the Community Development Director.
2. A vicinity map showing the location and street address of the development site;
3. 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
4. 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 3 above and shall be accompanied by mailing labels.

B. Notice to Property Owners. After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners 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.

C. Director's Review and Action. After the commenting deadline date, 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 (E) below. Notice of the decision also shall be mailed to all those individuals previously noticed pursuant to A and B above.

1. In making a determination, the Director shall consider the following criteria:
 - a. Whether deviation from Code is minor in nature.
 - b. Evidence that significant detrimental impact to surrounding neighbors is absent.

- c. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
 - d. 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 A.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above:
- a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section A.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.
 - b. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - 1. 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.
 - 2. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - 3. Minor alterations to integrate a new 2nd floor into an existing 1st floor, as determined to be necessary by the Director of Community Development.
 - 4. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
 - c. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section A.68.030, shall be maintained.
 - d. Parking spaces may remain non-conforming 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.
 - e. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks.
 - f. After completion of the project(s) that is subject to the Minor Exception approval(s), no further additions shall be permitted unless the entire structure is brought into conformance with the current Code requirements.

D. 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.

E. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 M.B.M.C., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 M.B.M.C.

SECTION 4. All other provisions of the City of Manhattan Beach Local Coastal Program shall remain unchanged and continue in full force and effect.

SECTION 5. Any provisions of the City of Manhattan Beach Local Coastal Program, 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 6. 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 7. A staff review of the proposed amendments per Sections 2 and 3 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 8. 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 9. 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 4th day of January, 2005.

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Mayor of the City of Manhattan Beach, California

ATTEST:

 City Clerk

RESOLUTION NO. 5059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2069 TO THE CALIFORNIA COASTAL COMMISSION FOR AN AMENDMENT TO CHAPTERS A.68 AND A.84 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM-(LCP) IMPLEMENTATION PROGRAM, PROVIDING A PROCESS FOR REMODELS AND SMALL ADDITIONS TO EXISTING SMALLER OLDER LEGAL NON-CONFORMING HOMES

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

SECTION 1. The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach conducted public hearings, pursuant to applicable law, on November 16, December 7 and 21, 2004, to consider proposed amendments to the City of Manhattan Beach Local Coastal Program (LCP) – Implementation Program; and,
- B. The City Council adopted Ordinance 2069 at its regular meeting on January 4, 2005; to become effective on February 3, 2005, and,
- C. 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;
- D. 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,
- E. The City Council certifies that the subject amendments are consistent with and will be implemented in a manner fully in conformity with all applicable procedures and policies of the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Program-Implementation Program.

SECTION 2. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 4th day of January, 2005.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk