

City Council Regular Meeting

Regular Meeting

Tuesday, January 5, 2021

6:00 PM

City Council Chambers



ELECTED OFFICIALS

Mayor Suzanne Hadley

Mayor Pro Tem Hildy Stern

Councilmember Steve Napolitano

Councilmember Richard Montgomery

Councilmember Joe Franklin

City Treasurer Tim Lilligren

EXECUTIVE TEAM

City Manager Bruce Moe

City Attorney Quinn Barrow

City Clerk Liza Tamura

Community Development Director Carrie Tai

Finance Director Steve Charelian

Interim Fire Chief Wolfgang Knabe

Human Resources Director Lisa Jenkins

Information Technology Director Terry Hackelman

Parks and Recreation Director Mark Leyman

Police Chief Derrick Abell

Public Works Director Stephanie Katsouleas

MISSION STATEMENT:

Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.

January 5, 2021

City Council Meeting Agenda Packet:

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MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Spectrum), Channel 35 (Frontier), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Wednesday, December 30, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.

PLEASE NOTE THAT THE CITY COUNCIL MAY ACT ON ANY ITEM LISTED ON THE AGENDA.

A. CALL MEETING TO ORDER**B. PLEDGE TO THE FLAG****C. ROLL CALL****D. CEREMONIAL CALENDAR**

1. Presentation of a Certificate of Recognition to Taylor Ryan, CEO of Unstoppable Protective Gear and Finalist at the Young Entrepreneurs Academy 12th Annual Saunders Scholars National Competition
PRESENT

[21-0029](#)

Attachments: [Certificate of Recognition - Taylor Ryan](#)

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

This is the time for the City Council to:

- (a) notify the public of any changes to the agenda;*
- (b) remove items from the consent calendar for individual consideration; or*
- (c) rearrange the order of the agenda.*

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda.

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 5:30 PM, January 5, 2021 (the day of the meeting), via:

- 1) eComment at <http://www.citymb.info/ecomment>;
- 2) email to cityclerk@citymb.info; or
- 3) telephone message recorded at (310) 802-5030.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting:

If you wish to speak on any item on the agenda, please register in advance by clicking the following link:
<https://citymb.seamlessdocs.com/f/publiccomment>.

- 1) Direct URL: <https://citymb-info.zoom.us/j/93376200363>, Meeting ID: 933-7620-0363

During the meeting you will need to use the "raise hand" button through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):
Phone Number: (669) 900-6833, Meeting ID: 933 7620 0363

*During the meeting you will need to enter *9 on the phone's dial pad at the time the Mayor invites the public to provide comments.*

G. COVID-19

- 2. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.
- 3. City Council to Consider Additional Measures to Address COVID-19.

H. CONSENT CALENDAR (APPROVE)

Items on the Consent Calendar are routine and customary items and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

4. City Council Minutes: [21-0001](#)

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Regular Meeting Minutes of December 15, 2020
- b) City Council Adjourned Regular Meeting Minutes of December 16, 2020
(City Clerk Tamura).

APPROVE

Attachments: [City Council Regular Meeting Minutes of December 15, 2020](#)
[City Council Adjourned Regular Meeting Minutes of December 16, 2020](#)

5. Financial Reports: [21-0017](#)

- a) Schedule of Demands December 10, 2020
- b) Investment Portfolio for the Month Ending November 30, 2020
- c) Month End Report for November 30, 2020
(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

Attachments: [Schedule of Demands for December 10, 2020](#)
[Investment Portfolio for the Month Ending November 30, 2020](#)
[Month End Report for November 30, 2020](#)

6. Consideration of Resolutions Approving a Hardship Exemption Authorizing [21-0027](#)

Four Retailers to Temporarily Sell Tobacco Products (City Attorney Barrow).

ADOPT RESOLUTION NOS. 21-0007, 21-0008, 21-0009 AND 21-0010

Attachments: [Resolution No. 21-0007](#)
[Resolution No. 21-0008](#)
[Resolution No. 21-0009](#)
[Resolution No. 21-0010](#)
[Ordinance No. 20-0007](#)

7. Consideration of the Approval of a Revision to the South Bay Cities Council [21-0028](#)

of Governments Alternate Seat in the City Council Assignments (City Clerk Tamura).

APPROVE

Attachments: [Proposed Revision to the City Council Assignments \(Redline Version\)](#)

8. Consideration of a Resolution Approving a Comprehensive Citywide Salary Schedule for All City Positions and Adjustments to Salary Ranges (Human Resources Director Jenkins). [21-0019](#)

ADOPT RESOLUTION NO. 21-0001

Attachments: [Resolution No. 21-0001 with Salary Schedule](#)

9. Consideration of Allowing Construction at 330 South Sepulveda Boulevard on Two City Recognized Holidays (Martin Luther King Day and Presidents Day) (Community Development Director Tai). [21-0018](#)

APPROVE

Attachments: [MBMC Section 5.48.140 - Noise Disturbances](#)

10. Consideration of: [21-0023](#)

- a. A Resolution Awarding a Construction Agreement to Vasilj, Inc., for the Cycle 2 Sewer Infrastructure Improvement Project for \$1,396,359; Authorizing the City Manager to Approve Contingency Funds Totaling \$279,270 for any Unforeseen Additional Work; and Approving the Plans and Specifications for the Cycle 2 Sewer Infrastructure Improvement Project; and
- b. A Resolution Awarding an Inspection Service Agreement to Wallace & Associates Consulting, Inc., for the Cycle 2 Sewer Infrastructure Improvement Project for \$139,536 (Public Works Director Katsouleas).

ADOPT RESOLUTION NOS. 21-0003 AND 21-0004

Attachments: [Resolution No. 21-0003](#)
[Agreement – Vasilj, Inc.](#)
[Resolution No. 21-0004](#)
[Agreement – Wallace & Associates Consulting, Inc.](#)
[Plans and Specifications \(Web-Link Provided\)](#)
[Budget and Expenditures Summary](#)
[Location Map](#)

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

Each speaker may speak for up to 2 minutes on each item pulled from the agenda.

J. PUBLIC HEARINGS

At the discretion of the Mayor, each speaker may speak for up to 3 minutes on each public hearing item.

11. Conduct Public Hearing to Consider Modification of Conditions of Approval for the Existing Conditional Use Permit for the Residence Inn by Marriott, Located at 1700 N. Sepulveda Boulevard (Community Development Director Tai). [21-0021](#)

a) CONDUCT PUBLIC HEARING

b) ADOPT RESOLUTION NO. 21-0005 MODIFYING CONDITIONS TO THE CONDITIONAL USE PERMIT FOR THE RESIDENCE INN BY MARRIOTT

Attachments: [Resolution No. 21-0005](#)
[Resolution Nos. 4181 and 4182](#)
[PC Resolution No. 90-24](#)
[Parking Gate Improvement Plans](#)
[Fence/Wall Elevations](#)

12. Conduct Public Hearing to Consider Ordinances Nos. 21-0001 and 21-0002, Amending Citywide Regulations for Accessory Dwelling Units (ADUs) in Title 10 of the Manhattan Beach Municipal Code and the Local Coastal Program, Respectively, Consistent with State Law, and Making a Determination of Exemption Under CEQA (Community Development Director Tai). [21-0020](#)

a) CONDUCT PUBLIC HEARING

b) MAKE A DETERMINATION OF EXEMPTION UNDER CEQA

c) INTRODUCE ORDINANCE NOS. 21-0001 AND 21-0002

d) ADOPT RESOLUTION NO. 21-0006

Attachments: [Draft Ordinance No. 21-0001](#)
[Draft Ordinance No. 21-0002](#)
[Resolution No. 21-0006](#)
[PC Resolution Nos. 20-08 \(MBMC\) and 20-09 \(Coastal\)](#)
[Planning Commission Staff Report and Attachments - October 28, 2020](#)
[Planning Commission Minutes - October 28, 2020](#)

K. GENERAL BUSINESS

Each speaker may speak for up to 2 minutes on each general business item.

13. Consideration of an Appointment to the Vacant Parking and Public Improvements Commission Member-At-Large Seat No. 5 (City Clerk Tamura). [21-0025](#)
APPOINT

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

In addition to providing reports of meetings and conferences attended by Councilmembers in connection with their official duties at City expense as required by AB 1234, Councilmembers requested at a previous City Council meeting that the following item(s) be placed on the agenda for discussion.

M. FUTURE AGENDA ITEMS

Councilmembers may request that items be placed on a future agenda with the concurrence of one other Councilmember.

N. CITY MANAGER REPORT**O. CITY ATTORNEY REPORT****P. INFORMATIONAL ITEMS**

This section is for items that do not require City Council action.

14. Commission Minutes:[21-0026](#)

This Item Contains Minutes of the following City Commission and Task Force Meetings:

- a) Parks and Recreation Commission Meeting Minutes of October 26, 2020 (Parks and Recreation Director Leyman)
- b) Library Commission Meeting Minutes of November 9, 2020 (Parks and Recreation Director Leyman)
- c) Parks and Recreation Commission Special Meeting Minutes of November 16, 2020 (Parks and Recreation Director Leyman)
- d) Bruce's Beach Task Force Action Meeting Minutes of December 7, 2020 (City Manager Moe).

INFORMATION ITEM ONLY

Attachments: [Parks and Recreation Commission Meeting Minutes of October 26, 2020](#)
[Library Commission Meeting Minutes of November 9, 2020](#)
[Parks and Recreation Commission Special Meeting Minutes of November 16, 2020](#)
[Bruce's Beach Task Force Action Meeting Minutes of December 7, 2020](#)

Q. CLOSED SESSION**R. ADJOURNMENT**

Adjourning in memory of Washboard Player for the Hyperion Outfall Serenaders, Fran Freedman and Manhattan Beach Weston Jewelers Owner, George Beckerson.

S. FUTURE MEETINGS**CITY COUNCIL MEETINGS**

January 19, 2021 - Tuesday -- 6:00 PM - City Council Meeting
January 20, 2021 - Wednesday -- 6:00 PM - Joint City Council/Planning Commission and Parking
and Public Improvements Commission Meeting
January 26, 2021 - Tuesday -- 6:00 PM - Work Plan Meeting
February 2, 2021 - Tuesday -- 6:00 PM - City Council Meeting
February 16, 2021 - Tuesday -- 6:00 PM - City Council Meeting
March 2, 2021 - Tuesday -- 6:00 PM - City Council Meeting
March 16, 2021 - Tuesday -- 6:00 PM - City Council Meeting
April 6, 2021 - Tuesday -- 6:00 PM - City Council Meeting
April 20, 2021 - Tuesday -- 6:00 PM - City Council Meeting
April 27, 2021 - Tuesday -- TBD - Boards and Commissions Interviews
May 4, 2021 - Tuesday -- 6:00 PM - City Council Meeting
May 18, 2021 - Tuesday -- 6:00 PM - City Council Meeting
June 1, 2021 - Tuesday -- 6:00 PM - City Council Meeting
June 15, 2021 - Tuesday -- 6:00 PM - City Council Meeting
July 6, 2021 - Tuesday -- 6:00 PM - City Council Meeting
July 20, 2021 - Tuesday -- 6:00 PM - City Council Meeting
August 3, 2021 - Tuesday -- 6:00 PM - City Council Meeting
August 17, 2021 - Tuesday -- 6:00 PM - City Council Meeting
September 7, 2021 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)
September 21, 2021 - Tuesday -- 6:00 PM - City Council Meeting
October 5, 2021 - Tuesday -- 6:00 PM - City Council Meeting
October 19, 2021 - Tuesday -- 6:00 PM - City Council Meeting
November 2, 2021 - Tuesday -- 6:00 PM - City Council Meeting
November 16, 2021 - Tuesday -- 6:00 PM - City Council Meeting
December 7, 2021 - Tuesday -- 6:00 PM - City Council Meeting
December 21, 2021 - Tuesday -- 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

January 11, 2021 - Monday - 6:00 PM - Library Commission Meeting
January 13, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
January 18, 2021 - Monday - 6:00 PM - Cultural Arts Commission Meeting
January 25, 2021 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
January 27, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
January 28, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission
February 8, 2021 - Monday - 6:00 PM - Library Commission Meeting
February 10, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
February 15, 2021 - Monday - 6:00 PM - Cultural Arts Commission Meeting
February 22, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission
February 24, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
February 25, 2021 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
March 8, 2021 - Monday - 6:00 PM - Library Commission Meeting
March 10, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
March 15, 2021 - Monday - 6:00 PM - Cultural Arts Commission Meeting
March 22, 2021 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
March 24, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
March 25, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission
April 12, 2021 - Monday - 6:00 PM - Library Commission Meeting
April 14, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting
April 19, 2021 - Monday - 6:00 PM - Cultural Arts Commission Meeting
April 22, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission
April 26, 2021 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
April 28, 2021 - Wednesday - 6:00 PM - Planning Commission Meeting

T. CITY OFFICES CLOSED**CITY HOLIDAYS:**

January 18, 2021 – Monday – Martin Luther King Day
February 15, 2021 - Monday - Presidents Day
May 31, 2021 – Monday – Memorial Day
July 5, 2021 - Monday - Independence Day Observed
September 6, 2021 - Monday - Labor Day
October 11, 2021 – Monday – Columbus Day
November 11, 2021 – Thursday – Veterans Day
November 25-26, 2021 - Thursday & Friday - Thanksgiving Holiday
December 24, 2021 - Friday - Christmas Day Observed (Saturday, December 25, 2021)
December 31, 2021 – Friday – New Years Day Observed (Saturday, January 1, 2022)



CITY OF MANHATTAN BEACH
1400 Highland Avenue Manhattan Beach, CA 90266
www.citymb.info • (310) 802-5000

STAFF REPORT

Agenda Date: 1/5/2021

TO:

Members of the City Council

FROM:

Mayor Hadley

SUBJECT:

Presentation of a Certificate of Recognition to Taylor Ryan, CEO of Unstoppable Protective Gear and Finalist at the Young Entrepreneurs Academy 12th Annual Saunders Scholars National Competition

PRESENT

**The City Council of the City of Manhattan Beach
Does Hereby Proudly Recognize
Taylor Ryan
CEO of Unstoppable Protective Gear
and
Finalist at the Young Entrepreneurs Academy
12th Annual Saunders Scholars National Competition**

Certificate of Recognition

The City Council of the City of Manhattan Beach
Does Hereby Proudly Recognize

Taylor Ryan

CEO of Unstoppable Protective Gear

and

Finalist at the Young Entrepreneurs Academy
12th Annual Saunders Scholars National Competition

Dated this 5th Day of January, 2021

MAYOR SUZANNE HADLEY



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 2

City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 3

City Council to Consider Additional Measures to Address COVID-19.



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk

Martha Alvarez, Senior Deputy City Clerk

SUBJECT:

City Council Minutes:

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Regular Meeting Minutes of December 15, 2020
- b) City Council Adjourned Regular Meeting Minutes of December 16, 2020 (City Clerk Tamura).

APPROVE

RECOMMENDATION:

The attached minutes are for City Council approval:

Attachment(s):

- 1. City Council Adjourned Regular Meeting Minutes (Closed Session) of [Enter Date Here]
- 2. City Council Regular Meeting Minutes of [Enter Date Here]

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 15, 2020

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Suzanne Hadley

Mayor Pro Tem Hildy Stern

Councilmember Steve Napolitano

Councilmember Richard Montgomery

Councilmember Joe Franklin

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:
www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes**

A. CALL MEETING TO ORDER

At 6:03 PM, Mayor Hadley called the meeting to order.

B. PLEDGE TO THE FLAG

Mayor Hadley led the Pledge of Allegiance.

C. ROLL CALL

Present: 5 - Mayor Hadley, Mayor Pro Tem Stern, Councilmember Napolitano, Councilmember Montgomery and Councilmember Hersman

D. CEREMONIAL CALENDAR

1. Presentation of a Commendation to Retiring City Controller, Henry Mitzner, for Nearly 48 Years of Dedicated Service to the City. [20-0057](#)

PRESENT

City Manager Bruce Moe provided a few remarks regarding City Controller Henry Mitzner.

Finance Director Steve Charelian provided a few remarks regarding City Controller Mitzner.

Mayor Hadley, on behalf of the City Council, presented a Commendation to retiring City Controller, Henry Mitzner, for nearly 48 years of dedicated service to the City.

Mayor Pro Tem Stern, Councilmembers Napolitano, Montgomery and Hersman thanked City Controller Mitzner for his years of service.

City Manager Moe announced and thanked the following agencies for sending Certificates of Recognition to City Controller Mitzner on his years of service and retirement:

*U.S. Representative, Congressman Ted Lieu
Los Angeles County, Supervisor Janice Hahn
City of Inglewood
City of Rancho Palos Verdes
City of Carson
City of Torrance
City of Lomita
City of Hermosa Beach*

City Manager Moe further announced that the City of Manhattan Beach will be displaying in the lobby area of City Hall, City Controller Mitzner's saying, "When it's bad out there, it's good here, and when it's good out there, it's great here" and a plaque of City Controller Mitzner will also be placed by the elevator.

City Controller Mitzner provided a few remarks about his years of service.

E. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Senior Deputy City Clerk Martha Alvarez confirmed that the following public comments were received by the City for the December 15, 2020, City Council Regular Meeting.

*Agenda Item No. 5
3 eComments*

*COVID Items
4 emails*

*Agenda Item No. 7a
1 email*

*Agenda Item No. 15
3 eComments
1 email*

*Agenda Item No. 16
1 eComment*

*Agenda Item No. 17
3 eComments
64 emails*

*Agenda Item No. 19
1 eComment*

*Other Items Not on the Agenda
2 emails*

Mayor Hadley opened the floor to public comments. The following individual(s) spoke:

- Amy Howorth*
- Lucia La Rosa Ames*
- Josh Murray*
- Lisa Chamberlain*
- Grace Farwell*
- Ann Pitts*
- Craig Cadwallader*
- Jim Burton*
- Mike Simms*
- Suzy Werre*
- DJ O'Brien*
- Allen Kirschenbaum*

Councilmember Montgomery announced that the Annual Beach Cities Toy Drive wrapping event is cancelled for 2020 due to COVID-19. However, Hermosa Beach will be collecting unwrapped toys to be donated to organizations.

Seeing no further requests to speak, Mayor Hadley closed the floor to public comments.

F. REORGANIZATION

2. City Council Minutes: [20-0312](#)

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Adjourned Regular Meeting Minutes of December 1, 2020
- b) City Council Regular Meeting Minutes of December 1, 2020
(City Clerk Tamura).

APPROVE

A motion was made by Councilmember Montgomery, seconded by Councilmember Napolitano, to approve the City Council minutes. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Hersman

3. Consideration of a Resolution Citing the Facts of the November 3, 2020, General Municipal Election (City Clerk Tamura). [20-0272](#)

ADOPT RESOLUTION NO. 20-0142

A motion was made by Councilmember Hersman, seconded by Mayor Pro Tem Stern, to adopt Resolution No. 20-0142, reciting the fact of the General Municipal Election held on Tuesday, November 3, 2020, declaring the result and statement of the vote. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Hersman

4. Consideration of a Resignation from Parking and Public Improvements Commissioner Franklin, Declare Vacant Parking and Public Improvements Commission Member At-Large Seat No. 5 (Franklin), and Direct the City Clerk to Return with a List of Interested Applicants (City Clerk Tamura). [20-0368](#)

a) ACCEPT RESIGNATION**b) DECLARE VACANCY****c) DIRECT THE CITY CLERK TO RETURN WITH A LIST OF INTERESTED APPLICANTS**

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Hersman, to accept the resignation from Parking and Public Improvements Commissioner Joe Franklin, declare vacant the Parking and Public Improvements Commission Member-At-Large Seat No. 5 and direct the City Clerk to return with a list of interested applicants. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Hersman

5. City Council Reorganization:[20-0287](#)

- a) Recognition of Outgoing City Councilmember Nancy Hersman;
- b) Oath of Office to Re-Elected City Councilmember Steve Napolitano;
- c) Oath of Office to Re-Elected City Councilmember Richard Montgomery;
- d) Oath of Office to Newly Elected City Councilmember Joe Franklin; and
- e) Oath of Office to Re-Elected City Treasurer Tim Lilligren.
(City Clerk Tamura).

PRESENT AND ACCEPT***Recognition of Outgoing City Councilmember Nancy Hersman:***

Mayor Hadley, on behalf of the City Council presented outgoing Councilmember Hersman with a Commendation in appreciation for her years of service as Councilmember and Mayor.

Mayor Pro Tem Stern, on behalf of the City Council presented outgoing Councilmember Hersman with a City plaque.

Mayor Hadley opened the floor to past Mayors for the City of Manhattan Beach . The following individual(s) spoke:

David Lesser

Seeing no further requests to speak, Mayor Hadley closed the floor.

Councilmember Napolitano, on behalf of the City Council presented outgoing Councilmember Hersman with a John Post Manhattan Beach Pier photo.

Councilmember Montgomery, on behalf of the City Council presented outgoing Councilmember Hersman with a City logo beach towel.

Mayor Hadley announced and thanked the following agencies for sending Certificates or plaque's of Recognition to outgoing Councilmember Hersman:

*U.S. Senate
U.S. Representative, Congressman Ted Lieu
Los Angeles County, Supervisor Janice Hahn
City of Inglewood
City of Rancho Palos Verdes
City of Carson
City of Torrance
City of Lomita
City of Hermosa Beach
City of Rolling Hills Estates*

Mayor Hadley opened the floor to other Dignitaries on the Zoom call. The following individual(s) spoke:

Jennifer LaMarque on behalf of Los Angeles County, Supervisor Janice Hahn presented a scroll to outgoing Councilmember Hersman.

Seeing no further requests to speak, Mayor Hadley closed the floor.

City Manager Bruce Moe made brief comments and thanked outgoing Councilmember Hersman.

Councilmember Hersman made brief comments regarding her years in City Council.

Oath of Office to Re-Elected City Councilmembers Steve Napolitano and Richard Montgomery, Newly Elected City Councilmember Joe Franklin and Re-Elected City Treasurer Tim Lilligren:

Mayor Hadley introduced former Mayor and Honorable Judge Joyce Fahey.

Honorable Judge Fahey issued the Oath of Office to re-elected Councilmembers Napolitano and Montgomery, to newly elected Councilmember Franklin and re-elected City Treasurer Lilligren.

Councilmembers Napolitano, Montgomery, Franklin and City Treasurer Lilligren made brief comments.

G. ROLL CALL

Present: 5 - Mayor Hadley, Mayor Pro Tem Stern, Councilmember Napolitano, Councilmember Montgomery and Councilmember Franklin

At 8:10 PM City Council recessed and reconvened at 8:23 PM with all Councilmembers present.

H. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

Mayor Hadley requested to move out of order Agenda Item No. 17 - Catalina Classic Paddleboard statue to be discussed before Agenda Item No. 15 - Parks and Recreation Commission Recommendation to Approve the 2020 Parks Master Plan.

Councilmember Napolitano requested to move from the Consent Calendar Agenda Item No. 10 - Use permit at 1419 Highland Avenue for individual consideration.

City Attorney Quinn Barrow provided clarification.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Stern, to approve the agenda, waive full reading of ordinances and move Agenda Item No. 17 to be presented as first under Section M - General Business and move Agenda Item No. 10 for individual consideration. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

I. COVID-19

6. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.

City Manager Bruce Moe reported on the EOC (Emergency Operations Center) and responded to City Council questions.

7. City Council to Consider Additional Measures to Address COVID-19.

- a) Consideration of Emergency Business Loan Program to Assist Local Businesses During the COVID-19 Public Health Crisis (Finance Director Charelian). [20-0373](#)

ADOPT STAFF'S RECOMMENDATION, INCLUDING AUTHORIZING THE CITY MANAGER TO DEVELOP AND IMPLEMENT AN EMERGENCY LOAN PROGRAM; APPROPRIATE \$250,000

Finance Director Steve Charelian provided the PowerPoint presentation.

Finance Director Charelian and City Manager Bruce Moe responded to City Council questions.

Mayor Hadley opened the floor to public comments. The following individual(s) spoke:

*Mike Simms
Alita Rethmeyer
Faith Backus
Heather Kim*

Seeing no further requests to speak, Mayor Hadley closed the floor to public comments.

Finance Director Charelian, City Manager Moe and City Attorney Barrow responded to City Council questions.

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Montgomery, to direct staff to develop and implement an emergency loan program with the assistance of the Ad Hoc Committee and to commit and appropriate \$250,000 from the General Fund Reserves. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

J. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Montgomery, seconded by Mayor Hadley, to approve the Consent Calendar, with the exception of Agenda Item No. 10, which was individually considered under Section K - Items Removed from the Consent Calendar. The motion carried by the following vote:

8. Financial Report: [20-0337](#)
Schedule of Demands: November 25, 2020 (Finance Director Charelian).

ACCEPT REPORT AND DEMANDS

The recommendation for this item was approved on the Consent Calendar.

9. Consideration of the Approval of City Council Assignments (City Clerk Tamura). [20-0369](#)
APPROVE

The recommendation for this item was approved on the Consent Calendar.

10. One-Year Review of a Use Permit Allowing a Ground Floor Office Use at 1419 Highland Avenue (Community Development Director Tai). [20-0329](#)
RECEIVE REPORT

This item was removed from the Consent Calendar and heard under Section K - Items Removed from the Consent Calendar.

11. Consideration of: [20-0237](#)

- a) A Resolution Approving Amendment No. 1 to a Memorandum of Understanding (MOU) Between the Cities of Manhattan Beach, Torrance, Redondo Beach and Hermosa Beach and Los Angeles County Flood Control District (collectively, the Beach Cities Watershed Management Group or BC WMG) for Continued Implementation of the Storm Water Coordinated Integrated Monitoring Program (CIMP);
- b) A Resolution Approving a Three-year Professional Services Agreement with Geosyntec Consultants, Inc., for \$1,017,986 for Implementation of the Storm Water CIMP on Behalf of the BC WMG, with an Authorized Contingency of \$131,387 for Additional Services and Monitoring as May be Requested by the BC WMG;
- c) A Resolution Approving a Three-Year Professional Services Agreement with McGowan Consulting LLC for \$295,880 for Storm Water Coordination and Implementation Compliance Activities for the BC WMG; and
- d) Authorizing the City Manager to Execute the Agreements, Noting That Manhattan Beach's Total Net Expenses for the Program will be \$95,611 (Public Works Director Katsouleas).

a) **ADOPT RESOLUTION NO. 20-0144 APPROVING MOU AMENDMENT**

b) **ADOPT RESOLUTION NOS. 20-0110 AND 20-0111 APPROVING AGREEMENTS**

The recommendation for this item was approved on the Consent Calendar.

12. Consideration of a Resolution Approving Change Order No. 2 with CT&T Concrete Paving, Inc., for the Citywide Concrete Repairs Project for a Not-to-Exceed Amount of \$250,000 (Public Works Director Katsouleas). [20-0333](#)
ADOPT RESOLUTION NO. 20-0145

The recommendation for this item was approved on the Consent Calendar.

13. Consideration of: [20-0357](#)
- a) A Resolution Awarding a Construction Agreement to Pro Finish Painting, Inc., dba Pro Finish Construction Services, Inc., for the Parking Structure Lot 4 Repairs Project (Project) for \$568,205; Approving the Plans and Specifications for the Project; and Authorizing the City Manager to Approve Additional Work, if Necessary, for up to \$95,231;
 - b) A Resolution Approving an Inspection Services Agreement with Ardurra for \$95,000;
 - c) A Resolution Approving Amendment No. 2 for \$17,500 with PCubed Associate, Inc. for Construction Support Services;
 - d) Approving an Allocation of up to \$10,000 to Secure an Alternative Parking Location for Existing Permit Holders for Five Months; and
 - e) Appropriating an Additional \$199,440 from the Unreserved Parking Fund Balance for the Project (Public Works Director Katsouleas).
- a) **ADOPT RESOLUTION NOS. 20-0146 AND 20-0147 APPROVING AGREEMENTS**
 - b) **ADOPT RESOLUTION NO. 20-0148 APPROVING AMENDMENT NO. 2**
 - c) **APPROPRIATE FUNDS**

The recommendation for this item was approved on the Consent Calendar.

14. Consideration of a Resolution Approving Amendment No. 3 Extending the Professional Services Agreement with Granicus Inc. for Two Years Providing Citizen Engagement Services for the Amount of \$156,442 (City Clerk Tamura and Information Technology Director Hackelman). [20-0309](#)
- ADOPT RESOLUTION NO. 20-0136**

The recommendation for this item was approved on the Consent Calendar.

K. ITEMS REMOVED FROM THE CONSENT CALENDAR

10. One-Year Review of a Use Permit Allowing a Ground Floor Office Use at 1419 Highland Avenue (Community Development Director Tai). [20-0329](#)
- RECEIVE REPORT**

Community Development Director Carrie Tai and Community Development Department, Associate Planner Ted Faturos responded to City Council questions.

Mayor Hadley opened the floor to public comments.

Seeing no requests to speak, Mayor Hadley closed the floor to public comments.

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to receive report. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

L. PUBLIC HEARINGS

None.

M. GENERAL BUSINESS

- 17. Request from the South Bay Boardriders Club for the City to Purchase the Catalina Classic Paddleboard Statue from the Public Art Trust Fund (Parks and Recreation Director Leyman). [20-0365](#)

DISCUSS AND PROVIDE DIRECTION

This agenda item was considered out of order.

Parks and Recreation Director Mark Leyman provided the PowerPoint presentation.

Parks and Recreation Director Leyman, Public Works Director Stephanie Katsouleas and City Manager Bruce Moe responded to City Council questions.

Mayor Hadley opened the floor to public comments. The following individual(s) spoke:

- Eric Lee*
- Mike Keegan*
- Tom Horton*
- Craig Cadwallader*
- Ann Pitt*
- Chris Barela*

Seeing no further requests to speak, Mayor Hadley closed the floor to public comments.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to direct the Arts in Public Places Committee (APPC) to further discuss the South Bay Boardriders Club request for the City to purchase the Catalina Classic Paddleboard Statue utilizing the Public Art Trust funds and return to the City Council at a later date. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

15. Consideration of the Parks & Recreation Commission Recommendation to Approve the 2020 Parks Master Plan (Continued from the December 1, 2020, City Council Meeting) (Parks and Recreation Director Leyman). [20-0371](#)
APPROVE

Parks and Recreation Director Mark Leyman and Parks and Recreation Department, Senior Recreation Manager Jessica Vincent provided the PowerPoint presentation.

Senior Recreation Manager Vincent showed a video, "Parks Master Plan: Parks System & Overview Assessment."

Senior Recreation Manager Vincent continued to provide the PowerPoint presentation.

At 10:21 PM, Mayor Hadley requested a motion to extend the meeting.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Stern, to extend the meeting past 11:00 PM. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

Senior Recreation Manager Vincent and Parks and Recreation Director Leyman continued to provide the PowerPoint presentation.

Mayor Hadley opened the floor to public comments.

Seeing no requests to speak, Mayor Hadley closed the floor to public comments.

A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Stern, to approve the 2020 Parks Master Plan. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

- 16. Consideration of a Resolution Authorizing the Issuance and Sale of Bonds to Refund Certain Pension Obligations of the City, Approving the Forms of and Authorizing Execution of a Trust Agreement and Bond Purchase Agreement, Authorizing Judicial Validation Proceedings Relating to the Issuance of Such Bonds and Authorize Actions (Finance Director Charelian). [20-0347](#)
 - a) **ADOPT RESOLUTION NO. 20-0149**
 - b) **AUTHORIZE RELATED ADMINISTRATIVE AND BUDGETARY ACTIONS**

Finance Director Steve Charelian provided the PowerPoint presentation.

Finance Director Charelian and KNN, Managing Director Mark Young and Strandling Yocca Carlson & Rauth, Shareholder Kevin Civale responded to City Council questions.

Mayor Hadley opened the floor to public comments.

Seeing no requests to speak, Mayor Hadley closed the floor to public comments.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Stern, to adopt Resolution No. 20-0149, authorizing the issuance of bonds to refund certain pension obligations of the City, approving the form and authorizing the execution of a trust agreement and purchase contract, authorizing judicial validation proceedings relating to the issuance of such bonds and approving additional actions related. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

- 17. Request from the South Bay Boardriders Club for the City to Purchase the Catalina Classic Paddleboard Statue from the Public Art Trust Fund (Parks and Recreation Director Leyman). [20-0365](#)

DISCUSS AND PROVIDE DIRECTION

This agenda item was considered earlier in the meeting.

- 18. Consideration of an Appointment to the Vacant Planning Commission Seat No. 4 (City Clerk Tamura). [20-0367](#)

APPOINT

City Clerk Liza Tamura provided a brief presentation regarding the vacancy for Planning Commission Seat No. 4.

City Council, by unanimous approval, appointed Robert Tokashiki to the Planning Commission, Seat No. 4.

19. Second Reading and Adoption of an Ordinance to Amend the City's Contract with CalPERS to Offer Two Years Additional Service ("Golden Handshake") and Consideration of a Resolution Approving the Early Retirement and Separation Incentive Program for City Employees (Human Resources Director Jenkins).
- a) **ADOPT ORDINANCE NO. 20-0023**
- b) **ADOPT RESOLUTION NO. 20-0143**

[20-0370](#)

Human Resources Director Lisa Jenkins provided the staff presentation.

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Franklin, to adopt Ordinance No. 20-0023, authorizing an amendment to the contract between the City Council of the City of Manhattan Beach and the Board of Administration of the California Public Employees' Retirement System.

City Attorney Quinn Attorney read the title for Ordinance No. 20-0023:

AN ORDINANCE OF THE MANHATTAN BEACH CITY COUNCIL AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Napolitano, to adopt Resolution No. 20-0143, approving the early retirement and separation incentive program for employees in designated classifications.

The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

N. CITY CLERK ANNOUNCEMENT

City Clerk Liza Tamura made the following announcement:

In accordance with Government Code Section 54952.3, please note that Boardmembers do not receive any compensation or stipend for attending this Manhattan Beach Capital Improvements Corporation meeting.

O. ADJOURN CITY COUNCIL MEETING TO A MEETING OF THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION

At 10:56 PM, the City Council recessed to the Capital Improvements Corporation Board Meeting.

I. CALL MEETING TO ORDER

At 10:56 PM, the Capital Improvements Corporation Board Meeting was called to order.

II. ROLL CALL

Present: 5 - President Hadley, Vice President Stern, Boardmember Napolitano, Boardmember Montgomery and Councilmember Franklin

III. PUBLIC COMMENT ON CAPITAL IMPROVEMENT CORPORATION

President Hadley opened the floor to public comments.

Seeing no requests to speak, President Hadley closed the floor to public comments.

IV. GENERAL BUSINESS

Reorganization of the Manhattan Beach Capital Improvements Corporation to Fill the Seat Occupied by Nancy Hersman (Finance Director/CFO Charelian).

[CIC-7](#)

APPROVE

Chief Financial Officer Steve Charelian provided the staff presentation.

A motion was made by Boardmember Napolitano, seconded by Boardmember Montgomery, to appoint Councilmember Franklin as boardmember of the Capital Improvements Corporation. The motion carried by the following vote:

Aye: 5 - Hadley, Stern, Napolitano, Montgomery and Franklin

P. ADJOURN MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION AND RECONVENE CITY COUNCIL MEETING

At 10:59 PM, President Hadley adjourned the Capital Improvements Corporation Meeting to the City Council meeting.

Q. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

None.

R. FUTURE AGENDA ITEMS

Councilmember Montgomery requested for consideration to adjourn the January 5, 2021 meeting in memory of Brian Friedman.

Councilmember Napolitano requested for consideration to adjourn the January 5, 2021 meeting in memory of George Beckerson.

Mayor Pro Tem Stern requested for consideration for staff to provide an information memo on the status of the City Hall mural proposal, Councilmember Montgomery concurred.

City Manager Bruce Moe responded to City Council questions.

S. CITY MANAGER REPORT

City Manager Bruce Moe wished everyone Happy Holidays.

T. CITY ATTORNEY REPORT

City Attorney Quinn Barrow wished everyone Happy Holidays.

U. INFORMATIONAL ITEMS

None.

V. CLOSED SESSION

None.

W. ADJOURNMENT

Councilmember Napolitano suggested for consideration that there might be a need to have more frequent City Council meetings.

City Manager Bruce Moe stated that staff will evaluate agenda items and will make necessary changes to ensure more manageable City Council meetings.

At 11:06 PM, Mayor Hadley adjourned the meeting.

Martha Alvarez
Recording Secretary

Suzanne Hadley
Mayor

ATTEST:

Liza Tamura
City Clerk

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Wednesday, December 16, 2020

5:00 PM

City Council Chambers

City Council Adjourned Regular Meeting

ELECTED OFFICIALS

Mayor Suzanne Hadley

Mayor Pro Tem Hildy Stern

Councilmember Steve Napolitano

Councilmember Richard Montgomery

Councilmember Joe Franklin

PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:

www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

At 5:07 PM, Mayor Hadley called the meeting to order.

B. ROLL CALL

Present 5 - Mayor Hadley, Mayor Pro Tem Stern, Councilmember Napolitano, Councilmember Montgomery and Councilmember Franklin

C. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Senior Deputy City Clerk Martha Alvarez confirmed that the City did not receive any eComments, email public comments or voicemail public comments for the December 16, 2020, City Council Adjourned Regular Meeting.

Mayor Hadley opened the floor to public comments.

Seeing no requests to speak, Mayor Hadley closed the floor to public comments.

D. CLOSED SESSION

I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

City Attorney Quinn Barrow announced the following Closed Session.

**CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Negotiators:

Bruce Moe, City Manager

Lisa Jenkins, Human Resources Director

Employee Groups:

Manhattan Beach Firefighters' Association

Manhattan Beach Fire Management Association

Manhattan Beach Police Officers Association

Manhattan Beach Police Management Association

Manhattan Beach Mid-Management Employee Association

Manhattan Beach Part-Time Employees' Association

Unrepresented (Executive, Management and Confidential)

Teamsters Local 911

II. RECESS INTO CLOSED SESSION

At 5:08 PM, Mayor Hadley announced that City Council would recess into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 7:45 PM, the City Council reconvened into Open Session with all Councilmembers present.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced that City Council gave direction to its labor negotiators and there is no other reportable action taken.

E. ADJOURNMENT

At 7:46 PM Mayor Hadley adjourned the meeting.

Martha Alvarez
Recording Secretary

Suzanne Hadley
Mayor

ATTEST:

Liza Tamura
City Clerk



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Steve S. Charelian, Finance Director
Julie Bondarchuk, Senior Accountant
Libby Bretthauer, Senior Financial Analyst

SUBJECT:

Financial Reports:

- a) Schedule of Demands December 10, 2020
- b) Investment Portfolio for the Month Ending November 30, 2020
- c) Month End Report for November 30, 2020
(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

RECOMMENDATION:

Staff recommends that the City Council accept the attached reports and demands.

FISCAL IMPLICATIONS:

The financial reports included herein are designed to communicate fiscal activity based upon adopted and approved budget appropriations. No further action of a fiscal nature is requested as part of this report.

The total value of the warrant register December 10, 2020, is \$3,727,386.08.

BACKGROUND:

Finance staff prepares a variety of financial reports for City Council and the Finance Subcommittee. A brief discussion of the attached report follows.

DISCUSSION:

Schedule of Demands:

Every two weeks, staff prepares a comprehensive listing of all disbursements with staff

certification that the expenditure transactions listed have been reviewed and are within budgeted appropriations.

Investment Portfolio:

Detailed Investment reports are provided to the Finance Subcommittee with summary reporting to City Council. The month end portfolio includes a certification by the Finance Director that all investments comply with established Investment Policies (or with Finance Subcommittee approved exceptions), and there is sufficient liquidity to support projected expenditures.

Month End Report:

This package includes summary level financial information for the month ending November 30 2020. This report marks the fifth month of Fiscal Year 2020-2021 and reflects the annual budget adopted by City Council.

The report provides monthly and year-to-date activity for all funds and departments presenting a snapshot of budget performance. A report highlighting the performance of key revenue sources is also included.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Schedule of Demands for December 10, 2020
2. Investment Portfolio for the Month Ending November 30, 2020
3. Month End Report for November 30, 2020

City of Manhattan Beach



Schedule of Demands December 10, 2020

CITY OF MANHATTAN BEACH
WARRANT REGISTER

WARRANT(S) WR 13A
DATED: 12/10/2020

I HEREBY CERTIFY THAT THE CLAIMS OR DEMANDS COVERED BY THE ABOVE WARRANT(S) IN THE AMOUNT OF \$3,727,386.08 HAVE BEEN REVIEWED AND THAT SAID CLAIMS OR DEMANDS ARE ACCURATE, ARE IN CONFORMANCE WITH THE ADOPTED BUDGET, AND THAT THE FUNDS ARE AVAILABLE THEREOF.



FINANCE DIRECTOR

THIS 5TH DAY OF JANUARY

REVIEWED, CERTIFIED AND APPROVED
BY CITY MANAGER BRUCE MOE

WARRANT REGISTER (S) WR 13A	WARRANT(S)	13A	1,513,078.47
	PREPAID WIRES / MANUAL CKS	13A	1,053,835.63
	SUBTOTAL WARRANTS		2,566,914.10
	VOIDS		(496.00)
	PAYROLL	PE 12/04/2020 PY	1,160,967.98
	TOTAL WARRANTS		3,727,386.08

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
912072020	12/7/2020	T	CA PUBLIC EMPLOYEES'	MEDICAL PREMIUMS	371,278.34
912142020	12/14/2020	T	UNION BANK	F.I.T./MEDICARE/S.I.T.	380,391.74
912152020	12/15/2020	T	PUBLIC EMPLOYEES'	PENSION SAFETY - CLASSIC: PAYMENT	302,165.55
SUBTOTAL					1,053,835.63
544040	12/10/2020	N	ABBA TERMITE & PEST CONTROL	THREE-YEAR BEE REMOVAL & RELOCATION S	195.00
544041	12/10/2020	N	ADMINISTRATIVE SERVICES COOP	DIAL A RIDE SUPPLEMENTAL CAB SERVICE	385.35
544042	12/10/2020	N	AM-TEC TOTAL SECURITY INC	SECURITY/ALARM SYSTEMS MONITORING	397.50
544043	12/10/2020	N	ASPEN ENVIRONMENTAL GROUP	CONSTRUCTION MANAGEMENT FOR SKECHER	10,994.58
544044	12/10/2020	N	AT&T MOBILITY	CELLULAR CHARGES	3,262.46
544045	12/10/2020	N	ATKINSON ANDELSON LOYA	INDEPENDENT INVESTIGATIONS AND SERVICE	11,927.50
544046	12/10/2020	N	MARYAM BAKHTIYARI	REFUND TREE DEPOSIT	800.00
544047	12/10/2020	N	BARR COMMERCIAL DOOR REPAIR	RFP: 1113-17, 3-YEAR AUTOMATIC DOOR MAIN	1,729.36
544048	12/10/2020	N	BIG BELLY SOLAR LLC	BIG BELLY BAGS - YEAR 3	2,032.83
544049	12/10/2020	N	BRIDGEPAY NETWORK SOLUTIONS	ENERGOV TRANSACTIONS	40.80
544050	12/10/2020	N	C A RASMUSSEN INC	SEPULVEDA BRIDGE WIDENING PROJECT	484,022.20
544051	12/10/2020	N	CA TEAMSTERS LOCAL 911	DUES (MISC): PAYMENT	6,175.00
544052	12/10/2020	N	CA WATER SERVICE COMPANY	WATER SERVICE	158.51
544053	12/10/2020	N	CELLCO PARTNERSHIP	CONTRACT SERVICES	507.73
544054	12/10/2020	N	CODE 5 GROUP LLC	BAIT TRACKING SERVICES	450.00
544055	12/10/2020	N	CONTEMPORARY SERVICES CORP	UNARMED SECURITY SERVICES	1,972.56
544056	12/10/2020	N	CORODATA RECORDS MANAGEMENT	OFFICE RECORDS STORAGE SERVICES	40.00
544057	12/10/2020	N	CULLIGAN	WATER FILTER LEASE	83.20
544058	12/10/2020	N	DELTA DENTAL OF CALIFORNIA	DENTAL PREMUIMS	30,819.39

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
544059	12/10/2020	N	DEPT OF INDUSTRIAL RELATIONS	CONVEYANCE PERMITS	575.00
544060	12/10/2020	N	DEWEY SERVICES INC	INTEGRATED PEST MANAGEMENT SERVICES	2,480.00
544061	12/10/2020	N	DUTHIE ELECTRIC SERVICES	AUXILIARY GENERATOR MAINTENANCE SERV	1,487.28
544062	12/10/2020	N	ELEVATORS ETC LP	ELEVATOR AND ESCALATOR MAINTENANCE	3,015.92
544063	12/10/2020	N	GWEN ENG	DUES (MGMT CONF): PAYMENT	132.00
544064	12/10/2020	N	ENVIRONMENTAL SCIENCE ASSOC	COASTAL RESILIENCY PROGRAM CONSULTING	8,336.25
544065	12/10/2020	N	FEDERAL EXPRESS CORPORATION	DELIVERY SERVICE	22.27
544066	12/10/2020	N	FRONTIER CALIFORNIA INC	CABLE SERVICE	13,893.06
544067	12/10/2020	N	HARPER & ASSOCIATES	DESIGN SERVICES AGREEMENT TO PAINT BLO	2,210.00
544068	12/10/2020	N	HAZEN AND SAWYER	WATER INFRASTRUCTURE IMPROVEMENT PRC	2,950.00
544069	12/10/2020	N	HDR ENGINEERING INC	SEPULVEDA BRIDGE WIDENING PROJECT - AM	39,028.62
544070	12/10/2020	N	JAKE HEROD	RIGHT OF WAY DEPOSIT REFUND	496.00
544071	12/10/2020	N	HUMAN PERFORMANCE TRAINING	REGISTRATION-FORCE ENCOUNTERS ANALYSIS	375.00
544072	12/10/2020	N	ICMA RETIREMENT TRUST - 401	DEFERRED COMP 109365: PAYMENT	1,568.22
544073	12/10/2020	N	ICMA RETIREMENT TRUST - 457	DEFERRED COMP AND LOAN REPAY 457	89,923.66
544074	12/10/2020	N	ICMA RETIREMENT TRUST 401	DEFERRED COMP 109766: PAYMENT	10,458.62
544075	12/10/2020	N	INCONTACT INC	LONG DISTANCE SERVICE	413.23
544076	12/10/2020	N	IRON MOUNTAIN INFO MNGMT INC	RECORDS STORAGE - PERMANENT & ARCHIVA	3,658.57
544077	12/10/2020	N	K-9 SERVICES LLC	K9- MAINTENANCE TRAINING	1,000.00
544078	12/10/2020	N	JENNIFER KALLOK	EARNINGS WITHHOLDING	184.62
544079	12/10/2020	N	KEVORK ENTERPRISES INC	AUTO BODY REPAIRS	1,086.71
544080	12/10/2020	N	ROSEMARY A LACKOW	MINUTES SECRETARY - AMENDMENT NO. 1 & 2	416.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
544081	12/10/2020	N	LIEBERT CASSIDY WHITMORE	LEGAL SERVICES	8,094.00
544082	12/10/2020	N	LOGIX SECURITY INC	SECURITY MONITORING	180.00
544083	12/10/2020	N	M B POLICE MGMT ASSC	DUES \$ (POL MGT ASSN): PAYMENT	525.00
544084	12/10/2020	N	M B POLICE OFFICERS ASSOCIA	DUES % (POLICE - %): PAYMENT	3,400.22
544085	12/10/2020	N	M B WATER DEPARTMENT	MONTHLY WATER CHARGES	30,103.13
544086	12/10/2020	N	MBPOA RETIREE	MD TRUST (MED TRUST): PAYMENT	2,325.00
544087	12/10/2020	N	MBPTEA	DUES (MBPTEA): PAYMENT	50.00
544088	12/10/2020	N	CAREEB MCFADDEN	2020 PIER LIGHTING VIDEO/EDITING	487.50
544089	12/10/2020	N	DAVID MEDINA	REIMBURSEMENT-TRAVEL EXPENSE	430.00
544090	12/10/2020	N	MELAD AND ASSOCIATES INC	BUILDING PLAN CHECK & INSPECTIONS AND F	41,374.59
544091	12/10/2020	N	MERCHANTS LANDSCAPE SVCS INC	LANDSCAPE MAINTENANCE SERVICES	37,742.00
544092	12/10/2020	N	MERRIMAC ENERGY GROUP	BID# 1185-19, BULK FUEL	19,206.99
544093	12/10/2020	N	MICHAEL BAKER INTERNATIONAL	CONTRACT SERVICES	3,983.10
544094	12/10/2020	N	MUNICIPAL RESOURCE GROUP LLC	IT WORKPLACE ASSESSMENT	3,712.50
544095	12/10/2020	N	OCC BUILDERS INC	MANHATTAN VILLAGE SOCCER FIELD RESTRC	18,624.75
544096	12/10/2020	N	ONWARD ENGINEERING	ROSECRANS AVE STREET RESURFACING PROJ	22,863.35
544097	12/10/2020	N	PACIFIC ADVANCED CIVIL ENG	LARSSON STREET PUMP STATION UPGRADE	2,541.00
544098	12/10/2020	N	PREPAID LEGAL SERVICES INC	PREPAID LEGAL: PAYMENT	47.85
544099	12/10/2020	N	QUANTUM QUALITY CONSULTING INC	INSPECTION SERVICES FOR STREET RESURFAC	25,625.00
544100	12/10/2020	N	RELIANT IMMED CARE MED GRP INC	PRE-EMPLOYMENT PHYSICALS AND INMATE E	40.00
544101	12/10/2020	N	RICHARDS WATSON & GERSHON	PROFESSIONAL SERVICES-OCT 2020	77,695.81
544102	12/10/2020	N	CHRISTOPHER RICHARDSON	SANTA CLAUS PIER LIGHTING	250.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
544103	12/10/2020	N	RINCON CONSULTANTS INC	EIR FOR SUNRISE SENIOR ASSISTED LIVING P	3,462.50
544104	12/10/2020	N	ANA RODRIGUEZ	HEALTH AND WELLNESS PROGRAMMING	1,190.00
544105	12/10/2020	N	S B FIRE CHIEFS ASSOCIATION	ANNUAL DUES	450.00
544106	12/10/2020	N	S2 ENGINEERING INC	CONSTRUCTION MANAGEMENT SERVICES AGI	308,630.95
544107	12/10/2020	N	SA ASSOCIATES	SEWER INFRASTRUCTURE IMPROVEMENT PRO	15,142.00
544108	12/10/2020	N	SOUTHERN CALIFORNIA EDISON	MONTHLY ELECTRIC CHARGES	19,476.73
544109	12/10/2020	N	SOUTHERN CALIFORNIA GAS CO	MONTHLY GAS CHARGES	7,537.88
544110	12/10/2020	N	STANDARD INSURANCE COMPANY	SHORT TERM DISABILITY PREMIUMS	1,648.05
544111	12/10/2020	N	STANDARD INSURANCE COMPANY	LIFE AD&D LTD PREMIUMS	12,382.13
544112	12/10/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	1,171.52
544113	12/10/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	230.76
544114	12/10/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	92.30
544115	12/10/2020	N	T MOBILE USA	MIFI CHARGES	29.40
544116	12/10/2020	N	THE CODE GROUP INC	BUILDING PLAN CHECK & INSPECTIONS AND F	14,103.46
544117	12/10/2020	N	THE PITNEY BOWES BANK INC	POSTAGE FUND RESERVE ACCOUNT	8,000.00
544118	12/10/2020	N	TILLMAN FORENSIC INVEST LLC	FINGERPRINT IDENTIFICATION SERVICES	300.00
544119	12/10/2020	N	TOTAL ADMINISTRATIVE SVCS CORP	CHILD125 (CHILD 125 PLAN): PAYMENT	5,497.87
544120	12/10/2020	N	TRAFFIC MANAGEMENT PRODUCTS	K-RAIL BARRICADES	13,873.66
544121	12/10/2020	N	U.S. BANK	P/T EMP RETIREMENT CONTRIB: PAYMENT	3,376.33
544122	12/10/2020	N	UC REGENTS	NURSE EDUCATOR CONTRACT	2,692.24
544123	12/10/2020	N	UNITED PARCEL SERVICE	DELIVERY SERVICE	93.00
544124	12/10/2020	N	UNITED SITE SVCS OF CA INC	FENCING	79.04

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
544125	12/10/2020	N	VAN LINGEN BODY SHOP INC	TOWING & VEHICLE STORAGE	19.00
544126	12/10/2020	N	VANTAGEPOINT TRANSFER AGENTS	RETMNT HLTH SAVINGS CONTRIB: PAYMENT	1,431.69
544127	12/10/2020	N	ROBIN L VARGAS	EARNINGS WITHHOLDING	553.85
544128	12/10/2020	N	VERIZON CALIFORNIA INC	CONTRACR SERVICES	925.68
544129	12/10/2020	N	VISION SERVICE PLAN - (CA)	VISION PREMIUMS	3,930.02
544130	12/10/2020	N	VITAL MEDICAL SERVICES LLC	INMATE MEDICAL CARE, BLOOD DRAWS, & NA	6,678.00
544131	12/10/2020	N	WALTERS WHOLESALE ELECTRIC CO	ELECTRICAL SUPPLIES	5,428.62
544132	12/10/2020	N	WEST COAST TENNIS CAMPS INC	TENNIS CAMP INSTRUCTOR	4,485.00
544133	12/10/2020	N	WESTMED AMBULANCE INC	BLS AMBULANCE TRANSPORTS	31,160.00
SUBTOTAL					1,513,078.47
COMBINED TOTAL					2,566,914.10

PAYMENT LEGEND:
T = Wire Transfers
N = System Printed Checks
H = Hand Written Checks

**CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00**

WARRANT BATCH NUMBER: wr 13a

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
912072020	12/7/2020	T	CA PUBLIC EMPLOYEES'	MEDICAL PREMIUMS	371,278.34
912142020	12/14/2020	T	UNION BANK	F.I.T./MEDICARE/S.I.T.	380,391.74
912152020	12/15/2020	T	PUBLIC EMPLOYEES'	PENSION SAFETY - CLASSIC: PAYMENT	302,165.55
SUBTOTAL					1,053,835.63
544043	12/10/2020	N	ASPEN ENVIRONMENTAL GROUP	CONSTRUCTION MANAGEMENT FOR SKECHER	10,994.58
544044	12/10/2020	N	AT&T MOBILITY	CELLULAR CHARGES	3,262.46
544045	12/10/2020	N	ATKINSON ANDELSON LOYA	INDEPENDENT INVESTIGATIONS AND SERVICE	11,927.50
544050	12/10/2020	N	C A RASMUSSEN INC	SEPULVEDA BRIDGE WIDENING PROJECT	484,022.20
544051	12/10/2020	N	CA TEAMSTERS LOCAL 911	DUES (MISC): PAYMENT	6,175.00
544058	12/10/2020	N	DELTA DENTAL OF CALIFORNIA	DENTAL PREMUIMS	30,819.39
544062	12/10/2020	N	ELEVATORS ETC LP	ELEVATOR AND ESCALATOR MAINTENANCE	3,015.92
544064	12/10/2020	N	ENVIRONMENTAL SCIENCE ASSOC	COASTAL RESILIENCY PROGRAM CONSULTING	8,336.25
544066	12/10/2020	N	FRONTIER CALIFORNIA INC	CABLE SERVICE	13,893.06
544068	12/10/2020	N	HAZEN AND SAWYER	WATER INFRASTRUCTURE IMPROVEMENT PRC	2,950.00
544069	12/10/2020	N	HDR ENGINEERING INC	SEPULVEDA BRIDGE WIDENING PROJECT - AM	39,028.62
544073	12/10/2020	N	ICMA RETIREMENT TRUST - 457	DEFERRED COMP AND LOAN REPAY 457	89,923.66
544074	12/10/2020	N	ICMA RETIREMENT TRUST 401	DEFERRED COMP 109766: PAYMENT	10,458.62
544076	12/10/2020	N	IRON MOUNTAIN INFO MNGMT INC	RECORDS STORAGE - PERMANENT & ARCHIVA	3,658.57
544081	12/10/2020	N	LIEBERT CASSIDY WHITMORE	LEGAL SERVICES	8,094.00
544084	12/10/2020	N	M B POLICE OFFICERS ASSOCIA	DUES % (POLICE - %): PAYMENT	3,400.22
544085	12/10/2020	N	M B WATER DEPARTMENT	MONTHLY WATER CHARGES	30,103.13
544090	12/10/2020	N	MELAD AND ASSOCIATES INC	BUILDING PLAN CHECK & INSPECTIONS AND F	41,374.59
544091	12/10/2020	N	MERCHANTS LANDSCAPE SVCS INC	LANDSCAPE MAINTENANCE SERVICES	37,742.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00**

WARRANT BATCH NUMBER: wr 13a

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
544092	12/10/2020	N	MERRIMAC ENERGY GROUP	BID# 1185-19, BULK FUEL	19,206.99
544093	12/10/2020	N	MICHAEL BAKER INTERNATIONAL	CONTRACT SERVICES	3,983.10
544094	12/10/2020	N	MUNICIPAL RESOURCE GROUP LLC	IT WORKPLACE ASSESSMENT	3,712.50
544095	12/10/2020	N	OCC BUILDERS INC	MANHATTAN VILLAGE SOCCER FIELD RESTRC	18,624.75
544096	12/10/2020	N	ONWARD ENGINEERING	ROSECRANS AVE STREET RESURFACING PROJ	22,863.35
544097	12/10/2020	N	PACIFIC ADVANCED CIVIL ENG	LARSSON STREET PUMP STATION UPGRADE	2,541.00
544099	12/10/2020	N	QUANTUM QUALITY CONSULTING INC	INSPECTION SERVICES FOR STREET RESURFAC	25,625.00
544101	12/10/2020	N	RICHARDS WATSON & GERSHON	PROFESSIONAL SERVICES-OCT 2020	77,695.81
544103	12/10/2020	N	RINCON CONSULTANTS INC	EIR FOR SUNRISE SENIOR ASSISTED LIVING P	3,462.50
544106	12/10/2020	N	S2 ENGINEERING INC	CONSTRUCTION MANAGEMENT SERVICES AGI	308,630.95
544107	12/10/2020	N	SA ASSOCIATES	SEWER INFRASTRUCTURE IMPROVEMENT PRO	15,142.00
544108	12/10/2020	N	SOUTHERN CALIFORNIA EDISON	MONTHLY ELECTRIC CHARGES	19,476.73
544109	12/10/2020	N	SOUTHERN CALIFORNIA GAS CO	MONTHLY GAS CHARGES	7,537.88
544111	12/10/2020	N	STANDARD INSURANCE COMPANY	LIFE AD&D LTD PREMIUMS	12,382.13
544116	12/10/2020	N	THE CODE GROUP INC	BUILDING PLAN CHECK & INSPECTIONS AND F	14,103.46
544117	12/10/2020	N	THE PITNEY BOWES BANK INC	POSTAGE FUND RESERVE ACCOUNT	8,000.00
544119	12/10/2020	N	TOTAL ADMINISTRATIVE SVCS CORP	CHILD125 (CHILD 125 PLAN): PAYMENT	5,497.87
544120	12/10/2020	N	TRAFFIC MANAGEMENT PRODUCTS	K-RAIL BARRICADES	13,873.66
544121	12/10/2020	N	U.S. BANK	P/T EMP RETIREMENT CONTRIB: PAYMENT	3,376.33
544122	12/10/2020	N	UC REGENTS	NURSE EDUCATOR CONTRACT	2,692.24
544129	12/10/2020	N	VISION SERVICE PLAN - (CA)	VISION PREMIUMS	3,930.02
544130	12/10/2020	N	VITAL MEDICAL SERVICES LLC	INMATE MEDICAL CARE, BLOOD DRAWS, & NA	6,678.00
544131	12/10/2020	N	WALTERS WHOLESALE ELECTRIC CO	ELECTRICAL SUPPLIES	5,428.62

5:37:55PM
12/10/2020

CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00

WARRANT BATCH NUMBER: wr 13a

<u>CHECK NO.</u>	<u>DATE</u>	<u>TYPE</u>	<u>PAYEE NAME</u>	<u>PAYMENT DESCRIPTION</u>	<u>CHECK AMOUNT</u>
544132	12/10/2020	N	WEST COAST TENNIS CAMPS INC	TENNIS CAMP INSTRUCTOR	4,485.00
544133	12/10/2020	N	WESTMED AMBULANCE INC	BLS AMBULANCE TRANSPORTS	31,160.00
SUBTOTAL					1,479,289.66
COMBINED TOTAL					2,533,125.29

PAYMENT LEGEND:
T = Wire Transfers
N = System Printed Checks
H = Hand Written Checks

Check History Listing
CITY OF MANHATTAN BEACH

Bank code: union

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
543306	09/03/2020	38179 JAKE HEROD	V	12/10/2020	TEMPSTREET20-00135	08/25/2020	496.00	496.00
							union Total:	496.00
1 checks in this report							Total Checks:	496.00

**Report of Warrant Disbursements
wr 13a**

Fund	Description	Amount
100	General	1,562,827.91
201	Street Light	10,832.34
205	Streets & Highways	13,957.60
210	Asset Forfeiture	507.73
230	Prop A	385.35
231	Prop C	871,735.12
401	Capital Improvements	18,624.75
501	Water	25,082.28
502	Storm	830.10
503	Waste Water	15,451.98
520	Parking	7,408.04
521	County Parking Lot	1,121.53
522	State Pier Lots	1,381.38
601	Insurance	198.58
610	Vehicle Fleet	20,312.70
615	Building Maintenance	16,173.51
802	Trust Deposit	83.20
wr 13a		<u>2,566,914.10</u>
		<u>2,566,914.10</u>

CITY OF MANHATTAN BEACH PAYROLL
PAY PERIOD: 11/21/20 TO 12/04/20
PAY DATE: 12/11/20

NET PAY 1,160,967.98

11/21/2020

12/4/2020

CITY OF MANHATTAN BEACH PAYROLL REPORT

PAYROLL PERIOD ENDING DATE

12/4/2020

FUND	DESCRIPTION	AMOUNT
100	General Fund	1,592,564.04
210	Asset Forfeiture Fund	2,124.68
230	Prop. A Fund	16,831.56
501	Water Fund	32,964.38
502	Stormwater Fund	3,594.23
503	Wastewater Fund	13,147.72
520	Parking Fund	4,739.32
521	County Parking Lots Fund	1,021.39
522	State Pier and Parking Lot Fund	1,021.39
601	Insurance Reserve Fund	14,184.48
605	Information Technology Fund	50,224.30
610	Fleet Management Fund	12,095.93
615	Building Maintenance & Operations Fund	21,545.44
801	Pension Trust Fund	7,323.76
		1,773,382.62
		612,414.64
		1,160,967.98

Gross Pay

Deductions

Net Pay



City of Manhattan Beach

Investment Portfolio November 2020

As Finance Director for the City of Manhattan Beach, I hereby certify that these investments are in compliance with the City's investment policy (unless otherwise noted). Sufficient liquidity has been maintained to meet budget expenditure requirements for the current six month period.



Steve S. Charelian, Finance Director

CITY OF MANHATTAN BEACH
Portfolio Management
Portfolio Summary
November 1, 2020 through November 30, 2020

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
LAIF	60,200,000.00	60,200,000.00	60,200,000.00	51.87	1	1	0.568	0.576
Medium Term Notes	16,000,000.00	16,645,520.00	15,936,027.86	13.73	1,511	857	2.376	2.409
Federal Agency Issues - Coupon	27,000,000.00	28,215,930.00	27,047,733.37	23.30	1,637	861	2.133	2.163
Treasury Securities - Coupon	13,000,000.00	13,496,220.00	12,885,288.47	11.10	1,484	838	2.246	2.277
Investments	116,200,000.00	118,557,670.00	116,069,049.70	100.00%	754	412	1.367	1.386
Cash								
Passbook/Checking (not included in yield calculations)	6,798,200.98	6,798,200.98	6,798,200.98		1	1	0.000	0.000
Total Cash and Investments	122,998,200.98	125,355,870.98	122,867,250.68		754	412	1.367	1.386

Total Earnings	November 30 Month Ending	Fiscal Year To Date
Current Year	149,176.91	815,294.59


 STEVE S. CHARELIAN, FINANCE DIRECTOR

12/18/2020

Reporting period 11/01/2020-11/30/2020

Run Date: 12/18/2020 - 15:46

Portfolio CITY
 CP
 PM (PRF_PM1) 7.3.0
 Report Ver. 7.3.5

CITY OF MANHATTAN BEACH
Portfolio Management
Portfolio Details - Investments
November 30, 2020

CUSIP	Investment #	Issuer	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
LAIF											
SYS3000	3000	Local Agency Invest. Fund	07/01/2018	60,200,000.00	60,200,000.00	60,200,000.00	0.576		0.576	1	
Subtotal and Average				60,200,000.00	60,200,000.00	60,200,000.00			0.576	1	
Medium Term Notes											
037833DC1	MTN0096	APPLE INC	04/23/2018	1,000,000.00	1,031,430.00	980,368.54	2.100	AA+	3.060	650	09/12/2022
037833AK6	MTN0098	APPLE INC	05/22/2018	1,000,000.00	1,049,800.00	977,083.88	2.400	AA+	3.298	883	05/03/2023
06406FAD5	MTN0106	BANK OF NY MELLO	09/09/2019	1,000,000.00	1,046,020.00	1,009,011.00	2.200	A	1.951	988	08/16/2023
06406RAL1	MTN0109	BANK OF NY MELLO	02/10/2020	1,000,000.00	1,060,430.00	1,011,205.00	2.100	A	1.850	1,423	10/24/2024
084670BC1	MTN0094	BERKSHIRE HATHWY	11/03/2017	1,000,000.00	1,024,810.00	1,018,302.32	3.750	AA	2.148	257	08/15/2021
22160KAK1	MTN0102	COSTCO COMPANIES	05/13/2019	1,000,000.00	1,027,960.00	994,226.00	2.300	A+	2.500	533	05/18/2022
254687FK7	MTN0107	Walt Disney	12/12/2019	2,000,000.00	2,075,980.00	1,981,791.52	1.750	A-	1.977	1,368	08/30/2024
191216CL2	MTN0108	COCA-COLA CO	12/12/2019	1,000,000.00	1,048,400.00	993,679.00	1.750	A+	1.890	1,375	09/06/2024
594918BQ6	MTN0104	MICROSOFT CORP	07/01/2019	1,000,000.00	1,043,960.00	999,000.00	2.000	AAA	2.025	980	08/08/2023
68389XAP0	MTN0103	ORACLE CORP	05/13/2019	1,000,000.00	1,041,220.00	995,436.00	2.500	A	2.640	683	10/15/2022
742718EN5	MTN0090	Procter & Gamble	03/15/2017	1,000,000.00	1,002,590.00	990,350.00	1.850	AA-	2.110	63	02/02/2021
89236TFN0	MTN0099	TOYOTA MOTOR CREDIT	09/21/2018	1,000,000.00	1,082,920.00	999,500.00	3.450	A+	3.461	1,023	09/20/2023
89236TDK8	MTN0101	TOYOTA MOTOR CREDIT	03/26/2019	1,000,000.00	1,051,220.00	987,635.26	2.250	A+	2.634	1,051	10/18/2023
911312BC9	MTN0100	United Parcel Service	10/04/2018	1,000,000.00	1,026,000.00	984,164.36	2.350	A-	3.193	531	05/16/2022
90331HPC1	MTN0105	US BANK NA OHIO	09/09/2019	1,000,000.00	1,032,780.00	1,014,274.98	2.650	AA-	1.883	538	05/23/2022
Subtotal and Average				16,000,000.00	16,645,520.00	15,936,027.86			2.409	857	
Federal Agency Issues - Coupon											
3133EHCT8	FAC0259	FED FARM CR BK	05/22/2017	1,000,000.00	1,025,430.00	1,004,467.90	2.150	AA+	1.894	469	03/15/2022
3133EJDE6	FAC0271	FED FARM CR BK	02/16/2018	2,000,000.00	2,105,720.00	1,994,134.80	2.570	AA+	2.708	807	02/16/2023
3133EJSD2	FAC0276	FED FARM CR BK	10/02/2018	2,000,000.00	2,136,900.00	1,990,360.00	2.890	AA+	3.000	930	06/19/2023
3133EJK57	FAC0278	FED FARM CR BK	12/12/2018	2,000,000.00	2,151,720.00	2,015,999.03	3.080	AA+	2.840	965	07/24/2023
3130A3KM5	FAC0268	Federal Home Loan Bank	01/10/2018	2,000,000.00	2,093,180.00	2,007,330.14	2.500	AA+	2.357	738	12/09/2022
3130A2UW4	FAC0285	Federal Home Loan Bank	12/11/2019	2,000,000.00	2,195,360.00	2,093,581.66	2.875		1.771	1,382	09/13/2024
3130AGWK7	FAC0289	Federal Home Loan Bank	02/07/2020	1,000,000.00	1,045,710.00	1,001,306.00	1.500		1.470	1,353	08/15/2024
3134G9M79	FAC0258	Federal Home Loan Mortgage	03/13/2017	2,000,000.00	2,023,120.00	1,996,014.85	1.875	AA+	2.076	237	07/26/2021
3137EAEC9	FAC0269	Federal Home Loan Mortgage	01/25/2018	2,000,000.00	2,013,980.00	1,975,561.43	1.125	AA+	2.154	254	08/12/2021
3135G0J20	FAC0256	Fannie Mae	12/28/2016	1,000,000.00	1,003,030.00	996,395.10	1.375	AA+	1.917	87	02/26/2021
3135G0T45	FAC0261	Fannie Mae	05/22/2017	1,000,000.00	1,023,270.00	1,001,150.00	1.875	AA+	1.850	490	04/05/2022
3135G0W66	FAC0286	Fannie Mae	12/11/2019	2,000,000.00	2,104,100.00	1,993,020.00	1.625		1.700	1,414	10/15/2024
3135G0W66	FAC0287	Fannie Mae	02/07/2020	2,000,000.00	2,104,100.00	2,011,260.00	1.625		1.500	1,414	10/15/2024
3135G0V75	FAC0288	Fannie Mae	02/07/2020	2,000,000.00	2,104,840.00	2,020,078.83	1.750		1.526	1,309	07/02/2024

CITY OF MANHATTAN BEACH
Portfolio Management
Portfolio Details - Investments
November 30, 2020

CUSIP	Investment #	Issuer	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Federal Agency Issues - Coupon											
880591EN8	FAC0277	Tennessee Valley Authority	12/12/2018	2,000,000.00	2,056,980.00	1,960,911.57	1.875	AA+	2.793	622	08/15/2022
880591EN8	FAC0279	Tennessee Valley Authority	02/14/2019	1,000,000.00	1,028,490.00	986,162.06	1.875	AA+	2.493	622	08/15/2022
Subtotal and Average				27,000,000.00	28,215,930.00	27,047,733.37			2.163	861	
Treasury Securities - Coupon											
912828D72	UST0023	US TREASURY	02/16/2018	1,000,000.00	1,014,100.00	994,685.91	2.000		2.439	273	08/31/2021
912828F21	UST0024	US TREASURY	02/16/2018	1,000,000.00	1,016,800.00	995,591.39	2.125		2.478	303	09/30/2021
912828XQ8	UST0027	US TREASURY	12/12/2018	2,000,000.00	2,061,800.00	1,971,352.18	2.000		2.681	607	07/31/2022
912828XQ8	UST0028	US TREASURY	02/14/2019	1,000,000.00	1,030,900.00	990,085.20	2.000		2.510	607	07/31/2022
912828S92	UST0029	US TREASURY	02/14/2019	1,000,000.00	1,028,630.00	963,197.14	1.250		2.525	972	07/31/2023
912828D1	UST0030	US TREASURY	02/14/2019	1,000,000.00	1,032,730.00	965,996.31	1.375		2.432	1,003	08/31/2023
912828L57	UST0031	US TREASURY	03/25/2019	1,000,000.00	1,029,450.00	989,294.71	1.750		2.201	668	09/30/2022
912828C2	UST0032	US TREASURY	03/25/2019	1,000,000.00	1,035,430.00	991,406.25	2.000		2.250	699	10/31/2022
912828W48	UST0033	US TREASURY	05/13/2019	1,000,000.00	1,061,840.00	995,039.06	2.125		2.234	1,185	02/29/2024
912828W71	UST0034	US TREASURY	05/13/2019	1,000,000.00	1,063,360.00	994,687.50	2.125		2.240	1,216	03/31/2024
912828U3	UST0035	US TREASURY	02/07/2020	2,000,000.00	2,121,180.00	2,033,952.82	1.875		1.493	1,369	08/31/2024
Subtotal and Average				13,000,000.00	13,496,220.00	12,885,288.47			2.277	838	
Total and Average				116,200,000.00	118,557,670.00	116,069,049.70			1.386	412	

**CITY OF MANHATTAN BEACH
Portfolio Management
Portfolio Details - Cash
November 30, 2020**

CUSIP	Investment #	Issuer	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM	Days to 365 Maturity
Money Market Fund										
SYS39903-39902	39901	UNION BANK	07/01/2018	6,798,200.98	6,798,200.98	6,798,200.98			0.000	1
Subtotal and Average										1
Total Cash and Investments				122,998,200.98	125,355,870.98	122,867,250.68			1.386	412

City of Manhattan Beach
Investment Portfolio Summary
As of November 30, 2020

PORTFOLIO PROFILE	Nov 30, 2020	Oct 31, 2020	Sep 30, 2020	Aug 31, 2020	Jul 31, 2020
Total Book Value (Excluding Trust Funds)	\$116,069,050	\$119,060,203	\$120,548,923	\$123,540,589	\$123,540,902
Increase/(Decrease) from Prior Period	(2,991,153)	(1,488,720)	(2,991,666)	(313)	(8,995,111)
Percentage Change	(2.5%)	(1.2%)	(2.4%)	(0.0%)	(6.8%)
Average Yield to Maturity (365 Days)	1.386%	1.433%	1.475%	1.548%	1.627%
Increase/(Decrease) from Prior Period	(0.046%)	(0.042%)	(0.074%)	(0.079%)	(0.115%)

PORTFOLIO ALLOCATIONS

By Security	Value (Par)	Percent	Par YTM	Time Horizon	Percent
LAIF*	\$60,200,000	51.81%	0.576%	Next 12 months	60%
Medium Term Notes	16,000,000	13.8%	2.409%	Months 13-24	13%
Federal Agencies	27,000,000	23.2%	2.163%	Months 25-36	13%
U.S. Treasuries	13,000,000	11.2%	2.277%	Months 37-48	15%
Total	\$116,200,000	100.0%	1.387%	Months 49-60	0%
				Total	100.0%

*LAIF YTM as of November 30, 2020

RECENT ACTIVITY

Security	Date of Activity	Maturity Date	Purchase (Par)	Maturing/Call	YTM
FNMA - 1.625% Coupon	2/7/2020	10/15/2024	2,000,000		1.500%
FNMA - 1.75% Coupon	2/7/2020	7/2/2024	1,000,000		1.490%
FHLB - 1.5% Coupon	2/7/2020	8/15/2024	2,000,000		1.470%
T - 1.875% Coupon	2/7/2020	8/31/2024	2,000,000		1.452%
MTN - 2.1% Coupon	2/10/2020	10/24/2024	1,000,000		1.850%
Total Purchases			\$8,000,000		1.523%
Called: MTN - 1.55% Coupon	10/5/2020	9/1/2021		1,000,000	1.610%
Called: MTN - 1.375% Coupon	10/9/2020	7/28/2021		500,000	1.550%
Matured: FNMA - 1.5% Coupon	10/30/2020	10/30/2020		1,000,000	1.600%
Matured: MTN - 1.95% Coupon	11/10/2020	11/10/2020		2,000,000	2.167%
Called: MTN - 1.95% Coupon	11/30/2020	6/3/2021		1,000,000	2.709%
Total Maturing/Calls				\$5,500,000	2.005%

**City of Manhattan Beach
Investment Portfolio Summary**

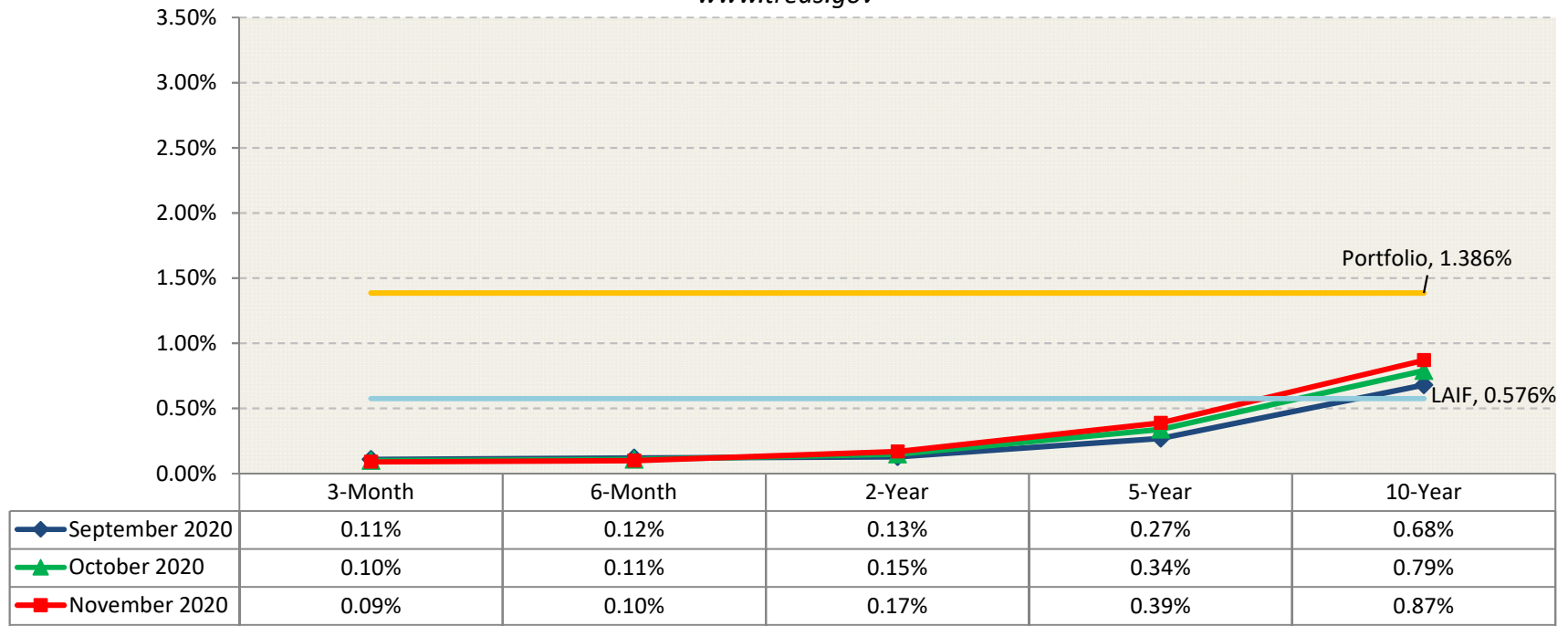
As of November 30, 2020

FUNDS HELD IN TRUST	Value
Police/Fire Refunding Bonds	\$0
Marine Avenue Refunding Bonds	-
Metlox & Water/Wastewater Refunding Bonds	-
UUAD Assessment Refunding Bonds	529,529
UUAD Assessment District 12 & 14	403,794
UUAD Assessment District 4	203,704
PARS Investment Trust	1,724,955
Total Funds Held in Trust	\$2,861,982

As of November 30, 2020

US Treasuries Yield Curve

www.treas.gov



Monthly yields are interpolated by the Treasury from the daily yield curve.

CITY OF MANHATTAN BEACH
Portfolio Maturity Structure
 December 2020 through November 2025

HELD TO MATURITY
Rolling 60 Months

Mth	Mat.	YTM	Inv	Call	Amt	Mth	Mat.	YTM	Inv	Call	Amt	Mth	Mat.	YTM	Inv	Call	Amt	Mth	Mat.	YTM	Inv	Call	Amt						
Dec 20						Dec 21						Dec 22	12/9/22	2.36%	FHLB	nc	\$2.0M	Dec 23						Dec 24					
Jan 21						Jan 22						Jan 23						Jan 24						Jan 25					
Feb 21	2/2/21	2.1%	MTN	MW: 10	\$1.0M	Feb 22						Feb 23	2/16/23	2.71%	FFCB	nc	\$2.0M	Feb 24	2/29/24	2.23%	T	nc	\$1.0M	Feb 25					
	2/26/21	1.9%	FNMA	nc	\$1.0M																								
Mar 21						Mar 22	3/15/22	1.89%	FFCB	nc	\$1.0M	Mar 23						Mar 24	3/31/24	2.24%	T	nc	\$1.0M	Mar 25					
Apr 21						Apr 22	4/5/22	1.85%	FNMA	nc	\$1.0M	Apr 23						Apr 24						Apr 25					
May 21						May 22	5/16/22	3.19%	MTN	MW: 10	\$1.0M	May 23	5/3/23	3.30%	MTN	MW: 15	\$1.0M	May 24						May 25					
							5/18/22	2.50%	MTN	MW: 10	\$1.0M																		
							5/23/22	1.88%	MTN	4/22/22	\$1.0M																		
Jun 21						Jun 22						Jun 23	6/19/23	3.00%	FFCB	nc	\$2.0M	Jun 24						Jun 25					
Jul 21	7/26/21	2.1%	FHLMC	nc	\$2.0M	Jul 22	7/31/22	2.68%	T	nc	\$2.0M	Jul 23	7/24/23	2.84%	FFCB	nc	\$2.0M	Jul 24	7/2/24	1.53%	FNMA	nc	\$2.0M	Jul 25					
							7/31/22	2.51%	T	nc	\$1.0M		7/31/23	2.53%	T	nc	\$1.0M												
Aug 21	8/15/21	2.1%	MTN	nc	\$1.0M	Aug 22	8/15/22	2.79%	TVA	nc	\$2.0M	Aug 23	8/31/23	2.43%	T	nc	\$1.0M	Aug 24	8/15/24	1.47%	FHLB	nc	\$1.0M	Aug 25					
	8/12/21	2.2%	FHLMC	nc	\$2.0M		8/15/22	2.49%	TVA	nc	\$1.0M		8/8/23	2.03%	MTN	MW:12.5	\$1.0M		8/30/24	1.98%	MTN	7/30/24	\$2.0M						
	8/31/21	2.4%	T	nc	\$1.0M								8/16/23	1.95%	MTN	6/16/23	\$1.0M		8/31/24	1.49%	T	nc	\$2.0M						
Sep 21						Sep 22	9/12/22	3.06%	MTN	MW: 7.5	\$1.0M	Sep 23	9/20/23	3.46%	MTN	nc	\$1.0M	Sep 24	9/6/24	1.89%	MTN	9/6/24	\$1.0M	Sep 25					
	9/30/21	2.5%	T	nc	\$1.0M		9/30/22	2.20%	T	nc	\$1.0M								9/13/24	1.77%	FHLB	nc	\$2.0M						
Oct 21						Oct 22	10/31/22	2.25%	T	nc	\$1.0M	Oct 23	10/18/23	2.63%	MTN	nc	\$1.0M	Oct 24	10/15/24	1.70%	FNMA	nc	\$2.0M	Oct 25					
							10/15/22	2.64%	MTN	MW: 12.5	\$1.0M								10/15/24	1.50%	FNMA	nc	\$2.0M						
																			10/24/24	1.85%	MTN	9/6/24	\$1.0M						
Nov 21						Nov 22						Nov 23						Nov 24						Nov 25					
Total By Year (excl LAIF)					\$9.0m						\$15.0m						\$15.0m						\$17.0m						\$0.0m
% of Total Securities (excl LAIF)					16%						27%						27%						30%						0%
% of Total Investments (incl LAIF)					60%						13%						13%						15%						0%

Total Securities	48%	\$56.0M
LAIF	52%	\$60.2M
Total Investments	100%	\$116.2M

Shaded rows indicate months with significant cash inflows.

City of Manhattan Beach
Investment Policy Compliance Chart

As of November 30, 2020

Instrument		% of Total	Dollar Compliance		Percentage Compliance		Term Compliance	
			Limit	Compliant?	Limit	Compliant?	Limit	Compliant?
Local Agency Investment Fund (LAIF)	\$60,200,000	51.8%	\$65,000,000	Yes	Temporary Suspension			
Treasury Securities								
US Treasury	\$13,000,000	11.2%					5 Years	Yes
Total U.S. Treasuries (11)	\$13,000,000	11.2%						
Medium Term (Corporate) Notes								
Costco	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
<i>Total Consumer Staples Sector</i>	<i>\$1,000,000</i>	<i>0.9%</i>			<i>10.0%</i>	<i>Yes</i>		
Coca-Cola	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
Proctor & Gamble	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
<i>Total Consumer Goods Sector</i>	<i>\$2,000,000</i>	<i>1.7%</i>			<i>10.0%</i>	<i>Yes</i>		
Berkshire Hathaway	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
Toyota Motor Credit	2,000,000	1.7%			5.0%	Yes	5 Years	Yes
US Bank	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
Bank of NY	2,000,000	1.7%			5.0%	Yes	5 Years	Yes
<i>Total Financial Sector</i>	<i>\$6,000,000</i>	<i>5.2%</i>			<i>10.0%</i>	<i>Yes</i>		
United Parcel Service	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
<i>Total Industrials Sector</i>	<i>\$1,000,000</i>	<i>0.9%</i>			<i>10.0%</i>	<i>Yes</i>		
Apple Inc	2,000,000	1.7%			5.0%	Yes	5 Years	Yes
Microsoft Corp	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
Oracle Corp	1,000,000	0.9%			5.0%	Yes	5 Years	Yes
<i>Total Technology Sector</i>	<i>\$4,000,000</i>	<i>3.4%</i>			<i>10.0%</i>	<i>Yes</i>		
Walt Disney Co	2,000,000	1.7%			5.0%	Yes	5 Years	Yes
<i>Total Communication Services Sector</i>	<i>\$2,000,000</i>							
Total Medium Term Notes (15)	\$16,000,000	13.8%			20.0%	Yes		
Federal Agencies								
Federal Home Loan Bank (FHLB)	\$5,000,000	4.3%			33.3%	Yes	5 Years	Yes
Federal Farm Credit (FFCB)	7,000,000	6.0%			33.3%	Yes	5 Years	Yes
Fannie Mae (FNMA)	8,000,000	6.9%			33.3%	Yes	5 Years	Yes
Freddie Mac (FHLMC)	4,000,000	3.4%			33.3%	Yes	5 Years	Yes
Tennessee Valley Authority (TVA)	3,000,000	2.6%			33.3%	Yes	5 Years	Yes
Total Federal Agencies (16)	\$27,000,000	23.2%			60.0%	Yes		
Total Portfolio	\$116,200,000	100.0%						



**CITY OF MANHATTAN BEACH
TREASURER'S REPORT
November 30, 2020**

<u>Investments</u>	Book Value
LAIF	\$60,200,000.00
Medium Term Notes	15,936,027.86
Federal Agency Issues-Coupon	27,047,733.37
Treasury Securities	12,885,288.47
Subtotal Investments	<u>\$116,069,049.70</u>
<u>Demand Deposit/Petty Cash</u>	
Cash in Bank	\$6,798,200.98
Petty Cash	3,425.99
Subtotal Demand Deposit	<u>\$6,801,626.97</u>
Subtotal City Cash & Investments	<u>\$122,870,676.67</u>
<u>Bond Funds Held in Trust</u>	
Police Fire Refunding	\$0.14
Marine Ave Park Refunding	0.10
Metlox & Water/Wastewater Refunding	0.17
Utility Assessment Districts	1,137,026.68
Subtotal Bonds Held in Trust	<u>\$1,137,027.09</u>
<u>Investment Trust Funds</u>	
PARS Pension Rate Stabilization Trust	1,724,954.76
 Treasurer's Balance	 <u><u>\$125,732,658.52</u></u>



PMIA/LAIF Performance Report as of 12/11/20



PMIA Average Monthly Effective Yields⁽¹⁾

Nov	0.576
Oct	0.620
Sep	0.685

Quarterly Performance Quarter Ended 09/30/20

LAIF Apportionment Rate ⁽²⁾ :	0.84
LAIF Earnings Ratio ⁽²⁾ :	0.00002309407394024
LAIF Fair Value Factor ⁽¹⁾ :	1.004114534
PMIA Daily ⁽¹⁾ :	0.65%
PMIA Quarter to Date ⁽¹⁾ :	0.80%
PMIA Average Life ⁽¹⁾ :	169

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 11/30/20 \$103.0 billion

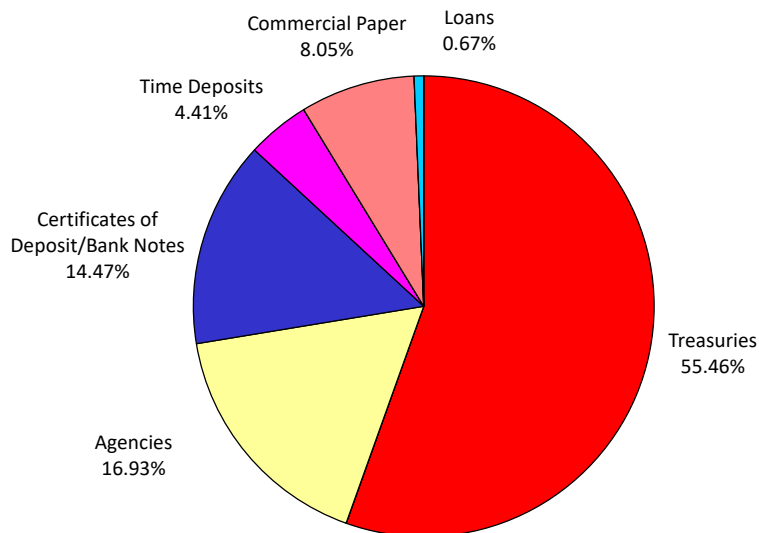


Chart does not include 0.01% of mortgages. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

City of Manhattan Beach



Month End Report November 30, 2020 Fiscal Year 2020-2021

City of Manhattan Beach
Fiscal Year 2020-2021 Statement of Revenues & Expenditures
November 30, 2020

% of Year
41.7%

Current Year Activity

<u>Fund Title</u>	<u>Fund No.</u>	<u>Budgeted Revenue</u>	<u>YTD Revenues</u>	<u>% Realized</u>	<u>Budgeted Expenditures</u>	<u>YTD Expenditures</u>	<u>% Expended</u>
General Fund	100	\$73,122,730	\$14,505,789	19.8%	\$74,170,936	\$27,525,209	37.1%
Street Lighting & Landscaping Fund	201	389,918	3,881	1.0%	583,270	196,689	33.7%
Gas Tax Fund	205	1,520,414	1,330,121	87.5%	762,979	250,958	32.9%
Asset Forfeiture	210	5,000	4,404	88.1%	327,900	40,058	12.2%
Police Safety Grants	211	143,000	99,603	69.7%	242,000	105,489	43.6%
Prop A Fund	230	673,061	244,592	36.3%	941,812	272,535	28.9%
Prop C Fund	231	580,608	130,172	22.4%	911,711	244,729	26.8%
AB 2766 Fund	232	47,000	(1,056)	-2.2%	673	280	41.6%
Measure R	233	943,497	203,878	21.6%	1,267,979	13,455	1.1%
Measure M	234	4,065,518	160,621	4.0%	4,287,979	16,578	0.4%
Capital Improvements Fund	401	1,484,796	961,529	64.8%	1,675,518	664,228	39.6%
Underground Assessment District Construction	403	-	65,784	n/a	336,950	1,291,725	383.4%
Water Fund	501	16,075,000	6,521,729	40.6%	29,197,886	5,776,689	19.8%
Storm Drain Fund	502	789,484	(33,622)	-4.3%	2,729,624	446,341	16.4%
Wastewater Fund	503	3,729,000	1,375,280	36.9%	3,238,791	615,004	19.0%
Parking Fund	520	4,306,000	1,316,790	30.6%	2,424,179	671,821	27.7%
County Parking Lots Fund	521	1,043,500	655,916	62.9%	747,077	75,047	10.0%
State Pier & Parking Lot Fund	522	821,000	325,641	39.7%	539,418	166,829	30.9%
Insurance Reserve Fund	601	7,203,980	2,982,402	41.4%	6,766,244	2,845,058	42.0%
Information Systems Reserve Fund	605	2,814,340	1,172,645	41.7%	3,966,359	1,225,841	30.9%
Fleet Management Fund	610	25,000	81,203	324.8%	1,883,582	519,702	27.6%
Building Maintenance & Operation Fund	615	2,082,725	723,448	34.7%	2,150,290	726,004	33.8%
Special Assessment Debt Service	710	732,532	14,588	2.0%	717,050	662,025	92.3%
Special Assessment UAD 19-12 19-14 Fund	711	614,943	13	0.0%	282,099	164,846	58.4%
Special Assessment UAD 19-4 Fund	712	340,513	6	0.0%	120,279	57,623	47.9%
City Pension Fund	801	220,000	(1,596)	-0.7%	241,000	83,203	34.5%
PARS Investment Trust	804	50,000	109,111	218.2%	-	-	-
		\$123,823,559	\$32,952,871	26.6%	\$140,513,585	\$44,657,966	31.8%

City of Manhattan Beach
 Fiscal Year 2020-2021
 Period 5 - November
 General Fund Expenditures By Department

Data Date: 12/18/2020

Percent Year: 41.7%

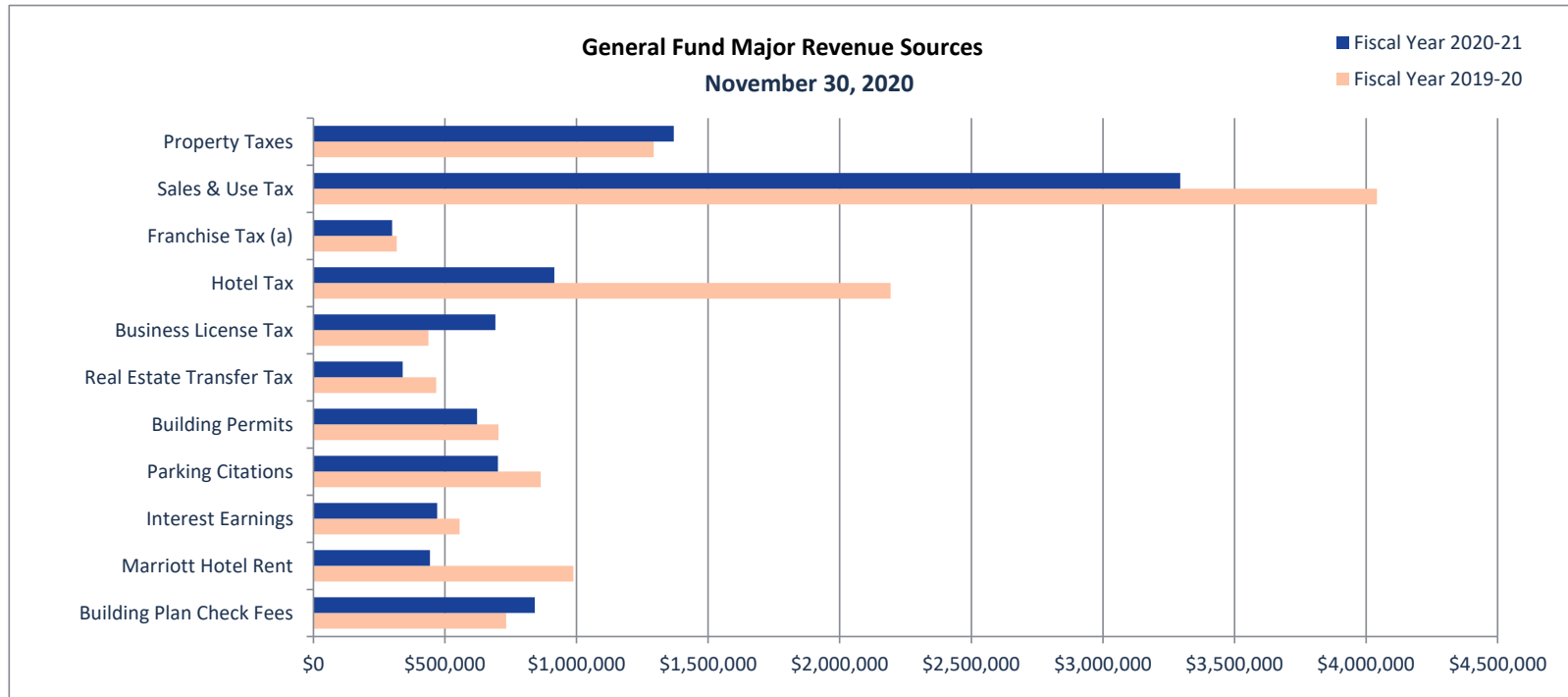
		Annual Budget	Current Month	YTD Expend.	YTD Encumb.	Available Budget	Percent Utilized*
11	Management Services	3,639,558	212,229	1,257,947	534,116	1,847,494	49.24
12	Finance	3,433,088	259,867	1,373,080	87,758	1,972,251	42.55
13	Human Resources	1,261,831	76,281	414,336	128,810	718,685	43.04
14	Parks and Recreation	7,371,551	430,542	2,114,117	38,915	5,218,519	29.21
15	Police	29,621,981	2,275,390	11,425,301	49,944	18,146,737	38.74
16	Fire	14,348,688	1,128,253	6,042,939	21,927	8,283,823	42.27
17	Community Development	6,002,709	500,542	2,079,408	364,028	3,559,273	40.71
18	Public Works	8,491,530	575,052	2,818,082	117,804	5,555,644	34.57
19	Information Technology	-	-	-	-	-	-
100	General Fund	74,170,936	5,458,155	27,525,209	1,343,302	45,302,425	38.92

*Percent Utilized includes YTD encumbrances.

**City of Manhattan Beach
Fiscal Year 2020-2021 General Fund Major Revenue Trends
November 30, 2020**

**Percent of Year
41.7%**

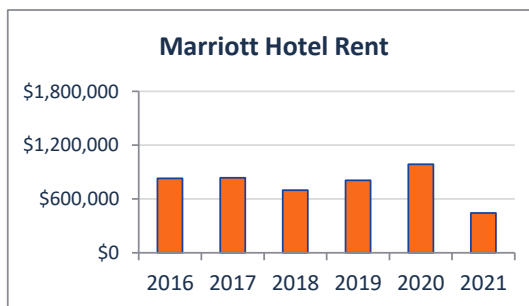
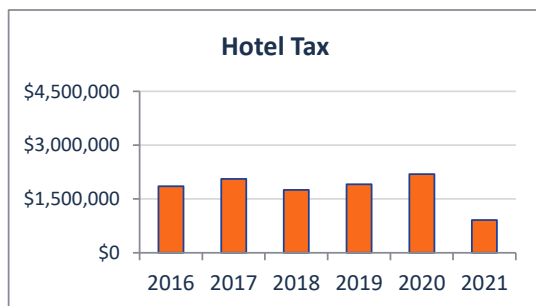
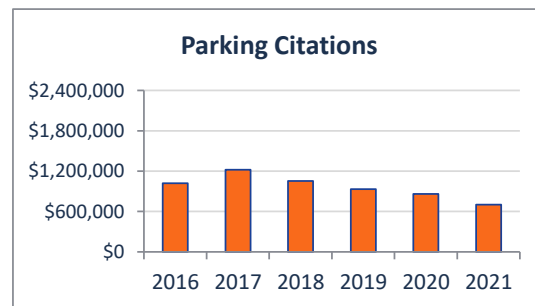
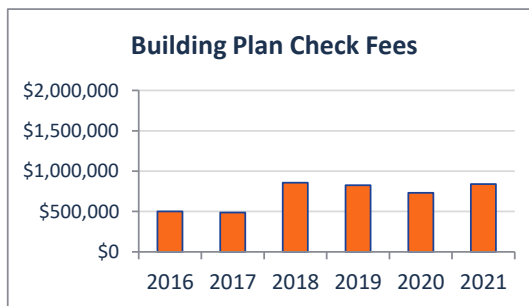
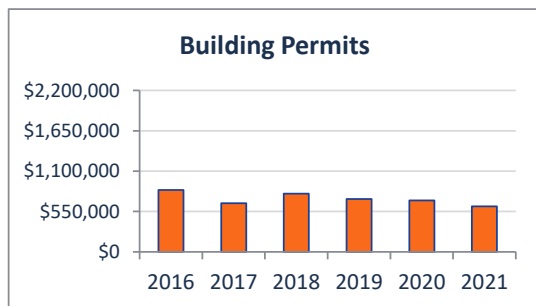
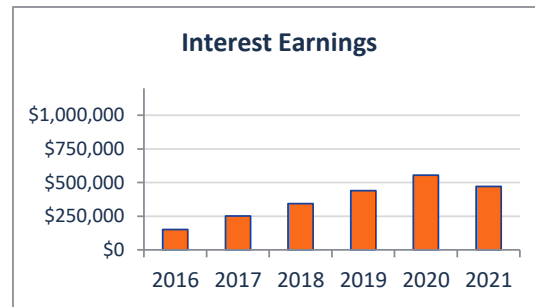
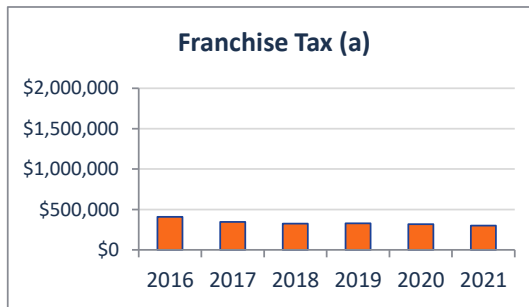
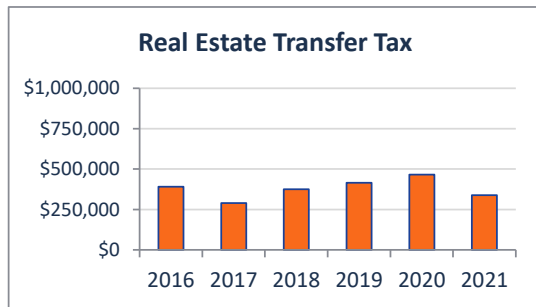
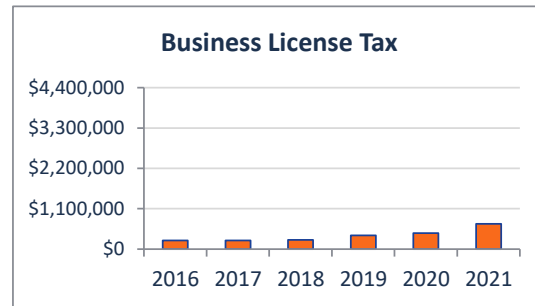
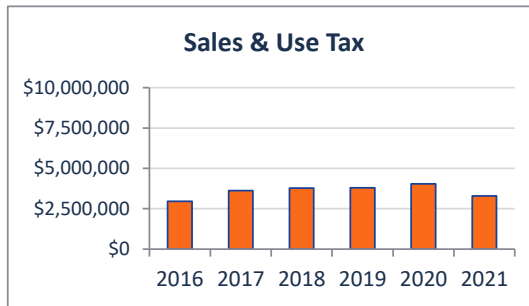
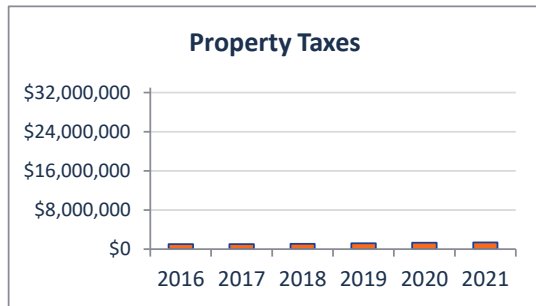
Major Revenue Accounts	Fund No.	Year-To-Date Actuals						FY 2021	
		2016	2017	2018	2019	2020	2021	Adj Budget	Realized
Property Taxes	100	1,009,046	1,047,948	1,108,623	1,180,089	1,293,478	1,369,646	33,111,743	4.1%
Sales & Use Tax	100	2,956,102	3,629,106	3,778,091	3,801,368	4,041,448	3,294,389	9,150,000	36.0%
Franchise Tax (a)	100	409,597	344,576	324,281	326,909	316,483	299,254	1,155,700	25.9%
Hotel Tax	100	1,854,041	2,062,509	1,750,697	1,906,547	2,192,832	915,719	4,750,000	19.3%
Business License Tax	100	237,118	240,414	253,432	377,112	436,630	691,040	3,946,250	17.5%
Real Estate Transfer Tax	100	390,841	290,192	374,591	415,056	466,293	339,188	765,000	44.3%
Building Permits	100	842,643	663,117	794,408	722,003	702,786	621,607	1,650,000	37.7%
Parking Citations	100	1,021,061	1,223,163	1,052,148	934,035	863,258	701,140	2,250,000	31.2%
Interest Earnings	100	151,967	252,288	344,380	440,580	555,322	470,235	919,254	51.2%
Marriott Hotel Rent	100	830,678	836,639	698,053	806,420	987,326	443,005	1,700,000	26.1%
Vehicle in Lieu	100	-	-	-	-	-	-	15,000	0.0%
Building Plan Check Fees	100	502,777	487,762	858,867	827,131	732,195	840,706	1,800,000	46.7%
Total Major Revenue Accounts		10,205,871	11,077,715	11,337,572	11,737,250	12,588,051	9,985,930	61,212,947	16.3%
Over/(Under) Prior Year			871,844	259,857	399,678	850,802	(2,602,121)		
Percent Change From Prior Year			8.5%	2.3%	3.5%	7.2%	(20.7%)		
Other Revenues		5,616,439	6,068,040	6,557,028	8,229,100	6,627,225	4,519,859	11,909,783	38.0%
Total General Fund Revenues		15,822,310	17,145,755	17,894,599	19,966,350	19,215,276	14,505,789	73,122,730	19.8%



(a) The structure of payments for the some of the franchise fees has changed resulting in lower initial revenues at the beginning of the fiscal year as compared to prior years. This revenue will self adjust throughout the year to better align with prior full-year numbers.

**City of Manhattan Beach
Fiscal Year-To-Date General Fund Trends
Through November Year-Over-Year**

**Percent of Year
41.7%**



(a) The structure of payments for the some of the franchise fees has changed resulting in lower initial revenues at the beginning of the fiscal year as compared to prior years. This revenue will self adjust throughout the year to better align with prior full-year numbers.



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn Barrow, City Attorney
Alexandria Latragna, Management Analyst

SUBJECT:

Consideration of Resolutions Approving a Hardship Exemption Authorizing Four Retailers to Temporarily Sell Tobacco Products (City Attorney Barrow).

ADOPT RESOLUTION NOS. 21-0007, 21-0008, 21-0009 AND 21-0010

RECOMMENDATION:

Staff recommends that the City Council approve Resolution Nos. 21-0007, 21-0008, 21-0009, and 21-0010, authorizing Current Events, United Pacific, Aviation Liquor, and MB Smoke to temporarily sell tobacco products in Manhattan Beach.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with this action.

BACKGROUND:

After a number of publically noticed meetings and extensive solicitation of public input, the City Council adopted Ordinance No. 20-0007, prohibiting the retail sale of tobacco in Manhattan Beach. The ordinance provided retailers up until January 1, 2021, to comply with the prohibition, and provided a hardship exemption application process so that retailers could apply, at no cost, to extend their compliance periods beyond December 31, 2020. Four businesses applied for a hardship exemption on a timely basis.

At a duly noticed Council meeting held on December 1, 2020, City Council considered the applications. After receiving input from the applicants and the public, the Council approved hardship exemptions for all four businesses, authorizing the businesses to temporarily sell tobacco products in Manhattan Beach. None of the applicants provided substantial evidence that denial of the requests would result in the applicant being deprived of all economically viable

use of the properties containing the retail sales of tobacco, nor did they meet their burden of proof in establishing, by a preponderance of the evidence, that the application of Ordinance No. 20-0007 to the retailer's business is unreasonable. However, the City Council remained very sympathetic to each of the applicants and voted to extend the compliance date for three of the applicants until June 30, 2021, and one until December 31, 2021.

The City Council directed staff to return with resolutions granting hardship exemptions to Current Events, United Pacific, and Aviation Liquor, allowing these businesses to sell tobacco products on a temporary basis until June 30, 2021. The City Council also directed staff to return with a resolution granting a hardship exemption to MB Smoke, allowing the business to sell tobacco products on a temporary basis until December 31, 2021.

DISCUSSION:

Staff has drafted resolutions for Council consideration, and recommends adopting the attached resolutions.

ATTACHMENTS:

1. Resolution No. 21-0007
2. Resolution No. 21-0008
3. Resolution No. 21-0009
4. Resolution No. 21-0010
5. Ordinance No. 20-0007

RESOLUTION 21-0007

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A HARDSHIP EXEMPTION PURSUANT TO SECTION 4 OF MANHATTAN BEACH ORDINANCE NO. 20-0007 AUTHORIZING CURRENT EVENTS NEWSSTAND TO TEMPORARILY SELL TOBACCO PRODUCTS UNTIL JUNE 30, 2021, AT THE PROPERTY LOCATED AT 1140 HIGHLAND AVENUE, SUBJECT TO CONDITIONS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council adopted Ordinance No. 20-0007 on February 18, 2020, amending the Manhattan Beach Municipal Code to prohibit the retail sale of tobacco products after December 31, 2020. Prior to adoption of the ordinance, the City Council devoted numerous public meetings throughout 2019-2020 to consider input from the public and from tobacco retailers concerning the health impacts of tobacco. The issue of whether retail tobacco sales should be banned was first raised by two Councilmembers at the City Council meeting on June 4, 2019. Thereafter, the proposed tobacco ban appeared on a regular basis on the City's "Agenda Forecast," which was distributed to the public every two weeks as part of the City Council agenda. On June 12, 2019, the following item appeared on the City's Agenda Forecast: "Report on Complete Ban on Tobacco and Vaping." On the Agenda Forecast dated July 31, 2019, the tentative agenda for October 1, 2019 contained the following item: "Consider a Complete Ban of Sales of Tobacco Products." At a duly noticed City Council meeting held on October 1, 2019, the City Council entertained several comments from the public regarding a prohibition, including comments from retailers. At least two of the four retailers that requested a hardship extension provided information at that time. After a lengthy discussion, careful consideration of all the evidence presented, and deliberation, the Council directed staff to draft an ordinance that prohibits the retail sale of all tobacco products.

SECTION 2. Staff drafted an ordinance prohibiting the sale of tobacco products and placed it on the agenda for a duly noticed City Council meeting held on December 17, 2020. Item 16 on the published agenda is titled: "Consider Introducing an Ordinance to Prohibit the Sale of Tobacco Products in the City and Discuss and Provide Direction Relating to Incentives for Tobacco Retailers." Prior to taking any action, the City Council considered input from the public, including: an academic paper entitled "An argument for phasing out sales of cigarettes," authored by Dr. Elizabeth A. Smith from the University of California, San Francisco; presentations by medical doctor Tony Kuo, the Director of the Los Angeles County Department of Health and Safety Chronic Disease and Injury Prevention Division and University of San Francisco Professor Ruth Malone; and comments from tobacco retailers and a consultant who stated she represented all 17 tobacco retailers in the City and 60,000 tobacco retailers nationwide. After the close of

public comment, the City Council opted to proceed with the proposed prohibition of retail tobacco sales, and discussed a number of policies that would assist retailers in their transition. The Council directed staff to:

- Provide retailers up until January 1, 2021 to comply with the prohibition
- Provide a hardship exemption application process so that retailers can apply, at no cost, to extend their compliance periods beyond January 1, 2021
- Provide retailers with consulting services, at no cost to the retailer, to assist in the transition.

SECTION 3. Pursuant to Section 4 of Ordinance No. 20-0007, upon application the City Council may grant a hardship exemption upon considering the following factors in determining hardship:

1. The percentage of the retail sales over the last three years that have derived from tobacco products;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
6. The remaining lease term of the business, if any;
7. The ability of the retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backend expectations, and a plan for phasing out the sale of those products.

SECTION 4. Current Events newsstand (“Applicant”) has requested a hardship exemption to allow tobacco sales at its store located at 1140 Highland Avenue for six months past the January 1, 2021 deadline. Applicant demonstrated that its tobacco sales have steadily been declining over the last three years and is no longer a significant portion

of its sales. The Applicant has made a good faith effort to sell off the remaining inventory of tobacco products since the adoption of the Ordinance. However, the store is left with existing stock, supporting the owner's claim that it may take up to six months to deplete.

SECTION 5. Based upon the foregoing, and in accordance with Section 4 of Ordinance No. 20-0007, the City Council makes the following findings:

1. Allowing Applicant to sell tobacco products on a temporary basis for six months is reasonable.
2. Allowing such temporary sales until June 30, 2021, subject to conditions, shall not be construed as conferring any rights, vested or otherwise, to allow such use to continue after June 30, 2021.

SECTION 6. Based upon the foregoing and substantial evidence in the record, the City Council hereby grants a hardship exemption to allow Applicant to sell tobacco products until June 30, 2021, subject to the following conditions:

1. Applicant hereby acknowledges and understands that, allowing such temporary sales does not confer a vested right to Applicant to sell tobacco products after June 30, 2021.
2. The business on the Property shall be operated in compliance with all applicable laws, including City's Municipal Code.
3. Applicant shall not sell any tobacco products at the site after June 30, 2021.
4. Applicant shall not replenish its existing stock.
5. In the event of any litigation or other proceeding by which a party seeks to enforce its rights pursuant to this Resolution, the prevailing party shall be entitled to recover actual attorneys' fees, experts' fees, and other costs, in addition to all other relief to which that party may be entitled.
6. Applicant shall enter into an agreement, in form acceptable to the City Attorney, agreeing to these conditions, within 30 days of the date of this Resolution.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED January 5, 2021

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION 21-0008

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A HARDSHIP EXEMPTION PURSUANT TO SECTION 4 OF MANHATTAN BEACH ORDINANCE NO. 20-0007 AUTHORIZING APRO, LLC DBA UNITED PACIFIC TO TEMPORARILY SELL TOBACCO PRODUCTS UNTIL JUNE 30, 2021, AT THE PROPERTY LOCATED AT 2121 HIGHLAND AVENUE, SUBJECT TO CONDITIONS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council adopted Ordinance No. 20-0007 on February 18, 2020, amending the Manhattan Beach Municipal Code to prohibit the retail sale of tobacco products after December 31, 2020. Prior to adoption of the ordinance, the City Council devoted numerous public meetings throughout 2019-2020 to consider input from the public and from tobacco retailers concerning the health impacts of tobacco. The issue of whether retail tobacco sales should be banned was first raised by two Councilmembers at the City Council meeting on June 4, 2019. Thereafter, the proposed tobacco ban appeared on a regular basis on the City's "Agenda Forecast," which was distributed to the public every two weeks as part of the City Council agenda. On June 12, 2019, the following item appeared on the City's Agenda Forecast: "Report on Complete Ban on Tobacco and Vaping." On the Agenda Forecast dated July 31, 2019, the tentative agenda for October 1, 2019 contained the following item: "Consider a Complete Ban of Sales of Tobacco Products." At a duly noticed City Council meeting held on October 1, 2019, the City Council entertained several comments from the public regarding a prohibition, including comments from retailers. At least two of the four retailers that requested a hardship extension provided information at that time. After a lengthy discussion, careful consideration of all the evidence presented, and deliberation, the Council directed staff to draft an ordinance that prohibits the retail sale of all tobacco products.

SECTION 2. Staff drafted an ordinance prohibiting the sale of tobacco products and placed it on the agenda for a duly noticed City Council meeting held on December 17, 2020. Item 16 on the published agenda is titled: "Consider Introducing an Ordinance to Prohibit the Sale of Tobacco Products in the City and Discuss and Provide Direction Relating to Incentives for Tobacco Retailers." Prior to taking any action, the City Council considered input from the public, including: an academic paper entitled "An argument for phasing out sales of cigarettes," authored by Dr. Elizabeth A. Smith from the University of California, San Francisco; presentations by medical doctor Tony Kuo, the Director of the Los Angeles County Department of Health and Safety Chronic Disease and Injury Prevention Division and University of San Francisco Professor Ruth Malone; and comments from tobacco retailers and a consultant who stated she represented all 17 tobacco retailers in the City and 60,000 tobacco retailers nationwide. After the close of

public comment, the City Council opted to proceed with the proposed prohibition of retail tobacco sales, and discussed a number of policies that would assist retailers in their transition. The Council directed staff to:

- Provide retailers up until January 1, 2021 to comply with the prohibition
- Provide a hardship exemption application process so that retailers can apply, at no cost, to extend their compliance periods beyond January 1, 2021
- Provide retailers with consulting services, at no cost to the retailer, to assist in the transition.

SECTION 3. Pursuant to Section 4 of Ordinance No. 20-0007, upon application the City Council may grant a hardship exemption upon considering the following factors in determining hardship:

1. The percentage of the retail sales over the last three years that have derived from tobacco products;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
6. The remaining lease term of the business, if any;
7. The ability of the retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backend expectations, and a plan for phasing out the sale of those products.

SECTION 4. Apro, LLC dba United Pacific (“Applicant”) has requested a hardship exemption to allow tobacco sales at its store located at 2121 Highland Avenue for six months past the January 1, 2021, deadline. Applicant demonstrated that its tobacco sales is not a significant portion of its sales. The Applicant has made a good faith effort to sell

off the remaining inventory of tobacco products since the adoption of the Ordinance. However, the store is left with existing stock, supporting the owner's claim that it may take up to six months to deplete.

SECTION 5. Based upon the foregoing, and in accordance with Section 4 of Ordinance No. 20-0007, the City Council makes the following findings:

1. Allowing Applicant to sell tobacco products on a temporary basis for six months is reasonable.
2. Allowing such temporary sales until June 30, 2021, subject to conditions, shall not be construed as conferring any rights, vested or otherwise, to allow such use to continue after June 30, 2021.

SECTION 6. Based upon the foregoing and substantial evidence in the record, the City Council hereby grants a hardship exemption to allow Applicant to sell tobacco products until June 30, 2021, subject to the following conditions:

1. Applicant hereby acknowledges and understands that, allowing such temporary sales does not confer a vested right to Applicant to sell tobacco products after June 30, 2021.
2. The business on the Property shall be operated in compliance with all applicable laws, including City's Municipal Code.
3. Applicant shall not sell any tobacco products at the site after June 30, 2021.
4. Applicant shall not replenish its existing stock.
5. In the event of any litigation or other proceeding by which a party seeks to enforce its rights pursuant to this Resolution, the prevailing party shall be entitled to recover actual attorneys' fees, experts' fees, and other costs, in addition to all other relief to which that party may be entitled.
6. Applicant shall enter into an agreement, in form acceptable to the City Attorney, agreeing to these conditions, within 30 days of the date of this Resolution.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED January 5, 2021

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION 21-0009

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A HARDSHIP EXEMPTION PURSUANT TO SECTION 4 OF MANHATTAN BEACH ORDINANCE NO. 20-0007 AUTHORIZING AVIATION LIQUOR TO TEMPORARILY SELL TOBACCO PRODUCTS UNTIL JUNE 30, 2021, AT THE LIQUOR STORE LOCATED AT 975 AVIATION BOULEVARD, SUBJECT TO CONDITIONS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council adopted Ordinance No. 20-0007 on February 18, 2020, amending the Manhattan Beach Municipal Code to prohibit the retail sale of tobacco products after December 31, 2020. Prior to adoption of the ordinance, the City Council conducted numerous public meetings throughout 2019-2020 to consider input from the public and from tobacco retailers concerning the health impacts of tobacco. The issue of whether retail tobacco sales should be banned was raised by two Councilmembers at the City Council meeting on June 4, 2019. Thereafter, the proposed tobacco ban appeared on a regular basis on the City's "Agenda Forecast," which was distributed to the public every two weeks as part of the City Council agenda for the period of June through September in 2019. On June 12, 2019, the following item appeared on the City's Agenda Forecast: "Report on Complete Ban on Tobacco and Vaping." The Agenda Forecast dated July 31, 2019 contained the following item on the tentative agenda for the October 1, 2019 City Council meeting: "Consider a Complete Ban of Sales of Tobacco Products." At a duly noticed City Council meeting held on October 1, 2019, the City Council considered several comments from the public regarding a prohibition, including comments from retailers. At least two of the four retailers that requested a hardship extension provided information at that time. After a lengthy discussion, careful consideration of all the evidence presented, and deliberation, the Council directed staff to draft an ordinance that prohibits the retail sale of all tobacco products. The Council also directed staff to develop a hardship exemption process that would allow retailers to apply for an exemption from the terms of the ordinances.

SECTION 2. Staff drafted an ordinance prohibiting the sale of tobacco products and placed it on the agenda for a duly noticed City Council meeting held on December 17, 2019. Item 16 on the published agenda is titled: "Consider Introducing an Ordinance to Prohibit the Sale of Tobacco Products in the City and Discuss and Provide Direction Relating to Incentives for Tobacco Retailers." Prior to taking any action, the City Council considered input from the public, including: an academic paper entitled "An argument for phasing out sales of cigarettes," authored by Dr. Elizabeth A. Smith from the University of California, San Francisco; presentations by medical doctor Tony Kuo, the Director of the Los Angeles County Department of Health and Safety Chronic Disease and Injury Prevention Division and University of San Francisco Professor Ruth Malone; and

comments from tobacco retailers and a consultant who stated she represented all 17 tobacco retailers in the City and 60,000 tobacco retailers nationwide. After the close of public comment, the City Council opted to proceed with the proposed prohibition of retail tobacco sales, and discussed a number of policies that would assist retailers in their transition. The Council directed staff to:

- Provide retailers up until January 1, 2021, to comply with the prohibition.
- Provide a hardship exemption application process so that retailers can apply, at no cost, to extend their compliance periods beyond January 1, 2021.
- Provide retailers with consulting services, at no cost to the retailer, to assist in the transition.

SECTION 3. Pursuant to Section 4 of Ordinance No. 20-0007, tobacco retailers may apply for a hardship exemption. Upon application, the City Council may grant a hardship exemption upon considering the following factors, among others, in determining hardship:

1. The percentage of the retail sales over the last three years that have derived from tobacco products;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
6. The remaining lease term of the business, if any;
7. The ability of the retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backend expectations, and a plan for phasing out the sale of those products.

Ordinance No. 20-0007 provides that the retailer “shall bear the burden of proof in establishing, by a preponderance of the evidence, that the application of this Ordinance

... to the retailer's business is unreasonable, and will cause significant hardship to the retailer by not allowing the retailer to recover his or her investment backed expectations."

SECTION 4. Aviation Liquor ("Applicant") has requested a hardship exemption to allow tobacco sales at its liquor store located at 975 Aviation Boulevard (the "Property") indefinitely. Applicant did not provide substantial evidence that the application of Ordinance No. 20-0007 to Applicant's business is unreasonable and will cause significant hardship to Applicant by not allowing the recovery of its investment backed expectations. Applicant operates a liquor store that sells beer, wine spirits, and convenience items; Ordinance No. 20-0007 does not affect Applicant's ability to continue selling such goods in his liquor store. Applicant contends that "while tobacco may be 20%-23% of our overall sales, 75% of our overall sales are derived from patrons who purchase tobacco products." Applicant's argument rests, not on evidence that tobacco products are a significant portion of its sales, but that, out of convenience, persons buying alcohol and other goods will shop "across the street" at a competitor in Redondo Beach if they also want tobacco, instead of making two trips. This claim is unsupported by any empirical data, and is speculative. The City has provided ample time to Aviation Liquor to deplete its stock of tobacco products, which is an ancillary part of its sales.

SECTION 5. Based upon the foregoing, and in accordance with Section 4 of Ordinance No. 20-0007, the City Council makes the following findings:

1. Applicant has not met its burden in establishing, by a preponderance of the evidence, that the application of Ordinance No. 20-0007 to its business is unreasonable, and will cause significant hardship to it by not allowing it to recover its investment backed expectations in selling tobacco products.
2. Allowing Applicant to continue selling tobacco products on a temporary basis for an additional six months provides Applicant with ample time to deplete its stock, and transition from non-tobacco products.
3. Allowing such temporary sales until June 30, 2021, subject to conditions, shall not be construed as conferring any rights, vested or otherwise, to allow such use to continue after June 30, 2021.

SECTION 6. Based upon the foregoing and substantial evidence in the record, the City Council hereby grants a hardship exemption to allow Applicant to sell tobacco products until June 30, 2021, subject to the following conditions:

1. Applicant hereby acknowledges and understands that allowing such sales to continue during this temporary time period does not confer a vested right to Applicant to sell tobacco products after June 30, 2021.
2. The business on the Property shall be operated in compliance with all applicable laws, including City's Municipal Code.
3. Applicant shall not sell any tobacco products at the site after June 30, 2021.

4. Applicant shall not replenish its existing tobacco products stock.
5. In the event of any litigation or other proceeding by which a party seeks to enforce its rights pursuant to this Resolution, the prevailing party shall be entitled to recover actual attorneys' fees, experts' fees, and other costs, in addition to all other relief to which that party may be entitled.
6. Applicant shall enter into an agreement, in form acceptable to the City Attorney, agreeing to these conditions, within 30 days of the date of this Resolution.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED January 5, 2021

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION 21-0010

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A HARDSHIP EXEMPTION PURSUANT TO SECTION 4 OF MANHATTAN BEACH ORDINANCE NO. 20-0007 AUTHORIZING MB SMOKE SHOP TO TEMPORARILY SELL TOBACCO PRODUCTS UNTIL DECEMBER 31, 2021 AT THE PROPERTY LOCATED AT 1005 NORTH AVIATION BOULEVARD, SUBJECT TO CONDITIONS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council adopted Ordinance No. 20-0007 on February 18, 2020, amending the Manhattan Beach Municipal Code to prohibit the retail sale of tobacco products after December 31, 2020. Prior to adoption of the ordinance, the City Council conducted numerous public meetings throughout 2019-2020 to consider input from the public and from tobacco retailers concerning the health impacts of tobacco. The issue of whether retail tobacco sales should be banned was raised by two Councilmembers at the City Council meeting on June 4, 2019. Thereafter, the proposed tobacco ban appeared on a regular basis on the City's "Agenda Forecast," which was distributed to the public every two weeks as part of the City Council agenda for the period of June through September in 2019. On June 12, 2019, the following item appeared on the City's Agenda Forecast: "Report on Complete Ban on Tobacco and Vaping." The Agenda Forecast dated July 31, 2019 contained the following item on the tentative agenda for the October 1, 2019 City Council meeting: "Consider a Complete Ban of Sales of Tobacco Products." That item was repeated on all of the Agenda Forecasts until the following agenda item was listed on the October 1, 2019 agenda: "11. Consider Prohibiting the Retail Sale of Tobacco Products and Electronic Smoking Devices and Paraphernalia." Concurrently with the posting of the agenda on September 25, 2019, City staff reached out to all of the tobacco retailers in the City. By email dated September 25, 2019, MB Smoke Shop (hereinafter "Applicant") responded to the notice by stating its opposition to the "Proposed Tobacco Ban." At the October 1, 2019 City Council meeting, the City Council considered several emails and comments from the public regarding a prohibition, including the comment submitted by Applicant, and comments from other retailers. After a lengthy discussion, careful consideration of all the evidence presented, and deliberation, the Council directed staff to draft two ordinances:

- An urgency ordinance to prohibit the sale of all vaping products, to take effect immediately upon its adoption; and
- A regular ordinance to prohibit the sale of all tobacco products.

The Council also directed staff to develop a hardship exemption process that would allow retailers to apply for an exemption from the terms of the ordinances.

SECTION 2. On November 5, 2019, the City Council adopted Urgency Ordinance No. 19-0016-U (hereinafter the “Vaping Products Ban”) to prohibit the sales of all vape products, electronic smoking devices and flavored tobacco. The Vaping Products Ban contained a hardship exemption provision. Applicant’s attorney applied, on behalf of Applicant, for a hardship exemption from the terms of the Vaping Products Ban to allow Applicant to sell vaping products until the expiration of its lease--December 31, 2022--but subsequently withdrew the application prior to Council consideration.

SECTION 3. Staff drafted an ordinance prohibiting the sale of tobacco products and placed it on the agenda for a duly noticed City Council meeting held on December 17, 2019. Item 16 on the published agenda is titled: “Consider Introducing an Ordinance to Prohibit the Sale of Tobacco Products in the City and Discuss and Provide Direction Relating to Incentives for Tobacco Retailers.” Prior to taking any action, the City Council considered input from the public, including: written material submitted by Applicant’s attorney; an academic paper entitled “An argument for phasing out sales of cigarettes,” authored by Dr. Elizabeth A. Smith from the University of California, San Francisco; presentations by medical doctor Tony Kuo, the Director of the Los Angeles County Department of Health and Safety Chronic Disease and Injury Prevention Division and University of San Francisco Professor Ruth Malone; and comments from tobacco retailers and a consultant who stated that she represented all 17 tobacco retailers in the City and 60,000 tobacco retailers nationwide. After the close of public comment, the City Council opted to proceed with the proposed prohibition of retail tobacco sales, and discussed a number of policies that would assist retailers in their transition. The City Council directed staff to:

- Provide retailers up until January 1, 2021 to comply with the prohibition;
- Provide a hardship exemption application process so that retailers can apply, at no cost, to extend their compliance periods beyond January 1, 2021; and
- Provide retailers with consulting services, at no cost to the retailer, to assist in the transition.

After additional opportunities for public comment and input, the Council introduced Ordinance No. 20-0007 on February 4, 2020, and adopted it on February 16, 2020.

SECTION 4. Pursuant to Section 4 of Ordinance No. 20-0007, tobacco retailers may apply for a hardship exemption. Upon application, the City Council may grant a hardship exemption after considering the following factors, among others, in determining hardship:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;

4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
6. The remaining lease term of the business, if any;
7. The ability of the retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

Ordinance No. 20-0007 provides that the retailer “shall bear the burden of proof in establishing, by a preponderance of the evidence, that the application of this Ordinance ... to the retailer’s business is unreasonable, and will cause significant hardship to the retailer by not allowing the retailer to recover his or her investment backed expectations.”

SECTION 5. By letter dated October 29, 2020, Applicant’s attorney applied for a hardship exemption to allow Applicant to continue selling tobacco products at its store located at 1005 North Aviation Boulevard (the “Property”). At that location, Aviation Boulevard is a commercial strip and forms the border between Manhattan Beach and the neighboring city of Redondo Beach. The application requests either a “permanent exemption” or, alternatively, “an exemption that lasts for the life of the lease, which is 2028, at which point the city may allow our client to resubmit an application to extend the term of the exemption.” The application states that 80-85% of the retail sales is derived from tobacco products, with a current inventory of such products valued as “roughly \$200,000.” The Applicant submitted a portion of its tax return that indicates inventory was valued at \$160,140 at the end of the 2019 tax year. The application further states that Applicant has invested \$139,137 (less depreciation of \$48,076) in “fixtures,” although the documentation concerning such investments is unclear and there is no distinction between trade fixtures and personal property. Applicant submitted a document titled “Amendment to Lease” (the “Lease Amendment”), which indicates that Applicant’s lease for the Property was due to expire on October 14, 2019. Finally, the application claims that the business has generated considerable goodwill due to its “unique” location, and that Applicant “would have difficulty finding a similar location if forced to relocate.”

SECTION 6. Based upon the foregoing, and in accordance with Section 4 of Ordinance No. 20-0007, the City Council makes the following findings:

1. Applicant did not provide the City with substantial evidence to support its request for an additional seven years to amortize its business. Most statements and claims in its application are unsupported by any specific evidence, and the application’s limited analysis is often speculative and contradictory. Portions of the application are internally inconsistent, or contradict Applicant’s

application for a hardship exemption from the Vaping Products Ban submitted in November 2019. It is unclear whether Applicant has any real intention of transitioning to non-tobacco products: the shop's own business plan, which was submitted as part of the hardship application, conceded that its plan for phasing out tobacco products "is by no means exact." Further, the City has engaged in dialogue with Applicant since June of 2019 regarding a ban, providing the owner of the business ample time to amortize its investment in tobacco products and deplete inventory.

2. The application discloses that Applicant has continued to sell vape products and electronic cigarettes after the effective date of the Vaping Products Ban, which prohibits such sales. As noted above, Applicant's attorney applied for a hardship exemption from the terms of the Vaping Products Ban on behalf of Applicant to allow Applicant to sell vaping products until the expiration of its lease--December 31, 2022--but subsequently withdrew the application prior to Council consideration.
3. The asserted value of inventory supplied by Applicant is imprecise. The application states that the current inventory of tobacco products is valued as "roughly \$200,000." The Applicant submitted a portion of its tax return that indicates its total inventory was valued at \$160,140 at the end of the 2019 tax year. Based upon the numbers provided by the Applicant, it appears that Applicant has increased its inventory, instead of depleting its inventory in light of the Council's decision in 2019 to prohibit all sales of tobacco products. The tax return does not indicate what portion of the inventory are tobacco-related products. Further, in light of the fact that Applicant has continued to illegally sell vaping products and electronic cigarettes after the effective date of the Vaping Products Ban, it is fair to assume that a portion of the asserted inventory consists of prohibited vaping products.
4. Applicant did not provide any substantial evidence that it cannot relocate its operations. Applicant claims on the one hand that the goodwill value of its business is based upon its "unique" location. On the other hand, Applicant claims that, if it must cease tobacco sales in Manhattan Beach, people will still be able to walk across the street to Redondo Beach to purchase tobacco products. There is nothing in the record indicating that commercial properties across the street in Redondo Beach are unavailable for relocation of Applicant's store. In addition, many of the business "investments" listed in the application are easily moveable items, including a 2016 Acura RLX automobile. City staff continues to be available to provide Applicant with consulting services, at no cost to Applicant, to assist with relocating its tobacco sales to a location outside of the City.
5. Applicant is well-positioned to transition to selling non-tobacco products at the Property. The Property is a standard retail structure that Applicant can use for other commercial uses. Applicant's business plan, which was submitted to the City with its hardship exemption application, indicates that Applicant has

already identified the sale of “nicotine cessation products” as a potential alternative use of the Property. City staff continues to be available to provide Applicant with consulting services, at no cost to Applicant, to assist in the transition to other commercial uses at the Property.

6. Applicant’s assertion that the “life of the lease” is 2028 is misleading. The Lease Amendment provided by Applicant indicates that Applicant exercised an option in the latter part of 2019 to extend its lease to December 31, 2022, not 2028. Further, the term of the Lease Amendment specifies that the extension began on October 14, 2019, which would indicate that Applicant’s lease was due to expire on October 13, 2019. Accordingly, the lease was due to expire months after the City Council began publically discussing a complete prohibition on the sale of tobacco in Manhattan Beach, and 13 days after the Council reaffirmed its intention to ban vape products and the sale of tobacco products.
7. The City provided ample notice to Applicant of the proposed ban prior to the asserted extension of the lease. On June 4, 2019, the City Council directed staff to notify all retailers with a City tobacco retail sales permit that the City was considering a ban on all tobacco products and would consider the ban at a future City Council meeting. Accordingly, City staff notified Applicant. Throughout the period of June – September, the City’s Agenda Forecast identified October 1, 2019 as the Council meeting in which the ban would be considered. The Amendment is dated August 1, 2019, but the hand-written date next to Applicant’s signature appears to be September 17, 2019, over three months after the tobacco sales ban appeared on the City’s Agenda Forecast, and one week before the Applicant submitted an email opposing the ban.
8. With full knowledge of the facts set forth in subsections 6 and 7, and choosing to assume the risk of its actions, Applicant extended its lease term by three years through December 31, 2022, and now claims that the “life of the lease” extends to December 31, 2027, the expiration date for what the Lease Amendment refers to as an “Additional Option Period.”
9. A hardship exemption allowing Applicant to sell tobacco products until December 31, 2021, will provide Applicant with sufficient time to sell any existing inventory and either transition to selling other legally permitted products or relocate its operations outside the City.
10. Allowing such temporary sales until December 31, 2021, subject to conditions, shall not be construed as conferring any rights, vested or otherwise, to allow such use to continue after December 31, 2021.
11. Based on the foregoing, Applicant has not met its burden of proof in establishing, by a preponderance of the evidence, that the application of Ordinance 20-0007 to Applicant is unreasonable and will cause significant

hardship to Applicant by not allowing for the recovery of its investment backed expectations.

SECTION 7. Based upon the foregoing and substantial evidence in the record, the City Council hereby grants a hardship exemption to allow Applicant to sell tobacco products until December 31, 2021, subject to the following conditions:

1. Applicant acknowledges and understands that allowing such sales to continue for this temporary time period does not confer a vested right on Applicant to sell tobacco products after December 31, 2021.
2. Applicant shall terminate all sales of the products (e.g., vape products, electronic cigarettes, etc.) that are prohibited by 19-0016-U (the Vaping Products Ban).
3. Applicant will, in good faith, work with City staff during the exemption period to transition the Property in a manner that ensures compatibility with the applicable zoning standards.
4. Applicant shall not extend its current lease or exercise any additional option periods for the purpose of Applicant contending that it is entitled to a further hardship exemption.
5. The business on the Property shall be operated in compliance with all applicable laws, including City's Municipal Code.
6. To deplete inventory, Applicant shall not purchase any tobacco products after July 1, 2021.
7. No later than July 30, 2021, and again on October 15, 2021, Applicant shall demonstrate to City staff its efforts to transition to a legally permitted commercial use or to relocate its business to another jurisdiction.
8. In the event of any litigation or other proceeding by which a party seeks to enforce its rights pursuant to this Resolution, the prevailing party shall be entitled to recover actual attorneys' fees, experts' fees, and other costs, in addition to all other relief to which that party may be entitled.
9. Applicant shall enter into a covenant, in form acceptable to the City Attorney, agreeing to these conditions, within 30 days of the date of this Resolution.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED January 5, 2021

Suzanne Hadley, Mayor

ATTEST:

Liza Tamura, City Clerk

ORDINANCE NO. 20-0007

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 4.118 TO PROHIBIT THE SALE OF ALL TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

A. The City of Manhattan Beach is committed to protecting the public health and welfare.

B. Cigarettes cause millions of premature, preventable deaths.

C. Tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the fact that 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the leading cause of preventable death. In the United States, smoking is responsible for about one in every five deaths, more deaths each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents, and toxic agents combined.

D. Tobacco use leads to more than \$300 billion in health care and lost worker productivity costs each year.

E. On November 5, 2019, the City Council adopted Urgency Ordinance No. 19-0016-U to prohibit the sale of vape products, electronic smoking devices, and tobacco products that impart a characterizing flavor. Nothing in this Ordinance shall be construed to remove, delay or affect that prohibition.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby amends Manhattan Beach Municipal Code Chapter 4.118 to read as follows:

"Chapter 4.118 – PROHIBITION OF THE RETAIL SALE OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES

4.118.010 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Electronic smoking device" means (1) an electronic or battery-operated device that can deliver an inhalable dose of nicotine to the user or (2) any product intended or sold for use with such a device. "Electronic smoking device" includes any product meeting this definition, regardless of whether it is manufactured,

distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, electronic vape, vaping device, vaporizer, or any other product name or descriptor. "Electronic smoking device" also includes any liquid or substance containing nicotine, whether sold separately or sold in combination with any device that could be used to deliver an inhalable dose of nicotine to a person.

"Retailer" means any person who sells, exchanges, or offers to sell or exchange, for any form of consideration, tobacco products or electronic smoking devices. "Retailing" shall mean the doing of any of these things.

"Tobacco product" means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

4.118.020 - Prohibitions.

It shall be unlawful for any person to sell a tobacco product or electronic smoking device in the City.

4.118.030 - Enforcement.

A. Any violation of this chapter is hereby declared to be a public nuisance.

B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

C. Violations of this chapter may be remedied by a civil action brought by the City, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. For the purposes of the civil remedies provided in this chapter, each day on which a tobacco product or electronic smoking device is offered for sale in violation of this chapter, and each individual retail tobacco product or electronic smoking device that is distributed, sold, or offered for sale in violation of this chapter, shall constitute a separate violation of this chapter.

D. The City Prosecutor shall have discretion to prosecute violations of this chapter as infractions or misdemeanors.

E. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity."

SECTION 2. CEQA FINDING. This Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of

Regulations because it can be seen with certainty that there is no possibility that the activity in question (prohibiting the retail sale of tobacco) may have a significant effect on the environment.

SECTION 3. IMPLEMENTATION AND ENFORCEMENT. The City shall not enforce this Ordinance, except the prohibition on the sale of vape products, electronic smoking devices, and tobacco products that impart a characterizing flavor, until January 1, 2021.

SECTION 4. HARDSHIP EXEMPTION.

A. An application for a hardship exemption to be excluded from this Ordinance or extend the time to comply with this Ordinance may be filed pursuant to this section.

B. Any retailer that wishes to sell tobacco products on or after January 1, 2021, may apply for one hardship exemption. A retailer must submit a complete application for a hardship exemption at any time between September 1, 2020, and October 31, 2020. Such application shall be made in writing on a form prescribed by the Director of Finance and shall be accompanied by the filing fee established by resolution of the City Council. The retailer shall bear the burden of proof in establishing, by a preponderance of the evidence, that the application of this Ordinance No. 20-0007, amending Manhattan Beach Municipal Code Chapter 4.118, to the retailer's business is unreasonable, and will cause significant hardship to the retailer by not allowing the retailer to recover his or her investment backed expectations. The retailer applying for the exemption shall furthermore be required, in order to meet its burden of proof, to submit the documents set forth in this section.

C. A complete application for a hardship exemption shall include the following:

1. The retailer's name and street address of business;
2. The address to which notice is to be mailed, at the retailer's option, a telephone number and email address;
3. The retailer's signature;
4. A declaration, under penalty of perjury, that all the information in the application is true and correct;
5. The term of the requested extension;
6. Documentation relevant to the information requested in subsection D of this section; and
7. The required filing fee.

D. In determining whether to grant a hardship exemption to the retailer, and in determining the appropriate length of time that the retailer will be authorized to continue retailing, the City Council may consider, among other factors:

1. The percentage of the retail sales over the last three years that have been derived from tobacco products;
2. The amount of investment in the business;
3. The present actual and depreciated value of any business improvements dedicated to the retail sale of tobacco products;
4. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
5. The remaining useful life of the business improvements that are dedicated to the sale of tobacco products;
6. The remaining lease term of the business, if any;
7. The ability of the retailer to sell other products;
8. The opportunity for relocation of the business and the cost of relocation; and
9. A business plan demonstrating how long the business will need to sell tobacco products to recoup any investment backed expectations, and a plan for phasing out the sale of those products.

E. The hardship exemption hearing shall be conducted by the City Council. Written notice of the time and place of the hearing shall be given at least 10 calendar days prior to the date of the hearing to the retailer by the City either by causing a copy of such notice to be delivered to the retailer personally or by mailing a copy thereof, postage prepaid, addressed to the retailer at the address shown on the hardship exemption application.

F. Within 45 days after a completed application is filed, the City Council shall open the hearing on the hardship exemption. The City Council shall receive and consider evidence presented by the retailer, and shall determine whether to grant or deny the hardship exemption, and if granting the hardship exemption, the length of time that the retailer will be permitted to operate. The Council has the discretion to provide a hardship exemption for an unlimited period. The City Council shall make written findings in support of the decision. The decision of the City Council shall be final and conclusive.

G. A retailer may continue to sell tobacco products while a hardship exemption application is pending before the City Council.

SECTION 6. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that

such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.


ADOPTED on February 18, 2020.

AYES: Napolitano, Stern, Montgomery and Mayor Hersman.
NOES: Hadley.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Sr. Deputy City Clerk
Patricia Matson, Deputy City Clerk

SUBJECT:

Consideration of the Approval of a Revision to the South Bay Cities Council of Governments Alternate Seat in the City Council Assignments (City Clerk Tamura).

APPROVE

RECOMMENDATION:

Staff recommends that the City Council approve a revision to the South Bay Cities Council of Governments (SBCCOG) alternate seat in the City Council Assignments.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

City Council Assignments are the responsibility of each Mayor to review the standing list of assignments to various government and community-related committees. Changes to the assignments can be made at the discretion of the Mayor.

DISCUSSION:

At the request for Mayor Hadley, staff has prepared a revised version of the City Council assignments. This revision removes Councilmembers Montgomery and Napolitano as the Alternates to the SBCCOG and replaces them with Councilmember Franklin. The revision to the assignments has been attached for City Council consideration.

CONCLUSION:

Staff recommends that the City Council approve the revision to the City Council Assignments.

Upon approval of the aforementioned revision, staff will update the City Council Assignments and will notify the SBCCOG of the new appointment.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Proposed Revision to the City Council Assignments (Redline Version)

MANHATTAN BEACH CITY COUNCIL ASSIGNMENTS

Reorganization of City Council – December 1, 2020

Next Reorganization – September 7, 2021

<u>CITY COUNCIL COMMITTEES</u>	<u>DELEGATE</u>	<u>ALTERNATE</u>	<u>FREQUENCY</u>
City Council/MBUSD Ad Hoc Subcommittee	Franklin Napolitano		Monthly
Utilities Subcommittee	Stern	Montgomery	As needed
Finance Subcommittee*	Hadley	Napolitano	Quarterly/ As needed
Senior Advisory Committee	Franklin	Stern	As needed
Mall Subcommittee	Montgomery Franklin		Monthly/ As needed
Sustainability Task Force	Stern Montgomery		As needed
Sustainability Youth Task Force	Stern Montgomery		Quarterly/As needed
Bruce’s Beach Task Force	Napolitano Stern		Biweekly
COVID-19 Long-Term Business Solutions Ad Hoc Committee	Napolitano Montgomery		As needed
<u>LOCAL GOVERNMENT</u>			
South Bay Cities Council of Government (SBCCOG)*	Stern	Montgomery/ Napolitano <u>Franklin</u>	2+ X/month
South Bay Regional Public Communications Authority (RCC)*	Stern	Montgomery/ Napolitano	2X/year
<u>L.A. COUNTY GOVERNMENT</u>			
Independent Cities Association (ICA)	Montgomery	Napolitano	Monthly - PM
Los Angeles County Sanitation District (LACSD)*	Mayor	Mayor Pro Tem	Monthly - PM
Los Angeles County City Selection Committee			2X/year
<u>REGIONAL/STATE GOVERNMENT</u>			
League of California Cities	Mayor	Mayor Pro Tem	As needed
California Contract Cities Association (CCCA)	Napolitano	Montgomery	Monthly - PM
Clean Power Alliance of Southern California* (Previously - Los Angeles Community Choice Energy Authority*)	Stern	Montgomery	Monthly - PM
<u>CIVIC ORGANIZATIONS</u>			
Manhattan Beach Neighborhood Watch	Hadley	Franklin	6X/year - PM
Manhattan Beach Hometown Fair Association	Hadley	Stern	Monthly - PM
Manhattan Beach Community Emergency Response Team (C.E.R.T)	Hadley	Stern	As needed
<u>BUSINESS ORGANIZATIONS</u>			
Manhattan Beach Chamber of Commerce	Stern	Napolitano	As needed
Downtown Manhattan Beach Business & Professional Association	Franklin	Hadley	Monthly - AM
North Manhattan Beach Business Improvement District	Franklin	Hadley	Monthly - PM
<u>AIRPORTS</u>			
Los Angeles World Airports LAX/Community Noise Roundtable	Montgomery	Franklin	As needed
Hawthorne Municipal Airport Communities Network Committee	Montgomery	Franklin	4X/year
<u>ADOPT A SCHOOL</u>			
Pacific Elementary School	Stern		As needed
Manhattan Beach Middle School	Montgomery		As needed
Robinson Elementary School	Napolitano		As needed
Pennekamp Elementary School	Franklin		As needed
Grand View Elementary School	Hadley		As needed
American Martyrs School	Montgomery		As needed
Meadows Elementary School	Montgomery		As needed
Mira Costa High School	Franklin	Stern	As needed

*Appointed City Councilmembers must file a form 700 Statement of Economic Interest



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Lisa Jenkins, Human Resources Director
Stephanie Swofford, Human Resources Manager
Auvi Tonnu, Human Resources Analyst

SUBJECT:

Consideration of a Resolution Approving a Comprehensive Citywide Salary Schedule for All City Positions and Adjustments to Salary Ranges (Human Resources Director Jenkins).

ADOPT RESOLUTION NO. 21-0001

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 21-0001 approving a comprehensive citywide salary schedule (included with Resolution), which includes the MOU increases provided to represented sworn and non-sworn employees and salary adjustments, changes to certain full-time positions approved during the budget process, and salary adjustments for certain unrepresented part-time classifications.

FISCAL IMPLICATIONS:

The current budget includes salary adjustments for certain full-time positions approved to be adjusted during Fiscal Year 2021-2022. Adjustments for designated part-time unrepresented employees, including those to address the minimum wage increase, are also included or can be absorbed within the budget for this fiscal year. The negotiated salary and range adjustments for represented employees have been accounted for during the Memoranda of Understanding (MOU) approval process and included in the budget.

BACKGROUND:

The salary schedule reflects salary range or step adjustments for the bargaining units with negotiated increases in multi-year contracts, which include Manhattan Beach Police Officers' Association (MBPOA), Manhattan Beach Police Management Association (MBPMA), Teamsters Local 911, and the Manhattan Beach Part-Time Employees Association (MBPTEA).

The salary schedule pending approval includes all City positions, including part-time positions. Some salary changes have been made to full-time positions following completion of classification and compensation analyses, which were approved by City Council during the budget process in July 2020. Additionally, changes have been made to the part-time schedule to reflect future needs, adjust salary steps or ranges commensurate with the full-time equivalent positions, and address the immediate impacts of the most recent minimum wage increase effective January 1, 2021.

The attached resolution and salary schedule also fulfill California Public Employees Retirement System (CalPERS) requirements for a comprehensive publicly available pay schedule.

DISCUSSION:

Several of the City's bargaining units negotiated salary increases as part of their current Memoranda of Understanding (MOU's) with the City. The Manhattan Beach Police Officers' Association (MBPOA), Manhattan Beach Police Management Association (MBPMA), Teamsters Local 911 and the Manhattan Beach Part-Time Employees Association (MBPTEA) all have current MOU's with a term of January 1, 2019 - December 31, 2021. As part of their MOU's, the MPOA and MBPMA have negotiated 2.0% to their salary range adjustments effective January 2, 2021. Teamsters Local 911 (Teamsters), which represents the majority of non-sworn employees in the City, has a negotiated 1.72% salary adjustment effective the same date. The same percentage increase of 1.72%, effective January 2, 2021, was also negotiated for the Manhattan Beach Part-time Employees Association (MBPTEA), which represents part-time Transportation Services Operators (Dial-a-ride drivers). It is commensurate with the increase negotiated by Teamsters for the full-time equivalent positions. All of the mentioned adjustments approved as part of the current MOU's, are reflected on the attached salary schedule for approval.

In the most recently approved Agreement with the Manhattan Beach Fire Management Association (MBFMA) which represents Battalion Chiefs, a 2.0% increase was negotiated and is effective January 4, 2020. This date coincides with the date upon which the FMA employees began paying their 3% retirement contribution. Additionally, the salary schedule pending approval reflects adjustments to other full-time positions (Human Resources Assistant and Accountant) approved during the budget process. The updated salary for the City Manager, approved in the Amendment No. 2 to City Manager's Employment Agreement on at the November 5, 2020, Council Meeting, is also included on this salary schedule.

The Personnel Rules allow the City Manager to adjust the pay plan (salary steps) for part-time positions to ensure that the part-time classifications meet the needs of the City (Rule V, Section 12C.5). Since the last salary schedule adjustment, the salaries of two part-time positions, including the part-time Fire Inspector and part-time Warehouse Assistant, have been reviewed and adjusted based upon a market study of the positions to make the pay commensurate with the labor market with the goal of recruiting and retaining viable candidates. Updated salary ranges for unrepresented part-time positions who have full-time equivalent classifications are also reflected on the attached salary schedule with the same adjustment given to the full-time equivalent position. This adjustment ensures that part-time positions do not fall behind their full-time counterparts and provides comparable pay for full-time and part-time positions with

similar job duties.

The salary schedule also reflects an adjustment to the salaries for several part-time positions (Administrative Intern, Ambulance Operator, Custodian, Police Intern, Recreation Leader I, and seasonal Program Aide) directly impacted by the minimum wage increase effective January 1, 2021. These adjustments are being made to comply with the minimum wage increase and to maintain a three-step salary range for each classification. Adjusting the salary ranges for those positions impacted by the minimum wage without adjusting all part-time positions can erode an established differential and promotional opportunity with other part-time positions. Accordingly, adjustments to select positions (Recreation Leader II, Pool Lifeguard/Instructor, Assistant Pool Manager, Senior Recreation Leader) are recommended to ensure the City is able to continue to recruit and incentive employees to move into higher level positions with additional requirements, and maintain an appropriate differential.

Staff intends to conduct a further review of the impacts of future state minimum wage increases, as well as an evaluation of the City's current and future needs for its unrepresented part-time classifications. While this review had originally been planned for calendar year 2020, the pandemic has caused a shift in priorities and a reduction in part-time staffing which resulted in this review being pushed to 2021, to be integrated into the City's new HRIS/Payroll system upgrade. Following this review, additional changes to the part-time classification and compensation structure will likely be recommended, which would be reflected on a future salary schedule. Additionally, staff is evaluating positions that should be added, deleted, or modified in future updates to the part-time salary plan. Currently, there are some positions on the attached salary schedule that are not in the City's budgeted position control, and staff will determine if they should remain or be adjusted for future use.

In addition to approving the recommended adjustments, the attached classification and salary listing serves to comply with California Public Employees' Retirement System (CalPERS) requirements that the City Council approve a publicly pay schedule for all negotiated pay rate increases. These requirements are contained in Government Code § 20636(b)(1) and California Code of Regulations (CCR) § 570.5. In order to meet CalPERS requirements, the City Council is required to adopt a comprehensive publicly available pay schedule independent from the salary schedules attached to the MOU or approved as part of the budget process.

PUBLIC OUTREACH:

Staff determined that public outreach was not required for this issue.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resolution No. 21-0001 with Salary Schedule

RESOLUTION NO. 21-0001

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL
APPROVING A COMPREHENSIVE CITYWIDE SALARY SCHEDULE

RECITALS

- A. The Manhattan Beach City Council previously authorized salary adjustments by way of the budget adoption process and through collective bargaining;
- B. The California State Minimum Wage increased to \$14.00/hour effective January 1, 2021, necessitating an increase to the salary ranges for certain part-time positions;
- C. The Personnel Rules state that the City Manager may amend the part-time salary plan to ensure that part-time classifications meet the needs of the City;
- D. The Personnel Rules allow the Council to set salary schedules based upon the recommendation of the City Manager; and
- E. The City Council desires to adopt a comprehensive citywide salary schedule for all City positions aligned with requirements of the California Public Employees Retirement System (CalPERS).

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES:

SECTION 1. The City Council hereby approves a comprehensive citywide salary schedule.

SECTION 2. The Human Resources Director or designee, under direction of the City Manager, is hereby directed to revise the salary ranges as specified on the attached schedule.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED January 5, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk



CITY OF MANHATTAN BEACH - SALARY SCHEDULE

The Citywide salary schedule identifies the steps or ranges associated with each job classification within the City of Manhattan Beach, including all employees, the City Manager and elected officials¹. Salary and compensation levels are negotiated through the collective bargaining process between the City and represented employee associations, and memorialized in the individual Memoranda of Understanding (MOU) for each group. This schedule is updated periodically as salaries are modified, or new positions are added. Information regarding benefits, other items of compensation, and terms and conditions of employment can be found in the applicable MOU. MOU's are accessible on the City's website at

<https://www.citymb.info/departments/human-resources/mous>

<u>Employee Groups</u>		<u>MOU Effective Date</u>
Manhattan Beach Firefighters' Association	MBFA	02/04/2020 - 06/30/2020
Manhattan Beach Fire Management Association	MBFMA	11/07/2020 - 12/31/2021
Manhattan Beach Police Association	MBPOA	01/01/2019 - 12/31/2021
Manhattan Beach Police Management Association	MBPMA	01/01/2019 - 12/31/2021
Manhattan Beach Mid-Management Employees Association	MBMEA	01/01/2020 - 12/31/2021
California Teamsters Local 911	Teamsters	01/01/2019 - 12/31/2021
Manhattan Beach Part-time Employees Association	MBPTEA	11/23/2019 - 12/31/2021
Unrepresented (Executive, Management & Confidential)	UN/MC	N/A

Salary Schedule Revision Dates:

02/08/17
 06/14/17
 01/01/18
 05/01/18
 01/22/19
 03/19/19 (City Council Approval Date)
 01/07/20 (City Council Approval Date)
 03/17/20 (City Council Approval Date)
 01/05/21 (City Council Approval Date)

¹ This salary schedule satisfies the requirements set forth in the California Code of Regulations (CCR) Section 570.5 and Government Code (GC) Section 20636.

CITY OF MANHATTAN BEACH - SALARY SCHEDULE

ELECTED POSITIONS (Monthly)		
Class Title	Effective	Salary
City Treasurer	3/17/2009	500
Council Member	3/17/2009	500

FULL-TIME CLASSIFICATIONS (Monthly)															
Class Title	Unit	Effective	A	AA	B	C	D	E	F	G	H	I	J	K	L
Account Services Representative I (Flex Class) ¹	Teamsters	1/2/2021	4,283	4,496	4,723	4,960	5,208	5,468							
Account Services Representative II (Flex Class) ¹	Teamsters	1/2/2021	4,712	4,948	5,194	5,453	5,726	6,013							
Accountant	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
Administrative Clerk I (Flex Class) ¹	Teamsters	1/2/2021	3,539	3,717	3,901	4,095	4,301	4,516							
Administrative Clerk II (Flex Class) ¹	Teamsters	1/2/2021	3,726	3,912	4,109	4,313	4,529	4,755							
Assistant Finance Director	UN/MC*	3/14/2020	11,695												15,216
Assistant Planner	Teamsters	1/2/2021	6,125	6,433	6,754	7,092	7,446	7,817							
Associate Engineer (Flex Class w/ Eng. Asst.)	Teamsters	1/2/2021	7,915	8,312	8,726	9,162	9,621	10,103							
Associate Planner	Teamsters	1/2/2021	7,093	7,447	7,818	8,210	8,620	9,052							
Battalion Chief ¹	MBFMA*	1/4/2020	11,681												15,196
Building Inspector	Teamsters	1/2/2021	5,937	6,232	6,546	6,871	7,216	7,576							
Building Official	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Building Repair Craftsperson	Teamsters	1/2/2021	5,096	5,353	5,618	5,899	6,194	6,504							
Building Services Analyst	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
City Clerk ¹	UN/MC*	3/14/2020	11,695												15,216
City Engineer	MBMEA	3/14/2020	12,757		13,076	13,403	13,738	14,081	14,433	14,794	15,164	15,543	15,932	16,330	16,738
City Manager ⁺	Unrepresent	11/7/2020													23,346
Code Enforcement Officer ¹	Teamsters	1/2/2021	5,901	6,198	6,507	6,832	7,172	7,531							13,739
Communication/Civic Engagement Manager	UN/MC*	3/14/2020	10,560												13,739
Community Services Officer ¹	Teamsters	1/2/2021	4,556	4,783	5,022	5,273	5,537	5,814							
Crime Analyst	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
Cultural Arts Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Data Entry Operator	Teamsters	1/2/2021	3,625	3,804	3,996	4,196	4,408	4,627							
Deputy City Clerk ¹	UN/MC*	3/14/2020	5,338												7,040
Director of Community Development	UN/MC*	3/14/2020	13,581												17,700
Director of Finance	UN/MC*	3/14/2020	13,581												17,700
Director of Human Resources	UN/MC*	3/14/2020	13,581												17,700
Director of Information Technology	UN/MC*	3/14/2020	13,581												17,700
Director of Parks and Recreation	UN/MC*	3/14/2020	13,581												17,700
Director of Public Works	UN/MC*	3/14/2020	13,581												17,700
Electrician	Teamsters	1/2/2021	5,545	5,823	6,113	6,419	6,740	7,078							
Engineering Assistant (Flex Class w/ Assoc. Eng.)	Teamsters	1/2/2021	6,839	7,179	7,539	7,917	8,314	8,728							
Engineering Technician I (Flex Class)	Teamsters	1/2/2021	5,222	5,485	5,758	6,046	6,347	6,666							
Engineering Technician II (Flex Class)	Teamsters	1/2/2021	5,759	6,047	6,350	6,667	6,999	7,348							
Environmental Sustainability Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Equipment Maintenance Supervisor	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Equipment Mechanic I (Flex Class) ¹	Teamsters	1/2/2021	4,395	4,617	4,846	5,089	5,342	5,610							
Equipment Mechanic II (Flex Class) ¹	Teamsters	1/2/2021	5,484	5,757	6,044	6,346	6,664	6,997							
Executive Assistant (Confidential)	UN/MC*	3/14/2020	5,338												7,040
Executive Assistant	Teamsters	1/2/2021	5,165	5,424	5,694	5,980	6,279	6,593							

* Salary based on contract

CITY OF MANHATTAN BEACH - SALARY SCHEDULE

FULL-TIME CLASSIFICATIONS (Monthly)															
Class Title	Unit	Effective	A	AA	B	C	D	E	F	G	H	I	J	K	L
Facilities Reservation Clerk	Teamsters	1/2/2021	3,726	3,912	4,109	4,313	4,529	4,755							
Facilities Supervisor	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Financial Analyst ¹	UN/MC*	3/14/2020	7,268												9,425
Financial Controller	UN/MC*	3/14/2020	10,560												13,739
Fire Captain	MBFA	1/6/2018	10,186		10,695	11,230									
Fire Captain/Paramedic	MBFA	1/6/2018	12,039		12,641	13,272									
Fire Chief	UN/MC*	3/14/2020	14,970												19,392
Fire Engineer	MBFA	1/6/2018	8,754		9,191	9,651									
Fire Engineer/Paramedic	MBFA	1/6/2018	10,343		10,859	11,402									
Firefighter	MBFA	1/6/2018	6,762		7,099	7,453	7,826	8,219							
Firefighter/Paramedic	MBFA	1/6/2018	7,985		8,385	8,805	9,244	9,707							
General Services Coordinator	Teamsters	1/2/2021	5,491	5,765	6,054	6,358	6,676	7,010							
Geographic Information Systems Analyst	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Geographic Information Systems Technician ¹	Teamsters	1/2/2021	5,759	6,047	6,350	6,667	6,999	7,348							
Graphic Artist	Teamsters	1/2/2021	4,402	4,624	4,854	5,096	5,353	5,618							
Human Resources Analyst ¹	UN/MC*	3/14/2020	6,472												8,403
Human Resources Assistant	UN/MC*	8/24/2020	4,527												5,781
Human Resources Manager ¹	UN/MC*	3/14/2020	10,560												13,739
Human Resources Technician ¹	UN/MC*	3/14/2020	5,338												7,040
Information Systems Manager	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Information Systems Specialist ¹	Teamsters	1/2/2021	6,510	6,836	7,176	7,535	7,913	8,310							
Information Technology Analyst	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Legal Secretary	UN/MC*	3/14/2020	5,338												7,040
Maintenance Manager	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Maintenance Supervisor	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Maintenance Worker I (Flex Class) ¹	Teamsters	1/2/2021	4,198	4,410	4,629	4,860	5,104	5,361							
Maintenance Worker II (Flex Class)	Teamsters	1/2/2021	4,516	4,741	4,977	5,225	5,488	5,761							
Maintenance Worker III	Teamsters	1/2/2021	5,094	5,350	5,616	5,897	6,189	6,501							
Management Analyst (Confidential) ¹	UN/MC*	3/14/2020	6,472												8,403
Management Analyst ¹	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
Management Fellow	UN/MC*	3/14/2020	5,338												7,040
Meter Repair Worker ¹	Teamsters	1/2/2021	4,625	4,855	5,098	5,355	5,620	5,901							
Network Administrator	Teamsters	1/2/2021	7,489	7,863	8,257	8,670	9,103	9,557							
Park Services Enforcement Officer	Teamsters	1/2/2021	5,901	6,198	6,507	6,832	7,172	7,531							
Permits Technician	Teamsters	1/2/2021	5,018	5,269	5,533	5,809	6,100	6,404							
Plan Check Engineer	Teamsters	1/2/2021	7,547	7,923	8,320	8,736	9,173	9,631							
Planning Manager	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Police Academy Trainee	Teamsters	1/2/2021						6,339							
Police Captain	MBPMA	1/2/2021	14,806												16,240
Police Chief	UN/MC*	3/14/2020	14,970												19,392
Police Lieutenant	MBPMA	1/2/2021	13,405		13,740	14,084	14,435	14,796							
Police Officer	MBPOA	1/2/2021	7,614		7,996	8,395	8,815	9,255							
Police Records Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Police Records Technician/Matron ¹	Teamsters	1/2/2021	4,566	4,794	5,034	5,284	5,550	5,828							
Police Sergeant	MBPOA	1/2/2021				11,083	11,636	12,219							
Police Services Officer ¹	Teamsters	1/2/2021	4,968	5,216	5,477	5,751	6,038	6,339							
Principal Building Inspector	Teamsters	1/2/2021	7,676	8,059	8,463	8,886	9,331	9,797							
Principal Civil Engineer	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739

CITY OF MANHATTAN BEACH - SALARY SCHEDULE

FULL-TIME CLASSIFICATIONS (Monthly)															
Class Title	Unit	Effective	A	AA	B	C	D	E	F	G	H	I	J	K	L
Public Works Inspector	Teamsters	1/2/2021	5,767	6,055	6,360	6,678	7,012	7,361							
Purchasing Assistant	Teamsters	1/2/2021	4,568	4,796	5,036	5,287	5,554	5,831							
Purchasing Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Receptionist Clerk	Teamsters	1/2/2021	3,826	4,016	4,217	4,426	4,647	4,881							
Recreation Coordinator	Teamsters	1/2/2021	4,501	4,728	4,964	5,213	5,474	5,748							
Recreation Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Recreation Program Supervisor	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
Recreation Supervisor ¹	Teamsters	1/2/2021	5,628	5,909	6,207	6,515	6,842	7,182							
Revenue Services Manager	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Revenue Services Specialist	Teamsters	1/2/2021	5,231	5,493	5,768	6,056	6,361	6,679							
Risk Manager ¹	UN/MC*	3/14/2020	10,560												13,739
Secretary	Teamsters	1/2/2021	4,568	4,796	5,036	5,287	5,554	5,831							
Senior Accountant	MBMEA	12/5/2020	6,405		6,565	6,729	6,897	7,069	7,246	7,427	7,613	7,803	7,998	8,198	8,403
Senior Building Inspector	Teamsters	1/2/2021	6,976	7,325	7,693	8,077	8,480	8,905							
Senior Civil Engineer	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Senior Deputy City Clerk	UN/MC*	3/14/2020	6,472												8,403
Senior Engineering Technician	Teamsters	1/2/2021	6,301	6,611	6,945	7,290	7,655	8,038							
Senior Financial Analyst	UN/MC*	3/14/2020	8,630												11,241
Senior Human Resources Analyst ¹	UN/MC*	3/14/2020	8,630												11,241
Senior Management Analyst (Confidential) ¹	UN/MC*	3/14/2020	7,268												9,425
Senior Management Analyst ¹	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Senior Permits Technician	Teamsters	1/2/2021	5,266	5,528	5,805	6,094	6,399	6,720							
Senior Plan Check Engineer	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Senior Planner	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Senior Recreation Manager	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Senior Water Plant Operator	Teamsters	1/2/2021	5,640	5,922	6,219	6,529	6,857	7,200							
Sewer Maintenance Worker	Teamsters	1/2/2021	4,740	4,976	5,224	5,487	5,760	6,048							
Traffic Engineer	MBMEA	3/14/2020	8,568		8,782	9,002	9,227	9,458	9,694	9,936	10,184	10,439	10,700	10,967	11,241
Transportation Services Operator ¹	Teamsters	1/2/2021	4,316	4,532	4,759	4,995	5,247	5,509							
Urban Forester	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Utilities Manager	MBMEA	3/14/2020	10,471		10,733	11,001	11,276	11,558	11,847	12,143	12,447	12,758	13,077	13,404	13,739
Wastewater Supervisor	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425
Water Meter Reader	Teamsters	1/2/2021	4,198	4,410	4,629	4,860	5,104	5,361							
Water Plant Operator	Teamsters	1/2/2021	5,211	5,472	5,745	6,033	6,333	6,650							
Water Supervisor	MBMEA	3/14/2020	7,184		7,364	7,548	7,737	7,930	8,128	8,331	8,539	8,752	8,971	9,195	9,425

* Salary Range Exists (minimum - maximum)

¹ Part-time Classification Exists

CITY OF MANHATTAN BEACH - SALARY SCHEDULE

PART-TIME CLASSIFICATIONS (Hourly)					
Class Title	Effective		A	B	C
Account Services Rep I ²	1/2/2021		24.71	27.25	28.61
Administrative Clerk I ²	1/2/2021		20.43	22.50	23.63
Administrative Clerk II ²	1/2/2021		21.49	23.71	24.89
Administrative Intern ⁴	1/1/2021		14.00	14.70	15.44
Administrative Intern (CM's Office)	7/8/2006		15.18	15.94	16.74
Ambulance Operator ⁴	1/1/2021		14.00	14.70	15.44
Assistant Pool Manager ³	1/2/2021		16.98	17.83	18.72
Background Investigator	7/8/2006		30.90	32.45	34.07
Battalion Chief ²	1/4/2020		67.39	70.76	74.30
City Clerk ²	1/2/2021	Range:	67.47		87.78
Code Enforcement Officer ²	1/2/2021		34.05	37.54	39.42
Community Services Officer ²	1/2/2021		26.28	28.97	30.42
Custodian ⁴	1/1/2021				14.00
Deputy City Clerk ²	1/2/2021		30.79	33.25	35.70
Emergency Services Coordinator	4/27/2017		39.88	43.97	46.17
Equipment Mechanic I ²	1/2/2021		25.36	27.95	29.36
Equipment Mechanic II ²	1/2/2021		31.63	34.88	36.61
Financial Analyst ²	1/2/2021		41.93	45.04	48.15
Fire Inspector	11/7/2020		37.79	39.68	41.65
Geographic Information Systems Intern ⁴	1/1/2021		14.00	14.70	15.44
Geographic Information Systems Technician ²	1/2/2021		33.22	36.63	38.46
Human Resources Analyst ²	1/2/2021		37.34	40.13	42.91
Human Resources Manager ²	1/2/2021	Range:	60.92		79.26
Human Resources Technician ²	1/2/2021		30.80	33.25	35.70
Information Systems Specialist ²	1/2/2021		37.57	41.41	43.48
Maintenance Assistant ⁴	1/1/2021				14.00
Maintenance Worker I ²	1/2/2021		24.23	26.70	28.03
Management Analyst ²	1/2/2021		37.34	40.13	42.91
Meter Repair Worker ²	1/2/2021		26.68	29.41	30.89
Microcomputer Support Specialist	7/8/2006		17.19	18.05	18.95
Paid-Call Firefighter	8/6/2005	Per shift:			50.00
Police Intern ⁴	1/1/2021		14.00	14.70	15.44
Police Records Technician/Matron ²	1/2/2021		26.35	29.04	30.49
Police Services Officer ²	1/2/2021		28.65	31.59	33.18
Pool Lifeguard	1/1/2021		14.00	14.70	15.44
Pool Lifeguard/Instructor ³	1/2/2021		16.17	16.98	17.83
Pool Manager	4/1/2017		18.57	19.50	20.48
Project Manager	11/13/2017	Range:	47.86		62.34
Recreation Leader I ⁴	1/1/2021		14.00	14.70	15.44
Recreation Leader II ³	1/2/2021		14.70	15.44	16.21
Recreation Supervisor ²	1/2/2021		32.47	35.81	37.60
Risk Manager ²	1/2/2021	Range:	60.92		79.26
Seasonal Program Aide ⁴	1/1/2021	Range:	14.00		18.00
Seasonal Program Coordinator	5/23/2016	Range:	20.00		50.00
Senior Human Resources Analyst ²	1/2/2021	Range:	49.79		64.85
Senior Management Analyst ²	1/2/2021		41.93	45.04	48.15
Senior Recreation Leader	1/2/2021		17.63	18.51	19.44
Senior Recreation Leader II	4/1/2017		20.65	21.69	22.77
Transportation Services Operator ²	1/2/2021		24.90	27.45	28.83
Warehouse Assistant	8/24/2020	Range:	18.00		25.00

² Part-time Classification with Full-time Equivalent Classification

³ Salary steps adjusted 1/2/21 based on impact of minimum wage increase effective 1/1/21

⁴ Salary Steps adjusted per CA Minimum Wage increase effective 1/1/21



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Ryan Heise, P.E., Building Official

SUBJECT:

Consideration of Allowing Construction at 330 South Sepulveda Boulevard on Two City Recognized Holidays (Martin Luther King Day and Presidents Day) (Community Development Director Tai).

APPROVE

RECOMMENDATION:

Staff recommends that the City Council approve the request to allow construction on Martin Luther King Day and Presidents Day at 330 South Sepulveda Boulevard.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

Skechers is constructing the expansion of their two-story commercial building and subterranean parking garage at 330 South Sepulveda Boulevard, which will extend an entire block length from Duncan Avenue to Longfellow Drive. Construction commenced on the 20,000 square-foot addition in April of 2019 and is currently occurring at the main levels of the office building.

The Manhattan Beach Municipal Code (MBMC) allows construction activity to occur between 7:30 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. to 6:00 p.m. on Saturdays. The MBMC also prohibits construction activity on Sundays and City-recognized holidays. MBMC section 9.44.030(F) allows the City Council to modify the hours for construction activity under limited circumstances.

In 2020, the City Council approved McCarty Building Companies Inc. to work on three City-recognized holidays (Martin Luther King Day, observed on January 20, 2020, Presidents Day, observed on February 17, 2020, and Columbus Day, observed on Monday October 12, 2020). The work consisted of subterranean concrete deck work and rough installation of the mechanical, electrical, and plumbing systems. There were forklifts, cranes, and trucks required for the material movement and lowering the materials into the work site. No public complaints were received by Code Enforcement during these days.

DISCUSSION:

The applicant, McCarty Building Companies Inc., is requesting to work on Martin Luther King Day, observed on Monday, January 18, 2021, and Presidents Day, observed on Monday, February 25, 2021, which are City-recognized holidays per the Construction Rules section 9.44.030(B) of the MBMC. The exterior work will include planter finishes and street work along Duncan Avenue and Kuhn Drive. Forklifts, trucks, and tools will be used throughout the day to perform the construction activities. The interior work will consist of general work associated with interior finishes, final cleaning, and start-up/testing for mechanical, electrical, and plumbing systems.

Upon request, the City Council may modify the hours for construction activity under limited circumstances. While MBMC Section 5.48.250 deems construction noise during permitted hours to be exempt from noise standards, requests for construction outside of those hours must be evaluated for potential noise disturbances. MBMC Section 9.44.030 states that the City Council shall consider the noise disturbance criteria in MBMC Section 5.48.140 to determine whether to modify the hours. MBMC Sections 5.48.140 (1) through (12) (attached) and detail aspects that may be used to evaluate noise.

The description of requested construction activities on the holiday is consistent with ongoing construction on the commercial building, with no new or unusual noise levels, noise characteristics, or equipment (Section 5.48.140 1 to 4, 10, 11). There is no change in the location of construction or proximity to residential sleeping facilities (Section 5.48.140 5 to 8). The requested hours are commensurate with other weekdays, from 7:30 a.m. to 6:00 p.m., with no change in duration (Section 5.48.140 8 and 9). The City Council must consider when the noise is generated, such as on a weekday, weekend, or holiday. While this request only pertains to Martin Luther King Day and Presidents Day, staff does not anticipate additional noise disturbances, as no public complaints for construction-related noise have been received since the start of construction (Section 5.48.140 12). The dearth of complaints indicates the applicant's ability to minimize impacts to the surrounding neighborhood on an ongoing basis.

The Council may impose conditions to mitigate or eliminate any potential adverse impacts arising from the activities and shall provide prior notice to persons and businesses in the vicinity, at the owner's expense. Upon the City Council's action to approve the request, staff would send an approval letter that includes requirements for construction performed outside of City-designated hours. One requirement is that the applicant must notify affected neighboring properties within 150 feet of each side of the subject property at least 72 hours prior to commencing work. The notice must include the location, duration, and description of the project, as well as the non-emergency Manhattan Beach Police Department phone number. A copy of the notice must also be provided to the City. Additional restrictions may also be imposed by the

City Council. Some examples of additional limitations are to limit the hours beyond the standard 7:30 a.m. to 6:00 p.m., or limit the type of work allowed.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue. However, the applicant has notified the surrounding properties of the request to allow construction on Martin Luther King Day and Presidents Day, as well as the City Council Meeting date and time for the agenda item to discuss the request. As mentioned earlier, the applicant also is required to notify the surrounding properties 72 hours prior to the Martin Luther King Day and Presidents Day if approved by the City Council.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in previously adopted Final Environmental Impact Report, SCH#2015041081. Thus, no further environmental review or documentation is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. MBMC Section 5.48.140 - Noise Disturbances

5.48.140 - Noise disturbances.

- A. Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:
1. The level of the noise;
 2. Whether the nature of the noise is usual or unusual;
 3. Whether the origin of the noise is natural or unnatural;
 4. The level and intensity of the background noise if any;
 5. The proximity of the noise to residential sleeping facilities;
 6. The nature and zoning of the area within which the noise emanates
 7. The density of the inhabitation of the area within which the noise emanates;
 8. The time of the day and night the noise occurs;
 9. The duration of the noise;
 10. Whether the noise is recurrent, intermittent or constant;
 11. Whether the noise is produced by a commercial or noncommercial entity;
 12. Whether the noise occurs on a weekday, weekend, or holiday.
- B. The City may issue a citation against the person, persons, or entity responsible for the noise including, but not limited to, the property owner or business operator on whose premises the noise originates.



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director
Prem Kumar, City Engineer
Tim Birthisel, Senior Civil Engineer

SUBJECT:

Consideration of:

- a. A Resolution Awarding a Construction Agreement to Vasilj, Inc., for the Cycle 2 Sewer Infrastructure Improvement Project for \$1,396,359; Authorizing the City Manager to Approve Contingency Funds Totaling \$279,270 for any Unforeseen Additional Work; and Approving the Plans and Specifications for the Cycle 2 Sewer Infrastructure Improvement Project; and
- b. A Resolution Awarding an Inspection Service Agreement to Wallace & Associates Consulting, Inc., for the Cycle 2 Sewer Infrastructure Improvement Project for \$139,536 (Public Works Director Katsouleas).

ADOPT RESOLUTION NOS. 21-0003 AND 21-0004

RECOMMENDATION:

Staff recommends that City Council:

- A. Adopt Resolution 21-0003 awarding a construction agreement to Vasilj, Inc., for the Cycle 2 Storm Sewer Infrastructure Improvement Project (Project) for \$1,396,359 and authorizing the City Manager to execute the agreement; authorizing the City Manager to approve contingency funds totaling \$279,270 for additional work, if necessary; and approving the plans and specifications for the project; and
- B. Adopt Resolution 21-0004 awarding an Inspection Services Agreement to Wallace & Associates Consulting, Inc., for the Project for \$139,536 and authorizing the City Manager to execute the Agreement.

FISCAL IMPLICATIONS:

Sufficient funds are available in the Capital Improvement Plan's (CIP) Wastewater Fund budget for the Annual Rehabilitation of Sewer Mains Project. A total of \$1,815,165 is allocated for construction, contingency, and inspection services for this Project. Any unused funds will revert to the CIP Wastewater Fund balance for future projects. A Budget and Expenditure summary report is attached.

BACKGROUND:

The City operates and maintains an extensive sanitary sewer collection system, including approximately 85 miles of sanitary sewer pipelines. In evaluating the condition of the sanitary sewer system, staff references the Wastewater Master Plan, which provides data such as age, pipe condition, capacity demands, and maintenance needs. The Plan also identifies the highest priority deficiencies for repair or replacement.

For this project, portions of the system selected for replacement include those that show the most severe structural problems and multiple deficiencies, such as fractures, cracks, roots, obstructions, sags, and severe operations and maintenance issues. Repair of the observed structural deficiencies will eliminate potential for sewer overflow and leakage, which minimizes potential for negative impacts to public health and the environment.

It is worth noting that a portion of the sewer main replacement work is located at the intersection of Manhattan Beach Boulevard and Manhattan Avenue, which presents unique challenges in coordinating traffic control and minimizing the impact on visitors to the downtown area. Another portion of the work is located near the intersection of Rosecrans Avenue and Sepulveda Boulevard, where there is heavy vehicular traffic. These locations and other areas impacting commercial businesses will be performed during nighttime work hours to minimize impacts on vehicular traffic and business operations.

The Cycle 2 Project consists of excavation, installation of vitrified clay pipe (VCP), installation of Cured in Place Pipe (CIPP) via Ultra Violet (UV) curing methods, rehabilitation of manholes, required ADA compliant curb ramp replacements, asphalt and concrete trench and street repairs, and all appurtenant work as shown on the plans and delineated in the specifications .

The Project includes over 2600 linear feet of vitrified clay pipe and CIPP mainline spot repairs at the following 12 locations in the City (location map attached).

1. Vista Drive and 26th Place
2. Vista Drive and 23rd Street
3. 20th Street and Highland Avenue
4. 18th Street and Flournoy Road
5. Manhattan Beach Boulevard and Manhattan Avenue
6. 9th Street and Highland Avenue
7. 8th Street and Highland Avenue
8. 6th Street and Manhattan Avenue
9. 1st Street and Manhattan Avenue
10. 3rd Street and Manhattan Avenue
11. 2nd Street and Redondo Avenue
12. Rosecrans Avenue and Sepulveda Boulevard

DISCUSSION:

Construction Work

The Cycle 2 Project was advertised for bids in the Beach Reporter, the City's publisher of record, and several standard construction industry publications, including the Dodge Green Sheet, Reed Construction Data, Associated General Contractors of America, and the City's website. Nine bids were received on November 16, 2020, and opened on November 17, 2020. The bid results are as follows:

<u>Contractor</u>	<u>Total Bid Amount</u>
Vasilj, Inc. (Irwindale, CA)	\$1,396,359.00
Ramona, Inc. (Baldwin Park, CA)	\$1,421,320.00
CEM Construction Corp (Montebello, CA)	\$1,552,525.00
MNR Construction, Inc. (La Verne, CA)	\$1,773,370.00
Tomovich & Associates (Pico Rivera, CA)	\$1,827,126.50
Clarke Contracting Corp. (Lawndale, CA)	\$1,884,778.00
GRBCON (Baldwin Park, CA)	\$1,905,085.00
Colich & Sons LP (Gardena, CA)	\$1,959,005.00
GRFCO, Inc. (Perris, CA)	\$2,072,750.00

All bid packets were analyzed for arithmetical errors, completeness, accuracy, etc. Staff reviewed Vasilj, Inc.'s contractor's license and found it to be in order. Additionally, references indicate that Vasilj, Inc., has the knowledge and capability to complete the work in a timely and acceptable manner. In reviewing the bids, staff identified a mathematical error in calculating one of the bid items. The unit bid price was correctly stated, but there was an additive error in calculating the subtotal for that line item. Staff has confirmed with the City Attorney's office that this is a non-material error that does not compromise the overall bid.

Therefore, staff recommends that City Council award a construction agreement to Vasilj, Inc., for \$1,396,359 and that the City Manager be authorized to approve change orders for up to \$279,270 for additional work resulting from unforeseen conditions and deep excavation in excess of 25', which is required for portions of the Project. The work is estimated to be completed in approximately four months once it commences in early 2021.

Inspection Services

During the engineering design phase of the project, staff issued a Request for Proposals on September 3, 2020, for inspection services for the Cycle 2 Project. A total of eight proposals were received by October 5, 2020. The proposals were evaluated and ranked by an evaluation committee of City staff according to the following selection criteria:

- Demonstrated understanding of the scope of services
- Key personnel qualifications and experience with similar projects
- Project management methods and quality control/assurance

Based on the selection criteria, Wallace & Associates Consulting, Inc., provided the best overall

responsive proposal. Its assigned staff has excellent experience on similar projects, and the firm identified and understands the key project issues and proposed an appropriate level of staffing for the size and complexity of the Project. The scope of work and methodology was clearly outlined to oversee the Project in a timely manner.

Therefore, staff recommends that City Council award an inspection services agreement for \$139,536 to Wallace & Associates Consulting, Inc., for the Project.

PUBLIC OUTREACH:

Staff will distribute preliminary construction notices to area residents and businesses, and will maintain regular communication with the property owners and nearby businesses to keep them abreast of the project schedule and impacts during construction.

ENVIROMENTAL REVIEW:

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to Section 15301 Class 1(d) (repair and maintenance of existing public facilities, involving negligible or no expansion of use) of the State CEQA Guidelines.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Resolution No. 21-0003
2. Agreement - Vasilj, Inc.
3. Resolution No. 21-0004
4. Agreement - Wallace & Associates Consulting, Inc.
5. Plans and Specifications (Web-Link Provided)
6. Budget and Expenditure Summary
7. Location Map

RESOLUTION NO. 21-0003

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AWARDING A CONSTRUCTION AGREEMENT TO VASILJ, INC., FOR THE CYCLE 2 SEWER INFRASTRUCTURE IMPROVEMENT PROJECT FOR \$1,396,359; APPROVING THE PLANS AND SPECIFICATIONS; AND AUTHORIZING THE CITY MANAGER TO APPROVE ADDITIONAL WORK, IF NECESSARY, FOR UP TO \$279,270;

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby awards a construction agreement to Ramona, Inc. for the Cycle 2 Sewer Infrastructure Improvement Project (“Project”), and authorizes the City Manager to execute the agreement for \$1,396,359. The City Manager is further authorized to approve additional work, if necessary, for up to \$279,270.

SECTION 2. The City Council hereby approves the plans and specifications for the Project.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED on January 5, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

CONTRACT

CITY OF MANHATTAN BEACH CONTRACT FOR CYCLE 2 SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT

THIS CONTRACT ("Contract") is made and entered this 5th day of January, 2021 ("Effective Date"), by and between the CITY OF MANHATTAN BEACH, a California municipal corporation ("City") and VASILJ, INC., a California corporation ("Contractor"). The Contractor's California State Contractor's license number is 711040.

In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. Contract Documents. The Contract Documents consist of this Contract, the Notice Inviting Bids, Instructions to Bidders, Bid (including documentation accompanying the Bid and any post-Bid documentation submitted before the Notice of Award), the Bonds, permits from regulatory agencies with jurisdiction, General Provisions, Special Provisions, Plans, Standard Plans, Standard Specifications, Reference Specifications, Addenda, Change Orders, and Supplemental Agreements. The Contract Documents are attached hereto and incorporated herein by reference.

2. Scope of Services. The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work in a good and workmanlike manner for the project identified as Cycle 2 Sewer Infrastructure Improvement Project ("Project"), as described in the Contract Documents.

3. Compensation.

3.1 Contract Price and Basis for Payment. In consideration for the Contractor's full, complete, and timely performance of the Work required by the Contract Documents, the City shall pay the Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items, set forth in the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Bid Items, awarded by the City is \$ 1,396,359.00 ("Contract Price"). It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that the City will pay and the Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the Engineer.

3.2 Payment Procedures. Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Section 9 of the Standard Specifications, as modified by Section 9 of the General Provisions.

4. Contract Time.

4.1 Initial Notice to Proceed. The City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements and Order Materials." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements and Order Materials constitutes the date of commencement of the Contract Time of EIGHTY (80) **Working Days**. The Contract Time includes the time necessary to fulfill preconstruction requirements, place the order for materials, and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements and Order Materials shall further specify that the Contractor must complete the preconstruction requirements and order materials within TWENTY (20) **Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of Baseline Schedule
- Submitting and obtaining approval of Traffic Control Plans
- Submitting and obtaining approval of the Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals
- Installation of the approved Project Identification Signs
- Obtaining approved Permits from all applicable agencies
- Obtaining a Temporary Use Permit for a construction yard, if applicable
- Notifying all agencies, utilities, residents, etc., as outlined in the Contract Documents
- Submitting and obtaining approval of a Project Staffing List with contact information and a Project Emergency Contact List.

4.4 Notice to Proceed with Construction. After all preconstruction requirements are met and materials have been ordered in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements and Order Materials, the City shall issue the “Notice to Proceed with Construction,” at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

5. Liquidated Damages for Delay and Control of Work.

5.1 Liquidated Damages. The Contractor and the City have agreed to liquidate damages pursuant to Section 6-9 of the General Provisions.

6. Early Completion.

6.1 City Not Liable for Contractor Failure to Achieve Early Completion. While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the City is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for the Contractor’s inability to complete the Work earlier than the Contract Time for any reason whatsoever.

7. Work after Stop Work Notice. Any work completed by the Contractor after the issuance of a Stop Work Notice by the City shall be rejected and/or removed and replaced as specified in the applicable Section of the Special Provisions.

8. Antitrust Claims. In entering into this Contract, the Contractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec.§ 15) or under the Cartwright Act (Business and Professions Code Section 16700 *et seq.*) arising from purchases of goods, services, or materials pursuant to the Contract. This assignment shall be made and become effective at the time the City tenders final payment to the Contractor without further acknowledgment by the parties.

9. Prevailing Wages. The City and the Contractor acknowledge that the Project is a public work to which prevailing wages apply.

10. Workers' Compensation. Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows:

“I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Contract.”

11. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

12. Authority. Any person executing this Contract on behalf of the Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of the Contractor and has the authority to bind the Contractor to the performance of its obligations hereunder.

13. Entire Agreement. This Contract, including the Contract Documents and any other documents incorporated herein by specific reference, represents the entire and integrated Contract between the City and the Contractor. This Contract supersedes all prior oral or written negotiations, representations or agreements. This Contract may not be modified or amended, nor any provision or breach waived, except in a writing signed by both parties that expressly refers to this Contract.

14. Counterparts. This Contract may be executed in counterpart originals, duplicate originals, or both, each of which is deemed to be an original for all purposes.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first above written.

CITY OF MANHATTAN BEACH

By: _____
City Manager

ATTEST:

APPROVED AS TO FORM:

By: _____
City Clerk

By: _____
City Attorney

APPROVED AS TO FISCAL IMPACT:

APPROVED AS TO CONTENT:

By: _____
Finance Director

By: _____
Public Works Director

Dated: _____

VASILJ, INC.
("CONTRACTOR")

By: _____
NAME TITLE

By: _____
NAME TITLE

PROOF OF AUTHORITY TO BIND
CONTRACTING PARTY REQUIRED

RESOLUTION NO. 21-0004

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING AN INSPECTION SERVICES AGREEMENT BETWEEN THE CITY OF MANHATTAN BEACH AND WALLACE & ASSOCIATES CONSULTING, INC., FOR THE CYCLE 2 SEWER INFRASTRUCTURE IMPROVEMENT PROJECT

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby approves an Inspection Services Agreement between the City of Manhattan Beach and Wallace & Associates Consulting, Inc., for the Cycle 2 Sewer Infrastructure Improvement for \$139,536 and authorizes the City Manager to execute the Agreement.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on January 5, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

INSPECTION SERVICES AGREEMENT

This Inspection Services Agreement (“Agreement”) is dated January 5, 2021 (“Effective Date”) and is between the City of Manhattan Beach, a California municipal corporation (“City”) and Wallace & Associates Consulting, Inc., a Wyoming corporation (“Consultant”). City and Consultant are sometimes referred to herein as the “Parties”, and individually as a “Party”.

RECITALS

A. City issued Request for Proposals No. E1250-20S on September 3, 2020 titled “Construction Inspection Services for Sewer and Storm Drain Capital Improvement Projects”. Consultant submitted a proposal dated October 5, 2020 in response to the RFP.

B. Consultant represents that it is fully qualified to perform such services by virtue of its experience and the training, education and expertise of its principals and employees.

C. City desires to retain Consultant as an independent contractor and Consultant desires to serve City to perform these services in accordance with the terms and conditions of this Agreement.

The Parties therefore agree as follows:

1. Consultant’s Services.

A. Scope of Services. Consultant shall perform the services described in the Scope of Services (the “Services”) for Construction Inspection Services for Sewer Capital Improvement Projects, attached as **Exhibit A**. City may request, in writing, changes in the Scope of Services to be performed. Any changes mutually agreed upon by the Parties, and any increase or decrease in compensation, shall be incorporated by written amendments to this Agreement.

B. Party Representatives. For the purposes of this Agreement, the City Representative shall be the City Manager, or such other person designated in writing by the City Manager (the “City Representative”). For the purposes of this Agreement, the Consultant Representative shall be Carl Wallace, President (the “Consultant Representative”). The Consultant Representative shall directly manage Consultant’s Services under this Agreement. Consultant shall not change the Consultant Representative without City’s prior written consent.

C. Time for Performance. Consultant shall commence the Services on the Effective Date and shall perform all Services by the deadline established by the City Representative or, if no deadline is established, with reasonable diligence.

D. Standard of Performance. Consultant shall perform all Services under this Agreement in accordance with the standard of care generally exercised by like

professionals under similar circumstances and in a manner reasonably satisfactory to City.

E. Personnel. Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such Services.

F. Compliance with Laws. Consultant shall comply with all applicable federal, state and local laws, ordinances, codes, regulations and requirements.

G. Permits and Licenses. Consultant shall obtain and maintain during the Agreement term all necessary licenses, permits and certificates required by law for the provision of Services under this Agreement, including a business license.

H. Prevailing Wages. This Agreement calls for services that, in whole or in part, constitute “public works” as defined in the California Labor Code. Therefore, as to those services that are “public works”, Consultant shall comply in all respects with all applicable provisions of the California Labor Code, including those set forth in **Exhibit C** hereto.

2. Term of Agreement. The term of this Agreement shall be from the Effective Date through December 30, 2022, unless sooner terminated as provided in Section 12 of this Agreement or extended.

3. Compensation.

A. Compensation. As full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the Approved Fee Schedule attached hereto as **Exhibit B**. In no event shall Consultant be paid more than \$139,536 (the “Maximum Compensation”) for such Services.

B. Expenses. The amount set forth in paragraph 3.A. above includes reimbursement for all expenditures incurred in the performance of this Agreement.

C. Unauthorized Services and Expenses. City will not pay for any services not specified in the Scope of Services, unless the City Council or the City Representative, if applicable, and the Consultant Representative authorize such services in writing prior to Consultant’s performance of those services or incurrence of additional expenses. Any additional services or expenses authorized by the City Council, or (where authorized) the City Manager shall be compensated at the rates set forth in **Exhibit B**, or, if not specified, at a rate mutually agreed to by the Parties. City shall make payment for additional services and expenses in accordance with Section 4 of this Agreement.

4. Method of Payment.

A. Invoices. Consultant shall submit to City an invoice, on a monthly basis, for the Services performed pursuant to this Agreement. Each invoice shall itemize the

Services rendered during the billing period, hourly rates charged, if applicable, and the amount due. City shall review each invoice and notify Consultant in writing within ten Business days of receipt of any disputed invoice amounts.

B. Payment. City shall pay all undisputed invoice amounts within 30 calendar days after receipt up to the Maximum Compensation set forth in Section 3 of this Agreement. City does not pay interest on past due amounts. City shall not withhold federal payroll, state payroll or other taxes, or other similar deductions, from payments made to Consultant. Notwithstanding the preceding sentence, if Consultant is a nonresident of California, City will withhold the amount required by the Franchise Tax Board pursuant to Revenue and Taxation Code Section 18662 and applicable regulations.

C. Audit of Records. Consultant shall make all records, invoices, time cards, cost control sheets and other records maintained by Consultant in connection with this Agreement available during Consultant's regular working hours to City for review and audit by City.

5. Independent Contractor. Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its officers, agents or employees are in any manner employees of City.

6. Information and Documents.

A. Consultant covenants that all data, reports, documents, surveys, studies, drawings, plans, maps, models, photographs, discussion, or other information (collectively "Data and Documents") developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed or released by Consultant without prior written authorization by City. City shall grant such authorization if applicable law requires disclosure. Consultant, its officers, employees, agents, or subcontractors shall not without written authorization from the City Manager or unless requested in writing by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary," provided Consultant gives City notice of such court order or subpoena.

B. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder or with respect to any project or property located

within the City. City may, but has no obligation to, represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct or rewrite the response.

C. All Data and Documents required to be furnished to City in connection with this Agreement shall become City's property, and City may use all or any portion of the Data submitted by Consultant as City deems appropriate. Upon completion of, or in the event of termination or suspension of this Agreement, all original Data and Documents, including computer files containing data generated for the Services, notes, and other documents prepared in the course of providing the Services shall become City's sole property and may be used, reused or otherwise disposed of by City without Consultant's permission. Consultant may take and retain copies of the written products as desired, but the written products shall not be the subject of a copyright application by Consultant.

D. Consultant's covenants under this Section shall survive the expiration or termination of this Agreement.

7. Conflicts of Interest. Consultant and its officers, employees, associates and subcontractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, *et seq.*) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar Services for other clients, but Consultant and its officers, employees, associates and subcontractors shall not, without the City Representative's prior written approval, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subcontractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

8. Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnities.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), in law or equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees,

subcontractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2).

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's subcontractor, its officers, agents, servants, employees, subcontractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's subcontractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Section, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The hold harmless and indemnification provisions in this Section shall apply

regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. No Design Services. Contractor acknowledges that the Services to be provided pursuant to this Agreement do not require the services of a “design professional,” as the term is defined in California Civil Code Section 2782.8(c), and that therefore the provisions of California Civil Code Section 2782.8 do not apply to this Agreement.

E. Survival of Terms. Consultant’s indemnifications and obligations under this Section shall survive the expiration or termination of this Agreement.

9. Insurance.

A. Minimum Scope and Limits of Insurance. Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

1) Commercial General Liability Insurance with a minimum limit of \$2,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of \$2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

2) Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of \$2,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy required under subparagraph A.1) of this Section.

3) Workers’ Compensation Insurance as required by the State of California and Employer’s Liability Insurance with a minimum limit of \$1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers’ compensation policy is not required, but Consultant shall execute a declaration that it has no employees.

4) Professional Liability/Errors and Omissions Insurance with minimum limits of \$2,000,000.00 per claim and in aggregate.

B. Acceptability of Insurers. The insurance policies required under this Section shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest edition of the A.M. Best Insurance Rating Guide. Self insurance shall not be considered to comply with the insurance requirements under this Section.

C. Additional Insured. The commercial general and automobile liability policies shall contain an endorsement naming City, and its elected and appointed officials, officers, employees, agents and volunteers as additional insureds. This provision shall also apply to any excess/umbrella liability policies.

D. Primary and Non-Contributing. The insurance policies required under this Section shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its elected and appointed officials, officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

E. Consultant's Waiver of Subrogation. The insurance policies required under this Section shall not prohibit Consultant and Consultant's employees, agents or subcontractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.

G. Cancellations or Modifications to Coverage. Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Section during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Section is canceled or reduced in coverage or limits, Consultant shall, within two Business Days of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

H. City Remedy for Noncompliance. If Consultant does not maintain the policies of insurance required under this Section in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Section, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

I. Evidence of Insurance. Prior to the performance of Services under this Agreement, Consultant shall furnish City's Risk Manager with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Section. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with City's Risk Manager. Consultant shall provide proof to City's Risk Manager that insurance policies expiring

during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two weeks prior to the expiration of the coverages.

J. Indemnity Requirements not Limiting. Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under Section 8 of this Agreement.

K. Broader Coverage/Higher Limits. If Consultant maintains broader coverage and/or higher limits than the minimums required above, City requires and shall be entitled to the broader coverage and/or the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

L. Subcontractor Insurance Requirements. Consultant shall require each of its subcontractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Section.

10. Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent Data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

11. Records and Inspections. Consultant shall maintain complete and accurate records with respect to time, costs, expenses, receipts, correspondence, and other such information required by City that relate to the performance of the Services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to City, its designees and representatives at reasonable times, and shall allow City to examine and audit the books and records, to make transcripts therefrom as necessary, and to inspect all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three years after receipt of final payment.

12. Termination of Agreement.

A. Right to Terminate. City may terminate this Agreement at any time, at will, for any reason or no reason, after giving written notice to Consultant at least five calendar days before the termination is to be effective. Consultant may terminate this Agreement at any time, at will, for any reason or no reason, after giving written notice to City at least 60 calendar days before the termination is to be effective.

B. Obligations upon Termination. Consultant shall cease all work under this Agreement on or before the effective date of termination specified in the notice of termination. In the event of City's termination of this Agreement due to no fault or failure of performance by Consultant, City shall pay Consultant based on the percentage of work satisfactorily performed up to the effective date of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the Services required by this Agreement. Consultant shall have no other claim against City by reason of such termination, including any claim for compensation.

13. Force Majeure. Consultant shall not be liable for any failure to perform its obligations under this Agreement if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to acts of God, embargoes, inability to obtain labor or materials or reasonable substitutes for labor or materials, governmental restrictions, governmental regulations, governmental controls, judicial orders, enemy or hostile governmental action, civil commotion, fire or other casualty, or other causes beyond Consultant's reasonable control and not due to any act by Consultant.

14. Default.

A. Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default.

B. In addition to the right to terminate pursuant to Section 12, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City shall serve Consultant with written notice of the default. Consultant shall have ten calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance. In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

15. Notices. Any notice, consent, request, demand, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on personal delivery, (b) on confirmed delivery by courier service during Consultant's and City's regular business hours, or (c) three Business Days after deposit in the United States mail, by first class mail, postage prepaid, and addressed to the Party to be notified as set forth below:

TO CITY:

City of Manhattan Beach
Public Works
Attn: Tim Birthisel
1400 Highland Avenue
Manhattan Beach, California 90266

TO CONSULTANT:

Wallace & Associates Consulting, Inc.
Attn: Carl Wallace
1655 E. 6th St., Suite A-4a
Corona, California 92879

COPY TO CITY ATTORNEY:

City of Manhattan Beach
Attn: City Attorney
1400 Highland Avenue
Manhattan Beach, CA 90266

16. Non-Discrimination and Equal Employment Opportunity. In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor or applicant for employment because of race, color, religious creed, sex, gender, gender identity, gender expression, marital status, national origin, ancestry, age, physical disability, mental disability, medical condition, genetic information, sexual orientation or other basis prohibited by law. Consultant will take affirmative action to ensure that subcontractors and applicants are employed, and that employees are treated during employment, without regard to their race, color, religious creed, sex, gender, gender identity, gender expression, marital status, national origin, ancestry, age, physical disability, mental disability, medical condition, genetic information or sexual orientation.

17. Prohibition of Assignment and Delegation. Consultant shall not assign any of its rights or delegate any of its duties under this Agreement, either in whole or in part, without City's prior written consent. City's consent to an assignment of rights under this Agreement shall not release Consultant from any of its obligations or alter any of its primary obligations to be performed under this Agreement. Any attempted assignment or delegation in violation of this Section shall be void and of no effect and shall entitle City to terminate this Agreement. As used in this Section, "assignment" and "delegation" means any sale, gift, pledge, hypothecation, encumbrance or other transfer of all or any portion of the rights, obligations, or liabilities in or arising from this Agreement to any person or entity, whether by operation of law or otherwise, and regardless of the legal form of the transaction in which the attempted transfer occurs.

18. No Third Party Beneficiaries Intended. This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

19. Waiver. No delay or omission to exercise any right, power or remedy accruing to City under this Agreement shall impair any right, power or remedy of City, nor shall it be construed as a waiver of, or consent to, any breach or default. No waiver of any breach, any failure of a condition, or any right or remedy under this Agreement shall be (1) effective unless it is in writing and signed by the Party making the waiver, (2) deemed

to be a waiver of, or consent to, any other breach, failure of a condition, or right or remedy, or (3) deemed to constitute a continuing waiver unless the writing expressly so states.

20. Final Payment Acceptance Constitutes Release. The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's work or services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, subcontractors and agents for the accuracy and competency of the information provided and/or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the work prepared by Consultant, its employees, subcontractors and agents.

21. Corrections. In addition to the above indemnification obligations, Consultant shall correct, at its expense, all errors in the work which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction in a reasonably timely manner, such correction may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction from any retention amount held by City or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction.

22. Non-Appropriation of Funds. Payments to be made to Consultant by City for services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's services beyond the current fiscal year, this Agreement shall cover payment for Consultant's services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

23. Exhibits. Exhibits A, B, and C constitute a part of this Agreement and are incorporated into this Agreement by this reference. If any inconsistency exists or arises between a provision of this Agreement and a provision of any exhibit, or between a provision of this Agreement and a provision of Consultant's proposal, the provisions of this Agreement shall control.

24. Entire Agreement and Modification of Agreement. This Agreement and all exhibits referred to in this Agreement constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other prior or contemporaneous oral or written understandings and agreements of the Parties. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. This Agreement may not be amended, nor any provision or breach hereof waived, except in a writing signed by both Parties.

25. Headings. The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

26. Word Usage. Unless the context clearly requires otherwise, (a) the words “shall,” “will” and “agrees” are mandatory and “may” is permissive; (b) “or” is not exclusive; and (c) “includes” or “including” are not limiting.

27. Time of the Essence. Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

28. Business Days. “Business days” means days Manhattan Beach City Hall is open for business.

29. Governing Law and Choice of Forum. This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be governed by and construed in accordance with the laws of the State of California, except that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement. Any dispute that arises under or relates to this Agreement (whether contract, tort or both) shall be resolved in a superior court with geographic jurisdiction over the City of Manhattan Beach.

30. Attorneys’ Fees. In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party shall be entitled to recover all attorneys’ fees, experts’ fees, and other costs actually incurred in connection with such litigation or other proceeding, in addition to all other relief to which that Party may be entitled.

31. Severability. If a court of competent jurisdiction holds any provision of this Agreement to be illegal, invalid or unenforceable for any reason, the validity of and enforceability of the remaining provisions of this Agreement shall not be affected and continue in full force and effect.

32. Counterparts. This Agreement may be executed in multiple counterparts, all of which shall be deemed an original, and all of which will constitute one and the same instrument.

33. Corporate Authority. Each person executing this Agreement on behalf of his or her Party warrants that he or she is duly authorized to execute this Agreement on behalf of that Party and that by such execution, that Party is formally bound to the provisions of this Agreement.

[SIGNATURE PAGE FOLLOWS]

The Parties, through their duly authorized representatives are signing this Agreement on the date stated in the introductory clause.

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

Wallace & Associates Consulting, Inc.,
a Wyoming corporation

By: _____

Name: Bruce Moe
Title: City Manager

By: _____

Name: Carl Wallace
Title: President

ATTEST:

By: _____

Name: Cathy Wallace
Title: CEO

By: _____

Name: Liza Tamura
Title: City Clerk

**PROOF OF AUTHORITY TO BIND
CONTRACTING PARTY REQUIRED**

APPROVED AS TO FORM:

By: _____

Name: Quinn M. Barrow
Title: City Attorney

APPROVED AS TO FISCAL IMPACT:

By: _____

Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

By: _____

Name: Stephanie Katsouleas
Title: Public Works Director

EXHIBIT A SCOPE OF SERVICES

Daily Construction Observation Reports: Wallace & Associates Consulting, Inc. (W&A) Inspector will compile daily observation reports documenting the contractor's workforce, all materials and equipment used or idle, a summary of the construction operations, any field problems, any disputes or claims, resolutions of issues and information provided or written directives to the contractor. Completed daily reports will be transmitted to the City on a weekly basis with originals filed and stored appropriately. W&A's CM will review and approve all daily reports. W&A typically include job photos with each daily report or categorize them by date and location for storage and "searchability" by title date location or key words on the computer. These are stored on W&A's SharePoint/OneDrive file system which the City can access at any time.

Weekly Statement of Working Days: When applicable the W&A Inspector will prepare a weekly statement of working days documenting the construction progress, time of completion, delays and time extensions, and submit to contractor and the City on a weekly basis. The weekly statement of working days is typically discussed and agreed upon at each progress meeting and transmitted as an attachment to the minutes.

Materials and Workmanship: W&A will recommend approval of materials and workmanship that meet the contract requirements, in coordination with the authority of the consulting engineer, architect, fire inspector, deputy inspector or other authorized representative or regulatory authorities having jurisdiction.

Written Instruction: W&A will issue written instructions to the contractor regarding routine matters and/or follow-up of verbal instructions as necessary to properly document project issues. W&A inspectors have speed memo forms to document any issue and provide immediately a copy to the contractor.

Plans, Specs and As-Builts: W&A will periodically review the contractor's as-built updates on the approved job plan set, identify missing items, and require the contractor to keep as-built records up to date throughout the project. At the City's option W&A will keep its own set of as-built plans, which will note the location of subsurface utilities encountered and/or installed, identify where any design or field changes were required (utilizing the corresponding RFI and/or change order numbers), and note the location of critical building components that are covered by finish work. At the end of the project the final as-built plans are submitted to the City.

Pre-Final Inspection: The Construction Manager and Inspector will perform the final job walk and prepare the punch list (deficiency list). W&A will coordinate and observe the completion of required corrections. Should the contractor lag on a portion of the completion of project work, W&A will estimate the value of the incomplete items and recommend specific retention amount in accordance with the contract to preserve the

City's financial interest. If necessary, a change order will be recommended for approval for completion of the remaining work so that the City may file the notice of completion and start the time after which stop notices and/or claims are no longer valid.

Final Inspection: All corrections must be made before W&A recommends processing of the "Notice of Completion". Upon completion of the punch-list and final sign-off by all project stakeholders, W&A will make a recommendation to the City regarding the contractor's final progress payment request and prepare a final progress payment report for submission to the City.

Delivery of As-Builts and Close-Out Documents: W&A will review as-built plans and prepare as-built reports. W&A will assist the contractor in maintaining a field set of as-built plans to be updated daily and delivered to the City upon project completion. W&A will continually document changed field conditions and not rely on the contractor to document as-builts. The Inspector will report and photograph field condition changes. The Inspector will document and keep these as-built conditions on plans on site. W&A will review the contractor's submittal of as-built conditions and compare this submittal to W&A's own documentation. Discrepancies will be discussed, resolved and recorded. Completed as-built plans will be submitted to the City within thirty (30) days of construction completion. W&A will enforce the provisions of the specifications to require the contractor to submit well-coordinated operations and maintenance manuals, warranties and guarantees, bonds, extra stock and/or other items required by the contract documents such that a timely close-out of the project is implemented.

Close-Out: W&A will perform closeout duties including final organization of project files submitted to the City for final approval, assist with the filing of the notice of completion and release of retention, and assist with the verifying all preliminary notices are satisfied.

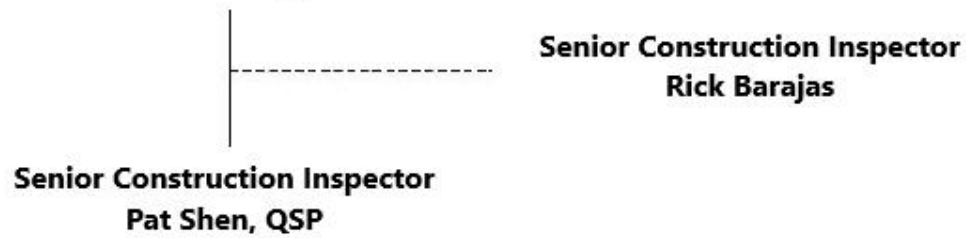
Warranties and Guarantees: W&A will track all material warranties and guarantees identified in the specifications and will ensure receipt of the required scope of these as well as the correct number of these documents with contact information, product names and manufacturer's representative and contact information. It is recommended that the City include a follow up schedule to have warranty items checked prior to their anniversary date so that any issues can be resolved under the contract warranty. These will be included in a binder as well as electronically stored for the City.

Plant Establishment Period: If there is a landscape maintenance period, W&A Inspector will provide periodic maintenance inspections as specified. Any plant material not thriving will be recommended to be replaced per the contract provisions and new maintenance will be established. Irrigation system coverage and watering times will also be checked and, if any modifications are required, these will be updated in the operations and maintenance manuals for the system prior to acceptance of the maintenance period and turnover of the system to City maintenance and operations staff.

Organizational Chart



Tim Birthisel
Sr. Civil Engineer



**EXHIBIT B
APPROVED FEE SCHEDULE**

Construction Inspection Services for City of Manhattan Beach - Cycle 2 Sewer Capital Improvement Projects													
Construction Project Period by Months													
				Precon	Construction					Closeout			
				NTP									
Allocation	Staff	Role	March	April	May	June	July	Aug	Sept	Total Hours	Hourly Rate	Cost	
			0	1	2	3	4	5	6				
Wallace & Associates Staff													
As-Needed	Pat Shen, QSP	Senior Construction Inspector	48	168	168	168	168	168	138	1,026	\$136	\$139,536	
As-Needed	Rick Barajas	Alternate Senior Construction Inspector								0	\$136	\$0	
											\$139,536		

Notes:

1. No licensed surveying or legal services are included in this proposal.
2. Hours based upon schedule provided in the RFP. Should schedule change additional fees may be requested.
3. W&A has a 4 hour minimum for construction inspection hours.

EXHIBIT C
TERMS FOR COMPLIANCE WITH CALIFORNIA LABOR LAW REQUIREMENTS

1. This Agreement calls for services that, in whole or in part, constitute “public works” as defined in Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code (“Chapter 1”). Further, Contractor acknowledges that this Agreement is subject to (a) Chapter 1 and (b) the rules and regulations established by the Department of Industrial Relations (“DIR”) implementing such statutes. Therefore, as to those Services that are “public works”, Contractor shall comply with and be bound by all the terms, rules and regulations described in 1(a) and 1(b) as though set forth in full herein.

2. California law requires the inclusion of specific Labor Code provisions in certain contracts. The inclusion of such specific provisions below, whether or not required by California law, does not alter the meaning or scope of Section 1 above.

3. Contractor shall be registered with the Department of Industrial Relations in accordance with California Labor Code Section 1725.5, and has provided proof of registration to City prior to the Effective Date of this Agreement. Contractor shall not perform work with any subcontractor that is not registered with DIR pursuant to Section 1725.5. Contractor and subcontractors shall maintain their registration with the DIR in effect throughout the duration of this Agreement. If the Contractor or any subcontractor ceases to be registered with DIR at any time during the duration of the project, Contractor shall immediately notify City.

4. Pursuant to Labor Code Section 1771.4, Contractor’s Services are subject to compliance monitoring and enforcement by DIR. Contractor shall post job site notices, as prescribed by DIR regulations.

5. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. Contractor acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and Contractor shall post such rates at each job site covered by this Agreement.

6. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Contractor shall, as a penalty to City, forfeit \$200.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Contractor or by any subcontractor.

7. Contractor shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Contractor and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform City of the location of the records.

8. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 *et seq.* concerning the employment of apprentices on public works projects. Contractor shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Contractor shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 days after concluding work pursuant to this Agreement, Contractor and each of its subcontractors shall submit to City a verified statement of the journeyman and apprentice hours performed under this Agreement.

9. The Contractor shall not perform Work with any Subcontractor that has been debarred or suspended pursuant to California Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. The Contractor and Subcontractors shall not be debarred or suspended throughout the duration of this Contract pursuant to Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. If the Contractor or any subcontractor becomes debarred or suspended during the duration of the project, the Contractor shall immediately notify City.

10. Contractor acknowledges that eight hours labor constitutes a legal day's work. Contractor shall comply with and be bound by Labor Code Section 1810. Contractor shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Contractor shall, as a penalty to City, forfeit \$25.00 for each worker employed in the performance of this Agreement by the Contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Contractor in excess of eight hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

11. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, Contractor hereby certifies as follows:

“I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.”

12. For every subcontractor who will perform work on the project, Contractor shall be responsible for such subcontractor’s compliance with Chapter 1 and Labor Code Sections 1860 and 3700, and Contractor shall include in the written contract between it and each subcontractor a copy of those statutory provisions and a requirement that each subcontractor shall comply with those statutory provisions. Contractor shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor’s compliance, including without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Contractor shall diligently take corrective action to halt or rectify any failure.

13. To the maximum extent permitted by law, Contractor shall indemnify, hold harmless and defend (at Contractor’s expense with counsel reasonably acceptable to City) City, its officials, officers, employees, agents and independent contractors serving in the role of City officials, and volunteers from and against any demand or claim for damages, compensation, fines, penalties or other amounts arising out of or incidental to any acts or omissions listed above by any person or entity (including Contractor, its subcontractors, and each of their officials, officers, employees and agents) in connection with any work undertaken or in connection with the Agreement, including without limitation the payment of all consequential damages, attorneys’ fees, and other related costs and expenses. All duties of Contractor under this Section shall survive the termination of the Agreement.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 10

ATTACHMENT NAME: Plans and Specifications (Web-Link Provided)

LINK: <https://www.citymb.info/Home/ShowDocument?id=45326>

ATTACHMENT

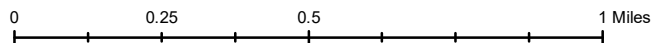
Cycle 2 Sewer Infrastructure Improvement Project

Budget and Expenditures Summary

BUDGET	
Cycle 2 Sewer Infrastructure Improvement Project (17501E)	\$3,388,845
TOTAL BUDGET	\$3,388,845

EXPENDITURES	
Construction Contract award for Cycle 2 Sewer Infrastructure Improvement Project –Vasilj, Inc.	\$1,396,359
Contingency for Unforeseen Conditions (20%)	\$279,270
Inspection Services Award – Wallace & Associates Consulting, Inc.	\$139,536
TOTAL EXPENDITURES	\$1,815,165

City of Manhattan Beach Cycle 2 Sewer Improvements



Jan 2021



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Talyn Mirzakhanian, Planning Manager
Eric Haaland, Associate Planner

SUBJECT:

Conduct Public Hearing to Consider Modification of Conditions of Approval for the Existing Conditional Use Permit for the Residence Inn by Marriott, Located at 1700 N. Sepulveda Boulevard (Community Development Director Tai).

- a) **CONDUCT PUBLIC HEARING**
- b) **ADOPT RESOLUTION NO. 21-0005 MODIFYING CONDITIONS TO THE CONDITIONAL USE PERMIT FOR THE RESIDENCE INN BY MARRIOTT**

RECOMMENDATION:

Staff recommends that after conducting a public hearing, the City Council adopt Resolution No. 21-0005 modifying the conditions of approval for the Conditional Use Permit for the Residence Inn by Marriott.

EXECUTIVE SUMMARY:

The City Council directed staff to schedule a public hearing to consider modifying the conditions of approval to a Conditional Use Permit for the operation of a 176-room motel issued in 1985 to the owner of property located at 1700 N. Sepulveda Boulevard (the "Site", after a number of incidents at the Site, including, nuisance-generating activity and incidents threatening the safety of the residents in the adjacent residential neighborhood. The current hotel operator, Residence Inn by Marriott, has proposed a series of operational and physical site improvements to address concerns raised by the public. The proposed modifications were evaluated by staff and incorporated as conditions in the attached draft resolution (Resolution No. 21-0005).

FISCAL IMPLICATIONS:

There are no direct fiscal implications associated with the recommended action.

BACKGROUND:

The City Council approved a Conditional Use Permit and associated Variance (Resolution 4181 and Resolution 4182) on January 2, 1985, for the construction and operation of a 176-room motel with conference facilities at the site, which is designated in the General Plan as General Commercial and zoned CG-D8, General Commercial - Sepulveda Boulevard Corridor Overlay. In 1990, the City also approved Use Permit Amendment 90-46 (Resolution PC 90-24) to allow beer and wine service at the motel. The original CUP, plus amendments, are referred to herein as the "Use Permit."

A shooting occurred at the site on September 8, 2020. Immediately afterwards, the Police Department worked with the then-interim General Manager, who proposed some immediate operational changes to improve security on the site and to deter crime. The measures proposed by the interim General Manager were memorialized in a letter from the City Attorney to the hotel operator in a letter dated September 11, 2020. On September 15, 2020, staff presented the City Council with a report outlining additional incidents, complaints from neighboring residents, the Use Permit history of the site, as well as the Municipal Code provisions regarding the review of Use Permits. At the conclusion of the discussion, the City Council requested that staff perform and present a review of the Use Permit. In accordance with Section 10.84.070(B)(4) of the Municipal Code, Condition No. 24 in Resolution 4181 authorizes the City Council to conduct a review of the Use Permit to determine compliance with conditions imposed and Municipal Code requirements.

Accordingly, at a duly noticed City Council meeting held on October 20, 2020, the City Council reviewed the Use Permit, comments from the public, and from representatives of the hotel. After receiving such input, the City Council determined that there are reasonable grounds for revocation or modification of the conditions of approval and directed staff to schedule a public hearing to consider modifications to the Use Permit's conditions of approval in accordance with Section 10.104.030 of the Municipal Code, in order to incorporate additional operational measures as conditions of approval.

In the interim, on December 1, 2020, the City Council received a 30-day progress report summarizing progress made by Residence Inn between October 21, 2020, and November 20, 2020, and confirming the scheduling of the subject hearing for consideration of modifications to the existing Use Permit.

DISCUSSION:

Over the course of the last several months, the hotel operator has engaged with neighboring residents and City staff via a series of emails, virtual meetings, phone calls, and records requests in an attempt to better understand any concerns regarding the hotel's operation and site conditions and to devise targeted, long-term solutions accordingly. Comments and concerns regarding hotel operations, as raised by the City Council and the neighboring residents during the aforementioned City Council meetings and subsequent discussions, focused on the need for increased on-site security measures and improved control of vehicular access to prevent loitering and nuisance-generating activities such as parties hosted by hotel patrons in the suites, smoking on site, and other unpermitted activity. In an effort to address these concerns, the hotel operator has proposed the modifications below, inclusive of

operational improvements and physical improvements to the site. The hotel operator considered variations of the improvements discussed herein, and ultimately proposed those improvements that could be effectively sustained for the duration of the use of the property as a hotel. Corresponding conditions of approval for each of the improvements identified below are incorporated in the draft resolution.

To address concerns regarding smoking activity on the subject site, the hotel operator has proposed to display “no smoking” signage within the hotel lobby referencing that the City of Manhattan Beach is a “smoke free” City and that, as such, smoking is prohibited throughout the property, both indoors and outdoors. The hotel operator has also proposed to post “no smoking” signage on the exterior of each building and on the interior side of the fences and retaining walls along the site’s northern, eastern and southern property lines.

To address security and safety concerns, the hotel operator has proposed a series of physical improvements to the site, including the following:

1. *Motion-activated flood lights will be installed at the rear of the property, adjacent to the eastern property line.* Improved lighting to this portion of the site will serve to deter occurrences of unpermitted activities after dark, specifically in those areas furthest from the hotel lobby and closest to the adjacent residential neighborhood.
2. *A security camera system will be installed and maintained.* The system will include cameras at no fewer than four locations within the eastern portion of the property, as well as cameras specifically facing the eastern property line fence. Installation of cameras at the specified locations serves to improve security monitoring of all portions of the site, including those areas furthest from the hotel lobby and closest to the adjacent residential neighborhood. The security cameras will supplement existing hotel protocols for on-site security personnel.
3. *A gated traffic-control system will be installed and maintained in the parking lot.* As demonstrated in the Parking Gate Improvement Plan included as an attachment, two controlled parking gates will be installed within the parking lot just east of the hotel lobby, one at the westernmost segment of each main (east-west) drive aisle leading to the east side of the property. The parking gates will serve to limit vehicular access to the main portion of the parking lot to hotel patrons and those with hotel-issued access identification. The westernmost portions of the parking lot will remain ungated to accommodate a guest check-in parking area. While consideration was given to a parking gate at the driveway approach and closer to Sepulveda Boulevard, this alternative was dismissed, as it could result in a back-up of vehicles along northbound Sepulveda Boulevard and would eliminate access to parking spaces for accommodation of guest check-in. The proposed condition of approval requires submittal of the plans for the gate system to plan check no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance.
4. *The height of the eastern perimeter wall/fence will be increased to no less than eight feet above grade level on the western side of the fence and no less than 10 feet*

above grade level on the eastern side of the fence. Condition No. 18 in the original resolution approving the Use Permit (Resolution No. 4181) required that the proposed perimeter walls for the project be constructed of decorative materials, such as stucco, and that the portion of the wall along the eastern property line be a minimum of seven feet in height. In response to comments from neighbors regarding sightings of people jumping across the hotel's eastern perimeter wall/fence, the applicant is proposing to increase the height of the wall/fence along the eastern property line and incorporate emergency vehicle access gates controlled only by the City. The hotel operator submitted elevations for the proposed modifications to this structure (see attachment), demonstrating variations of a wall/fence structure that would achieve the increased height. Given that Section 10.16.030(K) of the Municipal Code requires a wall/fence structure at a height above eight feet to be mutually agreed upon by the abutting property owners and approved by the Community Development Department, the applicant is cooperating with the abutting property owners to finalize the wall/fence design.

The proposed condition of approval requires submittal of the plans for the wall/fence, as agreed upon by abutting property owners, to the Community Development Director no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance. Furthermore, in response to comments from neighbors regarding debris that originates from the hotel site but travels under the existing eastern gate and into the abutting residential neighborhood, the hotel operator has agreed to install a rubber strip at the bottom of the emergency gates to fill in any gaps and prevent trash or other debris from inadvertently traveling into the residential neighborhood. Staff recommends replacing the original Condition No. 18 with a condition that captures the modifications described herein.

The aforementioned physical site improvements will be supplemented with the following operational modifications, as proposed by the hotel operator:

1. *Require guest signature on a "Code of Conduct" upon check-in.* In an effort to prevent nuisance-generating activities on the part of hotel patrons and their guests, the hotel operator will require all guests, at check-in, to sign a copy of a "Code of Conduct" or similarly titled statement: (a) advising guests of their obligations in respect to the hotel's and City's non-smoking policies and laws; (b) requiring guests to observe the hotel's posted "quiet hours" inside and outside of their guestrooms and to comply with the City's noise ordinance; (c) acknowledging the hotel's posted limits on guestroom occupancy from 9:00 P.M. to 9:00 A.M.; and (d) acknowledging that violations of the "Code of Conduct" may result in forfeiture of up to all of the guest's deposit and/or eviction from the hotel.
2. *Establish neighborhood outreach protocols.* Neighboring property owners have commented that, prior to the September 15, 2020, City Council meeting, the residents faced difficulties contacting hotel management when problems arose on the hotel site. In response to such comments, the hotel operator will establish a direct line of communication, via phone, email or similar technology, by which neighboring property owners may directly communicate with hotel management. Additionally, the hotel

operator will host, at a minimum, one meeting per year, virtual or in person, with the neighboring community to field questions or concerns regarding operation of the hotel.

The hotel operator has demonstrated an effort in evaluating the community's concerns, as well as the operational deficiencies, and has proposed modifications that collectively aim to prevent nuisance-generating activity and better engage the neighboring property owners. Staff evaluated the conditions originally proposed by the hotel operator and made modifications, as necessary, to ensure that they were technically feasible and sustainable for the long-term (i.e. for the duration of the operation of the site as a hotel), but also specific to such degree regarding dates, heights, quantities, etc., that they are enforceable by the City. If the City Council elects to adopt the draft resolution, the hotel operator, and/or all successors, will be required to comply with all new conditions of approval, as well as all existing conditions provided in Resolution Nos. 4181, 4182 and in Resolution PC 90-24, with the exception of Condition No. 18 in Resolution No. 4181, which is being modified.

Required Findings

Pursuant to Section 10.104.030(D) of the Municipal Code, the body conducting a hearing to consider modification of the conditions of approval of a discretionary permit shall make one (or more) of the following findings:

- 1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;*
- 2. That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;*
- 3. That there has been a discontinuance of the exercise of the entitlement granted by the permit for twelve (12) consecutive months.*

Based on the evidence presented over the course of the recent months and presented as part of this public hearing, the proposed modifications to the Use Permit conditions are based on Finding No. 2, violation of laws and regulations at the site, including but not limited to regulations in Chapter 4.116 regarding smoking and regulations in Chapter 5.48 regarding noise.

The Inn is not seeking any additional entitlements to its existing Use Permit. Rather, the Inn has suggested additional operational and physical measures to address the concerns identified in this report and at prior Council meetings. Accordingly, the findings made by the City previously in approving the Use Permit and its amendments still apply to the underlying use, and the modifications proposed herein are limited to operational changes and minor site improvements to an existing "Visitor Accommodation" (i.e. hotel) land use that do not affect in any way the prior findings made as to whether a hotel at the site is consistent with the General Plan and zoning, and compatible with the neighborhood.

CONCLUSION:

In response to concerns raised by the neighboring community, the hotel operator for Residence Inn by Marriot, located at 1700 N. Sepulveda Boulevard, has proposed a series of operational

modifications and site improvements, as described in the previous section of this report. The conditions, as proposed in the draft resolution, are targeted at resolving the Community's concerns and are deliberately formulated such that they are technically feasible and sustainable on the part of the hotel operator, and specific enough to be enforceable on the part of the City. Subsequent to conducting a public hearing on this matter, the City Council has the following options:

1. Adopt the draft resolution attached herein, conditionally approving the amendment to the Use Permit;
2. Propose additional conditions or modifications to the draft resolution and conditionally approve a modified version of the draft resolution attached herein; or
3. Direct staff to schedule a hearing for revocation of the Use Permit.

Staff recommends Options 1 or 2.

PUBLIC OUTREACH:

In accordance with the Municipal Code, public notification for this public hearing consisted of a published newspaper ad, published on December 24, 2020, and mailed notices to property owners of properties within 500 feet of the Residence Inn site (203 properties total), posted on December 18, 2020. As of the writing of this report, staff has not received any public comment.

ENVIRONMENTAL REVIEW:

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) based on the determination that the proposed modifications involve negligible or no expansion of the existing hotel use. Pursuant to State CEQA Guidelines Section 15300.2 (Exceptions), there is no reasonable possibility that the activity will have a significant impact on the environment because there are no unusual circumstances in this situation. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

ATTACHMENTS:

1. Resolution No. 21-0005
2. Resolutions Nos. 4181 and 4182
3. PC Resolution No. 90-24
4. Parking Gate Improvement Plans
5. Fence/Wall Elevations

[DRAFT] RESOLUTION NO. 21-0005

RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL MODIFYING CONDITIONS TO A USE PERMIT FOR AN EXISTING VISITOR ACCOMMODATION USE LOCATED AT 1700 NORTH SEPULVEDA BOULEVARD; AND MAKING AN ENVIRONMENTAL DETERMINATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (RESIDENCE INN BY MARRIOTT)

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. WH Manhattan Beach LP (the “Owner” hereinafter) owns the Residence Inn by Marriott (the “Inn” hereinafter) on the commercially-zoned property located at 1700 North Sepulveda Boulevard (the “Site”). On January 2, 1985, the City Council adopted Resolution No. 4181 and Resolution No. 4182, granting a Conditional Use Permit and Variance for the construction and operation of a 176-room motel with conference facilities on the Site, subject to conditions. On September 19, 1990, the Planning Commission approved Conditional Use Permit Amendment 90-46 (Resolution PC 90-24) to allow beer and wine service at the motel, subject to conditions. Hereinafter, the original Conditional Use Permit and all amendments thereto, will be referred to as the “Use Permit.”

SECTION 2. A shooting occurred at the Site on September 8, 2020, prompting the Mayor to request a report on the Inn at the next City Council meeting. After providing advance notice to representatives of the Owner (“Inn Representatives” hereinafter), staff presented a report outlining the shooting incident, additional incidents, and complaints from neighboring residents, at a duly noticed City Council meeting held on September 15, 2020. The report states that Manhattan Beach Police Department records indicate that the site had experienced heightened criminal activity. The September 15, 2020 staff report and attachments thereto are hereby incorporated herein by this reference. Residents who live near the Inn provided comments and complaints about the Inn. After the staff’s presentation and public comments, the City Council requested that staff schedule a review of the Use Permit, in accordance with Municipal Code Section 10.84.070(B)(4) and Condition No. 24 in Resolution 4181. Municipal Code Section 10.84.070(B)(4) and Condition No. 24 authorize the City Council to conduct a review of the Use Permit to determine compliance with conditions imposed and Municipal Code requirements.

SECTION 3. On October 20, 2020, the City Council reviewed the Use Permit pursuant to Municipal Code Section 10.84.070(B)(4) and Use Permit Condition No. 24. After receiving input from staff, Inn Representatives, and residents who live in the vicinity of the Inn, the City Council determined that there are reasonable grounds to consider revocation or modification of the Use Permit. The October 10, 2020 staff report and attachments thereto are hereby incorporated herein by this reference. The Council directed staff to

schedule a public hearing to consider modifying the conditions of approval for the Use Permit in accordance with Municipal Code Section 10.104.030. Municipal Code Section 10.104.030 provides that, upon making a finding that that “the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated”, the City shall revoke or modify the conditions of a use permit.

SECTION 4. On January 5, 2021, the City Council conducted a duly noticed public hearing to consider whether the terms or conditions of approval of the Use Permit have been violated or that other laws or regulations have been violated. If the Council so determines, the Municipal Code requires either revocation of the use permit or modification to the conditions of approval. Evidence, both written and oral, was presented to the Council, including a staff report and staff presentation. All persons wishing to address the Council regarding the Inn before and during the hearing were provided an opportunity to do so in full compliance with the Brown Act, as modified by Governor Gavin Newsom’s Executive Order N-29-20 for public hearings occurring during the COVID-19 emergency. The City provided Inn Representatives with ample opportunity to submit material in advance of the meeting, and provided them with an opportunity to speak during the public hearing. Inn Representatives provided comments.

SECTION 5. The record of the public hearing indicates:

- A. The City Council approved a Conditional Use Permit and associated Variance on January 2, 1985, for the construction and operation of a 176-room motel with conference facilities at the Site. In 1990, the City approved Use Permit Amendment 90-46 to allow beer and wine service at the motel.
- B. A shooting occurred at the Site on September 8, 2020. At a duly noticed City Council meeting held on September 15, 2020, staff presented the City Council with a report about the shooting incident, additional incidents, complaints from neighboring residents, and heightened criminal activity at the Site.
- C. After considering a staff report, comments from the public, and comments from Inn Representatives at a duly noticed City Council meeting held on October 20, 2020, the City Council determined that there are reasonable grounds for revocation or modification of the conditions of approval and directed staff to schedule a public hearing to consider modifications to the Use Permit’s conditions of approval in accordance with Municipal Code Section 10.104.030.
- D. In an effort to address the issues referenced above, Inn Representatives have worked closely with City staff and residents to develop measures designed to enhance safety, reduce and eliminate noise, and enable the Inn to operate in a manner that is compatible with surrounding uses. Among other measures, Inn Representatives have offered to:
 - Install additional flood lights and security cameras;
 - Install a gated parking control system;

- Implement a neighborhood communications protocol; and
 - Improve the existing wall between the Site and the residential neighbors to the east.
- E. The modifications proposed herein are limited to operational changes and minor site improvements to an existing land use, and will not intensify the current use. The proposed modifications are designed to modify site operations to protect the public health, safety and welfare of persons residing or working near the Site, and to enable the use to be compatible with surrounding uses. The proposed modifications conform with Goal LU-5, Policy LU-5.1 of the City's General Plan, which requires the separation or buffering of residential areas from businesses which may generate, *inter alia*, noise, odors, high traffic volumes, light or glare, or adverse impacts on resident security and personal safety. The addition of flood lights and security cameras on the Site will enable the hotel management to monitor activity on the site, particularly the eastern portion closest to residential properties. The addition of gated parking control system will ensure that use of the parking lot is limited to those authorized to be on the site. The implementation of a neighborhood communications protocol will enable the hotel and surrounding residents to be aware of any new or ongoing issues, and preemptively and proactively address them in an effort to minimize demands on public services, such as police calls. The improved wall will decrease noise migrating off-site and increase safety.

SECTION 6. Staff has determined, and the City Council in its independent judgment finds, in light of the whole record before it, that the proposed modifications to conditions is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines (14 Cal. Code Regs.) Section 15301 (Existing Facilities), as the proposed modifications involve no expansion of the existing hotel use. Pursuant to State CEQA Guidelines Section 15300.2 (Exceptions), there is no reasonable possibility that the activity will have a significant impact on the environment because there are no unusual circumstances in this situation. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

SECTION 7. Based upon the foregoing, and evidence presented at the public hearing, the Council hereby finds:

- A. State statutes and City law have been violated on the Site. Crime has occurred in violation of the California Penal Code. Municipal Code regulations, including but not limited to Chapter 4.116 smoking regulations and Chapter 5.48 noise regulations, have been violated. As the owner of the property, the Owner has a duty to prevent these violations on its property, and take measures designed to eliminate, mitigate and reduce such violations.
- B. In light of Finding A, the City Council must either revoke the Use Permit or modify

the conditions of approval pursuant to Manhattan Beach Municipal Code Section 10.104.030D. Based upon the measures taken by the Inn, and its agreement to take the additional measures listed in subsection D of Section 5 of this Resolution, modification of the conditions of approval should adequately ameliorate the factors leading to this hearing.

- C. Modifying the conditions of approval by adding reasonable conditions and modifying existing conditions is necessary to protect the public health, safety and welfare of persons residing or working near the Site, and to enable the use to be compatible with surrounding uses.

SECTION 8. Based upon the foregoing, and after considering all of the evidence in the record, the City Council hereby modifies the Use Permit conditions of approval by adding the following conditions, which supplement all existing conditions provided in Resolution Nos. 4181 and 4182 and Resolution PC 90-24:

1. The Owner shall install motion-activated flood lights to illuminate the rear of the property, adjacent to the eastern property line. Lights shall be shielded to prevent light trespass into the residential neighborhoods adjacent to the project site. The Owner shall submit plans for said flood lights to the City for formal plan review no later than January 15, 2021, with installation to be completed no later than 90 days from permit issuance.
2. The Owner shall install an on-site security system no later than March 18, 2021 and shall maintain said system for the duration of the operation of the site as a Visitor Accommodation use. The system shall include cameras at no fewer than four locations within the eastern portion of the property, as well as cameras specifically facing the eastern property line fence. The security cameras shall supplement existing hotel protocols for on-site security personnel.
3. The Owner shall install and maintain a gated traffic-control system in the parking lot of the site. The system shall limit vehicular access to the main portion of the parking lot to hotel patrons and those with hotel-issued access identification. Plans for the gate system shall be submitted to the City for formal plan review no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance, to the satisfaction of the Community Development Director.
4. Commencing no later than January 15, 2021, and for the duration of the operation as a Visitor Accommodation use, the Owner shall require a guest signature on a "Code of Conduct" upon guest check-in. The "Code of Conduct" or similarly titled statement shall: (a) advise guests of their obligations in respect to the hotel's and City's non-smoking policies and laws; (b) require guests to observe the hotel's posted "quiet hours" inside and outside of their guestrooms and to comply with

the City's noise ordinance; (c) acknowledge the hotel's posted limits on guestroom occupancy from 9:00 P.M. to 9:00 A.M.; and (d) acknowledge that violations of the "Code of Conduct" may result in forfeiture of up to all of the guest's deposit and/or eviction from the hotel.

5. Effective immediately, the Owner shall establish a direct line of communication, via phone, email or similar technology, by which neighboring property owners may directly communicate with hotel management. Additionally, the Owner shall host, at a minimum, one meeting per year, virtual or in person, with the neighboring community to field questions or concerns regarding operation of the hotel. The Owner shall notify the Community Development Director of any meetings two weeks in advance of the scheduled date of the meeting.
6. In the event that a lawsuit is filed challenging the City Council's determinations herein, including its CEQA determination, the Owner shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the City Council's determinations herein, including its CEQA determination. The Owner shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Owner shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Owner to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein, the City shall estimate its expenses for the litigation. The Owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
7. The provisions, terms and conditions set forth herein are perpetual, and are binding on the Owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the Owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. The Owner shall deliver the

executed covenant, and all required recording and related fees, to the Department of Community Development within 30 days of the adoption of this Resolution. Notwithstanding the foregoing, the Community Development Director may, upon a request by the Owner, grant an extension to the 30-day time limit.

SECTION 9. Based upon the foregoing, and after considering all of the evidence in the record, the City Council hereby replaces Condition No. 18 in Resolution 4181 with the following condition:

8. The Owner shall increase the height of the eastern perimeter wall/fence to no less than eight feet above grade level on the western side of the fence and no less than 10 feet above grade level on the eastern side of the fence. Furthermore, the Owner shall incorporate emergency vehicle access gates controlled only by the City at the existing eastern entryway, inclusive of a rubber strip at the bottom of the emergency gates to fill in any gaps and prevent trash or other debris from inadvertently traveling into the adjacent residential neighborhood. The Owner shall cooperate with the abutting property owners regarding the wall/fence design. The plans for the wall/fence, as agreed upon by abutting property owners, shall be submitted to the City for formal plan review no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance.

SECTION 10. The City Council's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.

SECTION 11. The time within which judicial review, if available, of this decision must be sought is governed by California Code of Civil Procedure Section 1094.6, unless a shorter time is provided by other applicable law. The City Clerk shall mail by first class mail, postage prepaid, a certified copy of this Resolution and a copy of the affidavit or certificate of mailing to the Residence Inn by Marriott, and to any other persons or entities requesting notice of the decision.

SECTION 12. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on January 5, 2021

AYES:
NOES:
ABSENT:
ABSTAIN:

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION NO. 4181

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE
3 CITY OF MANHATTAN BEACH, CALIFORNIA
4 APPROVING THE DECISION OF THE PLANNING
5 COMMISSION MADE IN ITS RESOLUTION NO.
6 84-51 APPROVING A CONDITIONAL USE PERMIT
7 PURSUANT TO THE APPLICATION OF ERNEST
8 WOLFMAN FOR PROPERTY LOCATED AT
9 1700 SEPULVEDA BOULEVARD IN SAID CITY

10 WHEREAS, there was filed with the Planning Commission
11 of the City of Manhattan Beach, California, an application by
12 Ernest Wolfman, A.I.A. on behalf of the owner Hotel Corporation
13 for a Conditional Use Permit affecting the use of real property
14 hereinafter described; and

15 WHEREAS, after duly processing said application and
16 holding a public hearing thereon on October 24, 1984, the
17 Planning Commission adopted its Resolution No. 84-51 approving
18 the Conditional Use Permit; and

19 WHEREAS, within the time permitted by law and pursuant
20 to the provisions of Section 10-3.1614 of the Manhattan Beach
21 Municipal Code, the City Council appealed the decision of the
22 Planning Commission; and

23 WHEREAS, the City Council of said City held a duly
24 noticed public hearing on December 18, 1984, receiving and
25 filing all written documents and hearing oral argument for and
26 against; thereafter on said December 18, 1984, the Council
27 directed that said decision of the Planning Commission as re-
28 flected in Resolution No. 84-51 be sustained and that said
29 Conditional Use Permit approval be granted;

30 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
31 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,
32 DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the application for Conditional Use
Permit was property made to the Planning Commission and that
thereafter the appeal was timely filed.

1 SECTION 4. That the City Council does hereby approve
2 the recommendation of the Planning Commission and grants a
3 Conditional Use Permit to the applicant for property located
4 at 1700 Sepulveda Boulevard, subject to the following conditions:

5 1. Utilities serving the site shall be underground
6 pursuant to City ordinance.

7 2. Refuse enclosures shall be constructed and located
8 on the site subject to the approval of the Public Works and
9 Public Services Directors. The northernmost trash enclosure
10 shall be relocated away from the existing residences to avoid a
11 nuisance to the adjoining properties.

12 3. All abandoned driveways shall be removed and all
13 damaged curb, sidewalk, and gutter on Sepulveda Boulevard shall
14 be reconstructed.

15 4. A minimum 10-foot wide landscape strip shall be
16 provided along the length of and adjacent to the Sepulveda
17 Boulevard frontage directly behind the 12-foot wide area to be
18 dedicated.

19 5. A minimum of 7% of the total area devoted for
20 parking and circulation shall be provided on the site in land-
21 scaped areas. Such areas shall be provided with substantial
22 landscaping. A specific plan shall be submitted in conjunction
23 with the Building Permit application which shall include a site
24 planting and tree planting plan, site drainage, and permanent
25 irrigation plans.

26 6. The project shall be constructed in substantial
27 conformance with the plans submitted on October 24, 1984.

28 7. A document shall be submitted for review and
29 approval by the Department of Community Development and the City
30 Attorney which restricts the property owner from converting the
31 motel units to apartments or condominiums. Said document shall
32 be recorded with the County Recorder prior to issuance of building
permits.

 8. A decorative screen fence/wall shall be constructed
along the property lines, with the exception of the Sepulveda
Boulevard frontage, to provide a separation from the adjoining
properties.

 9. A 12-foot wide strip along the project's Sepulveda
Boulevard frontage shall be dedicated to the City in fee simple
title to provide right-of-way for the future widening of
Sepulveda Boulevard.

 10. The applicant shall relocate the existing 8 inch
water main on the site to a new alignment within the proposed
road pattern and shall dedicate a 10 foot wide easement to the
City of Manhattan Beach for maintenance and operation of under-
ground utilities.

 11. No access from or to the site shall be permitted
from the existing 20-foot wide alley located adjacent to the
northerly property line.

1 12. All site nuisance and storm water shall be
2 contained on site and outletted through the curb on Sepulveda
3 Boulevard as approved by the Department of Public Works and
4 Cal-Trans.

5 13. A site landscaping plan shall be submitted for
6 approval in conjunction with the Building Permit application
7 which shall include a minimum of 6 street trees on the Sepulveda
8 Boulevard frontage of a size, variety, and location subject to
9 the approval of the Public Works Department and Cal-Trans.

10 14. The applicant shall install three street lights
11 on the Sepulveda Boulevard frontage subject to the approval of
12 the Department of Public Works and Southern California Edison
13 Company.

14 15. A lighting plan shall be submitted along with the
15 Building Permit application to be designed to reflect away from
16 all adjacent residential properties.

17 16. Fire hydrants shall be installed on and off the
18 site as required and subject to Fire Department approval.

19 17. The project shall be constructed with fire modif-
20 ication systems, to include the installation of smoke alarms in
21 each unit, an enunciator panel in the gatehouse which shall note
22 to the attendant where the fire is located, and a direct connect-
23 ion to the City's Fire Department for immediate notification
24 in the event of fire.

25 18. The proposed perimeter walls for the project
26 shall be constructed with decorative materials, such as stucco,
27 to be provided on both sides. The wall along the eastern property
28 line shall be a minimum of seven (7') feet in height.

29 19. Landscaping and permanent irrigation shall be
30 provided within the 12-foot wide area adjacent to Sepulveda
31 Boulevard that will be dedicated to the City as well as on the
32 east side of the wall proposed at the eastern end of the
property, to provide an aesthetic visual buffer.

20 20. The City's Transient Occupancy Tax shall be paid
21 to the City regardless of the length of stay of the guest, in
22 compliance with applicable City and State regulations.

23 21. Access from 17th Street at the rear of the
24 property shall be limited to emergency access only, and said
25 access shall be limited by the installation of a decorative gate.

26 22. There shall be no construction vehicles on 17th
27 Street except during construction of the structures along 17th
28 Street.

29 23. All conditions enumerated herein shall be subject
30 to approval by the Departments of Community Development, Public
31 Works, Fire, and Public Services prior to implementation.

32 24. The Conditional Use Permit shall be reviewed
annually.

SECTION 5. This resolution shall become effective
immediately.

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RESOLUTION NO. 4182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING THE DECISION OF THE PLANNING COMMISSION MADE IN ITS RESOLUTION NO. 84-52 APPROVING A ZONE VARIANCE PURSUANT TO THE APPLICATION OF ERNEST WOLFMAN FOR PROPERTY LOCATED AT 1700 SEPULVEDA BOULEVARD IN SAID CITY

WHEREAS, there was filed with the Planning Commission of the City of Manhattan Beach, California, an application by Ernest Wolfman, A.I.A., on behalf of the owner Hotel Corporation for a Zone Variance affecting real property described as a portion of Lot 7, Section 19, Rancho Sausal Redondo Partition in the City of Manhattan Beach; and

WHEREAS, after duly processing said application and holding a public hearing thereon on October 24, 1984, the Planning Commission adopted its Resolution No. 84-52 approving the Zone Variance; and

WHEREAS, within the time permitted by law and pursuant to the provisions of Section 10-3.1614 of the Manhattan Beach Municipal Code, the City Council appealed the decision of the Planning Commission; and

WHEREAS, the City Council of said City held a duly noticed public hearing on December 18, 1984, receiving and filing all written documents and hearing oral argument for and against;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That after receipt and consideration of the evidence presented to the City Council at its hearing conducted on said application, the City Council makes the following findings:

/ / /
/ / /

1 1. The purpose of the Conditional Use Permit is to
2 allow the construction of the interim stay motel facility, which
3 will include the construction of 22, 2-story structures containing
4 8 suites each, and to include the construction of a gate house
5 containing service and ancillary conference facilities, as well
6 as a recreation area consisting of a swimming pool, sports court,
7 and barbecue area. The Zone Variance is required to allow each
8 unit to maintain its own kitchen facilities, whereas Code requires
9 that a maximum of one kitchen for every five units only be
10 allowed.

11 2. The property is zoned C-2, General Commercial, and
12 is located within Area District II along the Sepulveda Boulevard
13 Sommercial Corridor.

14 3. The Environmental Assessment completed for the
15 project determined that there would be no significant environ-
16 mental impacts associated with the project and, in addition, a
17 fiscal impact analysis was done in conjunction with the assessment
18 which concluded that the project would provide a substantial
19 amount of revenue to the City.

20 4. The applicant has revised the project to provide
21 the City with land for the future widening of Sepulveda Boulevard
22 and to provide for adequate circulation and access on and off
23 the site.

24 5. The project conforms to a majority of current
25 zoning standards, with the exception of the Zone Variance request,,
26 including, but not limited to, building height, setbacks and
27 parking.

28 6. The project with the conditions enumerated below
29 will be compatible with all neighboring properties and uses.

30 7. The exceptional circumstances pertaining to this
31 project is that the proposal is intended to provide temporary
32 accommodations for the traveler who wishes to remain in this
area for an extended period of time. The intent is not to
provide for a residential use.

 8. The variance is necessary to allow the proposed
project to be competitive with other hotels and motels in the
area and to provide a unique facility to accommodate long term
travelers.

 9. The granting of the variance will not be materially
detrimental to the public welfare or injurious to the property
in the immediate vicinity and zone.

 10. The granting of the variance will not adversely
affect the comprehensive General Plan.

27 SECTION 2. That the City Council does hereby approve
28 the recommendation of the Planning Commission and grants a Zone
29 Variance to the applicant for property located at 1700 Sepulveda
30 Boulevard, subject to the following condition.

31 1. A document shall be submitted for review and
32 approval by the Department of Community Development and the

1 City Attorney which restricts the property owner from converting
2 the motel units to apartments or condominiums. Said document
3 shall be recorded with the County Recorder prior to issuance
4 of building permits.

4 SECTION 3. This resolution shall become effective
5 immediately.

6 SECTION 4. The City Clerk shall certify to the
7 passage and adoption of this resolution; shall cause the same
8 to be entered in the book of original resolutions of said City;
9 shall make a minute of the passage and adoption thereof in the
10 minutes of the meeting at which the same is passed and adopted
11 and shall forward a certified copy of this resolution to the
12 Director of Community Development and the applicant for their
13 information and files.

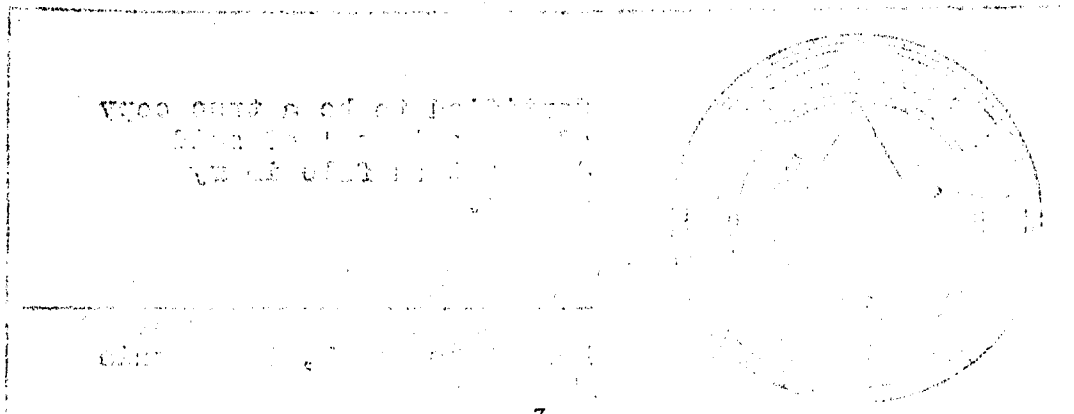
14 PASSED, APPROVED and ADOPTED this 2nd day of January,
15 1985.

16 Ayes: Holmes, Walker and Mayor Lesser
17 Noes: Archuletta, Dennis
18 Absent: None
19 Abstain: None

18 /s/ Russell F. Lesser
19 Mayor, City of Manhattan Beach,
20 California

21 ATTEST:

22
23 /s/ John Allan Lacey
24 City Clerk



RESOLUTION NO. PC 90-24

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW LIMITED SERVICE OF BEER AND WINE IN CONJUNCTION WITH FOOD SERVICE AT AN EXISTING HOTEL LOCATED AT 1700 NORTH SEPULVEDA BOULEVARD (Residence Inn)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit Amendment, for the property legally described as a portion of Lot 7, Section 19, Rancho Sausal Redondo Partition located at 1700 North Sepulveda Boulevard in the City of Manhattan Beach; and,

WHEREAS, the application was filed by Mukai Services, Inc., acting as the agent of the owner, requesting an on-site beer and wine license at the existing business; and,

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

WHEREAS, the following findings were made with respect to this application:

1. The applicant is requesting an amendment to an existing Conditional Use Permit, Resolution No. PC 84-51 which governs the existing Inn on this site, known as the "Residence Inn."
2. The applicant is requesting permission to serve "beer and wine" during social functions located at the gate house and the outdoor pool.
3. The hotel has complied with all conditions set forth in Resolution No. 84-51.
4. The property is zoned C-2, General Commercial, and is located in Area District II, along the Sepulveda Boulevard Commercial Corridor.
5. The proposed amendment may be viewed as an "intensification" due to the additional use of service of alcohol beverages. The service of alcoholic beverages requires a Conditional Use Permit in the C-2 Zone.
6. Due to the physical orientation of the gate house along Sepulveda Boulevard and the limited hours of alcohol service (from 4:00 p.m. to 9:00 p.m.), the proposal should not have a major impact on the surrounding area.

WHEREAS, the application has been reviewed with regards to potential environmental impacts; and, in accordance with the California Environmental Quality Act (CEQA), as amended by the City of Manhattan Beach CEQA Guidelines, it has been determined to be categorically exempt, and that there will be no significant environmental impacts associated with this proposal.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Planning Commission hereby APPROVES the Conditional Use Permit Amendment, subject to the following conditions. The existing findings and conditions of Resolution No. PC 84-51 and Resolution No. PC 84-52 shall remain in force and are augmented by this document.

1. The hours of operation of beer and wine "hospitality" service shall be 4:00 p.m. to 9:00 p.m. daily.
2. Alcohol is to be limited to within the gate house and the pool area only.
3. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
4. Compliance with all conditions of approval shall be verified annually, by the Department of Community Development.
5. An initial review of the conditions of approval shall be conducted by the Department of Community Development in conjunction with the Police Department within twelve (12) months of the initial date of operation and then annually thereafter.

RESOLUTION NO. PC 90-24
(Continued)

6. Any proposed changes to this application shall return to the Planning Commission for further review.


I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at their reconvened regular meeting of September 19, 1990, and that said Resolution was adopted by the following vote:


AYES: Golik, Gonzalez, Hankwitz,
Kaprielian, and Chairperson
Vargo

NOES: None

ABSTAIN: None

ABSENT: None


BYRON L. WOOSLEY, Director
Department of Community Development


BRET B. BERNARD, A.I.C.P.
Acting Recording Secretary

Brad3.res



RESIDENCE INN MANHATTAN BEACH

1700 N. SEPULVEDA BLVD, MANHATTAN BEACH, CA 90266



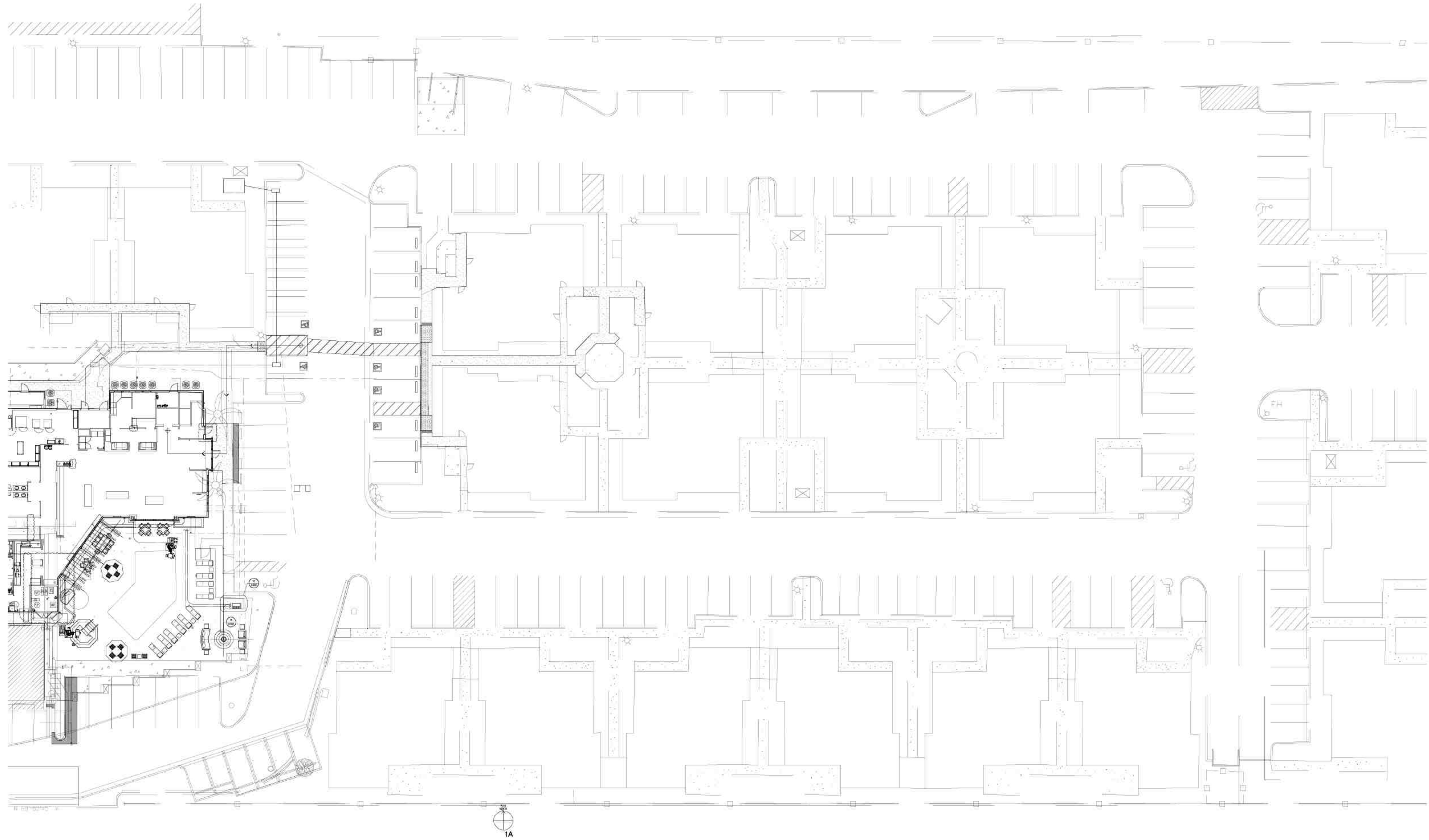
CCD #4	
CCD #3	
CCD #2	
CCD #1	
ISSUED AND REVISIONS	

ARCHITECTURAL DRAWINGS	
A002	GENERAL NOTES, CODE ANALYSIS AND AREA SUMMARY
A110	SITE PLAN
A111	EXISTING PARKING FLOOR PLAN
A112	FIRE ACCESS PLAN
A210	PROPOSED PARKING AREA FLOOR PLAN
A510	EXISTING PLAN AT PARKING AREA #1
A511	PROPOSED PARKING CONTROL ENLARGED FLOOR PLAN #1
A520	EXISTING PLAN AT PARKING CONTROL AT AREA #2
A521	PROPOSED PARKING CONTROL ENLARGED FLOOR PLAN #2
A910	DETAILS

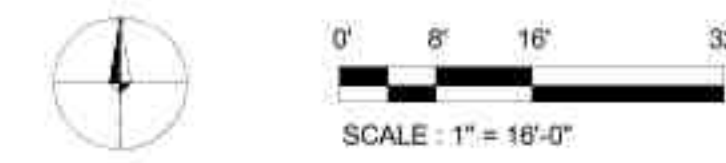
PARKING GATES TENANT IMPROVEMENT

AGENCY SUBMITTAL 12/10/2020





1 EXISTING PARKING FLOOR PLAN
1/16" = 1'-0"



**RESIDENCE INN
MANHATTAN BEACH
1700 N. SEPULVEDA BLVD,
MANHATTAN BEACH, CA 90266**

Plan Check Number:

Rev.	Date	Description
1	12/10/2020	ASB/CA/SUBMITTAL

Rev.	Date	Description

THIS DRAWING AND THE PARKING DESIGN CONCEPTS IT ILLUSTRATES ARE THE PROPERTY OF CHOATE PARKING CONSULTANTS, INC. (CPC). THE DRAWING IS AN INSTRUMENT OF SERVICE PROVIDED FOR USE ON THE SPECIFIED PROJECT IDENTIFIED. USE OF THIS DRAWING OR ANY PORTION OF WITHOUT WRITTEN CONSENT AND PARTICIPATION OF CHOATE PARKING CONSULTANTS, INC. IS PROHIBITED.

CPC Project Number:

TEST
Drawn By:
Author
Scale:
1/16" = 1'-0"
Date Published:
12/10/2020 6:22:18 PM

EXISTING PARKING FLOOR PLAN

KEYNOTES

304	EXISTING CURB
306	NEW CONCRETE PAD, PROVIDE A MEDIUM BROOM FINISH ON ALL NEW CONCRETE SURFACES, PAINT FACE OF CURB BLACK
503	STEEL 4" x 4" x 42" BOLLARD, GALVANIZED & PAINTED
927	TYPICAL DIAGONAL STRIPING, DETAIL 2/A910
929	ARROW STRIPING, REFER TO DETAIL 1/A910
1003	NO RIGHT TURN 24" X 24" POST MOUNTED SIGN
1004	DO NOT ENTER WRONG WAY 12" X 18" BOLLARD MOUNTED SIGN
1005	EXIT 18" X 18" POST MOUNT SIGN
1006	ONE WAY 18" X 24" POST MOUNTED SIGN
1103	PARKING GATE WITH 13'-0" LONG GATE ARM
1104	CARD READER TERMINAL
2601	EXISTING LIGHT POLE FIXTURE



Architect of Record:



Owner:

Consultant:

Consultant:

RESIDENCE INN
MANHATTAN BEACH
1700 N. SEPULVEDA BLVD,
MANHATTAN BEACH, CA 90266

Plan Check Number:

Rev.	Date	Description
1	12/10/2020	ASB/AD/AM/ITAL

Rev.	Date	Description

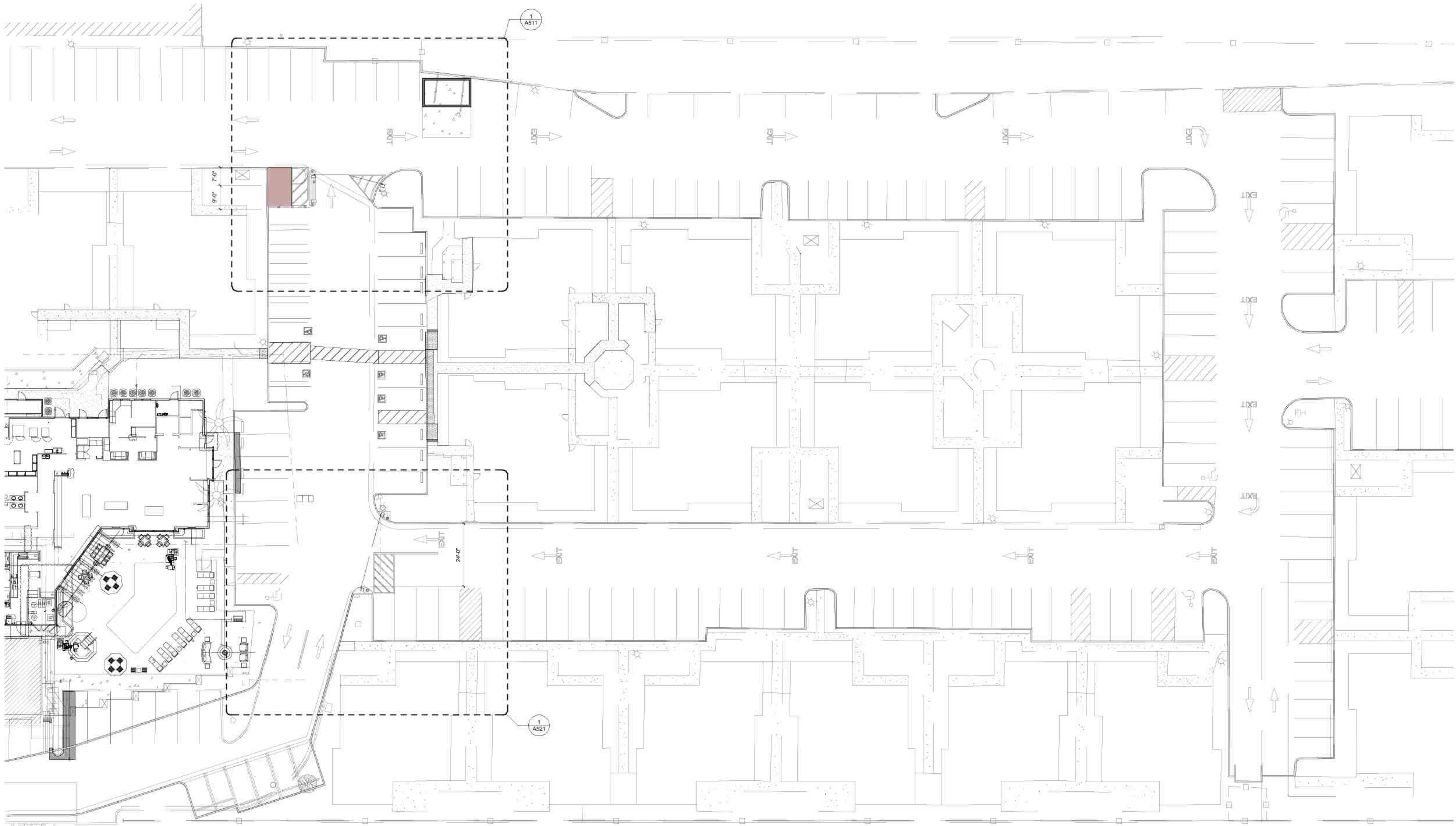
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CPC Project Number:

TEST
Drawn By:
Author
Scale:
1/16" = 1'-0"
Date Published:
12/10/2020 6:22:22 PM

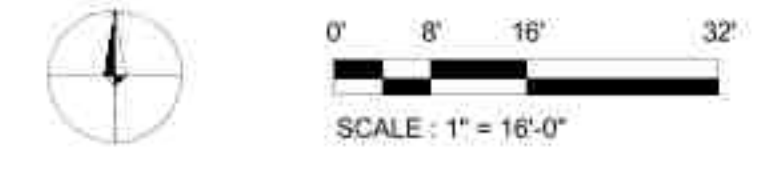
PROPOSED PARKING AREA FLOOR PLAN

A210

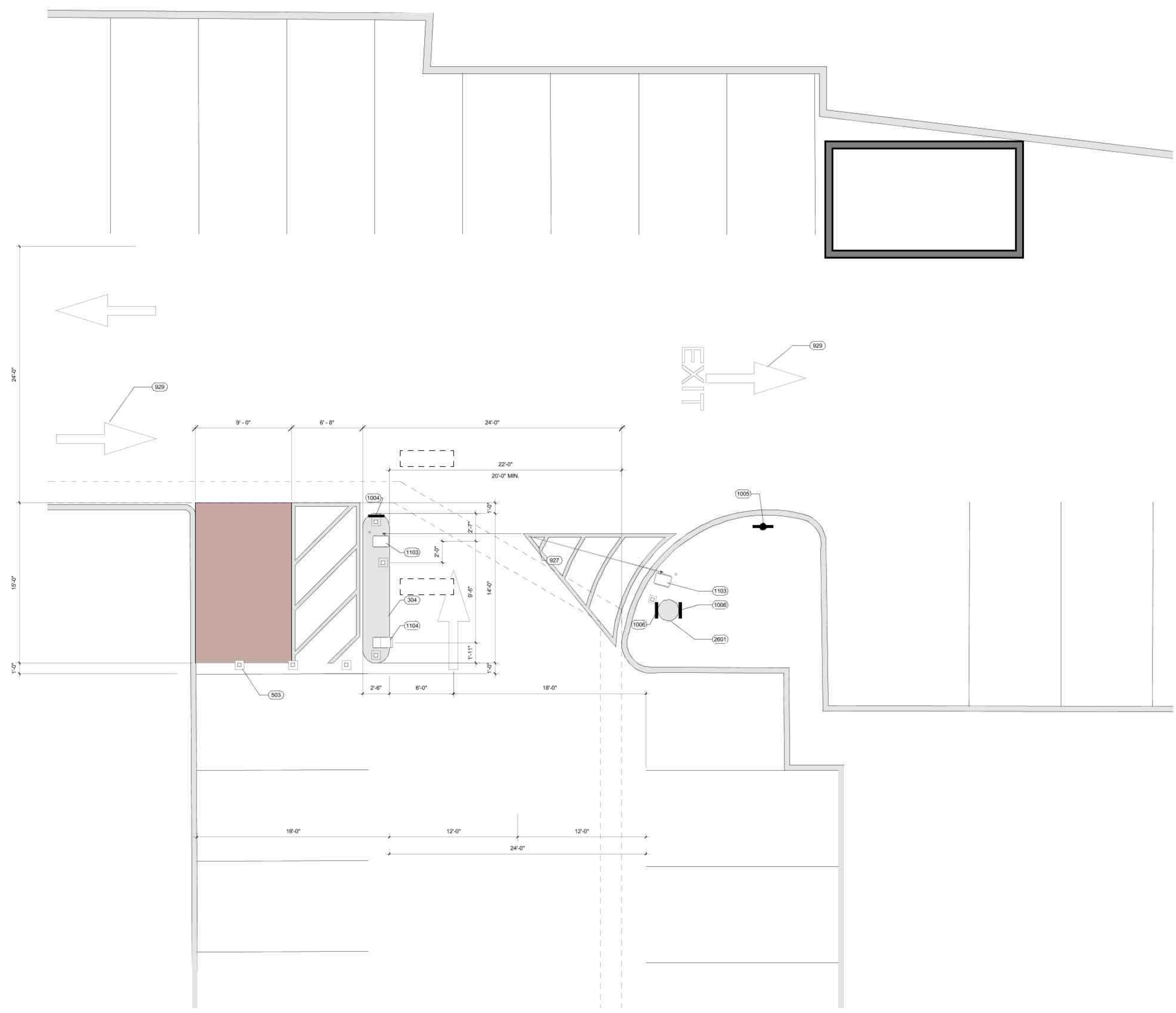


1A

1 PROPOSED PARKING AREA FLOOR PLAN
1/16" = 1'-0"



KEYNOTES	
304	EXISTING CURB
306	NEW CONCRETE PAD, PROVIDE A MEDIUM BROOM FINISH ON ALL NEW CONCRETE SURFACES, PAINT FACE OF CURB BLACK
503	STEEL 4" x 4" x 42" BOLLARD, GALVANIZED & PAINTED
927	TYPICAL DIAGONAL STRIPING, DETAIL 2/A810
929	ARROW STRIPING, REFER TO DETAIL 1/A810
1003	NO RIGHT TURN 24" X 24" POST MOUNTED SIGN
1004	DO NOT ENTER WRONG WAY 12" X 18" BOLLARD MOUNTED SIGN
1005	EXIT 18" X 18" POST MOUNT SIGN
1006	ONE WAY 18" X 24" POST MOUNTED SIGN
1103	PARKING GATE WITH 13'-0" LONG GATE ARM
1104	CARD READER TERMINAL
2601	EXISTING LIGHT POLE FIXTURE



1 PROPOSED PARKING CONTROL FLOOR PLAN AT AREA #1
1/4" = 1'-0"

NOTES:
GATES TO BE PROVIDED WITH OVERRIDE KEYS IN KNOX AND CLICK-2-ENTER

CPC
Parking Planning & Architectural Design
Architect of Record:

Spillwhite
License:

Residence Inn
Marriott
Owner:

Consultant:

Consultant:

RESIDENCE INN
MANHATTAN BEACH
1700 N. SEPULVEDA BLVD,
MANHATTAN BEACH, CA 90266

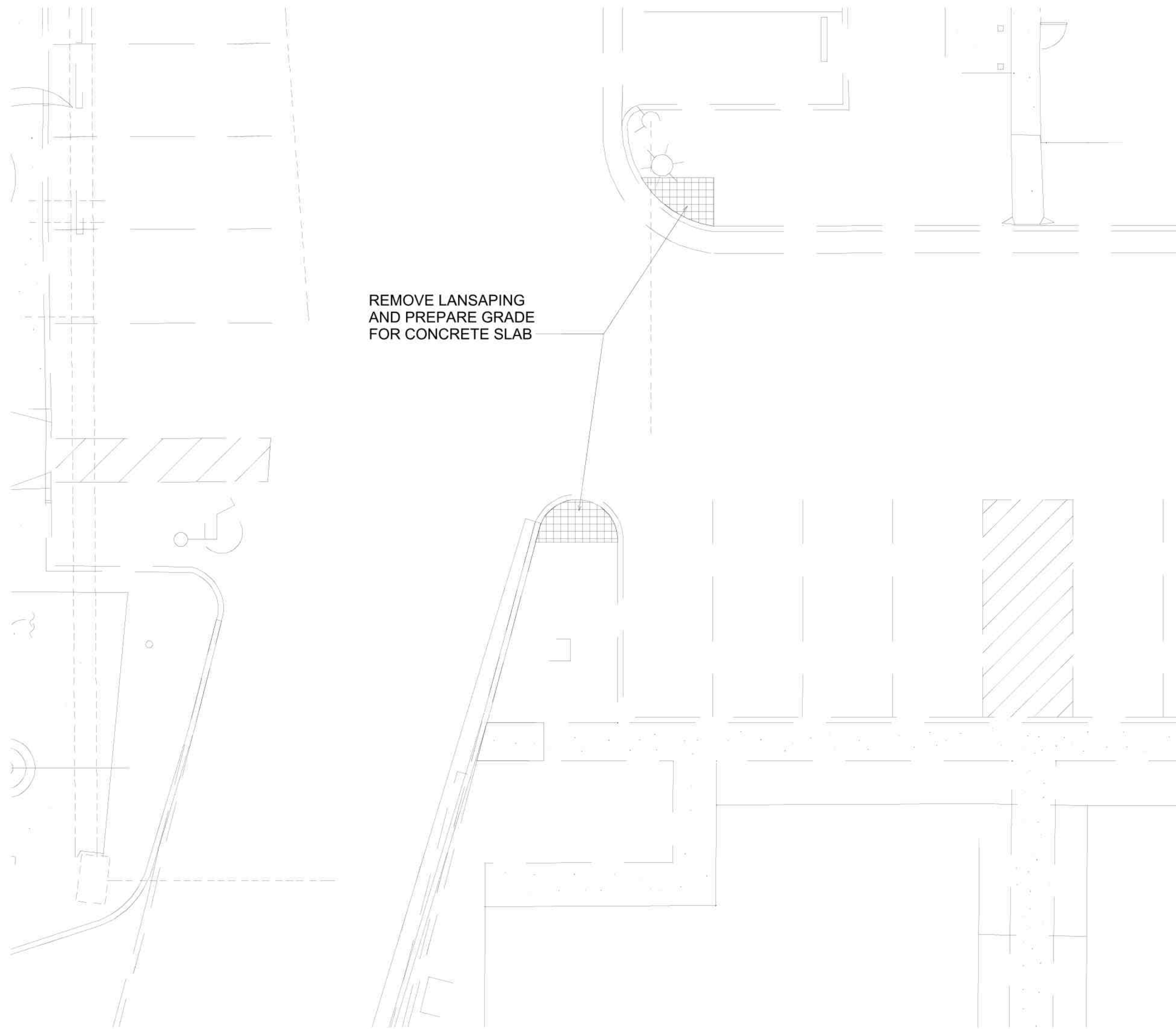
Plan Check Number:

Rev.	Date	Description
1	12/10/2020	AGENCY SUBMITTAL

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CPC Project Number:
TEST
Drawn By:
Author
Scale:
1/4" = 1'-0"
Date Published:
12/10/2020 6:22:23 PM

PROPOSED PARKING CONTROL FLOOR PLAN #1



REMOVE LANSAPING
AND PREPARE GRADE
FOR CONCRETE SLAB

1 EXISTING AND DEMOLITION FLOOR PLAN AT AREA #2
1/4" = 1'-0"

CPC
Parking Planning & Architectural Design
Architect of Record:
SpillChute
License:
Residence Inn
Marriott
Owner:

Consultant:
Consultant:

RESIDENCE INN
MANHATTAN BEACH
1700 N. SEPULVEDA BLVD,
MANHATTAN BEACH, CA 90266

Plan Check Number:

No.	Date	Description
1	12/10/2020	ARCHITECTURAL

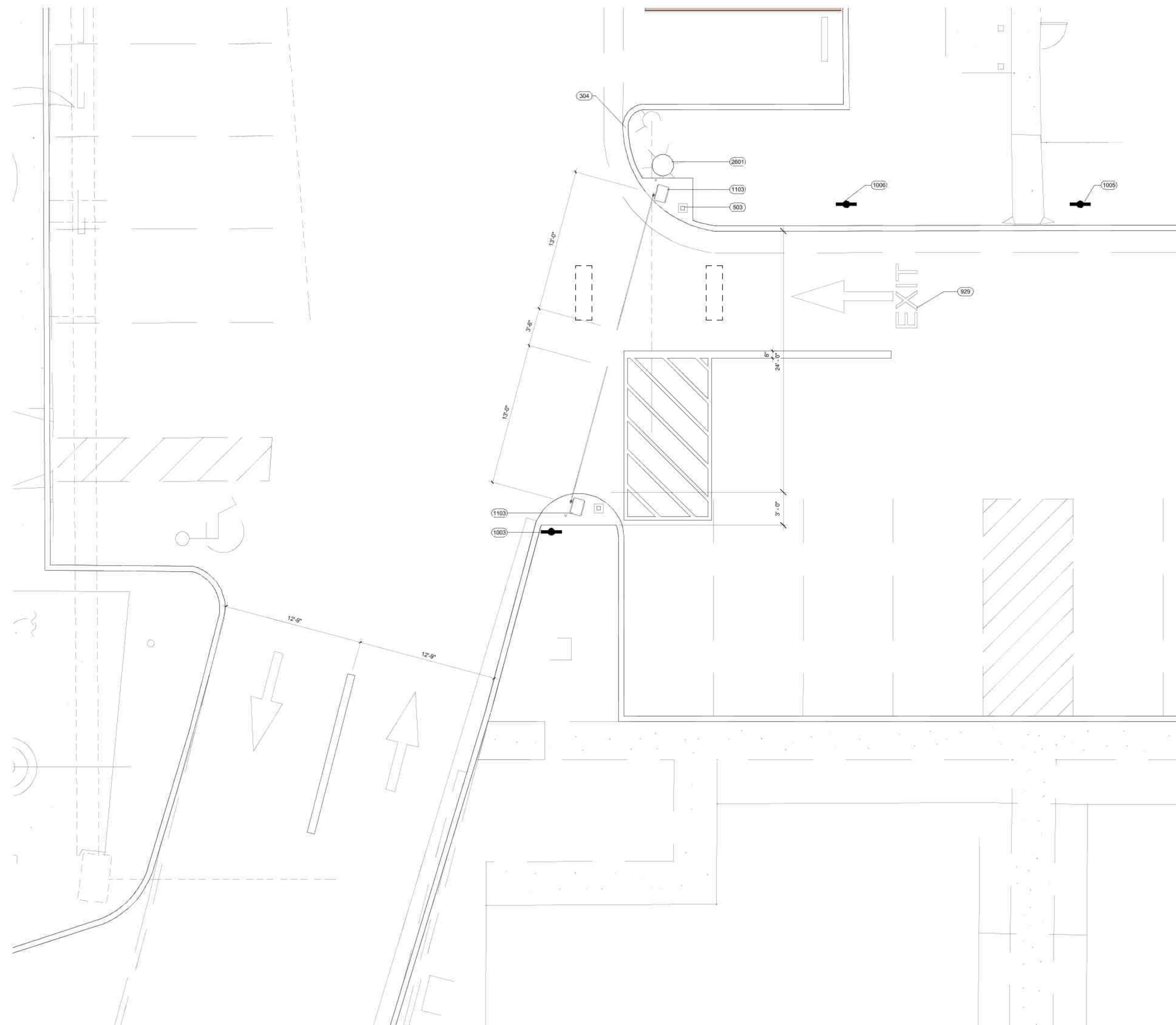
No.	Date	Description

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CPC Project Number:
TEST
Drawn By:
Author:
Scale:
1/4" = 1'-0"
Date Published:
12/10/2020 6:22:24 PM

EXISTING PLAN AT
PARKING CONTROL
AT AREA #2

A520



KEYNOTES

304	EXISTING CURB
306	NEW CONCRETE PAD, PROVIDE A MEDIUM BROOM FINISH ON ALL NEW CONCRETE SURFACES, PAINT FACE OF CURB BLACK
503	STEEL 4"x 4"x 42" BOLLARD, GALVANIZED & PAINTED
927	TYPICAL DIAGONAL STRIPING, DETAIL 2/A810
929	ARROW STRIPING, REFER TO DETAIL 1/A810
1003	NO RIGHT TURN 24" X 24" POST MOUNTED SIGN
1004	DO NOT ENTER WRONG WAY 12" X 18" BOLLARD MOUNTED SIGN
1005	EXIT 18" X 18" POST MOUNT SIGN
1006	ONE WAY 18" X 24" POST MOUNTED SIGN
1103	PARKING GATE WITH 13'-0" LONG GATE ARM
1104	CARD READER TERMINAL
2001	EXISTING LIGHT POLE FIXTURE

1 PROPOSED PARKING CONTROL FLOOR PLAN AT AREA #2
1/4" = 1'-0"

NOTES:
GATES TO BE PROVIDED WITH OVERRIDE KEYS IN KNOX AND CLICK-2-ENTER

CPC
Parking Planning & Architectural Design
Architect of Record

SpillChute
License

Residence Inn
Marriott
Owner

Consultant
Consultant

RESIDENCE INN
MANHATTAN BEACH
1700 N. SEPULVEDA BLVD,
MANHATTAN BEACH, CA 90266

Plan Check Number:

No.	Date	Description
1	12/10/2020	ARCHITECTURAL

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CPC Project Number:
TEST
Drawn By:
Author
Scale:
1/4" = 1'-0"
Date Published:
12/10/2020 6:22:26 PM

PROPOSED PARKING CONTROL ENLARGED FLOOR PLAN #2

A521

Rev.	Date	Description
1	12/10/2020	ASBACT SUBMITTAL

Rev.	Date	Description

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8 DO NOT ENTER WRONG WAY SIGN
3' = 1'-0"



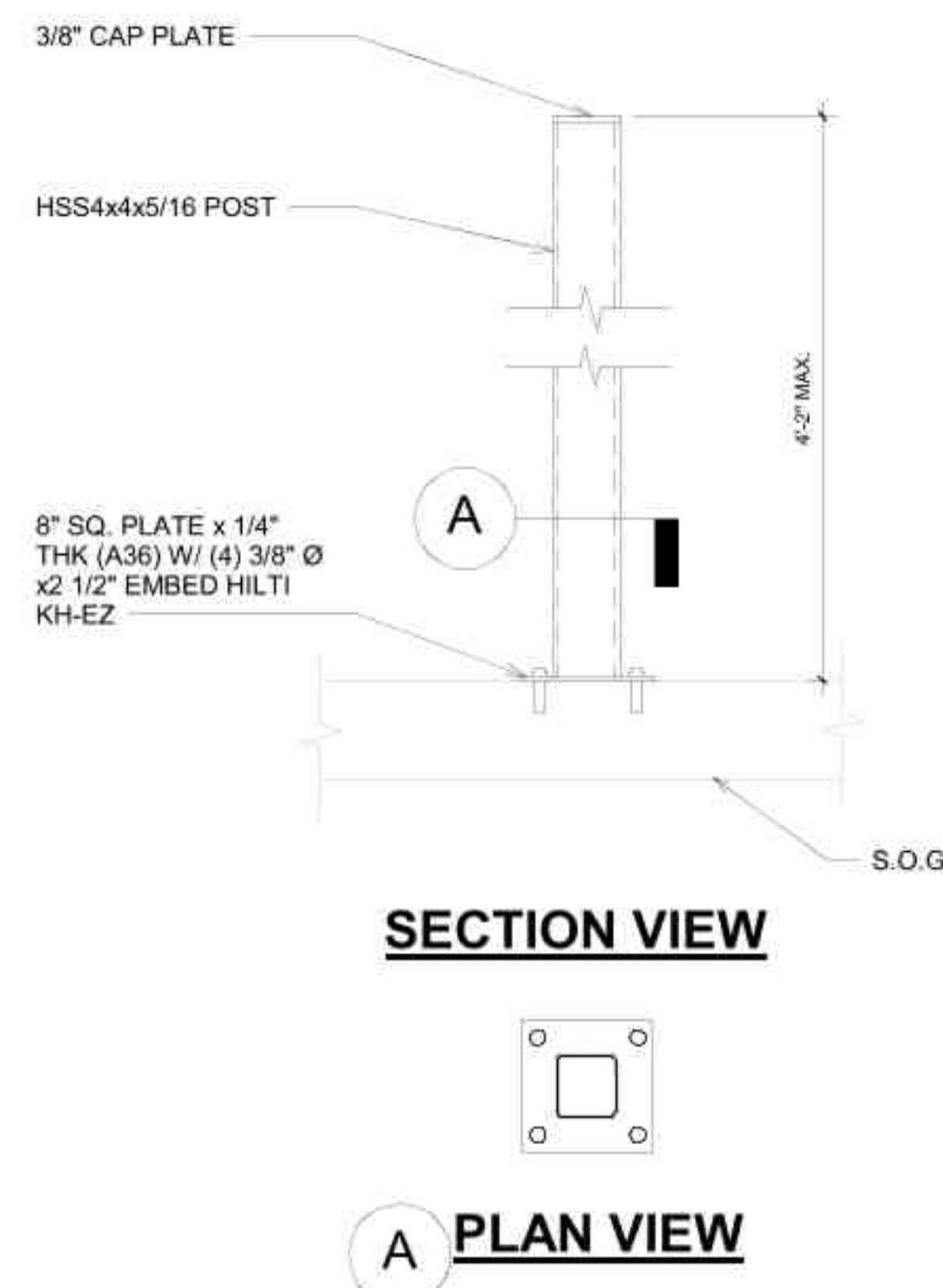
7 EXIT SIGN
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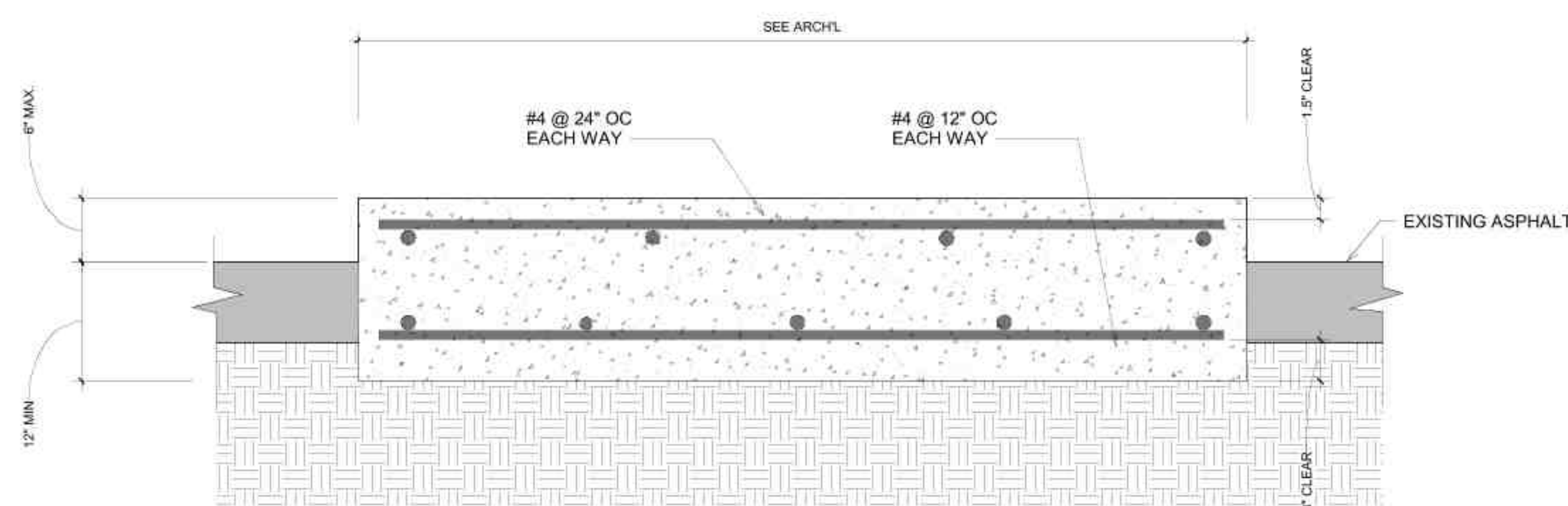
6 ONE WAY SIGN
3' = 1'-0"



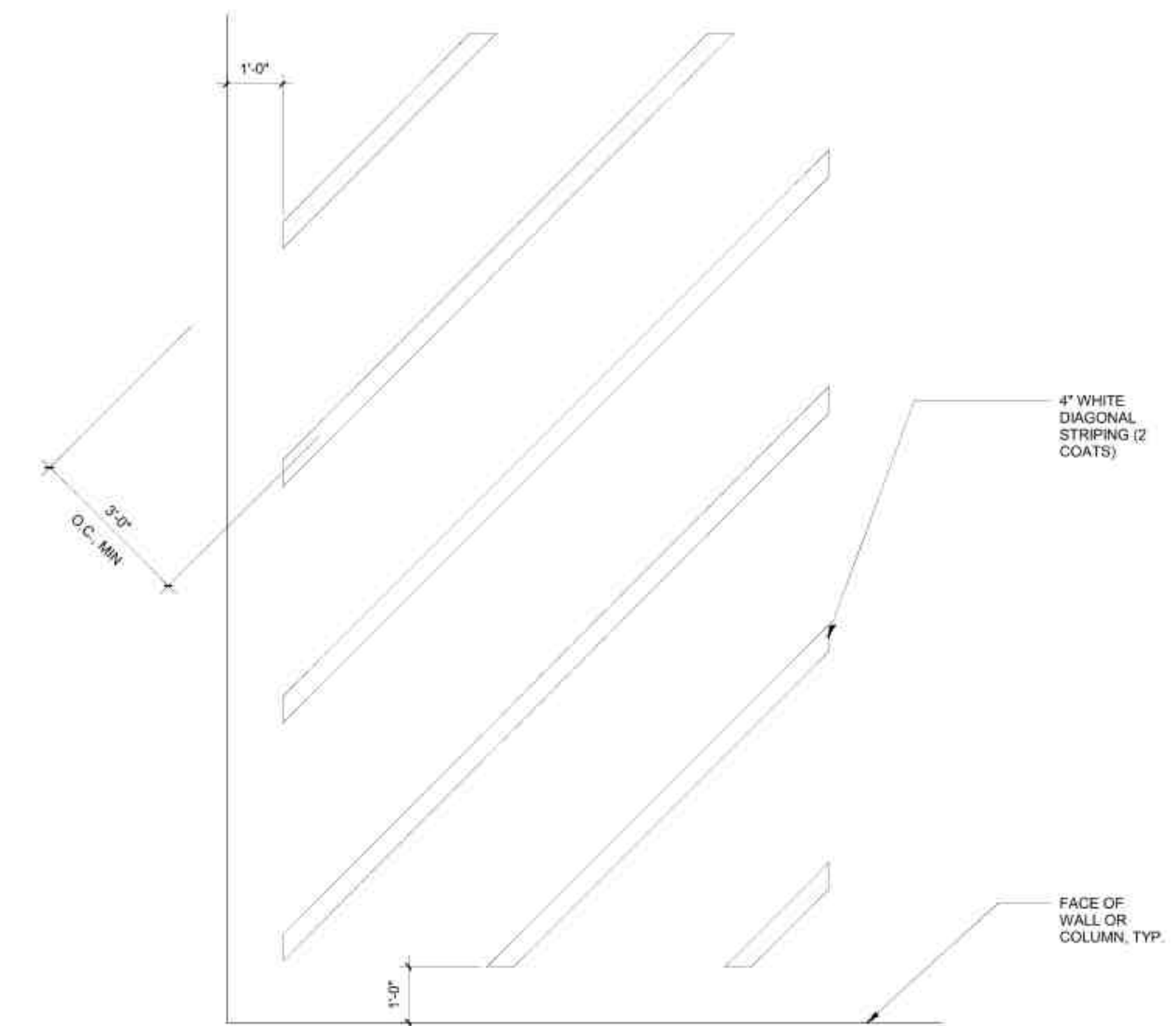
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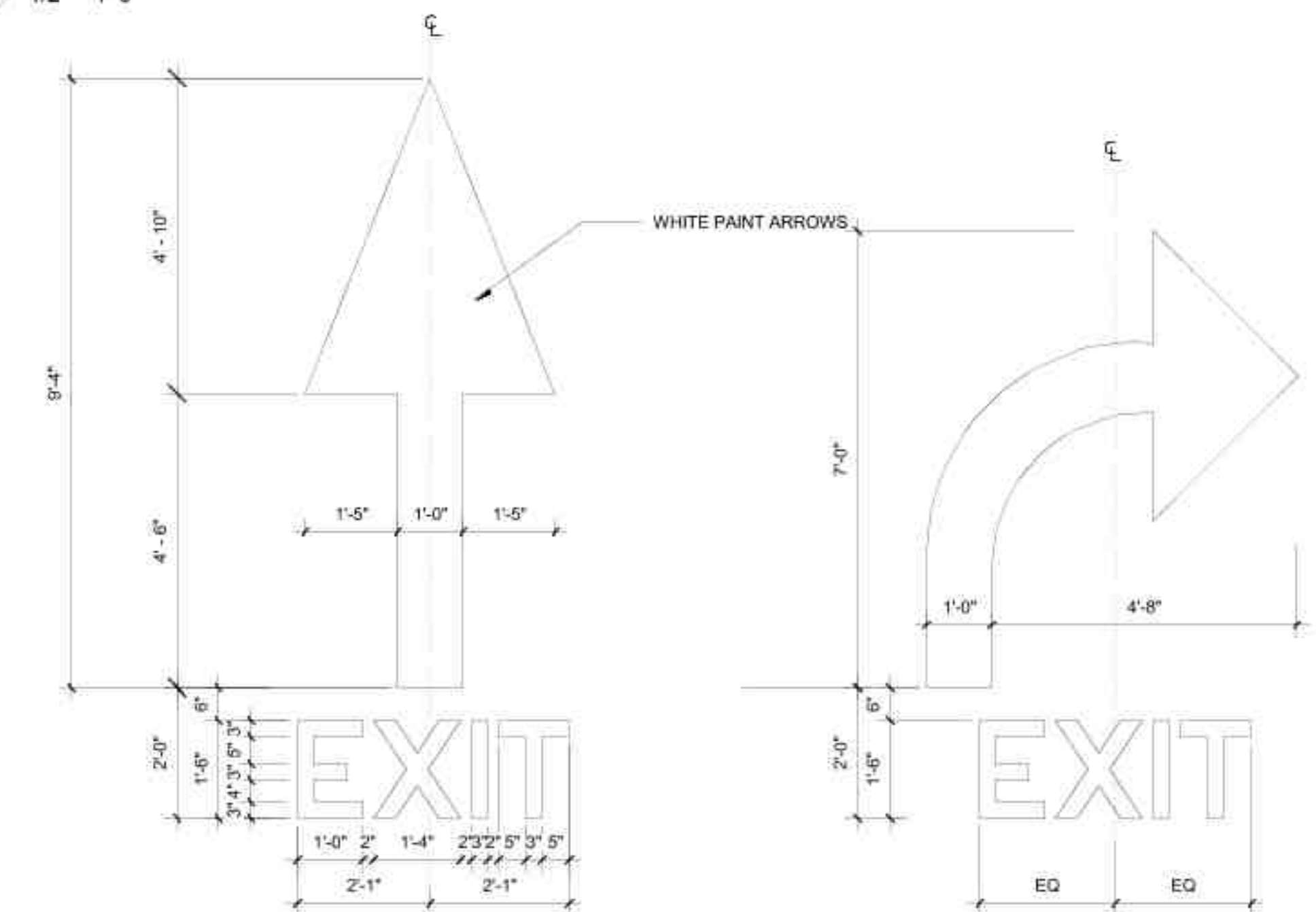
4 TYP. CURB/EQUIPMENT PAD DETAIL
1/2" = 1'-0"



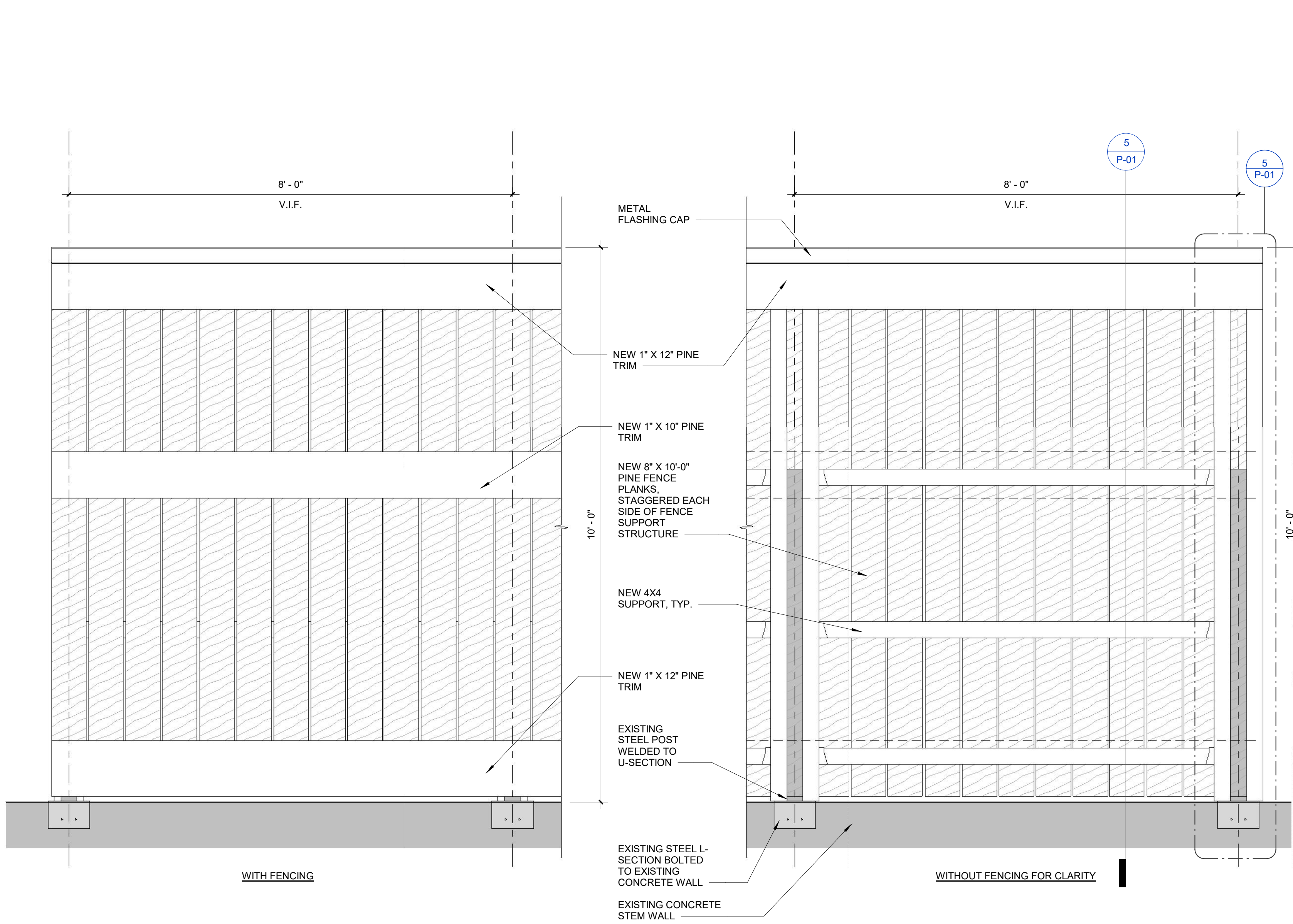
3 POST DETAIL TO CONCRETE SLAB
1/2" = 1'-0"



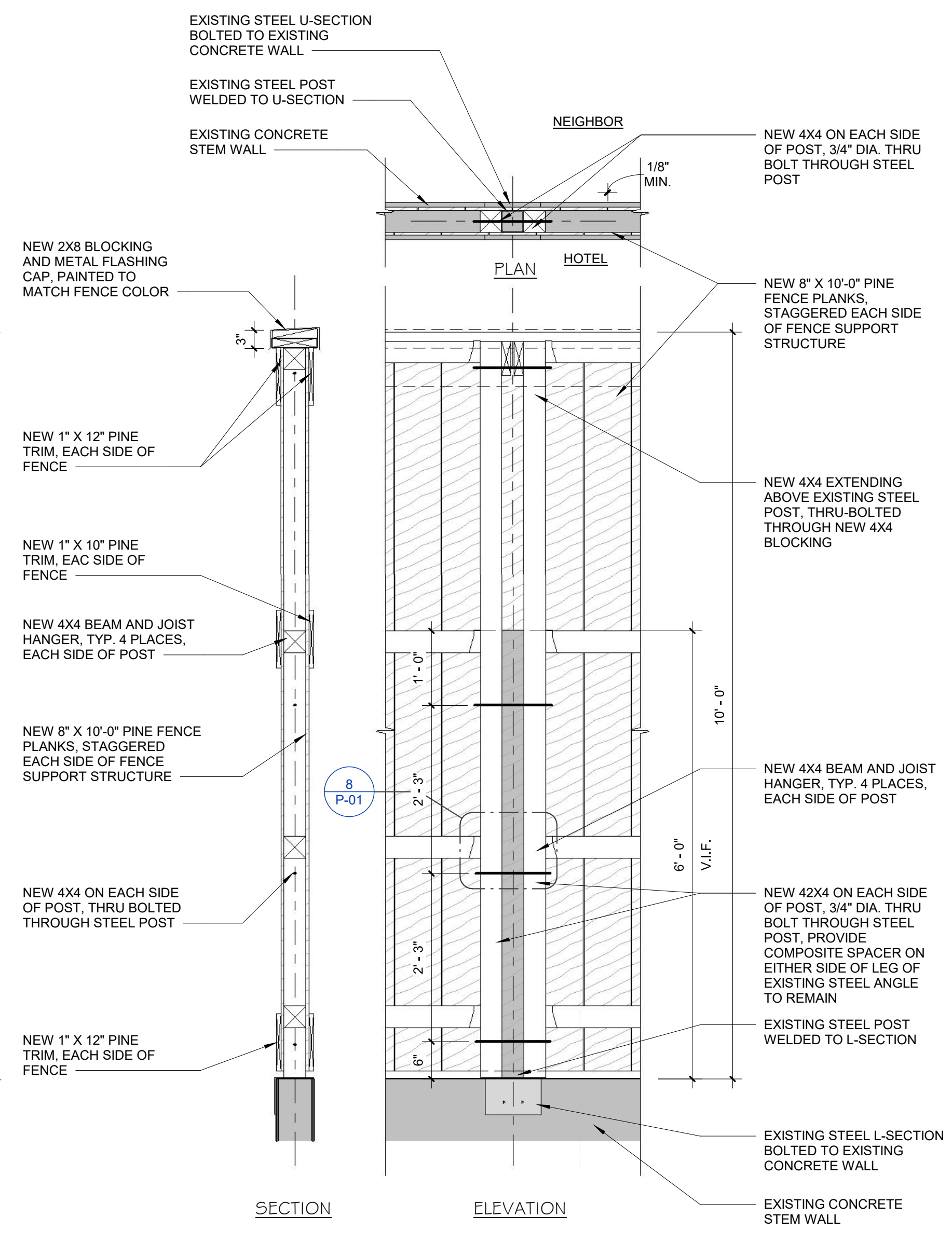
2 TYPICAL DIAGONAL STRIPING
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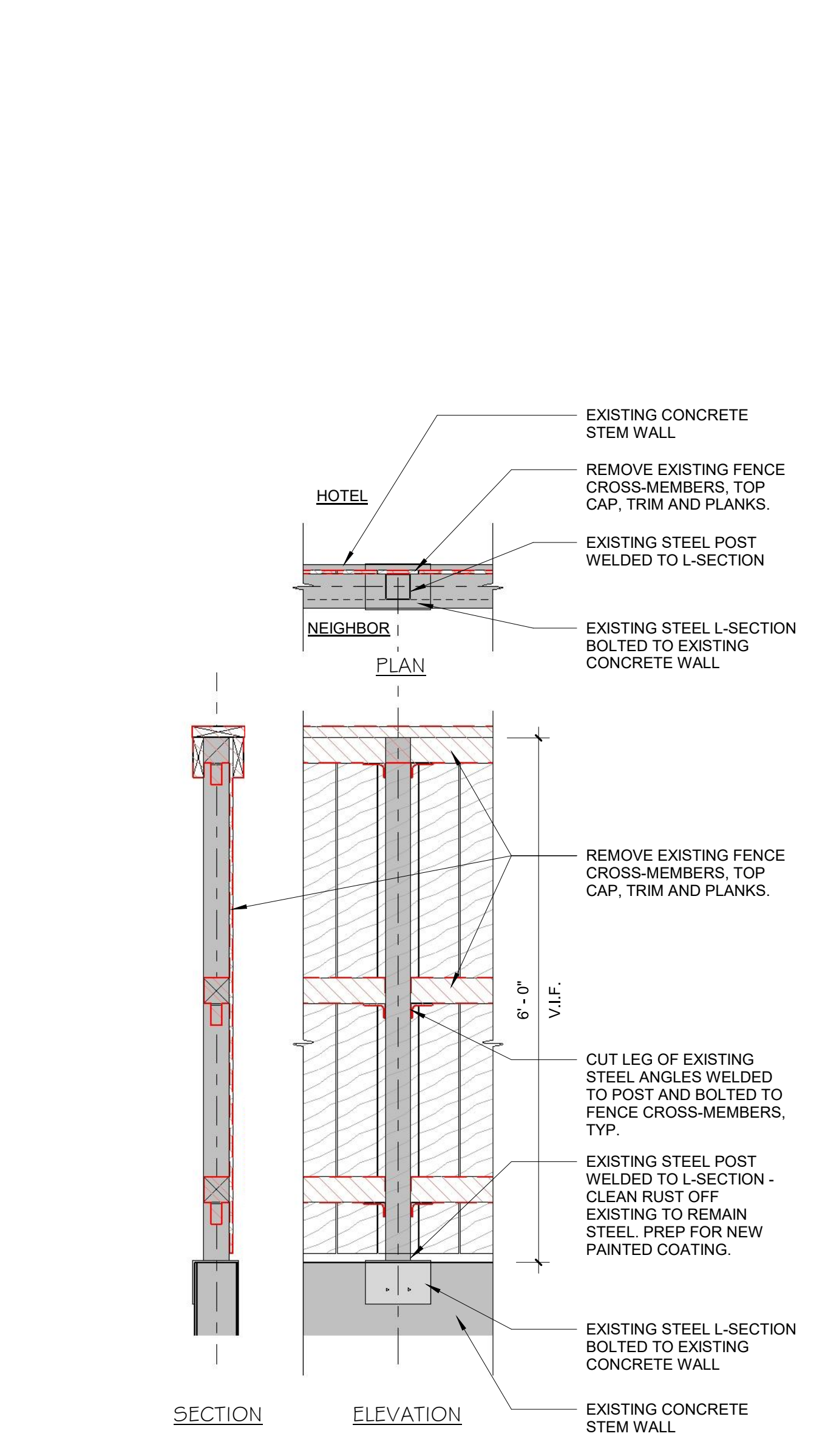
1 ARROW PAINTING STRIPING
1/2" = 1'-0"



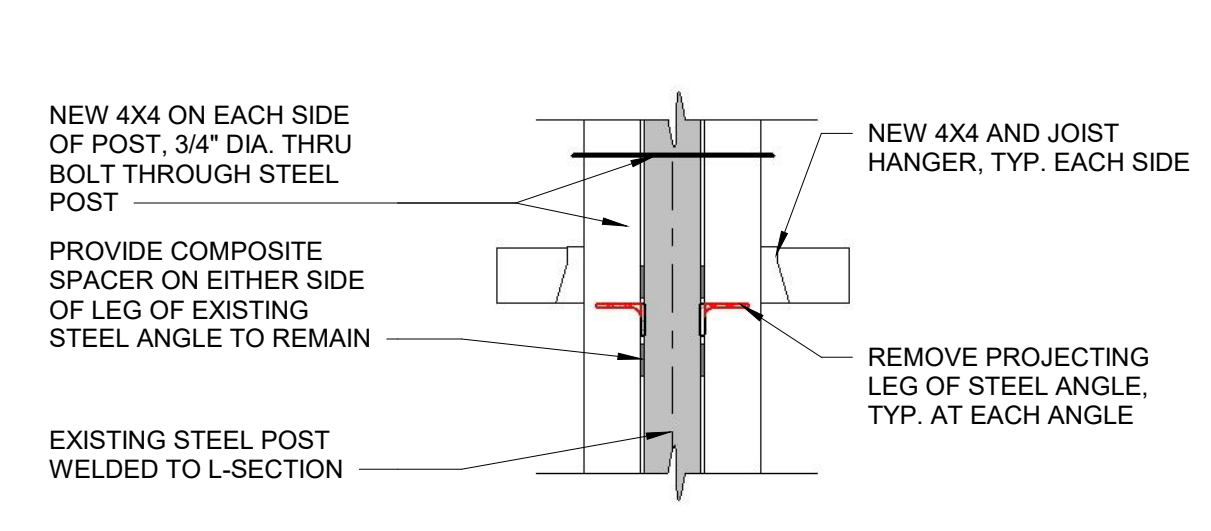
7 FENCE ENLARGED ELEVATION
3/4" = 1'-0"



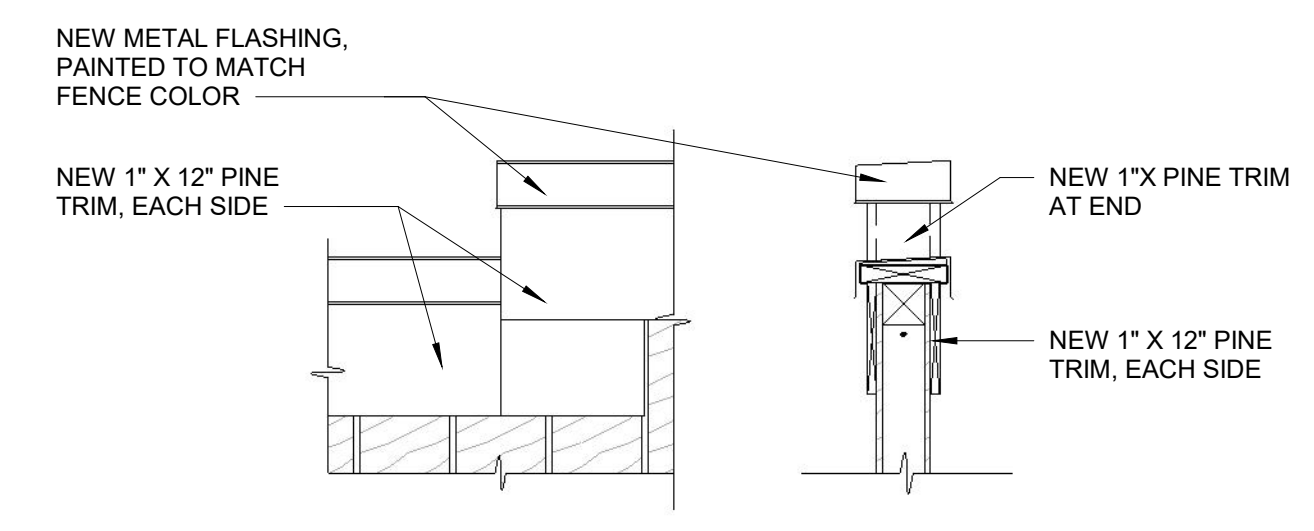
5 FENCE DETAIL - NEW
3/4" = 1'-0"



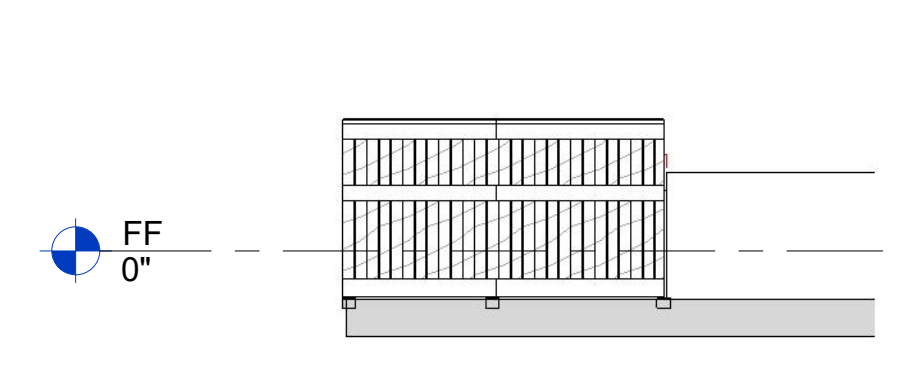
4 FENCE DETAIL - DEMO
3/4" = 1'-0"



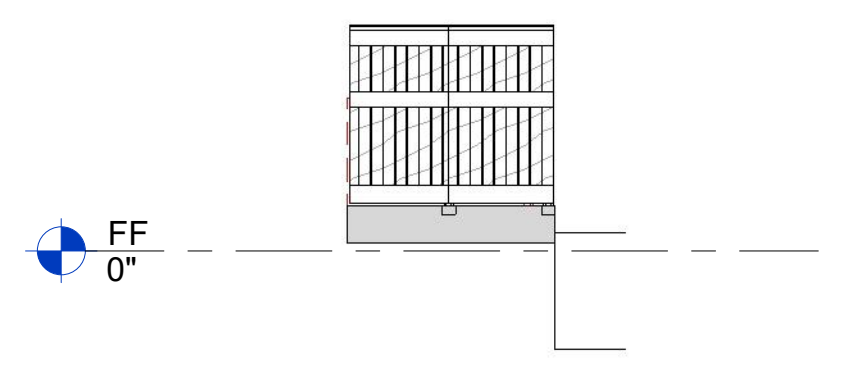
8 DETAIL AT EXISTING ANGLE
1" = 1'-0"



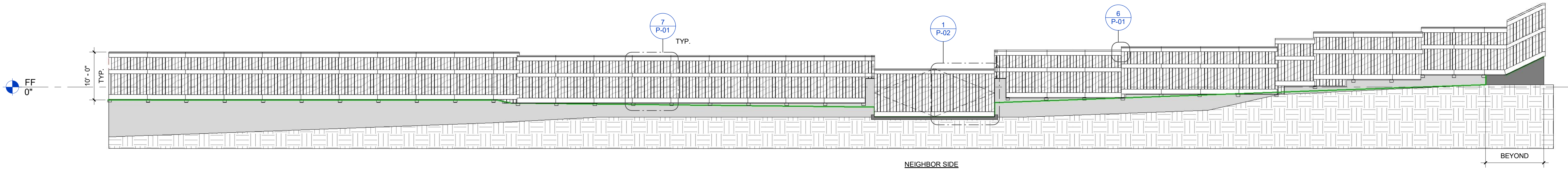
6 FENCE STEP DETAIL
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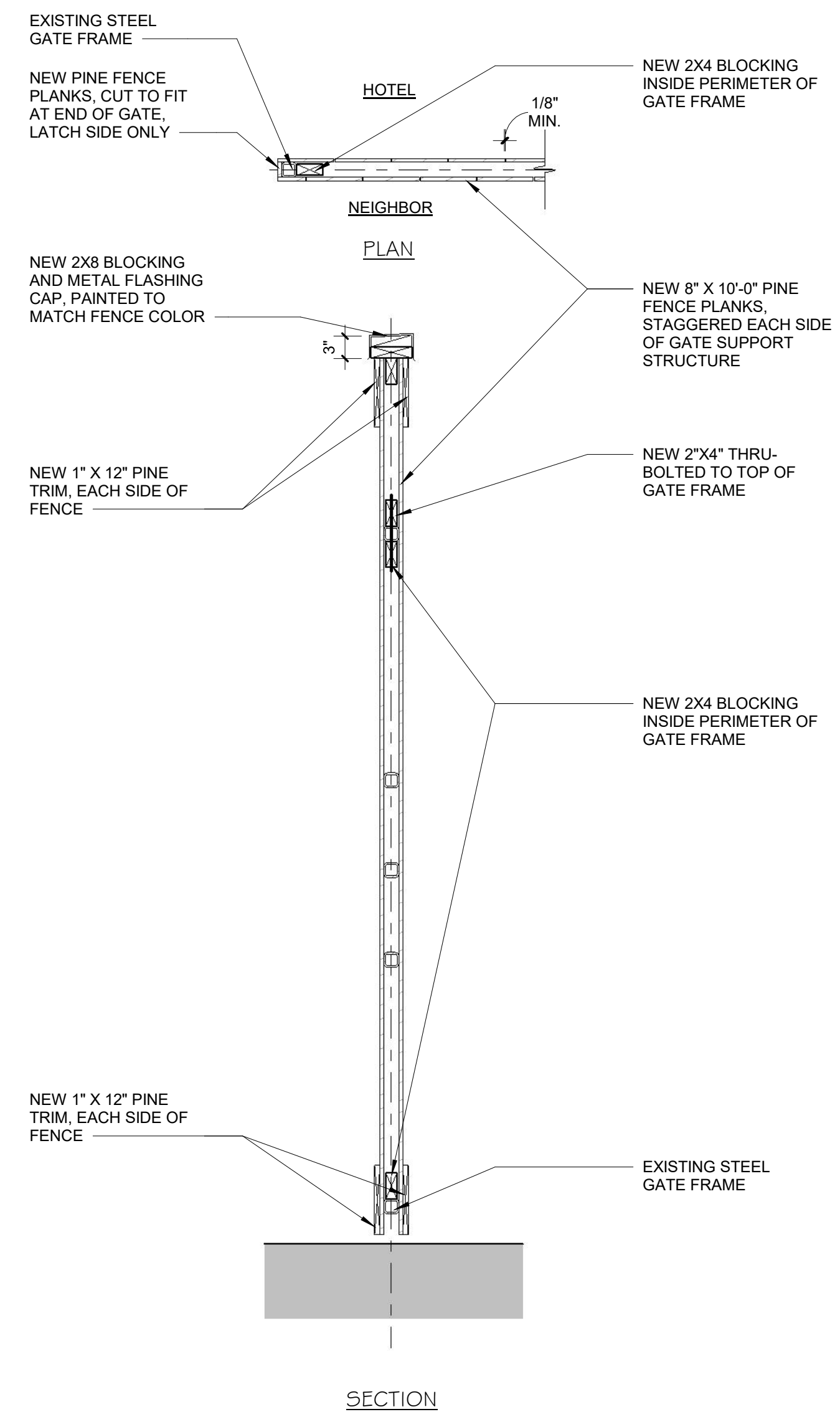
3 FENCE ELEVATION - SOUTH
3/32" = 1'-0"



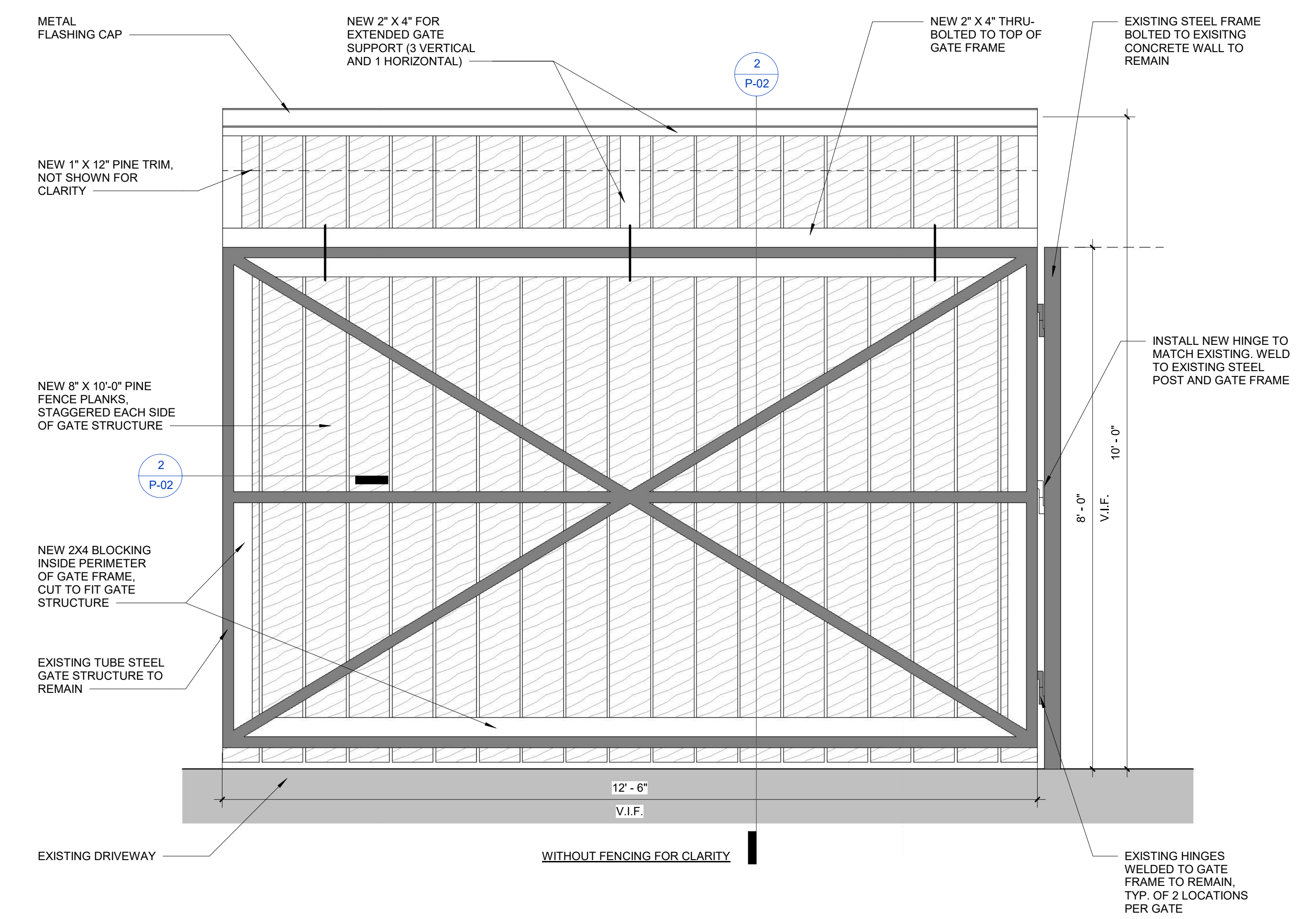
2 FENCE ELEVATION - NORTH
3/32" = 1'-0"



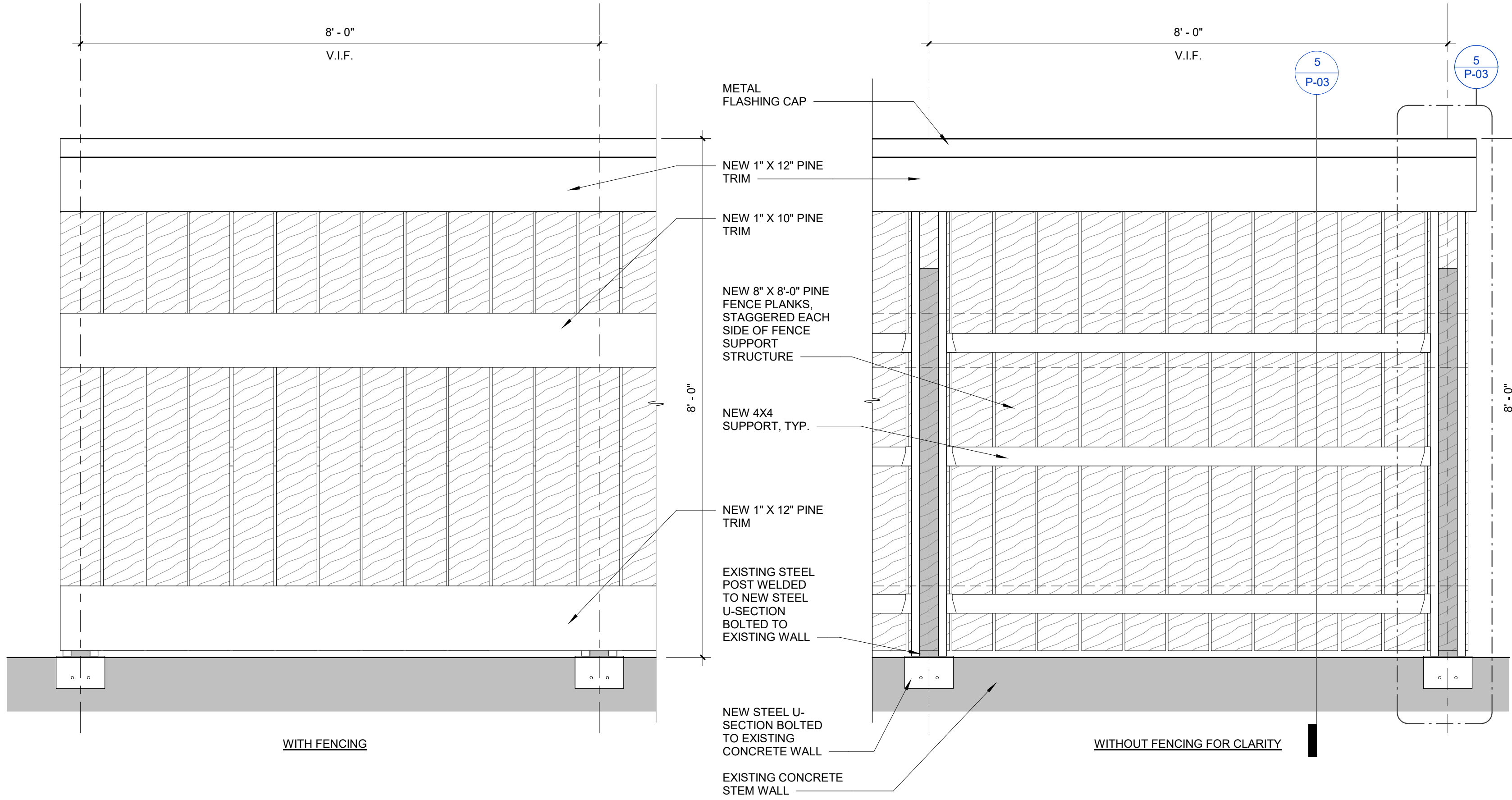
1 FENCE ELEVATION - EAST
3/32" = 1'-0"



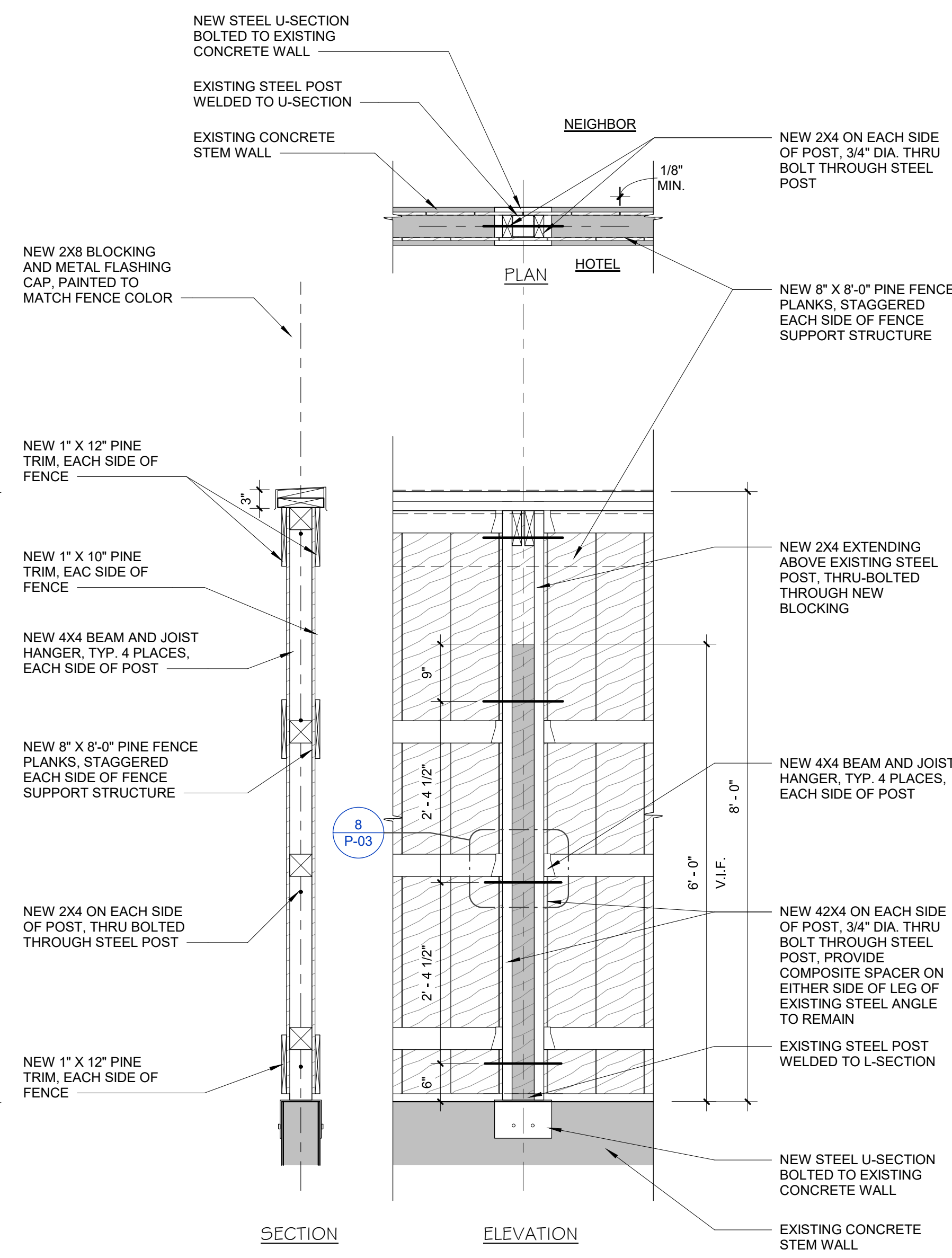
2 GATE DETAIL - NEW
3/4" = 1'-0"



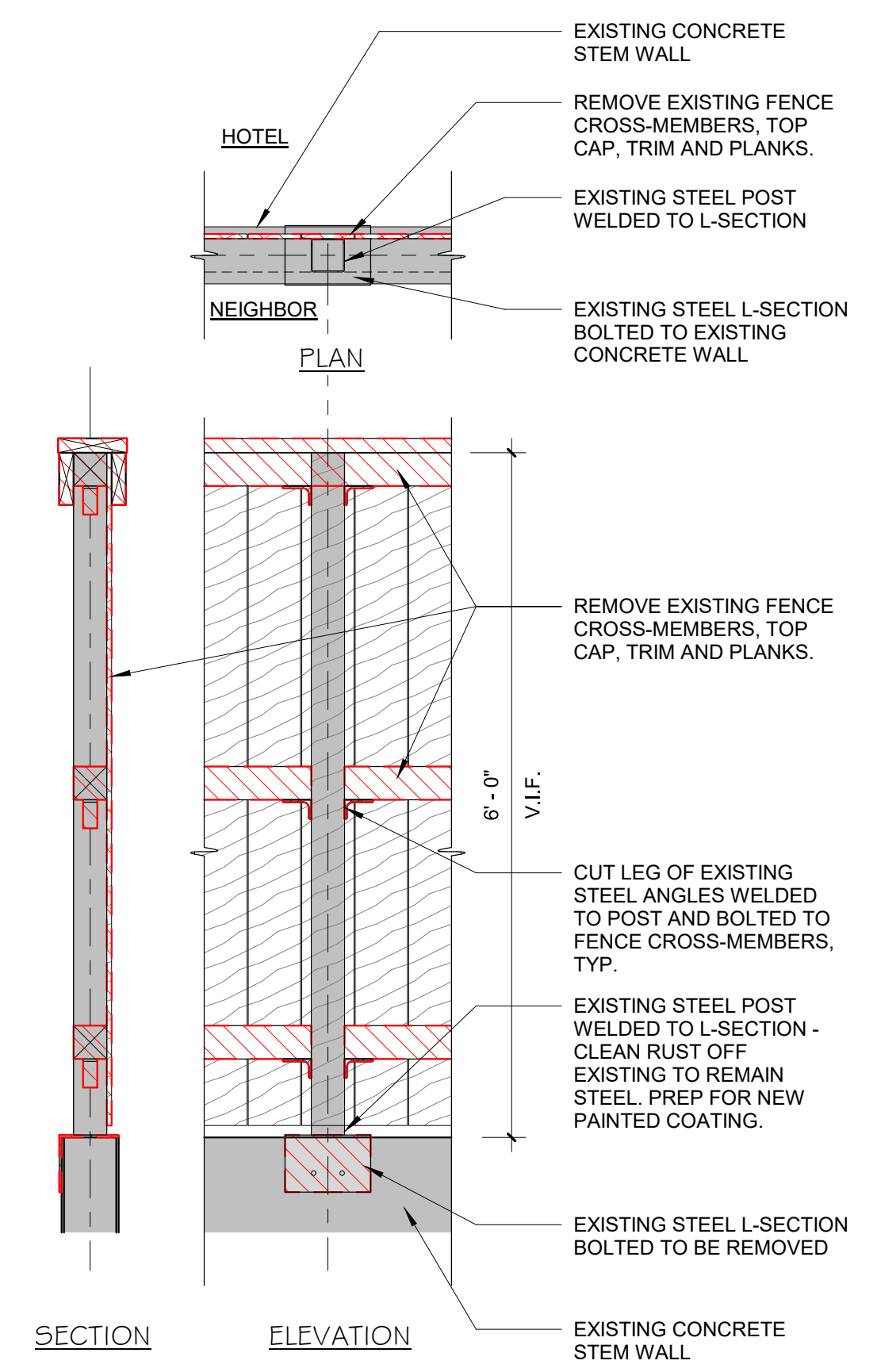
1 GATE ELEVATION
3/4" = 1'-0"



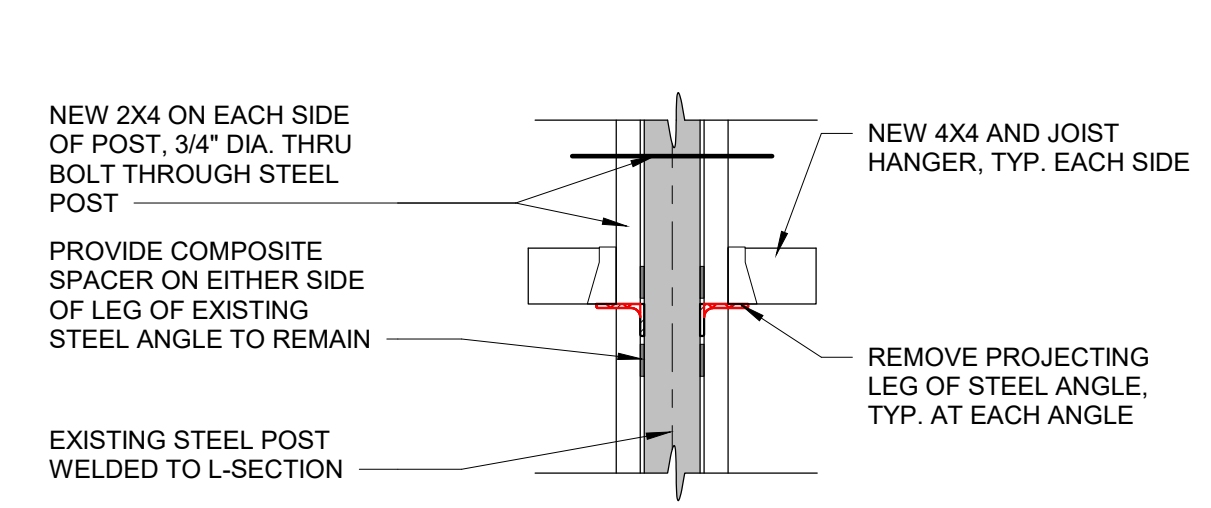
7 FENCE ENLARGED ELEVATION
3/4" = 1'-0"



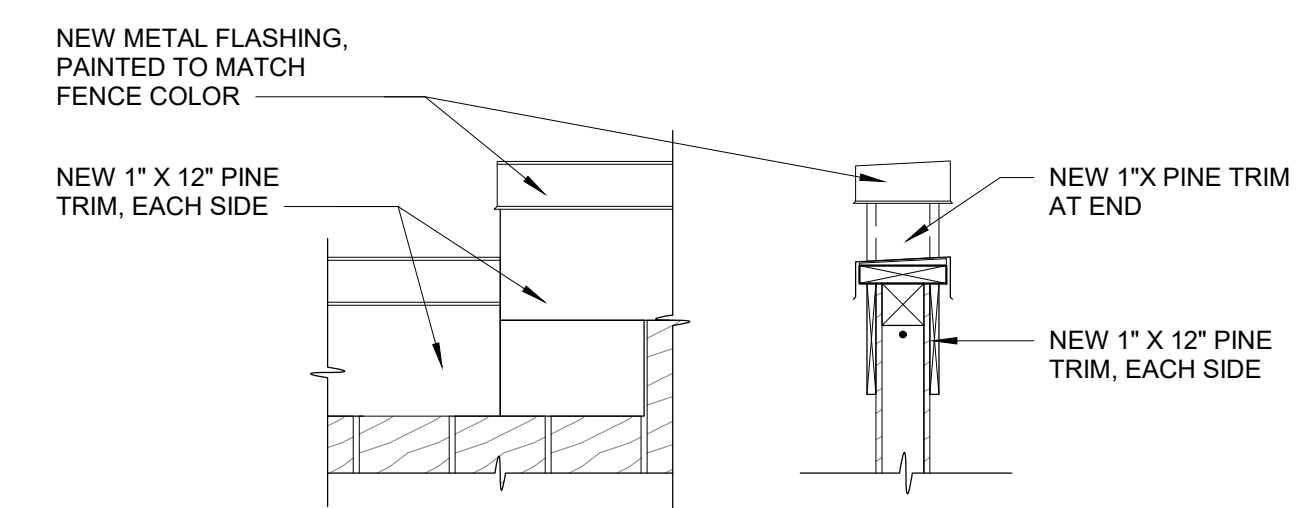
5 FENCE DETAIL - NEW
3/4" = 1'-0"



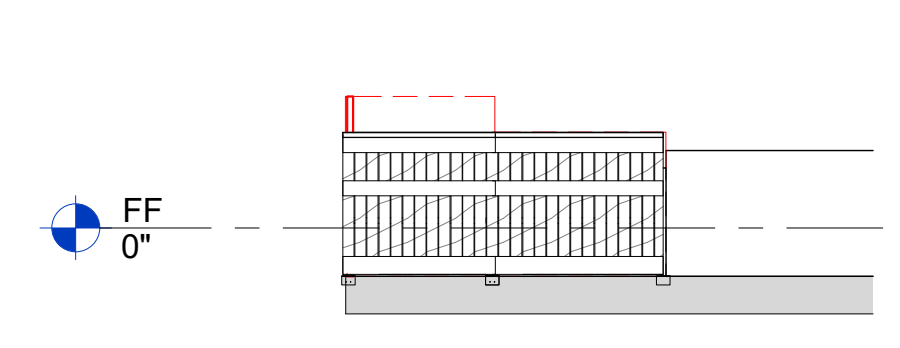
4 FENCE DETAIL - DEMO
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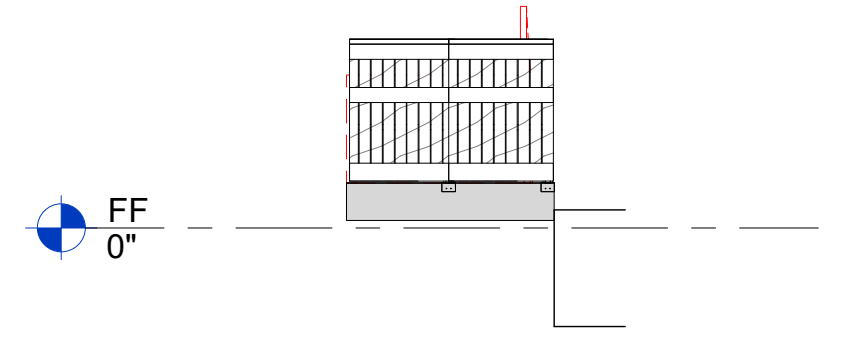
8 DETAIL AT EXISTING ANGLE
1" = 1'-0"



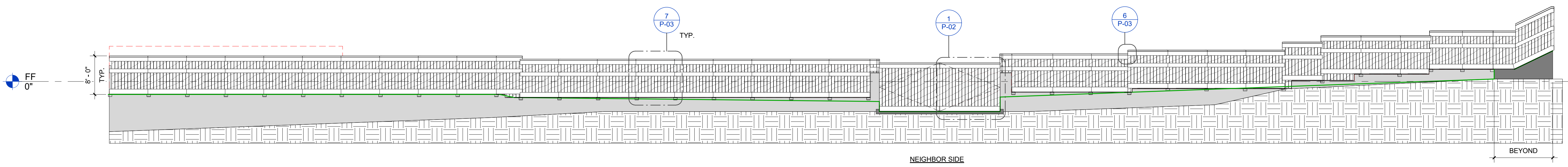
6 FENCE STEP DETAIL
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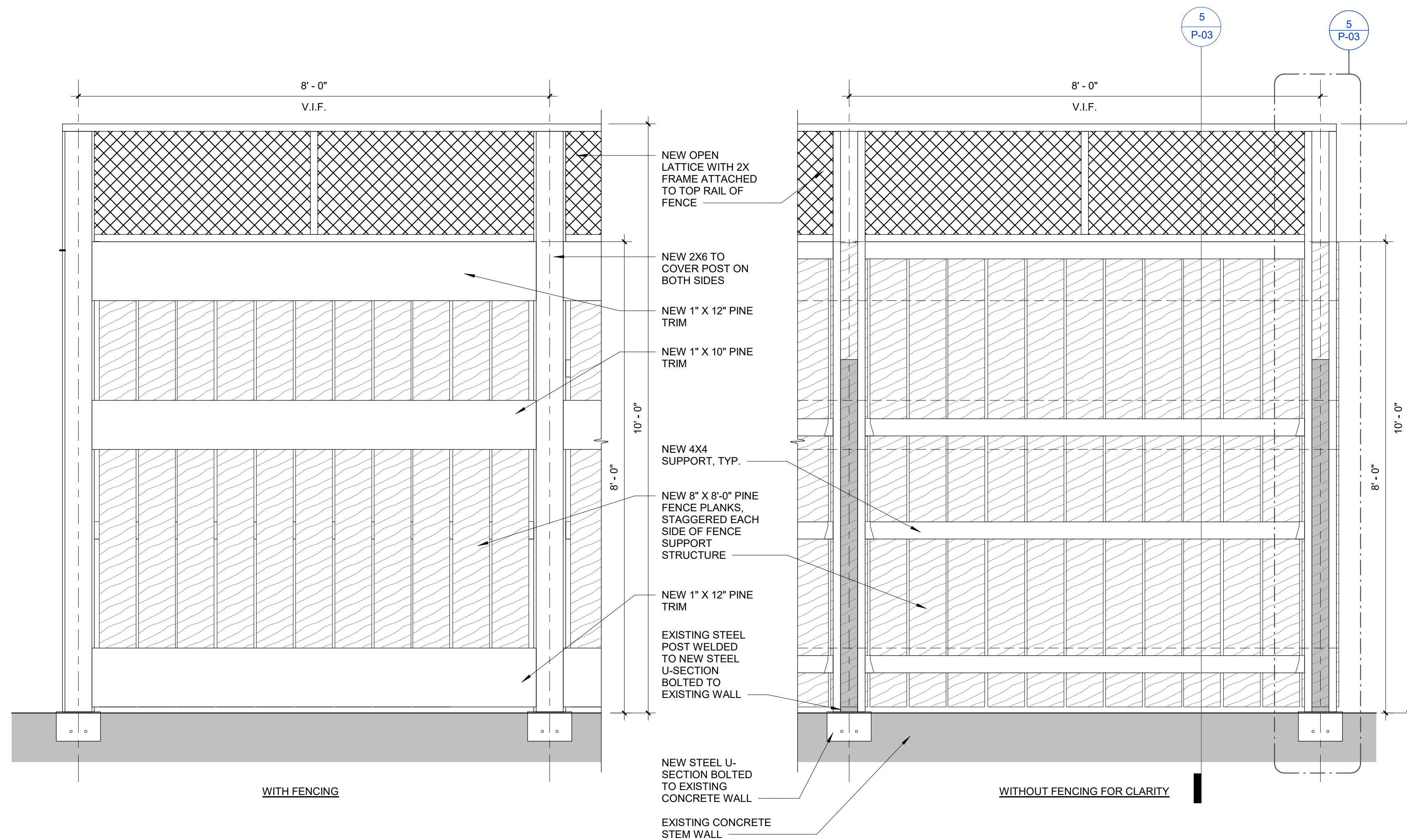
3 FENCE ELEVATION - SOUTH
3/32" = 1'-0"



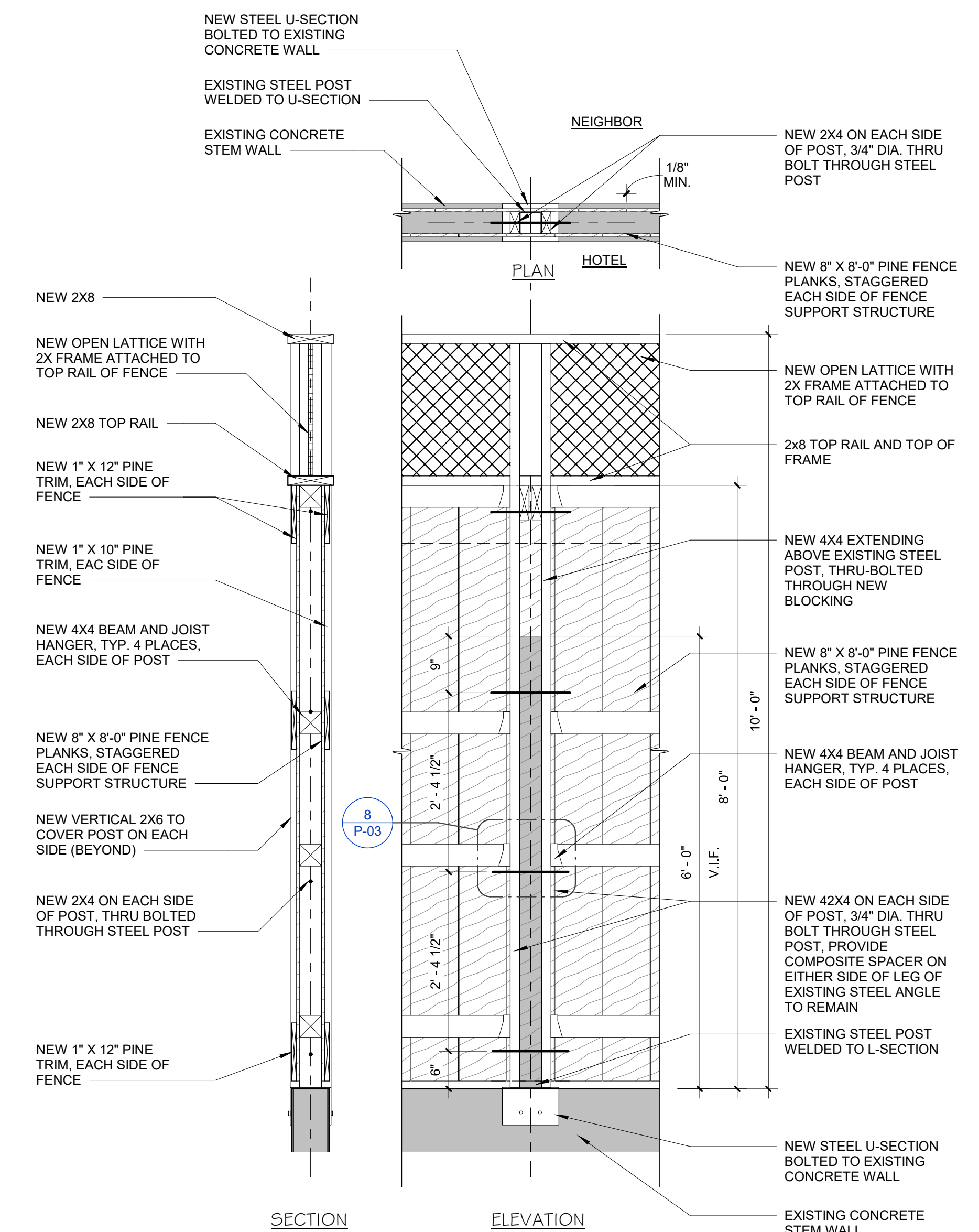
2 FENCE ELEVATION - NORTH
3/32" = 1'-0"



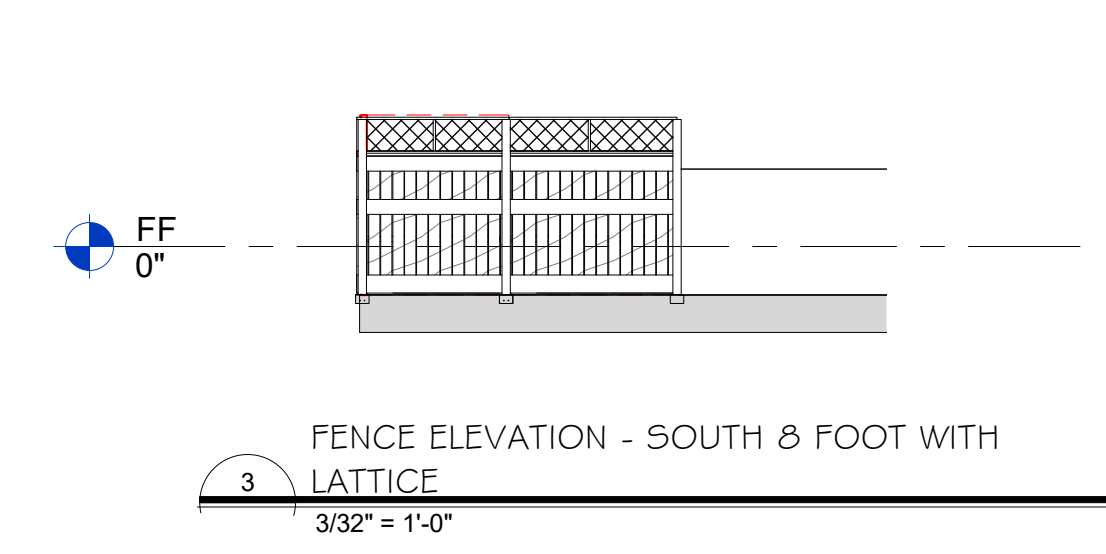
1 FENCE ELEVATION - EAST
3/32" = 1'-0"



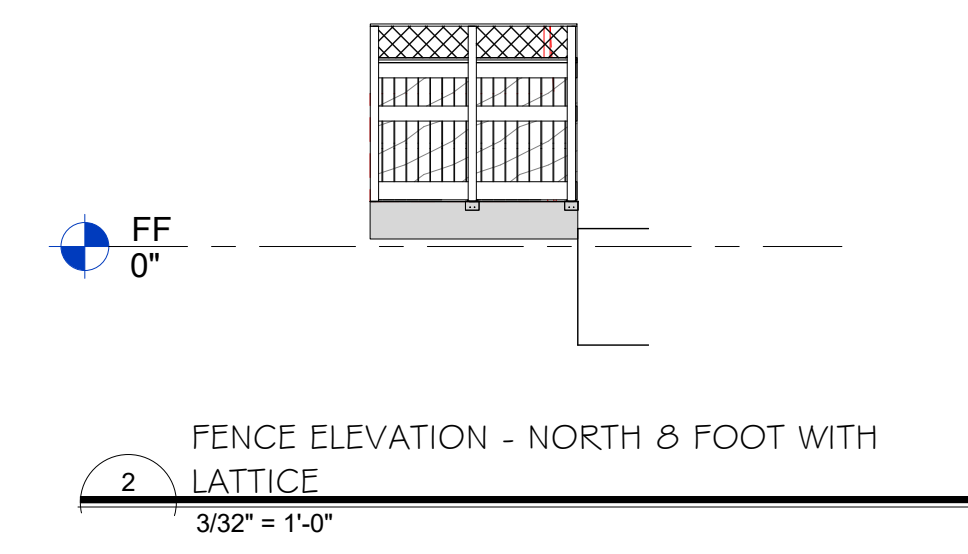
5 FENCE ENLARGED ELEVATION & FOOT WITH LATTICE
3/4\"/>



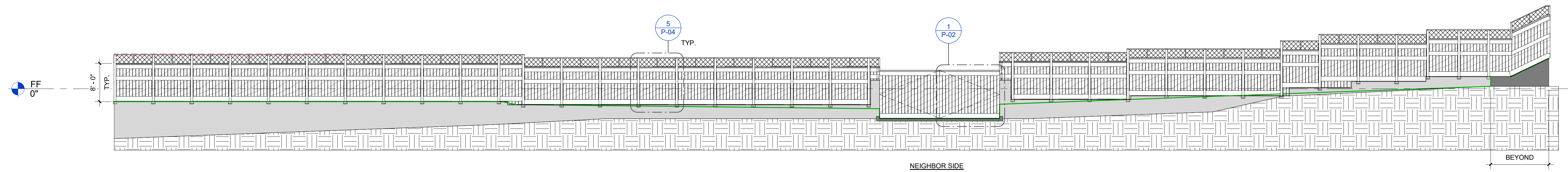
4 FENCE DETAIL - NEW & FOOT WITH LATTICE
3/4\"/>



3 FENCE ELEVATION - SOUTH & FOOT WITH LATTICE
3/32\"/>



2 FENCE ELEVATION - NORTH & FOOT WITH LATTICE
3/32\"/>



1 FENCE ELEVATION - EAST & FOOT WITH LATTICE
3/32\"/>



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Talyn Mirzakhanian, Planning Manager
Angelica Ochoa, Associate Planner

SUBJECT:

Conduct Public Hearing to Consider Ordinances Nos. 21-0001 and 21-0002, Amending Citywide Regulations for Accessory Dwelling Units (ADUs) in Title 10 of the Manhattan Beach Municipal Code and the Local Coastal Program, Respectively, Consistent with State Law, and Making a Determination of Exemption Under CEQA (Community Development Director Tai).

- a) **CONDUCT PUBLIC HEARING**
 - b) **MAKE A DETERMINATION OF EXEMPTION UNDER CEQA**
 - c) **INTRODUCE ORDINANCE NOS. 21-0001 AND 21-0002**
 - d) **ADOPT RESOLUTION NO. 21-0006**
-

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, make a determination of exemption under the California Environmental Quality Act (CEQA), introduce Ordinance No. 21-0001 amending Title 10 of the Manhattan Beach Municipal Code (MBMC), specifically the regulations governing accessory dwelling units (ADUs), and Ordinance No. 21-0002, amending the Local Coastal Program accordingly, and adopt Resolution No. 21-0006 authorizing staff to transmit the Local Coastal Program Amendments to the Coastal Commission.

EXECUTIVE SUMMARY:

Due to the statewide housing crisis, the State Legislature has declared that housing is a matter of statewide concern and has adopted a series of statutes intended to facilitate the production of housing, including requiring cities to approve additional dwelling units on lots in single-family residential zones.

The proposed amendments being considered are land use regulations pertaining to accessory

dwelling units (ADUs), which include, but are not limited to location, size, building separation, kitchen features, height, and non-conforming use regulations for multi-family developments. Specifically, the recommended amendments include: 1) allowing two total ADUs on a lot with a proposed or existing single-family dwelling in all area districts of the City and at least one attached ADU on lots with multiple dwelling units; 2) establishing a 220 square-foot minimum size requirement for ADUs and changing the maximum size for two-bedroom ADUs to 1,200 square feet; 3) establishing a separation requirement of five feet between detached ADUs and the primary dwelling; 4) allowing an ADU above or below a detached garage within the 25-foot height limit; 5) allowing existing driveways to converted garages to remain; 6) requiring that kitchens for ADUs have at least one permanent installed cooking appliance; and 7) allowing alterations to non-conforming residential developments that exceed the number of dwelling units permitted on a lot while Senate Bill 330 (the State's "no net loss" requirement) is in effect. Associated amendments to the City's Local Coastal Program (LCP) must be certified by the California Coastal Commission before they take effect.

On October 28, 2020, the Planning Commission held a public hearing, discussed the proposed regulations and provided the recommendations contained herein to the City Council.

FISCAL IMPLICATIONS:

The adoption of this ordinance has no fiscal impact. There will be costs associated with staff resources for the processing of applications for accessory dwelling units, however these will be offset with application and plan check fees.

BACKGROUND:

California law related to ADUs was amended by a series of legislative bills in 2019 (Assembly Bill (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13), effective January 1, 2020. An ADU is an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary residence. Amended regulations also address Junior Accessory Dwelling Units (JADUs). A JADU is a housing unit limited to 500 square feet in size that is contained within the walls of an existing or proposed single-family residence. As such, a JADU is inherently "attached" to the primary single-family residence. In accordance with Government Code Section 65852.22, a JADU must have an efficiency kitchen, with cooking appliances and a small food preparation and storage area. However, a JADU may share a bathroom with the main house; it does not need to have separate bathroom facilities.

As revised, Government Code Section 65852.2 further limits local jurisdictions' ability to regulate or limit ADUs in continuation of the State's efforts to facilitate the production of housing. Effective January 1, 2020, cities were required to adopt an ordinance that complies with the new State restrictions and includes specific standards. The City Council adopted Urgency Ordinance Nos. 20-0024-U (non-Coastal zone) and 20-0025-U (Coastal zone) to amend regulations for ADUs and junior accessory dwelling units (JADUs) to incorporate the new State regulations. The interim Urgency Ordinances are set to expire on December 15, 2021, and permanent ordinances must be adopted by the City Council to continue the City's local adaptations of the State laws. The lack of local ordinances would take away the City's ability to customize regulations specific to the City's character and development patterns. Coastal Commission

approval would also be required for associated amendments to the Local Coastal Program.

Furthermore, effective January 1, 2020, and up through January 1, 2025, unless otherwise amended, Government Code Section 66300(d) requires that “[a]n affected city . . . shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.” This new provision in State law, enacted by Senate Bill 330, effectively prohibits property owners from demolishing existing housing units unless the proposed replacement housing project includes at least as many units as were there previously. This regulation was also taken into consideration while formulating the proposed ADU regulations to allow owners of non-conforming properties to remodel to an extent beyond minimal repair and maintenance.

While the interim Ordinances have been in effect, staff has been studying ADU regulations and working with the public through Planning Commission public meetings on developing local long-term regulations for State-mandated Citywide ADUs. The Planning Commission conducted three study sessions and one public hearing to consider the amendments and formulate a recommendation to the City Council regarding long-term regulations for accessory dwelling units. The Planning Commission’s recommended amendments to the Municipal Code and Local Coastal program are discussed in detail in the following section of this report.

The attached draft Ordinances provide proposed permanent development standards for ADUs related to number allowed, minimum and maximum sizes, building separation, remaining driveways, kitchen requirements and remodeling of non-conforming multi-family development. The proposed amendments will replace the existing interim Urgency Ordinances.

DISCUSSION:

On October 28, 2020, the Planning Commission held a public hearing, discussed the proposed regulations and provided recommendations to the City Council on code amendments to regulate ADUs Citywide, including the Coastal Zone. The Planning Commission unanimously voted in favor of the proposed development regulations outlined herein. Their recommendation included an additional change to the maximum square footage of two-bedroom ADUs from 1,000 square feet to 1,200 square feet.

The proposed amendments to ADU standards and requirements involve the following topics:

1. Number of ADU and/or JADUs that can be placed on a property
2. Areas of the City where ADU/JADUs can be located
3. Minimum and maximum sizes for ADUs
4. Building separation requirements applicable to detached ADUs
5. Height for detached ADU buildings
6. Use of remaining driveways when garages have been converted to ADUs
7. Kitchen standards for ADU/JADUs
8. City non-conforming use regulations affecting the ability to remodel existing development that exceeds permitted density

Code Amendments

The proposed code amendments, and associated Local Coastal Program amendments as

discussed below. Each topic describes the following: a) the current regulations; b) the Planning Commission recommendation on proposed changes; and c) proposed code amendments for the City Council's consideration. The proposed code amendments are also included in the attached draft ordinances for the Municipal Code and Local Coastal Program. It should be noted that the draft ordinances reflect minor refinements to the draft ordinances for purposes of clarification and consistency with provisions in State law.

1. Number of ADU and/or JADUs that can be placed on a property

Current Regulations

Single-Family Properties. Current regulations allow one attached ADU or JADU, and one detached ADU, per lot with a proposed or existing single-family dwelling. Importantly, a detached ADU may be combined with a JADU that complies with the requirements described above, such that two additional units (one detached ADU and one attached JADU) are allowed per lot. Given the size limitations for JADUs and ADUs, this means that a property could have a 500-square-foot JADU attached to the house and an up to 800-square-foot detached ADU on the lot. While a single-family dwelling can have one attached JADU or ADU and one detached ADU, it cannot currently have two attached ADUs. In order to create more flexible regulations, the proposed amendment would allow two attached JADU or ADUs at single-family properties. No more than a total of two JADU or ADUs would be allowed on a lot.

Multi-Family Properties (Existing). Current regulations allow ADUs to be added at existing multi-family properties by converting spaces not used as livable space, such as common areas or storage spaces. The total number of attached ADUs can be up to 25% of the existing units. For example, a 4-unit property can add one ADU. Regulations also allow up to two detached ADUs to be added to existing multi-family properties.

Multi-Family Properties (New/Proposed). There are currently no allowances for ADUs for new multi-family development. This means that new multi-family development (any development with more than 1 unit) cannot currently include ADUs within their projects.

Planning Commission Recommendation

- The Planning Commission recommends allowing an attached ADU, in addition to an already permitted ADU or JADU, at an existing or proposed single-family residence in all Area Districts if there are no more than two total ADU/JADUs; and
- In the spirit of providing more flexible options for multi-family developments, and in consideration that current regulations would allow any new multi-family development to apply to construct ADUs once the development is completed, the Planning Commission recommends a provision to allow at least one attached ADU when a new multi-family project is proposed as a property redevelopment. Larger multi-family projects would be allowed ADUs at the same 25% ratio permitted for existing multi-family development. For properties that are currently nonconforming because there are more units than what current regulations allow, the proposed resulting total number of dwelling units would not be allowed to exceed the existing number of legal dwelling units prior to demolition. This would enable new multi-family projects to include at least one attached ADU as part of their projects.

Proposed Code Amendments

- Section 10.74.030(F) and A.74.030(F) would be revised to specify that the JADU and ADU allowances of Government Code Section 65852.2(e)(1) (State-mandated regulations) and Section 10.74.040 (local regulations) may not be combined to total more than two ADUs on single-family properties.
- Sections 10.74.040(A) and A.74.040(A) (Location Restrictions/Number Permitted) would be revised to allow a maximum of two total ADUs on a lot with a proposed or existing single family dwelling in all area districts of the City. Further, only one detached ADU may be allowed on a property.
- Sections 10.74.040(A) and A.74.040(A): (Location Restrictions/Number Permitted) would be revised to allow an exception to allow at least one attached ADU on lots with multiple dwelling units as long as the number of ADUs does not exceed 25% of the number of existing dwelling units. For nonconforming uses, the resulting total number of dwellings units does not exceed the number pre-existing dwelling units.

2. Areas of the City where ADU/JADUs can be located

Current Regulations

Current City regulations incorporate State law provisions that allow ADUs and JADUs on existing or proposed single-family properties and existing multi-family properties in all residential zones throughout the City, regardless of Area District. However, there are no current regulations allowing ADUs in new multi-family developments in the City.

Planning Commission Recommendation

- Given that JADUs and ADUs are already allowed in all Area Districts in the City in specified circumstances, the Planning Commission recommended extending ADU regulations consistently across all Area Districts to ease implementation.

Proposed Code Amendments

- The proposed Code amendments in the Item #1 above achieve this objective by allowing ADUs to be part of new multi-family developments in all Area Districts.

3. Minimum and maximum sizes for ADUs

Current Regulations

Current City regulations do not include any minimum sizes for ADUs and JADUs, but identify the following allowable maximum sizes for attached and detached ADUs:

- All ADUs (maximum two bedrooms)
- Studio or one-bedroom ADU - 850 square feet
- Two-bedroom ADU - 1,000 square feet
- Additionally, attached ADUs shall not exceed fifty percent of the total floor area of the existing primary dwelling.
- State law allows local jurisdictions to permit detached ADUs up to 1,200 square feet.

State law indicates that a minimum size for an ADU must allow for an efficiency unit per the

Health and Safety Code Section 17958.1 and Building Code Section 1207.4. These sections define an efficiency unit as having not less than 220 square feet and require an additional 100 square feet of floor area for more than two persons.

Planning Commission Recommendation

At the Planning Commission meeting of September 9, 2020, there was discussion regarding allowing a minimum size of 150 square feet, rather than the current specification of 220 square feet. State law allows a minimum size for an ADU to be 150 square feet, if the City currently has an adopted ordinance allowing that. The City does not have any adopted ordinance that allows efficiency units less than 220 square feet. Therefore, at this time, the 150-square foot minimum size threshold is not an available option. Also, the Planning Commission expressed a concern for ADUs not being fully independent units, namely having independent cooking and bathroom facilities. Goal II of the City's Housing Element encourages housing opportunities for special needs groups, with an emphasis on senior residents, which are promoted by the availability of ADUs, as well as providing safe and healthy living environments. Ensuring that an ADU has the ability to maintain independence from a separate household would contribute toward those Housing Element Goals. At the October 28, 2020, public hearing, the Planning Commission once again expressed concern regarding the 220 square-foot minimum size of an efficiency unit, ultimately opting to recommend the following:

- Establish minimum size for JADUs, and attached and detached ADUs to be 220 square feet to allow for at least an efficiency unit per the definition in the California Building Code Section 1207.4.
- Revise maximum size of two-bedroom ADUs from 1,000 square feet to 1,200 square feet to mimic the State allowance.

Code Amendments

- Sections 10.74.050(A), A.74.040(A), 10.74.040(B)(1), and A.74.040(B)(1) would be revised to add a provision to allow a minimum size for an ADU to be no less than 220 square feet.
- Sections 10.74.040(B)(1) and A.74.040(B)(1) would be revised to add a provisions to allow a maximum size of a two bedroom ADU to be 1,200 square feet.

4. Building separation requirements applicable to detached ADUs

Current Regulations

Current regulations define a detached ADU as a separate structure that does not share any walls with the primary dwelling. Furthermore, existing Municipal Code Section 10.12.030(R) requires a minimum distance between buildings containing one or more dwelling units on a site to be 10 feet apart. However, detached ADUs under certain criteria (65852.2(e)(1)(B) only have to comply with 4-foot side and rear setbacks, 16-foot height limit, and 800 square-foot maximum. Detached units not meeting that criteria currently require a 10-foot separation. Therefore, staff has identified an internal inconsistency that affects where property owners can place detached ADUs.

Planning Commission Recommendation

To provide more options for flexibility in design and open space, the Planning Commission

recommends amending local ADU permit regulations to state a minimum separation of five feet (5') for detached ADUs to the primary dwelling. This would not apply to detached ADUs permitted by Government Code Section 65852.2(e)(1)(B). This would allow space for walkways and other outdoor uses, but provide additional flexibility for placement of detached ADUs. Staff determined that the California Building Code or California Residential Code does not require a building separation distance. Also, many South Bay cities require only a five or six-foot separation between a detached ADU and the primary residence

Code Amendments

- Sections 10.74.040(B)(4) and A.74.040(B)(4) would be revised to add a five-foot (5') separation requirement.
- Sections 10.74.040(B)(5) and A.74.040(B)(5) (Development Standards) would be revised to refer to the "building separation" standard in Section 10.74.040(B)(4) and A.74.040(B)(4).
- A cross reference provision was added to Sections 10.12.030(R) and A.12.030(R) (Residential Development Standards) regarding building separation that states minimum building separation for accessory dwelling units is regulated by Sections 10.74.040(B) and A.74.040(B).

5. Height of Detached Garages

Current Regulations

The interim regulations currently in effect allow a two-story building height for an ADU, only if the ADU is located directly above a detached garage. Specifically, the provision states, "A Detached ADU shall not exceed 16 feet in height; or, when located above a garage, shall not exceed 25 feet in height...". During review of project proposals, staff identified that given that ADUs are allowed above a detached garage, it may also be appropriate to allow an ADU underneath a detached garage on a substantial sloped lot.

Additionally, while Section 10.52.050 of the Code provides specification of a method for measuring accessory structure height, specifically that height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure, staff recognized that that the proposed Ordinance can benefit from a similar provision regarding height measurement for detached ADUs.

Accordingly, at the October 28, 2020 Planning Commission hearing, staff proposed to clarify and modify the following:

1. Method of measuring height for detached ADU buildings from the average local grade around the perimeter of the building as stated in current regulations; and
2. Provide for two story garage ADU buildings on substantially sloped lots by permitting a non-basement ADU to be below the garage. Opportunities for this type of design occur on steeply sloping lots where a detached garage would be based at a higher elevation than the main building, and a semi-subterranean ADU could be placed below the garage at a level consistent with the main building. A detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.

Planning Commission Recommendation

- The Planning Commission recommended adding a provision to clarify the method of measurement of height and to allow a detached ADU to be built above or below a detached garage at a 25-foot height limit.

Code Amendments

- Sections 10.74.040(B)(2) and A.74.040(B)(2) would be revised to add a provision to clarify that height will be measured from a weighted average of the local grades around the perimeter of the detached structure.
- Sections 10.74.040(B)(2) and A.74.040(B)(2) would be revised to add a provision to allow a detached ADU to be above or below a detached garage while conforming to the 25-foot total height limit.

6. Use of remaining driveways when garages have been converted to ADUs

Current Regulations

Current regulations allow existing garages, carports or covered parking structures to be converted to ADUs with no additional setbacks or no replacement parking to be constructed. However, Municipal Code Section 10.64.020(F)(2) requires curb cuts of driveways to be abandoned and restored if there is no existing garage or legal parking space. This means that all converted ADUs with driveways would have to restore the existing curb cut since parking is not allowed in required setbacks. This would prevent the ability of the property owner or tenant to have on-site parking if they so desired, in that the lack of a curb cut would result in lack of vehicular access from the street.

Planning Commission Recommendation

- Regulations were amended to add language that the curb cut to the existing driveway will not have to be restored for garages converted to ADUs (attached and detached). Accommodating the option for on-site parking is helpful for areas in the City that experience parking challenges on-street. Also, per staff research of other South Bay Cities, driveways and curb cuts have remained to allow on-site parking. The Planning Commission supported maintaining driveways on site to give the homeowner the option of having on-site parking.

Code Amendments

- Sections 10.74.040(F)(4) and A.74.040(F)(4) (Parking Requirements) would be revised to add a provision to allow existing driveways to remain that formerly served parking spaces that have been converted to and are currently serving as an ADU.

7. Kitchen standards for ADU/JADUs

Current Regulations

Current regulations indicate that a JADU must include an efficiency kitchen, but does not otherwise specify kitchen requirements for ADUs. Efficiency kitchens must have cooking appliances and a preparation and storage area. Since JADUs are typically smaller units,

minimal kitchen fixtures include a small preparation area, a single sink and portable appliances. For ADUs, a full kitchen includes permanent cooking appliances, a double sink and a larger preparation area. In researching other cities, full kitchens were required for ADUs and efficiency kitchens for JADUs. Per the Building Codes, kitchens must include permanent provisions for food preparation and cooking and the use of portable appliances does not satisfy code requirements for kitchen facilities.

Planning Commission Recommendation

- The Planning Commission recommends clarifying language that requires a permanent cooking appliance for ADUs, and that ADUs must identify kitchens on their plans to be reviewed by the City.

Code Amendments

- Sections 10.74.040(D) and A.74.040(D) (Design and Features) would be revised pertaining to features in ADUs to clarify that kitchens for ADUs must have at least one permanent installed cooking appliance.

8. Nonconforming Use Restrictions

Current Regulations

Residential development that exceeds permitted density is a “nonconforming use”, which cannot be moved, altered, or enlarged. For example, a multi-family development property owner may wish to modify their existing floor plan to convert a primary dwelling to an ADU, but this may not be permitted due to these restrictions. Previously, nonconforming residential developments would reduce the number of dwelling units to a conforming quantity, in order to complete any significant remodeling.

Planning Commission Recommendation

The Planning Commission conducted discussion on the ramifications of the State’s “no-net-loss” requirements that prevent decrease in the number of units, and therefore limits remodeling options for many existing multi-family developments. The Planning Commission acknowledged that existing multi-family development that exceeds permitted density, but cannot be brought into conformance by decreasing the number of units due to the “no-net loss” State requirement, should be allowed to remodel to an extent beyond minimal repair and maintenance. Since that is not possible until January 2025, property owners have little ability to make improvements beyond those that are somewhat temporary or superficial. This allowance would provide more flexibility for the conversion of existing space to ADUs for multi-family development, and incentive reinvestment into existing multi-family developments that are nonconforming as to use.

Code Amendments

- Sections 10.68.020(A) and (B), and Sections A.68.020(A) and (B) would be revised pertaining to nonconforming use regulations to add an exception allowing alterations (structural remodeling) to residential developments that exceed the number of dwelling units permitted on a lot while the State’s “no net loss” requirement is in effect.

In addition to the above mentioned code amendment topics, staff included a general cross

reference amendment to Sections 10.12.030 and A.12.030, "Property Development Standards for all Area Districts" table referring to the Accessory Dwelling Unit, Chapter 10.74 for the applicable regulations.

POLICY ALTERNATIVES:

ALTERNATIVE #1: Introduce the draft ordinance as recommended by the Planning Commission.

ALTERNATIVE #2: Do not adopt the attached ordinance.

Not adopting a local ordinance would default to the State regulations upon expiration of the existing Urgency Ordinances and could lead to conflicts with the community goals identified through the General Plan.

ALTERNATIVE #3: Adopt the attached ordinance with revisions.

Depending on the nature of the revisions, staff would ensure that revisions are consistent with the community goals identified through the General Plan or State Law. If the revisions considered were directly recommended by the Planning Commission, staff will present the revisions to the Commission for its consideration before returning to City Council.

CONCLUSION:

The proposed ordinances will allow the development of ADUs, as required by State Law, while recognizing the unique development patterns of Manhattan Beach and protecting the City's unique residential neighborhoods to the extent State law permits.

Staff recommends that the City Council conduct a public hearing and introduce Ordinance Nos. 21-0001 and 21-0002 amending the Manhattan Beach Municipal Code (MBMC) and Local Coastal Program to regulate accessory dwelling units (ADUs). The recommendation also includes a finding of exemption under CEQA and adoption of the attached resolution authorizing staff to transmit the Local Coastal Program amendments to the Coastal Commission.

PUBLIC OUTREACH:

The Planning Commission conducted three study sessions and one public hearing on this matter. A 1/4-page advertisement for the Planning Commission hearing was published in the Beach Reporter on October 15, 2020, for the October 28, 2020, public hearing. A 1/4-page advertisement for the January 5, 2021, City Council public hearing was published in the Beach Reporter on December 17, 2020. Notification via email was sent to all interested parties on December 23, 2020. As of the date of this report, staff has not received any comments.

ENVIRONMENTAL REVIEW:

The proposed text amendments are exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, et seq., ("CEQA")) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions are not

exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Draft Ordinance No. 21-0001
2. Draft Ordinance No. 21-0002
2. Resolution No. 21-0006
3. PC Resolution Nos. 20-08 (MBMC) and 20-09 (Coastal)
4. Planning Commission Staff Report and Attachments - October 28, 2020
5. Planning Commission Minutes - October 28, 2020

ORDINANCE NO. 21-0001

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 10.74, SECTION 10.12.030 AND SECTION 10.68.030 TO REGULATE ACCESSORY DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. On October 28, 2020, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 20-08 recommending that the City Council adopt the proposed revised regulations regarding accessory dwelling units and proposed text amendments to Section 10.12.030, Section 10.68.030 and Chapter 10.74 of the Municipal Code regulating Accessory Dwelling Units (ADUs).

Section 2. On January 5, 2021, the City Council held a duly noticed public hearing regarding the proposed Zoning Code Amendments.

Section 3. The City Council hereby finds that the zone text amendments are consistent with the Manhattan Beach General Plan's goals and objectives because the amendments:

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

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

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

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

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

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

Section 4. The proposed text amendments have been prepared in accordance with the provisions of California Government Code Sections 65853, *et seq.*

Section 5. The City Council hereby amends Title 10 of the Manhattan Beach Municipal Code by adding Chapter 10.74 thereto to read as follows:

"Chapter 10.74 - Accessory Dwelling Units"

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

Section 10.74.010 Purpose and Applicability.

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

Section 10.74.020 - Definitions.

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

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
 - 1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 - 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 - 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 - 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable

construction or related permits prior to the construction of the ADU.

- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.
- F. An applicant may apply for ADUs and JADUs meeting the requirements of Government Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section 10.74.040, but in no case shall the combined number of ADUs and JADUs be greater than two on a property with a single-family residence.

Section 10.74.040 – Local ADU Standards.

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

- A. Location Restrictions/Number Permitted:
 - 1. ADUs on Lots with a Single-Family Residence. A maximum of two total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts; however, only one ADU shall be allowed on a property that also has a JADU. Only one detached ADU is allowed on a property.
 - 2. ADUs on Lots with New Multi-Family Developments. In all Area Districts, one ADU shall be allowed on a lot with a newly constructed multi-family development.
 - a. Multi-Family Redevelopments. Notwithstanding the limitation in paragraph 2 above, more than one ADU, up to 25 percent of the number of pre-existing multi-family dwelling units on the property, shall be allowed where the applicant proposes to demolish an existing multi-family development to build a new multi-family development. For any property that is considered a nonconforming use pursuant to 10.68.020.A because it does not meet the current site area per dwelling unit requirement, the total resulting number of units on the property, including ADUs, shall not be greater than the number of pre-existing units on the property.
- B. Development Standards:
 - 1. Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. ADUs with two or

more bedrooms shall not exceed 1,200 square feet of gross floor area. The minimum size of an ADU shall be 220 square feet, or an alternate minimum area for an “efficiency unit” that is adopted by the City.

- a. Additional Size Limitations for Attached ADUs: If there is an existing single-family residence, a newly constructed Attached ADU shall not exceed fifty percent of the gross floor area of the existing single-family residence.
2. Height for Detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure, and:
 - a. A Detached ADU shall not exceed 16 feet in height; or
 - b. A Detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.
 3. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet, and the front setback shall be as required for the primary structure.
 4. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
 5. Standards: An ADU shall conform to all open space, buildable floor area, building site (lot) coverage, and minimum lot size regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. Design and Features:
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
 6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.
 7. A permanent foundation shall be required for all ADUs.
 8. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in

Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.

F. Parking Requirements (ADU):

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

spaces that have been converted to an ADU may remain for parking.

Section 10.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

1. A JADU shall be a maximum of 500 square feet of buildable floor area and a minimum of 220 square feet, or an alternate minimum area for an “efficiency unit” that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.
5. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
6. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided prior to final building inspection.
7. No additional parking is required for a JADU.

Section 10.74.060 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically

provided in California Government Code Sections 65852.2 and 65852.22.

- B. With the submittal of the ADU Permit or prior to receiving a building permit if no ADU Permit is required, the owner of the subject property must submit letters of service availability for water and sewer disposal to the Building Official.”

Section 6. The City Council hereby amends Manhattan Beach Municipal Code Section 10.12.030 “Property Development Standards for All Area Districts” table to add a row referring to “Accessory Development Units” as follows:

Accessory Structures	See <u>Section 10.52.050</u>
<u>Accessory Dwelling Units</u>	<u>See Chapter 10.74</u>
Exterior Materials	See <u>Section 10.52.020</u>

Section 7. The City Council hereby amends building separation regulations in the Manhattan Beach Municipal Code to provide an exception for ADUs so that Section 10.12.030(R) reads as follows:

“R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10’). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

Exception: A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040(B).”

Section 8. The City Council hereby amends nonconforming use regulations in the Manhattan Beach Municipal Code to provide exceptions for ADUs so that Sections 10.68.030(A)-(C), read as follows:

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet

occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

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

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.
 2. During the period that the dwelling unit replacement requirement of State Government Code Section 66300(d) is in effect, existing dwelling units occupying a site that do not conform with site area per dwelling unit regulations for the district in which the use is located may be altered by remodeling if the proposed work does not enlarge the structure.
- C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site, or another structure or site which it did not occupy on January 1, 1991, or on the effective date of any amendment to this Chapter 10.68 that caused the use to become nonconforming, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.”

Section 9. California Environmental Quality Act Exemption. The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, et seq., (“CEQA”) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Sections 65852.2 and 65852.22 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 10. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

Section 11. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 12. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

Section 13. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

Section 14. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on _____, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

SUZANNE HADLEY
Mayor

LIZA TAMURA
City Clerk

ORDINANCE NO. 21-0002

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE LOCAL COASTAL PROGRAM CHAPTER A.74, SECTION A.12.030 AND SECTION A.68.030 TO REGULATE ACCESSORY DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The City studied the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs to be built on lots in various areas of the City. Effective January 1, 2020, Assembly Bills (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 amended Government Code Section 65852.2 to further limit the standards cities may impose on ADUs and require city ordinances to incorporate State-mandated standards for certain types of ADUs. As amended, Government Code Section 65852.2 allows the City to designate areas where ADUs may be permitted and to establish objective standards related to parking, height, setback, lot coverage, landscaping, and architectural review, which must be applied ministerially except where a property owner is seeking an exception to the adopted standards. Areas of the City vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations and these regulations reflect those variations, given that some areas of the City have high density, small lot sizes, restricted circulation, and are almost entirely built out.

Section 2. On October 28, 2020, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 20-09 recommending that the City Council adopt the proposed revised regulations regarding accessory dwelling units and proposed text amendments to Section A.12.030, Section A.68.030 and Chapter A.74 of the Municipal Code regulating Accessory Dwelling Units (ADUs).

Section 3. On January 5, 2021, the City Council held a duly noticed public hearing regarding the proposed text amendments.

Section 4. The City Council hereby finds that the amendments are consistent with the Manhattan Beach General Plan's goals and objectives because the amendments:

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

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

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

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

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

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

Section 5. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program. The proposed amendments are also consistent with Chapter 3 of the Coastal Act, will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water.

Section 6. The proposed text amendments have been prepared in accordance with the provisions of California Government Code Sections 65853, *et seq.*

Section 7. The City Council hereby amends Chapter A.74 of the Manhattan Beach Local Coastal Program Implementation to read as follows:

“Chapter A.74 - Accessory Dwelling Units

Section A.74.010 – Purpose and Applicability

Section A.74.020 – Definitions

Section A.74.030 – General Requirements and Application Procedure

Section A.74.040 – Local ADU Standards

Section A.74.050 – JADU Standards

Section A.74.060 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

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

Section A.74.020 - Definitions.

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

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section A.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.

1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Local Coastal Program Implementation Plan Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.
- F. An applicant may apply for ADUs and JADUs meeting the requirements of Government Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section A.74.040, but in no case shall the combined number of ADUs and JADUs be greater than two on a property with a single-family residence.

Section A.74.040 – Local ADU Standards.

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

- A. Location Restrictions/Number Permitted:
1. ADUs on Lots with a Single-Family Residence. A maximum of two total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts; however, only one ADU shall be allowed on a property that also has a JADU. Only one detached ADU is allowed on a property.

2. ADUs on Lots with New Multi-Family Developments. In all Area Districts, one ADU shall be allowed on a lot with a newly constructed multi-family development.
 - a. Multi-Family Redevelopments. Notwithstanding the limitation in paragraph 2 above, more than one ADU, up to 25 percent of the number of pre-existing multi-family dwelling units on the property, shall be allowed where the applicant proposes to demolish an existing multi-family development to build a new multi-family development. For any property that is considered a nonconforming use pursuant to Local Coastal Program Implementation Plan Section A.68.020.A because it does not meet the current site area per dwelling unit requirement, the total resulting number of units on the property, including ADUs, shall not be greater than the number of pre-existing units on the property.

B. Development Standards:

1. Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. ADUs with two or more bedrooms shall not exceed 1,200 square feet of gross floor area. The minimum size of an ADU shall be 220 square feet, or an alternate minimum area for an “efficiency unit” that is adopted by the City.
 - a. Additional Size Limitations for Attached ADUs: If there is an existing single-family residence, a newly constructed Attached ADU shall not exceed fifty percent of the gross floor area of the existing single-family residence.
2. Height for Detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure, and:
 - a) A Detached ADU shall not exceed 16 feet in height; or
 - b) A Detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.
3. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet, and the front setback shall be as required for the primary structure.

4. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
 5. Standards: An ADU shall conform to all open space, buildable floor area, building site (lot) coverage, and minimum lot size regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Local Coastal Program Implementation Plan Section A.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.
 6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. Design and Features:
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with

translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.

6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.
 7. A permanent foundation shall be required for all ADUs.
 8. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.
- F. Parking Requirements (ADU):
1. In addition to the off-street parking space(s) required for the Primary Dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the existing Primary Dwelling or all or part of an existing accessory structure or building;
 - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant;
or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.

2. Required setbacks, yards and open space shall not be used for parking except that:
 - a. Parking may be located within an enclosed accessory building as permitted by Local Coastal Program Implementation Plan Section A.52.050; and
 - b. Parking may be located outside of the front yard setback on existing driveways existing prior to January 1, 2019, that are conforming in width and clearance.
3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Local Coastal Program Implementation Plan Chapter A.64.
4. When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU. Existing driveways that formerly served parking spaces that have been converted to an ADU may remain for parking.

Section A.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

1. A JADU shall be a maximum of 500 square feet of buildable floor area, and a minimum of 220 square feet, or an alternate minimum area for an “efficiency unit” that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU
4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.
5. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
6. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the

following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided prior to final building inspection.

7. No additional parking is required for a JADU.

Section A.74.060 - Fees and Utility Connections.

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

Section 8. The City Council hereby amends the Manhattan Beach Local Coastal Program Implementation Plan Section A.12.030 “Property Development Standards for All Area Districts” table to add a row referring to “Accessory Development Units” as follows:

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

Section 9. The City Council hereby amends the Manhattan Beach Local Coastal Program Implementation Plan Section A.12.030(R) to read as follows:

- “R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall

be ten feet (10'). For permitted projections within said building separation yards, see Section A.60.040, Building projections into yards.

Exception: A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section A.74.040(B).”

Section 10. The City Council amends the Manhattan Beach Local Coastal Program Implementation Plan Sections A.68.030(A)-(C), regarding nonconforming uses, to be read as follows:

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

Exceptions.

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

Exceptions.

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

2. During the period that the dwelling unit replacement requirement of State Government Code Section 66300(d) is in effect, existing dwelling units occupying a site that do not conform with site area per dwelling unit regulations for the district in which the use is located may be altered by remodeling if the proposed work does not enlarge the structure.
- C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site, or another structure or site which it did not occupy on January 1, 1991, or on the effective date of any amendment to this Chapter A.68 that caused the use to become nonconforming, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.”

Section 11. California Environmental Quality Act Exemption. The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, et seq., (“CEQA”) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 12. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 13. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

Section 14. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

Section 15. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on _____, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

SUZANNE HADLEY
Mayor

LIZA TAMURA
City Clerk

RESOLUTION NO. 21-0006

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL
AUTHORIZING SUBMISSION OF ORDINANCE NO. 21-0002 TO
THE CALIFORNIA COASTAL COMMISSION TO INCORPORATE
AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) TO
REGULATE ACCESSORY DWELLING UNITS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

SECTION 1. The City Council conducted a public hearing pursuant to applicable law on January 5, 2021 to consider amendments to the Local Coastal Program (LCP) to amend Chapter A.74, Section A.12.030 and Section A.68.030 related to regulation of Accessory Dwelling Units. At the January 5, 2021 regular meeting, the City Council adopted Ordinance No. 21-0002.

SECTION 2. The proposed LCP amendments are exempt from the California Environmental Quality Act (CEQA) requirements pursuant to CEQA guidelines Section 15282(h) because this ordinance implements the provisions of Government Code Section 65852.2. To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have the potential for any impacts on the environment. The proposed LCP amendments will amend existing accessory dwelling unit regulations to provide a variety of housing opportunities for the community.

SECTION 3. The City Council finds that the Amendments to the LCP are consistent with Policy II.B.1 of the LCP Policies and Implementation Measures which states "Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan", as well as Section A.01.030 A.1 "Preserve the character and quality of residential neighborhoods consistent with the character of the two area districts of the Coastal Zone;" and Section A.12.010 B. "Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects."

SECTION 4. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

SECTION 5. The City Council hereby directs the City Manager or his designee to submit the LCP amendment memorialized in Ordinance No. 21-0002 to the California Coastal Commission for certification in conformance with state law.

PASSED, APPROVED AND ADOPTED January 5, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION NO. PC 20-08

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

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

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

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

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

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

- Achieve a strong, positive community aesthetic (Land Use Element Goal LU-3).
- Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood’s unique characteristics (Land Use Element Goal LU-4).
- Preserve the scale of development in existing residential neighborhoods (Housing Element Policy 1).
- Provide a variety of housing opportunities for all segments of the community commensurate with the City’s needs, including various economic segments and special needs groups (Housing Element GOAL II).
- Encourage the development of additional low and moderate-income housing (Housing Element Policy 5).
- Allow second units in residential areas (Housing Element Program 5e).

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

“Chapter 10.74 - Accessory Dwelling Units

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

Section 10.74.010 - Purpose and Applicability.

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

Section 10.74.020 - Definitions.

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

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
 - 1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 - 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 - 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 - 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that

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

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

Section 10.74.040 – Local ADU Standards.

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

A. Location Restrictions/Number Permitted:

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

B. Development Standards:

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

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

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

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

a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).

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

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

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

D. Design and Features:

1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.

2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.

3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.

4. An ADU shall have a separate exterior access.

5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.

6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.

7. A permanent foundation shall be required for all ADUs.

8. Refuse containers shall comply with Municipal Code Section 5.24.030.

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

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

F. Parking Requirements (ADU):

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

Section 10.74.050 - JADU Standards.

- JADUs shall comply with the following requirements:
1. A JADU shall be a maximum of 500 square feet of buildable floor area and a minimum 220 square feet, or an alternate minimum area for an "efficiency unit" that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
 2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.

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- 3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- 4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.
- 5. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
- 6. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided prior to final building inspection.
- 7. No additional parking is required for a JADU.

Section 10.74.060 - Fees and Utility Connections.

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

Section 3. The Planning Commission hereby recommends to the City Council that the Manhattan Beach Municipal Code Section 10.12.030 "Property Development Standards for All Area Districts" table be amended to add a row referring to "Accessory Development Units" as follows:

Accessory Structures	See <u>Section 10.52.050</u>
<u>Accessory Dwelling Units</u>	<u>See Chapter 10.74</u>
Exterior Materials	See <u>Section 10.52.020</u>

Section 4. The Planning Commission hereby recommends to the City Council that Manhattan Beach Municipal Code Section 10.12.030(R) be amended to read as follows:

- "R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.
- Exception:** A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040(B)."

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

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.
2. During the period that the dwelling unit replacement requirement of State Government Code Section 66300(d) is in effect, existing dwelling units occupying a site that do not conform with the current site area per dwelling unit regulations for the district in which the use is located may be altered by remodeling if the proposed work does not enlarge the structure.

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.
2. During the period that the dwelling unit replacement requirement of State Government Code Section 66300(d) is in effect, existing dwelling units occupying a site that do not conform with site area per dwelling unit regulations for the district in which the use is located may be altered by remodeling if the proposed work does not enlarge the structure.

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

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

October 28, 2020



Planning Commission Chair

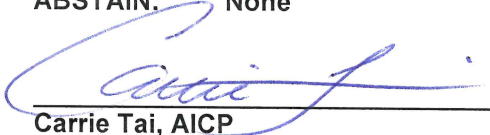
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting of **October 28, 2020** and that said Resolution was adopted by the following vote:

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

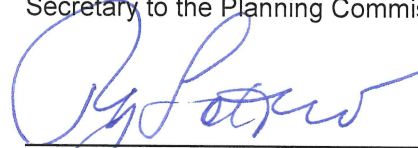
NOES: None

ABSENT: None

ABSTAIN: None



Carrie Tai, AICP
Secretary to the Planning Commission



Rosemary Lackow
Recording Secretary

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RESOLUTION NO. PC 20-09

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Chapter A.74 - Accessory Dwelling Units

Section A.74.010 – Purpose and Applicability

Section A.74.020 – Definitions

Section A.74.030 – General Requirements and Application Procedure

Section A.74.040 – Local ADU Standards

Section A.74.050 – JADU Standards

Section A.74.060 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

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

Section A.74.020 - Definitions.

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

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section A.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
 - 1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 - 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 - 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 - 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.

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- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Local Coastal Program Implementation Plan Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.

- F. An applicant may apply for ADUs and JADUs meeting the requirements of Government Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section A.74.040, but in no case shall the combined number of ADUs and JADUs be greater than two on a property with a single-family residence.

Section A.74.040 – Local ADU Standards.

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

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

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

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

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

3. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.

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

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

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

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

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

D. Design and Features:

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

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

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

F. Parking Requirements (ADU):

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

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

Section A.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

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

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Section A.74.060 - Fees and Utility Connections.

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

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

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

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

"R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section A.60.040, Building projections into yards.

Exception: A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section A.74.040(B)."

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

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

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Exceptions.

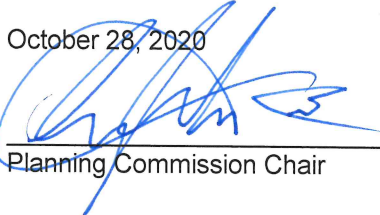
1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said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

Exceptions.

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

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

October 28, 2020



Planning Commission Chair

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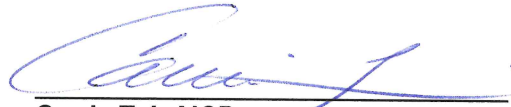
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting of **October 28, 2020** and that said Resolution was adopted by the following vote:

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

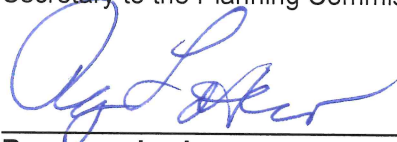
NOES: None

ABSENT: None

ABSTAIN: None



Carrie Tai, AICP
Secretary to the Planning Commission



Rosemary Lackow
Recording Secretary

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 28, 2020**

A. CALL MEETING TO ORDER

A Regular meeting of the Planning Commission of the City of Manhattan Beach, California was held virtually via Zoom on the 28th day of October, 2020, at the hour of 3:00 p.m. Chair Morton called the meeting to order and announced the protocol for participating in the meeting.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Burkhalter, Thompson, Ungoco, Vice Chair Fournier, Chairperson Morton
Absent: None
Others Present: Carrie Tai, AICP, Director of Community Development
Angelica Ochoa, Associate Planner
Eric Haaland, Associate Planner
Erik Zandvliet, City Traffic Engineer
Brendan Kearns, Assistant City Attorney
Diana Varat, Assistant City Attorney
Drew Teora, Agenda Host
Nhung Huynh, Participant Host
Rosemary Lackow, Recording Secretary (monitored via livestream)

D. APPROVAL OF AGENDA

It was moved and seconded (Thompson/Burkhalter) that the agenda be unchanged.

Roll Call:

Ayes: Burkhalter, Thompson, Vice Chair Fournier, Ungoco, Chairperson Morton.
Noes: None
Absent: None
Abstain: None

E. AUDIENCE PARTICIPATION - None

F. APPROVAL OF THE MINUTES

10/14/20-1. Regular Meeting – September 9, 2020

It was moved and seconded (Thompson/Burkhalter) to approve with changes as follows:

Page 4 of 6, third paragraph from the bottom, strike entire paragraph and replace with:

“Commissioner Thompson acknowledged the residents’ concerns, thinks it’s appropriate to give more time to allow residents to get accurate information to better understand the project, overall supports the project with modifications, would like to see changes considered such as: widening and redesigning the garage ramp, conversion of compact to standard sized parking spaces, even if it reduces the number of parking spaces, addition of landscaping including mature trees and screening elements on the east elevation, and more information regarding the north elevation plantings. Commission Thompson indicated nonsupport for the office use.

On Page 5, 4th paragraph, strike entire paragraph and replace paragraph **“Commissioner Thompson:** reduce the number of compact parking spaces as suggested by the applicant; requested the traffic engineer to review the location of the ramp in relation to the Sepulveda Boulevard driveway, the line-of-sight safety must be demonstrated, he expressed objection to the office building second story as being visually over-

dense for the corner.

Roll Call:

Ayes: Burkhalter, Thompson, Ungoco, Vice Chair Fournier, Chairperson Morton

Noes: None

Absent: None

Abstain: None

G. PUBLIC HEARING

10/28/20-2. Consideration of Proposed Municipal Code and Local Coastal Program amendments for Citywide Regulations for Accessory Dwelling Units (ADUs)

Chair Morton announced the item, opened the public hearing and invited a staff presentation.

Community Development Director Tai gave introductory remarks and introduced the project planner.

Associate Planner Angelica Ochoa presented the oral staff report with assistance of slides, covering what is being proposed and concluding that: the proposed code amendments (to both the Muni Code and Local Coastal Program) are consistent with the General Plan, Housing Element Goals, and Local Program and reflect Planning Commission discussion and recommendations. Staff recommends that the Commission discuss, conduct the continued public hearing and adopt the draft Resolutions which will be forwarded to the City Council for its consideration.

The Chair opened the floor to the Commission; the following questions were directed to staff, with responses from Staff:

- 1) Can an ADU be a condominium? (Commr. Thompson); Response (Assoc. Planner.Ochoa): an ADU cannot independently be developed as a condominium, but an ADU can be part of a condominium
- 2) How does the 25% ratio relative to density? (Commr. Thompson); Response (ACA Kearns and Attorney Varat): As proposed, for new development (currently applies only to existing) in all multi-family districts, one attached ADU equal to 25% ratio of existing units – also applies to non-conforming units (intent is to motivate maintenance and investment of nonconforming properties). As an example, an 8-unit existing building could convert a basement area (as one of various types of spaces that can be used for ADUs) to maximum of 2 ADUs. The intent is to expand the opportunity to build ADUs to existing development and to streamline the process.

PUBLIC INPUT

Chair Morton invited the public to speak, limited to 3-minutes each.

The following persons spoke, requesting, due to the great financial impact of SB 330 (No Net Loss statute) more flexibility by allowing a minimum of 150 sq. ft. efficiency unit JADU as felt is needed for small lots (e.g. common in El Porto), and to allow up to 1,200 square feet for 2-bedroom ADUs as provided in state ADU regulations.

Julie Tran, South Bay Association of Realtors

Michelle Miller

Rosanna Libertucci

Karynne Thim

Tiffany Rhodes (representing a Strand 4-plex).

Commissioner Thompson requested, through the Chair, that Staff respond to points raised by speakers.

Assistant City Attorney Kearns and **Director Tai** responded to the questions raised about the size of an efficiency unit. ACA Kearns explained the staff recommendation for 220 vs. 150 square foot minimum efficiency unit is based on staff review of both state law and the City's Housing Element data; Staff found that the state Building Code says 220 sq. ft. is appropriate for 2 people, while the housing data for the City shows that the average household size is 2.5 persons - basically the city demographics do not support

150 sq. feet for a housing unit. However, this would not preclude staff looking at the issue of efficiency unit size in the upcoming Housing Element Update program.

In response to the **Chair**, **Director Tai** stated that the Commission could recommend that the minimum be 220 square feet **or** whatever the lowest square footage is (e.g. 150 sq. ft.) as allowed through a subsequently enacted ordinance. In other words, the ordinance could be worded as such to provide such a contingency – which would match the minimum efficiency unit size specified in the State Health and Safety Code.

Commissioner Thompson stated that as he recognizes the Housing Element would take a good year to complete, he would support Chair Morton’s proposal to include a contingency provision in the revised ordinance.

Discussion focused on whether the City could have some sort of minor exception process whereby it could help owners who have very unusual situations. **Director Tai** noted that the City must abide by the No Net Loss law for at least the next four years - it cannot issue waivers or exceptions while SB 330 is in effect. Commissioner Fournier noted he feels more information from the community is needed. **Director Tai** explained that in hardship situations where a building has nonconformities the City can allow some additions, however, when the lot is totally scraped, theoretically the hardship argument weakens and that would require a much larger discussion.

There being no further questions of Staff, Chair Morton closed the public hearing and invited Commission discussion on the staff recommendation.

COMMISSION DISCUSSION

Commissioner Fournier stated that he has not heard enough from the public as to whether the City can offer relief from the effects of the No Net Loss law and supports forming an Ad Hoc Committee before moving forward.

Chair Morton stated that he believes its important for the Commission to provide leadership and try to use the ADU ordinances, when revised, to mitigate the No Net Loss effects. He believes that the Minor Exception provisions cannot be used; they could, however, provide a contingency in the code to enable very small efficiency units (150 sq. ft.) He is not optimistic that some code standards like height, garage access turning radius, eliminating the open space requirement, etc. would be acceptable in the community. Lastly, he is doubtful that they could ever get to a point where a 4-plex would have the same market value as a single-family residence on a multi-family zoned lot.

Commissioner Fournier clarified that he is not advocating changing the height limit or parking requirement. He just feels they haven’t heard from the public enough as to why the current codes cannot work.

Commissioner Burkhalter pointed out that the real constraint is SB 330 (No Net Loss) which is intended to conserve existing housing units. Staff has heard support from the public for regulations that would incentivize production of ADU’s that would be truly functional – but the ADU ordinance cannot be a panacea for SB 330. He supports moving forward to have a revised ADU ordinance in effect as soon as possible

Commissioner Ungoco expressed appreciation for the situation and has been uncomfortable with the discussion heretofore on efficiency units (150 vs. 220 sq. feet). He is hesitant to adopt a less than 220 sq. ft. standard and has concern that if the delays adopting a revised ADU ordinance, the City will be forced to fall back to the default state standards; further, he feels there is no “one size fits all” for a “viable unit”.

Commissioner Thompson stated he is very impressed with the staff work and it is very frustrating that the state has imposed this situation on cities. He fully supports the staff recommendation, with some possible revision if deemed appropriate.

Commissioner Fournier stated he sees the logic of the other Commissioners’ points; he could also support the recommended action if he could be assured that Commission would consider, as a separate

action, having a continued public discussion on the issues discussed in this hearing (mitigating more the detrimental effects of the No Net Loss law.

Chair Morton turned to staff as to: 1) the feasibility of Commissioner Fournier’s suggestion for future study; 2) where in the draft Resolution staff could add language providing for a contingency for reducing the minimum efficiency unit size to 150 sq. ft. and 3) whether the standard for a 2-bedroom ADU should be 1,200 or 1,000 square feet;

Director Tai responded that 1) she would need to look at the city protocols as to whether the authority to initiate a planning “study” rests with the Council alone. The Commission can always conduct a “study session” on some issue to which the public can be invited; however, staff would need to know specifically what is to be studied; and ACA Kearns added that the City Council would have to direct that an “AD Hoc” committee be formed. Director Tai pointed out that one pathway could be the annual joint City Council/Planning Commission meeting which is conducted near the beginning of each year. 2) The language pertaining to the minimum unit sizes as suggested by the Chair could be added to Section 10.74.040 B.1. on page 16 of the staff report and Section 10.74.050 1. on page 19 in the JADU section (and the same changes should be made in the Coastal Program resolution). 3) Staff received no specific direction at the last meeting regarding the 1,000 vs. 1,200 sq. ft. 2-bedroom ADU unit size; the Commission could discuss that now.

Commissioner Burkhalter opined that he saw no “down side” to changing to maximum 1,200 square feet as this would just establish a higher maximum; **Chair Morton** noted doing so would provide more flexibility to owners.

COMMISSION ACTION

Commissioner Thompson moved to adopt the draft Resolution with amendments including a contingency provision for efficiency unit size and changing the maximum size of a 2-bedroom ADU to 1,200 square feet.

Discussion ensued to clarify the pending motion. **Commissioner Thompson** clarified his motion does not call for a future “initiative” as he feels that would be the purview of the City Council but would support a “study session” which it was clarified, is a public discussion, more of a listening session for the Commission. **Commissioner Thompson** indicated he would support a study session not an initiative as in his motion. Director Tai reiterated that setting up a study session would be a topic in the annual PC/CC joint meeting.

Briefly the issue of the ADU square footage standard was discussed. **Commissioner Burkhalter** suggested that the motion be only to substitute 1,200 sq. ft. for 1,000 square feet as applying to 2-bedroom ADUs. **Commissioner Thompson** clarified that the intent of his motion is as stated by Commissioner Burkhalter.

Commissioner Ungoco seconded **Commissioner Thompson’s** motion as clarified; Chair Morton called for a vote.

Roll Call:

Ayes:	Burkhalter, Thompson, Ungoco, Vice Chair Fournier, Chairperson Morton
Noes:	None
Absent:	None
Abstain:	None

Director Tai announced that the motion passed 5-0 and staff will work on calendaring this matter on a City Council’s agenda.

H. DIRECTOR’S ITEMS

Director Tai reported: 1) The Commission’s prior Master Use Permit Amendment approval (1131 Manhattan Avenue - Nando Milano) was heard at the City Council on October 20; the Council denied the appeal and upheld the Commission’s approval; 2) The joint CC/PC meeting will be calendared at the next meeting or one in December; she encourages the Commission to bring ideas to the next meeting as to

which topics can be discussed; and 3) Sad news is that Staff member Drew Teora will be leaving her employment with the City soon; The Commission expressed its appreciation for her hard work and support. Ms. Teora noted that her goal is to pursue a Master's in Public Administration and she is leaving the City as she will be relocating to Reno Nevada.

I. PLANNING COMMISSION ITEMS

Director Tai informed that, as is routine, the changes to the October 14, meeting minutes requested today will be incorporated into the permanent record and a copy will be given to the Commission.

Vice Chair Fournier had two comments: 1) he personally experienced serious technical problems in

J. TENTATIVE AGENDA – November 18, 2020

Director Tai affirmed that the November 18 meeting which is the rescheduled November 11 meeting will have on the agenda the continued public hearing for the hotel application for 600 So. Sepulveda Boulevard.

K. ADJOURNMENT TO – Chair Morton, with no objection, adjourned the meeting at 5:21 p.m. to Wednesday, November 18, 2020 at 3:00 P.M. via Zoom/virtual format.

/s/ Rosemary Lackow

ROSEMARY LACKOW
Recording Secretary

/s/ Gerry Morton

GERRY MORTON
Chairperson

ATTEST:

/s/ Carrie Tai

Carrie Tai, AICP
Community Development Director



**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM**

DATE: October 28, 2020

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

BY: Angelica Ochoa, Associate Planner
Eric Haaland, Associate Planner

SUBJECT: Consideration of Proposed Municipal Code and Local Coastal Program Amendments for Citywide Regulations for Accessory Dwelling Units (ADUs)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** a Public Hearing and **ADOPT** the proposed Resolutions recommending to the City Council adoption of the proposed Citywide (including the Coastal Zone) Zoning Code amendments for Accessory Dwelling Unit (ADU) regulations, along with associated Local Coastal Program Amendments.

BACKGROUND

At its regular meetings of June 10, July 22, and September 9, 2020, the Planning Commission conducted study sessions to discuss the development of permanent regulations for Accessory Dwelling Units (ADUs), as well as the State law that prevents the net loss of dwelling units due to housing redevelopment on sites with existing units. The public was primarily concerned with redevelopment of multifamily properties with ADUs, specifically in Area Districts III and IV. Specific issues discussed included the number of allowed ADUs, permitting attached ADUs and minimum size of ADUs. On September 9, 2020, the Planning Commission discussed existing and proposed regulations affecting ADUs, expressed overall support for staff's recommendations, and directed staff to schedule the public hearing to review draft code amendments. The following sections summarize the proposed code amendments. . The goal of these new regulations is to provide more flexibility for accommodating the production of housing.

State Legislation

California law related to ADUs was amended by a series of legislative bills in 2019 (Assembly Bill (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13), effective January 1, 2020. As revised, Government Code Section 65852.2 further limits local jurisdictions' ability to regulate or limit ADUs in continuation of the State's efforts to facilitate the production of housing. Effective January 1, 2020, cities were required to adopt an ordinance that complies with the new State restrictions and includes specific standards. The City Council adopted an Urgency Ordinance Nos. 20-0004-U (non-Coastal zone) and 20-0005-U (Coastal zone) to amend regulations for ADUs and junior accessory dwelling units (JADUs)¹ to incorporate the new State regulations. The interim Urgency Ordinances are set to expire on December 15, 2020 and permanent ordinances must be adopted by the City Council, after Planning Commission recommendation, to continue the City's local adaptations of the State laws. The lack of local ordinances would take away the City's ability to customize regulations specific to the City's character and development patterns. Coastal Commission approval would also be required for the Local Coastal Program ordinance.

The attached draft Ordinance provides proposed permanent development standards for ADUs related to location, number allowed, minimum and maximum sizes, building separation, remaining driveways, kitchen requirements and remodeling of non-conforming multi-family development. The proposed amendments will replace the existing interim Ordinances.

DISCUSSION

The proposed amendments to ADU standards and requirements involve the following topics:

1. Number of ADU and/or JADUs that can be placed on a property
2. Areas of the City where ADU/JADUs can be located
3. Minimum and maximum sizes for ADUs
4. Building separation requirements applicable to detached ADUs
5. Height for Detached ADU buildings
6. Use of remaining driveways when garages have been converted to ADUs
7. Kitchen standards for ADU/JADUs
8. City non-conforming use regulations affecting the ability to remodel existing development that exceeds permitted density

Code Amendments

The proposed code amendments are included in the attached draft Resolutions for the Municipal Code and Local Coastal Program. Each topic describes the following: 1) the current regulations; 2) the

¹A JADU is a housing unit limited to 500 square feet in size that is contained within the walls of an existing or proposed single-family residence. As such, a JADU is inherently "attached" to the primary single-family residence. In accordance with Government Code Section 65852.22, a JADU must have an efficiency kitchen, with cooking appliances and a small food preparation and storage area. However, a JADU may share a bathroom with the main house; it does not need to have separate bathroom facilities.

Planning Commission recommendation on proposed changes; and 3) proposed code amendments for the Planning Commission's consideration.

1. Number of ADU and/or JADUs that can be placed on a property

Single-Family Properties. Current regulations allow one attached ADU or JADU, and one detached ADU, per lot with a proposed or existing single-family dwelling. Importantly, a detached ADU may be combined with a JADU that complies with the requirements described above, such that two additional units (one detached ADU and one attached JADU) are allowed per lot. Given the size limitations for JADUs and ADUs, this means that a property could have a 500-square-foot JADU attached to the house and an up to 800-square-foot detached ADU on the lot. While a single-family dwelling can have one attached JADU or ADU and one detached ADU, it cannot currently have two attached ADUs. In order to create more flexible regulations, the proposed amendment would allow two attached JADU or ADUs at single-family properties. No more than a total of two (2) JADU or ADUs would be allowed on a lot.

Multi-Family Properties (Existing). Current regulations allow ADUs to be added at existing multi-family properties by converting spaces not used as livable space. The total number of attached ADUs can be up to 25% of the existing units. For example, a 4-unit property can add one ADU. Regulations also allow up to two detached ADUs to be added to existing multi-family properties.

Multi-Family Properties (New/Proposed). There are currently no allowances for ADUs for new multi-family development. This means that new multi-family development (any development with more than 1 unit) cannot currently include ADUs within their projects. In the spirit of providing more flexible options, and in consideration that current regulations would allow any new multi-family development could apply to construct ADUs once the development is completed, it makes sense to add an accommodate for this scenario.

Recommendation

- Add a provision to allow an attached ADU, in addition to an already permitted ADU or JADU, at an existing or proposed single-family residence in all Area Districts if there are no more than two total ADU/JADUs; and
- Add a provision to allow at least one attached ADU when a new multi-family project is proposed as a property redevelopment. Larger multi-family projects would be allowed ADUs at the same 25% ratio permitted for existing multi-family development. For properties that are currently nonconforming because there are more units than what current regulations allow, the proposed resulting total number of dwelling units would not be allowed to exceed the existing number of legal dwelling units prior to demolition. This would enable new multi-family projects to include at least one attached ADU as part of their projects.

Proposed Code Amendments

- Revise Section 10.74.030(F) and A.74.030(F) to specify that the JADU and ADU allowances of Government Code Section 65852.2(e)(1) (State-mandated regulations) and Section 10.74.040 (local regulations) may not be combined to total more than two (2) ADUs on single-family properties.
- Revise Sections 10.74.040(A) and A.74.040(A) (Location Restrictions/Number Permitted) to allow a maximum of two (2) total ADUs on a lot with a proposed or existing single family dwelling in all area districts of the City. Further, only one detached ADU may be allowed on a property.
- Revise Sections 10.74.040(A) and A.74.040(A): (Location Restrictions/Number Permitted) to allow an exception to allow at least one attached ADU on lots with multiple dwelling units as long as the number of ADUs does not exceed 25% of the number of existing dwelling units. For nonconforming uses, the resulting total number of dwellings units does not exceed the number pre-existing dwelling units.

2. Areas of the City where ADU/JADUs can be located

Current City regulations incorporate State law provisions that allow ADUs and JADUs on existing or proposed single-family properties and existing multi-family properties in all residential zones throughout the City, regardless of Area District. However, there are no current regulations allowing ADUs in new multi-family developments in any area of the City.

Recommendation

- Given that JADUs and ADUs are already allowed in all Area Districts in the City in specified circumstances, staff recommends extending ADU regulations consistently across all Area Districts to ease implementation. The proposed Code amendments in the Item #1 above achieve this objective by allowing ADUs to be part of new multi-family developments in all Area Districts.

3. Minimum and maximum sizes for ADUs

Current City regulations do not include any minimum sizes for ADUs and JADUs, but identify the following allowable maximum sizes for attached and detached ADUs:

- All ADUs (maximum 2 bedrooms)
 - Studio or one-bedroom ADU - 850 square feet
 - Two-bedroom ADU - 1,000 square feet
 - Additionally, attached ADUs shall not exceed fifty percent of the total floor area of the existing primary dwelling.
 - State law allows local jurisdictions to permit detached ADUs up to 1,200 square feet.

State law indicates that a minimum size for an ADU must allow for an efficiency unit per the Health and Safety Code Section 17958.1 and Building Code Section 1207.4. These sections define an efficiency unit as having not less than 220 square feet and require an additional 100 square feet of floor area for more than two persons.

At the Planning Commission meeting of September 9, 2020, there was discussion regarding allowing a minimum size of 150 square feet, rather than the current specification of 220 square feet. State law allows a minimum size for an ADU to be 150 square feet, if the City currently has an adopted ordinance allowing that. The City does not have any adopted ordinance that allows efficiency units less than 220 square feet. Therefore, at this time, the 150-square foot minimum size threshold is not an available option. Also, the Planning Commission expressed a concern for ADUs not being fully independent units, namely having independent cooking and bathroom facilities. Goal II of the City's Housing Element encourages housing opportunities for special needs groups, with an emphasis on senior residents, which are promoted by the availability of ADUs, as well as providing safe and healthy living environments. Ensuring that an ADU has the ability to maintain independence from a separate household would contribute toward those Housing Element Goals. The proposed amendment specifies that a minimum size of 220 square foot area shall be required for ADUs.

Recommendation

- Establish minimum size for JADUs, and attached and detached ADUs to be 220 square feet to allow for at least an efficiency unit per the definition in the California Building Code Section 1207.4.

Code Amendments

Revise Sections 10.74.050(A), A.74.040(A), 10.74.040(B)(I), and A.74.040(B)(I) to add a provision to allow a minimum size for an ADU to be no less than 220 square feet.

4. Building separation requirements applicable to detached ADUs

Current regulations define a detached ADU as a separate structure that does not share any walls with the primary dwelling. Furthermore, existing Municipal Code Section 10.12.030(R) requires a minimum distance between buildings containing one (1) or more dwelling units on a site to be 10 feet apart. However, detached ADUs under certain criteria (65852.2(e)(I)(B)) only have to comply with 4-foot side and rear setbacks, 16-foot height limit, and 800 square-foot maximum. Detached units not meeting that criteria currently require a 10-foot separation. Therefore, staff has identified an internal inconsistency that affects where property owners can place detached ADUs.

Staff determined that the California Building Code or California Residential Code does not require a building separation distance. Also, many South Bay cities require only a 5 or 6 foot separation between a detached ADU and the primary residence.

Recommendation

- Amend local ADU permit regulations to state a minimum separation of 5 feet for detached ADUs to the primary dwelling. This would not apply to detached ADUs permitted by Government Code Section 65852.2(e)(1)(B). This would allow space for walkways and other outdoor uses, but provide additional flexibility for placement of detached ADUs.

Code Amendments

- Revise Sections 10.74.040(B)(4) and A.74.040(B)(4) to add a 5-foot separation requirement.
- Revise Sections 10.74.040(B)(5) and A.74.040 (B)(5) (Development Standards) to refer to the “building separation” standard in Section 10.74.040(B)(4) and A.74.040(B)(4).
- Add a cross reference provision to Sections 10.12.030(R) and A.12.030(R) (Residential Development Standards) regarding building separation that states minimum building separation for accessory dwelling units is regulated by Sections 10.74.040(B) and A.74.040(B).

5. Height of Detached Garages

Subsequent to the Planning Commission recommendations on September 9, 2020, staff identified issues regarding detached ADU height standards in the existing ADU Ordinances. The proposed Ordinance would benefit from a specification of the method of measuring height for detached ADUs as is the case with current regulations for non-ADU construction. Also, during review of project proposals, staff identified that given ADUs are allowed above a detached garage, it may also be appropriate to allow an ADU underneath a detached garage on a substantial sloped lot. The existing regulations only allow a two-story building height for an ADU above a detached garage. Staff is proposing to clarify and modify the following:

1. Method of measuring height for detached ADU buildings from the average local grade around the perimeter of the building as stated in current regulations and,
2. Provide for two story garage ADU buildings on substantially sloped lots by permitting a non-basement ADU to be below the garage. Opportunities for this type of design occur on steeply sloping lots where a detached garage would be based at a higher elevation than the main building, and a semi-subterranean ADU could be placed below the garage at a level consistent with the main building.

Code Amendments

Revise Sections 10.74.040(B)(2) and A.74.040(B)(2) to add a provision to clarify that height will be measured from a weighted average of the local grades around the perimeter of the detached structure.

- Revise Sections 10.74.040(B)(2) and A.74.040(B)(2) to add a provision to allow a detached ADU to be below a detached garage while conforming to the 25 foot total height limit.

6. **Use of remaining driveways when garages have been converted to ADUs**

Current regulations allow existing garages, carports or covered parking structures to be converted to ADUs with no additional setbacks or no replacement parking to be constructed. However, Municipal Code Section 10.64.020(F)(2) requires curb cuts of driveways to be abandoned and restored if there is no existing garage or legal parking space. This means that all converted ADUs with driveways would have to restore the existing curb cut since parking is not allowed in required setbacks. This would prevent the ability of the property owner or tenant to have on-site parking if they so desired, in that the lack of a curb cut would result in lack of vehicular access from the street.

Recommendation

Amend regulations to add language that the curb cut to the existing driveway for converted garages (attached and detached) to ADUs. Accommodating the option for on-site parking is helpful for areas in the City that experience parking challenges on-street. Also, per staff research of other South Bay Cities, driveways and curb cuts have remained to allow on-site parking.

Code Amendments

- Revise Sections 10.74.040(F)(4) and A.74.040(F)(4) (Parking Requirements) to add a provision to allow existing driveways to remain that formerly served parking spaces that have been converted to and are currently serving as an ADU.

7. **Kitchen standards for ADU/JADUs**

Current regulations indicate that a JADU must include an efficiency kitchen, but does not otherwise specify kitchen requirements for ADUs. Efficiency kitchens must have cooking appliances and a preparation and storage area. Since JADUs are typically smaller units, minimal kitchen fixtures include a small preparation area, a single sink and portable appliances. For ADUs, a full kitchen includes permanent cooking appliances, a double sink and a larger preparation area. In researching other neighboring cities, full kitchens were required for ADUs and efficiency kitchens for JADUs. Per the Building Codes, kitchens must include permanent provisions for food preparation and cooking and the use of portable appliances does not satisfy code requirements for kitchen facilities.

Recommendation

- Add a provision that ADUs must identify kitchens on their plans, to be reviewed by the City.

Code Amendments

- Revise Sections 10.74.040(D) and A.74.040(D) pertaining to features in ADUs (Design and Features) to clarify that kitchens for ADUs must have at least one permanent installed cooking appliance.

8. Nonconforming Use Restrictions

The Planning Commission conducted discussion on the ramifications of the State’s “no-net-loss” requirements that prevent decrease in the number of units, and therefore limits remodeling options for many existing multi-family developments. Residential development that exceeds permitted density is a “nonconforming use”, which cannot be moved, altered, or enlarged. For example, a multi-family development property owner may wish to modify their existing floor plan to convert a primary dwelling to an ADU, but this may not be permitted due to these restrictions. Previously, nonconforming residential developments would reduce the number of dwelling units to a conforming quantity, in order to complete any significant remodeling. The Planning Commission acknowledged that existing multi-family development that exceeds permitted density, but cannot be brought into conformance by decreasing the number of units due to the “no-net loss” State requirement, should be allowed to remodel to an extent beyond minimal repair and maintenance. Since that is no longer possible, property owners have little ability to make improvements beyond those that are somewhat temporary or superficial. This allowance would provide more flexibility for the conversion of existing space to ADUs for multi-family development, and incentive reinvestment into existing multi-family developments that are nonconforming as to use.

Code Amendments

- Revise Sections 10.68.020(A) and (B), and Sections A.68.020(A) and (B) pertaining to nonconforming use regulations to add an exception allowing alterations (structural remodeling) to residential developments that exceed the number of dwelling units permitted on a lot while the State’s “no net loss” requirement is in effect.

In addition to the above mentioned code amendment topics, staff has included a general cross reference amendment to Sections 10.12.030 and A.12.030, “Property Development Standards for all Area Districts” table referring to the Accessory Dwelling Unit, Chapter 10.74 for the applicable regulations.

GENERAL PLAN CONSISTENCY

The proposed text amendments are consistent with the General Plan Goals and Policies as follows:

- Land Use Element Goal LU-3: Achieve a strong, positive community aesthetic.
 - Policy LU-3.1: Continue to encourage quality design in all new construction.

The City’s continued provision of local ADU standards to the extent feasible allows application of regulations specific to the City’s character and development pattern.

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

- Housing Element Policy I. Preserve the scale of development in existing residential neighborhoods.
- Housing Element Goal II. Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups.

The Housing Element emphasizes senior residents as a special needs group and encourages the provision of moderate size dwellings. Senior residents, as well as other special needs groups, with needs for affordability and less dwelling space, are anticipated to benefit significantly from the availability of ADUs.

- Housing Element Policy 5. Encourage the development of additional low- and moderate-income housing.
 - Program 5e. Allow second units in residential areas.

PUBLIC COMMENTS

One comment was received suggesting that there should be no minimum size for ADUs, that more than 25 percent ratio for ADUs in new multifamily dwelling units should be allowed, and to provide flexibility for multifamily redevelopment.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, receive public comments and adopt the proposed Resolutions recommending permanent Municipal Code and Local Coastal Program Amendments for accessory dwelling units to the City Council.

Attachments:

- Draft Municipal Code ADU Amendment Resolution
- Draft Local Coastal Program ADU Amendment Resolution
- Urgency Ordinance No. 20-0004-U (Municipal Code ADU)
- Urgency Ordinance No. 20-0005-U (Coastal Program ADU)
- Government Code Section 65852.2
- Government Code Section 65852.22
- Area District Map
- Public Comments

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[DRAFT] RESOLUTION NO. PC 20-XX

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

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

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

- A. Ordinance No. 19-0021-U, was adopted on December 17, 2019 as an Urgency Ordinance to modify regulations for new accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), and Ordinance No. 20-0004-U was adopted on January 21, 2020 to extend the regulations until December 15, 2020. In adopting Ordinance No’s. 19-0021-U, and 20-0004-U, the City Council made a number of legislative findings to support the adoption and extension on an urgency basis.
- B. The City studied the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs to be built on lots in various areas of the City. Effective January 1, 2020, Assembly Bills (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 amended Government Code Section 65852.2 to further limit the standards cities may impose on ADUs and require city ordinances to incorporate State-mandated standards for certain types of ADUs. In 2020, the State again amended Government Code Section 65852.2 through the enactment of SB 1030 and AB 3182. As amended, Government Code Section 65852.2 allows the City to designate areas where ADUs may be permitted and to establish objective standards related to parking, height, setback, lot coverage, landscaping, and architectural review, which must be applied ministerially except where a property owner is seeking an exception to the adopted standards. Areas of the City vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations and these regulations reflect those variations, given that some areas of the City have high density, small lot sizes, restricted circulation, and are almost entirely built out.
- C. On October 28, 2020 the Planning Commission conducted a duly noticed public hearing on ADU and related standards, and reviewed proposed text amendments to the Zoning Ordinance of the City’s Municipal Code.
- D. The Planning Commission public hearing notice for October 28, 2020 included a ¼ page display ad public notice published in *The Beach Recorder*, a newspaper of general circulation in Manhattan Beach.

- E. The proposed text amendments have been prepared in accordance with Government Code Sections 65853, *et seq.*
- F. The proposed text amendments are exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, *et seq.*, (“CEQA”)) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- G. The proposed text amendments are consistent with the General Plan Goals and Policies because the amendments:

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

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

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

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

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

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

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

“Chapter 10.74 - Accessory Dwelling Units

Section 10.74.010 – Purpose and Applicability

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Section 10.74.050 – JADU Standards

Section 10.74.060 – Fees and Utility Connections

Section 10.74.010 - Purpose and Applicability.

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

Section 10.74.020 - Definitions.

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

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
 - 1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 - 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 - 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.
- F. An applicant may apply for ADUs and JADUs meeting the requirements of Government Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section 10.74.040, but in no case shall the combined number of ADUs and JADUs be greater than two on a property with a single-family residence.

Section 10.74.040 – Local ADU Standards.

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

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

B. Development Standards:

1. Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. ADUs with two or more bedrooms shall not exceed 1,000 square feet of gross floor area. The minimum size of an ADU shall be 220 square feet.
 - a. Additional Size Limitations for Attached ADUs: If there is an existing single-family residence, a newly constructed Attached ADU shall not exceed fifty percent of the gross floor area of the existing single-family residence.
2. Height for Detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure, and:
 - a) A Detached ADU shall not exceed 16 feet in height; or
 - b) A Detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.
3. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.
4. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
5. Standards: An ADU shall conform to all open space, buildable floor area, minimum lot size, and front setback regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. Design and Features:
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
 6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.
 7. A permanent foundation shall be required for all ADUs.
 8. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in

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

F. Parking Requirements (ADU):

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

Section 10.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

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

Section 10.74.060 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.

- B. With the submittal of the ADU Permit or prior to receiving a building permit if no ADU Permit is required, the owner of the subject property must submit letters of service availability for water and sewer disposal to the Building Official.”

Section 3. The Planning Commission hereby recommends to the City Council that the Manhattan Beach Municipal Code Section 10.12.030 “Property Development Standards for All Area Districts” table be amended to add a row referring to “Accessory Development Units” as follows:

Accessory Structures	See <u>Section 10.52.050</u>
<u>Accessory Dwelling Units</u>	<u>See Chapter 10.74</u>
Exterior Materials	See <u>Section 10.52.020</u>

Section 4. The Planning Commission hereby recommends to the City Council that Manhattan Beach Municipal Code Section 10.12.030(R) be amended to read as follows:

“R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10’). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

Exception: A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040(B).”

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

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten

percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

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

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

Exceptions.

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

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

October 28, 2020

Planning Commission Chair

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Carrie Tai, AICP
Secretary to the Planning Commission

Rosemary Lackow
Recording Secretary

[DRAFT] RESOLUTION NO. PC 20-XX

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

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

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

- A. Ordinance No. 19-0022-U, was adopted on December 17, 2019 as an Urgency Ordinance to modify regulations for new accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), and Ordinance No. 20-0005-U was adopted on January 21, 2020 to extend the regulations until December 15, 2020. In adopting Ordinance No’s. 19-0022-U, and 20-0005-U, the City Council made a number of legislative findings to support the adoption and extension on an urgency basis.
- B. The City studied the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs to be built on lots in various areas of the City. Effective January 1, 2020, Assembly Bills (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 amended Government Code Section 65852.2 to further limit the standards cities may impose on ADUs and require city ordinances to incorporate State-mandated standards for certain types of ADUs. As amended, Government Code Section 65852.2 allows the City to designate areas where ADUs may be permitted and to establish objective standards related to parking, height, setback, lot coverage, landscaping, and architectural review, which must be applied ministerially except where a property owner is seeking an exception to the adopted standards. Areas of the City vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations and these regulations reflect those variations, given that some areas of the City have high density, small lot sizes, restricted circulation, and are almost entirely built out.
- C. On October 28, 2020 the Planning Commission conducted a duly noticed public hearing on ADU and related standards, and reviewed proposed text amendments to the City’s Local Coastal Program Implementation Plan.
- D. The Planning Commission public hearing notice for October 28, 2020 included a ¼ page display ad public notice published in *The Beach Recorder*, a newspaper of general circulation in Manhattan Beach.

- E. The proposed text amendments have been prepared in accordance with Government Code Sections 65853, *et seq.*
- F. The proposed text amendments are exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, *et seq.*, (“CEQA”)) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- G. The proposed text amendments are consistent with the General Plan Goals and Policies because the amendments:
- Achieve a strong, positive community aesthetic (Land Use Element Goal LU-3).
 - Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood’s unique characteristics (Land Use Element Goal LU-4).
 - Preserve the scale of development in existing residential neighborhoods (Housing Element Policy 1).
 - Provide a variety of housing opportunities for all segments of the community commensurate with the City’s needs, including various economic segments and special needs groups (Housing Element GOAL II).
 - Encourage the development of additional low and moderate-income housing (Housing Element Policy 5).
 - Allow second units in residential areas (Housing Element Program 5e).
- H. The proposed amendments are consistent with the goals and policies of the City’s General Plan and Local Coastal Program.
- I. The proposed amendments are consistent with the policies of Chapter 3 of the Coastal Act, will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water.

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

“Chapter A.74 - Accessory Dwelling Units

- Section A.74.010 – Purpose and Applicability
- Section A.74.020 – Definitions
- Section A.74.030 – General Requirements and Application Procedure
- Section A.74.040 – Local ADU Standards
- Section A.74.050 – JADU Standards
- Section A.74.060 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

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

Section A.74.020 - Definitions.

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

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of a Primary Dwelling, or the remodeling of a Primary Dwelling, and shares a common wall with a Primary Dwelling.

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

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

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

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

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

Section A.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.
 - 1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
 - 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 - 3. Where an ADU permit application is submitted with an application for a Primary Dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Local Coastal Program Implementation Plan Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.
- F. An applicant may apply for ADUs and JADUs meeting the requirements of Government Code Section 65852.2(e)(1), or ADUs meeting the requirements of Section A.74.040, but in no case shall the combined number of ADUs and JADUs be greater than two on a property with a single-family residence.

Section A.74.040 – Local ADU Standards.

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

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

B. Development Standards:

1. Size, General: Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. ADUs with two or more bedrooms shall not exceed 1,000 square feet of gross floor area. The minimum size of an ADU shall be 220 square feet.
 - a. Additional Size Limitations for Attached ADUs: If there is an existing single-family residence, a newly constructed Attached ADU shall not exceed fifty percent of the gross floor area of the existing single-family residence.
2. Height for Detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure, and:
 - a) A Detached ADU shall not exceed 16 feet in height; or
 - b) A Detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed 25 feet in height.
3. Setbacks: No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.
4. Separation: A Detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
5. Standards: An ADU shall conform to all open space, buildable floor area, minimum lot size, and front setback regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in Section 4 above, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Local Coastal Program Implementation Plan Section A.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. Guest Houses: If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. Design and Features:
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
 3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that are within 15 feet of a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
 6. A kitchen, in conformance with applicable health and safety requirements, including at least one permanently installed cooking appliance, shall be required for all ADUs.
 7. A permanent foundation shall be required for all ADUs.
 8. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in

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

F. Parking Requirements (ADU):

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

Section A.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

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

Section A.74.060 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.

- B. With the submittal of the ADU Permit or prior to receiving a building permit if no ADU Permit is required, the owner of the subject property must submit letters of service availability for water and sewer disposal to the Building Official.”

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

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

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

“R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10’). For permitted projections within said building separation yards, see Section A.60.040, Building projections into yards.

Exception: A detached Accessory Dwelling Unit shall have a minimum separation from other buildings on the lot as specified by Section A.74.040(B).”

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

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

Exceptions.

- 1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished

cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

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

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

Exceptions.

1. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.
2. During the period that the dwelling unit replacement requirement of State Government Code Section 66300(d) is in effect, existing dwelling units occupying a site that do not conform with site area per dwelling unit regulations for the district in which the use is located may be altered by remodeling if the proposed work does not enlarge the structure.

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

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

October 28, 2020

Planning Commission Chair

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Carrie Tai, AICP
Secretary to the Planning Commission

Rosemary Lackow
Recording Secretary

ATTACHMENT C

URGENCY ORDINANCE NO. 20-0004-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING AND AMENDING INTERIM ORDINANCE NO. 19-0021-U AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0021-U, adopted on December 17, 2019, amends Manhattan Beach Municipal Code Chapter 10.74 to allow accessory dwelling units and junior accessory dwelling units consistent with state law. Ordinance No. 19-0021-U is hereby extended in full force and effect, as amended herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Municipal Code Chapter 10.74 is hereby amended to read as follows:

“Chapter 10.74 - Accessory Dwelling Units

- Section 10.74.010 – Purpose and Applicability
- Section 10.74.020 – Definitions
- Section 10.74.030 – General Requirements and Application Procedure
- Section 10.74.040 – ADU Standards
- Section 10.74.050 – JADU Standards
- Section 10.74.060 – Fees and Utility Connections
- Section 10.74.070 – Appeals

Section 10.74.010 - Purpose and Applicability.

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

Section 10.74.020 - Definitions.

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

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of the Primary Dwelling, or the remodeling of the Primary Dwelling, and shares a common wall with the Primary Dwelling.

“Detached ADU” means an ADU that is constructed as a separate structure from the Primary Dwelling, which does not share any walls with the Primary Dwelling.

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

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

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

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

Section 10.74.030 - General Requirements and Application Procedure.

- A. Before constructing an ADU or a JADU or converting an Existing Structure or portion of a structure to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
- C. Projects Exempt from Obtaining an ADU Permit. An applicant shall not be required to submit an application for an ADU permit under subsection D of this section, and may instead seek building permit approval for an ADU or JADU that satisfies the requirements of Government Code Section 65852.2(e)(1), as the same may be amended from time to time, and the California Building Standards Code, as amended by the City, and any other applicable laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of 30 days or longer.
- D. Projects Subject to ADU Permit Review and Timelines.

1. The Director of Community Development or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU or JADU complies with the requirements contained in this chapter and any other applicable law.
 2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.
 3. Where an ADU permit application is submitted with an application for a single-family dwelling or multi-family dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU or JADU.
- E. Minor Exception: An applicant may apply for a Minor Exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.

Section 10.74.040 - ADU Standards.

Excepting those ADUs approved pursuant to Subsection 10.74.030(C), ADUs shall comply with the following standards:

- A. Location Restrictions: One ADU shall be allowed on a lot with a proposed or existing single-family dwelling that is zoned RS, RM, RH, or RPD within Area District I and Area District II. For fire safety purposes, no ADUs shall be permitted in Area District III or Area District IV.
- B. Development Standards:
 1. Size, General: An ADU is limited to a maximum of two bedrooms. Studio and one bedroom ADUs shall not exceed 850 square feet of gross floor area. Two bedroom ADUs shall not exceed 1,000 square feet of gross floor area.

2. **Additional Size Limitations for Attached ADUs:** If there is an existing or proposed Primary Dwelling, an Attached ADU shall not exceed fifty percent of the gross floor area for the Primary Dwelling.
 3. **Height for Detached ADUs:** A Detached ADU shall not exceed 16 feet in height; or, when located above a garage, shall not exceed 25 feet in height subject to applicable standards provided in this Title.
 4. **Setbacks:** No setback shall be required for an ADU that is within an Existing Structure or within a structure constructed in the same location and dimensions as an Existing Structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet.
 5. **Standards:** An ADU shall conform to all open space, buildable floor area, minimum lot size, and front and corner side yard setback regulations applicable to the zoning district in which the property is located, except in the following cases:
 - a. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.030(C).
 - b. Where the application of such standards would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, the regulation(s) at issue shall be waived to permit such an ADU.
 6. Except as provided in subsection 5.b, an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. **Guest Houses:** If an ADU is located on a lot with a Guest House, either, but not both, the Guest House or the ADU shall be attached to the Primary Dwelling.
- D. **Design and Features:**
1. An ADU shall not have any outdoor deck at a height greater than 30 inches above local grade if the deck is located in the Primary Dwelling's required yards.
 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.

3. If an automatic fire sprinkler system is required for the Primary Dwelling, the ADU must also have an automatic fire sprinkler system.
 4. An ADU shall have a separate exterior access.
 5. For any second-story Detached ADU, all exterior openings, including windows and doors, that face less than 15 feet away from a rear non-alley or side interior property line shall be fitted with translucent glazing and satisfy one of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet above the finished floor level at the window's lowest point.
 6. A permanent foundation shall be required for all ADUs.
 7. Refuse containers shall comply with Municipal Code Section 5.24.030.
- E. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of 30 days or longer; (ii) the ADU is not to be sold or conveyed separately from the Primary Dwelling; (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- F. **Parking Requirements (ADU):**
1. In addition to the off-street parking space(s) required for the Primary Dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the existing Primary Dwelling or all or part of an existing accessory structure or building;

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

Section 10.74.050 - JADU Standards.

JADUs shall comply with the following requirements:

- A. A JADU shall be a maximum of 500 square feet of buildable floor area. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
- B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
- C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.

- E. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
- F. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- G. No additional parking is required for a JADU.

Section 10.74.060 - Fees and Utility Connections.

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

Section 10.74.070 - Appeals.

The applicant may appeal City decisions pursuant to Municipal Code Chapter 10.100.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0021-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective

immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0021-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0021-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs and JADUs to be built on lots in various areas of Manhattan Beach. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), and Assembly Bill 881 ("AB 881") amend Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on ADUs and JADUs. In the absence of a State-compliant ordinance on January 1, 2020, the City's existing ADU regulations may be considered null and void pursuant to Government Code Section 65852.2(a)(4), and the City would then be required to approve any ADU that meets minimal State criteria. Areas of Manhattan Beach vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations. Unless the City adopts this interim urgency ordinance, the City would be required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the City and in particular areas. The City is also studying the safety risks, including the risk of fire, posed by an increase in the construction of ADUs and JADUs on lots in various areas of Manhattan Beach.

Staff continues to study, revise, and draft proposed permanent regulations, which both the Planning Commission and City Council must then consider after receiving input from residents at public hearings. The new ADU and JADU regulations will also require an amendment to the City's Local Coastal Plan. The City Council finds that property owners are likely to submit applications for ADUs and JADUs before new regulations become effective. These applications would cause confusion and ambiguity regarding the applicability of provisions in the City's current ADU regulations, at least some of which are compliant with the new legislation, and the State standards, with potentially inconsistent and unfair results for City residents. The establishment of these ADUs has the potential to conflict with the City's permanent ADU and JADU regulations, which will be adopted in compliance with Government Code Sections 65852.2 and 65852.22 after further study of the appropriate standards and locations for ADUs and JADUs in Manhattan Beach. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if the City is required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations

and standards for ADUs and JADUs in the City and in particular areas, and that the approval of ADUs and JADUs under existing standards would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to establish permanent regulations for ADUs and JADUs. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that this Ordinance is necessary to prevent the establishment of ADUs and JADUs with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of

any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0004-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



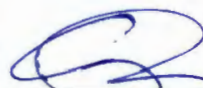
City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0004-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

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ATTACHMENT D

URGENCY ORDINANCE NO. 20-0005-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING AND AMENDING INTERIM ORDINANCE NO. 19-0022-U AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0022-U, adopted on December 17, 2019, amends Manhattan Beach Local Coastal Program Chapter A.74 to allow accessory dwelling units and junior accessory dwelling units consistent with state law. Ordinance No. 19-0022-U is hereby extended in full force and effect, as amended herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Local Coastal Program Chapter A.74 is hereby amended to read as follows:

"Chapter A.74 - Accessory Dwelling Units

Section A.74.010 – Purpose and Applicability
Section A.74.020 – Definitions
Section A.74.030 – General Requirements and Application Procedure
Section A.74.040 – JADU Standards
Section A.74.050 – Fees and Utility Connections

Section A.74.010 - Purpose and Applicability.

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

Section A.74.020 - Definitions.

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

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of the Primary Dwelling, or the remodeling of the Primary Dwelling, and shares a common wall with the Primary Dwelling.

“Detached ADU” means an ADU that is constructed as a separate structure from the Primary Dwelling, which does not share any walls with the Primary Dwelling.

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

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

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

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

Section A.74.030 - ADUs and JADUs Permitted.

- A. An ADU or JADU is permitted in the Coastal Zone, provided it satisfies the requirements of:
 - 1. Government Code Section 65852.2(e)(1), as the same may be amended from time to time;
 - 2. California Building Standards Code, as amended by the City;
 - 3. City building permit requirements; and
 - 4. Any other applicable laws.
- B. An applicant may apply for a Minor Exception, pursuant to Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter. A Minor Exception may not be requested for site or lot conditions.

Section A.74.040 - JADU Standards.

JADUs shall comply with the following requirements:

- A. A JADU shall be a maximum of 500 square feet of buildable floor area. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.

- B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
- C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling.
- E. A JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
- F. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the Primary Dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of 30 days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 65852.22; and (v) that any violation will be subject to penalties as provided in Local Coastal Program Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.
- G. No additional parking is required for a JADU.

Section A.74.050 - Fees and Utility Connections.

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.
- B. Prior to receiving a building permit, the owner of an ADU or JADU must submit letters of service availability for water and sewer disposal to the Building Official.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report

describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0022-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0022-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0022-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of allowing ADUs and JADUs to be built on lots in various areas of Manhattan Beach. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), and Assembly Bill 881 ("AB 881") amend Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on ADUs and JADUs. In the absence of a State-compliant ordinance on January 1, 2020, the City's existing ADU regulations may be considered null and void pursuant to Government Code Section 65852.2(a)(4), and the City would then be required to approve any ADU that meets minimal State criteria. Areas of Manhattan Beach vary significantly in lot size, lot coverage, density, traffic, parking, and seasonal population fluctuations. Unless the City adopts this interim urgency ordinance, the City would be required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the City and in particular areas. The City is also studying the safety risks, including the risk of fire, posed by an increase in the construction of ADUs and JADUs on lots in various areas of Manhattan Beach.

Staff continues to study, revise, and draft proposed permanent regulations, which both the Planning Commission and City Council must then consider after receiving input from residents at public hearings. The new ADU and JADU regulations will also require an amendment to the City's Local Coastal Plan. The City Council finds that property owners are likely to submit applications for ADUs and JADUs before new regulations become effective. These applications would cause confusion and ambiguity regarding the applicability of provisions in the City's current ADU regulations, at least some of which are compliant with the new legislation, and the State standards, with potentially inconsistent and unfair results for City residents. The establishment of these ADUs has the potential to conflict with the City's permanent ADU and JADU regulations, which will be adopted in compliance with Government Code Sections 65852.2 and 65852.22 after further study of the appropriate standards and locations for ADUs and JADUs in

Manhattan Beach. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if the City is required to either approve ADUs in locations and under standards that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate locations and standards for ADUs and JADUs in the Coastal Zone and other areas of the City, and that the approval of ADUs and JADUs under existing standards would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to establish permanent regulations for ADUs and JADUs. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that this Ordinance is necessary to prevent the establishment of ADUs and JADUs with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. Internal Consistency. Any provisions of the Local Coastal Program, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Local Coastal Program for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by

a decision of any court of any 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 passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 20-0005-U was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 21st day of January, 2020, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 22nd day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Ordinance No. 20-0005-U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit January 30th, 2020 and in witness whereof, I have hereunto subscribed my name this 31st day of January, 2020.



City Clerk of the City of
Manhattan Beach, California

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State Government Code Section 65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an

accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is

located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with

four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including

water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had

a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)

State Government Code Section 65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

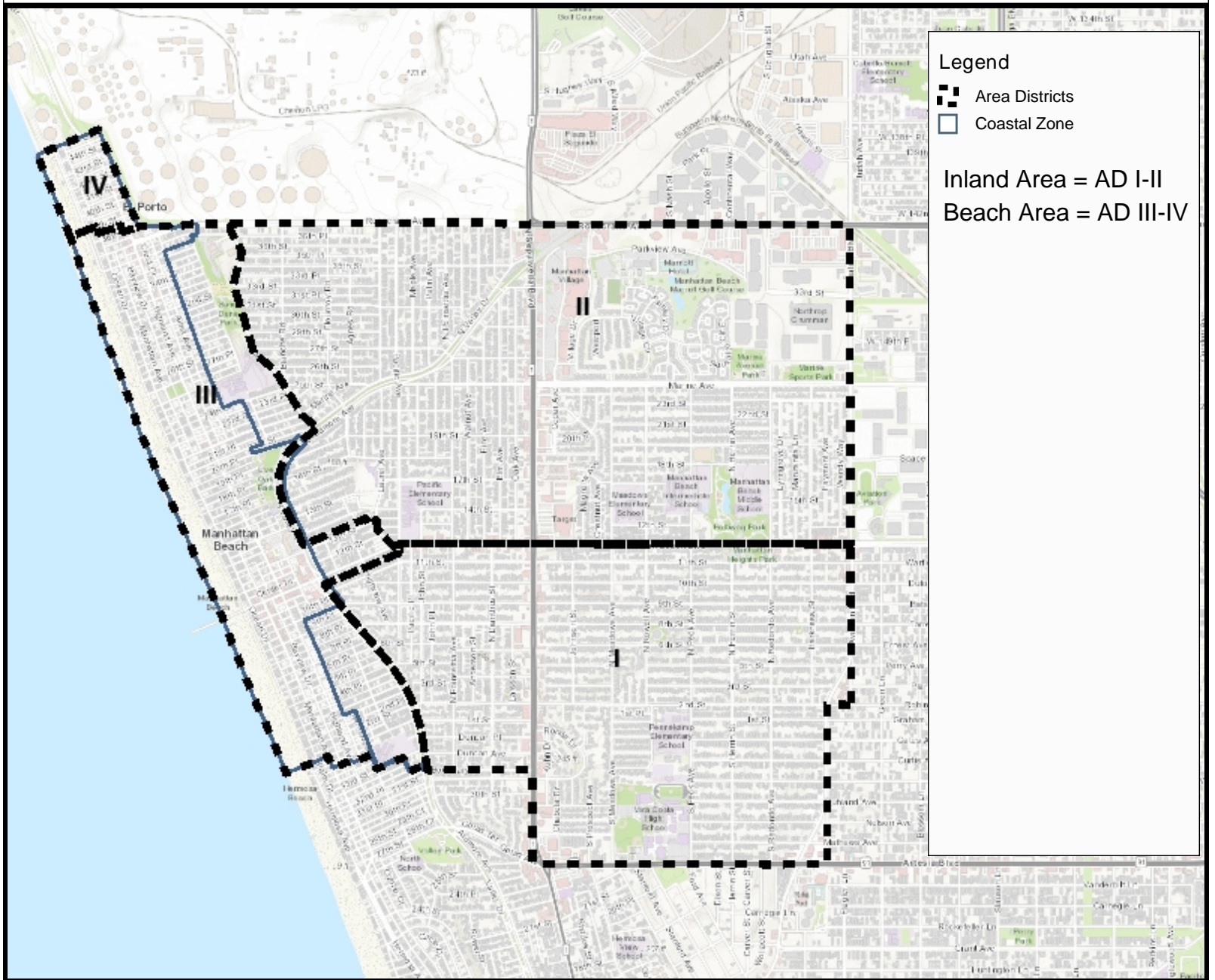
(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

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Manhattan Beach Area Districts (I-IV)

ATTACHMENT G



Legend

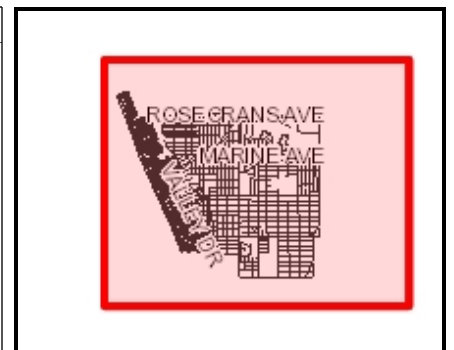
- Area Districts
- Coastal Zone

Inland Area = AD I-II
 Beach Area = AD III-IV



Scale: 1: 34,438

Notes



This map is a user generated static output from the "MB GIS Info" Intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Eric Haaland

From: Karynne Thim <kt@ktbeachproperties.com>
Sent: Tuesday, October 6, 2020 3:31 PM
To: Carrie Tai, AICP; Eric Haaland; Angelica Ochoa
Cc: Richard Thompson
Subject: Re: [EXTERNAL] Re: Outcome of Planning Commission meeting

Carrie, Eric and Angelica,

Do you have a draft of the proposed ADU ordinance available for review yet? Will it be discussed at next week's planning commission meeting?

From my own perspective as a real estate professional, the most important things to address are issues that render properties undevelopable, including:

1. Minimum ADU size of 150 sf, not 220 sf (or better yet, no stated minimum at all). What's the benefit of stating a minimum? Would the Coastal Commission approve the ordinance with either of these stated minimums? There are differing opinions on this, but in my opinion it's best to not have a stated minimum given the different lot sizes in town. A one size fits all minimum could create more problems than it solves. We know that a 220 sf minimum would render interior half lots undevelopable because it's too tight to fit everything in, so a minimum of 150 sf is imperative for those properties. But that's just half lots. For full lots with an existing duplex, the design would likely include an ADU of 500+ sf. We know from recent Coastal Commission hearings in neighboring towns without an LCP that Coastal doesn't like to approve ADU's under 500 sf. Why include a provision that could render half lots undevelopable and risk that Coastal won't approve the new permanent ordinance?
2. Add a provision to allow more than one ADU per lot for new multi-family projects to provide relief for owners of fourplexes (ie 2 townhomes + 2 ADU's).
3. Build flexibility into the ordinance to address "unique" properties that would otherwise be undevelopable

Thanks for your consideration,

Karynne Thim

On Thu, Sep 17, 2020 at 7:57 PM Carrie Tai, AICP <ctai@citymb.info> wrote:

Hi Karynne,

Staff's work on the Accessory Dwelling Unit (ADU) ordinance will pertain to regulations on ADUs, as outlined in the presentation to Planning Commission 9/9. Staff is in the process of identifying ADU Code sections that will be updated. As indicated during the PC meeting, staff would review the minimum ADU sizes and bring back to the Planning Commission an explanation of each option, as well as review options for multi-family development. If you have input on ADUs, please to me as well as Eric and Angelica, who are working on the ordinance.

Items like turning radius ensure vehicle maneuverability – if you have inadequate turning radii, vehicles cannot get in or out of garages or back out, potentially rendering required parking spaces unusable. There are certainly many development standards in the City’s regulations that can be regarded as challenging or inconvenient, but they are there to protect development from creating impacts to the neighborhood.

As the Planning Commission discussed, there are a much more extensive planning process that needs to occur if the City is being asked to change development standards (setbacks, height, parking, turning radius, open space, etc) in a broader manner. This will include not only members of the development community, but also members of the existing community. I am happy to have a conversation with you about issues you’re encountering on a specific property, but at this time, my limited staff only has the ability to work on updating the City’s ADU ordinance before expiration of the interim ordinance.

Carrie

From: Karynne Thim <kt@ktbeachproperties.com>
Sent: Thursday, September 17, 2020 9:58 AM
To: Richard Thompson <rthompson@citymb.info>; Carrie Tai, AICP <ctai@citymb.info>
Subject: [EXTERNAL] Re: Outcome of Planning Commission meeting

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

By the way, a resident spoke with Angelica and was told that the ordinance would include staff's Sept. 9th recommendations only, not input from the meetings. Hopefully this isn't correct and she wasn't fully informed.

On Thu, Sep 17, 2020 at 8:24 AM Karynne Thim <kt@ktbeachproperties.com> wrote:

Richard and Carrie,

Can you please provide clarity on whether or not staff's draft of the revised ADU ordinance will include input discussed at last week's meeting (allow more than one ADU per lot for new multi-family projects to provide relief for owners of fourplexes; minimum ADU size 150 sf rather than 220 etc) or if it will mirror staff's recommendations as outlined in the Sept. 9th memorandum? Please clarify intent and how staff is proceeding based on the motion. The Action Minutes are not posted on

the City's website and the public is not clear on how staff is interpreting the scope of their task in drafting the ordinance.

A combination of architects, developers and stakeholders offered to put together suggestions on items that should be included, which would provide collaboration and ease the burden on staff. Would that input be considered and implemented if provided? Better to get it right the first time since time is of the essence.

Commissioner Thompson, I recall that you were inclined to make a second motion about instituting a waiver or minor exception process to address issues like open space, turning radius, etc. that would still render many properties undevelopable even after the ADU ordinance is updated, but stopped short of making the motion. How can a solution be devised for these property owners? You were clearly an advocate to provide relief. Is this an issue that needs to be taken up with the City Council since the other commissioners didn't have an appetite to tackle it? Stakeholders are willing to provide constructive input if a path forward is understood.

Thank you,

Karynne

--

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kt@ktbeachproperties.com | www.ktbeachproperties.com
CalBRE #01161295

KARYNNE THIM



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KARYNNE THIM



CARRIE TAI, AICP

DIRECTOR OF COMMUNITY DEVELOPMENT

310-802-5502
ctai@citymb.info

The City of Manhattan Beach cares about your health and safety. During state and local COVID-19 restrictions, most Community Development services are available online and various divisions can be reached at (310) 802-5500 or Email during normal City business hours. The Citizen Self Service (CSS) Online Portal is now available for City permit and planning applications and inspections.

CITY OF MANHATTAN BEACH 1400 Highland Avenue Manhattan Beach, CA 90266
Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety
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CalBRE #01161295

KARYNNE THIM





Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
Martha Alvarez, Sr. Deputy City Clerk
Patricia Matson, Deputy City Clerk

SUBJECT:

Consideration of an Appointment to the Vacant Parking and Public Improvements Commission Member-At-Large Seat No. 5 (City Clerk Tamura).

APPOINT

RECOMMENDATION:

Staff recommends that the City Council appoint from the list of interested applicants that participated in the 2020 annual Boards and Commissions interview and appointment process for the Parking and Public Improvements Commission.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Parking and Public Improvements Commission consists of five members and meets on the fourth Thursday of each month. The Commission is responsible for public parking issues, capital improvement projects, traffic management, activities within the public right-of-way including encroachment permits, undergrounding of utilities, and environmental enhancement.

Commissioner Franklin was a candidate for City Council in the recent November 3, 2020, Election and was elected to one of the three available seats. Due to his election to the City Council, on December 4, 2020, Commissioner Franklin tendered his letter of resignation to the City; effectively leaving Parking and Public Improvements Commission Member-At-Large Seat No. 5 vacant.

On December 15, 2020, the City Council accepted the resignation from Parking and Public Improvements Commissioner Franklin, declared Parking and Public Improvements Commission Member-At-Large Seat No. 5 vacant, and directed the City Clerk to return to the January 5, 2020, City Council meeting with a list of interested applicants from the May 2020 annual Boards and Commissions interview and appointment process.

DISCUSSION:

The Manhattan Beach Municipal Code (MBMC) Section 2.44.070 states, “If a vacant seat has 18 months or less remaining in its term, the new member would complete the original term and automatically be re-appointed to a three-year term without further ceremony.”

The term for Parking and Public Improvements Commission Seat No. 5 is due to expire on May 31, 2021. The new member appointed to this seat will complete the original term of office, expiring May 31, 2021. Upon the conclusion of this term, the appointed member would automatically be re-appointed to a three-year term without further action from the City Council.

On May 28, 2020, 11 individuals interviewed for three available Parking and Public Improvements Commission seats. Three individuals were appointed, Allen Kirschenbaum, George Apostol, and Kathleen Paralusz. This left eight individuals for the City Clerk to contact and determine if interest still existed.

The City Clerk’s office contacted the eight previously interested applicants and six of those individuals have confirmed interest in being appointed to the Parking and Public Improvements Commission.

- Henry Alfano
- Robert DaGiau
- Stephen Doran
- Joseph Fusco
- Matthew Luce
- Jim Yang (appointed to the Board of Building Appeals)

CONCLUSION:

Staff recommends that the City Council appoint from the list of interested applicants in order to fill the existing vacancy for Parking and Public Improvements Commission Member-At-Large Seat No. 5.

PUBLIC OUTREACH:

The City Clerk’s office called and confirmed the interest of those applicants that previously expressed interest in the Parking and Public Improvements Commission during the 2020 annual Boards and Commissions application and interview process.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the

State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.



Agenda Date: 1/5/2021

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Mark Leyman, Parks and Recreation Commission

SUBJECT:

Commission Minutes:

This Item Contains Minutes of the following City Commission and Task Force Meetings:

- a) Parks and Recreation Commission Meeting Minutes of October 26, 2020 (Parks and Recreation Director Leyman)
- b) Library Commission Meeting Minutes of November 9, 2020 (Parks and Recreation Director Leyman)
- c) Parks and Recreation Commission Special Meeting Minutes of November 16, 2020 (Parks and Recreation Director Leyman)
- d) Bruce's Beach Task Force Action Meeting Minutes of December 7, 2020 (City Manager Moe).

INFORMATION ITEM ONLY

The attached minutes are for information only:

- 1. Parks and Recreation Commission Meeting Minutes of October 26, 2020
- 2. Library Commission Meeting Minutes of November 9, 2020
- 3. Parks and Recreation Commission Special Meeting Minutes of November 16, 2020
- 4. Bruce's Beach Task Force Action Meeting Minutes of December 7, 2020

CITY OF MANHATTAN BEACH
MINUTES OF THE PARKS AND RECREATION COMMISSION
Virtual – Zoom meeting
October 26, 2020
4:00 PM

CONTENTS

A. CALL TO ORDER

The meeting was called to order at 4:01 PM.

B. ROLL CALL

Present: Chair Greenberg, Weiner, McCarthy, Turkmany, Nicholson and Cullen

Absent: Karger

C. APPROVAL OF MINUTES

Commissioner Weiner moved to approve the October 5, 2020 minutes as written.
Commissioner McCarthy seconded the motion. The motion passed.

Ayes: Greenberg, Weiner, McCarthy, Turkmany, Nicholson, Cullen

Nays: None

Abstain: None

Absent: Karger

D. CEREMONIAL

None

E. AUDIENCE PARTICIPATION (3-Minute Limit)

Chair Greenberg opened the floor to audience participation. Seeing none, the floor was closed.

F. GENERAL BUSINESS – This item was taken out of order after Commission Items

Parks Master Plan – Sr. Recreation Manager, Jessica Vincent presented the draft Parks Master Plan for input. The Parks Master Plan is intended to act as a road map for parks projects and budget considerations for the next 10 years, and will be presented to the City Council on December 1st. Manager Vincent outlined the entire process, reviewed the public engagement activities, common themes that emerged, and prospective projects. Commissioners were asked to review the plan and provide feedback before making a recommendation to move the plan forward to the City Council. The Commission reviewed the potential projects and prioritization. Additional follow up questions and comments from the commission should be sent to Jessica Vincent by October 30, to be discussed at a final ad-hoc committee meeting and incorporated into the document for final review at the November 16th meeting. Commissioner McCarthy volunteered to assist with a review of the staff report for the City Council. Chair Greenberg asked the commissioners to think about which projects resonate with them and which ones they would like to work on when the work plan is established.

G. STAFF ITEMS

Parks and Recreation Director Mark Leyman updated the Commission on recent City Council actions.

Bruce's Beach Task Force members have been appointed. Commissioner Greenberg asked if the Parks and Recreation Commission would have representation on the Task Force. At this time, the task force will be comprised of City Council appointees. The City Council will advise if the Commission's input is required.

There was a request for Meadows and Pacific Center Field to be opened, so the fields will be open Monday-Friday from 3:30-dusk. School fields will be currently limited to the two fields primarily due to staffing and enforcement.

Recreation Supervisor, Deborah Hom will be leading some virtual art workshops, a Gordy the Pumpkin display and a paint workshop with a *Nightmare Before Christmas* theme.

In partnership with the Downtown Business Professional Association (DBPA), a pumpkin decorating contest was held. Participants could drop off their pumpkin entry and then shop downtown.

The Manhattan Beach Art Center has opened a new exhibition of Simon Ouwerkerk, a local artist who does a lot of metal work. An outdoor exhibit was set up and about 100 people walked through over the course of the day, with social distancing. In addition to the walk through, there were craft kits available to recreate some of the works.

The Veterans Day and Pier Lighting will be virtual this year due to COVID-19.

The Local Love campaign was developed with the Chamber of Commerce and DBPA to highlight the importance and value of shopping and dining locally. This campaign will involve social media presence and street pole banners.

Polliwog Park Playground replacement project update – nothing significant has happened since the last update. Construction drawings are at 60%. Staff is waiting for more information on the fencing material being considered, further information on the bioswale drainage, and additional information on ADA requirements. There will be some significant cost savings from the original estimate. Once the bids come in, we will determine the add alternates. The timeline is still on track to receive bids at the beginning of the year. Director Leyman added that the surfacing for the upper playground is in process. Although this was originally included in the playground replacement, it is being expedited.

Begg Field and Peck Reservoir – Begg Field regrading, fencing and lighting will be a part of the Peck Reservoir project. The contractor will provide some services in exchange for use of the field for staging.

Director Leyman will contact the City Clerk's office to find out when Ryan Beaupain will be recognized for his tree donations.

Commissioner McCarthy asked if virtual programming is seeing participation. Staff will check on the numbers and report back.

National Fitness Court – tracking for completion in January.

H. COMMISSION ITEMS

Donation Policy update – Commissioner Turkmany reported that the ad-hoc committee is still working on the Military Memorial wall. Commissioner Weiner asked about the

community tile area that was originally proposed. It was clarified that the community tiles were not approved by the City Council. City Council approved a paver area in front of the post office. Director Leyman stated that the marketing campaign for the pavers should launch in the Spring. The plan is to have the purchase period open for a set period of time and then install. Military donation wall could possibly happen by the end of the year. Staff is waiting for information from Public Works. Need to come up with options for plaques and then take City Council direction. New plaques will be unveiled annually at the Veteran's Day event.

Older Adults update – Commissioner McCarthy reported that there will be a Flu shot clinic for ages 6 months and up, on November 18 inside Joslyn Center. Those who cannot come to get a flu shot can request mobile service for in-home shots. It is recommended that everyone register ahead of time.

Student Rep – Commissioner Cullen reported that he contacted Michelle Ami, Volunteer Coordinator, who has provided some opportunities for students to get some volunteer hours by working with the Older Adults program to send messages to seniors. He has reached out to clubs at Mira Costa to help and prepare cards for Veterans Day. This is an ongoing program.

School District – Chair Greenberg reported that the school district is operating primarily in distance learning mode but has opened the child care program. Some sports are going back for training with strict protocols. The school district has submitted for waivers for all of the elementary schools. No specific update on the opening of the gym.

I. **ADJOURNMENT**

Commissioner Nicholson moved to adjourn. Commissioner Turkmany seconded the motion. The motion passed.

Ayes: Greenberg, Weiner, McCarthy, Turkmany, Nicholson and Cullen

Nays: None

Abstain: None

Absent: Karger

The meeting was adjourned at 5:45 pm to Monday, November 16, 2020.

CITY OF MANHATTAN BEACH
MINUTES OF THE LIBRARY COMMISSION

November 9, 2020
4:00 p.m.
Virtual – Zoom meeting

CONTENTS

A. CALL TO ORDER

The meeting was called to order at 4:00 PM.

B. ROLL CALL

Present: Chair Windes, Jones, Schreiner, Bailey, Bond, Siemak*

*Commissioner Siemak arrived at 4:29 p.m.

Others present: Recreation Services Manager, Jan Buike; Recording Secretary, Linda Robb

C. APPROVAL OF MINUTES

Commissioner Jones moved to approve the October 13, 2020 minutes as written.

Commissioner Bond seconded the motion. The motion passed.

Ayes: Windes, Jones, Bailey, Bond, Schreiner
Nays: None
Abstain: None
Absent: Siemak

D. CEREMONIAL

None

E. AUDIENCE PARTICIPATION

Chair Windes opened the floor to audience participation.

Acting Library Manager, Josh Murray gave his monthly report including the following:

2020 marks the 100 year anniversary of the ratification of the 19th amendment. The library system is celebrating with an artistic partnership and has created special edition library cards, available by calling 310-545-8595 to arrange a pick up. The new card will replace the old one so the number will change.

14,402 items were circulated in October.

He received approval to submit updates to local newspapers and schools.

The book club is reading *The Most Fun We Ever Had* by Claire Lombardo. Anyone interested in participating in the book club should contact Claire Moore at the library.

Commissioner Jones thanked Mr. Murray for being open and responsive to the commission's suggestions. She suggested that the windows could be used for displays of books. Commissioner Windes thinks that this subject should be presented to the City Council as it could alter the aesthetic.

The floor was closed to public comment.

F. GENERAL BUSINESS

Discussion of Work plan items for 2020:

Library Appreciation Event – Commissioner Jones reported that the event is ready to go and the invitation has gone out. The Kettle is catering the event and Commissioner Jones will be dropping off the food. Signage and bookmarks will be delivered to the library on the date of the event. A thank you certificate will be prepared for The Kettle. She thanked Commissioners Bond and Schreiner for their help.

East Manhattan Beach Library Services/Book Vending Machines – no updates at this time

Library Supper Club – Commissioner Schreiner suggested rebranding to Afternoon with an Author. The commission approved the new name. No other updates on the event as gatherings are not currently allowed.

MB Writer Awards – no updates at this time

Blind Date with a Book – The event will not happen in November at the Light Gate sunset, due to COVID-19. Manager Buike added that it should be assumed that January Light Gate event will not happen due to the increase in COVID cases. The commission will keep Valentines Day as a possibility.

The floor was opened to public comment. Seeing none, the floor was closed.

G. STAFF ITEMS

Manager Buike reported on the following items:

There will be a preliminary meeting with the County Library in preparation for a December 15th meeting. East side library services may be discussed.

The Joint City Council/Commission meeting will be held on Monday, January 4 at 6:00.

A local realtor submitted an idea to place pages of a children's book and laminate and post throughout Polliwog Park. Manager Buike is working with Josh Murray on logistics, and copyright and permission requirements. Commissioner Bond volunteered to talk with Pages regarding local children's book authors. Commissioner Windes mentioned April Whalen as a possible local author.

The Older Adults Program is working with librarian Claire Moore, on establishing the Older Adults book club.

H. COMMISSION ITEMS

Commissioner Jones received approval to submit the commission thank you letter to the Beach Reporter. The letter was drafted to thank the Library staff for their hard work to keep up library services during the pandemic.

Commissioner Jones requested that the commission meetings be moved to 5:00 p.m. moving forward. All commissioners present agreed. Linda Robb will contact Commissioner Siemak for his reply.

Commissioner Jones asked about the commission recognizing outgoing Commissioner Parikh. Commissioner Windes reported that Ms. Parikh would like to wait until the next in-

person meeting. Linda Robb stated that the City Council recognizes outgoing commissioners with a plaque and recognition at a City Council meeting. Commissioner Windes will contact Ms. Parikh to see what she would like to do.

Commissioner Windes shared an email she received from former library manager, Maria Manigbas describing her new library and position in New Jersey.

I. ADJOURNMENT

Commissioner Bond moved to adjourn the meeting. Commissioner Schreiner seconded the motion. The motion carried unopposed.

The meeting was adjourned at 4:49 PM, to December 14, 2020.

CITY OF MANHATTAN BEACH
MINUTES OF THE PARKS AND RECREATION COMMISSION
SPECIAL MEETING
Virtual – Zoom meeting
November 16, 2020
4:00 PM

CONTENTS

A. CALL TO ORDER

The meeting was called to order at 4:02 PM.

B. ROLL CALL

Present: Commissioners Greenberg, Karger, McCarthy*, Nicholson, Turkmany, Weiner

Absent: None

*Commissioner McCarthy arrived at 4:06 pm

C. APPROVAL OF MINUTES

None

D. CEREMONIAL

None

E. AUDIENCE PARTICIPATION (3-Minute Limit)

Greg Dickinson, resident – Mr. Dickinson asked if private use is possible at Premier Field. It is currently only used by club teams and locked otherwise. He would like to have it open so that families could use it as well. Director Leyman stated that he would be happy to speak further with Mr. Dickinson about options. Mr. Dickinson offered his assistance.

F. GENERAL BUSINESS – This item was taken out of order, after Staff Items

Parks Master Plan Discussion

The commissioners were encouraged to send in all minor edits to staff. Commissioner Greenberg called for input from the commissioners on substantive changes.

Commissioner Greenberg stated that the descriptions of funding options is good but ultimately it is the City Council’s decision on how to fund the projects.

Commissioner Karger mentioned the Legacy Donation program. She feels that this concept should be explored in more detail for the donation program, as it could result in property or money that may help fund projects. Commissioner Weiner added that either the City would need to make an effort to publicize this option, or hire a third party to market the concept.

Commissioner McCarthy inquired if projects can be marketed individually so that funds can be raised outside of the general fund budget process. She suggested advertising in the local papers. Commissioner Weiner stated that residents are likely to feel that they pay enough in taxes so they shouldn’t have to contribute to add amenities. The thinking may be different if their contribution resulted in recognition or naming. Transparency in the budget is important so that the public is aware that there are not enough funds available for all of the projects. Manager Vincent stated that this would be a good subject to talk about at the joint meeting in January.

Commissioner Greenberg stated that it is not clear that the projects are being presented in prioritized order. Wording will be added to clarify.

Commissioner Cullen mentioned a “temporary pool” option that may be an opportunity to build an aquatics facility at a lower cost. These types of pools are built above ground and are not necessarily temporary. This concept may be explored when an aquatics center is being considered.

Chair Greenberg opened the floor to public comment. Seeing none, the floor was closed.

Commissioner Turkmany moved to recommend the Parks Master Plan and move it forward to the City Council. Commissioner Nicholson seconded the motion. The motion passed.

Ayes: Greenberg, Weiner, Karger, McCarthy, Turkmany, Nicholson, Cullen
Nays: None
Abstain: None
Absent: None

G. STAFF ITEMS

Public Works Director, Stephanie Katsouleas gave an overview of current Parks and Rec projects and explained that if a project is valued under \$60,000 it can be done without going through the bidding process. Anything over \$60,000 must be bid out according to the Public Contracting Code.

In-progress projects include:

- Finalizing redesign of plan for the ceramics kiln
- Finalizing plans for Polliwog Park
- Mariposa Fitness Court

She added that in general, bids are coming in much higher than anticipated for most jobs due to the abundance of work available to contractors right now.

Director Katsouleas explained that there is a legal requirement to calculate the value of a project and allocate 20% of the budget to peripheral ADA improvements.

Commissioner Weiner asked about budget for maintenance items that were discovered on the parks tour, that need to be addressed. He is concerned that funds necessary for new projects might be consumed by maintenance needs. Director Katsouleas stated that there is a maintenance budget for facilities, which includes buildings located in parks. The budget used to be \$1,000,000 a year, but over the past 5 years, the budget has been reduced to \$400,000. She added that a dedicated fund for parks maintenance is needed but it is not clear where those funds would come from. Director Katsouleas gave a brief explanation of the CIP budget process. With the two-year budget cycle, the 2021-2022 budget year will be focused on the general fund and the 2022-2023 budget year will be focused on the CIP fund.

Commissioner Greenberg praised the Public Works staff for quickly addressing service requests he has made through GoReach. Director Katsouleas responded that staff is limited so sometimes, the smaller items are easier to address in a timely manner. The projects that require more resources may take longer due to the staff shortage. She encouraged residents to use the GoReach app to make Public Works aware of issues.

H. COMMISSION ITEMS

Dates for future meetings were reviewed:

December 1, 2020, 6:00 pm – City Council meeting, Parks Master Plan presentation

December 7, 2020, 4:00 pm – Commission meeting rescheduled from November 23.

December 28, 2020 meeting cancelled

January 4, 2021, 6:00 pm – Joint City Council/Commission meeting

I. ADJOURNMENT

Commissioner Weiner moved to adjourn. Commissioner Karger seconded the motion.
The meeting was adjourned at 5:36 pm.



BRUCE'S BEACH TASK FORCE

Minutes

December 7, 2020, 6:00 PM – 8:34 PM

CITY OF MANHATTAN BEACH

1400 Highland Avenue
Manhattan Beach, CA
90266

www.citymb.info

brucesbeachtaskforce@citymb.info

(310) 802-5000

CO-CHAIRS

Councilmember Hildy Stern
Councilmember Steve Napolitano

TASK FORCE MEMBERS

Allison Hales
Anthony Lee
Isla Garraway
Lindsey Fox
Taylor Gamble
Amanda Park
Stephanie Caridad
Kristin Long Drew
Tyler St. Bernard
Lana Rizika
Kristi Ramirez-Knowles
Michael Jenkins
Jarett Margolis
ALTERNATES
Eyana Carballo
Laura Kainsinger

1. Call Meeting to Order.

Co-Chair Stern welcomed everyone to the 4th task force meeting.

Called meeting to order at 6:00 PM.

2. Roll Call.

Roll Call:

Allison Hales

Anthony Lee

Isla Garraway

Lindsay Fox

Taylor Gamble

Amanda Park

Stephanie Caridad

Kristin Long Drew

Tyler St. Bernard

Lana Rizika

Kristi Ramirez-Knowles

Michael Jenkins

Jarett Margolis

Eyana Carballo

Laura Kainsinger

Steve Napolitano, Co-Chair

Hildy Stern, Co-Chair

3. Approval of Agenda.

Jarett Margolis requested to switch Item No. 6 with Item No. 5 to accommodate the guest presenters. There were no objections and the agenda was approved.

4. Public Comments.

None.

5. Presentation by Shannon Daut, Manager of Cultural Affairs and Naomi Okuyama, Public Art Supervisor, City of Santa Monica.

Shannon Daut, Manager of Cultural Affairs for the City of Santa Monica and Naomi Okuyama, Public Art Supervisor for the City of Santa Monica, provided a video presentation, “Belmar History + Art” and responded to questions.

Co-Chair Stern thanked Shannon and Naomi for their presentation. She opened the floor for public comments. Hearing none, public comments were closed.

5. COMMITTEE REPORTS:

- a. History of Bruce’s Beach
- b. Community Forum
- c. Resolution of Apology

The History sub-committee shared a presentation on the Bruce’s Beach time line, history of the park and land, Bruce’s Beach misconception vs. facts-and proposal. The following individuals spoke: Kristin Long Drew, Lindsay Fox, Tyler St. Bernard, Isla Garraway, and Allison Hales.

Kristi Ramirez-Knowles, on behalf of the Committee Forum sub-committee shared a presentation on what they have learned, their goals, the need for online presence, their proposed budget, and upcoming discussions.

Lana Rizika, on behalf of the Resolution of Apology sub-committee, provided an update stating that they are still finalizing their presentation

and proposal and will present at the next task force meeting. They further recommended addressing the art piece and plaque as a whole group and not by the sub-committee.

7. Proposals.

Co-Chair Stern opened discussion for the proposals. A request was made to move forward in presenting the History sub-committee proposal to the City Council. The following individuals spoke: Allison Hales, Anthony Lee, Mike Jenkins, Hildy Stern, Steve Napolitano, Kristi Ramirez-Knowles, Amanda Park, Stephanie Caridad.

Mike Jenkins made a motion to present City Council with a packaged set of recommendations and proposals, instead of piecemeal proposals. Co-Chair Napolitano made a friendly amendment to include that it be presented by February. Mike Jenkins accepted the friendly amendment and Stephanie Caridad seconded the motion. Motion carried by the following vote:

Aye: 13 – Garraway, Fox, Gamble, Park, Caridad, Drew, St. Bernard, Rizika, Ramirez-Knowles, Jenkins, Margolis, Napolitano, Stern

Nay: 2 – Hales, Lee

8. Future Agenda Items.

Mike Jenkins made a request to City Manager Moe, Co-Chair Stern and Co-Chair Napolitano to appeal to Police Chief Abell and Community Development Director Tai to respond to the Resolution of Apology sub-committee for a meeting. City Manager Moe stated that he will speak to staff.

9. Future Meetings.

The task force discussed when the next meeting will be held. Co-Chairs Stern and Napolitano stated that Allie Latragna will send out an email survey.

10. Adjournment.

Meeting Adjourned at 8:34 PM

