



# MINOR EXCEPTION APPLICATION INSTRUCTIONS

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## CITY OF MANHATTAN BEACH COMMUNITY DEVELOPMENT DEPARTMENT

1400 Highland Avenue, Manhattan Beach, CA 90266  
Telephone: (310) 802-5500 Fax: (310) 802-5501 TDD: (310) 546-3501

Minor Exceptions from certain zoning regulations may be approved for projects that are modifications to existing non-conforming structures, and to allow flexibility for projects with unique conditions. Chapter 10.84.120 of the MBMC (on the website) details all the requirements for a Minor Exception including criteria, submittal requirements, noticing, and findings. **Projects may exceed 50% building valuation (50% Rule) as defined in Section 10.68.030 (E).** Projects that may be considered for a Minor Exception are as follows:

- Attachment of existing structures in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
- Mergers and lot line adjustments not exceeding the maximum lot area, which result in existing structures becoming nonconforming.
- Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones or largely 2-story in 3-story zones.
- Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
- Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
- Reduction in percentage of additional 6% front yard setback or the 8% front/streetside yard setback for corner lots for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
- Non-compliant construction due to Community Development staff review or inspection errors.
- Construction of a residential addition that would project into required setbacks or required building separation yards, matching the existing legal non-conforming setback(s) (subject to building code limitations).
- Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures. If additions (enlargements) are proposed the total site BFA may not exceed 66% of the maximum allowed in Area Districts III and IV and 75% of the maximum allowed in Area Districts I and II.

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**SUBMITTAL ITEMS** (applicant to check the corresponding box upon completion):

- 1. **COMPLETED MASTER APPLICATION.**
- 2. **PAYMENT OF APPROPRIATE FEES** (check payable to the City of Manhattan Beach).
- 3. **RADIUS MAP PACKET**—(Only required for Alterations, remodeling, additions (enlargements) to existing legal non-conforming structures with total BFA greater than 3,000 square feet but less than 4,000 square feet- See 10.84.120 B.)  
Two sets of labels of property owners' names and addresses within 300' of the subject property keyed into the map (City to place on envelopes), 1 photocopy of the labels, a map scaled at no smaller than 1" = 300' with a 300' radius drawn around the subject property and keyed into the labels, and a completed preparer's affidavit (see separate affidavit form and instructions). See the *Coastal Development Permit Application Instruction Sheet* for additional noticing requirements, if a Coastal Development Permit is being requested concurrent with Minor Exception.
- 4. **FOUR (4) FULL SIZE SETS OF ARCHITECTURAL PLANS, suitably folded, and ELECTRONIC FILE of plans in PDF FORMAT**, showing the following:
  - a. **SITE PLAN** drawn to scale showing total site (dimensions), buildings, parking, driveways, landscaping, and location/details of requested exception including tables and/or diagrams with required BFA, open space, setback and other required calculations.
  - b. **FLOOR PLANS** showing dimensions (total square footage), open space, and garage.
  - c. **ELEVATION DRAWINGS** shown from north, south, east and west (also provide section views as appropriate).
- 5. **WRITTEN DESCRIPTION** of how application meets the attached findings and criteria (as applicable) required to approve a minor exception.
  - a. **FINDINGS**- All minor exceptions.
  - b. **ADDITIONAL CRITERIA**- Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures- Sections 10.68.030 D and E.
  - c. **ADDITIONAL CRITERIA**- Interior Lots- Reduction in percentage of 6% additional front yard setback if provided elsewhere- Section 10.12.030 (T).
  - d. **ADDITIONAL CRITERIA**- Corner Lots- Reduction in percentage of 8% additional front/streetside yard setback if provided elsewhere- Section 10.12.030 (T).
- 6. **ADDITIONAL INFORMATION** as may be required by staff prior to the decision.

After staff review of plans and materials for completeness, the neighbors (if required) are notified of the application. After the commenting period ends, the Community Development Department notifies the applicant and neighbors of its decision. The decision of the Director of Community Development is appealable to the Planning Commission.

*If you have any questions, please call the Planning Division at (310) 802-5520, visit the city's web site at [www.citymb.info](http://www.citymb.info), or visit the Community Development counter between 7:30AM and 5:30PM, Monday through Thursday or between 7:30AM and 4:30PM, on Fridays.*

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# Manhattan Beach Municipal Code

## Excerpt Regarding Findings and Criteria

### 10.84.120 F 2. Required findings- All Minor Exceptions.

- a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
- b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
- c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
- d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
- e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

### 10.84.120 G Additional Criteria- Sections 10.68.030 D and E. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures

1. New construction must conform to all current Code requirements except as permitted by this Chapter.
2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
  - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
  - b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
  - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
  - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
  - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.

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



**10.84.120 H. Additional Criteria- Section 10.12.030 (T). Interior Lots. Reduction in percentage of 6% additional front yard setback if provided elsewhere.**

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

**10.84.120 H. Additional Criteria- Section 10.12.030 (T). Corner Lots- Reduction in percentage of 8% additional front/streetside yard setback if provided elsewhere.**

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

