

ORDINANCE NO. 2111

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Floor Area, Buildable-
Single Family Residential Districts:**

Area Districts I and II: That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2').

Area Districts III and IV: That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2').

Guest House (or Accessory Living Quarters): Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one single family residence, except as provided for in Section 10.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

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

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

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

(K) Lot Dimensions- Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 50% building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current Zoning Code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.
2. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five-hundred feet (500') of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three or more dwelling units, excluding those located on The Strand, subject to

review and approval of a Use Permit in accordance with Chapter 10.84.

3. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.
4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
5. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, and in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.
6. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.
7. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.
7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

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

10.12.030 Property development regulations: RS, RM, and RH districts.
 The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A) (2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%-3 min.	10%-3;10	10%-3;10	10%-3 min.	10%-3;10	10%-3;10	(D)(E)(F)
Corner Side (percentage- ft.)	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	(D)(E) (T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

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

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

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

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3'), in the RM and RH Zones side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five

feet (5').

(1) Exceptions—
Side Setbacks.

Existing lots in the RM and RH Zones currently developed as multi-family and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.

Reverse Corner Side Setback.

Reverse corner lots in Area Districts I and II shall have the following side yards:

(a) On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.

(b) On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:

(i) On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;

(ii) On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

(iii) The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

Rear Setback:

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

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

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

(F) Building Height and Required Yards. Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

(1) Exceptions. If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

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

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

(G) Alley Setback Exceptions: Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.
Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

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

(H) Maximum Height of Structures. See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story. (See Graphic Illustration under "Basement" definition--Section 10.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria is met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

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

(M) Open Space Requirement. The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

(1) For single family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 15% open space shall be required for the basement square footage.

(2) The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

(3) Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to 15% of the added buildable floor area, until the total open space requirement provided in this Section is attained.

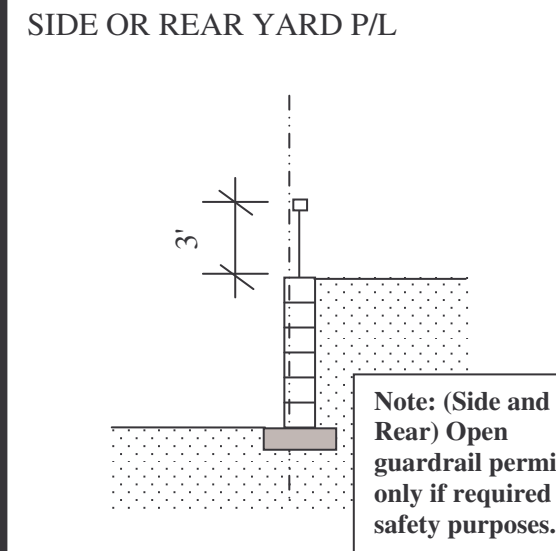
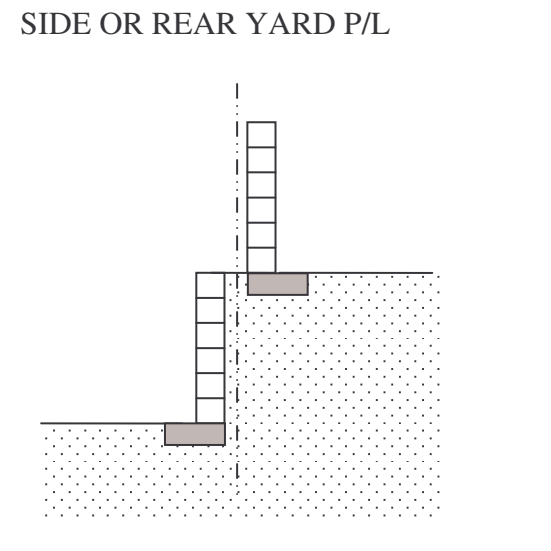
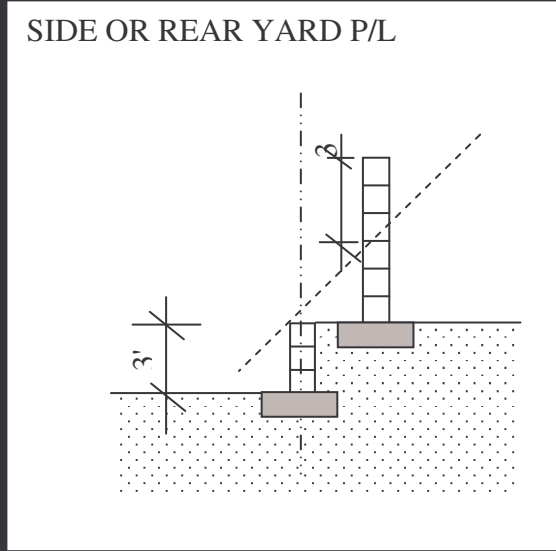
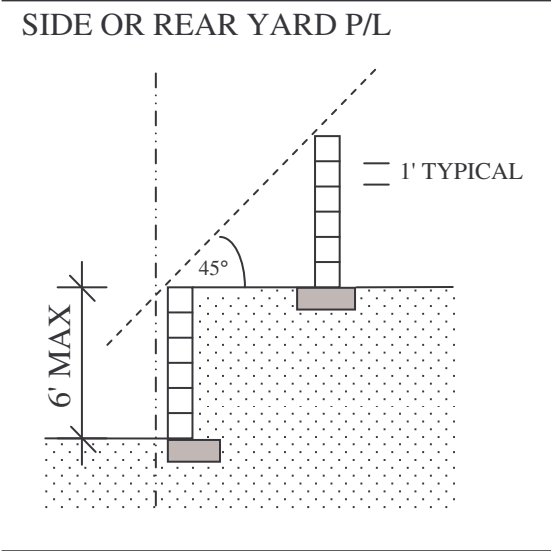
SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

(P) Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

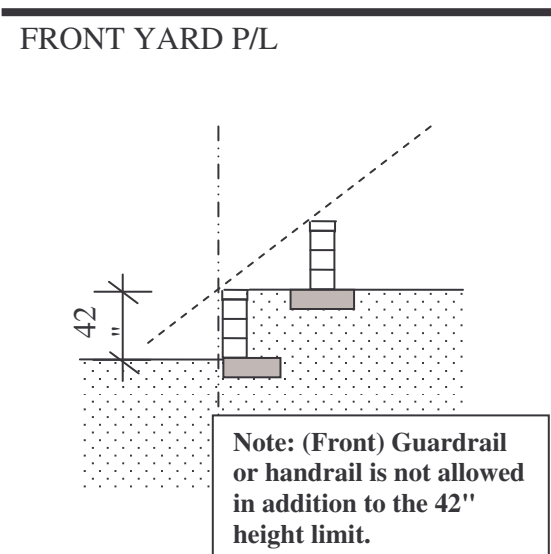
For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

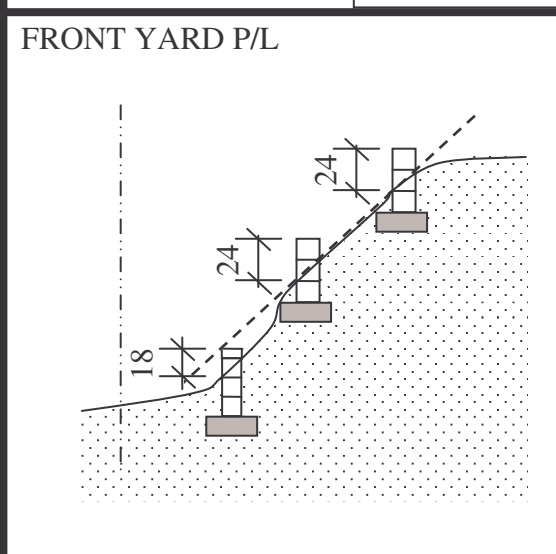
1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six (6) foot fence is allowed, provided such additional height over six (6) feet meets one of the following criteria.
 - a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven (11) feet.
 - b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet to any part of any building.
 - c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does not impede public views of the ocean, the beach, or to and along the shoreline.
2. Architectural screen walls not to exceed six (6) feet six (6) inches in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen (14) feet back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (1/2) the lot width.



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



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



PERMITTED FENCE/WALL/HEDGE HEIGHTS

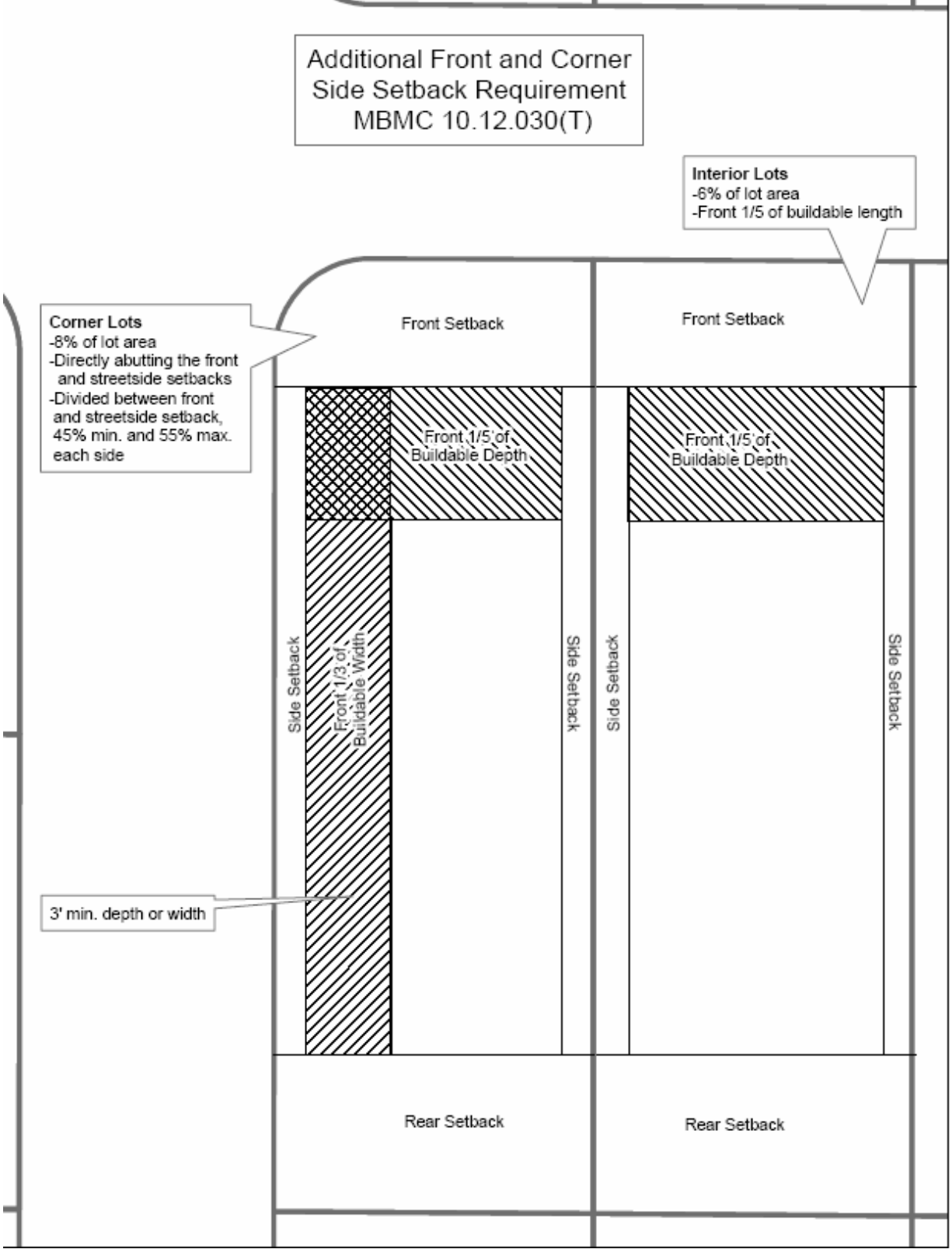
SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

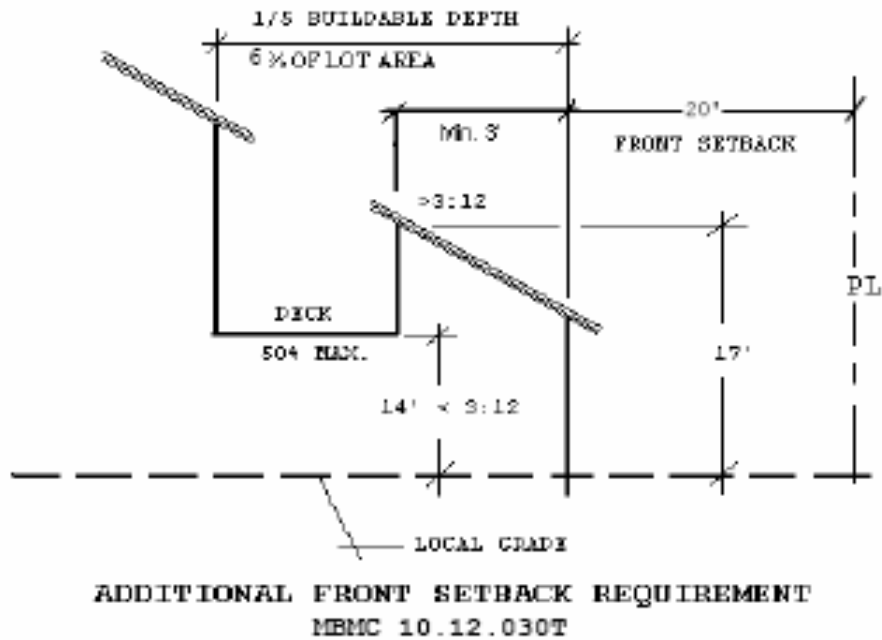
(T) Additional Front and Corner Side Setback Requirement--RS Properties, Area Districts I and II. In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth.
2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of 45% and a maximum of 55% of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third (1/3) [thirty-three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of 3' of depth or width and shall be distributed to provide building wall articulation.
3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).
3. A maximum of one-half (1/2) of said area shall be designed or useable as roof top deck surfaces.
4. Building projections above said area shall be considered as projections within a front yard.

Exceptions:

1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.
2. This requirement may be reduced for a small, wide, shallow, multiple front yard and/or unusually shaped lots or other unique conditions subject to approval of a minor exception.
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.
4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.





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

- B. Location. Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F. below.
 Exceptions.
 1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
 2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
 3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet in height.
 4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
 5. One basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

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

- F. Residential Zones-Adjacent Separate Lots with Common Ownership. Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one or more of the lots, subject to the following criteria.
 1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
 2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
 3. One of the lots must be developed with a residential dwelling unit as the principal structure.
 4. The development is in compliance with current Zoning Code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total Buildable Floor Area on all of the common ownership lots combined.

5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title :
 - a. Guest House (or Accessory Living Quarters) in compliance with the requirements of Section 10.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including but not limited to, pools and spas, sports courts, decks, and patios.

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

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

H. (Reserved)

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

10.64.030 Off-street parking and loading spaces required.
 Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Single-Family Residential: Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling less than 3,600 square feet	2 enclosed per unit. (See Minor Exception-Chapter 10.84 for existing structure provisions)	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. (See Minor Exception-Chapter 10.84 for existing structure provisions)	

Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multi-family Residential (includes condominiums)	2 spaces, including 1 enclosed/unit. (2 enclosed per condominium unit.) In area district IV, both spaces must be enclosed. In building with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.	
Guest Parking	Condominiums: 1.0 space/unit. Apartments: 0.25 space/unit for buildings with 4 or more units. Guest parking spaces may be a compact car size. All compact spaces shall be clearly labeled "Compact." Required guest spaces for condominiums only may be in tandem configuration provided that, except for lots on The Strand, none other than resident spaces of the same unit are blocked and that such a configuration would not result in undue traffic hazard. (See following illustration "Condominium Guest Parking Provisions"). In no case shall a guest space block two tandem spaces. The dimension of standard, compact, and tandem parking spaces for all required and additional spaces shall be in accordance with the provisions of this Code.	
Residential Care, Limited	1 per 3 beds.	-
Senior Citizen	.5 per unit, plus: 1 accessible and designated guest space/5 units, one space per non-resident employee and 1 (11' w x 30' l x 10' h) loading area.	

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

10.64.090 Parking space dimensions.

Required parking spaces shall have the following minimum dimensions:

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

Exceptions:

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

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

10.68.010 Specific purposes.

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

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

10.68.030 Alterations and enlargements of nonconforming uses and structures.

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

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

Exceptions.

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

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

Section 10.84.010 Purposes.

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

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

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

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

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

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

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

Section 10.84.120 Minor exceptions.

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

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

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

10.12.030 (M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10.12.030 (T)	Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
10.12.030 (T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12.030(T)	Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12 – 10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030 D, 10.12.030 and 10.12.030 (R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.68.030 D. and E.	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
10.68.030 E.	Alterations and remodeling to existing legal non-conforming structures.

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

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

B. Minor Exception Application with Notice.

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

- a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-

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

- C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.
1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site.
- D. Submittal Requirements- Minor Exception Applications with notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:
1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site;
 4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. Notice to Property Owners- Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- F. Director's Review and Action-All Minor Exceptions.
1. Notice of Decision. After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above.
 2. Findings. In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.

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

- G. Additional Criteria- Sections 10.68.030 D and E. When making a determination to approve an exception to Section 10.68.030 D. and E, the Director shall also require the following criteria to be met, in addition to the findings in Section 10.84.120 (F) 2., as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
 3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
 7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
 9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
 10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety

regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.

13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

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

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

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

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

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

1. Achieve the general purposes of this ordinance and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

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

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

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

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

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use
A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels.

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

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

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

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

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

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

- A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the MBMC Title 10 in effect on the date that the application for a discretionary project is deemed complete. Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the MBMC in effect on the day that the application was deemed complete.
- B. Building permits for non-discretionary projects shall be issued or denied pursuant to the MBMC in effect on the date that the complete building permit application is submitted to the City.
- C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to

the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-18 of this Ordinance.

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

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

PASSED, APPROVED AND ADOPTED this 19th day of February, 2008.

Ayes: Cohen, Ward, Tell and Montgomery.
Noes: Mayor Aldinger.
Abstain: None.
Absent: None.

/s/ Jim Aldinger
Mayor of the City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk