

ORDINANCE NO. 2061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO SECTION 10.12.030 OF THE MANHATTAN BEACH MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) REGARDING BULK AND VOLUME GENERALLY PERTAINING TO SINGLE FAMILY RESIDENTIAL (RS) ZONED PROPERTIES LOCATED IN AREA DISTRICTS I AND II

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

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

- A. On April 16, 2002 and December 2, 2003 the City Council of the City of Manhattan Beach adopted Ordinances No. 2032 and 2050, respectively, establishing new Zoning Code standards to reduce building bulk and volume for single-family residential properties located in Area Districts I and II.
- B. On July 14, 2004 the Planning Commission conducted a public hearing to consider increasing the additional front setback open area requirement from 6% to 8% to further reduce the size of residentially zoned properties to ensure more compatibility with existing neighborhood for single family residentially zoned properties in Area Districts I and II.
- C. The public hearing was advertised pursuant to applicable law and testimony was invited and received on July 14, 2004.
- D. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment. The proposed zoning ordinance amendments are a minor modification to the code requirements.
- E. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The amendment is due to concerns raised by City Council that the bulk and volume of single family residentially zoned properties in Area Districts I and II needed to be reduced further by increasing the additional front setback open area requirement.
- G. The proposed amendment is consistent with the goals and policies of the City's General Plan, and with the purposes of Title 10 (zoning ordinance) of the Manhattan Beach Municipal Code.

SECTION 2. The City Council of the City of Manhattan Beach hereby approves the proposed amendments to the Manhattan Beach Municipal Code as follows:

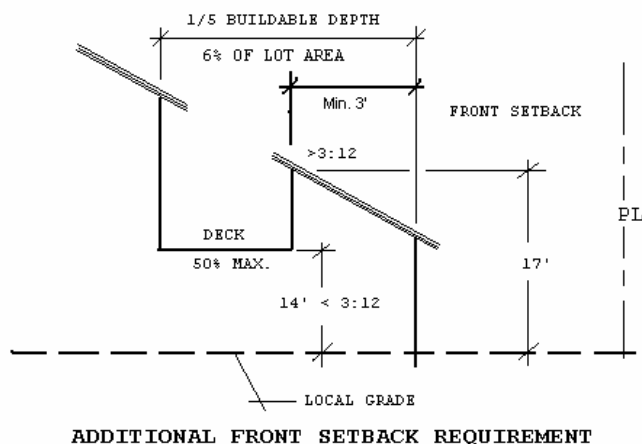
Amend specified portions of Section 10.12.030, Property Development Regulations of Title 10 of the Manhattan Beach Municipal Code as follows:

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

- 1. The area shall directly abut the front yard setback, shall be equal to 8 percent of the lot area, and shall be located entirely within the front one-fifth (20%) of the lot's buildable depth.
- 2. The ground level construction in this area shall be limited to 14 feet in height for areas with less than 3:12 roof pitch and 17 feet 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 3 feet beyond the front building line of the pitched roof area (See Graphic Illustration).
- 3. A maximum of one-half 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 55 feet or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.
2. This requirement may be reduced for a small shallow or multiple front yard lots if it prevents the lot from attaining its permitted buildable floor area subject to approval of a minor exception.
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.



SECTION 3. The City Council of the City of Manhattan Beach hereby approves Amendments to Sections 10.04.030, 10.12.010, 10.12/030, 10.60.040 and 10.84.120 of the Manhattan Beach Municipal Code Title 10 (Zoning Ordinance) regarding bulk and volume generally pertaining to single family residential (RS) zoned properties located in Area Districts I and II, in the City of Manhattan Beach.

SECTION 4. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 5. If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 7. The effective date of the proposed amendments adopted by reference in Section 3 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 Section 2 of this Ordinance.

SECTION 8. A review of the proposed amendments per Section 2 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance, with a hearing before the Planning Commission followed by a recommendation to the City Council. The City Council shall conduct a public hearing and consider any appropriate additions or revisions to the subject amendments

SECTION 9. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 10. The City Clerk shall certify to the adoption of this Ordinance; shall cause the same to be entered in the book of original Ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting 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 by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 7th day of September, 2004.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk