

ORDINANCE NO. 2032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING 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

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

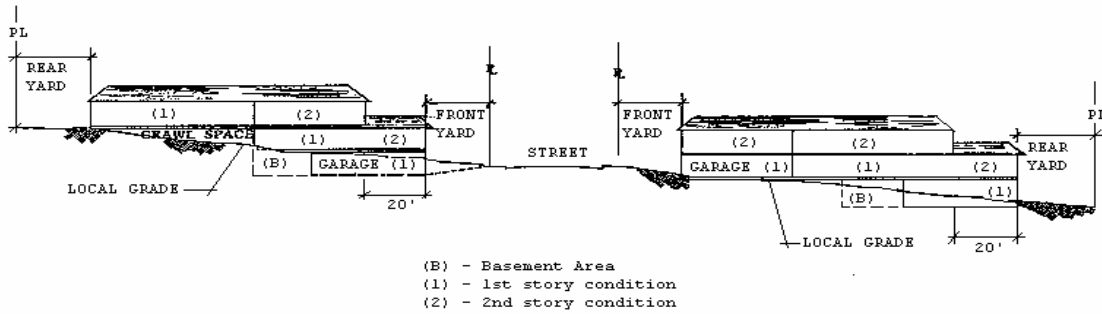
SECTION 1. The City Council hereby makes the following findings:

- A. The Planning Commission and City Council conducted discussion meetings on April 12, 2000, December 13, 2000, December 28, 2000, April 11, 2001, July 11, 2002 and December 12, 2001.
- B. The Planning Commission and City Council conducted noticed public hearings on May 10, 2000, June 20, 2000, August 8, 2001, September 18, 2001, October 2, 2001, December 4, 2001, February 27, 2002 and April 2, 2002.
- C. A joint City Council, Planning Commission meeting was held on September 12, 2000.
- D. At the August 8, 2002 Planning Commission meeting, the Commission adopted Resolution No. PC 01-20 recommending approval of amendments to Title 10 of the MBMC regarding Bulk and Volume. This Resolution supercedes the prior Planning Commission recommendations in Resolution No. PC 01-20.
- E. At the Planning Commission meetings of August 8, 2001 and February 27, 2002, conducted as public hearings pursuant to applicable law, the Planning Commission consider amendments to Title 10, the zoning ordinance, of the Manhattan Beach Municipal Code and the Manhattan Beach Zoning Code establishing bulk/volume standards for single family residentially zoned properties in Area Districts I and II and other amendments.
- F. At the October 2, 2001 and December 4, 2001 City Council meetings public hearings were held, testimony was invited and received.
- G. At the December 4, 2001 City Council meeting, the Council voted to refer this item back to the Planning Commission for further review, specifically for the 6% open area requirement and corner lot exemption.
- H. At the December 12, 2001 Planning Commission meeting, the Commission directed Staff to research and provide more information on how the 6% open area requirement affects certain size properties, specifically the smaller lots located in Area District II.
- I. At the February 27, 2002 Planning Commission public hearing, the Commission voted to recommend to the Council that the 6% open space recommendation not be reduced and that some corner lots be exempt from the requirement.
- J. 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.
- K. 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.
- L. The amendments are due to concern raised by City Council regarding the bulk/volume at the front of single family residentially zoned properties in Area Districts I and II.
- M. The proposed amendments are 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 Section 10.04.030, Definitions of Title 10 of the Manhattan Beach Municipal Code as follows:**

Basement: Any floor level, or portions thereof, below the first story in a building. Any building having only one floor level shall be classified as a basement unless such a floor level qualifies as a first story as defined herein. A floor level may be divided between portions qualifying as a basement and portions qualifying as a story. Any portion qualifying as a story shall be considered to have a minimum dimension of 20 feet measured perpendicular from the outside face(s) of the exterior building wall(s), which disqualifies that area as a basement (See Graphic Illustration).



**BASEMENT AND STORIES**

**Floor Area, Buildable:** The total enclosed area of all stories of a building, measured to the outside face of the structural members in exterior walls, and 30% of the area of all basements of a building that are not entirely below local grade, and including halls and the area of the stairs, but excluding floor area under stairs (See Graphic Illustration). The following elements also are excluded from a determination of buildable floor area:

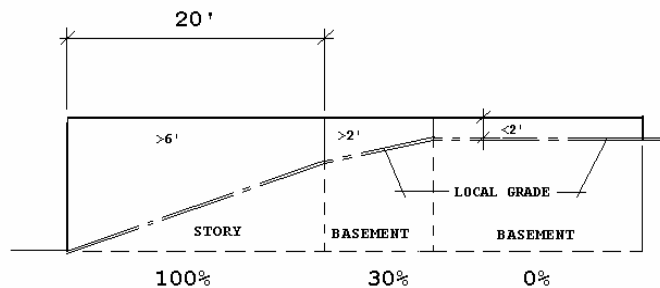
**Commercial and Industrial Districts:** That area used exclusively for vehicle parking and loading and in service and mechanical rooms, enclosed vertical shafts, or elevators.

**Single-family Residential Districts:**

**Area Districts I and II:** That area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with 4,800 square feet or more. 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 egress wells if they are the minimum size required by the UBC and located outside of the front yard setback. 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.

**Area Districts III and IV:** That area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more. 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 egress wells if they are the minimum size required by the UBC and located outside of the front yard setback. 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.

**Multi-family Residential Districts:** That area used exclusively for vehicle parking and loading. 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 egress wells if they are the minimum size required by the UBC and located outside of the front yard setback. 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.



**Room (Space), Habitable:** A space in a structure meeting the requirements of the Building Regulations (Title 9, Chapter 9.01 of the Municipal Code) for sleeping, living, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the portion of a building included between the finished floor level directly above a basement or a usable or unused under-floor space is more than 4 feet above local grade, as defined herein, for more than 50 percent of the total perimeter or is more than 6 feet above local grade, as defined herein, at any point, such basement or usable or unused under-floor space shall be considered a story. 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 20 feet 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).

**Amend Section 10.12.010, Specific Purposes of Title 10 of the MBMC by adding as follows**  
 – Provide for a reduction in building bulk and volume for single-family residential properties located in Area Districts I and II.

**Amend Section 10.12.030, Property Development Regulations of Title 10 of the Manhattan Beach Municipal Code as follows:**  
 (specific portions only)

**PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II**

<u>Additional Regulations</u>	<u>Area District I</u>			<u>Area District II</u>			
	RS	RM	RH	RS	RM	RH	
<b>Minimum Lot Dimensions</b>							
<b>Area (sq. ft.)</b>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C)
<b>Width (ft.)</b>	50	50	50	40	40	40	
<b>Minimum Setbacks</b>							
<b>Front (ft.)</b>	20	20	20	20	20	20	(A) (B) (D)(T)
<b>Side (ft.)</b>	3;5	3;5	3;5	3;5	3;5	3;5	(D) (E) (F)
<b>Corner Side (ft.)</b>	3;5	3;5	3;5	3;5	3;5	3;5	(D) (E)
<b>Rear (ft.)</b>	10;25	10;25	10;25	10;25	10;25	10;25	(D) (E) (F) (G)
<b>Maximum Height of Structures (ft.)</b>	26	26	30	26	26	30	(H) (P)
<b>Maximum Buildable Floor Area</b>							(I)
<b><u>Lot Area (Sq.Ft.)</u></b>							
<b>7,500 or less</b>		1.0	1.2		1.0	1.2	
<b>More than 7,500</b>		2250 +0.7	2250 +0.9		2250 +0.7	2250 +0.9	
<b>4,800 or less</b>	0.7			0.7			
<b>More than 4,800</b>	240 +0.65			240 +0.65			
<b>Min. Lot Area per Dwel'g Unit (sq.ft.)</b>	7,500	3,750	1,000	4,600	2,300	1,000	(A)

**RS, RM AND RH DISTRICTS: Additional Development Regulations**

- (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 3 where the height limit is 30 feet and 2 where the height limit is 26 feet. 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 20 feet 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 shall not be located directly above a second story where the height limit is 26 feet or the third story where the height limit is 30 feet. The surface elevation of any deck or balcony shall be no higher than 9 feet 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 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 5 feet of the property line.

- (I) Maximum Buildable Floor Area. The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (7,500 square feet in Area Districts I and II for RM and RH Districts, 4,800 square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

In Area Districts I and II in the RS districts, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with 4,800 square feet or more, is excluded from the determination of buildable floor area. In Area Districts III and IV in the RS district, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more, is excluded from the determination of buildable floor area.

In all residential districts, 70% of floor area in a basement that is not entirely below local grade, and up to 200 square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

- (Q) Parking/Garage Location. Street-Alley Lots: When a street-alley lot in Area Districts I and II adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

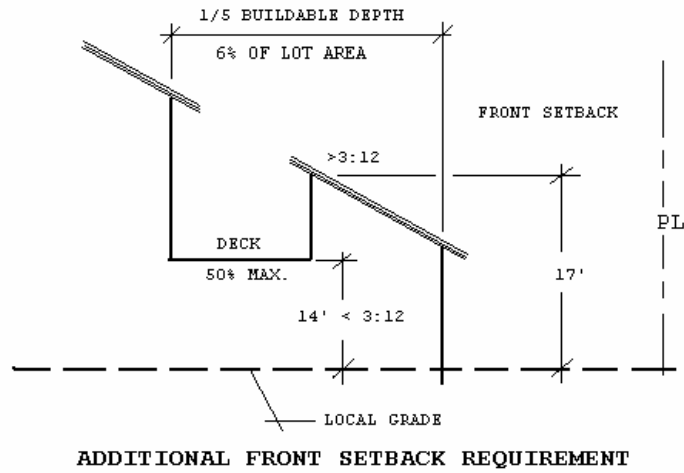
Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to 18 feet for lots 55 feet or less in width. Lots wider than 55 feet may have a maximum aggregate garage door width of 27 feet within the front half of a lot if at least one garage door is recessed a minimum of 5 feet beyond another garage door.

- (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 6 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.
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 or shallow lot 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.



**Amend Section 10.60.040 (C), Building Projections of Title 10 of the Manhattan Beach Municipal Code as follows:**

C. Cantilevered archways, awnings, canopies, and entry covers: Two and one-half feet in a side or building separation yard and 5 feet in a front or rear yard, provided that a two-foot clearance to the property line is maintained. The aggregate length of all such projections shall not exceed one-half the buildable width of a lot in the front or rear and one-half the buildable length of a lot along the sides.

Exceptions:

1. An 18-inch projection above a doorway located on the side of a building is allowed for a length not to exceed the doorway width plus 18 inches on either side.
2. Four maximum 8-inch width support posts spaced at least 3 feet apart may be located underneath porch/entry covers within the front yard setback. Porch/entry covers shall not exceed a height of 14 feet as measured from local grade.

**Amend Section 10.84.120, Minor Exceptions of Title 10 of the Manhattan Beach Municipal Code as follows:**  
(specific portion)

Projects that involve new structures or remodels without limits of project valuation.

Applicable Section	Exception Allowed
10.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10.12.030 (T)	Reduction of the additional front setback requirement for small or shallow lots if it prevents the site from attaining its permitted buildable floor area.
10.12 – 10.68	Non-compliant construction due to Community Development staff review or inspection errors.

**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 ordinance and the City Council is served within 120 days of the date of this ordinance.

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 ordinance 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 amendments adopted by reference in Section 2 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, 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 2<sup>nd</sup> day of April 2002.

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Mayor, City of Manhattan Beach

ATTEST:

\_\_\_\_\_  
City Clerk

Language bv4Ord