

ORDINANCE NO. 2050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA RECOMMENDING AMENDMENTS TO 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, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

- A. On April 16, 2002 the City Council of the City of Manhattan Beach adopted Ordinance No. 2032 establishing new Zoning code standards to reduce building bulk and volume for single-family residential properties located in Area Districts I and II.
- B. Section 8 of Ordinance No. 2032 requires a review of the Ordinance by the Planning Commission and the City Council approximately 12 months after the effective date of the Ordinance. The purpose of the review is to consider any appropriate additions or revisions to the subject amendments.
- C. The Planning Commission and the City Council conducted discussion meetings on July 9, and November 4, 2003, respectively.
- D. The Planning Commission conducted noticed public hearings on August 27, September 10, September 24, and October 8, 2003. The City Council meeting was conducted on November 18, 2003.
- E. At the October 8, 2003, Planning Commission meeting, the Commission adopted Resolution No. PC 03-19 recommending language changes to the bulk and volume standards. At this meeting, on a (2-2-0) vote the Commission could not agree as to what type of limitations should be imposed on wells. All Commissioners agreed that wells in side yards are a concern and some type of limitations are needed.
- F. At the November 4, 2003 City Council meeting the Council was in general support of the Commissions recommended Code languages changes and requested additional information on wells and the 6% additional front setback requirement.
- G. All public hearings were advertised pursuant to applicable law, testimony was invited and received.
- H. The proposal is exempt from the requirements of the California Environmental Quality Act due to a 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.
- I. The project will not individually or cumulatively have an adverse effect on wildlife recourses, as defined in Section 711.2 of the Fish and Game Code.
- J. The amendments are due to concern raised by City Council regarding the bulk/volume of single family residentially zoned properties in Area Districts I and II.
- K. 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 amendments to the Manhattan Beach Municipal Code as follows:

**Amend specified portions of Section 10.04.030, Definitions of Title 10 of the Manhattan Beach Municipal Code as follows:**

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 and those portions of a basement that are entirely below local grade (See Graphic Illustration). The following elements also are excluded from a determination of buildable floor area:

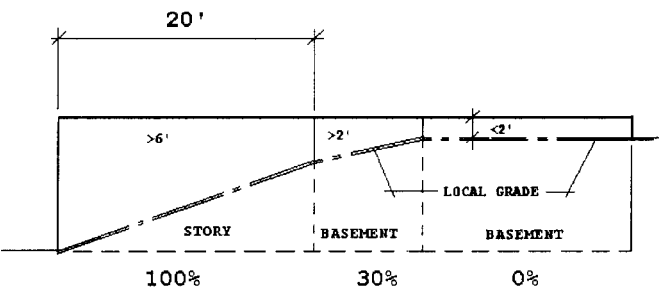
Commercial and Industrial Districts: That area used exclusively for vehicle parking and loading and in service and mechanical rooms, enclosed vertical shafts, or elevators.

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 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.

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 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.

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 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.



Lot, Street-Alley: A lot having frontage on a street and an alley.

Structure: Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a driveway, walk, fence or wall (used as a fence or boundary grade retaining wall). A wall forming a below-grade well (e.g. egress, light, ventilation) shall be considered to be a structure.

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

- (F) Building Height and Required Yards. Except as provided below, the width of a required interior side or rear yard adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, shall be increased three feet over the basic requirement.
- (1) Exceptions. If the lot width is less than 35 feet, no increase in the side yard is required.
- (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. 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.

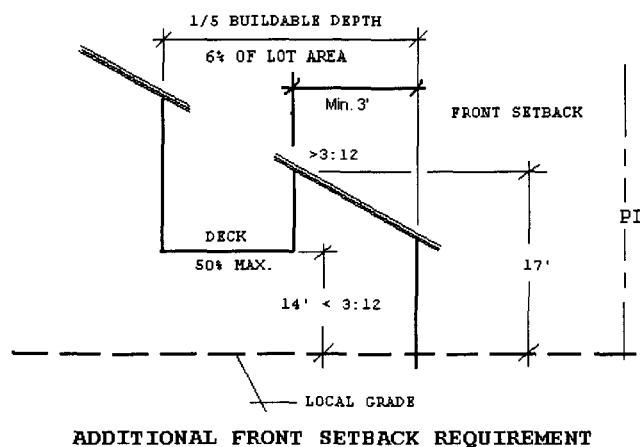
4. Building projections above said area shall be considered as projections within a front yard.

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.



ADDITIONAL FRONT SETBACK REQUIREMENT

**Amend Section 10.60.040, Building projections into required yards or required open space, of Title 10 of the Manhattan Beach Municipal Code by adding subsection (I) as follows:**

I. **Chimneys within additional front setback area.** One chimney may occupy any portion of the additional front setback area established by Section 10.12.030(T). Any portion of the chimney over 14 feet in height, as measured from local grade, located within the additional front setback area may not exceed a dimension of 3 feet by 5 feet.

**Amend the specified portion of Section 10.64.030, Off-street parking and loading spaces required, of Title 10 of the Manhattan Beach Municipal Code as follows:**

**OFF-STREET PARKING AND LOADING SPACES REQUIRED**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
<b>Residential</b>		
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	-
Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit.	-

**Amend the specified portion of Section 10.64.100, Application of dimensional requirements, of Title 10 of the Manhattan Beach Municipal Code as follows:**

E. **Garage Door Widths.** Each enclosed parking space shall be provided with a minimum 9 foot wide, 6.67 foot high access opening, except that double-car garage door openings may be a minimum of 16 feet wide.

**Amend the specified portion of Section 10.84.120, Minor exceptions, of Title 10 of the Manhattan Beach Municipal Code as follows:**

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, shallow, or multiple front yard 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 of Sections 10.04.030, 10.12.030, 10.60.040, 10.64.030, 10.64.100 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 in Area District 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 ordinance.

SECTION 5. In any sentence, clause, or phrases 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 provision 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 not 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 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. 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.

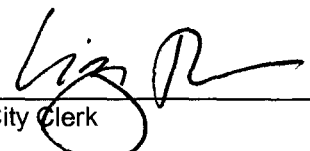
SECTION 9. The City Clerk shall certify to the adoption of this Ordinance; shall cause the same to be entered in the book of original Ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within 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 2nd day of December, 2003.

Ayes:	Fahey, Ward, Napolitano, Wilson and Mayor Aldinger.
Noes:	None.
Absent:	None.
Abstain:	None.

  
Mayor, City of Manhattan Beach

ATTEST:

  
City Clerk