

ORDINANCE NO. 15-0026

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTIONS 10.12.010, 10.12.030, AND 10.84.120, OF THE MANHATTAN BEACH MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE), PERTAINING TO SITE AREA AND MINOR EXCEPTIONS.

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. CEQA Findings. The proposed project is exempt from the requirements of the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. The proposed zoning ordinance amendments add maximum lot sizes that were mistakenly not included in the final provisions of a previous Code Amendment and moderately modify procedures for addressing minor nonconformity hardships caused by existing site conditions. Thus, it is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2. On October 6, 2015 the City Council conducted a duly noticed public hearing to consider amendments to the Zoning Code for Chapter 10.12 (Residential Districts) and Chapter 10.84 (Use Permits, Variances, Minor Exceptions, Precise Development Plans and Site Development Permits). After a duly noticed public hearing held on May 8, 2013, the Planning Commission recommended approval of the amendments.

SECTION 3. The City Council hereby amends Municipal Code Section 10.12.010(H) related to the specific purposes of the residential districts to read as follows:

“H. Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the retention of smaller older homes while still allowing flexibility for building upgrades below the maximum allowable square footage.”

SECTION 4. The City Council hereby amends the “Minimum Lot Dimensions” portion of the “Property Development Standards for Area Districts III and IV” table in Municipal Code Section 10.12.030 to read as follows, with all other portions of the table to remain unchanged:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Lot Dimensions					
Area (sq. ft.)					(A)(B)(C)(J) (K)
Minimum	2,700	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	7,000	
Width (ft.)					
Minimum	30	30	30	30	

SECTION 5. The City Council hereby amends the table in Municipal Code Section 10.84.120 related to minor exceptions to read as follows:

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), 10.12.030(M), and 10.12.030(E)	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/street side 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.

Applicable Section	Exception Allowed
10.68.030(D) and (E), 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.

SECTION 6. The City Council hereby amends Municipal Code Section 10.84.120(G)(3) as follows:

“1. A minimum of 10% of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section 10.68.030, shall be maintained.”

SECTION 7. 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 adopted 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 8. Any provisions of the Municipal Code, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 9. This Ordinance shall go into effect and be in full force and effect 30 days after its adoption.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED November 3, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

MARK BURTON
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney