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MBMC 10.84.120 - Minor exceptions.

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

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (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 subsection A and B of this section 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), 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.

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10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
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.

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 subsection B of this section. 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 sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) or three thousand (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 subsection (A)(1) of this section, 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 provided in subsection D of this section, 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 sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (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.

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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 three hundred feet (300') 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 three hundred feet (300') of the boundaries of the property. This list shall be keyed to the map required by subsection (D)(4) of this section 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 subsection D of this section. 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 thirty (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 chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection K of this section. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection E of this section.
 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 be 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.

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- 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 Sections 10.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in subsection (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 (i.e., 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 ten percent (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 one foot (1') 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 two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.
 - 7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 - 8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.
 - 9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

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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 fifty percent (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 fifty percent (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 in subsection (F)(2) of this section:
1. A minimum of three percent (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 (2) times the percentage if it was provided in the front yard {i.e., six percent (6%) required, if three percent (3%) in the front [three percent (3%) balance due] - provide six percent (6%) outside of the front yard equals nine percent (9%) total}.
 3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (i.e., 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) through (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 in subsection (F)(2) of this section:
1. A minimum of three percent (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 three percent (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 eight percent (8%) shall be located adjacent to another required setback (i.e., 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) through (4).
 4. The proposed project is consistent with the purpose stated in Section 10.12.010(H).

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- 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 chapter 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.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 5, Ord. 1992, eff. February 18, 1999; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 2050, eff. January 1, 2004; § 3 (part), Ord. 2068, eff. February 4, 2005; § 20, Ord. 2111, eff. March 19, 2008, and § 4, Ord. 15-0026, eff. December 3, 2015)