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Date: July 26, 2016
Manhattan Beach City Council

Dear Councilmembers,

I am writing to formally request the council's consideration of my proposal (attached) for a text amendment to the City of Manhattan Beach Planning Ordinance 10.52.110. I will request a place on the public comments portion of the August 2nd council meeting, where I will ask that this request be recorded, and the city council take appropriate next steps to address the proposal. It is my understanding that that may include asking the Planning Commission to review and consider it.

For your reference, in preparation for this submission, I have met with the Mayor, Mr. D'Errico, and prior to that, spent considerable time in review with City Planning Department (including Marisa Lundstedt), and thus my submission is presented to you, under their guidance, as the appropriate next step.

I appreciate your consideration, and look forward to addressing you in person on August 2nd.

Sincerely,

Christopher T. Carey

Manhattan Beach Homeowner

Proposal to City of Manhattan Beach Planning Department related to Planning Ordinance 10.52.110 Residential Condominium Standards.

Introduction:

I am the owner of the condominium located at 132 Marine Avenue. This property was originally constructed in 1969, as 1 of 2 completely separate single-family structures on the lot # Tract 34007, Lot 10, Block 8, Subdivision No.2. On November 2nd, 1977 the property was converted, (Resolution NO. 646) to a 2 on a lot condominium and was provided separate mailing addresses, (132 Marine Ave. and 133 21st Street). After this conversion, there were amendments made (Ordinances 1563, and 1589) to the planning code that required renovation of all condominiums to be “of approximately the same size and age”. These changes create an unfair restriction for owners of properties constructed and converted to condominiums prior to the amendments. My proposal is to make a limited exception to the code that permits me to reconstruct my property and a small number of others in town (approximately 15), independent of the age and size of the adjoining unit on the lot.

Background:

This proposal is related to the current condominium standards (*Manhattan Beach Ordinance 10.52.110,B.5*) that states that “2 on a lot” condominiums be developed under the requirement that both units (regardless if they are separate structures and owned separately) are developed/redeveloped such that both units are “*approximately equal in size and age*”.

Proposal:

Amend the text to include an “exception” that allows a certain category of “2 on a lot” condominiums where no common facility of structures exist to completely rebuild either unit separately subject to certain conditions, See **Exhibit A** (*proposed text amendment in context of the full Ordinance 10.52.110*), and requiring compliance with all relevant planning and building requirements.

Considerations:

The current language was approved over the course of several years after my property had already been converted and separate owners had taken title to the two units. The concern being addressed about unequal development of larger, multi-unit condominium properties created an unfair restriction for completely separate 2 on a lot structures like mine. See **Exhibit B** (timeline summary of relevant ordinances).

The current ordinance, does not specifically address separate structure, “2 on a lot” condominium properties, which share absolutely no common facilities or structures. A certain number of these properties were constructed prior to 1979, and may be non-conforming to the existing building and planning codes.

By specifying the proposed exception to properties originally constructed prior to June, 1979, (the first appearance of the combined “approximately same age and

size” language), the proposed amendment creates a narrow allowance that will not undermine the original intent of the ordinance(s), while allowing the City to appreciate improvements in the conformance of properties to the current planning and building codes, as well as improving the general quality of property values in Manhattan Beach.

Rationale:

The current language in the Planning Ordinance 10.52.110 Residential Condominium Standards was developed over the course of several years, with additions that were approved based on considerations that at the time were reasonable but did not contemplate all consequences created by the combined language.

The proposed amendment allows for specific condominium owners, (separate structure, 2 on a lot), developed before July 1979 to be provided the right to develop their properties with the same, not more restrictive, requirements than single-family homeowners.

Benefits:

The proposed exception will provide the following benefits:

- Based upon available information, approximately 15 eligible condominium properties see **Exhibit C** will be allowed the right to redevelop up to the current standards.
- A positive effect on the City property tax base on an ongoing basis.
- Overall quality of the residential property inventory of MB.
- Increased compliance with the current building codes, including public safety, off street parking, open space requirements, trash storage, and general building and safety standards.
- Eliminates an unfair condition in the city planning code.

Exhibit A

Proposed Text Amendment to 10.52.110 - Residential condominium standards.

A. *Eligibility Requirements.*

1. *All residential condominiums (new construction or conversion) located in area districts III and IV shall have vehicular access from both the front and the rear property lines from dedicated streets or alleys improved and open to vehicular use.*
 - a. *Exception. Properties on the Strand.*
 - b. *Exception. Where a building site (consisting of a lot or portions of a lot) exists on March 9, 1989, and (1) neither the front nor the rear of the site is adjacent to a "walk street" and (2) the building site has access from two or more property lines from dedicated public streets or alleys improved and open to vehicular use. The building site shall be deemed to be a condominium site. This exception does not apply in area district IV.*
 - c. *Exception. Where a building site is zoned RH is adjacent to a "walk street" and has vehicular access from two (2) or more property lines from dedicated street or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of two (2) dwelling units.*

B. *The following standards shall apply to construction of new condominiums; condominium conversion standards are prescribed by Chapter 10.88.*

1. *Sound attenuation for all common wall assemblies, and floor-to-ceiling assemblies which separate units from each other or from common areas within the building such as hallways, corridors, laundry rooms, recreation rooms or garage and storage areas, shall be required for both airborne sound and impact sound.*

All such common wall assemblies shall provide an airborne sound insulation equal to that required to meet a sound transmission class (STC) of fifty-five (55) for wall assemblies, fifty (50) if field tested, as defined in the Uniform Building Code standards.

Dwelling unit entrance including perimeter seals shall meet a sound transmission class (STC) of thirty-three (33).

2. *Additional requirements for sound alteration as follows:*
 - a. *No exhaust fans or vent pipes shall serve more than one (1) dwelling unit.*
 - b. *All water pipes to sinks and laundry facilities shall be installed with sound deadening materials to prevent the transfer of noise.*
 - c. *All voids around pipes shall be packed with rock wool or equivalent sound-deadening material, and all pipes shall be wrapped at all points of contact with any wood or steel members, and strap hangers.*
 - d. *No plumbing vents or similar equipment shall be placed back to back between separate dwelling units.*
3. *All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide airborne sound insulation equal to that required to meet a sound transmission class (STC) of fifty (50), forty-five (45) if field tested, as defined in the Uniform Building Code standards.*
4. *All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide impact sound insulation equal to that required to meet an impact insulation*

class (IIC) of sixty (60), fifty-five (55) if field tested, as defined in the Uniform Building Code standards.

5. All residential condominiums consisting of two (2) units on a single lot, which is to be owned in common shall be developed with units, which are approximately equal in size and age. In no case shall the difference in enclosed floor space used for living purposes be assigned to one (1) unit, which is more than fifty-five percent (55%) of the total floor space assigned for both units, unless the smaller of the two (2) units exceeds one thousand eight hundred (1,800) square feet.

a. Exception: Detached condos built before July 19th 1979 can be completely rebuilt, without regard to valuation, if the condos are no more than two on a lot and are completely detached from one another. The rebuilt condo cannot take more than half of the maximum allowable buildable floor area (BFA) for the lot, and will be required to receive approval of a use permit for the new construction.

Proposed Text
Amendment

6. All residential condominiums shall have separate electrical and water meters and early warning fire detection systems.
7. At least one hundred fifty (150) cubic feet of enclosed storage space shall be provided in the garage, or outside area if architecturally screened, for each unit.
8. Where laundry rooms, water heaters, and/or, dishwashers are unequipped to prevent leakage above neighboring units or above other residential floors below "drip pans," or other devices, shall be provided.
9. All new buildings shall conform to Title 24 of the California Code of Regulations requiring compliance with the state energy regulations.
10. Enclosed trash areas shall be provided.
11. All utilities serving the site shall be undergrounded consistent with the provisions and exceptions provided in Section 9.12.050, Services undergrounding of this Code.
12. The title sheet and condominium owner's agreement shall state that:
 - a. Any future construction of living space or reconstruction of the building shall require review and approval of a use permit; and
 - b. The unit ownership is an "intangible portion of multiple residential property" and "ownership of a unit does not parallel or emulate ownership of single-family property or use..."
13. The condominium owners' association shall provide the opportunity for annual review and inspection of the building and the interior of individual units.
14. Building exteriors and common areas shall be maintained in the absence of an individual owner's agreement.
15. All common areas including, but not limited to, exterior portions of buildings, structures, utilities, yards, driveways, open space, etc., shall be under common ownership of all owners of condominium units.
16. All title conditions, covenants, and restrictions (CC&Rs), in form and content, and any revisions thereto shall, if required by the project use permit, be subject to approval of the City Attorney.
17. Two (2) off-street parking spaces and one (1) guest space shall be provided, consistent with Section 10.64.030.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 2014, eff. July 6, 2000)

Exhibit B

Summary of the timeline of Planning Ordinances related to Condominium Standards in Manhattan Beach

Ordinance 1417 May 29th 1975

- Allowed condominium conversions
- Created conditional use requirements including
 - Sound attenuation
 - Fire safety
 - Trash enclosures
 - Parking
 - Open space
 - Enclosed storage
 - Separate utilities
 - Laundry facilities

Ordinance 1563 July 19th 1979

- First appearance of “**approximately equal in size**” language
- *Note: No mention of same age*

Ordinance 1589 Sept 16th 1980

- First appearance of “**approximately equal in age**” language

Ordinance 1611 Oct 21st 1981

- Provided for condo conversion for apartments with a C/O prior to Jan 1, 1982

Ordinance 1794 March 7th 1989

- Additional requirements for condominiums including
 - Parking
 - Underground utilities
 - Open space standards
 - Non-conforming reconstruction of buildings damaged by fire, acts of God, the public enemy

Ordinance 1832 Dec 18th 1990

- Renumbering of condo standards and conversion standards
- No content changes

Ordinance 1838 June 4th 1991

- More renumbering of Chapters and Sections
- No content changes

Ordinance 1891 Jan 6th 1994

- Various conditions and limitations about use and restrictions related to encroachment etc..

Ordinance 2014 June 6th 2000

- Added CC&R language
- Added survival if any provisions are found to be unenforceable

Exhibit C

Draft list of eligible properties to the proposed text amendment

YEAR_BUILT	AREA	SITUSADDR	LEGAL_DESC
1967	2682.95769986000	333 1ST ST	TR=36067 CONDOMINIUM UNIT 2
1967	2682.95769986000	332 1ST PL 1	TR=36067 CONDOMINIUM UNIT 1
1967	2697.14629961000	133 21ST PL	TR=34007 CONDOMINIUM UNIT 2
1967	2697.14629961000	132 MARINE AVE	TR=34007 CONDOMINIUM UNIT 1
1969	2697.34814979000	401 20TH PL	P M 155-28-29 LOT 1 CONDOMINIUM UNIT 2
1969	2697.34814979000	400 21ST ST	P M 155-28-29 LOT 1 CONDOMINIUM UNIT 1
1967	2697.36425004000	121 38TH PL	TR=35028 LOTS 1 AND 2 CONDOMINIUM UNIT 2
1967	2697.36425004000	120 39TH ST	TR=35028 LOTS 1 AND 2 CONDO UNIT 1
1967	2699.70206602000	208 MARINE AVE	TR=34349 CONDOMINIUM UNIT 1
1967	2699.70206602000	209 21ST PL 2	TR=34349 CONDOMINIUM UNIT 2
1977	2699.87090007000	420 MARINE AVE	TR=MARINE VILLAS CONDOMINIUM UNIT 1
1977	2699.87090007000	422 MARINE AVE	TR=MARINE VILLAS CONDOMINIUM UNIT 2
1979	2701.22064991000	213 15TH ST	TR=36247 CONDOMINIUM UNIT 1
1979	2701.22064991000	214 15TH PL	TR=36247 CONDOMINIUM UNIT 2
1968	2701.40535039000	221 15TH ST	TR=39495 LOT 1 CONDOMINIUM UNIT 1
1968	2701.40535039000	220 15TH PL	TR=39495 LOT 1 CONDOMINIUM UNIT 2
1968	2702.44415070000	233 16TH ST	TR=38412 LOT 1 CONDO UNIT 1
1968	2702.44415070000	232 16TH PL	TR=38412 LOT 1 CONDO UNIT 2
1969	2707.67889979000	2605 ALMA AVE 1	TR=34259 CONDOMINIUM UNIT 1
1969	2707.67889979000	2605 ALMA AVE 2	TR=34259 CONDOMINIUM UNIT 2
1965	3152.33721922000	113 ROSECRANS AVE	TR=36838 LOT 1 CONDOMINIUM UNIT 1 N
1965	3152.33721922000	112 ROSECRANS PL	TR=36838 LOT 1 CONDOMINIUM UNIT 2 N
1978	3334.86494945000	605 BAYVIEW DR	TR=33615 CONDOMINIUM UNIT 2
1978	3334.86494945000	604 MANHATTAN AVE	TR=33615 CONDOMINIUM UNIT 1
1968	3335.42715024000	612 HIGHLAND AVE	TR=37689 LOT 1 CONDOMINIUM UNIT 1
1968	3335.42715024000	613 CREST DR	TR=37689 LOT 1 CONDOMINIUM UNIT 2
1967	3509.64219965000	3409 VISTA DR	TR=38201 LOT 1 CONDO UNIT 2
1967	3509.64219965000	3408 ALMA AVE	TR=38201 LOT 1 CONDO UNIT 1
1971	3810.48339987000	2700 MANHATTAN AVE	TR=37651 LOT 1 CONDOMINIUM UNIT 1
1971	3810.48339987000	205 27TH ST 2	TR=37651 LOT 1 CONDOMINIUM UNIT 2