

ORDINANCE NO 25-0008

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ADOPTING CERTAIN DELETIONS, ADDITIONS AND
AMENDMENTS TO TITLE 9 (BUILDING REGULATIONS) OF
THE MANHATTAN BEACH MUNICIPAL CODE

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

SECTION 1. The City Council hereby finds that the Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the State CEQA Guidelines.

SECTION 2. Sec. 9.01.070 of Chapter 9.01 (Building Code) of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

“9.01.070 Definitions.

Section 202 is amended by adding and revising the following definitions to read as follows:

ABANDONED OR SUSPENDED WORK [Added]. Work that has been stopped or no progress in construction and no inspection is required or performed for a period of 180 days.

ADDITION [Amended]. An extension or increase in floor area or height of a building or structure. Also, major demolition which includes the removal of framing members or interior or exterior wall or ceiling coverings for the purpose of extending the life span of the building as determined by the Building Official, shall be considered a new building.”

SECTION 3. Chapter 9.03 (Residential Code) of Title 9 of the Manhattan Beach Municipal Code is amended by adding Section 9.03.055 to read as follows:

“9.03.055 Definitions.

Section R202 is amended by revising the following definition to read as follows:

ADDITION. An extension or increase in floor area or height of a building or structure. Also, major demolition which includes the removal of framing members or interior or exterior wall or ceiling coverings for the purpose of extending the life span of the building as determined by the Building Official, shall be considered a new building.”

SECTION 4. Chapter 9.12 (Electrical Code) of the Manhattan Beach Municipal Code is hereby amended by adding Section 9.12.080 to read as follows:

“9.12.080 Article 358 amended.

Section 358.12 Uses Not Permitted is amended by adding subsection ‘(3)’ to read as follows:

‘(3) Conduit installed completely on the exterior of the building shall be contained in galvanized rigid steel conduit or other approved conduit.’”

SECTION 5. Chapter 9.44 (Construction Rules) of Title 9 of the Manhattan Beach Municipal Code is amended by adding Sections 9.44.022 and 9.44.023 to read as follows:

“9.44.022 – Phase 1 Environmental Site Assessment

A. A Phase I Environmental Site Assessment as defined in Section 78090 of the Health and Safety Code, shall be provided by the applicant for projects meeting any of the following requirements:

- 1) Projects greater than 10,000 square feet
- 2) Projects with subterranean parking that accommodates at least 20 vehicles
- 3) Projects on properties greater than one half acre in size
- 4) Projects greater than 40 feet in height
- 5) Projects on sites that currently or previously included the following activities:
 - a) Automotive services (including sales, repair, fueling, washing, storage, etc.)
 - b) Agricultural uses and nurseries (as a primary use only)
 - c) Use or storage of hazardous materials
 - d) Outdoor storage of materials
 - e) Industrial uses
- 6) Project sites identified on any list prepared pursuant to Government Code Section 65962.5

B. If a recognized environmental condition is found, the applicant shall provide a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to

determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

- C. If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.
- D. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

9.44.023 Construction Sound Barriers

- A. Construction sound barriers meeting the requirements in Section B below shall be provided for projects on sites which are immediately adjacent to residentially zoned properties and have any of the following conditions:
 - 1) Projects greater than 10,000 square feet
 - 2) Projects with subterranean parking that accommodates at least 20 vehicles
 - 3) Projects on properties greater than one half acre in size
 - 5) Projects greater than 40 feet in height
- B. Construction sound barriers required for projects having any of the conditions identified in Section A above shall be at least 12 feet in height, measured from the grade that provides maximum protection for the adjacent residential property, and have a sound transmission class (STC) rating of at least 32. Said sound barriers shall be provided along any property line that is shared with a residentially zoned property and along the first 10 feet of any property line that is approximately perpendicular to property line(s) shared with residentially zoned property.

Exceptions:

- 1) The provisions in Sections A and B above shall not apply to projects where alternate sound attenuation measures have been approved through any entitlement approval and/or as required as mitigation pursuant to an adopted Environmental Impact Report or Mitigated Negative Declaration.
- 2) Construction sound barriers exceeding 12 feet in height may be installed subject to mutual authorization of a project proponent and the adjacent residential property owner."

SECTION 6. Section 9.44.030 B of Chapter 9.44 (Construction Rules) of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

“B. There shall be no construction activity on Sundays or on City-recognized holidays, including the following:

1. New Year's Day.
2. Martin Luther King Jr's Day.
3. Presidents' Day.
4. Memorial Day.
5. Juneteenth
6. Independence Day.
7. Labor Day.
8. Columbus Day.
9. Veterans Day.
10. Thanksgiving Day.
11. Friday after Thanksgiving.
12. Christmas Day.

SECTION 7. Section 9.44.040 of Chapter 9.44 (Construction Rules) of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

“9.44.040 Construction management and parking plan requirement.

- A. The contractor or owner shall prepare and submit a Construction Management and Parking Plan ("CMPP") in accordance with City requirements for work requiring demolition, grading, or building permits within Area Districts III and IV and commercially zoned properties in Area Districts I and II, in conjunction with plan check submittal or a rough grading permit application, whichever occurs first. The CMPP must describe the manner in which potential construction traffic and parking impacts will be mitigated. No demolition or construction may commence until such time that the CMPP has been approved by the Director or his or her designee.

- B. At least ten (10) days before construction commences, the contractor or owner shall provide written notification in a form approved by the City to all properties within a 100 foot radius of the scheduled construction site.
- C. The CMPP must be posted on the fence adjacent to the Public Right-of-Way during all phases of construction when the construction fence is present
- D. The Director's designee will require that the contractor or owner obtain a temporary encroachment permit prior to any delivery and hauling of construction equipment, materials, supplies and construction debris to and from the site, and the loading and unloading thereof on the public right-of-way.
- E. The Director may waive any requirements set forth in this section that are inapplicable due to the magnitude of the construction. The CMPP's terms or conditions cannot be changed or modified except by written approval by the Director."

SECTION 8. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 10. This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Ordinance and cause a summary of this Ordinance to be published as provided by law. The summary shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

ADOPTED on _____, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVID LESSER

Mayor

ATTEST:

LIZA TAMURA
City Clerk