

ORDINANCE NO. 13-0015

**AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING SECTIONS 10.04.030, 10.12.010, 10.12.030,
10.64.100, AND 10.84.120, OF THE MANHATTAN MUNICIPAL
CODE TITLE 10 (ZONING ORDINANCE), PERTAINING TO
OPEN SPACE, SETBACKS, SITE AREA, ALLEY ACCESS,
ALTERNATIVE FUEL VEHICLE CHARGER LOCATIONS,
NONCONFORMING STRUCTURES, AND MINOR
EXCEPTIONS.**

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

SECTION 1. CEQA Findings. The proposal 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 moderately modify open space, setback, alley access, and parking clearance requirements, and 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. The City Council hereby amends the “Useable Open Space” definition in Section 10.04.030 of the Manhattan Beach Municipal to read as follows:

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, that is not more than fifty percent (50%) covered by roofed area, and has at least two open sides. The area must have a minimum dimension of five feet (5') in any direction, and a minimum area of forty-eight (48) square feet; minus any parking facilities, driveways, utility or service areas, or any required front or side yards.

For the purposes of useable open space, “roofed” shall include roof/covering material, walls, or enclosed floors, but shall exclude open deck area; and “open side” shall mean a primary perimeter segment of a contiguous useable open space area that is unobstructed at any point between 3.5 feet and 8 feet above the abutting useable open space surface. Trellis, post, and fence elements may be allowed to partially obstruct

restricted tops and sides of useable open space if determined to be appropriate by the Community Development Director.

SECTION 3. The City Council hereby amends Section 10.12.010(H) of the Manhattan Beach Municipal Code 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 community's desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

SECTION 4. The City Council hereby amends the "Lot Dimensions" portion of the "Property Development Standards for Area Districts III and IV" table in Section 10.12.030 of the Manhattan Beach Municipal Code 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)
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 Section 10.12.030(Q) to read as follows:

Q. Parking/Garage Location, Street-Alley Lots. When a street-alley lot in Area Districts I and II or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Exception: The Community Development Director may consider allowing non-alley access. In making a determination, the Director shall consider the following:

1. Reduction in street parking inventory.
2. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

SECTION 6. The City Council hereby amends Section 10.64.020(F)(4) of the Manhattan Beach Municipal Code to read as follows:

4. **Alley Access. Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II, or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Exception: The Community Development Director may consider allowing non-alley access. In making a determination, the Director shall consider the following:

- a. Reduction in street parking inventory.
- b. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

SECTION 7. The City Council hereby amends Section 10.12.030(M)(1)-(2) of the Manhattan Beach Municipal Code to read as follows:

- M. **Open Space Requirement.** The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than one hundred (100) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.
2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half ($\frac{1}{2}$) of the total required open space, or an amount proportional to the unit's Buildable Floor Area that is located at the same level or story, whichever is more.

SECTION 8. The City Council hereby amends Section 10.64.100(C) of the Manhattan Beach Municipal Code to read as follows:

C. Vertical Clearance. Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7') above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet.

Exceptions:

1. For storage (not including mechanical equipment) for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks or cabinets, may encroach into the vertical clearance within the front five feet (5') of a parking space (opposite to the garage door) provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor.
2. For vehicle recharging purposes for residential uses, electricity based alternative-fuel vehicle charging systems may encroach into the vertical clearance, as follows:
 - a. Within the front five feet (5') of a parking space (opposite to the garage door), provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor provided, or

- b. Attached to or immediately adjacent to the wall of the garage adjacent to the garage door (wing wall) provided a minimum 4.5 feet vertical clearance is maintained above the garage finished floor.

SECTION 9. The City Council hereby amends the “Applicable Section” column of the “Exception Allowed” table of Section 10.84.120 of the Manhattan Beach Municipal Code, for cross-reference purposes only, 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/streetside 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.
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	Alterations, remodeling and additions (enlargements) to existing smaller legal

(E)	non-conforming structures.
10.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.

SECTION 9. The City Council hereby amends Section 10.84.120(G)(3) of the Manhattan Beach Municipal Code as follows:

3. A minimum of ten percent (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 10. 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 11. This Ordinance shall go into effect and be in full force and effect thirty (30) days after its final passage and adoption.

SECTION 12. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

PASSED, APPROVED AND ADOPTED this 3rd day of December, 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVID LESSER

Mayor of the City of Manhattan Beach, California

ATTEST:

LIZA TAMURA

City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW

City Attorney