

ORDINANCE NO. 18-0007

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MUNICIPAL CODE SECTION 10.52.110, RELATED TO RESIDENTIAL CONDOMINIUM STANDARDS

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. On February 28, 2018, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 18-0X recommending that the City Council adopt the proposed text amendments to Section 10.52.110 of the Municipal Code to refine residential condominium standards.

SECTION 2. On April 17, 2018, the City Council held a duly noticed public hearing regarding the proposed Zoning Code Amendments, and following receipt of all public testimony, closed the public hearing.

SECTION 3. The proposed Zoning Code Amendments are consistent with the Manhattan Beach General Plan and implement the following General Plan Goals and Policies:

Land Use Element Goal LU-3: Achieve a strong, positive community aesthetic.

Land Use Element Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

SECTION 4. The proposed Amendments have been prepared in accordance with the provisions of Title 7, Division 4, Section 65853, et seq., of the State of California Government Code.

SECTION 5. Municipal Code Section 10.52.110 is hereby amended in its entirety to read as follows:

Section 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 where the buildable floor area of either unit shall not exceed 55% of the maximum BFA allowed on the lot.
- 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 or semi-enclosed storage space shall be provided for each unit. Required storage shall be located in either the garage or an area outside of and inaccessible from the living area if visually screened. Required storage shall not be located in required yards, open space, or parking areas.
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 or semi-enclosed trash areas shall be provided. Trash areas shall not be located in required front and side yards, open space, and parking areas.
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 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.
18. A permit will not be issued for an exterior or structural improvement to a condominium unless the condominium owner seeking the permit provides the City either one of the following, as determined by the Community Development Director:
 - a. the Homeowners Association's or similar governing body's written approval of the proposed work; or
 - b. proof of written notification of the other condominium owner(s) in the condominium development describing the proposed work.

19. Each condominium unit shall have a designated space for an air conditioning unit. Air conditioning units shall not be located in the required front yard, side yards, open space, and parking areas.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION.

The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the refinements to residential condominium regulations established hereby, may have a significant effect on the environment. The adoption of this Ordinance is therefore not a "project" within the meaning of CEQA and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 7. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, 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 8. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 9. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance

SECTION 10. CERTIFICATION. 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 Section 36933 of the Government Code.

SECTION 11. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on _____.

AYES:
NOES:
ABSENT:
ABSTAIN

ATTEST:

AMY HOWORTH
Mayor

LIZA TAMURA
City Clerk