

LEGISLATIVE DIGEST

ORDINANCE NO. 15-0010

CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) (revisions shown as underline for new text and strikeout for deleted text)

1. LCP Chapter A.96.160 (Appeals) has been revised to read:

“Chapter A.96.160 APPEALS AND COUNCIL REVIEW”

Development pursuant to an approved Coastal Development Permit shall not commence until the Coastal Development Permit is effective. The Coastal Development Permit is not effective until all appeals, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission denies the permit or issues a permit on appeal, the Coastal Development Permit approved by the City is void.

A. Process

1. Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council.
2. Anyone wishing to appeal pursuant to this Chapter must timely file with the City Clerk a written notice of appeal, on a form provided by the Community Development Department, and with the applicable required appeal fee set by City Council resolution. The notice of appeal shall specify the basis for the appeal. In addition, the appeal must indicate in what way the appellant contends the decision was incorrect, specifically identifying how the decision is not in accord with the provisions of the Municipal Code or the Local Coastal Program, or must provide extenuating circumstances that the appellant contends would justify reversal or modification of the decision.
3. The appeal period ends at the close of the business day for City Hall on the fifteenth day following the decision. If the fifteenth day falls on a weekend or City holiday, the appeal period ends at the close of business on the next working day.
4. The appeal shall be heard within 60 days of the City Clerk's receipt of the appeal, unless the applicant and appellant consent to a later date. An appeal shall be heard at a public hearing *de novo* if the decision being appealed required a public hearing. Notice of such a public hearing shall be given in the same manner required for the decision being appealed.
5. The effectiveness of a decision subject to appeal shall be stayed pending completion or withdrawal of the appeal.
6. 4. It shall be the duty of the Director of Community Development to forward

a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in the paragraphs Paragraph A above for its action.

B. Council Review.

1. The City Council shall review a Planning Commission decision if two council members, either individually or jointly, file a Council review form with the City Clerk on or before the fifteenth day following the decision. For all requests for review, it shall be presumed that the reason for the request is that the decision may have significant and material effects on the quality of life within the City, or that the subject matter of the decision may have City-wide importance warranting review and determination by City's elected officials. Bias shall not be presumed or inferred due to a request for review.

The City Clerk shall prescribe a review form, which shall be available free of charge. The City Clerk shall schedule the review hearing for commencement within 60 days of the request for review. The review shall otherwise follow the same procedures as appeals in this Chapter.

2. Public notice of the hearing shall be provided in the same manner, if any, as was provided in connection with the consideration by the Planning Commission.
3. The Council review hearing shall be conducted as a hearing *de novo*. The City Council shall apply the same decision criteria as the Planning Commission.
4. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.

C. Decision.

The appellate or reviewing body may uphold, overturn, or modify the decision of the inferior body. Any such action shall be made by resolution and supported by findings. Alternatively, the appellate or reviewing body may remand the matter for further consideration by the inferior body. In the event of a tie vote by the Planning Commission, the decision of the Community Development Director is effective. In the event of a tie vote by the City Council, the decision of the Planning Commission is final.

D. Effective date.

A decision by the City Council regarding an appeal or Council review shall be _____ come final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council, or called up for review pursuant to Section 10.100.020.

E. - Resubmittal.

In the event the Commission or City Council takes final action to deny an application or request, such application or request cannot be resubmitted within two years, unless the denial is made without prejudice.”

~~A. Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council. Any appeal by an aggrieved person, except an appeal by a City Councilperson or the Mayor, must be initiated within 15 days from the date of the decision. The appeal period ends at the close of the business day for City Hall on the first City Hall working day no less than fifteen days after the decision maker's action.~~

~~1. The matter shall be scheduled for City Council review at the first regularly scheduled meeting following the decision for which the matter can be legally noticed. The Mayor or any City Council member may appeal the permit at the time of or before the City Council meeting at which the decision is reported to the City Council.~~

~~2. An appeal from the decision of the Director of Community Development shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.~~

~~3. An appeal from the decision of the Planning Commission shall be filed with the City Clerk on a form provided by the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.~~

~~a. The Mayor or any member of the City Council may appeal any matter by requesting a public hearing on the appeal within the time limit set forth in Section A.96.160 A. The Mayor or City Council member appealing any matter shall be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interested or welfare.~~

~~b. Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.~~

F. B. Appeals to the Coastal Commission. Within ten (10) working days from the date of Coastal Commission receipt of the notice of final action, all appealable development, as defined in §A.96.030, may be appealed to the

Coastal Commission in accordance with Coastal Commission regulations by a qualified appellant, as defined in §A.96.160 D.

1. The ground for appeal to the Commission of a final local approval shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(1)]
2. The grounds for appeal to the Commission of a denial of a major public works project or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(2)]

G. C. A final decision on an application for an appealable development shall become effective after the 10th working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;
2. the notice of final local government action does not meet the requirements of §A.96.100 F and G above.

H. D. An appeal pursuant to this chapter may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person as defined in §A.96.030(a) , or any 2 members of the Coastal Commission.

2. LCP Section A.04.030 (Definitions) has been amended to amend the definition of "Family" and to insert three new defined terms:

"Family: A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit, ~~provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.~~"

"Single Housekeeping Unit: A traditional family or the functional equivalent of a traditional family, whose members are a non-transient interactive group of one or more persons, where if consisting of more than one person, such persons jointly occupy a single dwelling unit, jointly use common areas, share household activities and responsibilities (e.g., meals, chores, and expenses), and where, if the unit is rented, leased, or subleased all adult members living on the premises jointly agree to occupy and be responsible for the entire premises of the dwelling unit under a single written rental agreement or lease and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager."

“Single-Family Transient Use: Rental or lease of a single-family dwelling unit for a period of less than 30 days.”

“Multi-Family Transient Use: Rental or lease of a multi-family dwelling unit for a period of less than 30 days.”

3. LCP Section A.08.030 (Residential use classifications) has been amended to insert a use classification “Multi- Family Transient Use” between the existing use classifications “Multi-family Residential” and “Residential Care, Limited” as follows:

“F. MULTI-FAMILY TRANSIENT USE: Rental or lease of a multi-family dwelling unit for a period of less than 30 days.”

4. LCP Section A.08.030 (Residential use classifications) has been amended to insert a new Use classification “Single-Family Transient Use” between the existing Use classifications “Single-Family Residential” and “Supportive Housing” as follows:

“I. SINGLE-FAMILY TRANSIENT USE: Rental or lease of a single-family dwelling unit for a period of less than 30 days.”

5. The “Residential Uses” section of the table of uses set forth in LCP Section A.12.020 (Land Use Regulations) has been amended to 1) insert a new row immediately before the “Residential Care, Limited” row, entitled “Multi-Family Transient Use”; and 2) insert a new row immediately after the “Single Family Residential” row, entitled “Single-Family Transient Use”:

A.12.020 - Land use regulations: RS, RM, RH, RPD, and RSC districts.

RM, and RH DISTRICTS LAND USE REGULATIONS			P — Permitted PDP — Precise Development Plan SDP — Site Development Permit U — Use Permit L — Limited, (See additional use regulations) - — Not Permitted
	RM	RH	Additional Regulations
Residential Uses			(A)
Day Care, Small Family Home	P	P	(P)
Day Care, Large Family Home	L-22	L-22	(P)
Group Residential	-	U	
Multi-family Residential			
5 or fewer units	P	P	(B)(C)(L) (P)
6 or more units	PDP/SDP	PDP/SDP	(B)(C)(L)(O) (P)
<u>Multi-Family Transient Use</u>	<u>L-25</u>	<u>L-25</u>	
Residential Care, Limited	P	P	
Single-Family Residential	P	P	(C) (P)
<u>Single-Family Transient Use</u>	<u>L-26</u>	<u>L-26</u>	

6. LCP Section A.12.020 (Land Use Regulations) has been amended to add Additional Regulations L-25, L-26, and (P) to read as follows:

“RM and RH Districts: Additional Use Regulations:

L-25 A Multi-Family Transient Use, as defined in Section A.08.030, of a multi-family dwelling unit is permitted to commence once within a three month period for each multi-family dwelling unit. Use of a multi-family dwelling unit for a multi-family transient use more than four times within a 12 month period is prohibited. Multi-Family Transient Uses shall comply with Chapters 6.01, 6.24, 8.20 and other applicable Sections of the MBMC.

L-26 A Single-Family Transient Use, as defined in Section A.08.030, of a single family dwelling unit is permitted to commence once within a three month period for each single-family dwelling unit. Use of a single-family dwelling unit for a single-family transient use more than four times within a 12 month period is prohibited. Single-Family Transient Uses shall comply with Chapters 6.01, 6.24, 8.20 and other applicable Sections of the MBMC.

(P) Each Single-Family Residential and Multi-Family Residential Dwelling Unit may only be occupied by a single housekeeping unit as defined in A.04.030, except as provided in Section 10.08.030.”