

ORDINANCE NO. 15-0009

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 10.12 (RESIDENTIAL DISTRICTS) AND RELATED MUNICIPAL CODE SECTIONS TO PROHIBIT COMMERCIAL AND TRANSIENT USES IN RESIDENTIAL ZONES

THE MANHATTAN BEACH CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. CEQA Findings. This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have the potential for any impacts on the environment. The proposed Zoning Code amendments will amend existing residential use classifications, amend and add definitions, and amend land use regulations to clarify that commercial and transient uses are prohibited in residential zones.

SECTION 2. On June 2, 2015, the City Council conducted a duly noticed public hearing to consider amendments to the Zoning Code for Chapter 10.12 (Residential Districts), Chapter 10.04.030 (Definitions), and for Chapter 10.08.030 (Residential Use Classifications). After a duly noticed public hearing, the Planning Commission approved Resolution No. PC 15-03 recommending approval of changes to the Zoning Code to address commercial and transient uses in residential zones.

SECTION 3. The City Council hereby amends MBMC Section 10.04.030 (Definitions) to amend the definition of “Family” and to insert three new defined terms, as follows, with all other portions of Sections 10.04.030 remaining in effect without amendment:

(a) Amend “Family” to read as follows:

“Family: A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.”

(b) Insert “Single Housekeeping Unit” and “Single-Family Transient Use” between the existing defined terms “Sexual Activities, Specified” and “Single Ownership” to read as follows:

“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.”

(c) Insert “Multi-Family Transient Use” between the existing defined terms “Municipal Code” and “Nonconforming Structure” to read as follows:

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

SECTION 4. The City Council hereby amends MBMC Section 10.08.030 (Residential use classifications) to insert a use classification “Multi-Family Transient

Use” between the existing use classifications “Multi-family Residential” and “Residential Care, Limited” as follows, with all other portions of Sections 10.08.030 remaining in effect without amendment, with the exception that certain subsections will be re-lettered due to the insertions set forth in this Section 4 and in Section 5:

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

SECTION 5. The City Council hereby amends MBMC Section 10.08.030 (Residential use classifications) to insert a new Use classification “Single-Family Transient Use” between the existing Use classifications “Single-Family Residential” and “Supportive Housing” as follows, with all other portions of Sections 10.08.030 remaining in effect without amendment:

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

SECTION 6. The City Council hereby amends the “Residential Uses” section of the table of uses set forth in MBMC Section 10.12.020 (Land Use Regulations) 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”; both of which are noted on the table below underlined in bold text, as follows, with all other portions of Sections 10.12.020 remaining in effect without amendment:

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

RS, RM, RH, RPD, and RSC 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		
	RS	RM	RH	RPD	RSC	Additional Regulations
Residential Uses						(A)
Day Care, Small Family Home	P	P	P	P	P	<u>(P)</u>
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	<u>(P)</u>
Group Residential	-	-	U	-	U	
Multi-family Residential						
5 or fewer units	-	P	P	P	U	(B)(C)(L) <u>(P)</u>
6 or more units	-	PDP/SDP	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O) <u>(P)</u>
<u>Multi-Family Transient Use</u>	-	-	-	-	-	

Residential Care, Limited	P	P	P	P	P	
Single-Family Residential	P	P	P	P	P	(C) <u>(P)</u>
<u>Single-Family Transient Use</u>	=	=	=	=	=	

SECTION 7. The City Council hereby amends MBMC Section 10.12.020 (Land Use Regulations) to add Additional Regulation (P) to read as follows, with all other portions of Section 10.12.020 remaining in effect without amendment:

RS, RM, RH, RPD, and RSC Districts: Additional Use Regulations:

(P) Each Single-Family Residential and Multi-Family Residential Dwelling Unit may only be occupied by a single housekeeping unit as defined in 10.04.030, except as provided in Section 10.08.030.

SECTION 8. The City Council hereby rescinds in its entirety Chapter 6.24 (Short-term Vacation Rentals) of the Manhattan Beach Municipal Code.

SECTION 9. Existing operators of short term/vacation rentals in residential districts which obtained valid business licenses from the City of Manhattan Beach prior to April 30, 2015 may continue to operate short term/vacation rentals through December 31, 2015.

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. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 12. 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.

PASSED, APPROVED AND ADOPTED June 16, 2015.

AYES: Howorth, D'Errico, burton, and Mayor Powell
NOES: Lesser
ABSENT: None
ABSTAIN:None

WAYNE POWELL
Mayor of the City of Manhattan Beach

ATTEST:

LIZA TAMURA
City Clerk

ORDINANCE NO. 15-0010

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH LOCAL COASTAL PROGRAM CHAPTER A.12 (RESIDENTIAL DISTRICTS) AND RELATED CODE SECTIONS TO PROHIBIT COMMERCIAL AND TRANSIENT USES IN RESIDENTIAL ZONES

THE MANHATTAN BEACH CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. CEQA Findings. This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have the potential for any impacts on the environment. The proposed Zoning Code amendments will amend existing residential use classifications, amend and add definitions, and amend land use regulations to clarify that commercial and transient uses are prohibited in residential zones.

SECTION 2. On June 2, 2015, the City Council conducted a duly noticed public hearing to consider amendments to the Local Coastal Program (LCP) for Chapter A.12 (Residential Districts), Chapter A.04.030 (Definitions), and for Chapter A.08.030 (Residential Use Classifications). After a duly noticed public hearing, the Planning Commission approved Resolution No. PC 15-03 recommending approval of changes to the LCP to address commercial and transient uses in residential zones.

SECTION 3. The City Council hereby amends LCP Section A.04.030 (Definitions) to amend the definition of "Family" and to insert three new defined terms, as follows, with all other portions of Sections A.04.030 remaining in effect without amendment:

(a) Amend "Family" to read as follows:

"Family: A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit."

(b) Insert "Single Housekeeping Unit" and "Single-Family Transient Use" between the existing defined terms "Sexual Activities, Specified" and "Single Ownership" to read as follows:

"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."

(c) Insert "Multi-Family Transient Use" between the existing defined terms "Municipal Code" and "Nonconforming Structure" to read as follows:

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

SECTION 4. The City Council hereby amends LCP Section A.08.030 (Residential use classifications) to insert a use classification "Multi-Family Transient

Use” between the existing use classifications “Multi-family Residential” and “Residential Care, Limited” as follows, with all other portions of Sections A.08.030 remaining in effect without amendment, with the exception that certain subsections will be re-lettered due to the insertions set forth in this Section 4 and in Section 5:

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

SECTION 5. The City Council hereby amends LCP Section A.08.030 (Residential use classifications) to insert a new Use classification “Single-Family Transient Use” between the existing Use classifications “Single-Family Residential” and “Supportive Housing” as follows, with all other portions of Sections A.08.030 remaining in effect without amendment:

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

SECTION 6. The City Council hereby amends the “Residential Uses” section of the table of uses set forth in LCP Section A.12.020 (Land Use Regulations) 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”; both of which are noted on the table below underlined in bold text, as follows, with all other portions of Sections A.12.020 remaining in effect without amendment:

A.12.020 - Land Use Regulations: RM and RH 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>	-	-	
Residential Care, Limited	P	P	

Single-Family Residential	P	P	(C)(P)
<u>Single-Family Transient Use</u>	=	=	

SECTION 7. The City Council hereby amends LCP Section A.12.020 (Land Use Regulations) to add Additional Regulation (P) to read as follows, with all other portions of Section A.12.020 remaining in effect without amendment:

RM and RH Districts: Land Use Regulations:

(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 A.08.030.

SECTION 8. Existing operators of short term/vacation rentals in residential districts which obtained valid business licenses from the City of Manhattan Beach prior to April 30, 2015 may continue to operate short term/vacation rentals through December 31, 2015.

SECTION 9. 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 10. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 11. 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.

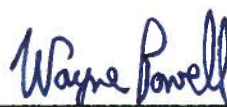
PASSED, APPROVED AND ADOPTED June 16, 2015.

AYES: Howorth, D'Errico, Burton, and Mayor Powell

NOES: Lesser

ABSENT:

ABSTAIN:



WAYNE POWELL
Mayor of the City of Manhattan Beach

ATTEST:



LIZA TAMURA
City Clerk

