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RESOLUTION NO. PC 15-03

**A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL ZONING CODE AND LOCAL
COASTAL PROGRAM AMENDMENTS FOR CHAPTERS 10.100 AND
A.96.160 (APPEALS) AND FOR CHAPTERS 10.12 AND A.12 (RESIDENTIAL
DISTRICTS) AND OTHER PORTIONS OF TITLE 10 AND A – ZONING CODE**

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following findings:

- A. On May 13, 2015, the Planning Commission conducted a duly noticed public hearing pursuant to applicable law to consider amendments to the Zoning Code and Local Coastal Program for Chapters 10.100 and A.96.160 (Appeals), for Chapters 10.12 and A.12 (Residential Districts), for Chapters 10.04.030 and A.04.030 (Definitions), and for 10.08.030 and A.08.030 (Residential Use Classifications). Specifically, staff has recommended that the Zoning Code's appeal procedure be streamlined, amended to make the Code consistent with the City's practice and changes in the law, and amended to provide for City Council review of quasi-judicial proceedings. In addition, staff has recommended that the Code be amended to address commercial and transient uses in residential zones.
- B. The public hearing was advertised pursuant to applicable law with a ¼ page display ad on April 30, 2015 in the Beach Reporter.
- C. The proposal 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 and LCP amendments are modifications to the Appeals process, adding and amending definitions, classifications and uses in the Residential Sections.
- D. The proposed amendments are consistent with the policies of Chapter 3 of the Coastal Act, and LCP Policy II.1 which aims to "Control development within the City of Manhattan Beach Coastal Zone," will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water, but will clarify regulation of commercial and transient uses in residential zones.
- E. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program, and with the purposes of the Zoning Codes of the Manhattan Beach Municipal Code (MBMC) and Local Coastal Program, as detailed in the Planning Commission Staff Report. The proposal specifically supports: Goal LU-4, which aims to preserve the features of each neighborhood, and develop solutions tailored to each neighborhoods unique characteristics, Policy LU-4, which aims to protect public access to and enjoyment of the beach while respecting the privacy of beach residents, Goal LU-5, to protect residential neighborhoods from the intrusion of inappropriate and incompatible uses, Policy LU-5.1, which requires the separation or buffering of residential areas from businesses and uses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques, and the City's Housing Element Goal I, to Preserve Existing Neighborhoods, which is bolstered by Policy 1, to continue to enforce provisions of the Zoning Code which specify District Development Regulations for height, lot coverage, setbacks, open space, and parking.

SECTION 2. The Planning Commission hereby RECOMMENDS approval of the subject amendments to the MBMC and Local Coastal Program as follows:

SECTION 3. Amend MBMC Chapter 10.100 (APPEALS) and LCP Section A.96.160 A. 1-3 (Appeals) to read as follows with all other portions of Section A.96.160 remaining in effect without amendment:

Chapter 10.100 and A.96.160 A.1-3. APPEALS AND COUNCIL REVIEW

Sections:

10.100.010 - Appeals.

- A. 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.
- B. 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 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.
- C. The appeal period ends at the close of the business day for City Hall on the fifteenth day following the decision provided however that if the fifteenth day falls on a weekend or City holiday the appeal period shall be extended to the close of business on the next working day.
- D. 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.
- E. The appeal will be heard within 60 days of the City Clerk's receipt of the appeal unless the applicant and appellant consent to a later date.
- F. Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.

10.100.020 Council Review.

- A. Council Review. A Planning Commission decision shall be set for a review hearing before the City Council if requested in writing by at least two members of the City Council. The City Councilmembers requesting the review shall file a Council review form with the City Clerk. The form must be filed before the close of the business day for City Hall on the fifteenth day following the decision provided however that if the fifteenth day falls on a weekend or City holiday the appeal period shall be extended to the close of business on the next working day. The form shall be prescribed by the City Clerk and may be signed by the members separately or by two members jointly. No fee shall be required. 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. It shall be presumed that the reason for the review is that the decision may have significant and material effects on the quality of life within the City, or the subject matter of the decision may have City-wide importance warranting review and determination by the elected officials of the City. Bias shall not be presumed or inferred due to a request for review.
- B. Stay of Decision. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.
- C. Notice. 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.

D. Hearing Procedure. 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.

10.100.030 - 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 shall be 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 shall be effective. In the event of a tie vote by the City Council, the decision of the Planning Commission shall be effective.

10.100.040 - Effective date.

A decision by the City Council regarding an appeal or Council review shall become 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 by two Councilmembers.

10.100.050 - Resubmittal.

Following a decision on an appeal or Council review, any matter that is the same or substantially the same shall not be considered by the same body within two years, unless the denial is made without prejudice.

SECTION 4. Amending MBMC Section 10.04.030 and LCP Section A.04.030 (Definitions) to insert a new defined term "Single Housekeeping Unit" between the existing defined terms "Sexual Activities, Specified" and "Single Ownership" as follows, with all other portions of Sections 10.04.030 and A.04.030 remaining in effect without amendment:

"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."

SECTION 5. Amend MBMC Section 10.08.030 and 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 10.08.030 and A.08.030 remaining in effect without amendment:

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

SECTION 6. Amend MBMC Section 10.08.030 and 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 10.08.030 and 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 7. Amend the residential use in the table of uses set forth in MBMC Section 10.12.020 and 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 10.12.020 and A.12.020 remaining in effect without amendment:

10.12.020/A.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	(P)
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	(P)
Group Residential	-	-	U	-	U	
Multi-family Residential						
5 or fewer units	-	P	P	P	U	(B)(C)(L) (P)
6 or more units	-	PDP/SD P	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O) (P)
Multi-Family Transient Use	-	L-25	L-25	L-25	L-25	
Residential Care, Limited	P	P	P	P	P	
Single-Family Residential	P	P	P	P	P	(C) (P)
Single-Family Transient Use	L-26	L-26	L-26	L-26	L-26	

SECTION 9. Amend MBMC Section 10.12.020 and LCP Section A.12.020 (Land Use Regulations) to add Additional Regulations L-25, L-26, and (P) to read as follows, with all other portions of Sections 10.12.020 and A.12.020 remaining in effect without amendment:

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

L-25 A Multi-Family Transient Use, as defined in Section 10.08.030 and 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 10.08.030 and 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 10.04.030 and A.10.04.030.

SECTION 10. The Planning Commission also recommends that the City Council direct the City Clerk to make any other corresponding language changes to the MBMC and the LCP to achieve internal consistency as required.

SECTION 11. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution 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 12. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

SECTION 13. The Secretary to the Planning Commission shall certify to the adoption of this Resolution.

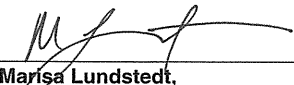
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 13, 2015 and that said Resolution was adopted by the following vote:

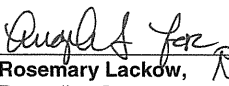
AYES: Andreani, Bordokas, Hersman

NOES: Chairperson Conaway, Ortmann

ABSENT: None

ABSTAIN: None


Marisa Lundstedt,
 Secretary to the Planning Commission


Rosemary Lackow,
 Recording Secretary

Rosemary Lackow