

ORDINANCE NO. 20-0022

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING SECTIONS 9.72.010, 9.72.020, 9.72.040 AND
9.72.050 OF MUNICIPAL CODE CHAPTER 9.72 OF TITLE
9 REGARDING STREET IMPROVEMENTS

THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. 9.72.010 - Driveways, sidewalks, curbs, gutters and paving is hereby amended to read as follows:

No building or structure shall be constructed or erected, nor shall any improvements or replacements be made upon any property abutting a public right of way which would result in the alteration or addition of more than fifty (50%) percent of the value of the existing structure, as determined by Section 202 of the California Building Code and Section R202 of the California Residential Code, unless the plans and specifications of all driveways, driveway aprons, sidewalks, curbs, gutters, curb ramps and street paving to be built in the public right of way abutting such lot or parcel of property are filed with and approved by the Department of Public Works, and unless all necessary driveways, driveway aprons, sidewalks, curbs, gutters and street paving are installed concurrently with any construction, erection, addition or alteration upon the concerned lot or parcel of property consistent with the current City or regulatory standards such as Americans with Disabilities Act (ADA), etc. This may require removal of any and all existing infrastructure to ensure compliance. Any work in the public right of way requires a separate permit pursuant to the requirements as set forth in Chapter 7.16 of this Code and shall be constructed to current City codes and standards.

In addition, to any regular or special inspection which may occur, the city's Public Works Department shall inspect the condition of the public rights-of-way inclusive of any new or existing grading, landscaping, pedestrian pathway, sidewalk, driveway, driveway apron, concrete curbs, gutter, curb ramps and pavement condition abutting or fronting on a particular piece of property of any building or facility prior to the issuance of an occupancy permit or close-out of a building permit that is valued in excess of \$5,000 pertaining to occupancy or construction on that property. Any non-code compliant matters or conditions of disrepair observed may be required to be rectified as directed by Department of Public Works Director. All such permits, prior to final issuance, shall require notation that a Public Works Department inspection was completed and that either the conditions within the public rights of way is not in need of repair or that repair has been completed or that repair has been bonded to the satisfaction of the Public Works Department Director.

SECTION 2. 9.72.020 - Definitions and applicability is hereby amended to read as follows:

For purposes of this chapter, a block shall be defined as one side of that segment of a public street or alley which lies between the centerline intersection of a public street and the centerline intersection of the public street nearest thereto. In the event an

intersecting street is not continuous through the subject street, the limit of the block on the subject street shall be established by the extension of the centerline of the noncontinuous intersecting street. The length of the block shall be the total lineal footage, measured along the property lines common to both the public street or alley and the adjacent properties, on one side of the public street or alley within the subject block.

SECTION 3. 9.72.040 - Time allotted for completion of improvements is hereby amended to read as follows:

In lieu of construction as hereinabove referred to, the construction of such driveways, driveway aprons, sidewalks, curbs, gutters, curb ramps and street paving may be made at any time prior to the final inspection by the Building Official for such construction, erection, addition or alteration provided there is contained on any building permit issued for such construction, erection, addition or alteration a statement approved by the Department of Public Works that the installation of such required improvement shall be a condition precedent to final inspection by the Building Official. Provided, however, that the required improvement may be completed within a reasonable period of time, after occupancy, as determined by the Building Official, subject to the owner, contractor or tenant affected thereby posting a bond with the City in the amount to be determined by the Public Works Director as the cost of the subject public right of way improvement to insure the specific performance of said required improvement.

SECTION 4. 9.72.050 - Modifications is hereby amended to read as follows:

When practical difficulties, unreasonable hardships, or results inconsistent with the general purposes of this chapter occur by reason of the strict interpretation and application of any of the provisions of this chapter, any owner, contractor or tenant affected thereby may file an application for relief from the provisions of Section 9.72.010 of this chapter, pursuant to Section 7.36.080 of this Code

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this Ordinance is exempt from 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 regulations established hereby, may have a significant effect on the environment, and the action taken herein is not a "project" within the meaning of CEQA.

SECTION 6. 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 7. 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 8. 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.

ADOPTED OCTOBER 20, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney