



## Legislation Text

---

**File #:** 18-0123, **Version:** 1

---

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Anne McIntosh, Community Development Director

Laurie B. Jester, Planning Manager

Ted Faturos, Assistant Planner

**SUBJECT:**

Conduct Public Hearing for Consideration of Amendments to the Municipal Code and Local Coastal Program (LCP) Related to Residential Condominium Standards (Community Development Director McIntosh).

a) **CONDUCT PUBLIC HEARING**

b) **INTRODUCE ORDINANCE NOS. 18-0007 AND 18-0008**

---

**RECOMMENDATION:**

Staff recommends that City Council conduct the public hearing and introduce Ordinance No. 18-0007 (Attachment 1) amending the Manhattan Beach Municipal Code (MBMC) and Ordinance No. 18-0008 (Attachment 2) amending the Local Coastal Program (LCP) to address residential condominium standards.

**FISCAL IMPLICATIONS:**

There are no direct fiscal impacts as a result of the adoption of the Municipal Code and Local Coastal Program Amendments.

**BACKGROUND/DISCUSSION:**

On October 18, 2016, the City Council directed the Planning Commission to consider municipal code and Local Coastal Program (LCP) amendments to address the residential condominium standards which require that condominiums consisting of two units on a single lot be of approximately the same age and size. The applicant who proposed the amendments is Chris Carey, a property owner and resident. Staff has since spent considerable time researching the implications of the applicant's request, crafting alternative code language to address staff's and the applicant's concerns, and also researching and drafting other amendments to the residential condominium standards that are unrelated to the applicant's request, but are in need of updating.

On February 28, 2018, the Planning Commission held a public hearing on the proposal. The "same age" rule was adopted in 1980 to better regulate condominium conversions before comprehensive condominium conversion standards were adopted. The "same age" rule prohibits one of the two

condominium owners in a two-unit condominium development from redeveloping their unit, since a new condominium replacing the existing structure would not be of the “same age” as the remaining unit on the lot. This “same age” rule is no longer necessary as condominium conversions are now better regulated by a more robust code. Furthermore, the “same age” rule is detrimental to property owners by making it very difficult to significantly remodel or replace older nonconforming condominiums with new condominiums that conform to today’s code. In addition, the “same size” rule was modified to not allow one of the two condominiums to exceed 55% of the maximum buildable floor area allowed on the entire lot.

Staff also proposed amending other parts of the City’s condominium regulations that are unrelated and independent of the applicant’s request, with updated language for required storage, enclosed trash areas, use permit review, neighbor notification and approval, and air conditioning location requirements.

The Planning Commission unanimously recommended to the City Council (Attachment 3) that the “same age” rule be removed, the “same size” rule be modified, and that additional amendments to the residential condominium standards unrelated to the applicant’s request be approved.

#### **PUBLIC OUTREACH/INTEREST:**

A ¼ page display ad public notice for the proposed MBMC and LCP Code Amendments was published in the Beach Reporter newspaper on April 5, 2018, in compliance with state and local law and mailed to the California Coastal Commission and other interested parties. The draft MBMC and LCP Amendments, including the staff report and attachments, have been made available at the Manhattan Beach County Library, the Police Department and at the Community Development Department, and are also posted on the City’s website.

#### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (“CEQA”), the Community Development Department has determined that amendments to the Municipal Code and Local Coastal Program that address the residential condominium standards are exempt from the requirements of CEQA and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

#### **LEGAL REVIEW**

The City Attorney has approved the ordinances as to form.

#### **Attachments:**

1. Ordinance No. 18-0007
2. Ordinance No. 18-0008
3. Planning Commission Resolution No. PC 18-02
4. Planning Commission Staff Report of February 28, 2018
5. Public Comments
6. PowerPoint Presentation