ORDINANCE NO. 25-0004

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE AND CHAPTER A OF THE MANHATTAN BEACH LOCAL COASTAL PROGRAM TO IMPLEMENT FIVE PROGRAMS OUTLINED IN THE CITY'S 6TH CYCLE HOUSING ELEMENT AND ADOPTING THE SECOND ADDENDUM TO A PREVIOUSLY ADOPTED NEGATIVE DECLARATION

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Housing Element is one of the State-mandated elements of a General Plan. The goal of the Housing Element is to facilitate the production of housing. Housing Elements typically contain a series of programs that must be implemented to achieve this goal. On July 27, 2023, the California Department of Housing and Community Development certified the City's 6th Cycle Housing Element. The City's Housing Element identifies 31 programs, several of which require amendments to the Manhattan Beach Municipal Code ("MBMC") and Manhattan Beach Local Coastal Program ("MBLCP").

SECTION 2. On February 26, 2025, the Planning Commission conducted a duly noticed public hearing. After the public hearing was closed, the Commission adopted Resolution No. 25-02 recommending that the City Council adopt the following amendments to Title 10 of the MBMC and Chapter A of the MBLCP.

SECTION 3. On March 18, 2025, The City Council held a duly noticed public hearing regarding the proposed text amendments.

SECTION 4. Pursuant to Section 15164 of the California Environmental Quality Act ("CEQA") Guidelines, a Second Addendum (incorporated by reference herein as Exhibit "A") to the adopted Negative Declaration ("ND") has been prepared for the proposed zone text amendments. As detailed within the Second Addendum, there is no substantial evidence to support that adoption of the zone text amendments would result in significant new or different environmental impacts beyond what was analyzed in the adopted ND and First Addendum. Specifically,

there are no changes proposed to the certified 6th Cycle Housing Element, and there are no substantial changes in the circumstances under which the proposed zone text amendments will be undertaken that will require major revisions to the adopted ND and First Addendum due to the involvement of new significant environmental effects. In addition, there is no "new information of substantial importance" related to the proposed zone text amendments, as defined in CEQA Guidelines Section 15162(a)(3). Therefore, the City Council hereby determines that the conclusions in the Second Addendum satisfy the CEQA requirements and adopts the Second Addendum in conjunction with the proposed zone text amendments.

SECTION 5. The City Council hereby repeals and replaces, in full, the following Chapters of the MBMC, as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference:

- MBMC Chapter 10.12 (Residential Districts)
- MBMC Chapter 10.16 (C Commercial Districts)
- MBMC Chapter 10.74 (Accessory Dwelling Units)
- MBMC Chapter 10.84 (Use Permits, Variances, Minor Exceptions, Precise Development Plans and Site Development Permits)
- MBMC Chapter 10.94 (Affordable Housing Density Bonus and Incentive Program)
- MBMC Chapter 10.100 (Appeals and Council Review)

SECTION 5. The City Council hereby repeals and replaces, in full, the following Chapters of the MBLCP as set forth in Exhibit “C” to this Ordinance and incorporated herein by this reference:

- MBLCP Chapter A.12 (Residential Districts)
- MBLCP Chapter A.16 (C Commercial Districts)
- MBLCP Chapter A.84(Use Permits, Variances, Minor Exceptions, Precise Development Plans and Site Development Permits)
- MBLCP Chapter A.94 (Affordable Housing Density Bonus and Incentive Program)
- MBLCP Chapter A.96 (Coastal Development Permit Procedures)

SECTION 6. The City Council hereby adds Chapter A.74 (Accessory Dwelling Units) to the MBLCP, as set forth in Exhibit “C” to this Ordinance and incorporated herein by this reference.

SECTION 7. CONSISTENCY WITH GENERAL PLAN AND ZONING CODE'S NOTICE AND HEARING REQUIREMENTS. The proposed zoning text amendments will be consistent with the General Plan Goals and Policies as they are consistent with the City's Housing Element of the General Plan in that they will facilitate the development of housing through the removal of local regulatory constraints. The proposed zoning text amendments are also consistent with the notice and hearing requirements of the City's Zoning Code.

SECTION 8. 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 9. SEVERABILITY. If any part of this Ordinance or the exhibits hereto, 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 and of its exhibits are severable.

SECTION 10. 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 on April 1, 2025.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
AMY THOMAS HOWORTH
Mayor

ATTEST:

_____
LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

_____
QUINN M. BARROW
City Attorney

EXHIBITS:
Exhibit A: Second Addendum to the Negative Declaration
Exhibit B: Manhattan Beach Municipal Code Text Amendments
Exhibit C: Manhattan Beach Local Coastal Program Text Amendments

Initial Study/Negative Declaration _ Second Addendum

City of Manhattan Beach 2021-2029 Housing Element

January 2025

1. Background and Purpose

The City of Manhattan Beach (City) adopted the 6th Cycle Housing Element Update (Originally Adopted HE) and associated Initial Study (IS) /Negative Declaration (ND) (Final IS/ND) in March 2022 (State Clearinghouse No. 2021110408). The Final IS/ND was prepared pursuant to the California Environmental Quality Act (CEQA), which includes a disclosure and analysis of potential environmental impacts associated with implementation of the Originally Adopted HE.

State law empowers the California Department of Housing and Community Development (HCD) to review and certify cities' housing elements to ensure compliance with state housing element law (Government Code Article 10.6; Section 65580 *et seq.)*. Pursuant to Government Code Section 65585(h), HCD reviewed the Originally Adopted HE and provided comments to the City in June 2022. Based on HCD's review, revisions to the Originally Adopted HE were necessary to fully comply with state housing element law, which resulted in updates to the following:

- Section 5: Goals and Policies
- Section 6: Implementation Programs
- Appendix C: Constraints and Zoning Analysis
- Appendix D: Affirmatively Furthering Fair Housing
- Appendix E: Sites Analysis and Inventory

The City revised the Originally Adopted HE to incorporate HCD's requested changes that resulted in a "Revised HE". In addition, an Addendum (First Addendum) to the Final IS/ND was prepared that determined the Revised HE would not result in any new or different environmental impacts than those identified in the Final IS/ND for the Originally Adopted HE. In November 2022, a subsequent letter was received from HCD that required minor revisions and clarifications to the Revised HE (Certified HE), which was submitted to HCD in May 2023 and received certification in July 2023.

The purpose of this Second Addendum is to determine whether implementation of five programs in the Certified HE will result in any significantly new or different environmental impacts that were not previously identified. Pursuant to CEQA Guidelines Section 15150, the Originally Adopted HE, Revised HE, Certified HE, Final IS/ND, and First Addendum are incorporated by reference within this Second Addendum as they provide relevant data and analysis.

2. Project Description

2.1. Approved Project

The Approved Project refers to the Certified HE that provided further clarification and substantiation to the Revised HE, resulting in a more detailed, comprehensive plan that addressed HCD's comments. The Approved Project includes goals, policies, and programs to address the City's housing needs and various components required per Government Code Section 65883 including, but not limited to:

- Analysis of the City's population, household, and housing stock characteristics
- Summary of the City's Regional Housing Needs Allocation (RHNA) of 774 new housing units
- Review of the City's previous Housing Element (2014-2021) programs
- Evaluation of opportunities to facilitate housing production
- Description of numerous policies to better guide decisions and achieve desired outcomes related to development, improvement, preservation, and maintenance of housing
- Information on housing programs to be implemented during the 6th Cycle planning period

The Approved Project outlines 31 programs that will support the strategies and goals of the housing element, all of which are based on findings from the needs analysis, assessment of fair housing, constraints analysis, housing sites inventory, and input received from extensive outreach efforts conducted during the update process between August 2021 and March 2023. As a policy document, no development was proposed under the Approved Project. However, implementation of certain programs within the Approved Project are intended to facilitate construction of new housing, as contemplated by the Housing Element, throughout the City that may result in physical changes to the environment. Thus, the analysis in the Final IS/ND and First Addendum addressed the potential physical impacts associated with actions necessary to implement the Approved Project, as appropriate.

A complete description of the Approved Project can be found in the First Addendum, Section 2, Project Description.

2.2. Proposed Project

The Proposed Project is related to implementing five programs in the Approved Project that require zone text amendments to the Manhattan Beach Municipal Code (MBMC) and the Manhattan Beach Local Coastal Program (MBLCP). Specifically, the Proposed Project involves implementation of the following programs:

PROGRAM NO.	DESCRIPTION
1. Accessory Dwelling Units	Update the City's ADU Ordinance to conform with current state law

PROGRAM NO.	DESCRIPTION
3. Affordable Housing Streamlining	Eliminate discretionary reviews and ensure a streamlined, administrative review process for projects with six or more units that qualify for a density bonus under state law
11. Density Bonus	Amend the City's Density Bonus ordinance to ensure consistency with state requirements
16. Lot Consolidation Incentive	Create an additional five percent base density bonus when two or more parcels identified in Appendix E are consolidated
18. Multifamily Residential Development Standards and Streamlining in the Mixed-Use (CL, CD, and CNE) Commercial Districts	Eliminate Use Permit requirements to ensure multifamily residential and mixed-use projects can be reviewed for conformance with objective development standards

The Proposed Project will result in zone text amendments to the following sections to implement the five programs:

- MBMC Chapter 10.12/MBLCP Chapter A.12 (Residential Districts)
- MBMC Chapter 10.16/MBLCP Chapter A.16 (C Commercial Districts)
- MBMC Chapter 10.74 (Accessory Dwelling Units)
  - Creation of MBLCP Chapter A.74 (Accessory Dwelling Units)
- MBMC Chapter 10.84/MBLCP Chapter A.84 (Use Permits, Variances, Minor Exceptions, Precise Development Plans and Site Development Permits)
- MBMC Chapter 10.94/MBLCP Chapter A.94 (Affordable Housing Density Bonus and Incentive Program)
- MBMC Chapter 10.100 (Appeals and Council Review)
- MBLCP Chapter A.96 (Coastal Development Permit Procedures)

The proposed zone text amendments under the Proposed Project were reviewed and analyzed on a program level in the Approved Project Negative Declaration as no specific project could represent various development scenarios that may be subject to these provisions. As a result, this Addendum also considered the Proposed Project on a program level since a project-level analysis at this time would be speculative. If a specific development proposal is submitted in the future that is subject to provisions under the proposed zone text amendments, the City will determine whether additional environmental analysis is required at that time.

It should be noted that under the Proposed Project, the housing sites inventory and proposed development regulations would not result in changes to the location of potential future development or increase residential densities beyond that contemplated in the Approved

Project and considered in the Final IS/ND and First Addendum. The Proposed Project is simply to implement five programs in the Approved Project, in which the Final IS/ND and First Addendum analyzed the impacts of such implementation at the density, location, and manner now under consideration. Specifically, the Final IS/ND and First Addendum addressed the Approved Project's potential to accommodate additional housing development capacity to meet the City's RHNA of 774 housing units. While the Proposed Project is intended to encourage housing development through zone text amendments, there would be no changes to the location or intensity of potential housing in comparison to the certified Housing Element.

3. CEQA Compliance

3.1. Basis of Addendum

Pursuant to CEQA Guidelines Section 15164(b), an addendum to an adopted ND may be prepared if only minor technical changes or additions are necessary, or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent ND have occurred. In addition, Section 15162(a) of the CEQA Guidelines states that when a ND is adopted for a project, no subsequent Environmental Impact Report (EIR) shall be prepared for a project in the absence of substantial evidence to support a fair argument that the project may result in significant environmental impacts not previously analyzed, unless one or more of the following apply:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the ND was adopted, shows any of the following:
   A. The project will have one or more significant effects not discussed in the previous EIR or ND;
   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
   C. Mitigation measures or alternative(s) previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects

on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum evaluates whether changes in circumstances surrounding the Approved Project or new information of substantial importance would cause new significant environmental effects or a substantial increase in the severity of such effects that were not anticipated at the time.

The Approved Project's Final IS/ND and First Addendum considered the actions that will be taken to implement programs in the document and no changes are being proposed to any of the actions anticipated as part of the Proposed Project. In addition, as no significant impacts were previously identified, the same can be said with the Proposed Project which is merely implementing programs that were part of the Approved Project scope by acting on zone text amendments specified in the document. The zone text amendments to the MBMC and MBLCP involve updating the existing regulations to be consistent with state law or further clarifying provisions to help streamline housing development to accommodate the City's RHNA of 774 housing units. Based on the analysis that follows this section, none of the conditions described in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent ND have occurred and the Proposed Project would not result in new significant impacts or a substantial increase in the severity of previously identified impacts. Thus, pursuant to CEQA, this Addendum is the appropriate documentation to address implementation of the five programs in the Approved Project.

3.2. Environmental Analysis

1. Aesthetics – Would the project:	Potentially Significant Impact Not Identified in the "Approved Project"	Same or Less Impact than Identified in the "Approved Project"
a) Have a substantial adverse effect on a scenic vista?	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☑
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☑

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☑
The Proposed Project would not change the environmental analysis previously performed for the Approved Project as it relates to aesthetic impacts. As noted in previous environmental documents related to the City's Housing Element, aesthetic-related impacts are location-specific and cannot be appropriately assessed until project information is made available, such as the location and development plans. Future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to aesthetics would remain less than significant and would not result in any new or different environmental impacts.		
2. Agricultural and Forest Resources - Would the project:		
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☑
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☑
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☑
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☑
The Proposed Project would have no impacts related to agricultural and forest resources, as there are none such resources present in the City. Hence, all impacts previously		

analyzed as it relates to agriculture or forestry resources would remain less than significant and would not result in any new or different environmental impacts.		
3. Air Quality – Would the project:		
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☑
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☑
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☑
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☑
The Proposed Project would not result in changes to air quality impacts as it relates to the location or intensity of future development considered in the Approved Project. The Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to regulations under the Proposed Project would continue to be subject to all applicable existing local, state, and federal regulatory requirements to further help avoid potential impacts related to air quality Therefore, all impacts previously analyzed as it relates to air quality would remain less than significant and would not result in any new or different environmental impacts.		
4. Biological Resources – Would the project:		
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☑
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the	☐	☑

California Department of Fish and Game or U.S. Fish and Wildlife Service? c) Have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means? d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐ ☐ ☐ ☐	☑ ☑ ☑ ☑
The areas in which the Proposed Project will apply are currently paved and built-out with various improvements and do not support any sensitive habitat, wetlands, or other undisturbed habitat likely to support special status plant or wildlife species. Specifically, future developments subject to the Proposed Project will be primarily located on previously disturbed infill parcels, which would help avoid potential impacts to biological resources, and would continue to be subject to existing local, state, and federal regulatory requirements. Therefore, all impacts previously analyzed as it relates to biological resources would remain less than significant and would not result in any new or different environmental impacts.		
5. Cultural Resources – Would the project:		
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? c) Disturb any human remains, including those interred outside of formal cemeteries?	☐ ☐ ☐	☑ ☑ ☑
The areas in which the Proposed Project will apply do not support any known historic resources or undisturbed terrain where an inadvertent archeological find or uncovering		

human remains would be likely to occur. Specifically, future developments subject to the Proposed Project will be primarily located on disturbed and/or graded infill parcels, which would help avoid potential impacts to cultural resources, and would continue to be subject to existing local, state, and federal regulatory requirements. Therefore, all impacts previously analyzed as it relates to cultural resources would remain less than significant and would not result in any new or different environmental impacts.		
6. Energy – Would the project:		
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☑
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated energy impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to regulations under the Proposed Project would continue to be subject to all applicable existing local, state, and federal regulatory requirements to further help efficient use of energy. Therefore, all impacts previously analyzed as it relates to energy would remain less than significant and would not result in any new or different environmental impacts.		
7. Geology and Soils – Would the project:		
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure including liquefaction?	☐	☑

iv) Landslides? b) Result in substantial soil erosion or the loss of topsoil? c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐ ☐ ☐ ☐ ☐	☑ ☑ ☑ ☑ ☑
The Proposed Project does not change the environmental analysis previously performed for the Approved Project as it relates to geology and soils. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to the Proposed Project would primarily be located on previously disturbed and/or graded infill parcels, which would help avoid potential impacts related to geology and soils, and would continue to be subject to existing local, state, and federal regulatory requirements. In addition, future developments would be subject to the applicable provisions of CEQA once sufficient information is available to address significant impacts that may result from the proposed project. Therefore, all impacts previously analyzed as it relates to geology and soils would remain less than significant and would not result in any new or different environmental impacts.		
8. Greenhouse Gas Emissions – Would the project:		
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☑

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated greenhouse gas emissions impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. The zone text amendments implement the policies contained within the Approved Project and does not introduce additional growth beyond what was previously analyzed. Future developments subject to regulations under the Proposed Project would continue to be subject to all applicable existing local, state, and federal regulatory requirements to further help reduce greenhouse gas emissions. Therefore, all impacts previously analyzed as it relates to greenhouse gas emissions would remain less than significant and would not result in any new or different environmental impacts.		
9. Hazards and Hazardous Materials – Would the project:		
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☑
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☑
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☑
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport	☐	☑

or public use airport, would the project result in a safety hazard for people residing or working in the project area? f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires?	☐ ☐	☑ ☑
The Proposed Project would not result in changes to the previously identified and evaluated hazards and hazardous materials impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to the Proposed Project would be primarily located on previously disturbed and/or graded infill parcels, which would help avoid potential impacts related to hazards and hazardous materials, and would continue to be subject to existing local, state, and federal regulatory requirements. In addition, future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to hazards and hazardous materials would remain less than significant and would not result in any new or different environmental impacts.		
10. Hydrology and Water Quality – Would the project:		
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? c) Substantially alter the existing drainage pattern of area, including through the	☐ ☐	☑ ☑

alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?	☐	☑
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☑
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated hydrology and water quality impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to hydrology and water quality would remain less than significant and would not result in any new or different environmental impacts.		
11. Land Use and Planning – Would the project:		
a) Physically divide an established community?	☐	☑
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated land use and planning impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to update and revise existing provisions to be consistent		

with state law and further help streamline housing development. The Proposed Project does not change the City's RHNA total of 774 housing units and future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to land use and planning would remain less than significant and would not result in any new or different environmental impacts.		
12. Mineral Resources – Would the project:		
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☑
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☑
The Proposed Project would have no impacts related to mineral resources as there are none present in the City. Hence, all impacts previously analyzed as it relates to mineral resources would remain less than significant and would not result in any new or different environmental impacts.		
13. Noise – Would the project:		
a) Generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☑
b) Generate excessive groundborne vibration or groundborne noise levels?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated noise impacts considered in the Approved Project. Specifically, future developments subject to the proposed zone text amendments would primarily occur on improved sites located in an urban setting that currently generates noise from various sources in the surrounding environment. In addition, future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to noise		

would remain less than significant and would not result in any new or different environmental impacts.		
14. Population and Housing – Would the project:		
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☑
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated population and housing impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. While population growth is anticipated with new residential developments that may be streamlined with the Proposed Project, it will not constitute a substantial change as compared to existing or proposed conditions analyzed in the Final IS/ND and First Addendum, in which such development activities are currently allowed. In addition, future residential developments would be primarily located on underutilized infill parcels, which would not displace substantial numbers of existing households. Therefore, all impacts previously analyzed as it relates to population and housing would remain less than significant and would not result in any new or different environmental impacts.		
15. Public Services – Would the project result in: substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:		
a) Fire Protection? b) Police Protection? c) Schools? d) Parks? e) Other public facilities?	☐	☑

The Proposed Project would not result in changes to the previously identified and evaluated public services impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. It is anticipated that future residential developments subject to the Proposed Project would be primarily located on underutilized infill parcels in areas already served by existing public services and facilities. Nonetheless, future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to public services would remain less than significant and would not result in any new or different environmental impacts.		
16. Recreation – Would the project:		
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☑
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated recreation impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. While new residential developments that may be streamlined with the Proposed Project are anticipated, they will not constitute a substantial change as compared to existing or proposed conditions analyzed in the Final IS/ND and First Addendum, in which such development activities are currently allowed. Furthermore, future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to recreation would remain less than significant and would not result in any new or different environmental impacts.		
17. Transportation – Would the project:		

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☑
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☑
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☑
d) Result in inadequate emergency access?	☐	☑
The Proposed Project would not result in changes to the previously identified and evaluated transportation impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. In addition, future projects would be primarily located on underutilized infill parcels that would need to be consistent with applicable zoning and other code requirements. Therefore, all impacts previously analyzed as it relates to transportation would remain less than significant and would not result in any new or different environmental impacts.		
18. Tribal Cultural Resources - Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☑
	☐	☑
The areas in which the Proposed Project will apply are located primarily on previously disturbed infill parcels where an inadvertent Tribal Cultural Resource find or uncovering of burial remains would not likely occur. In addition, future developments subject to the Proposed Project would continue to be subject to all applicable existing local, state, and federal regulatory requirements to further help avoid potential impacts related to Tribal Cultural Resources. Therefore, all impacts previously analyzed as it relates to Tribal Cultural Resources would remain less than significant and would not result in any new or different environmental impacts.		
19. Utilities and Service Systems – Would the project:		
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected	☐	☑
	☐	☑
	☐	☑

demand in addition to the provider's existing commitments? d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐ ☐	☑ ☑
The Proposed Project would not result in changes to the previously identified and evaluated utilities and service systems impacts considered in the Approved Project. Specifically, the Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. It is anticipated that future residential developments subject to the Proposed Project would be primarily located on underutilized infill parcels with existing utility connections and services. Nonetheless, future developments subject to the Proposed Project would be subject to applicable provisions of CEQA, once sufficient information is available, unless the development is a ministerial project statutorily exempt from CEQA. The ministerial review of qualifying projects is intended to effectuate the Housing Element goals and policies, which have been analyzed in the adopted Final IS/ND and the First Addendum. Therefore, all impacts previously analyzed as it relates to utilities and service systems would remain less than significant and would not result in any new or different environmental impacts.		
20. Wildfire – Would the project:		
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐ ☐ ☐	☑ ☑ ☑

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☑
The City is not located near any state responsibility area or within a Very High Fire Hazard Severity Zone (VHFHSZ). Hence, all impacts previously analyzed as it relates to wildfire would remain less than significant and would not result in any new or different environmental impacts.		
21. Mandatory Findings of Significance		
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☑
b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☑
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☑
The Proposed Project implements five programs specified in the Approved Project that involve zone text amendments to achieve the same total number of RHNA units. Any future developments subject to the Proposed Project would be subject to the applicable provisions of CEQA once sufficient information is available to address potentially significant impacts that may result from the proposed project. In addition, compliance with applicable land use and environmental regulations would ensure that associated environmental effects of proposed housing developments in the future would not combine		

with effects from reasonably foreseeable future development in the City that may cause cumulatively considerable significant impacts. Furthermore, future projects would be primarily located on previously disturbed infill parcels, which would help avoid potential impacts discussed above, including direct and indirect substantial adverse effects on human beings. Lastly, future developments would continue to be subject to existing local, state, and federal regulatory requirements. Therefore, the Proposed Project would not result in any new, significant, or different cumulative environmental impacts when compared to the previous environmental analyses.

4. Conclusion

The Proposed Project is limited to complying with state law by implementing five programs within the Approved Project by amending sections of the MBMC and MBLCP. The proposed zone text amendments will bring the ADU and density bonus provisions into conformance with state law and incentivize housing development with clear, streamlined processes. As a result, the Proposed Project may result in actions that could potentially bring physical changes to the environment. However, as with the Approved Project, the proposed zone text amendments do not result in approval of any development project, and future development proposals that are affected by the Proposed Project must be consistent with all applicable codes and the General Plan. No development will be allowed to forego the development review and approval process that is being clarified and supplemented to encourage housing development.

Based on the analysis and information contained in this Addendum, there is no substantial evidence to support that the Proposed Project may result in significantly new or different environmental impacts beyond what was previously studied in the Final IS/ND and First Addendum. In addition, there are no changes proposed in the actions to implement the five programs in the Approved Project, no substantial changes to the circumstances under which the Proposed Project will be undertaken, and no new information of substantial importance that would require further environmental review. Therefore, this Addendum concludes that conditions set forth in CEQA Guidelines Section 15162 are not present and satisfies the CEQA requirements for the Proposed Project.

10.12.010 Specific purposes.

In addition to the general purposes listed in Chapter 10.01, the specific purposes of residential districts are to:

A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the City Code.

B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.

C. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.

D. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards.

E. Achieve design compatibility with each district between new or enlarged dwellings and surrounding neighborhoods.

F. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

G. Ensure the provision of public services and facilities needed to accommodate planned population densities.

H. Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative minor exception procedure to balance the retention of smaller older homes while still allowing flexibility for building upgrades below the maximum allowable square footage.

The additional purposes of each R Residential District are:

RS Single-Family Residential District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards.

RM Medium-Density Residential District. To provide opportunities for multiple residential uses, including duplexes, town houses, apartments, multi-dwelling structures, or cluster housing with landscaped open space for residents' use.

RH High-Density Residential District. To provide opportunities for an intensive form of residential development, including apartments and town houses with relatively high land coverage, at appropriate locations.

RPD Residential Planned Development District. To encourage a diverse living environment and to facilitate adequate, economical and efficient provision of community facilities, streets, utilities, and parks in a landscaped setting.

RSC Residential Senior Citizen District. To facilitate the development of quality senior housing by providing a mechanism to review and approve housing specifically designed for senior-citizen households. Sound and sensitive site planning is promoted by special design standards that recognize the specific requirements of senior-citizen housing.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91, 10-3.500; § 2, Ord. 2032 , eff. May 16, 2002; amended § 3, Ord. 15-0026, eff. December 3, 2015)

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

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 10.84. The letters "P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter 10.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

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/SDP	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O)(P)
Multi-family Transient Use	-	-	-	-	-	
Residential Care, Limited	P	P	P	P	P	
Single-family Residential	P	P	P	P	P	(C)(P)
Single-family Transient Use	-	-	-	-	-	
Public and Semipublic						(A)(D)
Clubs and Lodges	-	-	L-1	U	-	
Day Care, General	-	-	-	-	-	
Park and Recreation Facilities	L-2	L-2	L-2	L-2	-	
Public Safety Facilities	U	U	U	U	-	
Religious Assembly	L-3	L-3	L-3	U	-	
Residential Care, General	-	-	U	U	U	
Schools, Public or Private	U	U	U	U	-	
Utilities, Major	U	U	U	U	U	

Utilities, Minor	P	P	P	P	P	
Accessory Uses	P/U	P/U	P/U	P/U	P/U	(A)(E)(F)(G)(H)(I)(J)(M)(N)
Temporary Uses						(H)
Commercial Filming, Limited	U	U	U	U	-	
Marketing/Sales Office	-	U	U	P	P	
Personal Property Sales	P	P	P	P	-	(K)
Street Fairs	U	U	U	U	-	
Nonconforming Uses						(I)(J)

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

L-1 Use permit required and only neighborhood-oriented uses occupying less than two thousand five hundred (2,500) square feet are permitted.

L-2 Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs.

L-3 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-22 Application for an administrative large family day care permit to the Director of Community Development is required and shall be made on forms provided by the City and shall include such information as may be reasonably required by the Director for a complete understanding of the request. The application shall be accompanied by a filing fee and a notification packet including all properties within a one hundred foot (100') radius of the subject property. Said notification shall be completed not less than ten (10) days prior to the date on which the decision will be made on the application.

No hearing on the application for a permit shall be held before the decision is made by the Director unless a hearing is requested by the applicant or other affected person. The Director's decision shall be based on whether or not the proposed use would be compatible with the surrounding neighborhood. The applicant or other affected person may appeal the decision and the appellant shall pay the cost of the appeal. Said appeal shall be made to the Planning Commission by filing a written appeal, on forms provided by the Department of Community Development accompanied by the necessary notification packet (described above). Any such appeal shall suspend the permit until resolution of the appeal by the Planning Commission. Use of a single family dwelling for these purposes shall not constitute a change of occupancy per the State Housing Law or local building ordinances.

Large family day care homes shall be considered as single family residences per State and local building and fire codes.

Each home used in this manner shall meet the fire and life safety standards adopted by the Community Development Department and Fire Department.

The property to be used in this manner shall conform to all applicable development standards as stated in the Manhattan Beach Municipal Code.

(A) See Section 10.52.020, Exterior materials in R districts.

(B) A use permit is required for condominium development or conversion of three (3) or more units; see Chapters 10.84 and 10.88. Condominium development, or conversion, of two (2) units are exempt from the use permit requirement. An application to create 10 or fewer parcels with 10 or fewer units that

meets the requirements of California Government Code Sections 66499.41 and 65852.28 shall not require a use permit. Any addition or modification to a condominium unit or development subsequent to the original construction of that unit or development that would result in an increase in the amount of livable space, or a significant exterior structural or architectural alteration, shall require an amendment to the use permit previously obtained. In order for a residential apartment building to qualify for a condominium conversion, a certificate of occupancy must have been issued prior to January 1, 1982.

(C) See Section 10.52.100, Manufactured homes.

(D) Facilities on sites of two (2) acres or more are subject to the regulations of Chapter 10.28 (PS district) precluding those of this chapter. See Section 10.28.020, PS district applicability.

(E) See Section 10.52.070, Home occupation in R districts.

(F) See Section 10.52.050, Accessory structures, which permits Guest Houses or accessory living quarters as defined in Section 10.04.030.

(G) See Section 10.52.080, Swimming pools and hot tubs.

(H) See Section 10.84.110, Temporary use permits.

(I) See Chapter 10.68, Nonconforming uses and structures.

(J) See Chapter 10.72, Signs.

(K) An administrative permit issued by the Community Development Director is required.

(L) Alternative Parking Plan for Senior Citizen Housing**.** Applications for a use permit for a senior citizen housing project shall include a contingency plan, addressing what will be done to ensure compliance with parking requirements if occupancy can not be limited to senior citizens because of market conditions or other factors.

(M) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc. not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section 10.04.030) are prohibited, except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.

(N) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of Section 6.08.020 of this Code).

(O) Residential developments that qualify for a density bonus pursuant to Chapter 10.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments that do not receive a density bonus shall apply for a site development permit.

(P) Each single-family residential and multi-family residential dwelling unit may only be occupied by a single housekeeping unit as defined in Section 10.04.030, except as provided in Section 10.08.030.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91, 10-3.502; Ord. No. 1864 , Amended, 02/18/93; Ord. No. 1891 , Amended, 01/06/94; § 2, Ord. 1951 , eff. July 4, 1996; § 2, Ord. 2049 , eff. November 18, 2003; § 3, Ord. 13-0006, eff. August 1, 2013 and §§ 6, 7, Ord. 15-0009, adopted June 16, 2015, § 8, Ord. 16-0029 , eff. Dec. 20, 2016, and § 5, Ord. 18-0022 , eff. Dec. 6, 2018)

10.12.030 Property development regulations: RS, RM, and RH districts.

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Lot Dimensions							
Area (sq. ft.)							(A)(B)(C)(K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft.)							
Minimum	50	50	50	40	40	40	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%- 3 min.	10%-3;10	10%-3;10	10%- 3 min.	10%-3;10	10%-3;10	(D)(E)(F)
Corner Side (percentage-ft.)	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	(D)(E)(T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H)(P)
Maximum Buildable Floor Area							(I)
Lot Area (Sq. Ft.)							(V)
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		2250 +0.7	2250 + 0.9		2250 +0.7	2250 +0.9	
4,800 or less	0.7			0.7			
More than 4,800	240 +0.65			240 +0.65			
Minimum Lot Area per Dwelling Unit (sq. ft.)	7,500	3,750	1,000	4,600	2,300	1,000	(A)(U)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Lot Dimensions					
Area (sq. ft.)					(A)(B)(C)(J) (K)
Minimum	2,700	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	7,000	
Width (ft.)					

Minimum	30	30	30	30	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3 min.	10%—3;10	10%-3;10	10%—3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	30	(H)(P)
Maximum Buildable Floor Area					
Lot Area (Sq. Ft.)	1.6	1.6	1.7	1.7	(I)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,700	1,350	850	850	(J)(A)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Accessory Dwelling Units	See Chapter 10.74
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

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A. See Section 10.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.

B. See Section 10.60.030, Development on lots divided by district boundaries.

C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.

D. **Permitted Projections into Required Yards.** See Section 10.60.040, Building projections into yards.

E. **Setbacks.**

1. **Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3'). In the RM and RH Zones side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five feet (5').

   Exceptions—Side Setbacks. Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.

2. **Reverse Corner Side Setback.** Reverse corner lots in Area Districts I and II shall have the following side yards:

   a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.

   b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:

      i. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;

      ii. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

      iii. The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

3. **Rear Setback:**

   a. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10').

F. **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

1. **Exceptions.** If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

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G. **Alley Setback Exceptions.** Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.

Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

H. **Maximum Height of Structures.** See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section 10.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times the minimum side setback; in Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen feet (15'). The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

I. **Maximum Buildable Floor Area.** The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size

required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.

K. **Lot Dimensions—Area.** Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section 10.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three (3) or more dwelling units, in order to encourage development of multifamily housing in these areas.
2. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500') of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter 10.84.
3. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.
4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
5. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.
6. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.
7. The RSC—Residential Senior Citizen Zone, which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.
8. The RPD—Residential Planned Development Zone which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.

L. (Reserved)

M. **Open Space Requirement.** The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.

2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½)of the total required open space.

3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.

N. **Semi-Circular Driveways.** Semi-circular driveways are permitted within front yards on lots with widths of eighty feet (80') or more, subject to the following standards:

a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.

b. The semi-circular driveway does not have to provide access to the garage.

O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

a. **Exceptions for Area Districts III and IV.** The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.

P. **Fences, Walls, and Hedges.** The maximum height of a fence, wall, or hedge shall be six feet (6') in required side or rear yards, and forty-two inches (42") in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6') fence is allowed, provided such additional height over six feet (6') meets one (1) of the following criteria.

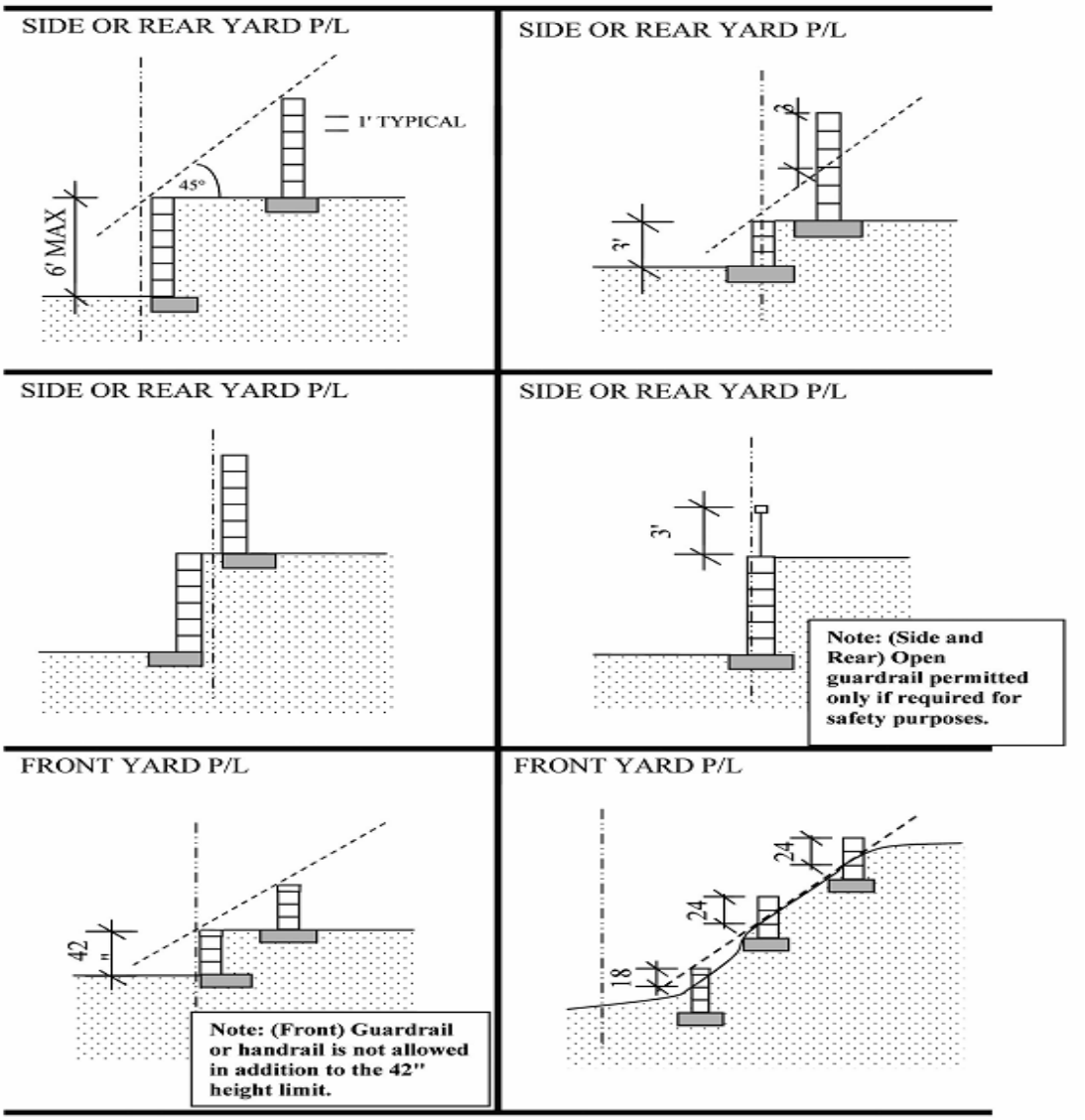
a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11').

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided,

further, that such additional portion shall not make the total height of the fence more than eight feet (8′) and shall not extend closer than three feet (3′) to any part of any building.

c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12′). If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does impede public views of the ocean, the beach, or to and along the shoreline.

2. Architectural screen walls not to exceed six feet (6′) six inches (6″) in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14′) back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.



PERMITTED FENCE/WALL/HEDGE HEIGHTS

Q. **Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

Exception: A detached accessory dwelling unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040.B.

S. **House Moving.** For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.

T. **Additional Front and Corner Side Setback Requirement—RS Properties, Area Districts I and II.** In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:

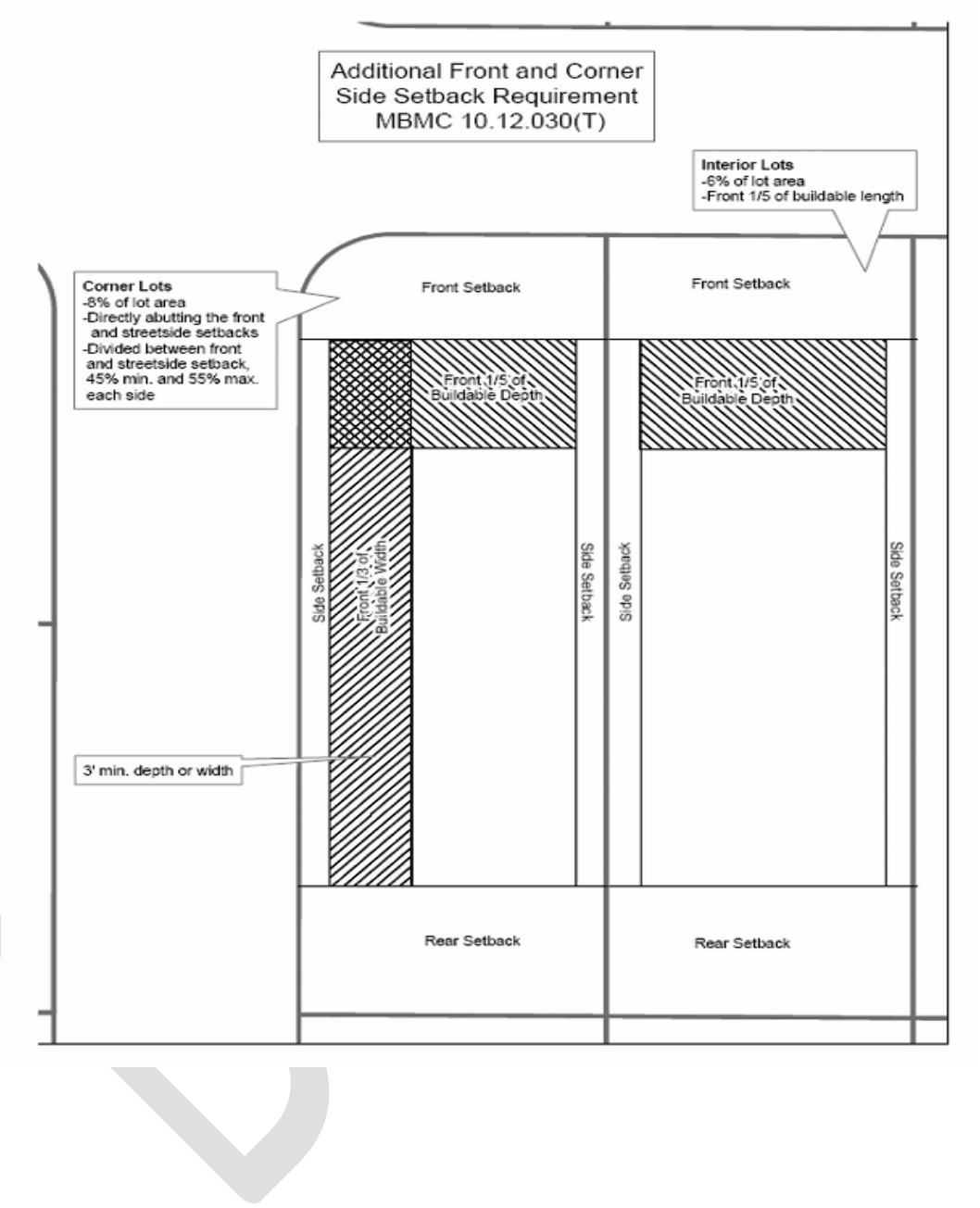
1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (twenty percent (20%)) of the lot's buildable depth.
2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of forty-five percent (45%) and a maximum of fifty-five percent (55%) of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third [thirty-three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of three feet (3') of depth or width and shall be distributed to provide building wall articulation.
3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).
4. A maximum of one-half of said area shall be designed or useable as roof top deck surfaces.
5. Building projections above said area shall be considered as projections within a front yard.

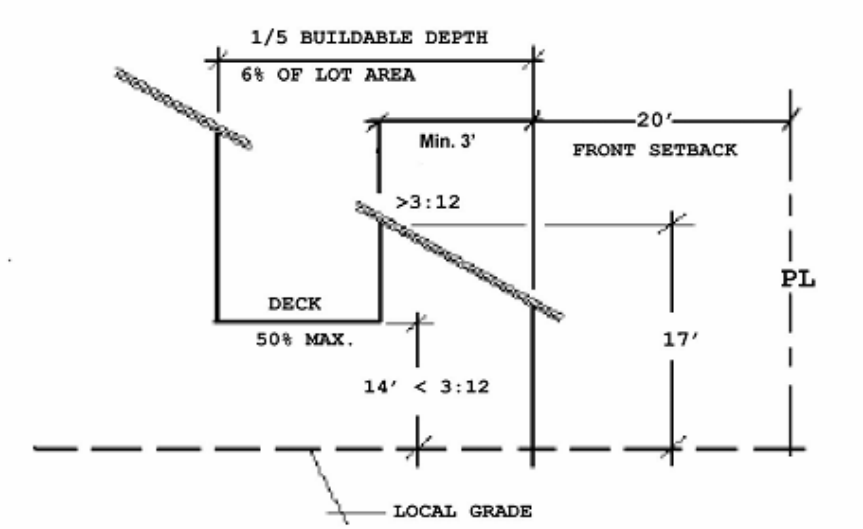
Exceptions:

1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.
2. This requirement may be reduced for a small, wide, shallow, multiple front yard and/or unusually shaped lots or other unique conditions subject to approval of a minor exception.
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.

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4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.





ADDITIONAL FRONT SETBACK REQUIREMENT
MBMC 10.12.030T

U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be granted a lot consolidation bonus incentive when two (2) or more parcels are consolidated into a single building site according to the following formula:

Combined Parcel Size		Base Density Increase
General	Site Inventory Parcels*	
Less than 0.50 acres		No increase
	0.30 acres to 0.49 acres	5% increase
0.50 acres to 0.99 acres		5% increase
1.00 acre or more		10% increase

*Applicable to sites identified in Appendix E - Site Analysis and Inventory: Tables 8, 9, 10, and 15 of the certified 6th Cycle Housing Element.

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter 10.94.

V. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be exempt from these maximum lot size limitations.

10.12.040 RPD district development regulations.

A. **General Conditions and Limitations.** Each comprehensive residential planned development (RPD) shall be subject to use permit approval, and the following conditions and limitations (see also Section 10.12.020 for additional land use regulations).

1. The maximum permitted density shall be consistent with the General Plan.
2. Greenbelts shall be provided offering easy access between dwelling units, parks, and commercial areas.
3. Each building site shall abut and provide access to a public or private street or alley.
4. The RPD shall be designed around an architectural theme or themes providing architectural variations and containing landscaped berms and/or decorative walls and fences. Homeowners associations, to be established at the time of initial development, shall have the authority to determine theme consistency for subsequent ministerial projects.

B. **Development Standards.** This subsection establishes minimum development standards that are intended to apply to all physical improvements on the site and ensure construction of a high-quality residential environment in a RPD district. Minor modifications to these standards, with the exception of development density, may be approved by the Planning Commission as part of an RPD permit and shall be incorporated into the Planning Commission resolution approving the RPD permit. Minor modifications to standards may be approved by the Community Development Director for subsequent isolated projects (including reconstruction) that are compatible with the existing RPD development (existing prior to January 1995) if such modifications are requested in writing by the applicant and responsible homeowners' association.

1. **Minimum Building Site Area.** Forty thousand (40,000) square feet.

2. **Minimum Lot Area.**

   a. **Detached Single-Family Dwellings.** Five thousand (5,000) net square feet per unit, provided the average lot area shall not be less than five thousand five hundred (5,500) square feet for the total net site area.

   b. **Attached or Cluster Multiple-Family Dwellings.** A minimum lot area of two thousand (2,000) net square feet per unit shall be required, provided the average lot area per dwelling unit shall not be less than two thousand five hundred (2,500) square feet for the total net site area.

   c. **Determining Net Site Area.** Net site area excludes common areas that are required for parkland or right of way dedication requirements and areas that exceed a fifteen percent (15%) slope.

3. **Maximum Building Height.** Twenty-six feet (26’). A height limitation of thirty feet (30’) for multifamily developments may be approved if the additional height is required to construct a tuck-under garage which provides direct access to a dwelling unit. Height shall be measured in accord with Section 10.60.050.

4. **Maximum Building Site (Lot) Coverage.**

   a. **Single-Family Dwellings.** Fifty percent (50%), exclusive of roof overhangs, trellis areas, covered porches, and allowable structures in the side and rear yard setback areas.

   b. **Multiple-Family Dwellings.** Sixty percent (60%), excluding roof overhangs, trellis areas, and covered porches.

5. **Minimum Building Setbacks for Single-Family Dwellings and Accessory Structures.**

   a. **From Street Property Lines.**

Street Designation	Minimum Setback (Feet)
Arterial	50
Collector (primary loop)	30
Collector (secondary loops)	25
Neighborhood or local	20
Private driveways or alleys	20

   b. **From Interior Side-Lot Line.** Five feet (5’).

      1. **Exceptions for Zero-Side Yards.** A zero (0) side-yard development may be approved if the opposite yard or the combined side-yard setbacks of the two (2) adjoining structures is a minimum of ten feet (10’).

   c. **From Rear Lot Line:** twenty feet (20’).

      1. **Exception.** If the area to be developed contains more than thirty (30) acres, a maximum of twenty-five percent (25%) of the total number of lots may have reduced rear-yard

setbacks, provided that the average setback shall not be less than fifteen feet (15') on any lot, but in no case shall the dimension between the closest point of the structure and the property line be less than ten feet (10'). In addition, up to three percent (3%) of the total number of lots can maintain a minimum eight-foot (8') setback.

d. **Structures Allowed in the Setback Area.** Limited structural improvements are permitted to be located in side- and rear-yard setback areas to provide the occupant with usable space for open space and recreational purposes. These uses may include pools and spas, pool and spa equipment, barbecues, garden potting benches and related storage, fountains, bird baths, patio covers, second-story open and unenclosed balconies, gazebos, greenhouses, planter beds, landscaping, irrigation systems, and other similar improvements which, in the determination of the Director of Community Development, meet the intent of this section. The installation of such improvements is subject to the following conditions.

1. No improvement may be constructed in violation of the Uniform Building Codes or other applicable codes and ordinances.
2. The rear-yard setback area must be provided with continuous access, defined as an area open and unobstructed from the ground to the sky, a minimum of three feet (3') wide, from the front to the rear of the property.
3. No improvement other than area-separation walls or fences which cannot exceed the height limits prescribed by this Code, may be constructed in excess of fifteen feet (15') in height.
4. Any improvement(s) that has a roof element shall not exceed a maximum lot coverage of 40 percent of the required rear-yard setback.

e. **Setbacks from Public Greenbelts, Lakes, or Parks.** 20 feet plus 10 feet for two-level dwellings.

f. **Setbacks from District Boundaries.** 50 feet. The Planning Commission may reduce this requirement upon finding that an adequate buffer is provided.

g. **Building Separation.** The distance between primary buildings and accessory buildings on the same lot shall not be less than 10 feet.

6. **Minimum Building Setbacks for Attached or Cluster Multifamily Dwellings:**

a. **From Street Property Lines:**

Street Designation	Minimum Setback (Feet)
Arterial	50
Collector (primary loop)	30
Collector (secondary loops)	25
Neighborhood or local	20
Private driveways or alleys	20

b. **Setbacks between Structures on the Same Site:**

Individual Primary Buildings:	10 feet.
Building Clusters:	40 feet plus 5 feet for each story above one.
1. **Exception:** Where the open space is more than 10 feet below the elevation of the residential structures, the first-story setback can be no less than 10 feet.	

c. **Setbacks between Clusters and Public Greenbelts, Lakes, and Parks:** 20 feet plus 5 feet for each story above one.

d. **Setbacks from District Boundaries:** 50 feet. The Planning Commission may reduce this requirement upon finding that an adequate buffer is provided.

e. If the area to be developed contains more than 40 acres, the setback requirements can be modified by an RPD Permit if the Planning Commission finds that the project is in substantial compliance with the intent and purpose of the RPD District.

7. **Private Open Space.** The minimum usable open space shall be three hundred (300) square feet, shall be on the ground, and shall be intended to provide for private recreational outdoor use.

8. **Public Open Space.**

a. All public common areas, parks, recreation facilities and medians shall be fully developed and landscaped in accord with plans approved by the Public Works Department.

b. The homeowners' association(s) shall be responsible for the maintenance of all private common areas including, but not limited to, parkways and trails, recreation facilities, and landscaped medians.

9. **Parking Requirements.**

a. **Single-Family Dwellings.** Two (2) enclosed off-street parking spaces directly serving each unit, plus two (2) additional off-street parking spaces, either enclosed or unenclosed.

b. **Multiple-Family Dwellings.** Two (2) enclosed off-street parking spaces directly serving each unit, plus one (1) additional off-street parking space for use by guests. Guest parking may be located adjacent to the dwelling unit served or may be clustered if the Planning Commission finds that such clusters will be located in convenient proximity to a number of dwelling units.

c. **Recreational Vehicles:** A deed restriction shall be imposed on all residential properties prohibiting the parking of recreational vehicles, trailers, or boats on private driveways or streets within the development.

d. **Other Requirements.** See Chapter 10.64.

10. **Underground Utilities.** See Section 10.60.110.

11. **Swimming Pools and Hot Tubs.** See Section 10.52.080.

12. **Landscaping.** See Section 10.60.070.

13. **Screening of Mechanical Equipment.** See Section 10.60.090.

14. **Refuse Storage Areas.** See Section 10.60.100.

15. **Performance Standards.** See Section 10.60.120.

10.12.050 RSC district development regulations.

This section establishes minimum development standards that are intended to apply to all physical improvements on the site in order to ensure construction of a high-quality residential environment specifically designed for senior citizens in an RSC district. For the purposes of this section, a senior citizen household shall be defined as a household in which one member of the household, or dwelling unit, is sixty-two (62) years of age or older.

A. **Minimum Building Site Area.** Forty thousand (40,000) square feet.

B. **Minimum Lot Area per Dwelling Unit.** Nine hundred (900) square feet.

C. **Minimum Floor Area per Dwelling Unit.** Five hundred twenty-five (525) square feet.

D. **Maximum Building Height.** Thirty feet (30'). The Planning Commission shall review the compatibility of the height of the proposed development with the surrounding neighborhood in accord with the following criteria:

1. Building height shall be compatible with existing adjacent structures. Tuck-under parking and/or a sloped roof design with a minimum ratio of 4:12 is suggested for structures exceeding twenty-six feet (26') in height.

2. All rooftop or elevated mechanical equipment or vents shall be screened from view.

E. **Maximum Floor Area Ratio.** 1.5:1.

F. **Minimum Yards and Building Setbacks.** Minimum yards and setbacks shall not be less than those required in the RH district for the area district in which the development is proposed.

G. **Minimum Distance between Buildings.** Ten feet (10').

H. **Building Design.** To encourage greater architectural creativity in facade design, two (2) of the following architectural elements are required as part of each building facade: sloped roofs; bay windows; awnings; roof eaves; cornices; sills; buttresses; balconies; or patios.

I. **Open Space.**

1. **Overall Requirement.** Total three hundred fifty (350) square feet of usable open space shall be provided for each unit.

2. **Private Open Space.** A minimum of fifty (50) square feet with direct access from each unit shall be provided. The minimum horizontal dimension of balconies shall be five feet (5').

3. **Common Open Space.** The minimum horizontal dimension of patios, decks, courtyard areas, and other common space shall be ten feet (10').

J. **Community Facilities.** An amount equal to fifteen (15) square feet per unit shall be developed as community space providing handicapped bathrooms and kitchen facilities to be used by project residents and their guests only.

K. **Landscaping.**

1. All unpaved areas shall be planted with an effective combination of trees, ground cover, and shrubbery.

2. Landscaping may be required in excess of the minimum standards specified for a proposed development, provided that the additional landscaping is necessary to accomplish the following:

a. Screen adjacent uses from parking areas, storage, or structures that could cause a negative impact on adjacent uses based on aesthetics, noise, or odors; or

b. Provide landscaping that is compatible with neighboring uses.

3. The landscape plan shall be compatible with the shape and topography of the site and the architectural characteristics of the structures on the site.

4. The plant materials selected shall be suitable for the given soil and climate conditions.

5. Landscaping shall be used to relieve solid, unbroken elevations and to soften continuous wall expanses.

6. Landscaping shall be maintained in an orderly and healthy condition. This maintenance shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering.

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7. Landscaping shall screen storage areas, trash enclosures, parking areas, public utilities, and other similar land uses or elements that do not contribute to the enhancement of the surrounding areas.

8. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six-inch (6") curb. Other materials that accomplish the same purpose may be approved by the Director of Community Development.

9. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

L. **Parking Requirements:**

1. **Minimum Spaces:**

   a. 1.2 per unit, including one enclosed; and

   b. One (1) space for every nonresidential employee.

2. **Loading Area:** A loading area shall be provided on site. The area may not at any time obstruct vehicular or pedestrian circulation, or block access to parking. The loading area shall be:

   a. An off-street loading space of not less than ten feet (10') × twenty feet (20'); or

   b. A loading zone of not less than twenty-five (25) lineal feet.

3. **Aesthetics:**

   a. No more than forty percent (40%) of the street frontage shall be utilized for vehicular access.

   b. To avoid long, continuous blank walls at-grade, parking garages shall include openings such as windows and doors for fifty percent (50%) of the vertical surface.

   c. Exterior lighting shall be designed in such a manner as to avoid glare on adjacent properties.

4. **Parking Access and Driveways:**

   a. In pedestrian-intensive areas, such as but not limited to the Downtown, the North End (El Porto), and the local-servicing commercial properties along Highland and Rosecrans avenues, driveway encroachments are discouraged along the primary commercial streets (Manhattan Avenue, Manhattan Beach Boulevard, Highland Avenue, Morningside Drive, and Rosecrans Avenue). Driveways shall be limited, where feasible, to side streets and/or alleys.

   b. Each driveway serving the garages or parking spaces shall be at least ten feet (10') wide for one (1) way or twenty-five feet (25') for two (2) way.

M. **Unit Design Standards.**

1. To assist in reaching, drawers and shelves shall be on gliders or rotating.

2. For easy grip, lever handles shall be used instead of knobs.

3. Tub/showers shall have non-slip surfaces with grab bars.

4. For security/convenience:

   a. A peep-hole shall be included in the front door;

   b. Dead-bolt exterior doors shall be installed;

   c. Whenever possible, unit entrances shall have direct access to parking facilities; and

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d. Long interior halls shall be avoided.

5. A minimum of two hundred (200) cubic feet of storage space per unit shall be provided.

6. All projects two (2) stories in height or greater shall have elevators.

7. Unit orientation and window location:

   a. The living room or living space with the greatest square footage, other than a bedroom, shall have an operable window facing the front or rear yard.

   b. For easy visibility from a sitting position within the unit, at least one (1) window in the living room shall have a sill no greater than thirty inches (30") from the floor.

8. **Trash-Storage Areas.** See Section 10.60.100.

9. **Utilities.**

   a. All utilities such as gas meters, electrical meters, telephone-, pedestal-mounted terminal boxes, surface-mounted electrical transformers, fire hydrants or any other potential obstructions shall not be located within the required parking or turning area or driveway.

   b. All utility meters shall be screened from view from public streets.

   c. The utilities undergrounding requirements of Section 10.60.110 shall apply.

N. **Telecommunications Facilities.** See Chapter 13.02 of Manhattan Beach Municipal Code.

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10.16.010 Specific purposes.

In addition to the general purposes listed in Chapter 10.01, the specific purposes of commercial district regulations are to:

A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region.

B. Strengthen the City's economic base, but also protect small businesses that serve City residents.

C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of commercial development on adjacent residential districts.

E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.

F. Ensure the provision of adequate off-street parking and loading facilities.

G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each district are as follows:

CL Local Commercial District. To provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CL district.

CC Community Commercial District. To provide sites for planned commercial centers, such as Manhattan Village, which contain a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods, and specialty items and generally having a City-wide market area. Support facilities such as entertainment and eating-and-drinking establishments are permitted, subject to certain limitations to avoid adverse effects on adjacent uses.

CG General Commercial District. To provide opportunities for the full range of retail and service businesses deemed suitable for location in Manhattan Beach, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts; and to provide opportunities for offices and certain limited industrial uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services.

CD Downtown Commercial District. To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. This district is intended to accommodate a broad range of community businesses and to serve beach visitors.

CNE North End Commercial District. To provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City. Residential uses that are consistent with the standards of the RH Residential High-Density District are also permitted, consistent with the General Plan.

10.16.020 CL, CC, CG, CD, and CNE districts: land use regulations.

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 10.84. The letters "P/U" -means that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter 10.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in this title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

CL, CC, CG, CD, and CNE DISTRICTS: LAND USE REGULATIONS

P — Permitted
U — Use Permit
L — Limited, (See Additional Use Regulations)
PDP — Precise Development Plan
SDP – Site Development Permit
- — Not Permitted

	CL	CC	CG	CD	CNE	Additional Regulations
Residential						
Day Care, Small Family Home	P	-	-	U	L-11	
Day Care, Large Family Home	L-23	-	-	L-23	L-23	
Single-Family Residential	U	-	-	U	L-11	(I)(J)
Multi-Family Residential	L-30	-	L-30			(I)(J)(P)
5 Units or Less	P			P	P	
6 Units or More	PDP/SDP			PDP/SDP	PDP/SDP	
Public and Semipublic						(A)
Clubs and Lodges	U	U	U	U	U	
Cultural Institutions	U	U	U	U	U	
Day Care, General	U	U	U	U	U	
Emergency Health Care	U	U	U	U	U	
Government Offices	L-10	P	P	P	P	
Hospitals	-	U	U	-	-	
Park & Recreation Facilities	P	P	P	P	P	
Public Safety Facilities	U	U	U	U	U	
Religious Assembly	L-21	-	L-21	-	-	
Residential Care, General	-	-	U	-	-	
Schools, Public or Private	U	U	U	-	-	
Utilities, Major	U	U	U	U	U	
Utilities, Minor	P	P	P	P	P	
Mixed-Use						
Mixed-Use	L-30		L-30			(B)(O)
Non-Residential Component	P/U			P/U	P/U	

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Residential 5 or Less Units	P			P	P	
Residential 6 or Less Units	PDP/SDP			PDP/SDP	PDP/SDP	
Commercial Uses						(B)(K)(L)
Adult Businesses	-	-	L-5	-	-	(C)
Ambulance Services	-	-	U	-	-	
Animal Sales & Services						
Animal Boarding	-	-	U	U	-	
Animal Grooming	P	P	P	P	P	
Animal Hospitals	-	-	U	L-25	-	
Animals						
Retail Sales	P	P	P	P	P	
Artists' Studios	P	P	P	P	P	
Banks and Savings & Loans	P	P	P	L-26	P	
With Drive-Up Service	-	U	U	U	-	
Body Art Studios	-	U	U	-	-	(N)
Building Materials and Services	-	-	P	-	-	
Catering Services	P	P	P	P	P	
Commercial Filming	U	U	U	U	U	
Commercial Recreation and Entertainment	-	P	P	L-7	L-7	(D)
Communication Facilities	-	P	P	L-27	P	
Eating and Drinking Establishments	U	U	U	U	U	(E)
w/ Fast-Food or Take-Out Service	U	U	U	L-7	L-7	
Drive-Through	-	U	U	-	-	
Food and Beverage Sales	L-9	P	P	L-9	L-9	
Funeral and Interment Services	-	-	L-5	-	-	
Laboratories	-	-	U	-	-	
Maintenance and Repair Services	P	P	P	P	P	
Nurseries	P	P	P	-	-	
Offices, Business and Professional	P	P	P	L-24, L-26, L-28	L-24	
Pawn Shops	-	-	U	-	-	
Personal Improvement Services	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Psychic Advisor	-	-	P	-	-	
Research and Development Services	-	-	U	-	-	
Retail Sales	P	P	P	L-29	P	
Secondhand Appliances/Clothing	-	-	P	U	U	
Swap Meets, Recurring Travel Services	P	P	P	P	P	
Vehicle Equipment/Sales and Services						
Automobile Rentals	-	P	P	-	-	
Automobile Washing	-	-	L-8	-	-	
Commercial Parking	-	U	U	U	U	
Service Stations	U	U	U	U	-	(F)
Vehicle Equip. Repair	-	-	L-6	L-6	-	
Vehicle Equip. Sales and Rentals	-	P	P	-	-	
Vehicle Storage	-	-	U	-	-	
Visitor Accommodations						
Hotels and Motels and Time Shares	-	U	U	U	U	
Residential Hotels	-	-	U	-	-	

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Warehousing and Storage, Ltd.	-	-	P	-	-	
Industrial						(B)
Industry, Custom	L-7	L-7	P	L-7	L-7	
Industry, Limited	-	-	L-7	-	-	
Wholesaling, Distribution and Storage	-	-	U	-	-	
Accessory Uses						
Accessory Uses and Structures	P/U	P/U	P/U	P/U	P/U	
Temporary Uses						(G)
Animal Shows	-	-	U	-	-	
Christmas Tree Sales/Pumpkin Sales	P	P	P	P	P	
Circus and Carnivals	-	U	-	U	U	
Commercial Filming, Limited	-	U	U	U	U	
Food Truck Sales	-	U	U	-	-	
New Year's Eve	U	U	U	U	U	
Real Estate Sales	P	P	P	P	P	
Retail Sales, Outdoor	P	P	P	P	P	
Street Fairs	U	U	U	U	U	
Trade Fairs	-	U	U	-	-	
Nonconforming uses						(H)

C Districts: Additional Land Use Regulations

L-4 Only allowed above ground level with a use permit.

L-5 Only mortuaries are allowed, subject to a use permit.

L-6 A use permit is required, and body and fender shops are permitted only as part of a comprehensive automobile-service complex.

L-7 Only "limited" or "small-scale" facilities, as described in use classifications, are allowed with a use permit.

L-8 Attended facilities permitted; unattended facilities allowed with a use permit.

L-9 A use permit is required for Food and Beverage establishments operating between 10:30 p.m. and 6 a.m.

L-10 Only post offices and other offices occupying less than two thousand five hundred (2,500) square feet are permitted.

L-11 Single-family residential permitted if located (1) on a site which fronts on Crest Drive; or (2) on the rear half of a site which fronts on Highland Avenue; or (3) on a site which fronts on the east side of Highland Avenue between 38th Place to the south and Moonstone Street to the north; or (4) on a site which does not abut Rosecrans Avenue or Highland Avenue; otherwise a use permit is required.

L-21 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-23 See Section 10.12.020 (L-22): regulations for "Day Care, Large Family Home".

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L-24 A use permit is required for a project with more than two thousand five hundred (2,500) square feet of buildable floor area.

L-25 Animal Hospitals as defined in MBMC 10.08.050 require a Use Permit. Veterinary services, as defined as medical treatment for small animals, is a permitted use on the ground floor provided the proposed facilities are entirely enclosed, soundproofed, and air-conditioned. Overnight boarding is allowed only if associated with the on-site Veterinary services.

L-26 Permitted above ground floor. Use is also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas.

L-27 Permitted above ground floor.

L-28 Optometrist office is permitted in ground floor spaces adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component. Optometrist office is also permitted above the ground floor.

L-29 In addition to any other applicable regulations regulating square footage or retail floor space, a Use Permit is required for the establishment of any retail use proposed to contain more than one thousand six hundred (1,600) square feet of sales floor area. For the purposes of this section, "sales floor area" is defined as the total area of a tenant space, measured from the inside walls, excluding rooms or areas that are permanently inaccessible to the public, including, but not limited to, storage rooms, offices associated with the retail tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building.

L-30 See Chapter 10.50, Residential Overlay District

(A) Facilities on sites of two (2) acres or more are subject to the regulations of Chapter 10.28 (PS District) precluding those of this chapter. See Section 10.28.020: PS District Applicability.

(B) A use permit is required for a single use or tenant project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) square feet of land area. A master use permit is required for a multiple use or tenant project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) square feet of land area. See Section 10.84 for use permit provisions.

Exception: The building floor area or lot area thresholds above shall not apply to mixed-use developments as defined in Section 10.08.050(Q).

(C) The exterior walls of an adult business shall be at least two hundred feet (200') from an R district and a school, and at least one thousand feet (1,000') from the exterior walls of another adult business.

(D) See Section 10.56.050: Game centers.

(E) See Section 10.56.020: Eating and drinking establishments with take-out service. An establishment providing group entertainment is subject to Title 4, Article 4, Dances and Cafe Entertainment and must obtain a permit from the City Manager.

(F) See Section 10.56.030, Service stations, vehicle/equipment repair, and automobile washing.

(G) See Section 10.84.110, Temporary use permits.

(H) See Chapter 10.68, Nonconforming uses and structures.

(I) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild

animals (as defined in Section 10.04.020) are prohibited except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.

(J) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of Section 6.08.020 MBMC).

(K) Valid discretionary permits approved prior to January 17, 1991 may satisfy the requirement for an individual use permit or master use permit, provided the scope of the project, including use(s) approved and intensity (buildable floor area) of development, remain in substantial conformance with the approved project, and the project complies with all conditions of approval. The Community Development Director shall approve the conversion of such permits in conformance with this section.

(L) A use permit, or use permit amendment, shall be required for any new alcohol license or modification to an existing alcohol license.

(M) Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with use permits and other discretionary zoning approvals that limit the hours of operation may operate for extended hours for New Year's Eve as designated in Section 6.01.330 of the Businesses, Professions and Trades Code.

(N) A use permit shall be required for any new body art studio use as set forth in Section 10.56.070: Body Art Studios. In addition, body art studios shall comply with the regulations set forth therein. Body art studios are not permitted in CG zoned parcels that are adjacent to RS-D6 (Oak Avenue Overlay District) zoned parcels.

(O) The commercial component of a mixed-use development shall be subject to land use regulations in this section.

(P) Residential developments that qualify for a density bonus pursuant to Chapter 10.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments of six (6) or more units that do not receive a density bonus shall apply for a site development permit.

10.16.030 CL, CC, CG, CD, and CNE districts: development regulations.

The following schedule prescribes development regulations for the CL, CC, CG, CD, and CNE districts. The first five (5) columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the planning and zoning ordinance.

CL, CC, CG, CD, and CNE DISTRICTS: DEVELOPMENT REGULATION						
	CL	CC	CG	CD	CNE	Additional Regulations
Residential Development	(Y)		(Y)			(A)(B)(V)
Minimum Lot Area (sq. ft.)	(Z)			2,700	2,700	(J)(L)
Maximum Lot Area (sq. ft.)	(Z)			7,000	7,000	(J)(L)
Minimum Lot Width	(Z)			30	30	

Minimum Setbacks						
Front (ft.)	5			5	5	(L)(M)
Side (percentage-ft.)	10%-3; 10			10%-3;10	10%-3;10	(W)(X)
Corner Side (ft.)	1			1	1	
Rear (ft.)	5			5	5	(M)(W)(X)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(P)
Maximum Height of Structures (ft.)	30			(A)(F)(G)	30, (A)	(H)(Q)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section 10.60.090					
Fences and Walls	(K)					
Building Projections into Setbacks	See Section 10.60.040					
Mixed-Use Development	(Y)		(Y)			(A)(B)(T)(V)
Minimum Lot Area	4,000			2,700	2,700	
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						(C)(U)
Front (ft.)	-			-	-	
Side (ft.)	-			-	-	
Corner Side (ft.)	-			-	-	
Rear (ft.)	-			-	-	
Maximum Height of Structures (ft.)	30			(G)	30	(F)(H)(Q)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(P)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Minimum Site Landscaping (%)	8					(I)
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section 10.60.090					
Fences and Walls	(K)			(K)	(K)	
Nonresidential Development						
Minimum Lot Area (sq. ft.)	4,000	10,000	5,000	2,700	2,700	(B)
Minimum Lot Width (ft.)	40	100	50	30	30	(B)
Minimum Setbacks						(B)(C)
Front (ft.)	-	-	-	-	-	(D)
Side (ft.)	-	-	-	-	-	(E)
Corner Side (ft.)	-	-	-	-	-	(D)
Rear (ft.)	-	-	-	-	-	(E)

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Maximum Height of Structures (ft.)	30	30	30	(G)	30	(F)(H)
Maximum Floor Area Factor (FAF)	1.0	1.5	1.5	1.5	1.5	
Minimum Site Landscaping (%)	8	12	8	-	-	(I)
Fences and Walls						(K)
Off-Street Parking and Loading						(N)
Outdoor Facilities	See Section 10.60.090				(O)	
Screening of Mechanical Equip.	See Section 10.60.090					
Refuse Storage Areas	See Section 10.60.100					
Underground Utilities	See Section 10.60.110					
Performance Standards	See Section 10.60.120					
Nonconforming Structures	See Chapter 10.68					
Signs	See Chapter 10.72					
Telecommunications Facilities	See Chapter 13.02 of MBMC					

CL, CC, CG, CD, and CNE Districts:
Additional Development Regulations

(A) For dwelling units as the sole use on a site:

(1) CD district: the commercial standard for building height shall apply when dwelling units replace commercial use.

(2) CNE district, D-5 overlay: if a base zoning district standard conflicts with an overlay standard (Section 10.44.040), the overlay standard shall apply.

(B) See Section 10.60.020, Development of substandard lots.

(C) See Section 10.60.040, Building projections into yards and required open space. Double-frontage lots shall provide front yards on each frontage.

(D) A minimum ten-foot (10') building setback shall be provided along the west side of Sepulveda Boulevard as measured from the Sepulveda street property line prior to any required dedications.

(E) Along a rear property line abutting an R district, structures shall not intercept a 1:1 or forty-five-degree (45°) daylight plane inclined inward from a height of fifteen feet (15') above existing grade at the property line. Along a side property line abutting an R district, structures shall not intercept a sixty-degree (60°) daylight plane inclined inward from a height twenty feet (20') above existing grade at the property line.

(F) A roof pitch of at least four (4) vertical feet for each twelve (12) lineal feet of roof area is required. If the roof pitch is less, the maximum building height is twenty-two feet (22') unless structure parking is provided at or below the ground level.

(G) Within the CD district, the height limits shown on the accompanying diagram entitled "Section 10.16.030 (G), CD Downtown Commercial District Height Limits" shall apply.

(H) See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits.

(1) Residential projects shall comply with the following requirements.

a. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building

wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section 10.04.030).

b. A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows: in all Area Districts the interior side setback shall be three (3) times the minimum side setback; in Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen feet (15'). The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

c. A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140(C)].

d. Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

e. The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

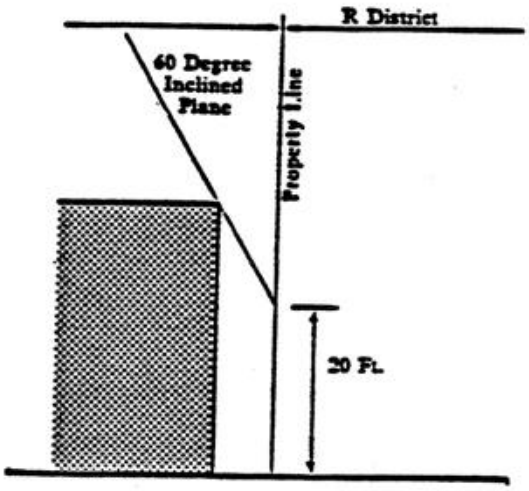
(I) **Planting Areas.**

(1) Required yards shall be enclosed by a solid concrete or masonry wall at least six feet (6') in height or shall be planting areas, provided that a wall within fifteen feet (15') of a street property line shall not exceed three feet (3') in height.

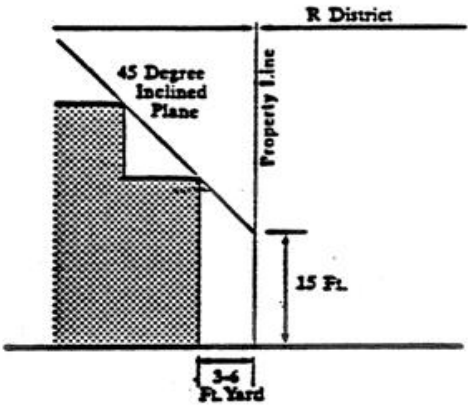
(2) In the CG and CC districts, the minimum percentage of the site to be landscaped may be reduced one percent (1%) for each section of street frontage improved with an adjoining landscaped strip, the dimensions of which are minimally: twenty-five feet (25') in width and, in length, a dimension equivalent to twenty percent (20%) of the street frontage, where width is measured perpendicular to the street and length is measured parallel to the street. For purposes of calculation, the frontage allocated to driveways and walks shall not be counted.

(3) For additional site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with the design standards specified in Section 10.60.070 may result in a total site landscaping requirement that exceeds the minimum site requirements of this section.

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SIDE PROPERTY LINE



REAR PROPERTY LINE

REAR PROPERTY LINE

(E) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS

(The diagram is illustrative)



Section 10.16.030 (G)
CD Downtown Commercial District Height Limits

(J) Two (2) units are permitted on preexisting, legal half-lots in Area District IV with a minimum site area of one thousand three hundred fifty (1,350) square feet.

(K) Fences and Walls.

(1) Nonresidential**.** A solid masonry or concrete wall is required for all commercial properties where they abut or adjoin a ground-floor residential use or residentially zoned property. The minimum height of a fence or wall is six feet (6′) as measured from the finished grade of the commercial property. However, a wall within five feet (5′) of a street property line shall be a minimum of three feet (3′) in height as measured from the residential property.

The maximum height of a fence or wall shall be eight feet (8') as measured from the finished grade of the commercial property unless a greater height is mutually agreed upon for a common property line by the abutting property owners and approved by the Community Development Department.

(2) Residential See Section 10.12.030(P).

(L) See Section 10.60.030, Development on lots divided by district boundaries.

(M) Alley Setback Exceptions.

Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.

Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

(N) See Chapter 10.64, Off-Street parking and loading regulations. For a density bonus project, required parking spaces for residential units shall be provided in accordance with CA Government Code Section 65915.

(O) See Section 10.60.130, Antennas and microwave equipment; and Section 10.60.140, Solar-assisted water heating.

(P) Maximum Buildable Floor Area. The maximum buildable floor area (BFA) on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF). That area used for vehicle parking and loading is excluded from BFA calculations. Seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

(Q) Height: For all projects, roof mounted mechanical equipment and elevator shafts are allowed to exceed the maximum allowed height limit by up to five (5) feet, so long as they are properly screened and located in an area that would not be visible from surrounding properties.

(R) Density: When calculating the base density for density bonus projects, any number of units with fractions shall be rounded up to the nearest whole number. When calculating for non-density bonus projects, any number of units with fractions shall be rounded down to the nearest whole number.

(S) Open Space: A minimum of fifty (50) square feet of private open space per residential unit is required. To qualify, open space shall have minimum dimension of five (5) feet in any direction. Common open space shall be provided at equal to or greater than eight percent (8%) of buildable floor area.

(T) For properties along Highland Avenue, Manhattan Avenue, and Manhattan Beach Boulevard, ground floor commercial uses shall be oriented towards the main street.

(U) Daylight Plane: Structures shall not intercept a sixty degree (60 $^{\circ}$) daylight plane inclined inward from a height of twenty (20) feet above existing grade at the shared property line that abuts a residential property.

(V) The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.

(W) Setbacks.

1. Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3'). Side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five feet (5').

Exceptions—Side Setbacks. Existing lots currently developed as multifamily and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.

2. Rear Setback:

a. In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet)-20; provided that the minimum setback is twelve feet (12').

b. In Area District III, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10').

(X) Building Height and Required Yards.

Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

Exceptions. If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

(Y) See Chapter 10.50, Residential overlay district for applicable sites.

(Z) CL Zone Lot Size and Lot Width Standards

1. Residential Development- Lot Size and Lot Width Regulations

Area District	Minimum Lot Size	Maximum Lot Size	Minimum Lot Width
I	7,500 sq. ft.	15,000 sq. ft.	40 ft.
II	4,600 sq. ft.	10,800 sq. ft.	40 ft.
III	2,700 sq. ft.	7,000 sq. ft.	30 ft.

2. Mixed Use Development- Lot Width Regulations

Area District	Minimum Lot Width
I	40 ft.
II	40 ft.
III	30 ft.

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Chapter 10.74 ACCESSORY DWELLING UNITS

10.74.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Chapter 13 of Division 1 of Title 7 of the California Government Code to allow accessory dwelling units and junior accessory dwelling units consistent with state law.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.020 Definitions.

As used in this Chapter, terms are defined as follows and shall be in accordance with Government Code Section 66313, as that statute is amended from time to time:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. Notwithstanding the foregoing, the term "ADU" does not include a guest house (or accessory living quarters), as defined in Municipal Code Section 10.04.030. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

“Accessory structure” for the purpose of this chapter means a structure that is accessory and incidental to a dwelling located on the same lot.

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of a primary dwelling, or the remodeling of a primary dwelling, and shares a common wall with a primary dwelling.

"Detached ADU" means an ADU that is constructed as a separate structure from any primary dwelling, and does not share any walls with a primary dwelling.

"Existing structure" means an existing single-family dwelling, multi-family dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and any other applicable laws.

"Junior accessory dwelling unit" or "JADU" means a unit that is not more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities.

“Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Primary dwelling," for purposes of this chapter, means an existing or proposed single-family dwelling, or multi-family dwelling, on the lot where an ADU would be located.

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"Public transit," means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fare, run on fixed routes, and are available to the public or as prescribed in Government Code Section 66313, as the same may be amended from time to time.

“Nonconforming zoning condition” means a physical improvement on a property that does not conform to current zoning standards.

“Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another or as prescribed by Government Code Section 66313.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.30 General requirements and application procedure.

The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

A. Before constructing an ADU or a JADU or converting an existing structure, or portion of a structure to an ADU or JADU, or legalizing an unpermitted ADU or JADU per section 10.74.080, the applicant shall obtain permits in accordance with the requirements of this section.

B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.

10.74.040 Approval of ADUs and JADUs.

A. **Building Permit Only Subject to Government Code Section 66323**. An applicant shall not be subject to the standards included in Section 10.74.050 of this Code or be required to submit an application for an ADU permit under subsection B of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 66323, as the same may be amended from time to time. Such ADUs and JADUs shall be subject to the California Building Standards Code, as amended by the City, the JADU requirements in Section 10.74.060 of this Code, and any other applicable state or federal laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of thirty (30) days or longer and shall be subject to the generally applicable covenant requirements in Section 10.74.050(A)(3).

B. **ADU Permit**. Except as allowed under subsection A, no ADU shall be created without a permit in compliance with the standards set forth in sections 10.74.030.

1. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable permits prior to the construction of the ADU or JADU.

2. Projects Subject to ADU Permit Review. For those applications that do not qualify under subsection (A) above, the Director of Community Development or designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.

3. Where an ADU permit application is submitted with an application for a primary dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered

separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

C. **Processing Timelines and Procedures.**

Projects subject to Section 10.74.040(A), (B) and 10.74.060 are subject to ministerial approvals and shall be processed within the timelines established by California Government Code Section 66317 and 66335.

D. **Minor Exception**: An applicant may apply for a minor exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter or in Chapter 13 of Division 1 of Title 7 of the California Government Code. A minor exception may not be requested for site or lot conditions.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.050 ADU and JADU Requirements and Development Standards.

A. The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

1. **Height**. All ADUs shall comply with the height limits prescribed in Government Code Section 66321.

a. Height for detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure

b. A detached ADU located directly above a detached garage or directly below a detached garage that does not qualify as a basement shall not exceed a total height of twenty-six feet (26').

2. **Fire Sprinklers**. Fire Sprinklers shall not be required if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling as prescribed in Government Code Section 66314 and 66323.

3. **Covenant Required.**

a. For ADUs the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of thirty (30) days or longer; (ii) the ADU is not to be sold or conveyed separately from the primary dwelling (unless otherwise required by state law); (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.

B. For JADUs, see covenant requirements set forth in Section 10.74.060(F). In addition to the requirements in Section 10.74.050(A), the following requirements apply to ADUs subject to Section 10.74.040(B):

1. **Location Restrictions/Number Permitted:**

a. **ADUs on Lots with a Single-Family Residence.** A maximum of two (2) total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts. Only one (1) detached ADU is allowed on a property.

b. **ADUs on Lots with New Multi-Family Developments.** In all Area Districts, the total amount of ADUs permitted on a lot is prescribed in Government Code Section 66323 (a) (3) and (4).

2. **Development Standards:**

a. **Size, General.** All ADUs shall comply with the minimum and maximum square footage requirements prescribed in Government Code Section 66321.

i. If there is an existing single-family residence, a newly constructed attached ADU shall not exceed fifty percent (50%) of the buildable floor area of the existing single-family residence.

ii. Application of other development standards in this section or any other section may further limit the size of an attached ADU. Notwithstanding, no percent-based size limits in this section or any other section, front setbacks, floor area ratio, or open space requirements may require the ADU to be less than 800 square feet.

b. **Setbacks**: No setback shall be required for an ADU that is within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet (4'), and the front setback shall be as required for the primary structure.

c. **Separation**: A detached ADU shall have a minimum five-foot building separation from other buildings on the lot.

d. **Standards**: An ADU shall, to the maximum extent possible, conform to all open space, buildable floor area, and minimum lot size regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in subsection (c) above, except in the following cases:

i. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.040(A).

ii. Where the application of such standards would not permit construction of an eight hundred (800) square-foot ADU that is sixteen feet (16') in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

e. Except as provided in subsection (d)(i) and (d)(ii), an ADU shall count toward the maximum total buildable floor area applicable to the lot.

C. **Guest Houses:** If an ADU is located on a lot with a guest house, either, but not both, the guest house or the ADU shall be attached to the primary dwelling unless the project complies with all requirements in Government Code Section 66323(a).

D. **Design and Features:**

1. An ADU shall not have any outdoor deck at a height greater than thirty inches (30") above local grade if the deck is located in the primary dwelling's required yards. A landing for the purposes of ingress and egress shall be permitted at the minimum size required by the UBC.

2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.

3. An ADU shall have a separate exterior access.

4. For any second-story detached ADUs located on non-alley lots, all exterior openings, including windows and doors, except a main entry into the ADU, that are within twelve feet (12') of and facing a rear property line and/or within ten feet (10') of and facing a side interior property line shall be fitted with translucent glazing and satisfy one (1) of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet (5') above the finished floor level at the window's lowest point.

5. A kitchen, in conformance with applicable health and safety requirements, including at least one (1) permanently installed stovetop appliance, shall be required for all ADUs.

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6. A permanent foundation shall be required for all ADUs.

7. Refuse containers shall comply with Municipal Code Section 5.24.030.

E. **Parking Requirements:**

1. In addition to the off-street parking space(s) required for the primary dwelling, one (1) off-street parking space shall be provided for each ADU, except when:

   a. The ADU is located within one-half (½) mile walking distance of public transit as defined by Government Code Section 66313, as amended from time to time;

   b. The ADU is located within an architecturally and historically significant historic district;

   c. The ADU is part of the existing primary dwelling or all or part of an existing accessory structure or building;

   d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or

   e. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.

2. The parking space may be provided in setback areas or as tandem parking as defined by Government Code Section 66313, as amended from time to time, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Municipal Code Chapter 10.64.

4. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced if the project meets any of the criteria set forth in Government Code Section 66322(a), as amended from time to time.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.060 JADU Standards.

JADUs shall comply with the following requirements and Government Code Section 66333 as amended from time to time:

A. A JADU shall be a maximum of five hundred (500) square feet of buildable floor area and a minimum of one hundred fifty (150) square feet, or an alternate minimum area for an "efficiency unit" that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.

B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.

C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.

D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling. If a JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.

E. A JADU shall include an efficiency kitchen, which shall include :(i) a cooking facility with appliances, and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

F. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the primary dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of thirty (30) days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 66333-66339; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided prior to final building inspection.

G. No additional parking is required for a JADU.

(Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

Editor's note(s)—Ord. No. 21-0001, § 5, adopted January 19, 2021 and effective February 19, 2021, in effect, repealed § 10.74.050 and enacted a new § 10.74.050 as set out herein. Former § 10.74.050 pertained to parking and derived from Ord. 18-0024, § 5, eff. Jan. 18, 2019.

10.74.070 Fees and utility connections.

A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in Government Code Sections 66324, 66338, and 66341.

B. With the submittal of the ADU permit or prior to receiving a building permit if no ADU permit is required, the owner of the subject property shall submit letters of service availability for water and sewer disposal to the Building Official.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

10.74.80 Unpermitted ADUs and JADUs.

A. Unpermitted ADUs and JADUs constructed before 2020 shall be permitted if the project complies with the provisions set forth in Government Code Section 66331.

1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

   i. The ADU or JADU violates applicable building standards, or

   ii. The ADU or JADU does not comply with state ADU or JADU law or this chapter.

2. Exceptions:

   i. Notwithstanding subsection (A)(1) above, the city may deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.

   ii. Subsection (A)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

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10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances, minor exceptions, precise development plans and site development permits.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures and to allow the establishment of new Accessory Dwelling Units (ADUs) within legal pre-existing structures that do not comply with the ADU development standards. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the community's desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

Precise development plans are intended to encourage multi-family housing development of six (6) or more units that include affordable housing, through an administrative non-discretionary review process. Projects that qualify for a density bonus shall also comply with Chapter 10.94.

Site development permits are intended to streamline the permitting process for multi-family housing developments of six (6) or more units while preserving discretionary review as to compliance with objective development standards and reasonable conditions, and not reexamining the appropriateness of the use itself.

10.84.020 Decision making authority; appeals.

A. The Community Development Director shall approve, conditionally approve, or disapprove applications for minor exceptions.

B. The Community Development Director shall approve or disapprove precise development plans.

C. The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits variances and site development permits.

D. Such decisions may be appealed pursuant to Chapter 10.100 of the Manhattan Beach Municipal Code, except that Community Development Director decisions on precise development plans shall be final and not appealable.

10.84.030 Application requirement.

Applications for use permits, variances, precise development plans and site development permits shall be made on forms provided by the City and include all information required by the form and applicable submittal checklist for a complete understanding of the proposal, and a filing fee as established by resolution of the City Council.

10.84.040 Notice and public hearing.

A. **Public Hearing Required.** The Planning Commission shall hold a public hearing on an application for a use permit, variance or site development permit.

B. **Notice.** Upon receipt of a complete application, notice of the hearing shall be given in the following manner:

1. **Mailed or Delivered Notice.** At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within five hundred feet (500') of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.

2. **Posted Notice.** Notwithstanding the requirements of Section 1.08.140 of this Code, notice shall be posted at City Hall.

3. **Published Notice.** Notice shall be published in a newspaper of general circulation in accordance with Section 65090 and 65091 of the California Government Code.

C. **Contents of Notice.** The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;

2. A statement of the time, place, and purpose of the public hearing;

3. A reference to application materials on file for detailed information; and

4. A statement that any interested person or an authorized agent may appear and be heard.

D. **Multiple Applications.** When applications for multiple use permits, variances or site development permits on a single site are filed at the same time, the Community Development Director shall schedule a combined public hearing. When the application includes a precise development plan, the Planning Commission shall only take action on the discretionary portion(s) of the application.

10.84.050 Duties of Planning Commission.

A. **Public Hearing.** The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. **Decision and Notice.** After the close of the public hearing, the Planning Commission shall recommend that the City Council approve, conditionally approve, or disapprove of the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven (7) days of the date of the resolution ratifying the decision.

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C. **Limits on Conditions of Approval.** No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

10.84.060 Required findings.

An application for a use permit, variance, or site development permit shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the decision making authority finds that:

A. **For All Use Permits.**

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. **For Variances.**

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.
4. **OS District Only.** Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space laws.

C. **For Site Development Permits.**

1. The proposed project is consistent with the General Plan and Local Coastal Program;
2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including applicable physical development standards set forth in Chapter 10.12 and Chapter 10.16.

D. **Mandatory Denial.** Failure to make all the required findings in this section shall require denial of the application.

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10.84.065 Precise development plan.

A. **Development standards.** The proposed project shall be reviewed in conformance with applicable objective development standards in Chapter 10.12 and Chapter 10.16.

B. **Permit requirements**. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.

1. The standard requirements may include, but are not limited to,
    i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;
    ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;
    iii. All units in the proposed project shall be subject to Section 4.88.020; and,
    iv. An affordable housing agreement per Section 10.94.060.F shall be recorded as a covenant on the title of the project site.

C. **Notice of decision.** If the proposed project is approved, the Community Development Director shall notify the owners of all parcels located within five hundred feet (500') of the project site, using the last-known county assessor tax roll.

10.84.070 Conditions of approval.

A. In approving a site development permit, reasonable conditions may be imposed as necessary to make the required findings. B. In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

1. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
4. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

10.84.080 Effective date—Appeals.

Unless appealed in accordance with Chapter 10.100, a use permit, variance, minor exception or site development permit shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030.

1. The Community Development Director's decision on a precise development plan is final.

10.84.090 Lapse of approval—Transferability—Discontinuance—Revocation-Extensions.

A. **Lapse of Approval.** A use permit, variance, minor exception, precise development plan or site development permit shall lapse two (2) years or at an alternative time specified as a condition of approval after its date of approval unless:

1. A building permit has been issued and substantial expenditures have been made in reliance on that permit; or
2. A certificate of occupancy has been issued; or
3. The use is established; or

4. The use permit, variance, minor exception, precise development plan or site development permit is renewed.

5. There is litigation associated with the use permit, variance, minor exception, precise development plan or site development permit, in which case there will be a hold on the lapse of approval until the litigation is resolved.

A use permit, variance, minor exception, precise development plan or site development permit also shall lapse upon termination of a project or expiration of a building permit.

B. **Transferability.** The validity of a use permit, variance, minor exception, precise development plan or site development permit shall not be affected by changes in ownership or proprietorship.

C. **Discontinuance.** An implemented use permit, variance, minor exception, precise development plan or site development permit shall lapse if the exercise of rights granted by it is discontinued for twelve (12) consecutive months provided that time for plan check, construction or reconstruction activities shall not be counted toward the twelve (12) months.

D. **Revocation.** A use permit, variance, minor exception, precise development plan or site development permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030

E. **Extension.** A use permit, variance, minor exception, or site development permit may be extended by the Community Development Director for periods of time up to one (1) year without notice or public hearing, if the findings required by Section 10.84.060 remain valid. Such requests for extensions shall be limited to two times.

10.84.100 Changed plans—New application.

A. **Changed Plans.** A request for changes in conditions of approval of a use permit, variance, minor exception, or site development permit or a change to development plans that would affect a condition of approval, shall be treated as a new application.

B. **New Application.** If an application for a use permit, variance, minor exception, or site development permit, is disapproved, no new application for the same, or substantially the same project, shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice.

10.84.105 Master use permits.

A master use permit authorizing multiple uses for a project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand feet (10,000') of land area, shall be subject to the provisions applicable to use permits (Chapter 10.84 et seq.), with the following exceptions or special provisions:

A. **Scope of Approval.** Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.

B. **Uses; Parking.** The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter 10.08 of this title. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

C. **Subsequent Use; Tenant Changes.** Subsequent changes in the tenants and/or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.

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D. **Subsequent Permits.** Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

E. **Nonconforming Sites—Permit Requirement.** An existing multiple use or multiple tenant project which has a valid use permit and/or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of five percent (5%) of gross leasable area or ten thousand (10,000) square feet, whichever is less.

10.84.110 Temporary use permits.

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter 10.08 of this title and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

A. Application and Fee. A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.

B. Duties of the Community Development Director. The Community Development Director shall approve, approve with conditions or deny a complete application within a reasonable time. Such approval shall consider and incorporate comments from Police, Fire, Public Works, and other relevant reviewing bodies. No notice or public hearing shall be required.

C. Required Findings. The application shall be approved as submitted, or in modified form, if the Community Development Director finds:

1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and

2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

D. Conditions of Approval. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

E. Effective Date—Duration—Appeals. An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exceptions:

a. A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.

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b. New Year's Eve hours of operation extensions shall only be valid until 1:00 a.m. for the one (1) time/day requested. The applicant may apply annually for a temporary use permit to request extended New Year's hours.

c. Food truck sales may not operate more than three (3) days per week on any single property.

F. Standards for Food Truck Sales. No temporary use permit shall be issued for Food Truck Sales unless the Community Development Director determines that the following standards or requirements have been met:

1. Food trucks may not operate more than three (3) days per week on any single property.

2. Food Truck Sales shall occur only within the hours of 10:00 a.m. and 9:00 p.m. of the same day.

3. Food trucks (including those operated at events on public school property) shall maintain a valid Los Angeles County Department of Health permit and a valid City business license.

4. Maintenance of a clearly designated waste receptacle in the immediate vicinity of the food truck sales.

5. If Food truck sales occur for more than one (1) hour at the location, provision of a letter or other written documentation verifying that employees and customers of the food truck have permission to use a readily available toilet and hand washing facility that is located within two hundred feet (200') travel distance from the location where the vehicle engaged in food truck sales is parked and otherwise complies the California Health Code standards.

6. Plans or other documents satisfactory to the Community Development Director that depict proposed vehicle and pedestrian circulation at the site for both the temporary food truck sale use and existing uses, the proposed parking plan, the proposed lighting plan and how noise will be controlled at the site. In addition to the findings set forth in subsection C, the Community Development Director shall make a finding that the proposed food truck sales will not be located, operated or maintained in a manner that impedes vehicular and pedestrian circulation at the proposed site.

10.84.120 Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in the ordinance codified in this chapter for projects as follows:

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (50%) valuation provisions of Section 10.68.030(E)], as provided below. Notice may be required for exceptions to Sections 10.68.030(D) and (E), see subsection A and B of this section for noticing requirements.

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
10.12.030(M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
10.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.

10.12.030(T), 10.12.030(M), and 10.12.030(E)	Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone—Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
10.12.030(T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12.030(T)	Reduction in percentage of additional 8% front/street side yard setback required on corner lots in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030(D) and (E), 10.12.030 and 10.12.030(R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.68.030(D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
10.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.
10.74.040 and 10.74.050	Alterations and remodeling to existing legal structures that do not comply with the ADU development standards to allow conversion to an Accessory Dwelling Unit (ADU)—(structure standards only, not lot or site conditions).

A. **Minor Exception Application Without Notice.** All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in subsection B of this section. Additionally, a minor exception from Section 10.68.030(D) and (E) must meet the following criteria:

1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) or three thousand (3,000) square feet, whichever is less.

2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. **Minor Exception Application with Notice.**

1. Applications for minor exceptions from Section 10.68.030(D) and (E) which do not meet the criteria in subsection (A)(1) of this section, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030(D) and (E) must meet the following criteria, and notice as provided in subsection D of this section, must be provided:

a. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (4,000) square feet.

C. **Submittal Requirements—All Minor Exceptions Applications.** Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site.

D. **Submittal Requirements—Minor Exception Applications with Notice.** Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site;
4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within three hundred feet (300') of the boundaries of the property; and
5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within three hundred feet (300') of the boundaries of the property. This list shall be keyed to the map required by subsection (D)(4) of this section and shall be accompanied by mailing labels.

E. **Notice to Property Owners—Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection D of this section. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.

F. **Director's Review and Action—All Minor Exceptions.**

1. **Notice of Decision.** After the commenting deadline date, if any, and within thirty (30) days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection K of this section. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection E of this section.
2. **Findings.** In making a determination, the Director shall be required to make the following findings:
    a. The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.
    b. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.

c. There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.

e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. **Additional Criteria—Sections 10.68.030(D) and (E).** When making a determination to approve an exception to Sections 10.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in subsection (F)(2), as stated above:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.

2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:

a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.

b. For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.

c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.

d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.

e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.

3. A minimum of ten percent (10%) of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section 10.68.030, shall be maintained.

4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a one foot (1') reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.

5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.

6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.

7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.

8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.

9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

10. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.

11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.

12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.

13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. **Additional Criteria—Section 10.12.030(T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030(T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:

1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).

2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030(T), shall be required to be two (2) times the percentage if it was provided in the front yard {i.e., six percent (6%) required, if three percent (3%) in the front [three percent (3%) balance due] - provide six percent (6%) outside of the front yard equals nine percent (9%) total}.

3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (i.e., not an interior courtyard).

4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).

5. The proposed project is consistent with the purpose stated in Section 10.12.010(H).

I. **Additional Criteria Section 10.12.030(T)—Corner Lots.** When making a determination to approve an exception to Section 10.12.030(T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:

1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).

2. A minimum of three percent (3%) of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required eight percent (8%) shall be located adjacent to another required setback (i.e., not an interior courtyard).

3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).

4. The proposed project is consistent with the purpose stated in Section 10.12.010(H).

J. **Conditions of Approval.** In approving a minor exception permit, the Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

K. **Effective Date—Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

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Title 10 - PLANNING AND ZONING
PART V - —ADMINISTRATIVE REGULATIONS
Chapter 10.94 AFFORDABLE HOUSING DENSITY BONUS AND INCENTIVE PROGRAM

10.94.010. General Affordable Housing Provisions

A. **State Law Governs.** The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and state law, the state law provisions shall govern, unless otherwise specified.

B. **Design of Affordable Units.** Affordable housing units within mixed-income development projects shall include the same materials, finishes, and fixtures as market-rate units.

C. **Availability of Affordable Units.** All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project.

D. **Affordable Housing Agreement.** An Affordable Housing Agreement shall be made a condition of the planning permits for all projects granted a density bonus, pursuant to this Chapter. Prior to recordation of a map or the issuance of a permit by the Building and Safety Division for any portion of the project other than demolition, whichever comes first, the agreement shall be recorded as a restriction on the parcel or parcels that are the subject of the housing application. The Agreement shall be consistent with Section 10.94.050.

E. **Median Income Levels.** For the purpose of determining the income levels for Households under this Chapter, the City shall use the Los Angeles County income limits regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide regular updates.

F. **Effect of Granting Density Bonus**. The granting of a density bonus or any other benefits pursuant to this chapter shall not, in and of itself, be interpreted to require a general plan amendment, zoning change, or other discretionary approval.

G. **General Eligibility and Replacement Unit Requirements**. An applicant shall not receive a density bonus or any benefit pursuant to this chapter if the housing development would be excluded under Government Code Section 65915. If applicable, the applicant must certify that the proposed project meets the replacement unit requirements identified in subparagraph (c)(3) of Government Code Section 65915 or any comparable requirement in Section 65915, as it may be amended from time to time.

10.94.020. State Affordable Housing Density Bonus.

A. For housing development qualifying pursuant to the requirements of Government Code Section 65915, the City shall grant a density bonus in an amount specified by Government Code Section 65915, as that section may be amended from time to time.

B. For the purpose of calculating the density bonus, the “maximum allowable residential density”

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shall have the same definition as found in Government Code Section 65915.

C. When calculating the number of permitted density bonus units and required affordable units, all fractional units shall be rounded up to the next whole number.

10.94.030. State Childcare Facility Density Bonus.

A. **Intent.** This section is intended to comply with Government Code Section 65915(h).

B. **Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of Section 10.94.020.A ("Density Bonus"), and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

1. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or

2. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

C. **Conditions of Approval.** The City shall require as a condition of approving the housing development that the following occur:

1. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than, the length of the duration of affordability required by this chapter.

2. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage by Government Code Section 65915(h).

D. **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

10.94.040. Affordable Housing Concessions and Incentives.

A. **Number of Incentives or Concessions.** The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915 and grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d).

B. Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions–unless the project qualifies due to the affordability of the project or Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior housing developments.

C. A request for a concession or incentive shall be accompanied by documentation demonstrating how the specific request results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.

10.94.045 Waivers or Reductions of Development Standards.

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A. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant.

B. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted.

C. The City shall approve a waiver or reduction of a development standard, unless it finds that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

10.94.050 Parking Reductions

The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.

10.94.060. Administration.

A. **Application.** A preliminary review of development projects proposed pursuant to this Chapter is encouraged to identify potential application issues, including proposed modifications to development standards. In addition to any other review required for a proposed housing development, applications for a density bonus and any benefits pursuant to this chapter shall be filed on a form approved by the Community Development Director, and filed concurrently with an application for a development plan review or administrative approval.

B. **Permit requirements**. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.

1. The standard requirements may include, but are not limited to,

i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;

ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;

iii. All units in the proposed project shall be subject to Section 4.88.020; and,
iv. An affordable housing agreement per Section 10.94.060.F shall be recorded as a covenant on the title of the project site.

C. **Processing of Application**. Density bonus applications, and concessions and waivers requested pursuant to this chapter shall be approved or disapproved by the Community Development Director whose decision is final. City staff shall process the application for a density bonus concurrently with the application for the housing development.

D. **Application Fee**. At the time the application is submitted, the applicant shall pay a density bonus application fee established by resolution of the City Council.

E. **Duration of Affordability of Rental Units.** All rental affordable housing units shall be kept affordable for a minimum period of 55 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program or state or federal law.

F. **Duration of Affordability of For-Sale Units**. All for-sale affordable housing units shall be made available in accordance with the requirements of Government Code Section 65915.

G. **Affordable Housing Agreement Required.** The terms of the Agreement shall ensure compliance with the requirements of this chapter and state law, and shall be reviewed and revised as appropriate by the Director and/or City Attorney. The City Manager shall have the authority to sign the agreement

H. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

1. General. At least a one year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.

1) Required Notice. Notice shall be given to the following:

a. The City;

b. The State Housing and Community Development Department (HCD);

c. The Los Angeles County Housing Authority;

d. The residents of the affordable housing units proposed to be converted; and

e. Any other person deemed appropriate by the City.

I. **Conversion of Affordable Rental Units.** If an owner of a housing development issues a notice-of-intent to convert affordable housing rental units to market-rate housing, the City shall consider taking one or more of the following actions:

1. Meet with the owner to determine the owner's financial objectives;

2. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible;

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and

3. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of assistance in accessing state or federal funding.

10.94.070. Density Bonuses for Housing Developments Accompanied by Land Donation.

A. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City and meets all of the eligibility criteria in Government Code Section 65915(g) shall be entitled to the density bonus identified in Government Code Section 65915(g).

B. Except as otherwise required by state law, an applicant that receives a density bonus in exchange for donating land pursuant to this section shall not be entitled to any of the other benefits provided by this chapter.

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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. The decisions of the Planning Commission will be placed on a City Council agenda within the time period specified below for Council review.

Exception: The Community Development Director's decision on a precise development plan and projects subject to Chapter 10.94 are final and are not appealable.

B. Anyone wishing to appeal pursuant to this chapter must timely file with the Community Development Department a written notice of appeal, through a process identified 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.

C. The appeal period ends at the close of the business day for City Hall on the 15th day following the decision. If the 15th day falls on a day when City Hall is closed, the appeal period ends at the close of business on the next working day.

D. 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.

E. The decision subject to appeal shall be stayed pending a final decision on the appeal or withdrawal of the appeal.

(§ 3, Ord. 15-0015, adopted June 16, 2015 and § 1, Ord. 17-0008, eff. July 5, 2017)

10.100.020 Council review.

A. The City Council shall review a Planning Commission decision if two Councilmembers file a Council review form with the City Clerk on or before the 15th 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.

B. 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.

C. The Council review hearing shall be conducted as a hearing de novo.

D. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.

(§ 3, Ord. 15-0015, adopted June 16, 2015 and § 2, Ord. 17-0008, eff. July 5, 2017)

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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 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.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

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 pursuant to Section 10.100.020.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

10.100.050 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 one year, unless the denial is made without prejudice.

(§ 3, Ord. 15-0015, adopted June 16, 2015)

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PART II – BASE DISTRICT REGULATIONS

Chapter A.12. Residential Districts

A.12.010. Specific purposes.
A.12.020. Land use regulations: RM and RH districts.
A.12.030. Property development regulations: RM and RH districts.

A.12.010. Specific purposes.

In addition to the general purposes listed in Chapter A.01; the specific purposes of residential districts are to:

A. Provide appropriately located areas for residential development that are consistent with the Local Coastal Plan and with standards of public health and safety established by the City Code.

B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.

C. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.

D. Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the retention of smaller older homes while still allowing for flexibility for building upgrades below the minimum allowable square footage.

A.12.020. Land use regulations: RM and RH districts.

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.84. The letters "P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter A.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

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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	
Day Care, Large Family Home	L-22	L-22	
Group Residential	-	U	
Multi-family Residential			
5 or fewer units	P	P	(B)(C)(L)
6 or more units	PDP/SDP	PDP/SDP	(B)(C)(L)(O)
Residential Care, Limited	P	P	
Single-Family Residential	P	P	(C)
Public and Semipublic			(A)(D)
Clubs and Lodges	-	L-1	
Day Care, General	-	-	
Park and Recreation Facilities	L-2	L-2	
Public Safety Facilities	U	U	
Religious Assembly	L-3	L-3	
Residential Care, General	-	U	
Schools, Public or Private	U	U	
Utilities, Major	U	U	
Utilities, Minor	P	P	
Accessory Uses	P/U	P/U	(A)(E)(F)(G)(H)(I)(J)(M)(N)

Temporary Uses			(H)
Commercial Filming, Limited	U	U	
Marketing/Sales Office	U	U	
Personal Property Sales	P	P	(K)
Street Fairs	U	U	
Nonconforming Uses			(I)(J)

RM and RH Districts: Additional Use Regulations

L-1 Use permit required and only neighborhood-oriented uses occupying less than 2,500 square feet are permitted.

L-2 Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs.

L-3 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-22 Application for an Administrative Large Family Day Care permit to the Director of Community Development is required and shall be made on forms provided by the City and shall include such information as may be reasonably required by the Director for a complete understanding of the request. The application shall be accompanied by a filing fee and a notification packet including all properties within a 100 foot radius of the subject property. Said notification shall be completed not less than 10 days prior to the date on which the decision will be made on the application.

No hearing on the application for a permit shall be held before the decision is made by the Director unless a hearing is requested by the applicant or other affected person. The Director's decision shall be based on whether or not the proposed use would be compatible with the surrounding neighborhood. The applicant or other affected person may appeal the decision and the appellant shall pay the cost of the appeal. Said appeal shall be made to the Planning Commission by filing a written appeal, on forms provided by the Department of Community Development accompanied by the necessary notification packet (described above). Any such appeal shall suspend the permit until resolution of the appeal by the Planning Commission. Use of a single family dwelling for these purposes shall not constitute a change of occupancy per the State Housing Law or local building ordinances.

Large family day care homes shall be considered as single family residences per State and local building and fire codes.

Each home used in this manner shall meet the fire and life safety standards adopted by the

Community Development Department and Fire Department.

The property to be used in this manner shall conform to all applicable development standards as stated in the Manhattan Beach Municipal Code.

(A) See Section A.52.020: Exterior materials in R districts.

(B) A use permit is required for condominium development or conversion of three (3) or more units; see Chapters A.84 and A.88. Condominium development, or conversion, of two (2) units are exempt from the use permit requirement. An application to create 10 or fewer parcels with 10 or fewer units that meets the requirements of California Government Code Sections 66499.41 and 65852.28 shall not require a use permit. Any addition or modification to a condominium unit or development subsequent to the original construction of that unit or development that would result in an increase in the amount of livable space, or a significant exterior structural or architectural alteration, shall require an amendment to the use permit previously obtained. In order for a residential apartment building to qualify for a condominium conversion, a Certificate of Occupancy must have been issued prior to January 1, 1982.

(C) See Section A.52.100: Manufactured homes.

(D) Facilities on sites of 2 acres or more are subject to the regulations of Chapter 10.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

(E) See Section A.52.070: Home occupation in R districts.

(F) See Section A.52.050 Accessory structures, and Section A.52.060 Accessory dwelling units. Secondary residential units are not allowed, but guest houses or accessory living quarters, and caretaker's quarters are permitted.

(G) Repealed.

(H) See Section A.84.110: Temporary use permits.

(I) See Chapter A.68: Nonconforming uses and structures.

(J) See Chapter A.72: Signs.

(K) An administrative permit issued by the Community Development Director is required.

(L) **Alternative Parking Plan for Senior Citizen Housing**. Applications for a use permit for a senior citizen housing project shall include a contingency plan, addressing what will be done to ensure compliance with parking requirements if occupancy can not be limited to senior citizens because of market conditions or other factors.

(M) The keeping of domestic animals is permitted including: Dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc. not to exceed five (5) in any combination thereof.

Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited, EXCEPT for Vietnamese pot-bellied pigs, also known as Pygmy Pigs or Mini-Pigs, as permitted by the Animal Control Department.

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(N) A maximum of three (3) garage or lawn sale permits per calendar year, or miscellaneous household items of persona property accumulated by the occupant of the residence as a normal matter of course may he held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the Garage Sale Permit (in accordance with the provisions of Section 6.08.020 MBMC).

(O) Residential developments that qualify for a density bonus pursuant to Chapter A.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments that do not receive a density bonus shall apply for a Site Development Permit.

A.12.030. Property development regulations: RM and RH districts.

The following schedule prescribes development regulations for residential zoning districts in each Area District, as defined in Section A.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling
Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR *AREA DISTRICTS* III AND IV

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Lot Dimensions				
Area (sq. ft.)				(A)(B)(C)(J)(K)
Minimum	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	
Width (ft.)				
Minimum	30	30	30	
Minimum Setbacks				
Front (ft.)	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3;10	10%-3;10	10%—3;10	(D)(E)(F)

Corner Side (ft.)	1	1	1	(D)
Rear (ft.)	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	(H)(P)
Maximum Buildable Floor Area				
Lot Area (Sq. Ft.)	1.6	1.7	1.7	(I)(U)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,350	850	850	(A)(J)(T)

Note: See Section A.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.

PROPERTY DEVELOPMENT STANDARDS FOR ALL *AREA DISTRICTS*

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and A.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter A.64 (Q)
House Moving	(S)
Underground Utilities	See Section A.60.110
Refuse Storage Area	See Section A.60.100
Outdoor Facilities	See Section A.60.080
Screening of Mechanical Equipment	See Section A.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section A.60.140
Performance Standards	See Section A.60.120

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Nonconforming Structures and Uses	See Chapter A.68
Signs	See Chapter A.72
Condominium Standards	See Section A.52.110
Minor Exceptions	See Section A.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC

RS, RM and RH DISTRICTS:	**Additional Development Regulations**
Substandard Lots	See Section A.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section A.60.040
Landscaping	See Section A.60.070
Accessory Structures	See Section A.52.050
Exterior Materials	See Section A.52.020
Home Occupation	See Section A.52.070
Tree Preservation	See Section A.52.120

A. See Section A.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential *districts* for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land *area* before dedication, condemnation, or purchase.

B. See Section A.60.030, Development on lots divided by district boundaries.

C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.

D. **Permitted Projections into Required Yards**. See Section A.60.040, Building projections into yards.

E. **Setbacks**.

1. **Side Setbacks**. Ten percent (10%) of lot width but not less than three feet (3′). In the RM and RH Zones side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

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Exceptions—Side Setbacks. Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

2. **Reverse Corner Side Setback**. Reverse corner lots in Area Districts I and II shall have the following side yards:

a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.

b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:

I. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;

II. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

III. The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

3. **Rear Setback**:

a. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10′).

F. **Building Height and Required Yards**. Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24′) in height, excluding any portion of a roof, shall be increased three feet (3′) over the basic requirement.

1. **Exceptions**. If the lot width is less than thirty-five feet (35′), no increase in the side yard is required.

G. **Rear Alley Setback Exceptions**: Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2′) at height elevations not less than eight feet (8′) above the street grade at the rear, or front, property line. See Section A.64.110; Aisle Dimensions.

H. **Maximum Height of Structures**. See Section A.60.050, Measurement of height, and Section A.60.060, Exceptions to height limits. The maximum number of stories permitted

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shall be three (3) where the height limit is thirty feet (30′) and two (2) where the height limit is twenty-six feet (26′). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20′) measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that *area* as a story (See Graphic Illustration under "Basement" definition—Section A.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26′) or the third story where the height limit is thirty feet (30′), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times the minimum side setback: in Area Districts III and IV the rear setback shall be fifteen feet (15′). The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections A.04.030 and A.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section A.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5′) of the property line.

I. **Maximum Buildable Floor Area**. The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Section A.04.

That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

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J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.

K. **Lot Dimensions—Area**. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section A.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500′) of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter 10.84.

2. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.

3. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.

L. (Reserved)

M. **Open Space Requirement**. The minimum usable open space (private and shared) in RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.

2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½) of the total required open space.

3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.

N. **Semi-Circular Driveways**. Semi-circular driveways are permitted within front yards on lots with widths of eighty (80′) feet or more, subject to the following standards:

a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.

b. The semi-circular driveway does not have to provide access to the garage.

O. **Required Landscaping Adjoining Streets**. At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

a. **Exceptions for Area Districts III and IV**. The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.

P. **Fences, Walls, and Hedges**. The maximum height of a fence, wall, or hedge shall be six feet (6′) in required side or rear yards, and forty-two inches (42″) in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section A.64.150, and the traffic vision clearance on corner lots of Section A.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6′) fence is allowed, provided such additional height over six feet (6′) meets one (1) of the following criteria.

a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11′).

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided, further, that such additional portion shall not

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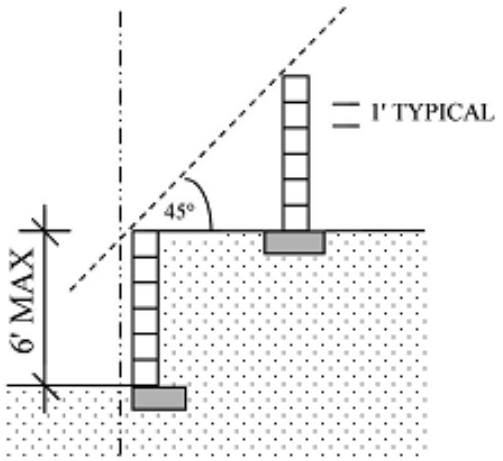
make the total height of the fence more than eight feet (8′) and shall not extend closer than three feet (3′) to any part of any building.

c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12′). If a coastal development permit is required for a fence by Sections A.96.040 and A.96.050 of this title, the additional height of the fence may be approved only if the additional height does impede public views of the ocean, the beach, or to and along the shoreline.

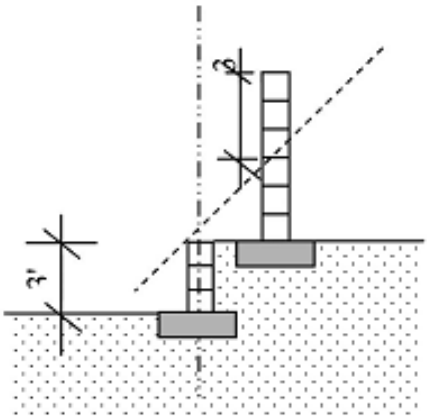
2. Architectural screen walls not to exceed six feet (6′) six inches (6″) in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14′) back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.

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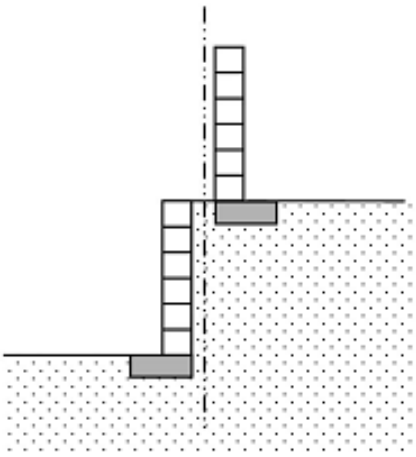
SIDE OR REAR YARD P/L



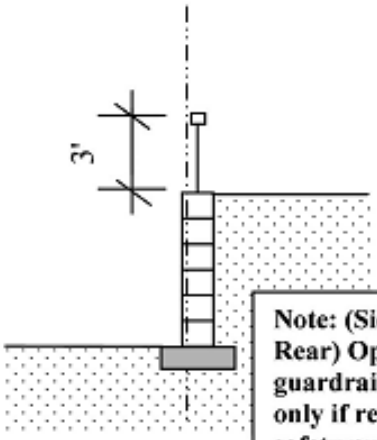
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SIDE OR REAR YARD P/L

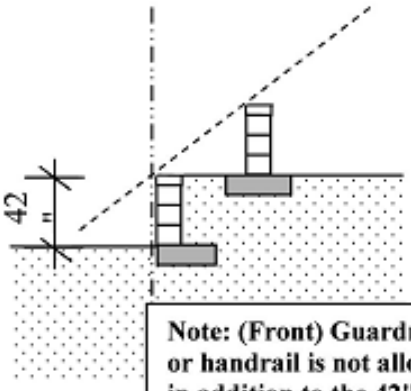


SIDE OR REAR YARD P/L



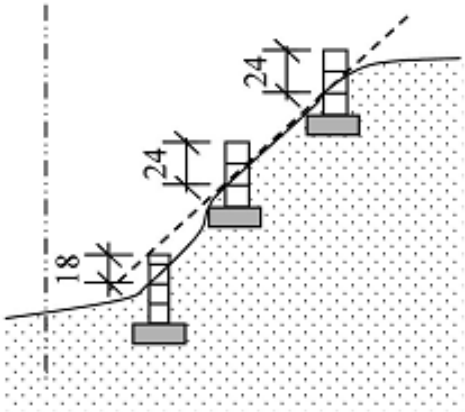
Note: (Side and Rear) Open guardrail permitted only if required for safety purposes.

FRONT YARD P/L



Note: (Front) Guardrail or handrail is not allowed in addition to the 42" height limit.

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

12 - 14

Q. (Reserved)

R. **Building Separation**. The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10′). For permitted projections within said building separation yards, see Section A.60.040, Building projections into yards.

S. **House Moving**. For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.

ADDITIONAL FRONT SETBACK REQUIREMENT
MBMC A.12.030T

T. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be granted a lot consolidation bonus incentive when two or more parcels are consolidated into a single building site according to the following formula:

Combined Parcel Size		**Base Density Increase**
General	**Site Inventory Parcels***	
Less than 0.50 acres		No increase
	0.30 acres to 0.49 acres	5% increase
0.50 acres to 0.99 acres		5% increase
1.00 acre or more		10% increase

*Applicable to sites identified in Appendix E- Site Analysis and Inventory: Tables 8, 9, 10, and 15 of the certified 6th Cycle Housing Element.

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter A.94.

U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be exempt from these maximum lot size limitations.

Chapter A.16. C Commercial Districts

A.16.010. Specific purposes.
A.16.020. CL, CD, CNE districts: land use regulations.
A.16.030. CL, CD, and CNE districts: development regulations.

A.16.010. Specific purposes.

In addition to the general purposes listed in Chapter A.01, the specific purposes of commercial district regulations are to:

A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.

B. Strengthen the city's economic base, but also protect small businesses that serve city residents.

C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of commercial development on adjacent residential districts.

E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.

F. Ensure the provision of adequate off-street parking and loading facilities.

G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

H. Encourage commercial buildings that area oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.

I. Carry out the policies and programs of the certified Land Use Plan.

The additional purposes of each district are as follows:

CL Local Commercial District. To provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CL district.

CD Downtown Commercial District. To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. This district is intended to

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accommodate a broad range of community businesses and to serve beach visitors.

CNE North End Commercial District. To provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City. Residential uses that are consistent with the standards of the RH Residential High-Density District are also permitted, consistent with the General Plan and Local Coastal Plan.

A.16.020. CL, CD, CNE districts: land use regulations.

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.84. The letters "P/U" mean that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter A.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in this title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

CL, CD, and CNE DISTRICTS: LAND USE REGULATIONS:		
	P	**- Permitted**
	U	**- Use Permit**
	L	**- Limited, (See Additional Use Regulations)**
	PDP	**- Precise Development Plan**
	SDP	**- Site Development Permit**
	-	**- Not Permitted**

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	CL	CD	CNE	Additional Regulations
Residential				
Day Care, Small Family Home	P	U	L-11	
Day Care, Large Family Home	L-23	L-23	L-23	
Single-Family Residential	U	U	L-11	(I)(J)
Multi-Family Residential				(I)(J)(N)
5 Units or Less	P	P	P	
6 Units or More	PDP/SDP	PDP/SDP	PDP/SDP	
Mixed-Use				(B)(M)
Non-Residential Component	P/U	P/U	P/U	
Residential 5 or Less Units	P	P	P	
Residential 6 or More Units	PDP/SDP	PDP/SDP	PDP/SDP	
Public and Semipublic				(A)
Clubs and Lodges	U	U	U	
Cultural Institutions	U	U	U	
Day Care, General	U	U	U	
Emergency Health Care	U	U	U	
Government Offices	L-10	P	P	
Hospitals	-	-	-	
Park & Recreation Facilities	P	P	P	
Public Safety Facilities	U	U	U	
Religious Assembly	L-21	-	-	
Residential Care, General	-	-	-	
Schools, Public or Private	U	-	-	
Utilities, Major	U	U	U	
Utilities, Minor	P	P	P	
Commercial Uses				(B)(K)(L)
Adult Businesses	-	-	-	(C)
Ambulance Services	-	-	-	
Animal Sales & Services				
Animal Boarding	-	U	-	
Animal Grooming	P	P	P	
Animal Hospitals	-	L-25	-	
Animals				
Retail Sales	P	P	P	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	L-26	P	
With Drive-Up Service	-	U	-	

Building Materials and Services	-	-	-	
Catering Services	P	P	P	
Commercial Filming	U	U	U	
Commercial Recreation and Entertainment	-	L-7	L-7	(D)
Communication Facilities	-	L-27	P	
Eating and Drinking Establishments	U	U	U	(E)
w/ Fast-Food or Take-Out Service	U	L-7	L-7	
Drive-Through	-	-	-	
Food and Beverage Sales	L-9	L-9	L-9	
Funeral and Interment Services	-	-	-	
Laboratories	-	-	-	
Maintenance and Repair Services	P	P	P	
Nurseries	P	-	-	
Offices, Business and Professional	P	L-24, L-26, L-28	L-24	
Pawn Shops	-	-	-	
Personal Improvement Services	P	P	P	
Personal Services	P	P	P	
Research and Development Services	-	-	-	
Retail Sales	P	L-29	P	
Secondhand Appliances/Clothing	-	U	U	
Swap Meets, Recurring Travel Services	P	P	P	
Vehicle Equipment/Sales and Services				
Automobile Rentals	-	-	-	
Automobile Washing	-	-	-	
Commercial Parking	-	U	U	
Service Stations	U	U	-	(F)
Vehicle Equip. Repair	-	L-6	-	
Vehicle Equip. Sales and Rentals	-	-	-	
Vehicle Storage	-	-	-	
Visitor Accommodations				
Hotels and Motels and Time Shares	-	U	U	
Residential Hotels	-	-	-	
Warehousing and Storage, Ltd.	-	-	-	

Industrial				(B)
Industry, Custom	L-7	L-7	L-7	
Industry, Limited	-	-	-	
Wholesaling, Distribution and Storage	-	-	-	
Accessory Uses				
Accessory Uses and Structures	P/U	P/U	P/U	
Temporary Uses				(G)
Animal Shows	-	-	-	
Christmas Tree Sales/Pumpkin Sales	P	P	P	
Circus and Carnivals	-	U	U	
Commercial Filming, Limited	-	U	U	
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	P	P	P	
Street Fairs	U	U	U	
Trade Fairs	-	-	-	
Nonconforming uses				(H)

C Districts: Additional Land Use Regulations

L-4 Only allowed above ground level with a use permit.

L-5 Only mortuaries are allowed, subject to a use permit.

L-6 A use permit is required, and body and fender shops are permitted only as part of a comprehensive automobile-service complex.

L-7 Only "limited" or "small-scale" facilities, as described in use classifications, are allowed with a use permit.

L-8 Attended facilities permitted; unattended facilities allowed with a use permit.

L-9 A use permit is required for Food and Beverage establishments operating between 10:30 p.m. and 6 a.m.

L-10 Only post offices and other offices occupying less than 2,500 square feet are permitted.

L-11 Permitted except in areas subject to a D5 Design Overlay District where a use permit is required except for single-family residences fronting on Crest Avenue, which are permitted.

L-21 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-23 See MBMC Section 10.12.020 (L-22): regulations for "Day Care, Large Family Home".

L-24 A Use Permit is required for a project with more than 2,500 square feet of Buildable Floor Area.

L-25 Animal Hospitals as defined in A.08.050 require a Use Permit. Veterinary services, as defined as medical treatment for small animals, is a permitted use on the ground floor provided the proposed facilities are entirely enclosed, soundproofed, and air-conditioned. Overnight boarding is allowed only if associated with the on-site Veterinary services.

L-26 Permitted above ground floor. Use is also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas.

L-27 Permitted above ground floor.

L-28 Optometrist office is a permitted use in ground floor spaces adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component. Optometrist office is also permitted above the ground floor.

L-29 In addition to any other applicable regulations regulating square footage or retail floor space, a Use Permit is required for the establishment of any retail use proposed to contain more than 1,600 square feet of sales floor area. For the purposes of this section, "sales floor area" is defined as the total area of a tenant space, measured from the inside walls, excluding rooms or areas that are permanently inaccessible to the public, including but not limited to storage rooms, offices associated with the retain tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building.

(A) Facilities on sites of 2 acres or more are subject to the regulations of Chapter A.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

(B) A use permit is required for a single use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. A master use permit is required for a multiple use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. See Section 10.84 for use permit provisions.

Exception: The building floor area or lot area thresholds above shall not apply to mixed-use developments as defined in Section A.08.050(Q).

(C) The exterior walls of an adult business shall be at least two hundred feet (200′) from an R district and a school, and at least one thousand feet (1,000′) from the exterior walls of another adult business.

(D) See Section A.56.050: Game centers.

(E) See Section A.56.020: Eating and drinking establishments with take-out service. An establishment providing group entertainment is subject to Title 4, Article 4, Dances and Cafe Entertainment and must obtain a permit from the City Manager.

(F) See Section A.56.030, Service stations, vehicle/equipment repair, and automobile washing.

(G) See Section A.84.110, Temporary use permits.

(H) See Chapter A.68, Nonconforming uses and structures.

(I) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.

(J) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of MBMC Section 6.08.020).

(K) Valid discretionary permits approved prior to January 17, 1991 may satisfy the requirement for an individual use permit or master use permit, provided the scope of the project, including use(s) approved and intensity (buildable floor area) of development, remain in substantial conformance with the approved project, and the project complies with all conditions of approval. The Community Development Director shall approve the conversion of such permits in conformance with this section.

(L) A Use Permit, or Use Permit Amendment, shall be required for any new alcohol license or modification to an existing alcohol license.

(M) The commercial component of a mixed-use development shall be subject to land use regulations in the section.

(N) Residential developments that qualify for a density bonus pursuant to Chapter A.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments of six (6) or more units that do not receive a density bonus shall apply for a site development permit.

A.16.030. CL, CD, and CNE districts: development regulations.

The following schedule prescribes development regulations for the CL, CC, CG, CD, and CNE districts. The first five (5) columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the Zoning Ordinance.

CL, CC, CG, CD, and CNE DISTRICTS: DEVELOPMENT REGULATION						
	CL			CD	CNE	Additional Regulations
Residential Development						(A)(B)(V)
Minimum Lot Area (sq. ft.)	(Z)			2,700	2,700	(J)(L)
Maximum Lot Area (sq. ft.)	(Z)			7,000	7,000	(J)(L)
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						
Front (ft.)	5			5	5	(L)(M)
Side (percentage-ft.)	10%-3;			10%-	10%-	(W)(X)

	10			3;10	3;10	
Corner Side (ft.)	1			1	1	
Rear (ft.)	5			5	5	(M)(W)(X)
Maximum Height of Structures (ft.)	30			(F)(G)	30	(H)(Q)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(Y)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section A.60.090					
Fences and Walls	(K)					
Building Projections into Setbacks	See Section A.60.040					
Mixed-Use Development						(A)(B)(P)(T)(V)
Minimum Lot Area	4,000			2,700	2,700	
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						(C)(U)
Front (ft.)	-			-	-	
Side (ft.)	-			-	-	
Corner Side (ft.)	-			-	-	
Rear (ft.)	-			-	-	
Maximum Height of Structures (ft.)	30			(G)	30	(F)(H)(Q)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(Y)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Minimum Site Landscaping (%)	8					(I)
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section A.60.090					
Fences and Walls	(K)			(K)	(K)	
Nonresidential Development						
Minimum Lot Area (sq. ft.)	4,000			2,700	2,700	(B)
Minimum Lot Width (ft.)	40			30	30	(B)
Minimum Setbacks						(B)(C)
Front (ft.)	-			-	-	(D)
Side (ft.)	-			-	-	(E)
Corner Side (ft.)	-			-	-	(D)
Rear (ft.)	-			-	-	(E)
Maximum Height of Structures (ft.)	30			(G)	30	(F)(H)
Maximum Floor Area Factor	1			1.5	1.5	

(FAF)						
Minimum Site Landscaping (%)	8			-	-	(I)
Fences and Walls						(K)
Off-Street Parking and Loading						(N)
Outdoor Facilities	See Section A.60.090					(O)
Screening of Mechanical Equip.	See Section A.60.090					
Refuse Storage Areas	See Section A.60.100					
Underground Utilities	See Section A.60.110					
Performance Standards	See Section A.60.120					
Nonconforming Structures	See Chapter A.68					
Signs	See Chapter A.72					
Telecommunications Facilities	See Chapter 13.02 of MBMC					

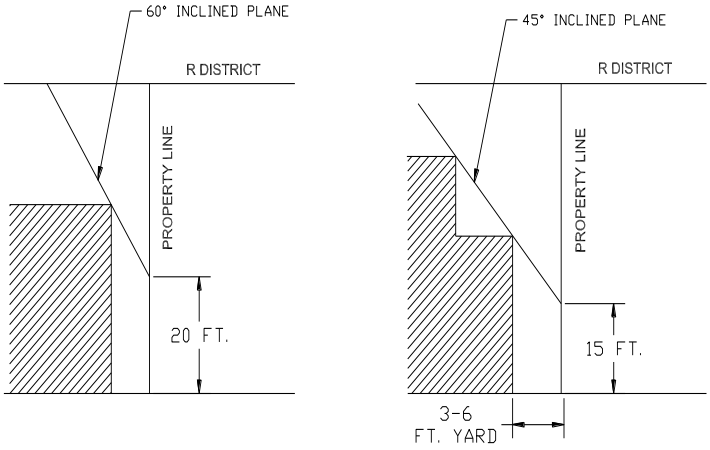
CL, CD, and CNE Districts:
Additional Development Regulations

(A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, maximum FAR, balconies and bay windows, usable open space and parking for the base zoning district in which the site is located. The setback standards shall apply only to the stories of a building that are intended for residential use.
(1) CD district: the commercial standard for building height shall apply when dwelling units replace commercial use.
(2) CNE district, D-5 overlay: if a base zoning district standard conflicts with an overlay standard (Section A.44.040), the overlay standard shall apply.

(B) See Section A.60.020: Development of substandard lots.

(C) See Section A.60.040: Building projections into yards and required open space. Double-frontage lots shall provide front yards on each frontage.

(E) Along a rear property line abutting an R district, structures shall not intercept a l:l or 45-degree daylight plane inclined inward from a height of 15 feet above existing grade at the property line. Along a side property line abutting an R district, structures shall not intercept a 60-degree daylight plane inclined inward from a height 20 feet above existing grade at the property line.



REQUIRED DAYLIGHT PLANE

AT ADJOINING DISTRICTS

(THE DIAGRAM IS ILLUSTRATIVE)

(F) A roof pitch of at least 4 vertical feet for each 12 lineal feet of roof area is required. If the roof pitch is less, the maximum building height is 22 feet unless structure parking is provided at or below the ground level.

(G) Within the CD District, the height limits shown on the accompanying diagram entitled "Section A.16.030 (G): CD Downtown Commercial District Height Limits" shall apply.



(H) See Section A.60.050: Measurement of height, and Section A.60.060, Exceptions to height limits.

(1) Residential projects shall comply with the following requirements.

a. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30′) and two (2) where the height limit is twenty-six feet (26′). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a

floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20′) measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section A.04.030).

b. A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26′) or the third story where the height limit is thirty feet (30′), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows: the interior side setback shall be three (3) times the minimum side setback and the rear setback shall be fifteen feet (15′). The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

c. A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections A.04.030 and A.60.140(C)].

d. Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section A.80.010). The Director shall require that survey markers be set.

e. The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5′) of the property line.

(I) Planting Areas:

(1) Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3 feet in height.

(2) For additional site landscaping requirements, see Section A.60.070: Landscaping, irrigation and hydroseeding. Conformance with the design standards specified in Section A.60.070 may result in a total site landscaping requirement that exceeds the minimum site requirements of this Section (A.16.030).

(J) Two (2) units are permitted on preexisting, legal half-lots in Area District IV with a minimum site area of one thousand three hundred fifty (1,350) square feet.

(K) Fences and Walls.

(1) Nonresidential. A solid masonry or concrete wall is required for all commercial properties where they abut or adjoin a ground floor residential use or residentially zoned property. The minimum height of a fence or wall is 6 feet as measured from the finished grade of the commercial property. However, a wall within 5 feet of a street property line shall be a minimum of 3 feet in height as measured from the residential property.

The maximum height of a fence or wall shall be 8 feet as measured from the finished grade of commercial property unless a greater height is mutually agreed upon for a common property line by the abutting property owners and approved by the Community Development Department.

(2) Residential. See Section A.12.030(P)

(L) See Section A.60.030, Development on lots divided by district boundaries.

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(M) Alley Setback Exceptions.
The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2′) at height elevations not less than eight feet (8′) above the street grade at the rear, or front, property line. See Section A.64.110; Aisle Dimensions.

(N) See Chapter A.64: Off-Street parking and loading regulations. For a density bonus project, required parking spaces for residential units shall be provided in accordance with CA Government Code Section 65915.

(O) See Chapter A.60.130: Antennas and microwave equipment; and Section A.60.140: Solar-assisted water heating.

(P) In commercial zones, vehicular access to parking shall be from the alley abutting the property. If such alley is not available, access shall be from an east west street. If neither the alley nor the east west street is feasible, access shall be taken from another vehicular street.

(Q) Height: For all projects, roof mounted mechanical equipment and elevator shafts are allowed to exceed the maximum allowed height limit by up to five (5) feet, so long as they are properly screened and located in an area that would not be visible from surrounding properties.

(R) Density: When calculating the base density for density bonus projects, any number of units with fractions shall be rounded up to the nearest whole number. When calculating for non-density bonus projects, any number of units with fractions shall be rounded down to the nearest whole number.

(S) Open Space: A minimum of fifty (50) square feet of private open space per residential unit is required. To qualify, open space shall have minimum dimension of five (5) feet in any direction. Common open space shall be provided at equal to or greater than eight percent (8%) of buildable floor area.

(T) For properties along Highland Avenue, Manhattan Avenue, and Manhattan Beach Boulevard, ground floor commercial uses shall be oriented towards the main street.

(U) Daylight Plane: Structures shall not intercept a sixty degree (60°) daylight plane inclined inward from a height of twenty (20) feet above existing grade at the shared property line that abuts a residential property.

(V) The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.

(W) Setbacks.
(1) Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3′). Side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

Exceptions - Side Setbacks. Existing lots currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

(2) Rear Setback. In Area District III, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10′).

(X) Building Height and Required Yards.
Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24′) in height, excluding any portion of a roof, shall be increased three feet (3′) over the basic requirement.

Exceptions. If the lot width is less than thirty-five feet (35′), no increase in the side yard is required.

(Y) Maximum Buildable Floor Area. The maximum buildable floor area (BFA) on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF). That area used for vehicle parking and loading is excluded from BFA calculations. Seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

(Z) CL Zone Lot Size and Lot Width Standards

1. Residential Development- Lot Size and Lot Width Regulations

Area District	Minimum Lot Size	Maximum Lot Size	Minimum Lot Width
I	7,500 sq. ft.	15,000 sq. ft.	40 ft.
II	4,600 sq. ft.	10,800 sq. ft.	40 ft.
III	2,700 sq. ft.	7,000 sq. ft.	30 ft.

2. Mixed Use Development- Lot Width Regulations

Area District	Minimum Lot Width
I	40 ft.
II	40 ft.
III	30 ft.

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Chapter A.74. Accessory Dwelling Units

A.74.010. Purpose and applicability.
A.74.020. Definitions.
A.74.030. General requirements and application procedure.
A.74.040. Approval of ADUs and JADUs.
A.74.050. ADU and JADU Requirements and Development Standards.
A.74.060. JADU Standards.
A.74.070. Fees and utility connections.
A.74.080 Unpermitted ADUs and JADUs

A.74.010 Purpose and applicability.

The purpose of this chapter is to implement the requirements of Chapter 13 of Division 1 of Title 7 of the California Government Code to allow accessory dwelling units and junior accessory dwelling units consistent with state law. All applicable state and federal laws shall apply, as may be amended, to the extent that such amendments are not inconsistent with applicable MBLCP requirements.

A.74.020 Definitions.

As used in this Chapter, terms are defined as follows and shall be in accordance with Government Code Section 66313, as that statute is amended from time to time:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. Notwithstanding the foregoing, the term "ADU" does not include a guest house (or accessory living quarters), as defined in Section A.04.030. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

“Accessory structure” for the purpose of this chapter means a structure that is accessory and incidental to a dwelling located on the same lot.

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of a primary dwelling, or the remodeling of a primary dwelling, and shares a common wall with a primary dwelling.

"Detached ADU" means an ADU that is constructed as a separate structure from any primary dwelling, and does not share any walls with a primary dwelling.

"Existing structure" means an existing single-family dwelling, multi-family dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and any other applicable laws.

"Junior accessory dwelling unit" or "JADU" means a unit that is not more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities.

“Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Primary dwelling," for purposes of this chapter, means an existing or proposed single-family dwelling, or multi-family dwelling, on the lot where an ADU would be located.

"Public transit," means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fare, run on fixed routes, and are available to the public or as prescribed in Government Code Section 66313, as the same may be amended from time to time.

“Nonconforming zoning condition” means a physical improvement on a property that does not conform to current zoning standards.

“Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another or as prescribed by Government Code Section 66313.

A.74.030 General requirements and application procedure.

The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

A. Before constructing an ADU or a JADU, or converting an existing structure, or portion of a structure to an ADU or JADU, or legalizing an unpermitted ADU or JADU per section A.74.080, the applicant shall obtain permits, including a Coastal Development Permit where applicable, in accordance with the requirements of this section.

B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.

A.74.040 Approval of ADUs and JADUs.

A. **Building Permit Only Subject to Government Code Section 66323**. An applicant shall not be subject to the standards included in Section A.74.050 of this Code or be required to submit an application for an ADU permit under subsection B of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 66323, as the same may be amended from time to time. Such ADUs and JADUs shall be subject to the California Building Standards Code, as amended by the City, the JADU requirements in Section A.74.060 of this Code, and any other applicable state or federal laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of thirty (30) days or longer and shall be subject to the generally applicable covenant requirements in Section A.74.050(A)(3).

B. **ADU Permit**. Except as allowed under subsection A, no ADU shall be created without a permit in compliance with the standards set forth in sections A.74.030.

1. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable permits prior to the construction of the ADU or JADU.

2. Projects Subject to ADU Permit Review. For those applications that do not qualify under subsection (A) above, the Director of Community Development or designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the

ADU complies with the requirements contained in this chapter and any other applicable law.

3. Where an ADU permit application is submitted with an application for a primary dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

C. **Processing Timelines and Procedures.**

Projects subject to Section A.74.040(A), (B) and A.74.060 are subject to ministerial approvals and shall be processed within the timelines established by California Government Code Section 66317 and 66335.

D. **Minor Exception**: An applicant may apply for a minor exception, pursuant to Section A.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter or in Chapter 13 of Division 1 of Title 7 of the California Government Code. A minor exception may not be requested for site or lot conditions.

A.74.050 ADU and JADU Requirements and Development Standards.

A. The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

1. **Height**. All ADUs shall comply with the height limits prescribed in Government Code Section 66321.
    a. Height for detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure

    b. A detached ADU located above a detached garage or below a detached garage that does not qualify as a basement shall not exceed a total height of twenty-six feet (26′).

2. **Fire Sprinklers**. Fire Sprinklers shall not be required if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling as prescribed in Government Code Section 66314 and 66323.

3. **Covenant Required.**
    a. For ADUs the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of thirty (30) days or longer; (ii) the ADU is not to be sold or conveyed separately from the primary dwelling (unless otherwise required by state law); (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.

    b. For JADUs, see covenant requirements set forth in Section A.74.060(F).

B. In addition to the requirements in Section A.74.050(A), the following requirements apply to ADUs subject to Section A.74.040(B):

1. **Location Restrictions/Number Permitted:**

a. **ADUs on Lots with a Single-Family Residence.** A maximum of two (2) total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts. Only one (1) detached ADU is allowed on a property.

b. **ADUs on Lots with New Multi-Family Developments.** In all Area Districts, the total amount of ADUs permitted on a lot is prescribed in Government Code Section 66323 (a) (3) and (4).

2. **Development Standards:**

a. **Size, General.** All ADUs shall comply with the minimum and maximum square footage requirements prescribed in Government Code Section 66321.

i. If there is an existing single-family residence, a newly constructed attached ADU shall not exceed fifty percent (50%) of the buildable floor area of the existing single-family residence.

ii. Application of other development standards in this section or any other section may further limit the size of an attached ADU. Notwithstanding, no percent-based size limits in this section or any other section, front setbacks, floor area ratio, or open space requirements may require the ADU to be less than 800 square feet.

b. **Setbacks**: No setback shall be required for an ADU that is within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet (4′), and the front setback shall be as required for the primary structure.

c. **Separation**: A detached ADU shall have a minimum five-foot building separation from other buildings on the lot.

d. **Standards**: An ADU shall, to the maximum extent possible, conform to all open space, buildable floor area, and minimum lot size regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in subsection (c) above, except in the following cases:

i. ADUs that are not required to obtain an ADU permit as provided in Section A.74.040(A).

ii. Where the application of such standards would not permit construction of an eight hundred (800) square-foot ADU that is sixteen feet (16′) in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.

e. Except as provided in subsection (d)(i) and (d)(ii), an ADU shall count toward the maximum total buildable floor area applicable to the lot.

C. **Guest Houses:** If an ADU is located on a lot with a guest house, either, but not both, the guest house or the ADU shall be attached to the primary dwelling unless the project complies with all requirements in Government Code Section 66323(a).

D. **Design and Features:**

1. An ADU shall not have any outdoor deck at a height greater than thirty inches (30″) above local grade if the deck is located in the primary dwelling's required yards. A landing for the purposes of ingress and egress shall be permitted at the minimum size required by the UBC.

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2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.

3. An ADU shall have a separate exterior access.

4. For any second-story detached ADUs located on non-alley lots, all exterior openings, including windows and doors, except a main entry into the ADU, that are within twelve feet (12′) of and facing a rear property line and/or within ten feet (10’) of and facing a side interior property line shall be fitted with translucent glazing and satisfy one (1) of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet (5′) above the finished floor level at the window's lowest point.

5. A kitchen, in conformance with applicable health and safety requirements, including at least one (1) permanently installed stove top appliance, shall be required for all ADUs.

6. A permanent foundation shall be required for all ADUs.

7. Refuse containers shall comply with Municipal Code Section 5.24.030.

E. **Parking Requirements:**

1. In addition to the off-street parking space(s) required for the primary dwelling, one (1) off-street parking space shall be provided for each ADU, except when:
   a. The ADU is located within one-half (½) mile walking distance of public transit as defined by Government Code Section 66313, as amended from time to time;
   b. The ADU is located within an architecturally and historically significant historic district;
   c. The ADU is part of the existing primary dwelling or all or part of an existing accessory structure or building;
   d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
   e. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.

2. The parking space may be provided in setback areas or as tandem parking as defined by Government Code Section 66313, as amended from time to time, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Municipal Code Chapter 10.64.

4. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced, if the project meets any of the criteria set forth in Government Code Section 66322(a), as amended from time to time, unless failure to replace required parking is inconsistent with the MBLCP policies and standards, including those related to public access and off-street parking requirements.

A.74.060 JADU Standards.

JADUs shall comply with the following requirements and Government Code Section 66333 as amended from time to time:

A. A JADU shall be a maximum of five hundred (500) square feet of buildable floor area and a minimum of one hundred fifty (150) square feet, or an alternate minimum area for an "efficiency unit" that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.

B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.

C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.

D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling. If a JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.

E. A JADU shall include an efficiency kitchen, which shall include: (i) a cooking facility with appliances, and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

F. Covenant Required: The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the primary dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of thirty (30) days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 66333-66339; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided prior to final building inspection.

G. No additional parking is required for a JADU.

A.74.070 Fees and utility connections.

A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in Government Code Sections 66324, 66338, and 66341.

B. With the submittal of the ADU permit or prior to receiving a building permit if no ADU permit is required, the owner of the subject property shall submit letters of service availability for water and sewer disposal to the Building Official.

A.74.080 Unpermitted ADUs and JADUs.

A. Unpermitted ADUs and JADUs constructed before 2020 shall be permitted if the project complies with the provisions set forth in Government Code Section 66331.

1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

   i. The ADU or JADU violates applicable building standards, or
   ii. The ADU or JADU does not comply with state ADU or JADU law or this chapter.

2. Exceptions:

i. Notwithstanding subsection (A)(1) above, the city may deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
ii. Subsection (A)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

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PART IV – SITE REGULATIONS

Chapter A.84. Use Permits, Variances and Minor Exceptions

A.84.010. Purposes.
A.84.020. Decision making Authority; appeals.
A.84.030. Application requirement.
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A.84.100. Changed plans – New application.
A.84.105. Master use Permits
A.84.110. Temporary use permits.
A.84.120. Minor exceptions.

A.84.010. Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances, minor exceptions, precise development plans and site development permits.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in Chapter A.08. Further, Chapter A.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the Community's desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

Precise development plans are intended to encourage multi-family housing development of six (6) or more units that include affordable housing through an administrative non-discretionary review process. Projects that qualify for a density bonus shall also comply with Chapter A.94.

Site development permits are intended to streamline the permitting process for multi-family housing developments of six (6) or more units while preserving discretionary review as to compliance with objective development standards and reasonable conditions, and not reexamining the appropriateness of the use itself.

A.84.020. Decision making Authority; appeals.

A. The Community Development Director shall approve, conditionally approve, or disapprove applications for minor exceptions.

B. The Community Development Director shall approve or disapprove precise development plans.

C. The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits, variances and site development permits.

D. Such decisions may be appealed pursuant to Chapter 10.100 of the Manhattan Beach Municipal Code, except that Community Development Director decisions on precise development plans shall be final and not appealable.

A.84.030. Application requirement.

Applications for use permits, variances, precise development plans and site development permits shall be made on electronic forms provided by the City and include all information required by the form and applicable submittal checklist for a complete understanding of the proposal, and a filing fee as established by resolution of the City Council.

A.84.040. Notice and public hearing.

A. **Public Hearing Required.** The Planning Commission shall hold a public hearing on an application for a use permit, variance or site development permit.

B. **Notice**. Upon receipt of a complete application, notice of the hearing shall be given in the following manner:

1. **Mailed or Delivered Notice**. At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within five hundred feet (500′) of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.

2. **Posted Notice**. Notwithstanding the requirements of Section 1.08.140 of the Manhattan Beach Municipal Code, notice shall be posted at City Hall.

3. **Published Notice**. Notice shall be published in a newspaper of general circulation in accordance with Section 65090 and 65091 of the California Government Code.

C. **Contents of Notice**. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;

2. A statement of the time, place, and purpose of the public hearing;

3. A reference to application materials on file for detailed information; and

4. A statement that any interested person or an authorized agent may appear and be heard.

D. **Multiple Applications.** When applications for multiple use permits, variances or site development permits on a single site are filed at the same time, the Community Development Director shall schedule a combined public hearing. When the application includes a precise development plan, the Planning Commission shall only take action on the discretionary portion(s) of the application.

A.84.050. Duties of Planning Commission.

A. Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Planning Commission shall approve, conditionally approve, or disapprove of application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within 7 days of the date of the resolution ratifying the decision.

C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

A.84.060. Required findings.

An application for a use permit, variance, site development permit shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the decision making authority finds that:

A. **For All Use Permits.**

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and

4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. **For Variances.**

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;

2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

4. OS District Only**.** Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space laws.

C. **For Site Development Permits.**

1. The proposed project is consistent with the General Plan and Local Coastal Program;

2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including applicable physical development standards set forth in Chapter A.12 and Chapter A.16.

D. **Mandatory Denial.** Failure to make all the required findings in this section shall require denial of the application.

A.84.065 Precise development plan.

A. **Development standards.** The proposed project shall be reviewed in conformance with applicable objective development standards in Chapter A.12 and Chapter A.16.
B. Permit requirements. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.
    1. The standard requirements may include, but are not limited to,

i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;
ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;
iii. All units in the proposed project shall be subject to Section 4.88.020; and,
iv. An affordable housing agreement per Section 10.94.060.F shall be recorded as a covenant on the title of the project site.

C. **Coastal Development Permit.** Projects in the Coastal Zone shall be subject to a Coastal Development Permit pursuant to Section A.96.260.

A.84.070. Conditions of approval.

A. In approving a site development permit, reasonable conditions may be imposed as necessary to make the required findings.

B. In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

1. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

4. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

A.84.080. Effective date—Appeals.

Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a use permit, variance, minor exception or site development permit shall become effective after expiration of the time limits for appeal set forth in Chapter 10.100.

1. The Community Development Director's decision on a precise development plan is final, and not subject to appeal.

A.84.090. Lapse of approval—Transferability—Discontinuance—Revocation - Extensions.

A. **Lapse of Approval.** A use permit, variance, minor exception, precise development plan or site development permit shall lapse two (2) years or at an alternative time specified as a condition of approval after its date of approval unless:

1. A building permit has been issued and substantial expenditures have been made in reliance on that permit; or

2. A certificate of occupancy has been issued; or

3. The use is established; or

4. The use permit, variance, minor exception, precise development plan or site development permit is renewed.

5. There is litigation associated with the use permit, variance, minor exception, precise development plan or site development permit, in which case there will be a hold on the lapse of approval until the litigation is resolved.

A use permit, variance, minor exception, precise development plan or site development permit also shall lapse upon termination of a project or expiration of a building permit.

B. **Transferability.** The validity of a use permit, variance, minor exception, precise development plan or site development permit shall not be affected by changes in ownership or proprietorship.

C. **Discontinuance.** An implemented use permit, variance, minor exception, precise development plan or site development permit shall lapse if the exercise of rights granted by it is discontinued for twelve (12) consecutive months provided that time for plan check, construction or reconstruction activities shall not be counted toward the twelve (12) months.

D. **Revocation.** A use permit, variance, minor exception, precise development plan or site development permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030

E. **Extension**. A use permit, variance, minor exception, or site development permit may be extended by the Community Development Director for periods of time up to one (1) year without notice or public hearing, if the findings required by Section A.84.060 remain valid. Such requests for extensions shall be limited to two times.

A.84.100. Changed plans—New application.

A. **Changed Plans.** A request for changes in conditions of approval of a use permit, variance, minor exception, or site development permit or a change to development plans that would affect a condition of approval, shall be treated as a new application.

B. **New Application.** If an application for a use permit, variance, minor exception, or site development permit, is disapproved, no new application for the same, or substantially the same project, shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice.

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A.84.105. Master use permits.

A master use permit authorizing multiple uses for a project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area, shall be subject to the provisions applicable to use permits (Chapter A.84 et seq.), with the following exceptions or special provisions:

A. Scope of Approval. Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.

B. Uses: Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter A.08. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

C. Subsequent Use: Tenant Changes. Subsequent changes in the tenants and / or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.

D. Subsequent Permits. Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

E. Nonconforming Sites: Permit Requirements. An existing multiple use of multiple tenant project which has a valid use permit and / or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of 5% of gross leasable area or 10,000 square feet, whichever is less.

A.84.110. Temporary use permits.

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter A.08 and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

A. Application and Fee. A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.

B. Duties of the Community Development Director. The Community Development Director shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.

C. Required Findings. The application shall be approved as submitted, or in modified form, if the Community Development Director finds:

1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and

2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

D. Conditions of Approval. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

E. Effective Date; Duration; Appeals. An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of the MBMC. The permit shall be valid for a specified time period not to exceed 30 days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exception: A Christmas Tree / Pumpkin sales temporary use permit may exceed 30 days but shall be valid only during the time period in which the activity is taking place.

A.84.120. Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (50%) valuation provisions of Section A.68.030(E)], as provided below. Notice may be required for exceptions to Sections A.68.030(D) and (E), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
A.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.

A.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
A.12.030(M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
A.12.030(M), and A.12.030(E)	Reduction in percentage of 15% open space requirement, side yard setback, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
A.12—A.68	Non-compliant construction due to Community Development staff review or inspection errors.
A.68.030(D) and (E), A.12.030 and A.12.030(R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
A.68.030(D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
A.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.

A. **Minor Exception Application Without Notice**. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section A.68.030(D) and (E) must meet the following criteria:

1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) or three thousand (3,000) square feet, whichever is less.

2. Alterations and remodeling to existing legal non-conforming structures. No limit to the total existing Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. **Minor Exception Application with Notice**.

1. Applications for minor exceptions from Section A.68.030(D) and (E) which do not meet the criteria in subsection (A)(1) above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section A.68.030(D) and (E) must meet the following criteria, and notice as provided in subsection D of this section, must be provided:

a) Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section A.04.030 which excludes certain garage and basement
areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (4,000) square feet.

C. Submittal Requirements—All Minor Exceptions Apptlications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements—Minor Exception Applications with Notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site;

4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within three hundred feet (300′) of the boundaries of the property; and

5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within three hundred feet (300′) of the boundaries of the property. This list shall be keyed to the map required by subsection (4) above and shall be accompanied by mailing labels.

E. Notice to Property Owners—Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in section D above. Said notice shall include: a project description, information regarding where and when project

plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.

F. Director's Review and Action—All Minor Exceptions.

1. Notice of Decision. After the commenting deadline date, if any, and within thirty (30) days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above.

2. Findings. In making a determination, the Director shall be required to make the following findings:

   a) The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.

   b) There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.

   c) There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

   d) That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.

   e) That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. Additional Criteria—Sections A.68.030(D) and (E). When making a determination to approve an exception to Sections A.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in Section A.84.120 (F)(2), as stated above:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.

2. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:

a) To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.

b) For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.

c) Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.

d) Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.

e) Other minor alterations or modifications as determined to be necessary by the Director of Community Development.

3. A minimum of ten percent (10%) of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section A.68.030, shall be maintained.

4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section A.64.090 Exceptions, which allows a one foot (1′) reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.

5. All existing parking, required in accordance with Chapter A.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.

6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.

7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.

8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.

9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

10. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.

11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.

12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.

13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. Conditions of Approval. In approving a minor exception permit, the Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

I. Effective Date—Appeals. Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 of the Manhattan Beach Municipal Code.

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Chapter A.94 Affordable Housing Density Bonus and Incentive Program.

A.94.010. General Affordable Housing Provisions
A.94.020. State Affordable Housing Density Bonus.
A.94.030. State Childcare Facility Density Bonus.
A.94.040. Affordable Housing Concessions and Incentives.
A.94.045 Waivers or Reductions of Development Standards.
A.94.050. Parking Reductions
A.94.060. Administration.
A.94.070. Density Bonuses for Housing Developments Accompanied by Land Donation.

A.94.010. General Affordable Housing Provisions

A. **State Law Governs.** The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and state law, the state law provisions shall govern, unless otherwise specified. The intent of the following regulations is to ensure that, to the maximum extent feasible; the requirements of Government Code Section 65915 are implemented in a manner consistent with the land use policies and zoning ordinance provisions set forth in the certified Local Coastal program. Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Government Code Section 65915 et. seq., shall be permitted in a manner that is consistent with that section and, if applicable, the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). All applicable state and federal laws, including Health and Safety Code Section 17929, shall apply, as may be amended, to the extent that such amendments are not inconsistent with applicable MBLCP requirements.

B. **Design of Affordable Units.** Affordable housing units within mixed-income development projects shall include the same materials, finishes, and fixtures as market-rate units.

C. **Availability of Affordable Units.** All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project.

D. **Affordable Housing Agreement.** An Affordable Housing Agreement shall be made a condition of the planning permits for all projects granted a density bonus, pursuant to this Chapter. Prior to recordation of a map or the issuance of a permit by the Building and Safety Division for any portion of the project other than demolition, whichever comes first, the agreement shall be recorded as a restriction on the parcel or parcels that are the subject of the housing development application. The Agreement shall be consistent with Section A.94.050.

E. **Median Income Levels.** For the purpose of determining the income levels for Households under this Chapter, the City shall use the Los Angeles County income limits regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide regular updates.

F. **Effect of Granting Density Bonus**. The granting of a density bonus or any other benefits pursuant to this chapter shall not, in and of itself, be interpreted to require a general plan amendment, zoning change, or other discretionary approval.

G. **General Eligibility and Replacement Unit Requirements**. An applicant shall not receive a density bonus or any benefit pursuant to this chapter if the housing development would

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be excluded under Government Code Section 65915. If applicable, the applicant must certify that the proposed project meets the replacement unit requirements identified in subparagraph (c)(3) of Government Code Section 65915 or any comparable requirement in Section 65915, as it may be amended from time to time.

A.94.020. State Affordable Housing Density Bonus.

A. For housing development qualifying pursuant to the requirements of Government Code Section 65915, the City shall grant a density bonus in an amount specified by Government Code Section 65915, as that section may be amended from time to time.

B. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

C. For the purpose of calculating the density bonus, the "maximum allowable residential density" shall have the same definition as found in Government Code Section 65915.

D. When calculating the number of permitted density bonus units and required affordable units, all fractional units shall be rounded up to the next whole number.

A.94.030. State Childcare Facility Density Bonus.

A. **Intent**. This section is intended to comply with Government Code Section 65915(h).

B. **Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of Section A.94.020.A ("Density Bonus"), and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

1. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or

2. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

C. **Conditions of Approval.** The City shall require as a condition of approving the housing development that the following occur:

1. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than, the length of duration of affordability required by this chapter.

2. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage by Government Code Section 65915(h).

D. **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

A.94.040. Affordable Housing Concessions and Incentives.

A. **Number of Incentives or Concessions.** The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915 and grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the

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relevant written findings stated in Government Code Section 65915(d).

B. Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions unless the project qualifies due to the affordability of the project or Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior housing developments.

C. A request for a concession or incentive shall be accompanied by documentation demonstrating how the specific request results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.

A.94.045 Waivers or Reductions of Development Standards.

A. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant.

B. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted.

C. The City shall approve a waiver or reduction of a development standard, unless it finds that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

5. The waiver or reduction would result in an adverse impact to a coastal resource.

A.94.050. Parking Reductions.

The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.

A.94.060. Administration.

A. **Application.** A preliminary review of development projects proposed pursuant to this Chapter is encouraged to identify potential application issues, including proposed modifications to development standards. In addition to any other review required for a proposed housing development, applications for a density bonus and any benefits

pursuant to this chapter shall be filed on a form approved by the director. The application shall be filed concurrently with an application for a development plan review or administrative approval, including a coastal development permit if required pursuant to Chapter A.96.

B. **Permit requirements**. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.

1. The standard requirements may include, but are not limited to,
   i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;
   ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;
   iii. All units in the proposed project shall be subject to Section 4.88.020; and,
   iv. An affordable housing agreement per Section 10.94.060.F shall be recorded as a covenant on the title of the project site.

C. **Processing of Application**. Density bonus applications, and concessions and waivers requested pursuant to this chapter shall be approved or disapproved by the Community Development Director whose decision is final. City staff shall process the application for a density bonus concurrently with the application for the housing development.

D. **Application Fee**. At the time the application is submitted the applicant shall pay a density bonus application fee established by resolution of the City Council.

E. **Duration of Affordability of Rental Units.** All rental affordable housing units shall be kept affordable for a minimum period of 55 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program or state or federal law.

F. **Duration of Affordability of For-Sale Units**. All for-sale affordable housing units shall be made available in accordance with the requirements of Government Code Section 65915.

G. **Affordable Housing Agreement Required.** The terms of the Agreement shall ensure compliance with the requirements of this chapter and state law, and shall be reviewed and revised as appropriate by the Director and/or City Attorney. The City Manager shall have the authority to sign the agreement.

H. **Notice of Conversions.** Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

1. General. At least a one year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.

   1) Required Notice. Notice shall be given to the following:

      a. The City;
      b. The State Housing and Community Development Department (HCD);
      c. The Los Angeles County Housing Authority;
      d. The residents of the affordable housing units proposed to be converted; and
      e. Any other person deemed appropriate by the City.

I. **Conversion of Affordable Rental Units.** If an owner of a housing development issues

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a notice-of-intent to convert affordable housing rental units to market-rate housing, the City shall consider taking one or more of the following actions:

1. Meet with the owner to determine the owner's financial objectives;

2. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and

3. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of assistance in accessing state or federal funding.

A.94.070. Density Bonuses for Housing Developments Accompanied by Land Donation.

A. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City and meets all of the eligibility criteria in Government Code Section 65915(g) shall be entitled to the density bonus identified in Government Code Section 65915(g).

B. Except as otherwise required by state law, an applicant that receives a density bonus in exchange for donating land pursuant to this section shall not be entitled to any of the other benefits provided by this chapter.

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Chapter A.96. Coastal Development Permit Procedures

A.96.010. Specific purpose.
A.96.020. Zoning map designator.
A.96.030. Definitions.
A.96.040. Requirement for coastal development permit.
A.96.050. Exemptions/categorical exclusions.
A.96.060. Pre-application conference.
A.96.070. Application requirements.
A.96.080. Action on coastal development permit.
A.96.090. Public hearing and comment.
A.96.100. Notice for appealable development.
A.96.110. Notice for other projects.
A.96.120. Standards for application review.
A.96.130. Precedence of local coastal program.
A.96.140. Conditions.
A.96.150. Findings.
A.96.160. Appeals.
A.96.170. Expiration of coastal development permit.
A.96.180. Permit amendment.
A.96.190. Emergency Coastal Development Permit.
A.96.200. Reapplication.
A.96.210. Revocation.
A.96.220. Assignment of Permits.
A.96.230. Judicial Review, Enforcement and Penalties.
A.96.240. Coastal Commission Review of Recorded Documents.
A.96.250. Local Coastal Program Amendments.
A.96.260. Public Hearing Waiver for Minor Development

A.96.010. Specific purpose.

In addition to the general purposes listed in Chapter A.01, the specific purpose of Coastal Development Permit Procedures is to implement the Coastal Act of 1976 (Division 20 of the Public Resources Code) as amended, in accordance with the Local Coastal Program of the City of Manhattan Beach. The regulations of this chapter shall apply in the Coastal Zone, as defined by the Coastal Act and map prepared by the California Coastal Commission.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.020. Zoning map designator.

The zoning map shall show all property affected by adding a "-CZ" to the base district designator. The regulations of this chapter shall apply in addition to the regulations of any district with which the CZ District is combined, and where conflicts arise, the regulations of this chapter shall govern.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

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A.96.030. Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

A. "Aggrieved person" means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on a Coastal Development Permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

B. "Appealable development" means any development project which may be appealed to the Commission in accordance with the adopted regulations of the Coastal Commission and is located within or constitutes any of the following:

1. Approval of a development project located within any appealable area, as follows:

a. All area between the sea and first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean, high-tide line of the sea where there is no beach, whichever is the greater distance.

b. All area within one hundred (100) feet of any wetland, estuary, or stream and all area within three hundred (300) feet of the top of the seaward face of any coastal bluff. [30603(a)(1)&(2)]

2. Approval or denial of a development project which constitutes a major public works project or a major energy facility.[30603(a)(5]

C. "Applicant" means the person, partnership, corporation, or state or local government agency applying for a Coastal Development Permit.

D. "Approving Authority" means a City officer, City Council, commission, or board approving a Coastal Development Permit.

E. "Coastal Commission" means the California Coastal Commission.

F. "Coastal Development Permit" means a certificate issued by the City of Manhattan Beach in accordance with the provisions of this chapter, approving development in the Coastal Zone as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all application materials, plans and conditions on which the approval is based. [30101.5]

G. "Coastal Policy Checklist" means a form prepared and completed by the Director of Community Development as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all local Coastal Program policies, those policies with which the application does not comply, and recommended conditions, if any, which could be imposed to bring the application into compliance.

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H. "Coastal Zone" means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the City of Manhattan Beach, as indicated on a map on record with the Department of Community Development.

I. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations. [30106]

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

J. "Historic Structure" means, in accord with the Health and Safety Code Section 18955, any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of any area by an appropriate local or state governmental jurisdiction. This definition shall include structures on existing or future national, state, or local historical registers, or official inventories such as the National Register of Historical Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers of inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

K. "Local Coastal Program" means the City's land-use plans, Planning and Zoning Ordinances, zoning maps, and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

L. "Major Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy which exceeds one hundred thousand dollars ($100,000.00) in its estimated costs of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. [13012]

"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

M. "Major Public Works Project" means:

1. a public works project which exceeds one hundred thousand dollars ($100,000.00) in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

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2. Notwithstanding the criteria in (1), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. [13012(a) and (b)]

"Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

N. "Other Permits and Approvals" means permits and approvals, other than a Coastal Development Permit, required by the City of Manhattan Beach Municipal Code before a development may proceed.

O. "Overlay District" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the Overlay District and the underlying base zoning district and Area District.

P. "Permittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.

Q. "Principal Permitted Use" means any use representative of the basic zone district allowed without a use permit in that underlying district.

R. "Project" means any development as defined in this section.

S. "Project Appealable to the Coastal Commission" means "Appealable development" as defined in this section. [30603]

T. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

U. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

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(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

V. "Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.

W. "Zoning ordinance" means an ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.040. Requirement for coastal development permit.

Except as provided by Section A.96.050, any person, partnership, or corporation, or state or local government agency wishing to undertake any development, as defined in Section A.96.030, in the CZ District, shall obtain a Coastal Development Permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the coastal zone that change the availability of long and short term public parking, including, but not limited to, changes in the operation of the City parking management program established in §A.64.230. All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

A.96.050. Exemptions/categorical exclusions.

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section:

A. Improvements to Existing Single-Family Residences. Improvements to single-family

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dwellings and mobilehomes including structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds and landscaping are exempt unless classified as one of the following:

1. Guest houses and self-contained second residential units.

2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.

3. Improvements to any structure between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, whichever is the greater distance when such improvements would constitute or result in any of the following:

   a. An increase of 10 percent or more of the internal floor area of the existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.

   b. The construction of an additional story or loft or increase in building height of more than 10 percent.

   c. The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective works or dock.

4. Expansion or construction of a water well or septic system.

5. Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use including the construction of any major water using development not essential to residential use such as, but not limited to, swimming pools or the construction or extension of any landscaping irrigation system.

6. Any improvement where the coastal development permit issued for the original structure indicates that future additions would require a coastal development permit.

7. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat. [13251]

B. Existing Structures Other than Single-Family Residences or Public Works Facilities. The maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public-works facilities, provided the project does not involve the following:

1. Any improvement to a structure that changes the intensity or use of the structure;

2. Any improvement made pursuant to conversion of an existing structure from a multiple-unit rental use or a visitor serving commercial rental use to a use involving a fee ownership, or long term leasehold, including, but not limited to, a condominium conversion or stock cooperative conversion;

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3. All nonexemptions contained in subsections (1) through (6) of §A.96.050(A) of this chapter.

4. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.

5. Any improvements to a structure where the development permit issued for the original structure by the Commission indicated that any future improvements would require a development permit. [13252]

C. Repair or Maintenance Activities. Repair or maintenance activities that do not result in an addition to or enlargement or expansion of the object of those repair maintenance activities, unless classified under one of the following:

1. Repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves:

   a. Substantial alteration of the foundation including pilings and other surface and subsurface structures.

   b. The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.

   c. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.

   d. The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.

2. The replacement of twenty (20) percent or more of a seawall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

3. Any method of routine maintenance dredging that involves the dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or in the placement of dredge spoils of any quantity within an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within (20) twenty feet of coastal waters or streams; or the removal, sale, or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

4. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty

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(20) feet of any coastal waters and streams that include:

a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.

b. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit.

D. Utility Connection. The installation, testing and placement in service, or the replacement of any necessary utility connection between an existing service facility and any development.

E. Replacement of Structures Following Disaster. The replacement of any structure, other than a public works facility, destroyed by disaster (any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner), provided such replacement structure:

1. Shall conform to zoning requirement applicable at time of replacement; and

2. Shall be for the same use as the destroyed structure; and

3. Such replacement structure does not exceed the floor area, height or build of the destroyed structure by more than 10 percent and is sited in the same location on the same building site as the destroyed structure.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

F. Categorical Exclusions. Specific types of development may be exempted from coastal permit requirements per the provisions of California Coastal Commission Administrative Regulations Sections 13250 - 13253. Such exemptions shall require approval, per an order of categorical exclusion, from the California Coastal Commission. Records of any future categorical exclusions shall be kept on file with the Community Development Department.

A.96.060. Pre-application conference.

A prospective applicant may request a pre-application conference with the Director of Community Development prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Director of Community Development shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to the site and the proposed project, suggest improvements to the proposed project based on review of plans provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The plans provided by the owner should be drawn approximately to scale and should contain in a general manner, the information required by Section A.96.070 for a site plan. The Director of Community Development shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.070. Application requirements.

Application for a Coastal Development Permit shall be made to the Department of Community Development on forms provided by the Director of Community Development. Where required by this chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. The application for a

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Coastal Development Permit shall be accompanied by:

A. The required fee;

B. A location map showing the site to be developed in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and major landforms;

C. A site plan, to scale, showing:

1. Existing and proposed property lines on the sites, including all easements over or adjacent to the site;

2. Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed;

3. All existing and proposed structures, roads, utility lines, signs, fences and other improvements; and

4. Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted;

D. Building elevations showing:

1. All exterior walls;

2. Type of roof and other exterior materials; and

3. Location and design of roof equipment, trash enclosures, fences, exterior lights, signs, and other exterior structures and equipment.

E. Any additional information determined by the Director of Community Development within thirty days of the coastal development permit application submittal, to be necessary for evaluation of the proposed development.

F. A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved. [30601.5]

G. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application, and if the signer is not the applicant, written evidence that the signer is authorized to act as the applicant's representative. [13053.5]

H. In the CL, CD, and CNE zones, written evidence, including drawings, showing consistency with the certified local coastal program, including but not limited to materials showing consistency with policies mandating "pedestrian oriented" design, and compliance with the LCP standards with regard to parking supply and the actual cost of constructing parking spaces.

I. In Area District III, drawings, plans and other information showing consistency with the public parking and walk street protection and density standards of the LCP.

A.96.080. Action on coastal development permit.

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A. All development undertaken after November 8, 1972, within the coastal zone as defined in the Coastal Initiative of 1972, or after January 1, 1977, within the coastal zone as defined by the Coastal Act of 1976, shall have a valid coastal development permit issued by the California Coastal Commission or by the City pursuant to this Local Coastal Program.

1. The City's jurisdiction over coastal development permits does not include tidelands, submerged lands, public trust lands as described in Section 30519 of the Public Resources Code.

2. Development authorized by a Commission-issued permit remains under the jurisdiction of the Commission for the purposes of condition compliance, amendment, extension, reconsideration and revocation.

3. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program but which has not been filed complete with the Commission for approval shall be re-submitted to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely on the requirements of this LCP.

4. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which an application has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for completion of review. Commission review of any such application shall be based upon the certified LCP. Alternatively, the applicant may re-submit the proposal to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely upon this LCP. Projects which elect to obtain a coastal permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in (1) above. [13546]

5. Upon effective certification of a certified Local Coastal Program, no applications for development shall be accepted for development within the certified area.

B. Action to approve, conditionally approve, or deny a Coastal Development Permit shall be taken by the Director of Community Development, the Planning Commission, the Public Works Commission, or the City Council, whichever has responsibility for final approval of other discretionary permits, including parcel maps and lot line adjustments, if such discretionary permits are required. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project.

C. At the time an application for development is submitted, the Community Development Director or his/her designee shall determine and inform the applicant, based on the provisions of this Chapter, and all applicable maps, zoning regulations and specific plan regulations, that the development project is one of the following:

1. Within an area where the Coastal Commission continues to exercise original permit jurisdiction as defined in Section 30519, an applicant must obtain a coastal development permit directly from the Coastal Commission;

2. Appealable to the Coastal Commission and requires a coastal development permit;

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3. Non-appealable to the Coastal Commission and requires a coastal development permit;

4. Categorically excluded or exempt and does not require a coastal development permit. [13569]

D. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.

2. If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

3. The Executive Director shall, within two (2) working days of the local government request (or upon completion of a site inspections where such inspection is warranted), transmit his or her determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request. [13569(a)-(d)]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.090. Public hearing and comment.

A. The appropriate person or body specified in Section A.96.080 shall hold a public hearing prior to any action on a Coastal Development Permit where:

1. Action or recommendation on other permits or approvals required for the project require the holding of a public hearing;

2. The permit is for development appealable to the Commission as defined in §A.96.030 and §A.96.160.

B. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project but all decisions on coastal development permit applications must be accompanied by separate written findings.

C. Any person may submit written comment on an application for a Coastal Development

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Permit, or on a Coastal Development Permit appeal at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Director of Community Development who shall forward them to the appropriate person, commission, board, or the Council, and to the applicant.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.100. Notice and Procedures for appealable development.

Notice of development appealable to the Coastal Commission shall be provided as follows:

A. Contents of Notice.

1. A statement that the development is within the Coastal Zone and is appealable to the Coastal Commission;

2. The date of filing of the application and the name of the applicant;

3. The file number assigned to the application;

4. A description of the development and its proposed location;

5. The date, time, and place at which the application will be heard;

6. A brief description of the general procedure concerning the conduct of hearing and local actions; and

7. The system for local and Coastal Commission appeals, including any local fees required.

B. Provision of Notice Prior to Public Hearing. Notice shall be mailed at least 10 days before the first public hearing on the project to the following:

1. Applicant;

2. Owner of the property;

3. All property owners and residents within 100 feet from the perimeter of the subject parcel;

4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications and all persons who at any time have requested to be on the mailing list for that development project; [13565]

5. The Coastal Commission;

6. Public agencies which, in the judgment of the Director of Community Development, have an interest in the project; and

7. A newspaper of general circulation in the Coastal Zone. The notice is to be published once.

C. Notice of Continued Public Hearings. If a decision of an appealable Coastal Development

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Permit is continued to a time that has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the manner prescribed by paragraph (B) above.

D. Finality of Local Government Action. A decision on an application for a development shall not be deemed complete until (1) the decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted.

E. Exhaustion of Local Appeals. For appealable development, an appellant must pursue and exhaust local appeals under the City's appeal procedures for purposes of filing an appeal under the Coastal Commission's regulations, except that exhaustion of all local appeals shall not be required if any of the following occur;

1. an appellant is denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal the local decision; or

2. an appellant is denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of the Chapter; or

3. the City charges an appeal fee for the filing or processing of appeals; or

4. where a project is appealed by any two (2) members of the Coastal Commission. [13573]

F. Notice of Final Government Action. Within seven (7) calendar days of a local government completing its review and meeting the requirements of §A.96.100 D, notice of the final local decision, including written findings for approval and conditions (if any) on the project proposal and the procedures for appeal of the decision to the City Council, shall be mailed to the following people and agency: [13571(a)]

1. The applicant;

2. The owner of the subject parcel;

3. All persons who have submitted a written request for notification of action on this specific permit, and have submitted a self-addressed, stamped envelope (or, where required, have paid a reasonable fee to receive such notice); and,

4. The Coastal Commission.

G. Failure to Act - Notice.

1. Notification by Applicant: If a local government has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed with the development pursuant to Government Code Sections 65950-65957.1 shall provide the notice required by Government Code Sections 65956. [13571(b)(1)]

2. Notification by Local Government: When a local government determines that the

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time limits established pursuant to Government Code Sections 65950-65957.1 have expired and that the notice required by law has occurred, the local government shall, within seven (7) calendar days of such determination, notify any person

entitled to receive notice pursuant to §A.96.100 that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to §A.96.160. (This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.) [13571 (b)(2)]

H. Local Action -- Effective Date. A final decision on an application for an appealable development shall become effective after the ten (10) 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 subsections F and G above.

When either of the circumstances in 1 or 2 occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the local government action has been suspended.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.110. Notice for other projects.

A. Notice of projects for which a public hearing is required but which are not appealable to the Coastal Commission.

1. Contents of Notice.

a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;

b. The date of filing of the application and the name of the applicant;

c. The file number assigned to the application;

d. A description of the development and its proposed location;

e. The date, time, and place at which the application will be heard;

f. A brief description of the general procedure concerning the conduct of hearing and local actions.

2. Provision of Notice: Notice of developments shall be given at least 10 calendar days before the first public hearing in the following manner:

a. If the matter is heard by a board or commission, notice shall be published

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in a newspaper of general circulation;

b. Notice by first-class mail to any person who has filed a written request therefore;

c. Notice by first-class mail to property owners within 300 feet; [13568(a)(3)]

d. Notice by first-class mail to the Coastal Commission; and

e. Notice by first class mail to residents within 100 feet of the proposed project. [13568(a)(4)]

B. Notice of projects for which no public hearing is required and which are not appealable to the Coastal Commission.

1. Contents of Notice:

a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;

b. The date of filing of the application and the name of the applicant;

c. The file number assigned to the application;

d. A description of the development and its proposed location;

e. The date, the application will be acted upon by the local governing body or decision maker;

f. The general procedure concerning the submission of public comments either in writing or orally prior to a decision on the application; and

g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to any decision.

2. Provision of Notice: Notice of these development proposals shall be given within 10 days of acceptance of the application or at least seven days prior to the local decision date to the following people and agencies:

a. The applicant;

b. The owner of the property;

c. All property owners and residents within 100 feet of the perimeter of the subject parcel;

d. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permits applications;

e. All persons who have requested, in writing, notices relating to the Coastal Permit in question; and

e. The Coastal Commission.

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C. Categorically Excluded Development: A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review, and shall include the following information for each permit: name of applicant, location of the

project, and brief description of the project. Development included in a categorical exclusion area adopted pursuant to the California Coastal Act and approved by the California Coastal Commission, is exempt from other procedures contained in this Chapter except that the City shall provide the Coastal Commission with notification of such permit issuance within five (5) working days. [13248]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.120. Standards for application review.

The official or body acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program; the City's General Plan; requirements of the Planning and Zoning Ordinance; and other provisions of this title. To assist this review, the Director of Community Development shall, as part of the recommendation, complete a Coastal Policy Checklist.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.130. Precedence of local coastal program.

Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the CZ District, conflict with those of the underlying Area District or zoning district or other provisions of this title, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.140. Conditions.

Approval of a Coastal Development Permit shall be subject to conditions as necessary to ensure conformance with, and implementation of, the Local Coastal Program. Modification and resubmittal of project plans, drawings, and specifications may be required to ensure conformance with the Local Coastal Program. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Director of Community Development to prepare his/her recommendation on the modified project.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.150. Findings.

All decisions on Coastal Development Permits shall be accompanied by written findings: [13096]

A. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and

B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code).

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.160. Appeals.

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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. 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.

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 Paragraph A above for its action.

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)]

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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)]

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.

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.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.170. Expiration of coastal development permit.

A Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire 1 year from its date of approval if the project has not been commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the one-year period.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.180. Permit amendment.

Upon application by the permittee, a Coastal Development Permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of Coastal Development Permit. All sections of this chapter shall apply to permit amendments.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.190. Emergency Coastal Development Permit. [30611,30624,13136-13144]

In the event of a verified emergency, temporary emergency authorization to proceed with remedial measures may be given by the Director of Community Development or his/her designee until such time as a full coastal development permit application shall be filed.

A. Application. Application shall be made to the Director of Community Development by letter if time allows, or in person or by telephone, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, shall include the following:

1. Nature of the emergency;

2. Cause of the emergency, insofar as this can be established;

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3. Location of the emergency;

4. The remedial, protective, or preventative work required to deal with the emergency;

5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of filing to take action.

B. Limitations. The Director of Community Development shall not grant an emergency coastal development permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.

1. In addition, a waiver from coastal development permit requirements may be obtained from the Coastal Commission Executive Director for development that is required to protect life or public property in accordance with Section 30611 of the Coastal Act.

C. Noticing. The Director of Community Development shall provide notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director of Community Development shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place and mailed to all persons the Director of Community Development has reason to know would be interested in such action and to the Coastal Commission.

D. Findings and Conditions. The Director of Community Development may grant an emergency coastal development permit upon reasonable terms and conditions, which shall include an expiration date and the necessity for a regular permit application later, if the Director of Community Development finds that:

1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.

2. Public comment on the proposed emergency action has been reviewed, if time allows.

3. The work proposed would be consistent with the requirements of the Certified Local Coastal Program.

E. Expiration of the Emergency Permit. An emergency permit shall be valid for sixty (60) days from the date of issuance by the Director of Community Development. Prior to expiration of the emergency permit, the permittee must submit a regular coastal development permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.

F. Report to City Council and Coastal Commission. The Director of Community Development shall report in writing and orally, the granting of an emergency permit to the City Council at

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its next scheduled meeting, and to the Coastal Commission. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

A.96.200. Reapplication.

No application for the granting of a coastal development permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission to do so has been granted by the Approving Authority.

A.96.210. Revocation.

A. Grounds for revocation of a permit shall include:

1. Intentional inclusion of inaccurate, erroneous or incomplete information where the City finds that accurate and complete information would have caused additional or different conditions to be required on a permit or denial of an application; or

2. Failure to comply with the notice provisions of this Chapter where the views of the person not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions or deny an application.

B. Initiation of the proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceedings because of the reasons stated in Subsection (A) and who applies to the Director of Community Development specifying the particular grounds for revocation. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The Director may initiate revocation proceedings when the grounds for revocation have been established.

C. Where the Director of Community Development determines that grounds exist for revocation of a permit, the operation of the permit shall automatically be suspended until denial of the request for revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of procedures contained in this section to the address shown in the permit application. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act and subject to the penalties contained therein.

A.96.220. Assignment of Permits.

A. Any person who has obtained a coastal development permit pursuant to the provisions of this Subchapter may assign such permit to another person subject to the following requirements:

1. Submission of an application fee as set by resolution of the City Council; and

2. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit; and

3. Evidence of the assignee's legal interest in the real property involved and legal

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capacity to undertake the development as approved and to satisfy the conditions required in the permit; and

4. The original permittee's request to assign all rights to undertake the development to the assignee;, and
5. A copy of the original permit showing that it has not expired.

B. The applicant for assignment shall submit the above documents together with a completed application form to the Director of Community Development. The assignment shall be effective upon written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit.

A.96.230. Enforcement.

In addition to the provisions contained in this chapter, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to Judicial Review, Enforcement and Penalties.

A.96.240. Coastal Commission Review of Recorded Documents.

Any legal documents used in complying with required conditions pertaining to public access and open space or conservation easements shall be processed in the following manner:

A. The offer of dedication, together with a copy of the coastal development permit conditions and findings shall be forwarded to the Coastal Commission Executive Director for review and approval.

B. The coastal development permit shall be issued only after mailing such documents to the Executive Director of the Coastal Commission and the Executive Director has notified the Community Development Director that any such legal documents are adequate. [13574]

A.96.250. Local Coastal Program Amendments.

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the same areas or matters affected by a Local Coastal Program amendment must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:

1. A resolution of intention initiated by the Planning Commission.

2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.

3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments.

1. Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.
2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment, regardless of how such amendment was initiated, may be appealed by any interested person, including a Commissioner or Council member, to the City Council provided such appeal is filed in writing within 14 consecutive calendar days of the Planning Commission's action.

C. City Council Action on Amendments. The recommendation of the Planning Commission to approve a proposed Local Coastal Program amendment, or the appeal from a decision by the Planning Commission to approve or disapprove a proposed Local Coastal Program amendment must be acted upon by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to the Coastal Act and California Code of Regulations. The City Council may approve, approve with modifications, or disapprove any amendment.

D. Fees. The City Council by resolution shall establish and from time to time amend a schedule of fees imposed for any amendment to the Local Coastal Program.

E. Coastal Commission Certification of Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, as follows:

1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection 2 of this section (below).

2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

A.96.260. Public hearing waiver for minor development.

Consistent with the provisions of A.B. 1303, effective January 1, 1996, the public hearing requirement for minor development, as defined herein, may be waived subject to the requirements of this section.

A. Minor development means a development which satisfies all of the following requirements:

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1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;

2. The development requires no discretionary approvals other than a coastal development permit;

3. The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

B. The public hearing requirement on a coastal development permit application for a minor development, as defined above, may be waived if all of the following occur:

1. Notice is sent to all persons consistent with the provisions of Section A.96.100 of this Title, as well as all other persons know to be interested in receiving such notice,

2. The notice states that a public hearing will be held upon the request of any person,

3. No request for public hearing is received by the City within 15 working days from the date of sending the notice pursuant to paragraph (1).

C. Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request. Upon receipt of a request for hearing the matter shall be scheduled for a public hearing.

D. Following receipt of a request for hearing, public notification must be made regarding the scheduled hearing date, consistent with the provisions of Section A.96.100 of this Title.

E. The notice provided pursuant to subdivision (B) shall include a statement that failure by a persons to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

F. An action taken by the initial Approving Authority for an application that is required to be processed ministerially per state law, including but not limited to, California Government Code Sections 65913.4, 66310 – 66342, shall be treated as a Minor Development for purposes of this section.

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