

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
200 OCEANGATE, 10TH FLOOR
P.O. BOX 1450
MANHATTAN BEACH, CA 90802-4325
(62) 590-5071



TU 6b

July 16, 1999

TO: Commissioners and Interested Persons

FROM: Deborah Lee, Deputy Director
Pam Emerson, Los Angeles County Area Supervisor
Charles Posner, Coastal Program Analyst

SUBJECT: Minor Amendment Request No. 1-99 to the City of Manhattan Beach Certified Local Coastal Program (For Commission concurrence at the August 10-13, 1999 meeting in Los Angeles).

Amendment Description

Amendment to the City of Manhattan Beach certified Local Coastal Program (LCP) to incorporate into the LCP implementing ordinances (LIP) the following: 1) revised procedures under which the Director of Community Development may issue minor exceptions to certain building standards, and 2) minor changes to the zoning code relating to chimney projections into required yard areas, height limits for retaining walls, and building separation yards. The proposed revisions are shown on **Exhibit F: Planning Commission Resolution No. 98-34.**

Any change to the City's zoning regulations constitutes an amendment to the LCP because the City zoning regulations are the implementing ordinances (LIP) of the certified LCP. The proposed LCP amendment affects only the LIP portion of the LCP and does not propose any rezoning or land use changes in the coastal zone. The certified Land Use Plan (LUP) portion of the LCP is not affected by this amendment.

City Council Resolution No. 5461 submits the LCP amendment request for certification by the Commission (Exhibit #1). The proposed changes to the certified LCP are contained Ordinance No. 1992 (Exhibit #2). The City Planning Commission held public hearings for the proposed LCP amendment on August 26, 1998 and September 23, 1998. The Manhattan Beach City Council held a public hearing for the LCP amendment request on December 1, 1998, and adopted Ordinance No. 1992 on January 19, 1999.

Please note that there is a minor typographical error in Section 4 of Ordinance No. 1992 which affects Section 10.68.030(E)/A.68.030(E) of the zoning code. The last sentence cross-references Section 10.60.030(G)/A.60.030(G), but was intended to reference

Section 10.60.040(G)/A.60.040(G). Section 10.60.030(G)/A.60.030(G) does not exist. The City has corrected the error (Exhibit #3).

Procedures

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment is consistent with the certified LUP, makes the zoning regulations more specific, and does not change the kind, location, intensity, or density of use. Therefore, the Executive Director has determined that City of Manhattan Beach LCP Amendment No. 1-99 is a minor LCP amendment.

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

End/cp

RESOLUTION NO. 5461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 1992 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND SECTIONS A.12.030, A.60.030, A.68.030, AND A.84.120 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, RELATING TO CHIMNEY PROJECTIONS AND MINOR EXCEPTIONS.

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach, California, conducted a public hearing, pursuant to applicable law, on December 1, 1998 to consider the proposed amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Plan; and,
- B. The City Council adopted Ordinance No. 1992 at the regular meeting of January 19, 1999, which became effective on February 18, 1999; and,
- C. The subject amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b)(3) in that it can be seen with certainty that the proposed project does not have the potential for causing a significant effect on the environment; and
- D. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 2. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 3. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

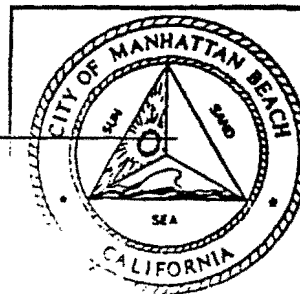
PASSED, APPROVED, and ADOPTED this 20th day of April, 1999.

Ayes: Fahey, Lilligren, Dougher.
Noes: Wilson, Mayor Napolitano.
Absent: None.
Abstain: None.

/s/ Steven A. Napolitano
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



Certified to be a true copy
of the original of said
document on file in my
office.

Liza Tamura
City Clerk of the City of
Manhattan Beach, California

LCP 1-99

EXHIBIT # 1

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ORDINANCE NO. 1992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTIONS 10.12.030, 10.60.030, 10.68.030, AND 10.84.120, OF THE MANHATTAN MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) AND SECTIONS A.12.030, A.60.030, A.68.030, AND A.84.120 OF THE IMPLEMENTATION PROGRAM OF THE LOCAL COASTAL PROGRAM, PERTAINING TO CHIMNEY PROJECTIONS, NONCONFORMING STRUCTURES, AND MINOR EXCEPTIONS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

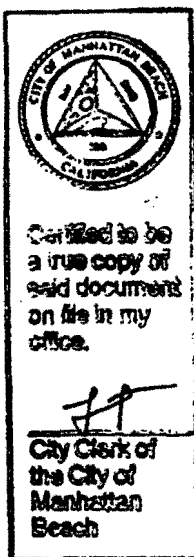
SECTION 1. The City Council hereby makes the following findings:

- A. The Planning Commission conducted a public hearing on the proposed amendment on August 26th, and September 23rd, 1998, and subsequently adopted Resolution No. PC 98-34 recommending the subject ordinance.
- B. A subsequent City Council public hearing was held, testimony was invited and received on December 1, 1998.
- C. The proposal is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3), due to determination that it has no potential for causing a significant effect on the environment. The proposed zoning and coastal regulation amendments provide for the retention and approval of minor code nonconformities which have no substantive effect on the physical environment.
- D. The proposed revision is consistent with the goals and policies of the City's General Plan and with the purposes of Title 10 (Zoning Ordinance) of the Manhattan Beach Municipal Code and the Local Coastal Program.
- E. Local Coastal Program section numbers within the amendment language of this ordinance are identified in *italics*, and are to be incorporated within the Coastal Program Implementation Program only.

SECTION 2. The "Property Development Standards for All Area Districts" table Section 10.12.030 of Title 10 of the Manhattan Beach Municipal Code and Section A.12.030 of the Implementation Program of the Local Coastal Program is amended to read as follows:

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

		Additional Regulations
Minimum Usable Open Space		(M)
Required Landscaping		
Adjoining Streets		(O)
Fences and Walls		(P)
Building Separation		(R)
Off-Street Parking and Loading	See Chapter 10.64/A.64	(Q)
House Moving		(S)
Underground Utilities	See Section 10.60.110/A.60.110	
Refuse Storage Areas	See Section 10.60.100/A.60.100	



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1 Outdoor Facilities	See Section 10.60.080/A.60.080
2 Screening of	
3 Mechanical Equipment	See Section 10.60.090/A.60.090
4 Solar-assisted Water Heating	See Section 10.60.140/A.60.140
5 Performance Standards	See Section 10.60.120/A.60.120
6 Nonconforming Structures	See Chapter 10.68/A.68
7 Signs	See Chapter 10.72/A.72
8 Condominium Standards	See Section 10.52.110/A.52.110
9 Minor Exceptions	See Section 10.84.120/A.84.120

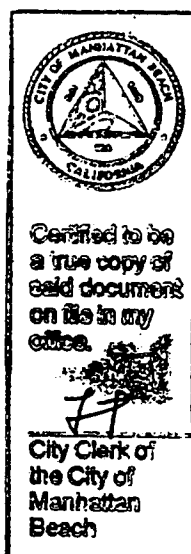
10 SECTION 3. Section 10.60.040(G) of Title 10 of the Manhattan Beach Municipal Code
 11 and Section A.60.040(G) of the Implementation Program of the Local Coastal Program are amended to
 12 read as follows:

- 13 G. Chimneys: A maximum of two chimney projections into required yards is allowed. One chimney
 14 may project 1 foot into one interior side yard starting at a point 8 feet above finished grade,
 15 providing that at least 2 feet is maintained as a clear area between the chimney and the property
 16 line. Chimney projections into required street side yards are prohibited. In addition, one chimney
 17 may project 1 foot into one of the following yards: front, rear or building separation, and shall not
 18 be required to maintain a vertical clearance from finished grade. Chimneys shall be subject to,
 19 and a component of, the aggregate length limitations for all vertical projections as stated within
 20 Section 10.60.040 A (2)/A.60.040 A (2).

21 Exception: Existing legal nonconforming chimneys may remain nonconforming with respect to yard
 22 projection without regard to value of alteration of the structure to which it is attached.

23 SECTION 4. Section 10.68.030(E) of Title 10 of the Manhattan Beach Municipal Code
 24 and Section A.68.030(E) of the Implementation Program of the Local Coastal Program are amended to
 25 read as follows:

- 26 E. If any structure on a site does not conform to the standards for front, side or rear yards, height of
 27 structures, distances between structures, driveways, or open space prescribed for the zoning
 28 district and Area District where the structure is located, then no structure shall be enlarged or
 29 altered if the total estimated construction cost of the proposed enlargement or alteration, plus
 30 the total estimated construction costs of all other enlargements or alterations for which building
 31 permits were issued within the preceding 60-month period (12 months in an IP District), exceeds
 32 50 percent of the total estimated cost of reconstructing the entire nonconforming structure
 unless the proposed enlargement or alteration would render the structure conforming. Any
 enlargements or alterations shall conform to requirements in effect at the time of issuance of the
 building permit. For the purposes of this section, estimated construction and reconstruction
 costs shall be determined by the Community Development Director in the same manner as the
 Community Development Director determines final valuation for the purposes of building permit
 fees.



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Exceptions:

1. Where a structure is nonconforming only by reason of one substandard front or interior yard, provided that all nonconforming interior yards are not less than 3 feet, the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this ordinance shall be permitted without regard to the estimated construction cost.
4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (Nonconforming Exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

See Section 10.60.030(G)/A.60.030(G): Building projections into required yards or required open space; Chimneys.

SECTION 5. Section 10.84.120 of Title 10 of the Manhattan Beach Municipal Code and Section A.84.120 of the Implementation Program of the Local Coastal Program as follows (including deletion of the flow chart graphic entitled "Minor Exception Procedures"):

10.84.120/A.84.120 Minor exceptions.

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

Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E)/A.68.030(E).

Applicable Section	Exception Allowed
10.12.030/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.
10.12.030/A.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
10.60.040(H)/A.60.040(H)	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.
10.60.050/A.60.050	Alternative reference point for height measurement for pre-existing structures that have height nonconformities.
Projects that involve new structures or remodels without limits of project valuation.	



Certified to be
a true copy of
said document
on file in my
office.

[Signature]
City Clerk of
the City of
Manhattan
Beach

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Applicable Section	Exception Allowed
10.12.030(P)/A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10.12 - 10.68/A.12-A.68	Non-compliant construction due to Community Development staff review or inspection errors.

A. Application. Applications for minor exceptions shall be initiated by submitting the following materials to the Community Development Department:

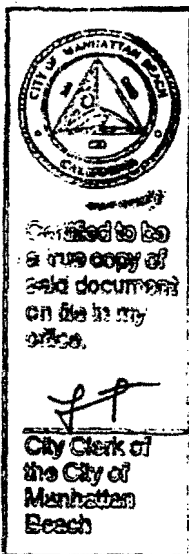
1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, copies of deeds, any required power of attorney, plans and mapping documentation in the form prescribed by the Community Development Director.
2. A vicinity map showing the location and street address of the development site;
3. 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 300 feet of the boundaries of the property; and
4. 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 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 3 above and shall be accompanied by mailing labels.

B. Notice to Property Owners. After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners with application submittal items 3 and 4 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.

C. Director's Review and Action. After the commenting deadline date, and within 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 and City Council a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (E) below. Notice of the decision also shall be mailed to all those individuals previously noticed pursuant to A and B above.

In making a determination, the Director shall consider the following criteria:

1. Whether deviation from Code is minor in nature.
2. Evidence that significant detrimental impact to surrounding neighbors is absent.
3. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
4. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.



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EXHIBIT # 2
PAGE 4 OF 5

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

1. Achieve the general purposes of this ordinance 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.

E. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 M.B.M.C., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 M.B.M.C.

SECTION 6. If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 7. That the time within which judicial review of this ordinance may be sought is not later than 90 days after the decision becomes final pursuant to California Government Code Section 65009.

SECTION 8. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 9. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 10. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED and ADOPTED this 19th day of January, 1999.

AYES:	Cunningham, Lilligren, Jones.
NOES:	Wilson, Mayor Napolitano.
ABSENT:	None.
ABSTAIN:	None.

/s/ Steven A. Napolitano
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



Certified to be a true copy
of the original of said
document on file in my
office.

Liza Tamura
City Clerk of the City of
Manhattan Beach, California



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 545-5621 FAX (310) 545-9322 TDD (310) 546-3501

July 2, 1999

Charles R. Posner
California Coastal Commission
South Coast Area
200 Oceangate - Suite 1000
Long Beach, CA 90802

RECEIVED
South Coast Region

JUL 6 1999

CALIFORNIA
COASTAL COMMISSION

Subject: Ordinance No. 1992 Correction Regarding LCP Amendment Request No. 1-99

Thank you for your response to our resubmitted application to amend the Manhattan Beach Local Coastal Program development regulations with respect to certain nonconformities and minor exception procedures. The noted typographical error in Ordinance No. 1992 has been corrected in the City's official records, and will not require any further formal action by the City. The attached message verifies that our City Attorney's office (which is responsible for managing ordinances and the Municipal Code) has recorded the correction.

If you have any questions, please do not hesitate to contact me at (310) 545-5621, Extension 285.

Sincerely,

Community Development Department
Richard Thompson, Director

Eric Haaland, Associate Planner

Attachments:

City Attorney e-mail message, dated 7/1/99

COASTAL COMMISSION

LCP 1-99

EXHIBIT # 3

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RESOLUTION NO. 98-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA RECOMMENDING AMENDMENTS TO SECTIONS 10.12.030, 10.60.030, 10.68.030, AND 10.84.120, OF THE MANHATTAN MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) AND SECTIONS A.12.030, A.60.030, A.68.030, AND A.84.120 OF THE IMPLEMENTATION PROGRAM OF THE LOCAL COASTAL PROGRAM, PERTAINING TO CHIMNEY PROJECTIONS, NONCONFORMING STRUCTURES, AND MINOR EXCEPTIONS.

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

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

- A. The Planning Commission conducted a public hearing pursuant to applicable law to consider amendments to Title 10, the zoning ordinance, of the Manhattan Beach Municipal Code and the Implementation Program of the Local Coastal Program pertaining to chimney projections, nonconforming structures, and minor exceptions.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received on August 26, and September 23, 1998.
- C. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment. The proposed zoning ordinance amendments modify procedures for addressing minor nonconformity hardships caused by existing site conditions.
- D. The proposed amendments are consistent with the policies of Chapter 3 of the Coastal Act, will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water.
- E. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program, and with the purposes of Title 10 (Zoning Ordinance) of the Manhattan Beach Municipal Code.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends approval of the subject amendments to the Manhattan Beach Municipal Code and Local Coastal Program as follows:

Amend the "Property Development Standards for All Area Districts" table of Section 10.12.030 of Title 10 of the Manhattan Beach Municipal Code and Section A.12.030 of the Implementation Program of the Local Coastal Program as follows:

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences and Walls	(P)
Building Separation	(R)

EXHIBIT
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Off-Street Parking and Loading	See Chapter 10.64	(Q)
House Moving		(S) ..
Underground Utilities	See Section 10.60.110	
Refuse Storage Areas	See Section 10.60.100	
Outdoor Facilities	See Section 10.60.080	
Screening of Mechanical Equipment	See Section 10.60.090	
Solar-assisted Water Heating	See Section 10.60.140	
Performance Standards	See Section 10.60.120	
Nonconforming Structures	See Chapter 10.68	
Signs	See Chapter 10.72	
Condominium Standards	See Section 10.52.110	
<u>Minor Exceptions</u>	<u>See Section 10.84.120</u>	

Amend Section 10.60.040(G) of Title 10 of the Manhattan Beach Municipal Code and Section A.60.040(G) of the Implementation Program of the Local Coastal Program as follows:

G. Chimneys: A maximum of two chimney projections into required yards is allowed. One chimney may project 1 foot into one interior side yard starting at a point 8 feet above finished grade, providing that at least 2 feet is maintained as a clear area between the chimney and the property line. Chimney projections into required street side yards are prohibited. In addition, one chimney may project 1 foot into one of the following yards: front, rear or building separation, and shall not be required to maintain a vertical clearance from finished grade. Chimneys shall be subject to, and a component of, the aggregate length limitations for all vertical projections as stated within Section 10.60.040 A (2).

Exception:

Existing legal nonconforming chimneys may remain nonconforming with respect to yard projection without regard to value of alteration of the structure to which it is attached. —

Amend Section 10.68.030(E) of Title 10 of the Manhattan Beach Municipal Code and Section A.68.030(E) of the Implementation Program of the Local Coastal Program as follows:

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distances between structures, driveways, or open space prescribed for the zoning district and Area District where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding 60-month period (12 months in an IP District),

exceeds 50 percent of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions:

1. Where a structure is nonconforming only by reason of one substandard front or interior yard, provided that all nonconforming interior yards are not less than 3 feet, the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this ordinance shall be permitted without regard to the estimated construction cost.
4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (Nonconforming Exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

Typo. CP →
See EX. 3

^{.040}
See Section 10.60.030(G): Building projections into required yards or required open space: Chimneys.

Amend Section 10.84.120 of Title 10 of the Manhattan Beach Municipal Code and Section A.84.120 of the Implementation Program of the Local Coastal Program as follows (including deletion of the flow chart graphic entitled "Minor Exception Procedures"):

10.84.120 Minor exceptions.

The Community Development Director may grant ~~one~~ minor exceptions from certain regulations contained in this ordinance for projects ~~that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E)~~ as follows:

Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E)/A.68.030(E)

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.

COASTAL REVISION

- 10.12.030 Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
- 10.60.040(H) Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.
- 10.60.050 Alternative reference point for height measurement for pre-existing structures that have height nonconformities.

Projects that involve new structures or remodels without limits of project valuation

<u>Applicable</u>	<u>Exception Allowed</u>
<u>Section</u>	

- | | |
|---------------|---|
| 10.12.030(P) | <u>Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.</u> |
| 10.12 - 10.68 | <u>Non-compliant construction due to Community Development staff review or inspection errors.</u> |

A. Application. Applications for a single 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, copies of deeds, any required power of attorney, plans and mapping documentation in the form prescribed by the Community Development Director.
2. A vicinity map showing the location and street address of the development site;
3. 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 300 feet of the boundaries of the property; and
4. 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 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 3 above and shall be accompanied by mailing labels.

B. Notice to Adjacent Property Owners. After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners with application submittal items 3 and 4 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.

- C. Director's Review and Action. After the commenting deadline date, and within 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 and City Council a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (E) below. Notice of the decision also shall be mailed to all those individuals previously noticed pursuant to A and B above.

In making a determination, the Director shall consider the following criteria:

1. Whether deviation from Code is minor in nature.
2. Evidence that significant detrimental impact to surrounding neighbors is absent.
3. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
4. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.

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

1. Achieve the general purposes of this ordinance 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.

- E. Effective Date: Appeals. ~~Unless appealed in accordance with Chapter 10.100, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030. An exception granted by the Community Development Director shall be effective 21 days after the date of the Director's letter of decision, or after the ensuing City Council meeting, whichever is later, unless appealed to the Board of Zoning Adjustment in accord with Chapter 10.100. Appeals of the Director's decision may be made by the City Council, applicant, owners of abutting property or any interested person who has sent written comments to the Director on the proposed exception within the time period provided by the application notice. All other procedures for acting on appeals shall be as provided by Chapter 10.100 (including subsequent 30-day appeal periods).~~

- ~~F. Applications for Multiple Minor Exceptions. Minor Exception applications for projects that require exceptions to more than one section of this Title shall be considered for approval by the Board of Zoning Adjustment instead of the Community Development Director. Application materials and procedures otherwise shall be required pursuant to subsections A, B, C, D, and E above.~~

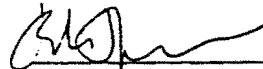
COASTAL COMMUNITY

SECTION 3. The Secretary to the Planning Commission shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

SECTION 4. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

PASSED, APPROVED, and ADOPTED this 23rd day of September, 1998.

Ayes: Blanton, Dougher, Kaplan,
Kirkpatrick, Chairman Milam
Noes: None
Absent: None
Abstain: None



Richard Thompson
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

COASTAL COMMISSION

EXHIBIT # F
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