

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

September 21, 2005



RECORD PACKET COPY

Th6a**TO:** Commissioners and Interested Persons

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

RE: Minor Amendment Request No. 1-05 (MNB-MIN-1-05) to the City of Manhattan Beach LCP, for Commission Action at its October 13, 2005 meeting in San Diego.

Local Coastal Program Amendment No. 1-05 (Minor)

The City of Manhattan Beach is requesting that the Commission certify an amendment to the implementing ordinances (LIP) portion of the Manhattan Beach certified Local Coastal Program (LCP). The requested LCP amendment would amend Chapter A.84 (Use Permits, Variances and Minor Exceptions) of the City's zoning ordinance to allow the City to grant limited minor exceptions to the zoning code in order to allow existing legal non-conforming residences to be remodeled and/or enlarged without having to eliminate all the non-conformities (instead of the current options provided by the zoning code for dealing with legal non-conforming residential structures, which often result in the demolition of older buildings). The LCP amendment applies only to legal dwelling units and would not change the currently certified height limits, parking requirements or other certified building standards.

Proposed LCP Amendment Request No. 1-05, submitted with City Council Resolution No. 5959, and contained in City Council Ordinance No. 2069, would affect only the LIP portion of the certified LCP and does not propose any rezoning or land use changes. The Manhattan Beach City Council held public hearings for the LCP amendment on November 16, 2004, December 7, 2004, and December 21, 2004. The City Council Ordinance adopted No. 2069 on January 4, 2005, and submitted it to the Commission's South Coastal District office for certification on August 4, 2005.

The requested LCP amendment is a "minor" LCP amendment because the proposed changes are consistent with the certified LUP, would make the zoning regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed changes to the certified LIP are attached as Exhibit #3 (the proposed new language is underlined).

ANALYSIS

The Executive Director has determined that City of Manhattan Beach LCP Amendment No. 1-05 is a minor LCP amendment. The LIP amendment clarifies the City's existing ordinances that regulate alterations to existing homes in the coastal zone. The proposed LIP amendment (Section A.84.120: See Exhibit #3, p.1) includes the following statement of purpose:

Minor exceptions are intended to allow certain alterations and additions to certain non-conforming pre-existing structures. Minor exceptions are also intended to encourage home remodeling and small additions to existing smaller older legal non-conforming homes, 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. Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming code provisions. The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current codes.

The proposed new minor exception provisions being added to the LIP to address "remodeling and small additions to existing smaller older legal non-conforming dwelling units" include a 2,000 square foot limit on the total BFA (Buildable Floor Area) of the structure, including the existing dwelling unit and the proposed addition (Exhibit #3, p.3). At least twenty-five percent of the existing dwelling unit (based on project valuation) would have to be maintained in order to qualify for any such minor exception. In addition, the types of continuing non-conformities that would be allowed to continue as minor exceptions are limited to the exceptions required for compliance with building safety requirements, architectural conformity, integration of a new second floor onto an existing ground floor, and other minor alterations or modifications determined to be necessary by the Director of Community Development (Exhibit #3, p.4). The proposed new minor exception provisions may be used for only one building addition; no additional additions would be permitted unless the entire structure is brought into conformance with current code requirements.

The proposed zoning code changes are minor changes in wording that make the City's building standards more clear, as they are amending the minor exception provisions of the zoning code that are already contained in the certified LIP. The proposed changes affect only existing legal residential buildings. The zoning provisions for new buildings are not being changed. The proposed changes will not result in any change in the kind, location, intensity, or density of uses. Therefore, the proposed changes are expected to have only a minimal effect on the size and scale of new development because the currently certified height limits, set back, parking and open space requirements are not being changed. The proposed changes are consistent with the certified LUP, which sets forth the following policies:

POLICY II.1: *Control development within the Manhattan Beach coastal zone.*

POLICY II.B.1: *Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.*

POLICY II.B.2: *Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.*

POLICY II.B.3: *Maintain coastal zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.*

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 LCP 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 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.



City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000

FAX (310) 802-5001

TDD (310) 546-3501

COASTAL COMMISSION
CALIFORNIA

AUG - 4 2005

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SOUTH COAST REGION

August 3, 2005

Pam Emerson, L.A. County Area Supervisor
California Coastal Commission
South Coast Area
200 Oceangate - Suite 1000
Long Beach, Ca. 90802

Re: Amendment Request No. 1-2005 to the Minor Exceptions regulations, to encourage small home remodels and additions, Sections A.68.030E and A.84 of the Manhattan Beach Local Coastal Implementation Program (LCP)

Dear Ms. Emerson:

The City of Manhattan Beach respectfully submits the enclosed amendments to the Implementation Program of the City's Local Coastal Program for Commission consideration. The proposed amendments are presented within Ordinance No. 2069 and Resolution No. 5959 (attached) and are transmitted to the California Coastal Commission.

The intent of this Amendment is to encourage existing smaller non-conforming homes to be retained by allowing some flexibility for modest expansions and remodels. Remodeling and adding onto smaller non-conforming homes can be challenging due to the City's non-conforming, "50% rule", regulations that limit alterations. Many older smaller homes are considered non-conforming as they do not comply with current Zoning requirements for setbacks, height, or other development regulations. These current regulations make it difficult for smaller older legal non-conforming homes to be remodeled or even add a new room addition, thereby encouraging homes to be demolished and the construction of new homes, which are often built to the maximum allowed by the Zoning Code, thereby significantly increasing the intensity of development on a site and within a neighborhood.

It is the City's desire to have the Ordinance and Resolution processed as a minor or de minimis amendment on the basis that the proposed amendments do not have an impact on coastal resources, involve any changes in existing or proposed use of land or water, and are consistent with the policies of Chapter 3 of the Coastal Act.

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LCP 1-05

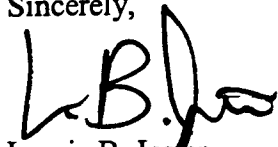
EXHIBIT # 1
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Fire Department Address: 400 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5201
Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5101
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

The Ordinance and Resolution are submitted to the Coastal Commission for review and adoption. Additionally, you will find all reports prepared for the City Council and Planning Commission, Public Notices, Minutes from the public hearings, and all applicable attachments (see attached submittal contents sheet).

Should the Commission require additional information, or if you have any questions, please do not hesitate to contact me at (310) 802-5510, or ljester@citymb.info.

Sincerely,



Laurie B. Jester
Senior Planner

cc: Richard Thompson, Director of Community Development
Project File

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RESOLUTION NO. 5959

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2069 TO THE CALIFORNIA COASTAL COMMISSION FOR AN AMENDMENT TO CHAPTERS A.68 AND A.84 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) IMPLEMENTATION PROGRAM, PROVIDING A PROCESS FOR REMODELS AND SMALL ADDITIONS TO EXISTING SMALLER OLDER LEGAL NON-CONFORMING HOMES

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 conducted public hearings, pursuant to applicable law, on November 18, December 7 and 21, 2004, to consider proposed amendments to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program; and,
- B. The City Council adopted Ordinance 2069 at its regular meeting on January 4, 2005; to become effective on February 3, 2005, and,
- C. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and;
- D. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and,
- E. The City Council certifies that the subject amendments are consistent with and will be implemented in a manner fully in conformity with all applicable procedures and policies of the California Coastal Act of 1972, as amended, and the City of Manhattan Beach Local Program-Implementation Program.

SECTION 2. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 3. 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 4th day of January, 2005.

Ayes: Ward, Napolitano, Aldinger, Fahey and Mayor Wilson.
Noes: None.
Absent: None.
Abstain: None.

/s/ Linda Wilson
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.

[Signature]
City Clerk of the City of Manhattan Beach, California

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LCP 1-05

EXHIBIT # 2
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**City of Manhattan Beach
Minor Exception Revisions
Local Coastal Program Amendments
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Approved 1-4-05**

(Added text is underlined.)

Section A.68.030 E. Exceptions

5. Where a Minor Exception to allow extra retaining wall height, reduced additional front yard setbacks, non-compliant construction due to staff error, or for remodeling and small additions to existing smaller homes, has been approved in accordance with Chapter 10.84.

Section A.84.010 Purposes.

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

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 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 this ordinance.

Minor exceptions are intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and small additions to existing smaller older legal non-conforming homes, strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded. Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming Code provisions. The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.

Section A.84.120 Minor exceptions.

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

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Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section A.68.030(E), as provided below:

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) which result in existing structures becoming nonconforming to residential development regulations.
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.
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, as provided below:

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

A.68.030 E. Remodeling and small additions to existing smaller older legal non-conforming dwelling units.

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;

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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.
1. In making a determination, the Director shall consider the following criteria:
 - a. Whether deviation from Code is minor in nature.
 - b. Evidence that significant detrimental impact to surrounding neighbors is absent.
 - c. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
 - d. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.
 1. When making a determination to approve an exception to Section A.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above:
 - a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition, as defined in Section A.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.
 - b. Structural alterations or modifications, as regulated by Chapter

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A.68. to existing non-conforming portions of structures shall only be allowed as follows:

1. 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.
2. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
3. Minor alterations to integrate a new 2nd floor into an existing 1st floor, as determined to be necessary by the Director of Community Development.
4. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.

c. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.

d. Parking spaces may remain non-conforming consistent with the provisions in Section A.64.090 Exceptions, which allows a 1 foot 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.

e. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks.

f. After completion of the project(s) that is subject to the Minor Exception approval(s), no additional additions shall be permitted unless the entire structure is brought into conformance with the current Code requirements.

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 A.100 M.B.M.C., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section A.100.030 M.B.M.C.

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