ORDINANCE NO. 2146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH MUNICIPAL CODE (TITLE 7—PUBLIC WORKS AND TITLE 10—PLANNING AND ZONING) TO ADDRESS COMPREHENSIVE SUSTAINABLE BUILDING MEASURES (GREEN ROOFS AND DECKS, LANDSCAPING, AND RENEWABLE ENERGY SYSTEMS)

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

SECTION 1. The City Council of the City of Manhattan Beach, California, does hereby find, determine and declare as follows:

WHEREAS, in June 2008 City Council formed a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community, and;

WHEREAS, on March 16, 2010, the City Council approved the Sustainable Building Subcommittee and Environmental Task Force recommendations and directed Staff to prepare code amendments, and;

WHEREAS, at its regular meetings of July 14, 2010, September 8, 2010, and March 9, 2011 the Planning Commission held public hearings and discussed the amendments to MBMC Title 10 Planning and Zoning and the Local Coastal Program as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force adopting Resolution PC 11-03, and;

WHEREAS, the Sustainable "Green" Building Subcommittee and the Environmental Task Force recommended sustainable measures in five different areas of construction that are typically used in green building rating systems. Of the subcommittee's five areas of recommendations, three require the amendment of Title 7 Public Works and Title 10 Planning and Zoning in the MBMC: Site Sustainability (Green Roofs and Decks), Water Efficiency/Water Use Reduction (Landscaping and Irrigation), and Energy (Renewable Energy, and;

WHEREAS, pursuant to applicable law, all of the Planning Commission and City Council public hearings included public notices published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on April 19, 2011, on the proposed Code Amendments, and after discussing the item, provided direction to Staff and continued the public hearing to a later date, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on June 21, 2011, on the proposed Code Amendments, and after accepting public input and discussing the item, provided direction to Staff and continued the public hearing to July 5, 2011, and;

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted the continued public hearing to July 5, 2011, on the proposed Code Amendments, and introduced Ordinance No. 2146, and;

WHEREAS, the applicant for the subject amendment is the City of Manhattan Beach, and;

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WHEREAS, pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of 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,

WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that 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;

WHEREAS, the proposed amendment to Titles 7 (Public Works) and 10 (Planning and Zoning Ordinance) of the Municipal Code are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Land Use Element
Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.

Policy LU-2.4: Support appropriate stormwater pollution mitigation measures.

Infrastructure Element
Goal I-7: Maintain and protect a reliable and cost effective water supply system capable of adequately meeting normal demand and emergency demand in the City.

Policy I-9.3: Support the use of storm water runoff control measures that are effective and economically feasible.

Policy I-9.5: Support appropriate storm water pollution mitigation measures.

Community Resource Element
Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate, and encourage residents and businesses to use them.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.

Policy CR-5.5: Support expanded use of reclaimed water.

Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.

Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.

Policy CR-5.8: Encourage utilization of "green" approaches to building design and construction, including use of environmentally friendly interior improvements.

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Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or "fueling" facilities.
Policy CR-5.11: Support sustainable building practices.

Community Safety Element
Policy CS-1.5: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapter 7.32 (Tree, Shrub and Plant Regulations) of the Manhattan Beach Municipal Code as follows:

7.32.010—Purpose.
Official tree, shrub and plant regulations for the City are hereby adopted and established to serve the public health, safety and general welfare. To that end the purposes of this chapter are specifically declared to be as follows:

A. Improve general aesthetic values;
B. Reduce traffic noise;
C. Deflect glare and heat;
D. Lower wind velocity;
E. Purify air;
F. Increase property values;
G. Provide cooling shade and beauty;
H. Provide for the proper selection of trees to minimize trouble in sewer and water mains, broken sidewalks, storm drains, etc.;
I. Minimize interference with street and traffic lighting;
J. Minimize the spread of disease to healthy trees;
K. Minimize danger of falling trees and limbs onto streets, sidewalks and private property;
L. Minimize accumulation of leaves and debris which cause unnecessary labor in cleaning the sidewalks, streets and storm drains; and
M. Select trees of longevity and suitable to the environment.
N. Reduce the amount of potable water used for landscape irrigation.

7.32.080—General provisions.
E. Landscaping and Irrigation:
For new public right-of-way or encroachment projects, and projects in the public right-of-way or on the adjoining private property over fifty percent (50%) in building valuation as defined by Section 10.68.030 E, planting and hardscape areas, including all landscaping, patios, decks, and walkways (excluding driveways), shall be installed in accordance with the requirements of this section.
1. High water use plants, as defined by the Water Use Classification of Landscape Species (WUCOLS) publication, may be installed as follows:
a. Where potable water is used for irrigation, a maximum of twenty percent (20%) of the total planting and hardscape areas (defined above) may be high water use plants per Region 3 of WUCOLS. High water use plants shall be grouped together. Turf grass watered with a subterranean drip irrigation system, or turf grass that is not high water use, as determined by the Director of Community Development based on documentation submitted by the applicant, shall not be considered high water use plants. **or**;
b. Submission of design plans with calculations per WUCOLS Region 3 standards prepared by a landscape designer, licensed landscape architect or other qualified person.
Exceptions.
1. Sites entirely irrigated by non-potable water.
2. Landscapes using low or medium water use plants as defined by Water Use Classification of Landscape Species (WUCOLS) publication.
3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.
4. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.
2. Irrigation systems shall be designed as follows:
a. Provide an automatic controller.
b. Drip, low volume or other water efficient system, shall be used in the 80% non-high water use landscaped area.

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c. High water use plants shall be on separate irrigation valve(s) from the non-high water use landscaped area.

d. Projects shall comply with Section 7.44.030, Permanent Water Conservation Requirements.

3. Landscape and irrigation plans shall be prepared by a landscape designer, a licensed landscape architect or other qualified professional, and submitted to the Community Development Department for approval prior to issuance of a permit. No significant or substantive changes to the approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape professional. Substantial changes shall require approval of the Planning Commission if this body granted approval of the original project.
4. Evidence of completion of approved landscaping and irrigation shall be provided to the Community Development Department prior to issuance of an occupancy permit or permit final, unless an extension is granted by the Director with due cause.

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Chapter 7.36 (Private Use of the Public Right of Way) of the Manhattan Beach Municipal Code as follows:

7.36.150—Encroachment standards.

A. General Standards:

1. Structures as defined by the City's Building Code or other encroachments are prohibited from encroaching within the public right of way unless in compliance with these standards or approved by the City Council.
2. Landscaping is permitted without an encroachment permit in accordance with an approved landscape plan pursuant to Chapter 7.32.080 E of the Municipal Code. Artificial landscape materials, except artificial turf grass approved by the Director of Community Development, are prohibited.
3. Utility obstructions shall be avoided so as to maintain access to underground utilities. A minimum of thirty inches (30") of clearance is required on each side of all water and sewer mains, unless otherwise approved by the Director of Public Works.
4. Drainage from a private collection system that discharges a concentrated flow shall be directed to a vehicular street or alley pursuant to Public Works Department construction standards and shall be prohibited from flowing onto a public pedestrian walkway or sidewalk. A drainage plan shall be provided with an application for an Encroachment Permit.
5. All encroachments shall be in conformance with Title 5, Chapter 5.84 of the Municipal Code pertaining to storm water pollution control.
6. Obstructions to neighboring resident's scenic views shall be avoided.
7. Steps and Stairs, other than risers between four and seven inches (4" to 7") in height and spaced a minimum of three feet (3') apart, are not permitted in the public right of way.
   Exception. One set of steps comprised of three (3) consecutive risers is permitted provided a condition does not result that requires installation of a guardrail or handrail.
8. Existing improvements which do not conform to current standards must be removed or brought into conformance if the related structure on the adjoining property is significantly remodeled or reconstructed or if any new significant construction is proposed in the public right of way. Existing permitted improvements that have been made non-conforming by changes to these standards may otherwise remain provided any nonconforming element is not increased or expanded. The intent is to cause nonconforming encroachments to be brought into conformity concurrent with major alterations or entirely new structures constructed on adjoining private property.
9. Routine maintenance and repair may be performed on a nonconforming encroachment structure or improvement and replacement with a comparable improvement is permitted upon demonstration that the encroachment is deteriorated and creating an unsafe condition.

B. Walk Street Standards:

1. Fences and railings, including required safety handrails and guardrails, are permitted provided an open design is utilized. The maximum allowable height is forty-two inches (42") above the adjacent public walkway. To ensure pedestrian to vehicle visibility at corners, a thirty-six inch (36") maximum height (measured from adjacent curb level) is required within a distance of five feet (5') from the street corner.
2. Retaining walls (not including walkway risers), free-standing walls and closed design fences are permitted provided the maximum allowable height is thirty-two inches (32") above the adjacent public walkway. Conditions requiring guardrails that exceed the height permitted in subsection (1) above shall not be permitted.

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Exception. Retaining walls and related required safety railing that exceed the thirty-two inch (32") limit may be constructed at the side boundaries of an encroachment area if necessary to retain a neighbor's existing grade, provided all other encroachment improvements comply with applicable encroachment standards. If subsequently such over-height walls and/or safety rails are no longer necessary due to modification of the adjoining encroachment area, the property owner shall lower the over-height wall/safety rail to conform with applicable standards. This requirement shall be included as a permit condition in the Encroachment Permit Agreement.

3. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit. Landscaping shall cover a minimum of one-third of the encroachment area and shall not project over or onto the public walkway. To promote visual openness and conserve scenic vistas, the height of landscape plantings shall not exceed forty-two inches (42") as measured from the adjacent public walkway.
   Landscape plantings shall be maintained in substantial conformance with the approved plan. If it is determined that a resident view is impaired, the Director of Community Development shall direct the owner of the property adjacent to the encroachment landscaping to trim the over-height landscaping to forty-two inches (42") maximum. Should the property owner fail to act, the Director of Community Development may cause the landscaping to be trimmed, with the expense borne by the property owner. The owner of the property who receives such notice to trim may appeal the decision of the Director of Community Development pursuant to Section 7.36.070 of this chapter.
4. Usable surfaces (as defined herein). The intent of this standard is to ensure that the elevation of encroaching outdoor living areas located nearest the public walkway be consistent with the public walkway. Usable surfaces are permitted as follows:
   a. Within the front half of the encroachment area (adjacent to the public walkway), limited to a maximum height of twelve inches (12") as measured above or below the adjacent public walkway.
   b. Within the rear half of the encroachment area (adjacent to private property), limited to a maximum height of either: thirty-six inches (36") as measured above or below the adjacent public walkway, or twelve inches (12") as measured above or below the natural grade, as defined herein.
5. The total combined height of fences, railings, retaining walls (including walkway risers) shall not exceed a height of forty-two inches (42") as measured from lowest adjacent finished grade.
6. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards except as permitted by the Director of Public Works.

C. El Porto Strand Standards:

In addition to the encroachments permitted in (B) above, the following encroachments are permitted within The Strand right of way north of Rosecrans Avenue due to unusual slope and underground utility location and to provide an adequate buffer between the Strand walkway and adjoining private properties.

1. Usable surfaces are permitted within the rear half of the encroachment area at a maximum height of seventy-two inches (72") measured from the adjacent public walkway, provided they are accompanied by terraced landscape planters with evenly spaced retaining walls with a maximum height of thirty inches (30") each.
2. Fences and walls are permitted to be a maximum height of forty-two inches (42") above the adjacent public walkway except that planter walls required in subsection (1) above may have a maximum height of seventy-two inches (72").
3. Corner properties bordering a parking lot entrance or exit are allowed to have walls and fences on the vehicular street side to a maximum height of six feet (6') above adjacent curb level except that a maximum height of three feet (3') shall be permitted adjacent to driveway/roadway intersections.
4. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards.
5. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit.

D. Vehicular Street Standards:

1. Street improvements, including (but not necessarily limited to) sidewalks, curbs, gutters, parking pads and paving may be required by the Public Works Department for the purpose of maintaining or improving conditions related to drainage, visibility, access, maneuverability or public parking, and, if required, shall be constructed in compliance with City standards.

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2. Fences and walls are permitted as follows:
   a. Location. Compliance is required with Public Works Department standards established in MBMC 9.72.015. A minimum set back of two feet (2') is required behind existing or required street improvements.
   b. Height. Fences and walls may not exceed a maximum height of forty-two inches (42"), measured from the existing public right of way grade at the fence or wall location. Open-design fences or guard rails required by the Building Official to exceed the forty-two inch (42") maximum height are allowed on top of retaining walls if necessary to retain a neighbor's grade at a side property line. Fences and walls located near the intersection of streets or driveways may be subject to lower height requirements to ensure traffic visibility.
3. Ground cover such as pavement (including brick or other decorative surfaces) and landscaping is permitted on the existing right of way grade. Decks or similar structures are prohibited.
4. Street Corner Visibility. To ensure visibility at street corners a thirty-six inch (36") maximum height is applicable to all fences, walls or landscape plantings within a distance of fifteen feet (15') from the street corner as per MBMC 3.40.010 (Traffic Sight Obstructions). A height less than thirty-six inches (36") may be applicable due to unusual slope conditions.
5. Significant alteration of the existing right of way grade is prohibited, unless determined to be necessary to accommodate a required public street improvement.
6. Loose gravel and similar material as determined by the Public Works Department is not permitted.
7. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular street right of way location via a non-erosive device pursuant to Public Works Department standards subject to review and approval of the City Engineer.
8. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit.

SECTION 4. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.04 (Definitions) of the Manhattan Beach Municipal Code as follows:

10.04.030—Definitions

Alternative-fuel Vehicle Charging Systems: Equipment used to recharge a vehicle that uses alternative energy as fuel, such as compressed natural gas (CNG), electricity or other non-petroleum derived fuels.

Greywater Retention/Detention Features: A device or system designed to collect, store, and transport greywater, as defined by the California Plumbing Code, which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Permeable Surface: an uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Roof or Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located.

Stormwater Retention/Detention Feature: a device or system of improvements that captures, retains and subsequently releases stormwater runoff from a site at a lesser volume and/or slower rate than it is collected, while holding the runoff in temporary storage for the purposes of infiltration, bioretention, and/or storage with beneficial use such as landscape irrigation.

Wind Energy System, Small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to generate electricity on the property where the system is located.

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SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.12 (Residential Districts) of the Manhattan Beach Municipal Code as follows:

10.12.030—Property development regulations:

	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/A.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
~~Solar-assisted Water Heating~~ 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
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

E. **Setbacks:**

~~E.~~**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').

~~(1)~~**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

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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 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, 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 (10') feet.

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 (15) feet. 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 10.60.140C).

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.

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.

10.12.050—RSC district development regulations.

K. **Landscaping.**

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.

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SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.20 (I Industrial Districts) of the Manhattan Beach Municipal Code as follows:

10.20.030—IP district: development regulations.

G. **Planting Areas.** In required front and corner-side yards, 12 feet adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. For 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.

SECTION 7. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.44 (Design Overlay District) of the Manhattan Beach Municipal Code as follows:

10.44.040—Building permits to conform to overlay district regulations.

K. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue. 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.

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.52 (Site Regulations—Residential Districts) of the Manhattan Beach Municipal Code as follows:

10.52.050—Accessory structures.

B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below local grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

   Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

H. **Decks.** No accessory structure deck or green roof/deck more than thirty inches (30") or more in height shall be located in a required yard.

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SECTION 9. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.60 (Site Regulations—All Districts) of the Manhattan Beach Municipal Code as follows:

10.60.040—Building projections into required yards or required open space.

B. Uncovered porches, platforms, decks, green decks and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story: Three feet in a side or building separation yard, four feet (4') in a front yard and six feet (6') in a rear yard, provided that a two-foot (2') clearance from the property line is maintained. Open-work railing not to exceed three and one-half feet (3½') in height may be installed.

Exception. A zero foot (0') clearance shall be permitted from property lines adjoining numbered "walk streets," or unimproved public street or alley easements which are not open to vehicular use.

F. **Balconies and Bay Windows:** Balconies, including green roofs or decks, and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than fifty percent (50%) of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be eight feet (8') at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a forty-five-degree (45º) angle drawn inward from the end of the eight-foot (8') dimension, reaching a maximum of six feet (6') along a line that is one foot (1') from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter (1/4) of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at forty-five-degree (45º) angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies, shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards.
5. Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required yard does not exceed three feet and the area does not exceed three feet (3') multiplied by one-half (1/2) of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.
   a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all balcony projections for the entire lot within required yards shall not exceed three (3) times one-half (1/2) of the buildable width of the lot if all balcony projections are located in either the front or rear yard, and three (3) times two-thirds (2/3) the buildable width of the lot if balconies are located in both the front and rear yards.
6. The aggregate length of all bay window, balcony, chimney, and stair projections into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds (2/3) of the buildable width of the lot.
   a. Exception for Area Districts I and II. Balcony projections within eight feet (8') of local grade shall not be included in the aggregate length applicable to a single level.

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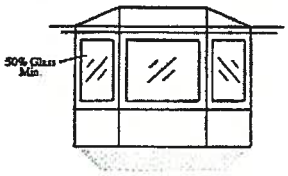

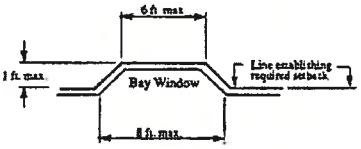

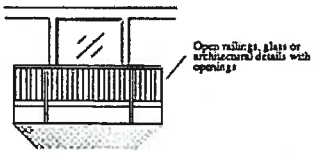

BAY WINDOWS, ~~AND~~ BALCONIES, AND GREEN ROOFS/DECKS

J. **Stormwater and Greywater Retention/Detention Features.** Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:

a. Retention/detention features installed entirely below local grade.

b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.

c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040D, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

K. **Alternative-fuel Vehicle Charging Systems.** Alternative-fuel Vehicle Charging Systems may project two feet (2') into one (1) interior side yard starting at a point eight feet (8') above finished grade, providing that at least two feet (2') is maintained as a clear area between all recharging system equipment and the property line, or as determined by the Director of Community Development. Projections into required street side yards are prohibited.

10.60.060—Exceptions to height limits.

Exceptions to height limits. Vent pipes and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than ten feet (10'). Chimneys may exceed the maximum permitted height by no more than five feet (5'), provided the length and the width of the chimney portion exceeding the height limit shall not exceed three feet (3') in width and five feet (5') in length. Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12") as needed to meet Solar Rights Act efficiency standards. The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

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10.60.070—Landscaping, Irrigation, and Hydroseeding.

A. **General Requirement.** ~~Minimum~~ For new projects, projects over fifty percent (50%) in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, ~~site landscaping and required~~ planting and hardscape areas, including all landscaping, patios, decks, and walkways (excluding driveways and building footprints), shall be installed in accordance with the standards and requirements of this section.~~, which shall apply to all projects including construction or exterior alterations of structures with more than a total of two thousand five hundred (2,500) square feet of buildable floor area and covered parking area, except single-family residences and two-family dwelling units (duplexes)~~.

1. Landscape plans shall be prepared by a landscape designer, a licensed landscape architect, or other qualified person, and submitted to the Community Development Department for approval prior to issuance of a building permit, and no significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape designer. Substantial changes shall require approval of the Planning Commission ~~or Board of Zoning Adjustment, as appropriate~~, if ~~these bodies~~ this body granted approval of the original project.
2. Evidence of completion of required landscaping and irrigation improvements shall be supplied to the Community Development Department ~~on a Landscape Certification form. This form~~ and shall be required to be submitted prior to issuance of an occupancy permit for new construction unless an extension of up to one (1) year has been granted by the Community Development Director. For projects consisting primarily of additions to or remodeling of existing buildings for which landscaping is required, a deferred completion agreement may be executed prior to issuance of the building permit. The agreement shall guarantee installation of the landscape and any irrigation improvements within one (1) year or prior to occupancy, whichever occurs first.
3. High water use plants, as defined by Water Use Classification of Landscape Species (WUCOLS) publication may be installed as follows:
   a. For parcels 7,500 square feet or less, **either**:
      1. Where potable water is used for irrigation, a maximum of twenty percent (20%) of the total planting and hardscape areas (defined above) on private property, parkways, and encroachment areas may be plants of high water use per Region 3 of WUCOLS. High water use plants shall be grouped together. Turf grass watered with a subterranean drip irrigation system, or turf grass that is not high water use, as determined by the Director of Community Development based on documentation submitted by the applicant, shall not be considered high water use plants. When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. Area calculations shall be included in Landscape plans, or;
      2. Submission of design plans and calculations per Region 3 of WUCOLS standards prepared by a qualified professional as defined in Section 10.60.070(A)(1).
   b. For parcels 7,500 square feet or greater:
      1. Submittal of design and calculations Region 3 of WUCOLS standards prepared by a qualified professional as defined in Section 10.60.070(A)(1).

   Exceptions.
   1. Sites entirely irrigated by non-potable water.
   2. Landscapes using low or medium water use plants as defined by Water Use Classification of Landscape Species (WUCOLS) publication.
   3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.
   4. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.

10.60.140—~~Solar-assisted water heating.~~ Sustainable Development.

A. **Solar-assisted water heating.** To promote energy conservation, installation of plumbing for future solar-assisted water heating systems shall be required in all new residential and commercial construction and in major alterations and additions to residential and commercial structures when the total estimated cost of the enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the structure.

B. **Stormwater Retention/Treatment.** For additional Municipal National Pollutant Discharge Elimination System (NPDES) or current Municipal stormwater permit requirements, see Section 5.84.

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C. **Green Roofs and Decks.**

1. A green roof or deck may be located only where decks and balconies are allowed.
2. All planting materials on green roofs and decks may not exceed the maximum allowed height of structure permitted by the development standards of the base district.

Exception. Green roofs that are used solely as a roof and designed in a manner that prohibits usability as a deck may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" definition).

D. **Solar Energy Systems.** Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12") as needed to meet Solar Rights Act efficiency standards. The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

E. **Small Wind Energy Systems (Turbines).** Small Wind Energy Systems (SWES) are permitted in all districts subject to the following standards and procedures:

1. **Development Standards.** The following minimum requirements and standards shall apply to SWES:

a. System type and location.

1. The SWES shall comply with the definition of Small Wind Energy System in Section 10.04.030.
2. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with the site.

b. The SWES shall not exceed the height of the existing or proposed structure on which it is located, exceed the maximum height limit, or exceed twelve feet (12') in height if not located on a structure, whichever is lower.

c. Setbacks and Clearances.

1. The SWES shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
2. No portion of a blade when fully operational shall extend within ten (10) feet of finished grade or a property line, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.
3. A minimum clearance of ten (10) feet shall be maintained between any tower or blade and any structure, tree, utility line, or similar object, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.
4. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits, standpipes, or other Fire Department requirements as determined by the Fire Department.
5. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space.
6. Guy wires or other rough appurtenances shall not be visible unless deemed to be appropriate and necessary by the Director of Community Development.
7. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.
8. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.
9. All on-grid SWES shall be approved by the applicable utility prior to installation.
10. Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground.
11. The SWES shall comply with the requirements of Section 5.48—Noise Regulations, except during short-term events such as utility outages and severe wind storms.
12. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.
13. No lighting shall be placed upon, attached to, or in any way illuminate a SWES.

d. Maintenance and removal.

1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety, or other adverse effects to the site, or persons, improvements or properties in the vicinity.

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2. The Community Development Director may require the SWES to be removed from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more.

2. **Submittal Requirements—All SWES Applications.** Applications for all SWES shall be initiated by submitting the following materials to the Community Development Department.
   a. A completed Master 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.
   b. Written statements to support the standards, required findings and, criteria of this Code section.
   c. A vicinity map showing the location and street address of the development site.
   d. 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 five hundred feet (500') of the boundaries of the property; and
   e. 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 five hundred feet (500') of the boundaries of the property. This list shall be keyed to the map required by subsection (d) of this subsection and shall be accompanied by mailing labels.
3. **Notice to Property Owners.** After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection 2 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.
4. **Director's Review and Action**
   a. **Notice of Decision.** After the commenting deadline date, and within thirty (30) days of receipt of a completed application, the Director of Community Development shall approve, conditionally approve, or deny the application. The Director shall send the applicant a letter stating the reasons for the decision under the authority for granting or denying the SWES, 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 6 of this section.
   b. **Request for Planning Commission Action.** At the Community Development Director's discretion, review and action may be deferred to the Planning Commission.
   c. **Findings.** In making a determination, the Community Development Director or Planning Commission shall be required to make the following findings:
      1. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to light, air, noise, and views.
      2. 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.
      3. The installation of the SWES is primarily to reduce on-site consumption of electricity.
      4. The proposed SWES will not produce or result in noise levels exceeding the requirements of Section 5.48—Noise Regulations.
5. **Conditions of Approval.** In approving a SWES application, the Director or Planning Commission may impose reasonable conditions necessary to:
   a. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the SWES will be located, or to be consistent with the General Plan;
   b. Protect the public health, safety, and general welfare.
6. **Effective Date—Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a 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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SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.64 (Off-street Parking and Loading Regulations) of the Manhattan Beach Municipal Code as follows:

10.64.100—Application of Dimensional Requirements.

C. **Vertical Clearance.** Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7') above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage ~~purposes~~ (not including mechanical equipment) and vehicle recharging purposes for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, ~~or~~ cabinets, or electricity based alternative-fuel vehicle charging systems may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet (5') of a parking space.

SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.68 (Nonconforming Uses and Structures) of the Manhattan Beach Municipal Code as follows:

10.68.020—Continuation and Maintenance.

D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs or decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

10.68.030—Alterations and enlargements of nonconforming uses and structures.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.
2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof or deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.
3. Modification of a roof from flat to pitched or from pitched to flat, provided that the existing or proposed roof does not exceed a four (4) in twelve (12) pitch.
4. Exterior modifications may include a minor increase in square footage (said increase calculated cumulatively), not to exceed ten percent (10%) of the original gross floor area.
5. If there is a fire or casualty loss, the building may be replaced to the buildable square footage and height existing just before the fire or casualty loss and consistent with the requirements of the current building code.
6. No alteration shall increase building height, except for a roof change referred to in subsection (D)(3) of this section.
7. Should any exterior building elements or interior floor area be found to be in an extensively deteriorated condition, as documented in a report prepared by a licensed civil engineer, the Director of Community Development may allow said walls or areas to be entirely removed and replaced as long as the improvement is conforming with respect to required yards and otherwise meets the provisions of this section.

SECTION 12. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 13. Any provisions of the City of 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.

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SECTION 14. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 15. A staff review of the proposed amendments per Sections 2-11 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 16. The effective date of the proposed amendments adopted by reference in Sections 2-11 of this Ordinance shall be subject to the following applications:

A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the MBMC Title 10 in effect on the date that the application for a discretionary project is deemed complete. Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the MBMC in effect on the day that the application was deemed complete.

B. Building permits for non-discretionary projects shall be issued or denied pursuant to the MBMC in effect on the date that the complete building permit application is submitted to the City.

C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-11 of this Ordinance.

SECTION 17. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 18. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council 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 once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 5th day of July, 2011.

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.
Noes: None.
Absent: None.
Abstain: None.

/s/ Richard Montgomery
Mayor of the City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk

APPROVED AS TO FORM:

/s/ Christi Hogin
Special Counsel

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CALIFORNIA

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City Clerk of the City of Manhattan Beach, California

Deputy

ORDINANCE NO. 2147

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH LOCAL COASTAL PROGRAM TO ADDRESS COMPREHENSIVE SUSTAINABLE BUILDING MEASURES (GREEN ROOFS AND DECKS, LANDSCAPING, AND RENEWABLE ENERGY SYSTEMS)

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

SECTION 1. The City Council of the City of Manhattan Beach, California, does hereby find, determine and declare as follows:

WHEREAS, in June 2008 City Council formed a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community, and;

WHEREAS, on March 16, 2010, the City Council approved the Sustainable Building Subcommittee and Environmental Task Force recommendations and directed Staff to prepare code amendments, and;

WHEREAS, at its regular meetings of July 14, 2010, September 8, 2010, and March 9, 2011 the Planning Commission held public hearings and discussed the amendments to MBMC Title 10 Planning and Zoning and the Local Coastal Program as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force adopting Resolution PC 11-03, and;

WHEREAS, the Sustainable "Green" Building Subcommittee and the Environmental Task Force recommended sustainable measures in five different areas of construction that are typically used in green building rating systems. Of the subcommittee's five areas of recommendations, three require the amendment of Title 7 Public Works and Title 10 Planning and Zoning in the MBMC: Site Sustainability (Green Roofs and Decks), Water Efficiency/Water Use Reduction (Landscaping and Irrigation), and Energy (Renewable Energy, and;

WHEREAS, pursuant to applicable law, all of the Planning Commission and City Council public hearings included public notices published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on April 19, 2011, on the proposed Code Amendments, and after discussing the item, provided direction to Staff and continued the public hearing to a later date, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on June 21, 2011, on the proposed Code Amendments, and after accepting public input and discussing the item, provided direction to Staff and continued the public hearing to July 5, 2011, and;

WHEREAS, the public hearing was advertised pursuant to applicable law, testimony was invited and received, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted the continued public hearing to July 5, 2011, on the proposed Code Amendments, and introduced Ordinance No. 2147, and;

WHEREAS, the applicant for the subject amendment is the City of Manhattan Beach, and;

WHEREAS, pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of 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,

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WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that 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;

WHEREAS, the proposed amendment to the Local Coastal Program is consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Land Use Element
Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.

Policy LU-2.4: Support appropriate stormwater pollution mitigation measures.

Infrastructure Element
Goal I-7: Maintain and protect a reliable and cost effective water supply system capable of adequately meeting normal demand and emergency demand in the City.

Policy I-9.3: Support the use of storm water runoff control measures that are effective and economically feasible.

Policy I-9.5: Support appropriate storm water pollution mitigation measures.

Community Resource Element
Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate, and encourage residents and businesses to use them.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.

Policy CR-5.5: Support expanded use of reclaimed water.

Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.

Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.

Policy CR-5.8: Encourage utilization of "green" approaches to building design and construction, including use of environmentally friendly interior improvements.

Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or "fueling" facilities.

Policy CR-5.11: Support sustainable building practices.

Community Safety Element

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Policy CS-1.5: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies.

WHEREAS, the proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

Policy III.3: The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean.

Policy III.4: The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse into the oceans or on beaches.

Policy III.14: City Storm Water Pollution Abatement Program.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapter 7.36 (Private Use of the Public Right of Way) of the Manhattan Beach Local Coastal Program as follows:

7.36.150—Encroachment standards.

A. General Standards:

1. Structures as defined by the City's Building Code or other encroachments are prohibited from encroaching within the public right of way unless in compliance with these standards or approved by the City Council.
2. Landscaping is permitted without an encroachment permit in accordance with an approved landscape plan pursuant to Chapter 7.32.080 E of the Municipal Code. Artificial landscape materials, except artificial turf grass approved by the Director of Community Development, are prohibited.
3. Utility obstructions shall be avoided so as to maintain access to underground utilities. A minimum of thirty inches (30") of clearance is required on each side of all water and sewer mains, unless otherwise approved by the Director of Public Works.
4. Drainage from a private collection system that discharges a concentrated flow shall be directed to a vehicular street or alley pursuant to Public Works Department construction standards and shall be prohibited from flowing onto a public pedestrian walkway or sidewalk. A drainage plan shall be provided with an application for an Encroachment Permit.
5. All encroachments shall be in conformance with Title 5, Chapter 5.84 of the Municipal Code pertaining to storm water pollution control.
6. Obstructions to neighboring resident's scenic views shall be avoided.
7. Steps and Stairs, other than risers between four and seven inches (4" to 7") in height and spaced a minimum of three feet (3') apart, are not permitted in the public right of way.
   Exception. One set of steps comprised of three (3) consecutive risers is permitted provided a condition does not result that requires installation of a guardrail or handrail.
8. Existing improvements which do not conform to current standards must be removed or brought into conformance if the related structure on the adjoining property is significantly remodeled or reconstructed or if any new significant construction is proposed in the public right of way. Existing permitted improvements that have been made non-conforming by changes to these standards may otherwise remain provided any nonconforming element is not increased or expanded. The intent is to cause nonconforming encroachments to be brought into conformity concurrent with major alterations or entirely new structures constructed on adjoining private property.
9. Routine maintenance and repair may be performed on a nonconforming encroachment structure or improvement and replacement with a comparable improvement is permitted upon demonstration that the encroachment is deteriorated and creating an unsafe condition.

B. Walk Street Standards:

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1. Fences and railings, including required safety handrails and guardrails, are permitted provided an open design is utilized. The maximum allowable height is forty-two inches (42") above the adjacent public walkway. To ensure pedestrian to vehicle visibility at corners, a thirty-six inch (36") maximum height (measured from adjacent curb level) is required within a distance of five feet (5') from the street corner.
2. Retaining walls (not including walkway risers), free-standing walls and closed design fences are permitted provided the maximum allowable height is thirty-two inches (32") above the adjacent public walkway. Conditions requiring guardrails that exceed the height permitted in subsection (1) above shall not be permitted.
   Exception. Retaining walls and related required safety railing that exceed the thirty-two inch (32") limit may be constructed at the side boundaries of an encroachment area if necessary to retain a neighbor's existing grade, provided all other encroachment improvements comply with applicable encroachment standards. If subsequently such over-height walls and/or safety rails are no longer necessary due to modification of the adjoining encroachment area, the property owner shall lower the over-height wall/safety rail to conform with applicable standards. This requirement shall be included as a permit condition in the Encroachment Permit Agreement.
3. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit. Landscaping shall cover a minimum of one-third of the encroachment area and shall not project over or onto the public walkway. To promote visual openness and conserve scenic vistas, the height of landscape plantings shall not exceed forty-two inches (42") as measured from the adjacent public walkway.
   Landscape plantings shall be maintained in substantial conformance with the approved plan. If it is determined that a resident view is impaired, the Director of Community Development shall direct the owner of the property adjacent to the encroachment landscaping to trim the over-height landscaping to forty-two inches (42") maximum. Should the property owner fail to act, the Director of Community Development may cause the landscaping to be trimmed, with the expense borne by the property owner. The owner of the property who receives such notice to trim may appeal the decision of the Director of Community Development pursuant to Section 7.36.070 of this chapter.
4. Usable surfaces (as defined herein). The intent of this standard is to ensure that the elevation of encroaching outdoor living areas located nearest the public walkway be consistent with the public walkway. Usable surfaces are permitted as follows:
   a. Within the front half of the encroachment area (adjacent to the public walkway), limited to a maximum height of twelve inches (12") as measured above or below the adjacent public walkway.
   b. Within the rear half of the encroachment area (adjacent to private property), limited to a maximum height of either: thirty-six inches (36") as measured above or below the adjacent public walkway, or twelve inches (12") as measured above or below the natural grade, as defined herein.
5. The total combined height of fences, railings, retaining walls (including walkway risers) shall not exceed a height of forty-two inches (42") as measured from lowest adjacent finished grade.
6. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards except as permitted by the Director of Public Works.

C. El Porto Strand Standards:

In addition to the encroachments permitted in (B) above, the following encroachments are permitted within The Strand right of way north of Rosecrans Avenue due to unusual slope and underground utility location and to provide an adequate buffer between the Strand walkway and adjoining private properties.

1. Usable surfaces are permitted within the rear half of the encroachment area at a maximum height of seventy-two inches (72") measured from the adjacent public walkway, provided they are accompanied by terraced landscape planters with evenly spaced retaining walls with a maximum height of thirty inches (30") each.
2. Fences and walls are permitted to be a maximum height of forty-two inches (42") above the adjacent public walkway except that planter walls required in subsection (1) above may have a maximum height of seventy-two inches (72").
3. Corner properties bordering a parking lot entrance or exit are allowed to have walls and fences on the vehicular street side to a maximum height of six feet (6') above adjacent curb level except that a maximum height of three feet (3') shall be permitted adjacent to driveway/roadway intersections.

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4. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular alley or street via a non-erosive device pursuant to Public Works Department construction standards.
5. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit.

D. Vehicular Street Standards:

1. Street improvements, including (but not necessarily limited to) sidewalks, curbs, gutters, parking pads and paving may be required by the Public Works Department for the purpose of maintaining or improving conditions related to drainage, visibility, access, maneuverability or public parking, and, if required, shall be constructed in compliance with City standards.
2. Fences and walls are permitted as follows:
   a. Location. Compliance is required with Public Works Department standards established in MBMC 9.72.015. A minimum set back of two feet (2') is required behind existing or required street improvements.
   b. Height. Fences and walls may not exceed a maximum height of forty-two inches (42"), measured from the existing public right of way grade at the fence or wall location. Open-design fences or guard rails required by the Building Official to exceed the forty-two inch (42") maximum height are allowed on top of retaining walls if necessary to retain a neighbor's grade at a side property line. Fences and walls located near the intersection of streets or driveways may be subject to lower height requirements to ensure traffic visibility.
3. Ground cover such as pavement (including brick or other decorative surfaces) and landscaping is permitted on the existing right of way grade. Decks or similar structures are prohibited.
4. Street Corner Visibility. To ensure visibility at street corners a thirty-six inch (36") maximum height is applicable to all fences, walls or landscape plantings within a distance of fifteen feet (15') from the street corner as per MBMC 3.40.010 (Traffic Sight Obstructions). A height less than thirty-six inches (36") may be applicable due to unusual slope conditions.
5. Significant alteration of the existing right of way grade is prohibited, unless determined to be necessary to accommodate a required public street improvement.
6. Loose gravel and similar material as determined by the Public Works Department is not permitted.
7. Drainage from a private collection system that discharges a concentrated flow shall be directed to a public vehicular street right of way location via a non-erosive device pursuant to Public Works Department standards subject to review and approval of the City Engineer.
8. Landscaping is permitted subject to approval of a landscape plan pursuant to Chapter 7.32.080 E and shall be submitted with an Encroachment Permit.

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Chapter A.04 (Definitions) of the Manhattan Beach Local Coastal Program as follows:

A.04.030—Definitions

Alternative-fuel Vehicle Charging Systems: Equipment used to recharge a vehicle that uses alternative energy as fuel, such as compressed natural gas (CNG), electricity or other non-petroleum derived fuels.

Greywater Retention/Detention Features: A device or system designed to collect, store, and transport greywater, as defined by the California Plumbing Code, which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Permeable Surface: an uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Roof or Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located.

Stormwater Retention/Detention Feature: a device or system of improvements that captures, retains and subsequently releases stormwater runoff from a site at a lesser volume and/or slower rate than it is collected, while holding the runoff in temporary storage for the purposes of infiltration, bioretention, and/or storage with beneficial use such as landscape irrigation.

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Wind Energy System, Small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to generate electricity on the property where the system is located.

SECTION 4. The City Council of the City of Manhattan Beach hereby modifies Chapter A.12 (Residential Districts) of the Manhattan Beach Local Coastal Program as follows:

A.12.030—Property development regulations:

	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/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
~~Solar-assisted Water Heating~~ 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
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

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

E. **Setbacks:**

~~E.~~**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').

~~(1)~~**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:

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(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 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, 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 (10') feet.

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 (15) feet. 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 10.60.140C).

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.

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.

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Chapter A.52 (Site Regulations—Residential Districts) of the Manhattan Beach Local Coastal Program as follows:

A.52.050—Accessory structures.

B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited

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beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below local grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

   Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

H. Decks. No accessory structure deck or green roof/deck more than thirty inches (30") or more in height shall be located in a required yard.

SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Chapter A.60 (Site Regulations—All Districts) of the Manhattan Beach Local Coastal Program as follows:

A.60.040—Building projections into required yards or required open space.

B. Uncovered porches, platforms, decks, green decks and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story: Three feet in a side or building separation yard, four feet (4') in a front yard and six feet (6') in a rear yard, provided that a two-foot (2') clearance from the property line is maintained. Open-work railing not to exceed three and one-half feet (3½') in height may be installed.

Exception. A zero foot (0') clearance shall be permitted from property lines adjoining numbered "walk streets," or unimproved public street or alley easements which are not open to vehicular use.

F. **Balconies and Bay Windows:** Balconies, including green roofs or decks, and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than fifty percent (50%) of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be eight feet (8') at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a forty-five-degree (45º) angle drawn inward from the end of the eight-foot (8') dimension, reaching a maximum of six feet (6') along a line that is one foot (1') from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter (1/4) of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at forty-five-degree (45º) angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies, shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards.
5. Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required yard does not exceed three feet and the area does not exceed three feet (3') multiplied by one-half (1/2) of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.
   a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all

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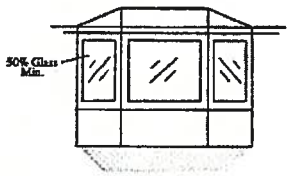
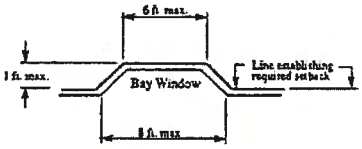
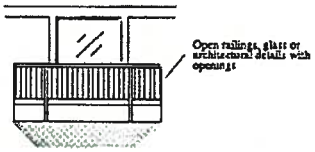
balcony projections for the entire lot within required yards shall not exceed three (3) times one-half (1/2) of the buildable width of the lot if all balcony projections are located in either the front or rear yard, and three (3) times two-thirds (2/3) the buildable width of the lot if balconies are located in both the front and rear yards.

6. The aggregate length of all bay window, balcony, chimney, and stair projections into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds (2/3) of the buildable width of the lot.
   a. Exception for Area Districts I and II. Balcony projections within eight feet (8') of local grade shall not be included in the aggregate length applicable to a single level.







BAY WINDOWS, ~~AND~~ BALCONIES, AND GREEN ROOFS/DECKS

J. **Stormwater and Greywater Retention/Detention Features.** Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below local grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

   Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040D, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

K. **Alternative-fuel Vehicle Charging Systems.** Alternative-fuel Vehicle Charging Systems may project two feet (2') into one (1) interior side yard starting at a point eight feet (8') above finished grade, providing that at least two feet (2') is maintained as a clear area between all recharging system equipment and the property line, or as determined by the Director of Community Development. Projections into required street side yards are prohibited.

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A.60.060—Exceptions to height limits.

Exceptions to height limits. Vent pipes and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than ten feet (10'). Chimneys may exceed the maximum permitted height by no more than five feet (5'), provided the length and the width of the chimney portion exceeding the height limit shall not exceed three feet (3') in width and five feet (5') in length. Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12") as needed to meet Solar Rights Act efficiency standards. The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

A.60.070—Landscaping, Irrigation, and Hydroseeding.

A. **General Requirement.** ~~Minimum~~ For new projects, projects over fifty percent (50%) in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, ~~site landscaping and required~~ planting and hardscape areas, including all landscaping, patios, decks, and walkways (excluding driveways and building footprints), shall be installed in accordance with the standards and requirements of this section.~~, which shall apply to all projects including construction or exterior alterations of structures with more than a total of two thousand five hundred (2,500) square feet of buildable floor area and covered parking area, except single-family residences and two-family dwelling units (duplexes)~~.

1. Landscape plans shall be prepared by a landscape designer, a licensed landscape architect, or other qualified person, and submitted to the Community Development Department for approval prior to issuance of a building permit, and no significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape designer. Substantial changes shall require approval of the Planning Commission ~~or Board of Zoning Adjustment, as appropriate~~, if ~~these bodies~~ this body granted approval of the original project.
2. Evidence of completion of required landscaping and irrigation improvements shall be supplied to the Community Development Department ~~on a Landscape Certification form. This form~~ and shall be required to be submitted prior to issuance of an occupancy permit for new construction unless an extension of up to one (1) year has been granted by the Community Development Director. For projects consisting primarily of additions to or remodeling of existing buildings for which landscaping is required, a deferred completion agreement may be executed prior to issuance of the building permit. The agreement shall guarantee installation of the landscape and any irrigation improvements within one (1) year or prior to occupancy, whichever occurs first.
3. High water use plants, as defined by Water Use Classification of Landscape Species (WUCOLS) publication may be installed as follows:
   a. For parcels 7,500 square feet or less, **either:**
      1. Where potable water is used for irrigation, a maximum of twenty percent (20%) of the total planting and hardscape areas (defined above) on private property, parkways, and encroachment areas may be plants of high water use per Region 3 of WUCOLS. High water use plants shall be grouped together. Turf grass watered with a subterranean drip irrigation system, or turf grass that is not high water use, as determined by the Director of Community Development based on documentation submitted by the applicant, shall not be considered high water use plants. When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. Area calculations shall be included in Landscape plans, or;
      2. Submission of design plans and calculations per Region 3 of WUCOLS standards prepared by a qualified professional as defined in Section 10.60.070(A)(1).
   b. For parcels 7,500 square feet or greater:
      1. Submittal of design and calculations Region 3 of WUCOLS standards prepared by a qualified professional as defined in Section 10.60.070(A)(1).

   Exceptions.
   1. Sites entirely irrigated by non-potable water.
   2. Landscapes using low or medium water use plants as defined by Water Use Classification of Landscape Species (WUCOLS) publication.
   3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.
   4. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.

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A.60.140—~~Solar-assisted water heating.~~ Sustainable Development.

A. **Solar-assisted water heating.** To promote energy conservation, installation of plumbing for future solar-assisted water heating systems shall be required in all new residential and commercial construction and in major alterations and additions to residential and commercial structures when the total estimated cost of the enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the structure.

B. **Stormwater Retention/Treatment.** For additional Municipal National Pollutant Discharge Elimination System (NPDES) or current Municipal stormwater permit requirements, see Section 5.84.

C. **Green Roofs and Decks.**

1. A green roof or deck may be located only where decks and balconies are allowed.
2. All planting materials on green roofs and decks may not exceed the maximum allowed height of structure permitted by the development standards of the base district.

Exception. Green roofs that are used solely as a roof and designed in a manner that prohibits usability as a deck may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" definition).

D. **Solar Energy Systems.** Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12") as needed to meet Solar Rights Act efficiency standards. The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

E. **Small Wind Energy Systems (Turbines).** Small Wind Energy Systems (SWES) are permitted in all districts subject to the following standards and procedures:

1. **Development Standards.** The following minimum requirements and standards shall apply to SWES:

a. System type and location.

1. The SWES shall comply with the definition of Small Wind Energy System in Section 10.04.030.
2. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with the site.

b. The SWES shall not exceed the height of the existing or proposed structure on which it is located, exceed the maximum height limit, or exceed twelve feet (12') in height if not located on a structure, whichever is lower.

c. Setbacks and Clearances.

1. The SWES shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
2. No portion of a blade when fully operational shall extend within ten (10) feet of finished grade or a property line, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.
3. A minimum clearance of ten (10) feet shall be maintained between any tower or blade and any structure, tree, utility line, or similar object, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.
4. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits, standpipes, or other Fire Department requirements as determined by the Fire Department.
5. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space.
6. Guy wires or other rough appurtenances shall not be visible unless deemed to be appropriate and necessary by the Director of Community Development.
7. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.
8. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.
9. All on-grid SWES shall be approved by the applicable utility prior to installation.
10. Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground.

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11. The SWES shall comply with the requirements of Section 5.48—Noise Regulations, except during short-term events such as utility outages and severe wind storms.
12. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.
13. No lighting shall be placed upon, attached to, or in any way illuminate a SWES.

d. Maintenance and removal.
1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety, or other adverse effects to the site, or persons, improvements or properties in the vicinity.
2. The Community Development Director may require the SWES to be removed from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more.

2. **Submittal Requirements—All SWES Applications.** Applications for all SWES shall be initiated by submitting the following materials to the Community Development Department.
a. A completed Master 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.
b. Written statements to support the standards, required findings and, criteria of this Code section.
c. A vicinity map showing the location and street address of the development site.
d. 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 five hundred feet (500') of the boundaries of the property; and
e. 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 five hundred feet (500') of the boundaries of the property. This list shall be keyed to the map required by subsection (d) of this subsection and shall be accompanied by mailing labels.

3. **Notice to Property Owners.** After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection 2 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.

4. **Director's Review and Action**
a. **Notice of Decision.** After the commenting deadline date, and within thirty (30) days of receipt of a completed application, the Director of Community Development shall approve, conditionally approve, or deny the application. The Director shall send the applicant a letter stating the reasons for the decision under the authority for granting or denying the SWES, 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 6 of this section.
b. **Request for Planning Commission Action.** At the Community Development Director's discretion, review and action may be deferred to the Planning Commission.
c. **Findings.** In making a determination, the Community Development Director or Planning Commission shall be required to make the following findings:
1. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to light, air, noise, and views.
2. 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.
3. The installation of the SWES is primarily to reduce on-site consumption of electricity.
4. The proposed SWES will not produce or result in noise levels exceeding the requirements of Section 5.48—Noise Regulations.

5. **Conditions of Approval.** In approving a SWES application, the Director or Planning Commission may impose reasonable conditions necessary to:
a. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the SWES will be located, or to be consistent with the General Plan;
b. Protect the public health, safety, and general welfare.

6. **Effective Date—Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a 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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SECTION 7. The City Council of the City of Manhattan Beach hereby modifies Chapter A.64 (Off-street Parking and Loading Regulations) of the Manhattan Beach Local Coastal Program as follows:

A.64.100—Application of Dimensional Requirements.

C. **Vertical Clearance.** Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7') above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage ~~purposes~~ (not including mechanical equipment) and vehicle recharging purposes for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, ~~or~~ cabinets, or electricity based alternative-fuel vehicle charging systems may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet (5') of a parking space.

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Chapter A.68 (Nonconforming Uses and Structures) of the Manhattan Beach Local Coastal Program as follows:

A.68.020—Continuation and Maintenance.

D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs or decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

A.68.030—Alterations and enlargements of nonconforming uses and structures.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.
2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof or deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.
3. Modification of a roof from flat to pitched or from pitched to flat, provided that the existing or proposed roof does not exceed a four (4) in twelve (12) pitch.
4. Exterior modifications may include a minor increase in square footage (said increase calculated cumulatively), not to exceed ten percent (10%) of the original gross floor area.
5. If there is a fire or casualty loss, the building may be replaced to the buildable square footage and height existing just before the fire or casualty loss and consistent with the requirements of the current building code.
6. No alteration shall increase building height, except for a roof change referred to in subsection (D)(3) of this section.
7. Should any exterior building elements or interior floor area be found to be in an extensively deteriorated condition, as documented in a report prepared by a licensed civil engineer, the Director of Community Development may allow said walls or areas to be entirely removed and replaced as long as the improvement is conforming with respect to required yards and otherwise meets the provisions of this section.

SECTION 9. All other provisions of the Local Coastal Program shall remain unchanged and continue in full force and effect.

SECTION 10. Any provisions of the City of Manhattan Beach Local Coastal Program, 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.

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SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 12. A staff review of the proposed amendments per Sections 2-8 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 13. The effective date of the proposed amendments adopted by reference in Sections 2-8 of this Ordinance shall be subject to the following applications:

A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the Local Coastal Program in effect on the date that the application for a discretionary project is deemed complete. Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the Local Coastal Program in effect on the day that the application was deemed complete.

B. Building permits for non-discretionary projects shall be issued or denied pursuant to the Local Coastal Program in effect on the date that the complete building permit application is submitted to the City.

SECTION 15. The City Council hereby directs staff to submit this LCP amendment to the California Coastal Commission for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq. The LCP amendment approved in this ordinance shall become effective only upon certification by the California Coastal Commission of this amendment to the LCP.

SECTION 16. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council 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 once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 5th day of July, 2011.

Ayes: Powell, Cohen, Ward, Tell and Mayor Montgomery.
Noes: None.
Absent: None.
Abstain: None.

/s/ Richard Montgomery
Mayor of the City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk

APPROVED AS TO FORM:

/s/ Christi Hogin
Special Counsel

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City Clerk of the City of Manhattan Beach, California

Deputy