



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Senior Planner

DATE: December 4, 2007- **STUDY SESSION**

SUBJECT: Consideration of City Council 2005-2007 Work Plan Item on Mansionization in Residential Areas Related to; 1) Increase Setbacks and Open Space, 2) Limit Lot Mergers, 3) Encourage the Retention of Existing Smaller Homes, and 4) Allow Accessory Structures on Adjacent Common Ownership Lots.

RECOMMENDATION:

Staff recommends that the City Council **REVIEW, DISCUSS, PROVIDE DIRECTION AND SCHEDULE THE PUBLIC HEARING FOR JANUARY 15, 2008.**

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action

BACKGROUND:

Public Review Process

This City Council Work Plan item was initiated in July 2005 with the adoption of the 2005-2007 Work Plan. However, Mansionization has been studied and addressed with Code Amendments for many years beginning with ZORP (Zoning Ordinance Revision Program) in 1990. A series of amendments to address residential Bulk and Volume (BV) standards were then adopted in May 2002, January 2004, and September 2004. The City Council 2004-2005 Work Plan included revisions to the Minor Exception provisions to encourage the retention of smaller non-conforming homes, which were adopted in January 2005. New large lot and lot merger regulations were also studied with this Work Plan.

Through the 2005-2007 Work Plan item, the City Council determined that a comprehensive approach to residential Mansionization would be most effective and in December 2005 formed the Mansionization Issues Committee to study and make recommendations on the issues which were divided into four categories:

- 1) Increase Setbacks and Open Space
- 2) Limit Lot Mergers
- 3) Encourage the Retention of Existing Smaller Homes
- 4) Allow Accessory Structures on Adjacent Common Ownership Lots

The Mansionization Committee met thirteen times and developed a set of recommendations that were reviewed by the Planning Commission and City Council. The Planning Commission discussed Mansionization issues at eleven meetings as well as two joint meetings with the City Council. The City Council has discussed Mansionization related issues at seven meetings, not including tonight's meeting. All together thirty-three well attended public meetings, workshops and public hearings have been held to discuss residential Mansionization issues with this 2005-2007 Work Plan item.

Mansionization Issues Committee

Committee members

The Mansionization Committee was an informal group that consisted of two Council members, Nick Tell and Joyce Fahey, as well as Richard Montgomery who replaced Joyce Fahey, one Planning Commissioner, David Lesser, and earlier also Planning Commissioner Muriel Savikas, and about a dozen citizens including a number of residents, local architects, realtors, developers, and attorneys. The Committee represented a wide variety of perspectives and often had very strong opposite opinions on issues. The following is a list of the members that attended meetings on a regular basis:

Bob Blanchard	resident
Gerry O'Conner	resident
Grant Kirkpatrick	architect, resident
Ian McLagan	resident
Jim Fasola	architect, resident
Joe DeMonda	architect, attorney, resident
Karol Wahlberg	resident
Laura Cohen	resident
Martha Andreani	Residents Association
Paul Gross	resident
Paul McCaul	resident
Richard May	resident
Robert Schumann	realtor, developer, resident
Wayne Powell	resident and later Planning Commissioner

Goals

On February 9, 2006, at the first meeting of the Committee, four broad goals were defined and agreed upon as follows:

1. Preserve neighborhood character
2. Space between buildings (setbacks) is important
3. Examine new Minor Exception for small homes criteria
4. Encourage "quality" private open space

Through the review process the Committee studied different approaches to addressing Mansionization. The Committee discussed the possibility of reducing the maximum allowable Buildable Floor Area (BFA), but instead felt that other new development standards

would meet their goals and provide more flexibility. The Committee felt that the combination of the new open space, setback, lot merger restrictions, Minor Exception and other provisions met their goals most effectively. The Mansionization Issues Committee completed their review and a comprehensive set of recommendations were made in March 2007.

City Council Direction

On June 26, 2007 a special City Council study session was held which included a windshield tour of the City to view residential development constructed under different Zoning Code standards. At that meeting the City Council discussed the Mansionization Committees recommendations and directed staff and the Planning Commission to conduct public hearings and evaluate possible Code Amendments related to Mansionization.

Planning Commission public hearings

The Planning Commission held six public hearings from July through November 2007. On November 14, 2007 the Planning Commission adopted, with a 5:0 vote, PC Resolution 07-17 recommending to the City Council revisions to address residential Mansionization. (Exhibit B.)

DISCUSSION:

The attached draft Code language incorporates the direction provided by the City Council as well as the discussion and direction that has been provided by the Planning Commission through the series of public hearings they conducted. The language is organized by the four topic areas and new text is shown as underlined while text proposed to be deleted is shown as ~~strikeout~~.

At the Council meeting staff will briefly “walk” the City Council through the Planning Commission recommendations, and discuss each section of the proposal. (Exhibit A) The following is a summary of the amendments as recommended by the Planning Commission.

1. Amendments for new residential development to increase setbacks and open space:

Increased setbacks and open space impacts the Buildable Floor Area (BFA) in unusual circumstances due to lot characteristics. The Minor Exception provisions have been revised to address these circumstances and is described on page 4, Section a. v. and vi. of this report.

a. Setback revisions:

- i. ***Recommendation:*** Eliminate the 5’ cap on side yard setbacks, which will impact all lots over 50’ in width; currently 10% of lot width required with a 5’ cap.

Exhibit A: Pages 1-3. Shown in table in Section 10.12.030, and text in Section 10.12.030 (E). Additionally, a note at the bottom of the table has been revised to provide a cross reference to the Code language that was adopted with the bulk-volume amendments related to the basement definitions. The Miscellaneous revisions portion of this report discusses further revisions to this definitions section.

Planning Commission and public discussion: One member of the public expressed a concern that this would have an impact on the larger RH lots in

Area Districts I and II, which they felt was in conflict with the Lot Merger regulations which specifically exempt Area District I and II in order to encourage the development of multi-family housing in these areas. They stated that the increased setbacks would reduce density and negatively affect design. The Planning Commission supported the revision as it was consistent with the goals of providing increased setbacks and more open space. However they felt that the City Council should address the policy issue of whether the revision was inconsistent with the Housing Element by discouraging multi-family development. If the City Council does have concerns staff would suggest that a side yard setback cap be considered at 10 feet.

- ii. Recommendation: Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II. The 12' minimum will impact all lots less than 107' in depth and eliminating the 25' cap will affect all lots greater than 150' in depth.

Exhibit A: Pages 1-3. Shown in table in Section 10.12.030 and text in Section 10.12.030 (E).

Planning Commission and public discussion: Some members of the public felt that the rear yard setback should be increased to 15', not 12'. The Planning Commission felt that may be too much of an impact and that 12' would meet the established goals.

- iii. Recommendation: Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, rear abutting residential, 2,700 SF or larger in area. This impacts about 46 lots near Robinson Elementary School.

Exhibit A: Pages 2-3. Shown in table in Section 10.12.030 and text in Section 10.12.030 (E).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- iv. Recommendation: Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also; to increase setbacks by 3' for building walls over 24' in height to provide building wall articulation.

Exhibit A: Page 3. Shown in Section 10.12.030 (F).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- v. Recommendation: Provide a review process to allow consideration for a reduction to the side or rear setback, or the 6% or 8% front/streetside setback,

or the 15% open space requirement for small, wide, shallow, and/or multiple front yard lots that can not meet their BFA due to the proposed requirements.

Exhibit A: Pages 10-18. Shown in Section 10.84.120. Since all of these development standards are changing, this Minor Exception will allow a review process where the new requirements affect BFA.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- vi. Recommendation: Provide a review process to allow consideration of a reduction in the 15% open space requirement for 1-story construction in the 2-story zones and 2-story construction in the 3-story zones.

Exhibit A: Pages 10-18. Shown in Section 10.84.120. Since the 15% cap is being removed this will allow flexibility through the Minor Exception process to encourage designs that reduce Mansionization and building bulk.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

b. Open space revisions:

- i. Recommendation: Interior lots- Decrease the existing 8% bulk volume additional front yard setback to 6% in single family residential RS Area district (AD) I and II, to provide building wall articulation and reduce the bulk of homes from the front.

Exhibit A: Pages 4-5. Shown in Section 10.12.030 (T.)

Planning Commission and public discussion: Both the public and the Planning Commission had a great deal of discussion, and a variety of opinions, on this revision. A number of people felt that 8% is working and should continue. Others felt that the design and layout of homes was negatively impacted by the 8%, architectural styles and diversity were impacted, 6% meets the goal of breaking up bulk of homes from the street, the 8% pushes homes to the rear decreasing rear yards, it is difficult to visually distinguish between 6% and 8%, and the combination of the other Mansionization revisions are a more balanced approach to providing setbacks and open space.

- ii. Recommendation: Corner lots- Maintain the 8% bulk volume additional front yard setback and require a portion to wrap around the corner; currently only required within the front.

Exhibit A: Pages 4-5. Shown in Section 10.12.030 (T.)

Planning Commission and public discussion: The Planning Commission and public were supportive of this revision. There was one concern that double corner lots with two front yards would be required to provide 8% setback for each front yard, which may impact BFA. The current Code requires 8% on each front yard on these lots, the revisions allow more flexibility by allowing a portion of the percentage to be placed on the streetside. Additionally, a Minor Exception can be applied for in unusual situations if the BFA is impacted.

- iii. Recommendation: Require 15% open space in the Beach Area on RS lots, the same as RM and RH lots, currently no open space is required on RS lots.

Exhibit A: Page 4. Shown in Section 10.12.030 (M).

Planning Commission and public discussion: The Commission had some concern that the small ½ lots (typically 30' wide by 45' deep) could be negatively impacted by the regulations and the BFA could be impacted. This requirement is already in place in the RM and RH zones where the majority of these lots are, and these zones have a higher BFA than the RS lots. The requirements work well in these zones currently. For unusual lots a Minor Exception could be applied for if the BFA is impacted.

- iv. Recommendation: Eliminate the 350 square foot open space cap; for all multi-family zones all Area Districts and for RS in the Beach Area, which will increase the open space required for new homes with over 2,333 square feet of BFA.

Exhibit A: Page 4. Shown in Section 10.12.030 (M).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- v. Recommendation: Calculate basement square area as BFA for 15% open space requirements, the same as basement area is counted for parking requirements, in order to increase open space.

Exhibit A: Page 4. Shown in Section 10.12.030 (M).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- vi. Recommendation: Allow a larger percentage of the required open space, up to one-half (1/2), to be located on the top level; currently the square footage of

open space on the 3rd story may not exceed the proportion required in relationship to the homes square footage that is located on that same level.

Exhibit A: Page 4. Shown in Section 10.12.030 (M).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- vii. Recommendation: Decks above the 2nd or 3rd story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.

Exhibit A: Page 3. Shown in Section 10.12.030 (H).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

2. **Limit Lot Mergers:**

- a. Recommendation: For **new mergers** of separate lots, a maximum of **two** residential lots that are the standard size of the originally subdivided lots may be merged. A number of exceptions are shown.

Exhibit A: Pages 6-8. Shown in table in Section 10.12.030, and Section 10.12.030 (K). This is consistent with the direction provided by the City Council.

Planning Commission and public discussion: The recommendation from the Mansionization Committee was to prohibit new residential lot mergers where the new lot size would be more than **three times** the typical lot size, and lots that would be between two to three times the typical lot size would have new development standards to increase open space, reduce building height, limit BFA to that allowed on two lots, and require variation in perimeter fencing. The criteria would only apply to new mergers, and the RH, RM, and CL Zones in Area Districts I and II with three or more residential units would be exempted.

The City Council reviewed the Mansionization Committee recommendation, made suggestions for revisions and provided direction to staff to have the Planning Commission consider allowing a maximum of **two** standard lots to be merged, with some exemptions.

The Planning Commission reviewed the Mansionization Committees recommendation, the direction provided by the City Council, as well as input from numerous residents at the public hearings. The Planning Commission recommendation was then based on all of this input. The Commission also felt that if the Council were to allow the merger of three not two lots then additional regulation such as those recommended by the Mansionization Commission would

be appropriate.

The Planning Commission also discussed that there were a large number of ½ lots in Area District IV and their concern that potentially four of these lots could be merged which would be out of character with the neighborhood. Historically property owners have not requested lot mergers of ½ lots; they have resisted merging lots as they are more valuable as separate lots in this area

The following chart indicates the lot sizes used to establish the maximum allowed lot sizes:

LOT MERGERS-LOT SIZES			
AREA DISTRICT	DIMENSIONS	LOT SIZE SQUARE FEET	2 TIMES LOT SIZE – MAXIMUM ALLOWED LOT S.F.
I	50' X 150'	7,500	15,000
II	40' X 135'	5,400	10,800
III	33.33' X 105	3,500	7,000
IV	33.33' X 105	3,500	7,000

In establishing the maximum lot sizes, staff reviewed the existing standard lot patterns and the size of the originally subdivided lots in various areas throughout the City. Staffs goal was to allow two originally subdivided lots to be combined. Although the maximum square footage is larger than two times the minimum lot size, this captures the size of the majority of original subdivided lots.

The public had mixed, and some strongly opposite, opinions on lot mergers. Some felt that there should be no regulations at all, while others felt that the regulations were too restrictive. The Mansionization Committee also had these opposing opinions. Some members were supportive of the proposal but felt that in Area Districts III and IV that mergers should be limited to two 30 by 90 lots, which would not allow most lot mergers of two lots on the Strand, as the majority of these lots are 33.33' by 105'.

The Planning Commission also recommended the following exemptions to the lot merger regulations:

- a. Lots in the RM, RH, and CL in Area Districts I and II with 3+ dwelling units, in order to encourage the development of multi-family residential in these areas.
- b. Existing legally created merged lots, which were merged prior to the adoption of this Ordinance.
- c. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since the Zoning Code does not allow vehicles to back out onto the street in this area and lots need to be merged in order to allow adequate on-site

turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.

d. Religious institutions and schools, since many of these sites are a consolidation of many original subdivided single family lots that have not been merged and the expansion of existing religious uses or schools on these sites may require a merger of the parcels.

e. The RS-D7 Design Review Overlay-Longfellow Drive which has larger lots that are established through a Precise Plan and required by the Overlay district.

f. The RSC- Residential Senior Citizen Zone which has a minimum lot size of 40,000 SF per the Zoning Code requirements.

g. The RPD- Residential Planned Development (Manhattan Village homes) which has a minimum lot size of 40,000 SF per the Zoning Code requirements.

Additionally, Section 11.32.090 provides Lot Merger exceptions for religious and school uses to allow these existing uses to continue with the lots being merged so that if these uses were to be discontinued and the site developed with residential uses then the same existing neighborhood lot and block pattern could be continued.

- b. *Recommendation:* **Existing unmerged** adjacent lots under common ownership larger than two lots and currently developed and used as one lot may continue to be used as one lot. ***If*** the lots are developed with new structures, or substantially remodeled, ***then*** they will be subject to all of the new residential development standards including the lot size, setbacks, open space, height, etc.

Exhibit A: Pages 6-7. Shown in table in Section 10.12.030, and Section 10.12.030 (K). This is consistent with the direction provided by the City Council.

Planning Commission and public discussion: Again the public had mixed, and some strongly opposite, opinions on mergers of existing unmerged currently developed lots. Some felt that these lots should be allowed to be merged as they have historically been used as single lots and therefore a legal merger would not change the lot and block patterns or neighborhood characteristic. The Mansionization Committee also had these opposing opinions. The Planning Commission felt that it was important to limit all new mergers, have consistent regulations, and that new construction should comply with all new development standards including lot size.

3. **Amendments to encourage the retention of existing smaller homes:**

General provisions that relate to these revisions are shown in Section 10.84.010, and 10.84.120. The Minor Exception Section, Section 10.84.120 of the Code is substantially revised to encourage the retention of existing smaller homes.

Flexibility has been provided in this Section to allow alterations, remodels, and additions to existing legal non-conforming homes that exceed the 50% valuation criteria; which currently is very restrictive. These provisions are intended to allow and encourage homeowners to remodel and improve their existing smaller homes instead of tearing them down and building new homes to the maximum size. The remodeled home must be substantially smaller than the maximum allowed size. The new regulations will streamline the existing Minor Exception process while still providing discretionary review with specific findings and criteria that must be met.

Currently the Code requires notice for all Minor Exceptions. The proposed revisions only required neighborhood notice for those projects that staff believes are more significant, which are the legal non-conforming remodels and additions 3,000 to 4,000 square feet in area, and construction of additions that match the existing non-conforming setbacks, up to a maximum of 3,000 square feet in area.

- a. Recommendation: Allow 100% remodel and an increase in Buildable Floor Area (BFA) for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF whichever is less, instead of the current 2,000 SF limit with neighbor notification.

Exhibit A: Pages 9-20. Shown in Sections 10.84.120, 10.64.030, 10.68.010, 10.68.030 and 10.60.040 H.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- b. Recommendation: Allow 100% remodel, with neighborhood notification, and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, for homes over 3,000 SF but not to exceed 4,000 SF, instead of the current 2,000 SF limit. Neighbor notification is required.

Exhibit A: Pages 9-20. Shown in Section 10.84.120, 10.64.030, 10.68.010, 10.68.030 and 10.60.040 H.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- c. Recommendation: Remodel of existing home on interior lots- Exception to bulk-volume additional 6% front yard setback/open space requirement to allow up to 3% of the open space to be provided elsewhere, adjacent to a required setback, and the percentage of the portion that is relocated is doubled; currently no provisions.

Exhibit A: Pages 9-20. Shown in Section 10.84.120. Additional criteria shown on page 17 in Section 10.84.120 H.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- d. Recommendation: Remodel of existing homes on corner lots- Exception to Bulk Volume additional 8% front/streetside yard setback/open space requirement to allow up to 6% of the open space to be provided outside of the front yard area, adjacent to the required streetside setback and other required setbacks; currently no provisions.

Exhibit A: Pages 9-20. Shown in Section 10.84.120. Additional criteria shown on page 17, in Section 10.84.120 I.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

- e. Recommendation: Additions that match existing non-conforming setbacks- Exception to allow the construction of a first, second or third story addition that would project into the required setbacks or building separation yard when it matches the existing non-conforming setback, with project valuation over 50%. Neighbor notification is required. Current provisions allow a Minor Exception with project valuation **less than 50%** only for a second story addition to match the non-conforming setback and only above an existing first story.

Exhibit A: Pages 9-20. Shown in Section 10.84.120. Additional criteria shown on pages 12-13, in Section 10.84.120 B.

Planning Commission and public discussion: The Commission and public were supportive of this revision.

4. Amendments to allow accessory structures on adjacent lots under the same ownership:

Recommendation: Allow accessory structures (pools, extra garage, poolhouse, guest house, etc.) on adjacent common ownership parcels without requiring the lots to be merged; currently only gardens and patios, no structures, are allowed.

Exhibit A: Pages 21-22. Shown in Sections 10.04.030, 10.52.050 (B) and 10.52.050 (F).

Planning Commission and public discussion: The Commission and public were supportive of this revision.

5. Miscellaneous Clean-up items

- a. Recommendation: Revise the Buildable Floor Area (BFA) definition to allow all required parking to be excluded from counting as BFA.

Exhibit A: Page 23. Shown in Section 10.04.030.

Planning Commission and public discussion: This item exempts parking square footage based on the required number of parking spaces and not the lot size as is currently provided. Since basement areas are now included for parking requirements, smaller lots less than 4,800 square feet in size in Area Districts I and II and 2,700 in Area Districts III and IV, could require a three-car garage if they have a large basement. The Commission and public were supportive of this revision.

- b. Recommendation: Allow the required front yard setback adjacent to alleys to be reduced to two feet at a height of eight feet above grade; currently allowed for full lots on the rear yard adjacent to an alley, however half lots where the front yard is on an alley are not allowed this exception.

Exhibit A: Pages 23-24. Shown in table in Section 10.12.030 and text in Section 10.12.030 (G).

Planning Commission and public discussion: The Planning Commission has approved a number of Variances over the years to allow this exception. Since it is already allowed for the rear setback for alley full lots it provides the same criteria for alley half-lots. The Commission and public were supportive of this revision.

- c. Recommendation: Provide more cross-references within the residential Property Development Standards chart.

Exhibit A: Page 24. Shown in table in Section 10.12.030.

Planning Commission and public discussion: There are no new standards within this chart only cross-references to existing standards to make the Code more user friendly. The Commission and public were supportive of this revision.

- d. Recommendation: Provide clarification that hedges are included within the fence and wall standards.

Exhibit A: Pages 25-26. Shown in Section 10.12.030 (P).

Planning Commission and public discussion: The last paragraph of this Code Section includes a reference to solid hedges, however due to the location and the wording it is not very clear that hedges also are regulated by this Section. The proposed change moves the paragraph to the beginning of the Section and provides clarification language throughout, but does not change any existing standards. The Commission and public were supportive of this revision.

Other Planning Commission items reviewed-not adopted

The Council requested that the Planning Commission consider increasing the side setback to more than 10% of the lot width, in order to increase open space on standard size lots. Staff and

the Commission reviewed this item and felt that the combination of the other proposed revisions would adequately meet the Mansionization Committee and City Council goals of preserving neighborhood character, acknowledging that space between buildings (setbacks) is important and encouraging “quality” private open space.

The Commission also considered providing articulation on building walls on streetside setback on corner lots through setbacks and/or a bulk/volume percentage. Staff and the Commission felt that the combination of the other proposed revisions, including increasing setbacks, requiring the bulk-volume setback wrap around on corner lots, and increased open space, would adequately meet the Mansionization Committee and City Council goals of preserving neighborhood character, acknowledging that space between buildings (setbacks) is important and encouraging “quality” private open space.

Other Planning Commission and public comments

The Planning Commission requested that the City Council consider amendments related to landscaping that are not directly related to Mansionization. The Commission requested that additional landscape requirements be considered such as increasing the amount of required landscaping in the front and streetside yards, requiring permeable pavement, requiring minimum rear yard landscaping, and requiring additional trees on the streetside. Since the City Council did not direct staff to review these items at this time and as this ties in with the Green Team environmental study, staff would suggest that it be considered through that project.

One member of the public requested that the Planning Commission consider allowing basement square footage used only as storage to be exempt from the parking requirements. Prior to the adoption of the bulk volume standards basement areas that were non-habitable, such as storage only, that had rooms that were very minimal in size, with minimum ceiling heights were totally exempted from BFA and therefore parking was not required for the basement square footage. Staff found that these areas were often illegally converted which created a safety issue as the required light, ventilation, heating, and emergency exiting requirements for habitable rooms were not required. The basement standards were then relaxed to encourage basements, however the square footage is counted towards parking requirements as this square footage does have an impact on parking.

CONCLUSION:

Staff recommends that the City Council review the proposed Amendments, discuss, provide direction to staff, and continue the discussion to a noticed public hearing on January 15, 2008.

EXHIBITS

- A. Code Amendments recommended by Planning Commission on November 14, 2007
- B. Adopted PC Resolution 07-17- November 14, 2007
- C. Planning Commission Minute Excerpts- July 25, August 8, September 5 and 12, October 10 and November 14, 2007

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- D. Mansionization Committee agenda and reports- February 9, March 6, April 6, May 3, June 8, July 13, September 12, October 19, November 19, December 7, 2006, and January 25, February 22 and March 15, 2007.
- E. Planning Commission staff reports and attachments- October 25 and November 15, 2006, and July 25, August 8 (excluding attachment B-July 25, 2007 duplicate report), September 5 and 12, October 10 and November 14, 2007

INCREASE OPEN SPACE AND SETBACKS

Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks

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

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the “Additional Regulations” column refer to “Additional Development Regulations” following the schedule.

This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (<u>percentage-ft.</u>)	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E)(F)
Corner Side (<u>percentage- ft.</u>)	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E) (T)
Rear (<u>percentage- ft.</u>)	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	(D)(E)(F)(G)

Note: ~~In the RS districts, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.~~

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)
Side (<u>percentage- ft.</u>)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F)(G)

Note: ~~In the RS district, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.~~

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3') and need not exceed five feet (5').

(1) **Exceptions--Reverse Corner Side Setback.** Reverse corner lots in Area Districts I and II shall have the following side yards:

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

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

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

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

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

Rear Setback:

(1) In Area Districts I and II, the rear setback (RS) shall be determined as follows: $RS = 0.3 \times (\text{lot depth in feet}) - 20$; provided that the minimum setback is ~~ten-twelve feet (10')~~ 12' and the ~~maximum required setback is twenty-five feet (25')~~.

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

Section 10.12.030 (F) and A.12.030 (F) Building Height and Required yards of the Property Development Regulations: RS, RM, and RH districts

(F) **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding ~~twenty-five feet (25')~~ twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

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

Section 10.12.030 (H) and A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts

(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 ~~shall not~~ 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 is 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 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

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.

Section 10.12.030 (M) and A.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts

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

(1) For single family dwellings in Area District III and IV and multifamily dwelling units in all districts, ~~containing 2,333 square feet or less of buildable floor area~~, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 15% open space shall be required for the basement square footage.

~~(2) For single family dwellings in Area Districts III and IV and multifamily dwelling units in all districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.~~

(3) The amount of a dwelling unit's required open space located above the second story shall ~~not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story~~ (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

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

Section 10.12.030 (T) and A.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts

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

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six eight-percent (6%) (~~8%~~) of the lot area, and shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth.

2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of 45% and a maximum of 55% of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third (1/3) [thirty-three percent (33%)] of the lot's buildable width. Adjacent to the corner streetside the area shall provide a minimum of 3' of depth or width and shall be distributed to provide building wall articulation.

3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).

3. A maximum of one-half (1/2) of said area shall be designed or useable as roof top deck surfaces.

4. Building projections above said area shall be considered as projections within a front yard.

Exceptions:

1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.

2. This requirement may be reduced for a small, shallow, or multiple front yard lot if it prevents the lot from attaining its permitted buildable floor area subject to approval of a minor exception.

3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.

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

LIMIT LOT MERGERS

Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and “Property Development Standards For Area Districts III and IV”

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I RS</u>	<u>Area District I RM</u>	<u>Area District I RH</u>	<u>Area District II RS</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft) Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
<u>Maximum</u>	15,000	15,000	15,000	10,800	10,800	10,800	
<u>Width (ft) Minimum</u>	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III RS</u>	<u>Area District III RM</u>	<u>Area District III RH</u>	<u>Area District IV RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft) Minimum</u>	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (K)
<u>Maximum</u>	7,000	7,000	7,000	7,000	
<u>Width (ft.) Minimum</u>	30	30	30	30	

(K) Lot Dimensions- Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in

accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 50% building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current Zoning Code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

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

Section 11.32.090 and A.32.090 Reversions to Acreage and Mergers

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

- 11.32.010 Reversions to acreage.
- 11.32.020 Merger of contiguous parcels.
- 11.32.030 Merger of contiguous parcels--Conditions.
- 11.32.040 Merger of contiguous parcels--Notice of intent.
- 11.32.050 Merger of contiguous parcels--Hearing.

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Mansionization Code Amendments- Exhibit A

11.32.060 Merger of contiguous parcels--Determination of merger.

11.32.070 Merger of contiguous parcels--Determination of non-merger.

11.32.080 Merger of contiguous parcels--Request by property owner.

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels.

ENCOURAGE THE RETENTION OF EXISTING SMALLER HOMES

Sections 10.84.010 and A.84.010 Use Permits, Variances and Minor Exceptions

Section 10.84.010 Purposes.

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

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

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

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

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

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and ~~small~~ additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes. ~~Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming Code provisions. The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-~~

~~conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.~~

Sections 10.84.120 and A.84.120 entitled Use Permits, Variances and Minor Exceptions

Section 10.84.120 Minor exceptions.

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

~~**Valuation less than 50%.** Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E), as provided below.~~

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
10.12.030 and 10.68.030 D.	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed.
10.60.040(H)	and, r Reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.
10.60.050	Alternative reference point for height measurement for pre-existing structures that have height nonconformities.

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., and 10.12.030 and 10.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
<u>10.12.030</u>	<u>Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.</u>
<u>10.12.030</u>	<u>Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.</u>
<u>10.12.030 (M)</u>	<u>Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.</u>
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback for small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area.</u>
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.</u>
<u>10.12.030(T)</u>	<u>Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for</u>

remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.

10.12 – 10.68 Non-compliant construction due to Community Development staff review or inspection errors.

10.68.030 D and E, 10.12.030 and 10.12.030 (R) Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yards, matching the existing legal non-conforming setback(s).

10.68.030 D. and E. Alterations, remodeling and ~~small~~—additions (enlargements) to existing smaller ~~older~~ legal non-conforming structures ~~dwelling units~~.

10.68.030 E. Alterations and remodeling to existing legal non-conforming structures.

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

1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .
2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

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

a. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable

Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less.

C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements- Minor Exception Applications with notice.

Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, ~~copies of deeds, any required power of attorney,~~ plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site;

4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. **Notice to Property Owners- Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. ~~with application submittal items 3 and 4 above.~~ Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- F. **Director's Review and Action-All Minor Exceptions.**
1. **Notice of Decision.** After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant ~~and City Council~~ a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above. ~~previously noticed pursuant to A and B above.~~
 2. **Findings.** In making a determination, the Director shall be required to make the following findings: ~~consider the following criteria:~~
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the

Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. **Additional Criteria- Sections 10.68.030 D and E or Sections 10.68.030 D and E, 10.12.030 and 10.12.030 (R).** When making a determination to approve an exception to Section 10.68.030 D. and E, or Sections 10.68.030 D and E, 10.12.030 and 10.12.030 (R), the Director shall also require consider the following criteria to be met, in addition to the criteria findings in Section 10.84.120 (F) 2., as stated above:

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

~~2. When making a determination to approve an exception to Section 10.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 2:~~

- ~~a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section 10.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.~~

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

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

- a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
- b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
- c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
- d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.

- e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
- ~~a. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.~~
3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
 7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
 9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
 10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. **Additional Criteria- Section 10.12.030 (T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030 (T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 (F) 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
5. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

I. **Additional Criteria Section 10.12.030 (T) – Corner Lots.** When making a determination to approve an exception to Section 10.12.030 (T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 F 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030 (T).
2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
4. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

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

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

2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

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

Sections 10.64.030 and A.64.030 Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Single-Family Residential: Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling less than 3,600 square feet	2 enclosed per unit. <u>(See Minor Exception- Chapter 10.84 for existing structure provisions)</u>	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. <u>(See Minor Exception- Chapter 10.84 for existing structure provisions)</u>	

Sections 10.68.010 and A.68.010 Nonconforming Uses and Structures- Specific Purposes

10.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by ~~prohibiting~~ regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

Sections 10.68.030 and A.68.030 Alterations and enlargements of nonconforming uses and structures

10.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

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

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.

4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.

~~5. 6. Where a minor exception to allow extra retaining wall height, reduced additional front yard setbacks, non-compliant construction due to staff error, or for remodeling and small additions to existing smaller homes, has been approved in accordance with Chapter 10.84 of this Code.~~

Sections 10.60.040 H. and A.60.040 H. Minor Exceptions Site Regulations-All Districts- Building projections into required yards or required open space

10.60.040 Building projections into required yards or required open space.

Projections into required yards or required open space shall be permitted as follows:

~~H. **Minor Exceptions.** The Community Development Director may grant minor exceptions: for the construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, from the limits on projections of reconstructed raised grade stairways, architectural archways, covered entries and covered porches into required yards and required open space for pre-existing structures under the provisions of Section 10.84.120. (Reserved)~~

ALLOW ACCESSORY USE OF ADJACENT COMMON OWNERSHIP LOTS

Sections 10.04.030 (Definitions)

Guest House (or Accessory Living Quarters): Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one single family residence, except as provided for in Section 10.52.050 F / A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Sections 10.52.050 B. and A.52.050 B. 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. below.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet 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 basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

~~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.~~

Sections 10.52.050 F. and A.52.050 F. Accessory Structures

F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one or more of the lots, subject to the following criteria.

1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).

2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
3. One of the lots must be developed with a residential dwelling unit as the principal structure.
4. The development is in compliance with current Zoning Code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total Buildable Floor Area on all of the common ownership lots combined.
5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title :
 - a. Guest House (or Accessory Living Quarters) in compliance with the requirements of Section 10.04.030/A.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E/A.52.050 E.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including but not limited to, pools and spas, sports courts, decks, and patios.

MISCELLANEOUS CLEAN-UP ITEMS

Section 10.04.030- Definitions- Floor Area, Buildable-Areas excluded from a determination of Buildable Floor Area

Single Family Residential Districts:

Area Districts I and II: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

Area Districts III and IV: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) <u>(G)</u>
Side (<u>percentage- ft.</u>)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F) <u>(G)</u>

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

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

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, and Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures <u>and Uses</u>	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
<u>Substandard Lots</u>	See Section 10.60.020 and 11.32.030 and (J)
<u>Building Projections into Setbacks</u>	See Section 10.60.040
<u>Landscaping</u>	See Section 10.60.070
<u>Accessory Structures</u>	See Section 10.52.050
<u>Exterior Materials</u>	See Section 10.52.020
<u>Home Occupation</u>	See Section 10.52.070
<u>Tree Preservation</u>	See Section 10.52.120

Section 10.12.030 (P) and A.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts

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

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

Exceptions:

1. A fence, ~~or~~ wall or hedge having additional non-retaining height shall be permitted wherever a six (6) foot fence is allowed, provided such additional height over six (6) feet meets one of the following criteria.
 - a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven (11) feet.
 - b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet to any part of any building.
 - c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does not impede public views of the ocean, the beach, or to and along the shoreline.
2. Architectural screen walls not to exceed six (6) feet six (6) inches in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen (14) feet back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (1/2) the lot width.

~~For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to the corresponding top of said barrier portion;~~

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Mansionization Code Amendments- Exhibit A

~~including any attachments. If more than one (1) fence/wall is located within a required yard, any portion of a fence/wall is located within a required yard, and portion of a fence/wall that projects above a forty five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall, shall be counted toward the height measurement of the lowest fence/wall.~~

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RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING AND SUBDIVISIONS ORDINANCE- TITLES 10 AND 11) AND LOCAL COASTAL PROGRAM (COASTAL ZONE ZONING ORDINANCE) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND REALATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

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

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

- A. In 1990 ZORP (Zoning Ordinance Revision Program) was adopted which substantially revised the residential development standards in the Zoning Code, reducing the height of homes, limiting homes in most area to 2-stories, reducing Buildable Floor Area (BFA), increasing rear yard setbacks, and increasing parking, in addition to other new development standards.
- B. In May 2002, new Bulk Volume standards (BV I) were adopted which required and additional 6% front yard setback, allowed many basements to not count towards BFA, and required that a third garage door be setback an additional 5 feet.
- C. In January 2004, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted which still excluded many basements from being counted as BFA, however the basement area counts towards BFA for parking purposes only, the 6% front yard setback was required on both front yards on through lots, egress, light and ventilation wells were not permitted in setbacks, and on corner lots building walls over 25 feet in height are required to have an additional setback.
- D. In September 2004, the Bulk Volume Standards were further revised (BV III) to increase the additional 6% front yard setback to 8% and the 8% front yard setback was required on both front yards on through lots.
- E. On March 2, 2004 the City Council adopted the 2004-2005 Work Plan which included several items related to mansionization in residential areas. On April 6, 2004 the Council prioritized the Work Plan items, and on April 13, 2004 the City Council held a joint meeting with the Planning Commission to discuss the Work

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Plan items.

- F. On January 4, 2005 Code Amendments were adopted related to the 2004-2005 Work Plan to revise the Minor Exception section of the Zoning Code to encourage the retention of existing smaller non-conforming homes and allow them to expand up to 2,000 square feet. In September 2004 the bulk-volume additional requirements were revised to require 8% instead of 6% additional front yard setback.
- G. On January 26, February 23, and March 23, 2005 the Planning Commission held public hearings to discuss amendments related to lot mergers and large lot regulations. On April 27, 2005 the Planning Commission tabled the lot merger study pending further City Council direction.
- H. On June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization.
- I. On July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions on October 12, 2005 and made a recommendation to approve a maximum lot size on November 9, 2005 which was considered by Council on December 6, 2005.
- J. On December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization.
- K. The Mansionization Issues Committee met thirteen times, from February 2006 through March 2007.
- L. Pursuant to applicable law, the Planning Commission conducted duly noticed public hearings on October 25 and November 15, 2006 and public testimony was invited and received, regarding three proposed Code Amendments, based on initial recommendations from the Mansionization Issues Committee, related to lot mergers, Minor Exception regulations to encourage retention of small homes, and accessory structures on adjacent lots under common ownership. The Committee at that time had not completed their review and recommendations related to setback and open space revisions.
- M. On November 26, 2006 the Planning Commission tabled discussion on the three proposals from the Mansionization Committee after the City Council provided direction to review all of the Mansionization Committees recommendations at one time.

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- N. The Mansionization Issues Committee completed their review and developed a comprehensive set of recommendations on March 15, 2007 that were then presented conceptually to the City Council.
- O. On April 3, 2007 the City Council considered the Mansionization Committees recommendations related to Lot Mergers and directed staff to prepare a Moratorium on lot mergers.
- P. On April 17, 2007 a Lot Merger Moratorium was adopted by the City Council and subsequently extended on May 15, 2007, and amended on June 5, 2007.
- Q. On May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations.
- R. On June 26, 2007 the City Council conducted a special study session which included a windshield survey of the City to review the residential development and provide further direction to the Planning Commission on the proposed Mansionization Code Amendments.
- S. The Planning Commission held public hearings to review and discuss the Mansionization Committees recommendations and the City Council direction on July 25, August 8, September 5 and 12, October 10, and November 14, 2007.
- T. All of the Planning Commission and City Council public hearings included public notices or a one-quarter page display ad published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- U. The applicant for the subject project is the City of Manhattan Beach.
- V. The subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of single building sites created by merging two or more lots, by encouraging the remodeling and enlargement of existing homes to less than the maximum allowed, by increasing setback and open space requirements, and allowing accessory use of adjacent common ownership lots.
- W. The Lot Merger regulations establish a new maximum lot size in all Area Districts and residential zones with a few exceptions. The maximum lot sizes

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were established so that the majority of two originally subdivided lots could be merged. These square footages exceed two times the minimum lot size in order to capture the size of the majority of original subdivided lots looking at existing standard lot patterns and the size of originally subdivided lots. The lot sizes are two times the following lot sizes: Area District I- 50' by 150'; Area District II- 40' by 135', and Area Districts III and IV- 33.33' by 105'.

- X. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,
- Y. 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.
- Z. The Planning Commission 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.
- AA. The proposed amendment to the Title 10 and 11 of the Municipal Code (Zoning and Subdivision Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1: of the Land Use Element, to maintain the low-profile development and smalltown atmosphere of Manhattan Beach, by encouraging the retention of smaller homes, limiting lot mergers, and increasing setbacks and open space.

Policy LU-1.2: of the Land Use Element, to require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape, by increasing open space and setbacks, and allowing detached accessory structures on adjacent common ownership lots.

Goal LU-2 of the Land Use Element, to encourage the provision and retention of private landscaped open space, by increasing setbacks and open space.

Goal LU-3 of the Land Use Element, to achieve a strong, positive community aesthetic, by limiting the size of lot mergers.

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Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers and encouraging retention of smaller homes the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, and encouraging remodeling and enlargement of existing homes, and use of adjacent commonly owned parcels for accessory structures, and increasing setbacks and open space home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

- BB. 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.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.04 and A.04 (Definitions) of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Sections 10.04.030 and A.04.030 (Definitions) as follows:

Guest House (or Accessory Living Quarters): Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one single family residence, except as provided for in Section 10.52.050 F / A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

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Floor Area, Buildable- Single Family Residential Districts:

Area Districts I and II: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

Area Districts III and IV: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more.~~ That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

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PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I RS</u>	<u>Area District I RM</u>	<u>Area District I RH</u>	<u>Area District II RS</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft) Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) <u>(K)</u>
<u>Maximum</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<u>10,800</u>	<u>10,800</u>	<u>10,800</u>	
<u>Width (ft) Minimum</u>	50	50	50	40	40	40	

(K) Lot Dimensions- Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 50% building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current Zoning Code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.

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

3. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.

4. Religious assembly and public or private schools uses, used as a single

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

5. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.

6. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	Additional Regulations
Minimum Lot Dimensions					
Area (sq. ft)					(A) (B) (C)
<u>Minimum</u>	2,700	2,700	2,700	2,700	(J) <u>(K)</u>
<u>Maximum</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
Width (ft)					
<u>Minimum</u>	30	30	30	30	

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(K) Lot Dimensions- Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 50% building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current Zoning Code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to (date of approval of this Ordinance).
2. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, and in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 and A.12.030 as follows:

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

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A) (2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the “Additional Regulations” column refer to “Additional Development Regulations” following the schedule.

This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

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PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (percentage- ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E) (T)
Rear (percentage- ft.)	<u>12 min 40;25</u>	<u>12 min 40;25</u>	<u>12 min 40;25</u>	<u>12 min 40;25</u>	<u>12 min 40;25</u>	<u>12 min 40;25</u>	(D)(E)(F)(G)

Note: In the RS districts, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) (G)
Side (percentage- ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F)(G)

Note: In the RS district, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.

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PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, and Walls, <u>and</u> Hedges	(P) <u>and 10.60.150</u>
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures <u>and</u> 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
<u>Substandard Lots</u>	See Section 10.60.020 and 11.32.030 and (J)
<u>Building Projections into Setbacks</u>	See Section 10.60.040
<u>Landscaping</u>	See Section 10.60.070
<u>Accessory Structures</u>	See Section 10.52.050
<u>Exterior Materials</u>	See Section 10.52.020
<u>Home Occupation</u>	See Section 10.52.070
<u>Tree Preservation</u>	See Section 10.52.120

SECTION 6. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (E) and A.12.030 (E) as follows:

E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3'). ~~and need not exceed five feet (5').~~

(1) Exceptions--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

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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.

Rear Setback:

(1) In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 x (lot depth in feet)--20; provided that the minimum setback is ~~ten~~ twelve feet (10') (12') ~~and the maximum required setback is twenty-five feet (25')~~.

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

SECTION 7. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (F) and A.12.030 (F) Building Height and Required Yards of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (F) and A.12.030 (F) as follows:

(F) **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding ~~twenty-five feet (25')~~ twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

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

SECTION 8. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (G) and A.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (G) and A.12.030 (G) as follows:

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PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D) <u>(G)</u>
Side (<u>percentage-</u> ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	5	5	5	(D)(E)(F) <u>(G)</u>

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

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

SECTION 9. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (H) and A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (H) and A.12.030 (H) as follows:

(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 ~~shall not~~ 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 is 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 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony

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shall be no higher than nine feet (9') below the height limit.

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.

SECTION 10. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (M) and A.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (M) and A.12.030 (M) as follows:

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

(1) For single family dwellings in Area District III and IV and multifamily dwelling units in all districts, ~~containing 2,333 square feet or less of buildable floor area,~~ the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 15% open space shall be required for the basement square footage.

~~(2) For single family dwellings in Area Districts III and IV and multifamily dwelling units in all districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.~~

(3) The amount of a dwelling unit's required open space located above the second story ~~shall not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story~~ (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

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

SECTION 11. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (P) and A.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (P) and A.12.030 (P) as follows:

(P) Fences, and Walls, and Hedges. The maximum height of a fence, ~~or~~ wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In

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addition, all fences, ~~and walls~~ and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

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

Exceptions:

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

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

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet to any part of any building.

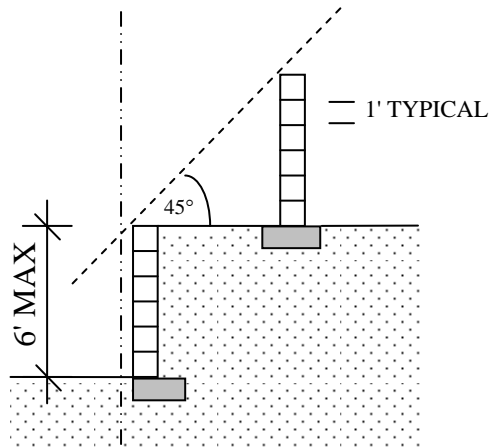
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet,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

2. Architectural screen walls not to exceed six (6) feet six (6) inches in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen (14) feet back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (1/2) the lot width.

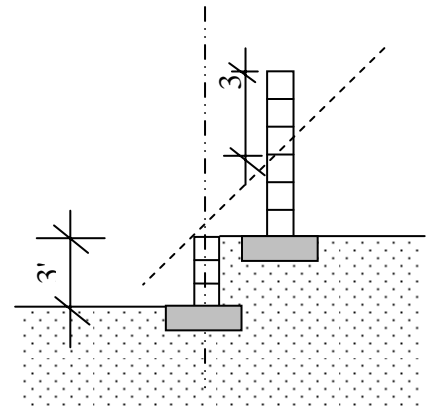
~~For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to the corresponding top of said barrier portion, including any attachments. If more than one (1) fence/wall is located within a required yard, any portion of a fence/wall is located within a required yard, and portion of a fence/wall that projects above a forty five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall, shall be counted toward the height measurement of the lowest fence/wall.~~

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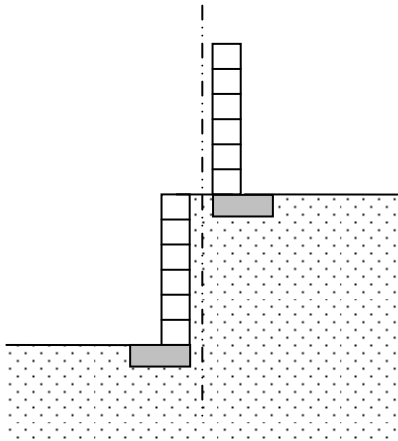
SIDE OR REAR YARD P/L



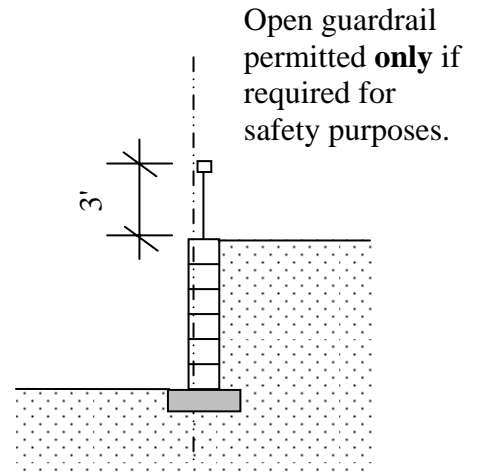
SIDE OR REAR YARD P/L



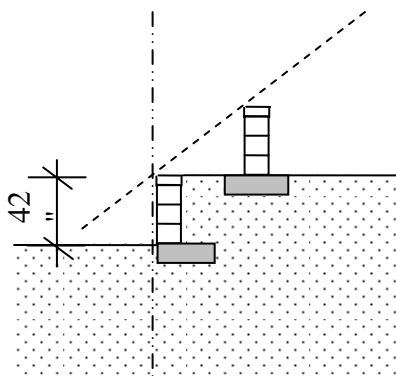
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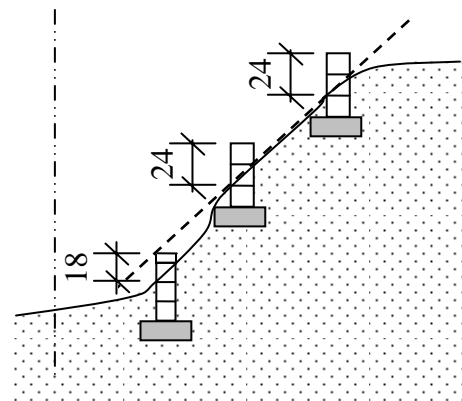
SIDE OR REAR YARD P/L



FRONT YARD P/L



FRONT YARD P/L



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

PERMITTED FENCE/WALL/HEDGE HEIGHTS

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SECTION 12. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (T) and A.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (T) and A.12.030 (T) as follows:

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

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six ~~eight~~ percent (6%) (~~8%~~) of the lot area, and shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth.

2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of 45% and a maximum of 55% of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third (1/3) [thirty-three percent (33%)] of the lot's buildable width. Adjacent to the corner streetside the area shall provide a minimum of 3' of depth or width and shall be distributed to provide building wall articulation.

3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).

3. A maximum of one-half (1/2) of said area shall be designed or useable as roof top deck surfaces.

4. Building projections above said area shall be considered as projections within a front yard.

Exceptions:

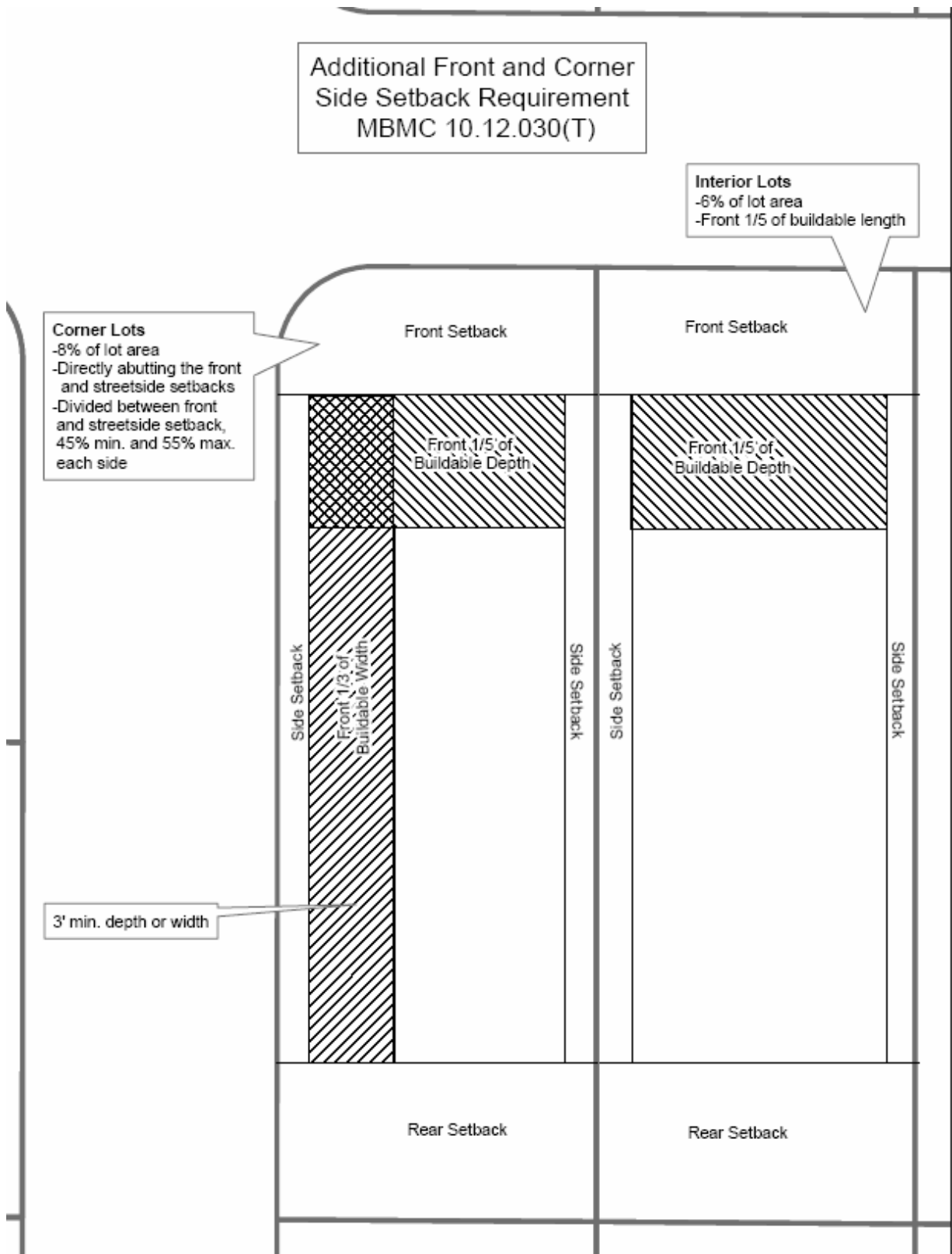
1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.

2. This requirement may be reduced for a small, shallow, or multiple front yard lot if it prevents the lot from attaining its permitted buildable floor area subject to approval of a minor exception.

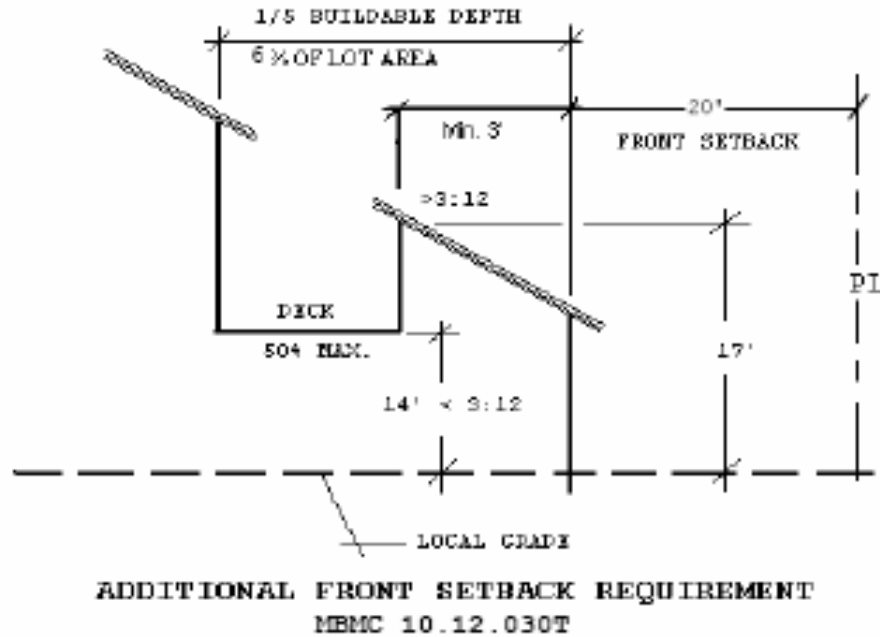
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.

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

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SECTION 13. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.52.050 and A.52.050 Accessory Structures of the Manhattan Beach Municipal Code and Coastal Zone Zoning Ordinance by amending Sections 10.52.050 B. and A.52.050 B as follows:

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. below.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet 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 basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

~~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.~~

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SECTION 14. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.52.050 and A.52.050 Accessory Structures of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by adding Sections 10.52.050 F. and A.52.050 F as follows:

- F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one or more of the lots, subject to the following criteria.
1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
 2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
 3. One of the lots must be developed with a residential dwelling unit as the principal structure.
 4. The development is in compliance with current Zoning Code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total Buildable Floor Area on all of the common ownership lots combined.
 5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
 6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
 7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title :
 - a. Guest House (or Accessory Living Quarters) in compliance with the requirements of Section 10.04.030/A.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E/A.52.050 E.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including but not limited to, pools and spas, sports courts, decks, and patios.

SECTION 15. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.60.040 H. and A.60.040 H. Minor Exceptions of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Site Regulations-All Districts- Building projections into required

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yards or required open space, as follows:

10.60.040 Building projections into required yards or required open space.

Projections into required yards or required open space shall be permitted as follows:

~~H. **Minor Exceptions.** The Community Development Director may grant minor exceptions: for the construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, from the limits on projections of reconstructed raised grade stairways, architectural archways, covered entries and covered porches into required yards and required open space for pre-existing structures under the provisions of Section 10.84.120.-(Reserved)~~

SECTION 16. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.64.030 and A.64.030 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required, as follows:

10.64.030 Off-street parking and loading spaces required.

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Single-Family Residential: Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling less than 3,600 square feet	2 enclosed per unit.(See <u>Minor Exception- Chapter 10.84 for existing structure provisions</u>)	

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Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. <u>(See Minor Exception- Chapter 10.84 for existing structure provisions)</u>	
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multi-family Residential (includes condominiums)	2 spaces, including 1 enclosed/unit. (2 enclosed per condominium unit.) In area district IV, both spaces must be enclosed. In building with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.	
Guest Parking	Condominiums: 1.0 space/unit. Apartments: 0.25 space/unit for buildings with 4 or more units. Guest parking spaces may be a compact car size. All compact spaces shall be clearly labeled "Compact." Required guest spaces for condominiums only may be in tandem configuration provided that, except for lots on The Strand, none other than resident spaces of the same unit are blocked and that such a configuration would not result in undue traffic hazard. (See following illustration "Condominium Guest Parking Provisions"). In no case shall a guest space block two tandem spaces. The dimension of standard, compact, and tandem parking spaces for all required and additional spaces shall be in accordance with the provisions of this Code.	
Residential Care, Limited	1 per 3 beds.	-
Senior Citizen	.5 per unit, plus: 1 accessible and designated guest space/5 units, one space per non-resident employee and 1 (11' w x 30' l x 10' h) loading area.	

SECTION 17. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.64.090 and A.64.090 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:

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10.64.090 Parking space dimensions.

Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage housing 6 or fewer cars, or in door at rear of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more than 6 cars with access via driveway	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area district IV)	9.0 x 36 (9.0 x 33)	-
Non-Residential	Angle spaces	8.5 x 18	8.0 x 15
All	Parallel spaces	8.0 x 22	8.0 x 22

Exceptions:

1. Existing legal nonconforming parking spaces may remain nonconforming with regards to width, depth, and vertical clearance for up to a maximum of one foot (1') in each dimension, per space, without regard to value of site alteration. See Minor Exception- Chapter 10.84 for additional provisions for existing parking spaces and existing structures.

SECTION 18. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.68.010 and A.68.010 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Nonconforming Uses and Structures- Specific Purposes, as follows:

10.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by ~~prohibiting~~ regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

SECTION 19. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.68.030 and A.68.030 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Alterations and enlargements of nonconforming uses and structures, as follows:

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10.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

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

Exceptions.

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

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5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.

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

SECTION 20. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.84.010 and A.84.010 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Section 10.84.010 Purposes.

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

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

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

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

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

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to

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encourage home remodeling and ~~small~~-additions to existing smaller older legal non-conforming homes. ~~The provisions~~ strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, ~~as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.~~ ~~Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming Code provisions.~~ ~~The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.~~

SECTION 21. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.84.120 and A.84.120 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Section 10.84.120 Minor exceptions.

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

~~**Valuation less than 50%.** Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E), as provided below.~~

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
10.12.030 and 10.68.030 D.	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed.
10.60.040(H)	and, r Reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.

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~~10.60.50 Alternative reference point for height measurement for pre-existing structures that have height nonconformities.~~

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., and 10.12.030 and 10.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
<u>10.12.030</u>	<u>Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.</u>
<u>10.12.030</u>	<u>Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.</u>
<u>10.12.030 (M)</u>	<u>Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.</u>
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback for small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area.</u>
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided</u>

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elsewhere on the lot.

10.12.030(T) Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.

10.12 – 10.68 Non-compliant construction due to Community Development staff review or inspection errors.

10.68.030 D, 10.12.030 and. Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.12.030 (R)

10.68.030 D. and E. Alterations, remodeling and small—additions (enlargements) to existing smaller ~~older~~ legal non-conforming structures ~~dwelling units~~.

10.68.030 E. Alterations and remodeling to existing legal non-conforming structures.

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

1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .
2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from

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Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

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

2. Applications for minor exceptions from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections 10.68.030 D, 10.12.030, and 10.12.030 (R). must meet the following criteria, and notice as provide in Section D below, must be provided:

a. Construction of a first, second or third story residential addition that matches the existing non-conforming setback(s). The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less.

C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site.

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

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, ~~copies of deeds, any required power of attorney,~~ plans and mapping documentation in the form prescribed by the Community Development Director.

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2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site;
 4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.
- E. **Notice to Property Owners- Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. ~~with application submittal items 3 and 4 above.~~ Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- F. **Director's Review and Action-All Minor Exceptions.**
1. **Notice of Decision.** After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant ~~and City Council~~ a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above. ~~previously noticed pursuant to A and B above.~~
 2. **Findings.** In making a determination, the Director shall be required to make the following findings; ~~consider the following criteria:~~
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

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

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

G. **Additional Criteria- Sections 10.68.030 D and E.** When making a determination to approve an exception to Section 10.68.030 D. and E, the Director shall also require consider the following criteria to be met, in addition to the criteria findings in Section 10.84.120 (F) 2., as stated above:

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

~~2. When making a determination to approve an exception to Section 10.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 2:~~

- ~~a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section 10.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.~~

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

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

- a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
- b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
- c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
- d. Architectural upgrades, including those associated with construction of

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- new square footage, as determined to be necessary by the Director of Community Development.
- e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
- ~~a. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.~~
3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
 7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.
 9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
 10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than 50% of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements.

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This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. Additional Criteria- Section 10.12.030 (T). Interior Lots. When making a determination to approve an exception to Section 10.12.030 (T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 (F) 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
5. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

I. Additional Criteria Section 10.12.030 (T) – Corner Lots. When making a determination to approve an exception to Section 10.12.030 (T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 F 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030 (T).
2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
4. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

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

1. Achieve the general purposes of this ordinance and the specific purpose of the

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zoning district in which the minor exception will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

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

SECTION 19. The Planning Commission of the City of Manhattan Beach hereby recommends adding Section 11.32.090 and A.32.090 of Title 11, Chapter 11.32 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Reversions to Acreage and Mergers, as follows:

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

11.32.010 Reversions to acreage.

11.32.020 Merger of contiguous parcels.

11.32.030 Merger of contiguous parcels--Conditions.

11.32.040 Merger of contiguous parcels--Notice of intent.

11.32.050 Merger of contiguous parcels--Hearing.

11.32.060 Merger of contiguous parcels--Determination of merger.

11.32.070 Merger of contiguous parcels--Determination of non-merger.

11.32.080 Merger of contiguous parcels--Request by property owner.

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels.

SECTION 20. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is

RESOLUTION NO. PC 07-17

commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 21. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 22. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of November 14, 2007 and that said Resolution was adopted by the following votes:

AYES:	Chairman Bohner, Vice-chair Lesser, Commissioners Powell, Schlager and Seville-Jones
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
EXCERPTS
JULY 25, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, July 25, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400 Highland
3 Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser, Powell, Schlager, Seville Jones, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Eric Haaland, Associate Planner
14 Esteban Danna, Assistant Planner
15 Sarah Boesch, Recording Secretary
16

17
18 **07/0725.4 Consideration of CITY COUNCIL 2005-2007 WORK PLAN ITEM to Address**
19 **MANSIONIZATION in RESIDENTIAL ZONES**
20

21 Director Thompson stated that proposed amendments represent over 1½ years of working with
22 the Mansionization Committee, the Planning Commission and City Council. He commented that
23 over 20 people attended the Mansionization Committee meetings regularly. He said that the
24 Committee members were very dedicated and represented a cross section of the community. He
25 stated that the four parts of the recommendations include amendments to discourage new large
26 homes currently being built and encourage the retention of existing homes; amendments to allow
27 accessory structures on adjacent common ownership lots; amendments for new residential
28 development to increase open space and increase setbacks; and amendments to limit the number
29 of lots that may be merged. He commented that the newspaper made an error and they published
30 the ad for the hearing late. He said that staff is suggesting that a comprehensive overview be
31 provided tonight and that the discussion be continued to the August 8 meeting.

32
33 Commissioner Schlager commented that when three agenda items precede an important item for
34 consideration such as mansionization, members of the public who have waited to speak
35 regarding the issue do not get the attention they deserve because of the late hour. He suggested
36 that items with such great impact be communicated to the Commissioners and possibly be moved
37 to a special meeting which is properly noticed to allow full time to be devoted to the topic. He
38 said that the public is limited to three minutes of discussion, and more time should be spent on
39 issues that are going to have such a lasting impact on the community.
40

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1 Commissioner Lesser commented that he served on the Mansionization Committee for 1 ½
2 years. He indicated that it is important to spend a good deal of time considering the issues. He
3 indicated that it is important to separate the issues, and it is important to notify the public when
4 the different components will be discussed. He commented that the public needs to be informed
5 of the assumptions of the Committee; the data that was considered as well as the data that was
6 not available to the Committee; and the other approaches that the Committee considered. He
7 said that he supports considering the issue in stages and conveying to the public when the
8 sessions will occur.

9
10 Commissioner Seville-Jones said that she agrees with the comments of the other Commissioners
11 that the item needs to be considered very thoroughly. She said that the Commission is
12 discussing the issue at this hearing very late and with a deficient notice. She commented that the
13 full presentation will only be given once, and she asked whether the presentation should occur at
14 the next meeting earlier in the evening and when the public has received proper notice.

15
16 In response to a question from Chairman Bohner, Director Thompson pointed out that there are
17 two other agenda items scheduled for the August 8 meeting. He commented that this is the first
18 time that the Commission would hear the full comprehensive presentation; however, there will
19 also be presentations at each subsequent hearing.

20
21 Commissioner Powell indicated that he agrees that important topics such as Mansionization
22 should be discussed at a separate meeting with no other agenda items whether at a regular or
23 special meeting. He commented that he attended several of the meetings although he was not a
24 member of the Mansionization Committee, and it was a long and detailed process to consider the
25 issues. He said that he would want the public to have ample opportunity to express their
26 concerns regarding all of the various components. He said that he would want a meeting where
27 the public could hear the full presentation and have an opportunity to express their views. He
28 said that Mansionization is a very important issue, and it has broad implications for future
29 development in the City.

30
31 Chairman Bohner said that the Commission's major attention needs to be spent on the topic, and
32 he would be in favor of having a special meeting if necessary.

33
34 Director Thompson commented that the item can be continued to August 8, and it can then be
35 continued to a special meeting if determined appropriate after the presentation and discussion.

36
37 Commissioner Lesser said that he would be in favor of allowing members of the public in
38 attendance to speak and continuing staff's presentation to the next meeting.

39
40 Director Thompson indicated that the notice for this meeting and the August 8 hearing was
41 published in the Beach Reporter within the past week. He pointed out that everyone who is

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1 interested in the topic has been told of the hearing.

2

3 Chairman Bohner said that he would want to make sure that as many members of the public as
4 possible who are interested are in the audience to hear the entire presentation.

5

6 Director Thompson pointed out that members of the public will be able to speak at a number of
7 different hearings.

8

9 Senior Planner Jester said that five e-mails that were received by staff have been provided to the
10 Commissioners with comments regarding the proposal for lot mergers.

11

12 **David Wachfogel** said that the issue of Mansionization is so important that it must be
13 considered in an appropriate manner. He indicated that he does not feel he has wasted his time
14 by sitting through the other agenda items and having the presentation continued to August 8.

15

16 **Jim Fasola**, a local architect, stated that he served on the Mansionization Committee. He
17 indicated that many of the issues regarding mansionization are more esoteric and technical in
18 nature. He said that it is a narrower group of people that will be involved in the issue, and he
19 does not believe that a significantly larger number of people would attend additional hearings.
20 He commented that his are not generally aware of how the Code regulations impact their project.

21

22 **Martha Andreani**, said that she has stated previously that matters of import before the
23 Commission or City Council should not come after 10:00 p.m., as people are tired by that hour.
24 She said that she feels it is important to delay the presentation, and she would hope that it could
25 be addressed first at the next hearing. She stated that she is unclear and would like further
26 definitions regarding item 2 addressing the accessory use of adjacent parcels. She asked
27 regarding the relation of increasing open space and setbacks to addressing lot mergers.

28

29 **Kathy Clark**, a Manhattan Beach resident, stated that one reason that there are not more people
30 in attendance is because of the technical nature of the material. She said that making the
31 material less technical would allow more people to understand the issues, and it has taken her a
32 considerable amount of time to feel comfortable with the material. She indicated that there are
33 many three story homes in her area with planters in the side yard that create congestion and
34 reduce setbacks. She commented that she has also observed a home under construction near the
35 beach in which the entire front yard is entirely filled by concrete planters. She commented that
36 taller structures need softening with landscaping and yards because of their large size and the
37 limited amount of space on the lots. She commented that she would like protections put in place
38 before lot mergers are considered.

39

40 **Bob Blanchard**, a resident of the 600 block of 9th Street, said that he was a member of the
41 Mansionization Committee. He said that they were able to test ideas against different lots,

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1 determine the impacts in different areas, and determine the number of lots that would be
2 impacted. He said that there was much work has been done by staff, and it will be difficult for
3 members of the community to understand all of the issues given the 15 meetings that were held
4 by the Mansionization Committee and the large amount of material.

5
6 **Viet Ngo** indicated that the meetings must be open to public participation. He said that there is
7 pattern of very important issues for the community being discussed late at meetings without the
8 patience to allow for public input. He said that it is common sense that the priority of the next
9 meeting should be devoted to mansionization rather than considering the application for wine
10 tasting at Ralph's because of the importance of Mansionization to the community. He said that
11 the meeting should be well advertised, and people need to be educated regarding the word
12 "Mansionization." He asked the Commission to put the item early on the agenda and highlight
13 the reasons for the proposals. He said that the staff must accommodate the public and not make
14 people wait until midnight to speak, which is not in good faith and does not serve the public.

15
16 **Paul Gross**, indicated that he was on the Mansionization Committee. He commented that it
17 would be doing the right thing to make the item the main emphasis of the next meeting. He
18 pointed out that items three and four must be discussed together. He stated that staff has done a
19 terrific job, and the issue is technical. He suggested allowing staff to hire someone to make three
20 dimensional representations, which would be helpful to demonstrate the different proposals.

21
22 **Sean Jacowski**, a resident of the 300 block of John Street, said that he agrees that the issue is
23 technical, and people will have general as well as technical comments. He said that he has tried
24 to read and fully understand the report. He suggested staff work further on definitions before the
25 report is presented. He said that describing a typical or standard lot size can be interpreted
26 differently for the different areas of the City. He indicated that he recognizes that property
27 owners have rights; however, the community and City has the right to set limits on development
28 and override a property owner's personal wishes. He stated that allowing lots to be merged and
29 to spread across the boundary of the previous lot lines changes rather than preserves the
30 character of the neighborhoods.

31
32 **Robert Schuman**, said that he echoes the comments that the discussion was not wasted time,
33 and members of the public appreciate the efforts of the Commissioners. He said that he
34 appreciates that it is recognized that the issue should be given priority it deserves at either the
35 next regular or a special Planning Commission meeting.

36
37 **Cindy Fisk**, stated that the residents do not want mergers of more than two lots regardless of
38 whether it is for multiple family developments or single family homes. She commented that she
39 has submitted a petition to the City Council, and she will provide more signatures if it is
40 necessary in order for the Council and Commission to understand the wishes of the community.

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1 **Gerry O'Connor**, a resident of the 500 block of Harkness Street, indicated that he has submitted
2 comments to the Commissioners. He commented that he attended the City Council study
3 session. He said that he was surprised by the reintroduction of the grandfathering of merged
4 properties, which was in direct conflict with all previous discussions regarding the issue. He
5 indicated that he was pleased that there seemed to be concurrence that the Mansionization
6 Committee significantly strayed from their original charge and that their recommendations take
7 only small steps toward a much larger issue. He indicated that his understanding is that the
8 Council is not only asking the Commission to review the recommendations but also gather input
9 as to whether the recommendations are adequate overall and whether they fulfill the charge
10 originally defined to the Mansionization Committee. He stated that he personally does not feel
11 the recommendations are adequate but looks forward to the discussion and consideration by the
12 Commission.

13
14 Director Thompson said that staff's presentation answers many of the questions that are raised
15 by several of the speakers. He said that he would encourage people to review the summary in
16 the staff report and to contact staff if they are confused on the issues.

17
18 Commissioner Seville-Jones commented that the staff report does not specify the impact of the
19 proposed recommendations regarding BFA.

20
21 Director Thompson pointed out that the staff's overall presentation is meant to be a broader
22 overview, and more information regarding BFA will be presented when that item is specifically
23 addressed.

24
25 Commissioner Seville-Jones said that providing examples is very important to help understand
26 the impacts. She indicated that that "typical" or "standard" is different for different areas, and
27 publishing a map that includes the lot sizes and patterns would be helpful.

28
29 Commissioner Powell pointed out that searching on Google Earth helps to provide a perspective
30 of the layout of lots within the City.

31
32 Commissioner Lesser said that there are going to be differences of opinion, in that some people
33 feel very strongly there should be no limits on property rights and other people feel that there is a
34 fundamental problem that must be addressed. He commented that the amount of time necessary
35 and the complexity of the issues required the focus of a special group. He stated that many
36 people are unaware of the assumptions that went into the work of the Mansionization
37 Committee, and it is now the obligation of the Committee members to explain to people the
38 assumptions that were made and other approaches that were considered.

39
40 **DIRECTOR'S ITEMS**

41

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1 Director Thompson stated that the state APA Conference is scheduled for September 30 through
2 October 3, 2007, and the Commissioners are all welcome to attend.

3

4 **PLANNING COMMISSION ITEMS**

5

6 **TENTATIVE AGENDA: August 8, 2007**

7

8 A. Consideration of City Council 2005-2007 Work Plan Item to Address Mansionization
9 in Residential Zones

10 B. Ralphs Wine tasting-Manhattan Village Mall

11 C. Front setback variance and coastal permit, ½ lot on alley- 124 21st Place

12

13 **ADJOURNMENT**

14

15 The meeting of the Planning Commission was **ADJOURNED** at 10:45 p.m. in the City Council
16 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, August 8, 2007, at 6:30 p.m. in the
17 same chambers.

18

19

20 _____
21 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
EXCERPTS
AUGUST 8, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, August 8, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Daniel Moreno, Associate Planner
14 Angelica Ochoa, Assistant Planner
15 Sarah Boesch, Recording Secretary
16

17 **PUBLIC HEARINGS (CONTINUED)**

18
19 **06/0725.4-3 Consideration of City Council 2005-07 Work Plan Item to Address**
20 **Mansionization in Residential Zones**
21

22 Director Thompson commented that staff's plan is to have a comprehensive presentation at this
23 hearing with discussion focused on the remodel ordinance. He suggested possibly scheduling a
24 special meeting for discussion regarding lot mergers and new development standards.
25

26 Commissioner Seville-Jones said that she has a concern that many people tend to take vacations
27 on the last week of August, and she would not want for the important issue of lot mergers to be
28 discussed while a large number of interested people may not be able to attend. She indicated
29 that she would prefer to have the special meeting on cable so that people who may be interested
30 can watch the broadcast.
31

32 The Commissioners agreed to hold a special meeting regarding mansionization on Wednesday,
33 September 5, 2007, at 6:00 p.m. in the City Hall chambers with discussion regarding lot mergers
34 and new development standards.
35

36 Senior Planner Jester summarized the staff report. She said that items that are being considered
37 are encouraging the retention of smaller homes; the accessory use of adjacent common
38 ownership parcels; new development standards increasing open space and increasing setbacks
39 for any new construction; and restricting lot mergers. Regarding questions raised at the last
40 Planning Commission meeting, she indicated that people will construct planters in the side yards
41 to raise the grade of the yard so that the bottom level of the structure is defined as a basement

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1 rather than a story which requires them to have only one rather than two exits. She commented
2 that the term “typical lot size” is a conglomerate of lot sizes which depends on the area. She
3 commented that a chart of lot sizes has been provided to the Commissioners with the staff report.
4 She indicated that the term “minimum lot size” is the minimum lot size as defined by the Zoning
5 Code. She said that a minimum lot in the beach area is 2,700 square feet (30’ by 90’), although
6 there are also larger lots. She said that allowing only lots of 30’ by 90’ lots when considering lot
7 mergers would mean that lots which are 33 1/3’ by 105’ could not be combined. She said that
8 staff used the term “typical lot size” to accommodate lots that are slightly larger than the
9 minimum.

10
11 Senior Planner Jester indicated that basement areas were previously very limited to small rooms
12 of 70 square feet and 7 foot ceilings, which would not count toward buildable floor area (BFA).
13 She indicated that it was determined with the Bulk Volume Amendments that any size basement
14 area which is exposed less than 2 feet above ground should not be counted toward BFA because
15 it is not visible from the street. She indicated that people began building larger and larger
16 basements as a result of the new Bulk Volume Ordinance. She indicated that wells are required
17 for basements in order to allow exit in the event of an emergency as well as providing light and
18 ventilation, and more wells were being placed within the side yard setback as the size of
19 basements became larger. She indicated that the Code was then revised to restrict wells within
20 the side yard setback. She commented that staff has not really observed a reduction in the
21 amount of BFA in the upper levels with the increased size of basements. She pointed out that
22 the basement area is counted toward the parking requirement. She commented that a setback is
23 the distance between a building and the property line. She indicated that new development must
24 conform to current standards regardless of the size of the lot, and the proposed amendments
25 would not allow any new development to be built according to previous development standards.
26 She said that any new development on existing unmerged developed lots would need to comply
27 with the new standards including number of units, open space, and parking. She indicated that
28 the proposal regarding lot mergers would limit the number of lots that can be merged. She
29 pointed out that existing lots which are currently not legally merged but used as one large lot
30 would be permitted to remain until they are redeveloped, which would not change the pattern of
31 development of a neighborhood because they are already developed as one large lot.

32
33 Director Thompson indicated that any size development would be required to meet the new
34 standards regardless of the size of the lot.

35
36 Senior Planner Jester indicated that the Mansionization Committee and City Council felt it was
37 better to allow smaller nonconformities with an addition to an existing home than to have a home
38 be demolished and rebuilt to the maximum allowed. She said that safety requirements would
39 need to be in compliance as much as possible with the proposed amendment. She stated that it is
40 important that the amount of garage parking space increases with larger homes. She said that
41 allowing some flexibility for the front yard setback requirement would acknowledge that it is

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1 difficult in some cases to provide the required setback in the front yard for remodels. She said
2 that staff is asking the Commission to consider administratively allowing a 100 percent remodel
3 with maximum BFA of up to 66 percent in Area Districts III and IV and up to 75 percent in Area
4 Districts I and II or 3,000 square feet, whichever is less. She indicated that currently there is a
5 limit of 2,000 square feet for remodels which is done with neighborhood notification. She said
6 that the Council is asking the Commission to determine whether they feel the percentage of BFA
7 is appropriate and whether a 3,000 square foot limit is appropriate. She stated that the Council is
8 also asking the Commission to determine if it is appropriate for homes that are larger than 3,000
9 square feet to be approved administratively with neighbor notification. She stated that there is a
10 smaller percentage of allowable BFA proposed for remodels in the beach area because people
11 tend not to develop to the maximum because of the open space and parking requirements. She
12 indicated that the proposal is to allow a 100 percent remodel with a requirement that 10 percent
13 of the original structure be maintained. She pointed out that currently 25 percent of the existing
14 structure is required to be maintained for a remodel. She commented that the proposal is to
15 require a single car garage for homes up to 2,000 square feet; a two car garage for homes up to
16 2,800 square feet; a two car garage with both spaces enclosed for homes up to 3,600 square feet;
17 and a three car garage for homes larger than 3,600 square feet.

18
19 In response to a question from Chairman Bohner, Senior Planner Jester indicated that currently
20 remodels are approved administratively with neighbor notification. She indicated that such
21 decisions can be appealed to the Commission.

22
23 Commissioner Seville-Jones indicated that she would like more information regarding the
24 thought behind requiring 10 percent of the existing structure to remain for remodels rather than
25 maintaining the current requirement of 25 percent. She commented that a requirement of
26 maintaining 10 percent of the existing structure seems like a very low percentage.

27
28 Senior Planner Jester pointed out that the percentage of the home that is retained with a remodel
29 is based on Building Code valuation rather than the actual percentage of the structure that
30 remains in tact. She clarified that the requirement is that 10 percent of the value of the home be
31 retained rather than 10 percent of the physical structure.

32
33 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that a 100
34 percent remodel consists of maintaining the exterior walls of a structure and completely
35 remodeling the interior.

36
37 In response to a comment from Commissioner Lesser, Senior Planner Jester stated that there
38 currently is a regulation that all existing nonconformities must be brought into compliance if the
39 value of any remodel or addition to a home exceeds 50 percent of the Building Code valuation of
40 the existing structure.

PLANNING COMMISSION MINUTES-EXCERPTS

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1 Commissioner Lesser commented that the 50 percent requirement has encouraged property
2 owners to demolish existing structures and build new homes.

3
4 In response to a question from Commissioner Powell, Senior Planner Jester indicated that
5 currently a two car garage is required for any home under 3,600 square feet and a three car
6 garage is required for any home over 3,600 square feet. She said that the proposed requirement
7 for a two car enclosed garage for homes over 2,000 square feet is to allow some flexibility to
8 acknowledge that it might not be feasible to add a two car garage with a remodel on a smaller lot
9 with smaller homes.

10
11 Commissioner Lesser commented that the goal of the Mansionization Committee was to reach a
12 compromise between people who feel very strongly there should be no limits on property rights
13 and people who feel that there is a fundamental problem that must be addressed for the interest
14 of the community. He said that the ultimate recommendations represent a compromise, and the
15 issue now is to determine whether the recommendations are appropriate. He said that the limit of
16 3,000 square feet for remodels was a balance between people who wanted a lower threshold and
17 those that felt a greater threshold was appropriate, but he would consider a lower threshold.

18
19 Senior Planner Jester indicated that the proposal is to allow the front setback to be distributed to
20 other areas besides the front adjacent to a property line and to increase the required percentage if
21 provided in other areas. She commented that the intent is to provide open area in the exterior of
22 the home where it is most beneficial to neighboring properties along the side yard rather than in
23 interior areas of the property. She indicated that the proposal is to allow the required percentage
24 of open space to wrap around the corner of the property on corner lots so that the open space is
25 distributed to the front as well as the side yard along the street. She commented that currently
26 the open space requirement is for the front yard. She commented that the concern of the City
27 Council was to provide some building wall articulation, and they would like the Commission to
28 consider the percentages that would be appropriate to wrap around the corner in order to provide
29 additional articulation.

30
31 Senior Planner Jester commented that currently only non structural items such as decks, patios
32 and gardens are permitted unless there is also a primary residence located on a lot. She said that
33 the proposal would allow for accessory structures such as a pool house, guest house, or
34 workshop without a home being located on a lot. She said that allowing accessory structures as
35 proposed would allow for open space and would maintain the ability of the owner to sell the
36 parcel. She indicated that the proposal would provide for better use and more flexibility for
37 commonly owned adjacent lots. She commented that a covenant would be required to be
38 recorded that the lots be tied together and not be sold until such time as the undeveloped lot is
39 redeveloped with a primary residence. She stated that there is a concern that the lots be sold off
40 with only a garage and pool or with a guest home that includes no garage as required for a
41 primary home.

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In response to a question from Chairman Bohner, Director Thompson said that the undeveloped property could be sold to someone who planned to develop the property.

Chairman Bohner commented that his understanding was that much of the concern previously raised regarding front yard setbacks was related to the appearance of bulk from the street side of the property. He asked whether the elimination of open space from the front yard to be placed on the side yards of the property would have an impact on the appearance of bulk from the front.

Senior Planner Jester commented that the proposed regulation would only apply to corner lots in order to wrap the open space around the street side and would not apply to interior lots. She indicated that the City Council and Mansionization Committee have considered reducing the percentage of required front yard setback from 8 percent to 6 percent. She indicated that consideration could be given to requiring 8 percent of open space for corner lots.

Director Thompson indicated that wrapping the open space around the side yard for corner lots would still meet the intent of mitigating the impact of bulk from the street, but at some point the effect of the setback is diluted. He stated that the intent of requiring 8 percent of open space for corner lots is to mitigate any impact from the loss of open space from the front yard. He said that 6 percent is probably appropriate for interior lots.

In response to a question from Chairman Bohner, Director Thompson said that discussion of encouraging the retention of smaller homes and the accessory use of adjacent commonly owned parcels will be continued to September 12, 2007. He said that the special meeting scheduled for September 5 will be regarding lot mergers and new development standards.

Commissioner Lesser said that he would like more clarification regarding the specific questions the Council is asking the Commission in order for them to be considered individually and have members of the public be able to address the specific points as the proposals are discussed.

Director Thompson stated that the City Council basically supported the proposed amendments and wanted the Commission to focus on the variables that have been pointed out.

Commissioner Seville-Jones commented that there did not appear to be any negatives in the staff report regarding the proposed amendment for accessory uses on adjacent parcels. She indicated that she feels noise impacts could be a consideration.

Senior Planner Jester said that the proposed amendment regarding accessory uses does not change the development standards for such properties. She indicated that the only difference for such properties with only accessory structures is that they would not include a primary residence.

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1 In response to a question from Commissioner Seville-Jones, Director Thompson indicated that
2 the current standards would protect neighboring properties from impacts such as lighting spilling
3 over from a basketball court. He stated that no special standards are being proposed for such
4 accessory uses.

5
6 In response to a question from Commissioner Seville-Jones, Senior Planner Jester indicated that
7 there currently are not standards specifically regulating basketball courts. She said that such a
8 use could not be built within the required setbacks.

9
10 Director Thompson pointed out that there are current regulations to prevent lighting from shining
11 directly into the yards of adjacent properties. He commented that there is not much difference
12 from a basketball court being located on a separate lot as opposed to being located on a single
13 larger lot which includes a primary residence.

14
15 Commissioner Seville-Jones indicated that she is wondering if the proposed amendment takes
16 into consideration the compatibility of an accessory structure to the adjacent neighbors as a
17 factor in determining whether such a use would be permitted.

18
19 Senior Planner Jester commented that a basketball court could be placed on a property whether
20 or not a house was also located on the lot.

21
22 Director Thompson said that accessory structures would only be approved that are appropriately
23 located within a residential area.

24
25 Commissioner Powell asked whether there would be any restrictions for building a concrete pad
26 for parking a motor home or boat or for placing a skateboard ramp.

27
28 Director Thompson pointed out that no new standards are being proposed under the new rule.
29 He indicated that no such requests as suggested by Commissioner Powell have been received,
30 and they would most likely be denied. He indicated that staff is very careful with their
31 approvals.

32
33 Senior Planner Jester said that it is anticipated that people will continue to build on commonly
34 owned adjacent lots as currently occurs on merged lots with swimming pools, gardens, guest
35 houses, or outdoor rooms.

36
37 Chairman Bohner opened the public hearing.

38
39 **Paul Gross** stated that there is no disadvantage to granting the amendment regarding accessory
40 structures on adjacent properties. He said that the intent of the proposed amendment is to avoid
41 overbuilding by providing incentives to retain lots that have no structures. He indicated that

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1 such properties will most likely eventually be sold, but it can be delayed by making the
2 properties more useful to the owners. He indicated that the mansionization issue is complex
3 because there are so many situations throughout the town, and the different area districts must be
4 considered. He said that all four issues under consideration overlap. He commented that it is
5 appropriate to divide the discussion as has been done. He indicated that allowing remodels up to
6 a maximum BFA of 66 percent or 3,000 square feet in Area Districts III and IV is appropriate.
7 He stated that the purpose is to encourage fewer people to tear down existing homes and rebuild
8 to the maximum that is allowed. He said that there is hardly any remodeling done in the Sand
9 Section, and the majority of the construction is for new homes. He stated that a larger incentive
10 is needed in order for fewer homes to be demolished and rebuilt. He indicated that 66 percent or
11 3,000 square feet allows for a sufficient enough increase in space to provide an incentive to
12 remodel. He pointed out that the new portion of the remodel would be required to meet all
13 standards including setbacks.

14
15 **Martha Andreani** said that remodeling of homes up to 3,000 square feet cannot be considered
16 small homes, and the character of the neighborhoods would be changed if the proposed
17 amendment is approved. She said that what is appropriate for each district needs to be
18 considered. She pointed out that one of the goals is to preserve neighborhood character. She
19 commented that she feels there does need to be regulations regarding accessory structures on
20 commonly owned adjacent properties so that staff has clear direction. She asked whether a
21 basketball court would be considered a structure or whether it would be allowed to be built
22 without a permit. She stated that the structures that are placed on the undeveloped lot are
23 important and will impact the neighborhood. She said that she feels the most important item for
24 discussion is the consideration of new residential development standards. She commented that
25 the residential development standards are the reason mansionization has become an issue in the
26 first place with older homes being torn down and new larger homes being built. She pointed out
27 that selling of lots for new construction cannot be dictated; however, the redevelopment of the
28 lots can be regulated. She indicated that she feels the second issue for consideration should be
29 lot mergers; the third issue should be to encourage the retention of existing smaller homes; and
30 the fourth issue should be accessory structures on commonly owned adjacent parcels.

31
32 **Jim Fasola** indicated that the Commission should be encouraged to accept staff's proposals. He
33 said that it is an issue of economics, and it is more viable to tear down a small home that is 80
34 years old rather than to remodel. He indicated that encouraging the retention of existing smaller
35 homes may make remodeling more viable for some projects.

36
37 **Robert Schuman** said that the increase in square footage to 3,000 square feet should be
38 supported, although it has come too late. He commented that the goal of the City for many years
39 has been to retain the small town atmosphere; however, the development standards for
40 remodeling has discouraged the retention of smaller homes. He indicated that the new standards
41 probably would not affect a large number of projects, but they would help. He said that he also

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1 feels the different area districts should be considered separately. He stated that homes in Area
2 Districts III and IV are in danger of having their building envelope reduced to the point at which
3 the structures are too small, and he hopes that those areas would be considered separately from
4 Area Districts I and II. He pointed out that there is a significant difference in the size of lots in
5 the different area districts, as the largest standard lot in the Sand Section is almost 3,500 square
6 feet and the largest standard lot in Area Districts I and II is 7,500 square feet.

7
8 Commissioner Powell said that he is in favor of the Minor Exception. He indicated that he
9 believes incentives should be provided for remodels to discourage lots from being scraped and
10 rebuilt to the maximum allowed. He commented that he would support providing notification to
11 neighbors for remodel projects over 3,000 square feet. He stated that he also agrees that the
12 proposal regarding accessory structures is not controversial, and he feels staff would administer a
13 reasonable standard for the types of structure that can be built. He said that he feels a front yard
14 setback requirement of 6 percent is acceptable. He requested further information from staff
15 regarding the number of homes that fit into each of the categories listed on the chart which
16 shows the minimum and typical lot sizes according to area district. He commented that he
17 questions whether 33' by 105' lots are typical lots. He stated that he initially had a concern
18 regarding remodeled homes under 2,000 square feet being permitted to have a one car garage.
19 He commented that often times a one car garage is used for storage space rather than parking,
20 and he has a concern that the new regulation could result in more people parking on the street.
21 He indicated, however, that he can support the proposed standards if they encourage remodels.

22
23 Commissioner Lesser stated that there is support for the Minor Exception rule to move forward.
24 He indicated that he wants to be sure to address the Council's concerns. He said that he wants to
25 ensure that the Minor Exception does not in fact end up resulting in larger nonconforming
26 homes. He stated that he supports the proposed amendment regarding accessory structures.

27
28 Commissioner Schlager commented that staff presented pictures at a previous meeting with
29 examples of homes in different areas before and after the ZORP requirements, and he feels it
30 would be helpful to again see those pictures. He indicated that he feels it would be helpful to
31 have pictures that show examples of setbacks and of remodels that are consistent with the current
32 criteria.

33
34 Director Thompson indicated that the pictures referenced by Commissioner Schlager would be
35 most beneficial for the discussion regarding new development standards. He indicated that in
36 preparation for continuing the discussion of encouraging the retention of smaller homes, staff
37 can provide pictures with good examples of Minor Exceptions and substandard setbacks that
38 have been approved.

39
40 Commissioner Seville-Jones indicated that she is also in favor of encouraging the retention of
41 smaller homes. She commented that she is not certain whether allowing remodels to 3,000

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1 square feet would be too great. She stated that she would also like to have further discussion
2 regarding providing no cap on square footage with neighborhood notification and the idea that
3 structures could be capped at the 66 percent or 75 percent limit. She stated that she would like to
4 have more granularity with respect to the proposals for the different districts. She indicated that
5 she also would like more discussion regarding the parking requirements. She commented that if
6 the goal is to retain older homes, it might be beneficial for an additional parking space to be
7 required when a certain amount of square footage is added rather than once a certain threshold
8 for square footage is reached. She commented that although it is important not to over legislate,
9 she would like to be certain that any abuse regarding accessory structures can be addressed. She
10 said that she would like to consider a condition that accessory structures be required to have a
11 permit. She suggested that the page for the Planning Commission on the City’s website include
12 the dates and the topics for the meetings regarding mansionization.

13
14 Director Thompson said that the meeting schedule will be placed on the community calendar.
15 He commented that notice of the meeting schedule and topics for discussion will also be sent to
16 everyone on the mailing list who has expressed an interest in the mansionization issue.

17
18 Chairman Bohner said that there should be more discussion on issues including whether a certain
19 square foot cap is appropriate for the entire City for remodels or whether it should be adjusted
20 according to the different areas. He indicated that he would like to have further information on
21 whether the 3,000 square foot limit for remodels is appropriate or whether it would actually
22 result in larger homes. He indicated that he would rely on staff to ensure that accessory
23 structures which are permitted on lots are in keeping with the neighborhood.

24
25 A motion was MADE and SECONDED (Schlager/Lesser) to **CONTINUE** Consideration of City
26 Council 2005-07 Work Plan Item to Address Mansionization in Residential Zones to September 5,
27 2007, at 6:00 p.m. regarding lot mergers and new development standards, and September 12, 2007,
28 at 6:30 p.m. regarding remodels and accessory uses on commonly owned parcels.

- 29
30 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
31 NOES: None
32 ABSENT: None
33 ABSTAIN: None

34
35 **DIRECTOR’S ITEMS** None

36
37 **PLANNING COMMISSION ITEMS**

38
39 Commissioner Powell indicated that the third annual Leadership Manhattan Beach Alumni
40 concert in the park and picnic will take place on Sunday, August 19, 2007.

41

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1 **TENTATIVE AGENDA: August 22, 2007**

2

3 A. Use Permit & Vesting Tentative Parcel Map for Proposed Construction of a Mixed-Use
4 Condominium Building at 930 Manhattan Beach Blvd.

5 B. Amendment to Use Permit for a Previously Approved Variance for a Church at 303 S. Peck Avenue

6

7 **ADJOURNMENT**

8

9 The meeting of the Planning Commission was **ADJOURNED** at 11:00 p.m. in the City Council
10 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, August 22, 2007, at 6:30 p.m. in
11 the same chambers.

12

13

14 _____
15 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
MINUTES OF THE SPECIAL MEETING OF THE PLANNING COMMISSION
EXCERPTS**

SEPTEMBER 5, 2007

1 A special meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, September 5, 2007, at 6:05p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser*, Powell, Schlager, Seville-Jones, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Sarah Boeschen, Recording Secretary
14

15 *Commissioner Lesser arrived at 6:15 p.m.

16
17 **PUBLIC HEARINGS**

18
19 **07/07/25.4-3-2Consideration of Residential Zoning Code Amendments and Local Coastal Program**
20 **Amendments for the City Council 2005-2007 Work Plan Item on Mansionization,**
21 **including but not limited to, 1) new residential development standards to increase**
22 **open space and setbacks, and 2) lot mergers**
23

24 Senior Planner Jester summarized the staff report. She commented that staff chose to discuss the
25 new proposed development standards before lot mergers in order to first clarify the new
26 standards which are also proposed to apply to lot mergers. She stated that the goals of the new
27 proposed standards as recommended by the Mansionization Committee are to preserve
28 neighborhood character; provide space between buildings; provide setbacks; and encourage
29 quality private open space. She indicated that the proposed amendments regarding setback
30 standards are eliminating the 5' side yard setback cap and requiring a setback of 10 percent of
31 the lot width; considering a greater requirement than a 10 percent side yard setback on standard
32 lots; increasing the minimum rear setback requirement from 10' to 12' and eliminating the
33 existing 25' cap; increasing the rear setback requirement from 5' to 10' on some single family
34 residential beach area lots; decreasing the maximum side/rear corner side building wall height
35 from 25' to 24' which requires an additional 3' setback for walls over 24'; and providing
36 building wall articulation on the street side setback on corner lots.

37
38 Senior Planner Jester indicated that the proposed amendments for open space include reducing
39 the 8 percent bulk-volume front setback requirement to 6 percent and requiring a portion to wrap
40 around the corner; consider retaining 8% for corner lots, requiring 15 percent open space for

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1 single family residential homes in the beach area; eliminating the 350 square foot cap for open
2 space; calculating basement square area as BFA (buildable floor area) for a requirement of 15
3 percent open space; allowing a larger percentage of open space on the third story; and allowing
4 decks above the second or third floor. She commented that a chart has been provided that shows
5 the lots that would have their BFA impacted by the proposed amendments, which include wide
6 shallow lots; smaller lots; and standard 50' by 150' lots. She pointed out that a review process
7 would allow property owners of lots that would have their BFA impacted to request a Minor
8 Exception for relief from the requirements, which has been used previously with the 8 percent
9 bulk volume requirement. She indicated that staff is also suggesting flexibility with the
10 requirements for one story construction in areas with two story homes or two story construction
11 in areas with three story homes.

12
13 The Commissioners agreed to have the presentation, take public testimony and discuss the issue
14 of new residential standards and then have the presentation, take public testimony, and discuss
15 the issue of lot mergers.

16
17 In response to a question from Commissioner Lesser, Senior Planner Jester said that City
18 Council strongly supported the goals of providing quality private open space and of allowing
19 flexibility in providing open space.

20
21 Director Thompson indicated that providing open space was felt to be important, as well as the
22 placement of the open space. He indicated that maintaining the side setbacks which provide
23 distance between homes was felt to be very important particularly with larger structures. He
24 indicated that there is a question of whether those goals can be achieved by reducing the amount
25 of buildable floor area. He stated that it was determined that simply reducing the BFA did not
26 necessarily result in an increase in the distance between buildings or in greater open space. He
27 stated that it was determined that a better method of achieving the desired goals was to address
28 the setbacks. He commented that it is difficult to look at a structure and determine the difference
29 between a 6 or 8 percent front setback. He said that architects have indicated that it is difficult to
30 provide an 8 percent front setback on some lots and that it would be beneficial for the
31 requirement to be reduced to 6 percent along with keeping the other new standards.

32
33 Commissioner Seville-Jones suggested that at the next meeting it would be helpful to show
34 examples of lots and the difference between a development under the current standards as
35 compared to under the proposed standards.

36
37 Commissioner Lesser commented that a common question he has been asked is why stricter
38 limits on BFA have not been proposed.

39
40 Director Thompson said that the Mansionization Committee considered the effect of simply
41 restricting the BFA on lots and learned that the goals of increasing open space and creating

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1 larger setbacks were not being achieved. He indicated that the focus was then placed on new
2 open space and setback requirements in order to achieve the desired goal. He commented that
3 reducing BFA results in the size of the upper levels being reduced rather than the overall
4 footprint of the building.

5
6 Commissioner Lesser commented that he feels it is important to have a reduction in overall BFA
7 included in the discussions, as many people have raised questions about the options that were not
8 included as part of the recommendations.

9
10 Director Thompson indicated that the City Council looked at the recommendations made by the
11 Mansionization Committee and indicated that they were basically supportive of the direction.
12 He commented that two members of the Council were on the Mansionization Committee and
13 played a very strong role in formulating the recommendations.

14
15 Commissioner Powell commented that while he was not a member of the Committee, he
16 attended most of the meetings. He indicated that the members of the Mansionization Committee
17 came from a wide variety of backgrounds and did an outstanding job. He commented that the
18 expertise of the two architects on the Committee was very much appreciated. He said that the
19 recommendations were formed through a balancing of interests.

20
21 Commissioner Seville-Jones stated that she would like input from architects regarding any
22 concern with the viability of building on a small lot with an additional requirement for providing
23 15 percent open space for basement areas.

24
25 Commissioner Schlager stated that he feels there is an equity issue in considering open space
26 requirements for smaller lots; however, staff has indicated that there is a process whereby an
27 exception to the requirements could be requested which would be reviewed on a case-by-case
28 basis.

29
30 Director Thompson said that staff can consider additional options to address smaller lots if it is
31 the consensus of the Commission that they should be given additional consideration.

32
33 Commissioner Seville-Jones said that a possible option would be for the size rather than the
34 width of the lot to be considered.

35
36 Commissioner Schlager commented that it would be helpful to have examples of lots with an
37 outline of a development under the current regulations and the impact under the new proposals.
38 He said that it would also be helpful to consider each of the recommendations separately to
39 determine if they meet the goals outlined by the Council of maintaining neighborhood character
40 and providing more open space.

41

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1 Chairman Bohner commented that graphics would be helpful to demonstrate the impacts of each
2 of the recommendations.

3
4 Commissioner Seville-Jones said that she would like more discussion regarding the
5 consideration of reducing BFA and the reasons the Committee came to the decision it did
6 regarding BFA.

7
8 Chairman Bohner opened the public hearing.

9
10 **Martha Andreani** indicated that the reason the issue is being considered is because of the
11 concern that homes were becoming too large and too close together. She indicated that the slides
12 provided by staff for the presentation showed homes that are very large, and the purpose of the
13 amendments is to arrive at designs that would retain the small town character. She commented
14 that one does not have a sense of the limited space between homes until they walk through the
15 neighborhoods. She commented that three story homes are very large, and there is much more of
16 a small town atmosphere with one and two story homes. She said that each of the areas in the
17 City must be considered separately because they have different sized lots. She commented that
18 providing landscaping is not being considered as part of the recommendations, and greenery
19 within the open space between houses is very important.

20
21 **Kathy Clark**, a resident of the 400 block of 7th Street, stated that landscaping is very important.
22 She pointed out that there were no landscapers on the Mansionization Committee. She
23 commented that landscaping is a very important component to reducing the appearance of bulk
24 and volume. She said that there is no policy regarding providing space to plant new trees. She
25 suggested that gardens be encouraged along walk-streets, as well as planters next to homes.

26
27 **Jim Fasola** stated that increasing the open space requirement is the most important component
28 of the recommendations that are being considered. He indicated that there currently is a cap on
29 open space of 350 square feet which penalizes people who build multi-unit developments
30 because they must provide open space for each unit. He said that the cap is inequitable and
31 discourages building multi-unit developments rather than one large home. He indicated that the
32 rear setback is critical, and larger homes tend to have no rear yards. He suggested increasing the
33 requirement for rear yards from 12 to 15 feet. He commented that the smaller the lot, the more
34 the setback requirements have an impact on the BFA. He stated that the amount of BFA would
35 need to be decreased significantly on smaller lots in order to show any effect, and it would have
36 a much greater impact on larger lots. He pointed out that homes with 25 foot ceilings can fill an
37 entire lot and have a very low BFA. He said that other cities count the BFA of rooms as double
38 if the ceiling is over a certain height. He said that open space is critical. He said that he would
39 support reducing the front open space requirement from 8 percent to 6 percent, which may
40 encourage people to use the rear yards.

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1 **Paul Gross** stated that all of the recommendations are compromises. He commented that the
2 real purpose of considering the issue of mansionization was to reduce the number of mansions in
3 the City, and there was an agreement that mansions were buildings that were too large and
4 overpowering. He said that it was agreed that the main solutions were providing more
5 articulation and more space between buildings. He indicated that it was felt providing
6 articulation and space between buildings where it is most visible along the right-of-way would
7 limit quality private open space. He stated that it was also felt that too many steps could be
8 taken without infringing on property rights, which was the reason that they did not simply lower
9 the overall BFA.

10
11 **Bob Bickle** a resident of the 300 block of Rowell Avenue, stated that the impacts to current
12 homeowners and their needs for remodeling have not been considered. He stated that imposing
13 additional side setbacks to remodels or expansions on second stories seems to encourage
14 teardowns of existing homes.

15
16 Commissioner Lesser pointed out that the current meeting is being devoted to discussing new
17 development standards and lot mergers. He said that recommendations for encouraging
18 remodeling of existing homes are being considered separately from these topics and will be
19 further discussed at the next Planning Commission meeting.

20
21 **Terry McCall**, a resident of The Strand, said that having greater setbacks without beautifying
22 the space with landscaping is not achieving the goals of reducing the appearance of bulk.

23
24 **Gerry O'Connor** indicated that the goals of the City Council in establishing the Mansionization
25 Committee were not necessarily in full agreement with the recommendations that came forward
26 to the Council which are currently being reviewed. He commented that the recommendations
27 that came to the City Council suggested that three lots be allowed to be merged, and the direction
28 from the Council was clearly to limit mergers to a maximum of two lots. He said that there was
29 direction from at least two of the Council members that they had full expectations that BFA be
30 directly addressed, which did not occur. He commented that he feels the role of the
31 Commission is not only to look at each of the specific proposals that are being considered but to
32 pass judgment on whether the approach in arriving at the recommendations has been appropriate.
33 He said that the Council specifically directed staff to quantify the number of homes that would
34 be impacted and the potential impact the specific recommendations would have on BFA. He
35 said that while some information has been provided, he does not feel there is enough presented
36 to adequately quantify the impact of some of the proposed recommendations. He stated that he
37 would agree with the comment of **Mr. Fasola** that the increase in the rear setback from 10 to 12
38 feet for the rear setback is not significant enough, and an increase from 10 to 15 feet should be
39 considered. He commented that it is not clear that a decrease in the maximum side and rear
40 building wall height from 25 to 24 feet would be significant and why it was determined that a
41 decrease in 1 foot was felt appropriate. He commented that the goal of providing articulation on

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1 building walls and streetside setback on corner lots is important, but it is not being achieved.

2
3 **Mr. O'Connor** indicated that he respects **Mr. Fasola's** opinion that decreasing the front yard
4 setback requirement from 8 to 6 percent offers some allowance for increased setbacks in other
5 areas. He indicated, however, that the intent is to result in change in the appearance of homes
6 that will be visually noticeable. He commented that there has been testimony from architects in
7 the past that it is very difficult to configure homes with the 8 percent front setback requirement;
8 however, staff has shown pictures of homes in their presentation that were able to achieve 8
9 percent when there was a requirement for only 6 percent. He said that there does not seem to be
10 a quantifiable data that suggests there is justification for reducing the front setback requirement
11 to 6 percent. He said that he would support the recommendation to require a portion of the
12 setback to wrap around the street side on corner lots because it would offer some articulation
13 around the corner. He indicated that he supports requiring a 15 percent requirement of open
14 space for basement areas. He pointed out that the justification provided for allowing more open
15 space to be located on the top level and to allow decks above the second and third story is that it
16 may increase quality open space; however, the open space would be for the benefit of the
17 property owner rather than the neighborhood. He said that adding open space to the top level
18 does not address the issue of the appearance of bulk in the community.

19
20 In response to a question from Commissioner Lesser, **Mr. O'Connor** said that in most instances
21 applicants are not able to reach the maximum amount of BFA because of the additional setback
22 and open space requirements, and he does not see why there should be formulas allowing a
23 certain BFA when it is not achievable because of other requirements. He said that BFA should
24 be addressed along with rather than instead of the proposed recommendations. He commented
25 that he does not feel the proposal is as complete as it would be if it included reductions on BFA.

26
27 **Grant Kirkpatrick**, a resident of 31st Street, indicated that methods cities can use to address the
28 issue of reducing bulk include regulations to further articulate buildings; restricting BFA; or
29 having an architectural review board. He said that the open space requirements, setback
30 requirements, and height limits are very effective. He said that other regulations are also very
31 effective, such as the 25 foot side and rear yard limitation. He said that the Mansionization
32 Committee was well aware of the goals and felt that reducing BFA would result in slightly
33 smaller buildings but not necessarily result in greater articulation. He said that what is needed is
34 further articulation of buildings in order to reduce the appearance of mass rather than simply
35 reducing the mass.

36
37 **Mr. Kirkpatrick** said that the original 6 percent front open space requirement is a very good
38 tool for requiring articulation. He said that he is not certain of the reasons for the requirement
39 being switched from 6 to 8 percent only two years after it was originally approved. He said that
40 the additional 2 percent requirement makes a very large difference in attempting to provide
41 appropriate articulation in the front of homes in the Tree and Hill Sections. He said that he

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1 would support the recommendation of the Committee to reduce the requirement back to 6
2 percent as originally approved. He suggested having a requirement of 60/40 for the open space
3 to wrap around the street side on corner properties. He commented that the intent of the setback
4 on second levels is to provide articulation to the front of properties. He said that he is not certain
5 of the reasoning for lowering the height limit of rear and side building walls from 25 to 24 feet,
6 and he would like to hear more information as to why it was felt a decrease in 1 foot would make
7 a difference. He pointed out that increasing the side yard setback may result in more open space
8 but may make it more difficult to provide more articulation. He said that other cities have
9 additional qualifications for side yards such as for the setback to be provided on the second floor
10 rather than simply a blanket requirement. He indicated that he does not feel there is any logic in
11 considering increasing the side yard setback over 10 percent.

12
13 **Robert Schumann** said that the changes should be moderate, fair and equitable. He commented
14 that Area Districts I and II are entirely different than Area Districts III and IV. He indicated that
15 Area Districts III and IV include narrow and long lots which is appropriate for coastal
16 communities. He said that the potential increase in side yard setbacks would effectively
17 compromise the quality of living of many of those lots. He indicated that the homes in the Sand
18 Section are narrow and long, and the buildings must be further articulated rather than simply be
19 made smaller. He said that although increasing the side yard setback as a percentage would
20 seem equitable, it would greatly impact the livable space on larger lots. He commented that he
21 does not feel the burden of providing side yard setbacks should be disproportionately applied to
22 property owners of corner lots.

23
24 **Martha Andreani** suggested considering regulating overall lot coverage rather than the amount
25 of BFA, which is done in Dana Point. She indicated that she would be interested in further
26 information on how lot coverage is defined in Dana Point and how architects and builders are
27 able to work within the regulations. She indicated that her understanding is that new
28 construction in Dana Point is permitted to have 60 percent lot coverage on smaller lots and 40
29 percent on larger lots.

30
31 **Paul Gross** commented that he would support allowing flexibility with open space requirements
32 for development of two story homes in areas where there are three story structures and single
33 story homes in areas where there are two story structures. He indicated that eliminating a story
34 is more effective in reducing bulk than providing open space. He said, however, that any future
35 additions on such homes should be required to conform to the regular standards.

36
37 **Bob Blanchard** said that it is apparent that limiting the BFA is not the solution because of the
38 variations of lot sizes and layouts, and the same standards cannot apply to all lots. He
39 commented that he would like for models to be provided that show the impact of the proposals
40 on lots, as it is very difficult to visualize. He said that it is important that the property rights of
41 individuals are not violated as well as minimizing impacts to the neighbors.

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1

2 **Karol Wahlberg** indicated that she has a concern that the required open space not be all
3 concrete. She commented that she is glad that providing landscaping has also been raised as a
4 concern by other members of the community.

5

6 Chairman Bohner closed the public hearing.

7

8 Commissioner Seville-Jones indicated that landscaping is very important, and she would like
9 further input on regulations to enhance landscaping without overlegislating. She stated that she
10 would like more information on the regulations of other cities. She commented that she has a
11 concern that smaller lots would be impacted to a significant degree and would like more
12 information regarding the impact to the smaller lots in Area District III. She commented that she
13 would not like for property owners on smaller lots to feel forced to build underground, as she
14 feels basement living area is not as useful as living area above grade. She stated that she would
15 like more information on incorporating a 60/40 split of open space on the front and side yard.
16 She commented that she would like to see a model to demonstrate the impact to developments of
17 changing the front open space requirement from 8 percent to 6 percent. She indicated that she
18 has a question whether open space on the third level is as valuable as on the first and second
19 levels and would like to have a better understanding of the effect of placing open space on the
20 third level. She said that as long as there is a principled approach and fairness applied to all
21 property owners, she is not certain it would be unfair to lower the BFA requirements. She said
22 that an expectation with the current Code that buildings are permitted to reach a certain BFA, but
23 that is only an expectation. She pointed out that any changes that are made would impact
24 people's property rights. She said that the idea of reducing BFA standards should not be
25 dismissed simply because an argument is made that it may hurt some property owners. She
26 commented that she understands that the concern is not simply reducing mass but also in
27 providing articulation, but she still feels that the community could benefit by having smaller
28 homes that are also better articulated and should be thought about further.

29

30 Commissioner Schlager said that the goals of Council of preserving neighborhood character and
31 providing space between buildings need to be taken into consideration as to whether they
32 encompass what is attempting to be accomplished. He commented that space between buildings
33 does not necessarily reduce the bulkiness or mass of structures. He said that articulation
34 minimizes the appearance of bulk and mass. He said that reduction of bulk and mass and
35 articulation of buildings should be considered in addition to the two goals of preserving
36 neighborhood character and providing space between buildings. He said that he feels
37 visualization would help to answer questions that have been raised and would help to provide
38 more information in order for the Commission to make their decisions. He said that it would be
39 helpful for visualization to be provided to demonstrate the reasoning behind lowering the side
40 and rear building wall height restriction from 25 to 24 feet; providing building wall articulation
41 on corner lots; the impact of a 10 percent lot width side yard setback requirement; the impact of

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1 reducing the front yard open space requirement from 8 percent to 6 percent; and the impacts to
2 BFA on smaller and shallow lots. He said that he would agree with Commissioner Seville-Jones
3 that square footage of living area in basements is not equal to living area above grade.
4

5 Chairman Bohner said that he agrees with the comments of the other Commissioners. He
6 indicated that applying the same setback requirements on larger lots as on smaller lots may
7 impose a hardship. He said that he would consider developing different rules for smaller lots.
8 He suggested further graphics to show the impact of the amendments on different lots,
9 particularly with the 6 percent front open space requirement and wrapping the setback around the
10 side.
11

12 Director Thompson pointed out that it is almost impossible to distinguish between a home with a
13 6 percent as opposed to an 8 percent open space requirement. He indicated that the difference in
14 reducing the appearance of bulk comes from the design, which is extremely subjective. He
15 stated that homes can still be very unattractive even with a significant reduction in BFA. He said
16 that the intention of the recommendations is to make the majority of new construction more
17 attractive. He commented that it has not been shown that reducing BFA by itself would make
18 large homes appear any less like mansions. He suggested that a tour of different properties
19 within the City may help the Commissioners to see different visual examples of homes that
20 provide a 6 percent and an 8 percent front setback. He commented that Manhattan Beach has
21 more regulations on new construction than any other city in the area, and it is difficult to see the
22 effects of the regulations because Code changes have occurred every two years. He pointed out
23 that much of the bulk that people in the community are reacting to is regarding homes built many
24 years ago before the current regulations. Homes are so well maintained that older homes look
25 quite new.
26

27 Chairman Bohner indicated that he agrees that open space on the upper levels may provide more
28 personal open space to the property owner rather than changing the view of the home from the
29 side.
30

31 Commissioner Lesser suggested that the recommendations are a starting point and are a
32 compromise of many different views and opinions. He commented that he would welcome
33 information on individual case studies to demonstrate the impacts of the proposals on different
34 lots. He said that he would also welcome further information regarding the approach of different
35 cities in addressing the issue. He commented that a presumption of encouraging open space was
36 that more landscaping would be provided; however, it is important that the issue be addressed as
37 to whether the open space would be concrete or landscaped. He said that there is a question of
38 whether the open space is for the property owner or public.
39

40 Commissioner Powell said that he likes the idea of the Commissioners having a tour similar to
41 the tour that was provided for the City Council. He suggested that a video tour of properties in

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1 the City be filmed that could be condensed to be shown to the public. He suggested that possibly
2 a three dimensional simulation could be shown with specific examples of buildings with 6 and 8
3 percent front open space. He commented that his opinion is that a reduction from 8 percent to 6
4 percent open space does not have as significant an impact as architectural design in reducing the
5 appearance of bulk. He commented that landscaping can make a large difference in the
6 appearance of bulk, yet there are no proposals being included to encourage landscaping. He
7 stated that he would like further information regarding comparable regulations of other cities.
8 He pointed out that with the new proposal any side or rear building wall that is over 24 feet high
9 would need to be set back an additional 3 feet. He also pointed out that these regulations would
10 apply to new development and to lot mergers. He indicated that recommendations to provide
11 incentives for remodeling are also being considered and will be discussed at the next meeting.

12
13 Director Thompson suggested continuing the item until the second meeting in October. He
14 suggested that a tour with the Commissioners be scheduled to show examples in the City of
15 developments that have been built under the different standards and the impact of additional
16 open space and setbacks.

17
18 The Commissioners agreed that discussion of new development standards be continued to the
19 meeting of October 10, 2007.

20
21 At 9:15 a ten minute recess was taken.

22
23 Senior Planner Jester summarized the staff report regarding Lot Mergers. She stated that the
24 goals of the proposed amendments regarding lot mergers are to preserve neighborhood character
25 and lot size, orientation and pattern; preserve quality open space and provide space around
26 homes; address loss of privacy; address shadowing of adjoining property structures; and address
27 visual bulk due to large buildings. She commented that there were differing opinions on the
28 Mansionization Committee regarding lot mergers, ranging from some members feeling that no
29 more than two lots should be merged to others feeling there should be no regulations at all on lot
30 mergers. She commented that the Mansionization Committee had suggested that three lots
31 maximum be allowed to be merged but only with the amount of development that could be built
32 on two lots with additional standards to limit height, increase open space, and address perimeter
33 fencing. She stated that the City Council considered the Committee's proposal and wanted the
34 Planning Commission to consider further changes. She said that the proposed amendments
35 would prohibit new mergers of lots more than two times the typical lot size, with exemptions.
36 She commented that the Commissioners have been provided with minimum lot sizes and typical
37 lot sizes in the different Area Districts. She commented that lots that would be exempt from the
38 restriction on mergers would include lots in the medium density residential (RM), high density
39 residential (RH), and local commercial (CL) in Area Districts I and II with three or more
40 dwelling units; non-alley high density residential lots in Area District III on Manhattan Beach
41 Boulevard east of Ardmore; religious institutions; the RS-D7 Design Review Overlay Zone on

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1 Longfellow Drive; the RSC (residential senior citizen) Zone; the RPD Residential Planned
2 Development Zone for the Manhattan Village; and other planned development such as on Laurel
3 Court. She pointed out that the exemptions would continue the existing pattern of development
4 for those properties. She said that any new construction on merged lots would be subject to all
5 new development standards.

6
7 Senior Planner Jester indicated that the Council has asked the Commission to consider allowing
8 contiguous lots currently developed as one lot that are not legally merged to either be
9 redeveloped individually or to maintain the previous development pattern but conform to the
10 new standards. She indicated that typically and historically in the City of Manhattan Beach the
11 development of larger lots result in decreased height; increased setbacks; increased open space;
12 decreased density; and increased parking being provided. The Council indicated that one large
13 home on these existing large unmerged lots may not be appropriate. She stated that the
14 Commission may want to consider allowing different requirements for the different Area
15 Districts as felt appropriate. She indicated that staff receives only one or two requests for lot
16 mergers per year.

17
18 In response to a question from Chairman Bohner, Senior Planner Jester said that staff would
19 recommend if a property continues as a religious institution that a restriction not be placed on lot
20 mergers; however, it should follow the existing pattern of the block and neighborhood if it
21 changes from a religious use. She commented that lot sizes in the Design Review Overlay Zone
22 on Longfellow Drive, the residential senior citizen zone and Residential Planned Development
23 Zone for the Manhattan Village are regulated by Code requirements. She said that the only zone
24 that staff feels could have a maximum lot size be addressed is the high density residential lots in
25 Area District III on Manhattan Beach Boulevard east of Ardmore.

26
27 In response to questions from the Commissioners, Senior Planner Jester indicated that the City
28 Council asked the Planning Commission to consider that the lot size of existing developments
29 over multiple lots could be grandfathered; however, any new development could not be built
30 under previous standards for height, setbacks parking and open space. She said that an existing
31 development built over multiple lots under the current proposal could either be replaced with
32 separate structures on the individual lots or rebuilt with new structures on a single lot, provided
33 in either case that it meets the new development standards. She pointed out that new buildings
34 on existing multiple lots would not change the development pattern of neighborhoods because
35 the larger lots already exist.

36
37 Commissioner Seville-Jones commented that the proposal implies that the adjacent neighbors
38 must accept a large structure built on multiple lots rather than the owner of the larger
39 development accepting that they must now conform to the new development pattern of smaller
40 lots.

41

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1 Chairman Bohner opened the public hearing.

2

3 **David Wachtfogel** said he would like clarification of the term “articulation.” He commented
4 that staff may not necessarily be making a recommendation when they describe an option
5 favorably, although it appears they are. He said that four lots on The Strand could be made into
6 a compound as the proposal is written, which he does not feel should be permitted. He said that
7 when a property is redeveloped, he feels new construction should revert to the neighborhood lot
8 pattern.

9

10 **Martha Andreani** indicated that she agrees with the comments of **Mr. Wachtfogel**. She said
11 that the neighborhood character would be changed if grandfathering of lot size is permitted. She
12 indicated that she is not certain when it was decided to allow mergers of even two lots.

13

14 **Grant Kirkpatrick** indicated that **Randy and Terry Putnam** have owned two properties on 6th
15 Street for over two decades with a single family home on one lot and mostly grass area on the
16 second. He said that they recently have reached the point where they wish to build a single
17 home across the two lots and enjoy the benefits of having open space. He stated that they
18 designed a structure that is larger than could be built on a single lot but is not near the amount
19 that could be built if the lots were developed separately. He said that the project was halted
20 when a moratorium was placed by the City Council on lot mergers. He pointed out that the
21 impact to **Mr. and Ms. Putnam** is an example of the harmful effects that a moratorium can have,
22 and they would hope that the Commission and Council would be sensitive to the issue. He said
23 that a moratorium is a powerful action and should be used sparingly and with consideration. He
24 commented that there are other property owners in the City that have similar situations.

25

26 **Randy Putnam** a resident of the 400 block of 6th Street, stated that they have owned two
27 contiguous lots on the street for many years and cannot afford to build a large mansion. He said
28 that they wish to build a new home on the lots that is in character with the existing
29 neighborhood, and they wish to continue to be good neighbors. He indicated that they would
30 like to be able to continue with their project and build what they consider to be a home which is
31 appropriate for the neighborhood and that provides open space.

32

33 **David Hennessy**, a resident of the 100 block of 36th Place, said that two lots is enough to be
34 merged. He commented that Redondo Beach has a large number of apartment complexes right
35 on the beach. He indicated that any decision made by the Commission is going to have an
36 impact on beach properties in Manhattan Beach. He said that the property at 3604 and 3608 The
37 Strand that is an example of why the merger of more than two lots is harmful to the community.
38 He said that the property is located over 2 2/3 lots. He commented that large structures built on
39 The Strand create a canyon that restricts air and light from passing through to the properties to
40 the east and also result in noise being echoed and amplified down the street. He commented that
41 there is not another structure near 3604 and 3608 The Strand that spans more than two lots. He

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1 said that the neighboring residents are asking that a large development not be permitted on the
2 property when it is rebuilt but rather that the lots be developed individually.

3
4 **Paul McCall** stated that he was present at the hearing before the City Council in April where
5 there was a public outcry about the building of large bulky structures with much focus on the
6 property at 3604 The Strand. He indicated that the Ordinance that was proposed at the time
7 would not have allowed the development of the property. He said that now the staff report
8 recognizes grandfathering and concludes that newly created lots should not exceed the maximum
9 size of two lots. He said that if one very large structure is permitted along The Strand, it will
10 begin to look like the apartment developments in Redondo Beach. He said that he is requesting
11 that the Commission not allow existing developments on multiple lots to be redeveloped as a
12 single lot.

13
14 **Paul Gross**, indicated that there currently are no prohibitions on lot mergers in the Code, and the
15 Committee has said that there needs to be a limit. He said that he feels it was the correct
16 decision to recommend limiting the number of lots that may be merged to two. He commented
17 that consideration of lot mergers must be combined with consideration of the new development
18 standards.

19
20 **Cindy Fisk** said it was clear at the City Council hearing that the community does not want
21 mergers of multiple lots. She indicated that the merging of two lots is reasonable, but anything
22 larger should not be permitted. She commented that the mergers that are being objected to are
23 for developments that are built to the maximum permitted. She said that the existing
24 development at 3604 The Strand appears as three separate structures with space between them.
25 She stated that new development on the property can only be an improvement if a lot merger is
26 not allowed. She indicated that they are requesting that the 2 2/3 lots be split in half and both
27 developed.

28
29 **Jim Fasola** said that one lot should be sufficient, and the City has a vitality because it has large
30 homes on small lots. He stated that there is a loss when lots are merged, particularly on The
31 Strand. He commented that when someone builds their dream home across two lots, it denies the
32 opportunity for another person to build their dream home. He said that every lot that is merged
33 results in another being lost within the City that someone could purchase. He stated that The
34 Strand is a special case where a limit for lot sizes should be 1 ½ lots.

35
36 **Robert Schumann** said that a property owner is treated unfairly when they have owned multiple
37 lots for many years with the expectation that it would someday be developed and is then told by
38 the City that they now may not redevelop the properties as they wish. He said that lot pattern on
39 The Strand is existing. He indicated that there are probably nine developments that span more
40 than two lots in Area Districts III and IV, and two in Area District II. He said that the existing
41 development at 3604 and 3608 The Strand has been on the property 50 years. He indicated that

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1 the people who bought in the area knew that the building was there, and there was no assurance
2 that it would be torn down. He said that the neighbors had indicated that they wanted to see
3 change on the property. He pointed out that any redevelopment of the property would be a
4 substantial improvement to the existing structure and would result in a reduction from 11 to 5 or
5 6 units. He said that the structure would also be changed from three to two stories which would
6 allow the residents behind the property on Ocean Drive to have a view of the ocean and have
7 better air flow and light. He said that the role of the Commission and City Council is to provide
8 guidance as to how the properties should be developed. He said that he feels it would be fair and
9 equitable to be permitted to develop the lot with one structure as it has existed for 50 years.

10
11 **Karol Wahlberg** said that she would support a limit of merging no more than two lots. She
12 commented that most blocks in the City are not very long, and combining more than two lots
13 detracts from the personality and character of the neighborhoods. She said that the residents
14 want to preserve the small town character with the City and greater social interaction.

15
16 **Gerry O'Connor** said that it only would take one lot merger to ruin a neighborhood, and the
17 intent is to prevent problems from occurring. He commented that if two lots are permitted to be
18 merged, it is important to closely consider the BFA that may be developed on the lot. He
19 commented that he was shocked when the proposal was reintroduced at the City Council meeting
20 to allow the grandfathering of multiple lots developed as one lot. He said that it was not clear to
21 him that there was a true intent by the Council to reintroduce the proposal. He indicated that
22 there is still a lack of clarity and a great deal of interpretation regarding what is considered a
23 typical lot size, which is dangerous in determining the size of lots that would be permitted. He
24 said that he feels either a maximum lot size should be specified or else a formula developed that
25 is based on the minimum which can be quantified. He stated that providing open space and a
26 view corridor between established lot lines is critical. He pointed out that only people who own
27 or people who represent owners of multiple lots have supported merging more than two lots, and
28 he would urge the Commission to take the best interest of the overall community in mind in
29 making their decision.

30
31 Director Thompson pointed out that specific numbers were proposed for each zoning category,
32 as shown in Exhibit "E" in the staff report. He said that staff used the word "typical" rather than
33 providing numbers in order to simplify the language.

34
35 **John Clark**, a resident of the 3600 block of The Strand, said that they thought the issue was
36 previously resolved regarding lot mergers, and now they find the issue is being considered again.
37 He said that he hope the Commissioners will consider the input from the residents in the
38 neighborhood and place reasonable limits on lot mergers.

39
40 Chairman Bohner closed the public hearing.

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1 Commissioner Powell indicated that the goals of the Mansionization Committee and City
2 Council as stated on page 4 of the staff report are to preserve neighborhood character, encourage
3 quality private open space; and address the space between homes. He stated that the Planning
4 Commission had previously decided that grandfathering of lot mergers should not occur. He
5 indicated that one speaker after another came before the City Council at the meeting in April and
6 stated that they felt only a maximum of two lots should be merged and that grandfathering of
7 existing multiple lots should not be permitted. He said that the City Council agreed with the
8 speakers. He said that the Council decided that some development standards needed to be
9 developed and then imposed a moratorium on lot mergers. He commented that when structures
10 with non-conformities reach the end of the economic life, any new development on the property
11 must conform to the current standards. He pointed out that when a home is demolished and
12 rebuilt it does need to be brought up to the current Code, which the Commission is now being
13 asked to change for the lot size with lot mergers. He said that it does not seem to him fair and
14 equitable that property owners now be limited to merge only two lots, but someone who has an
15 existing massive building that spans over three or four lots be permitted to merge the lots. He
16 indicated that property owners have had ample time previously to merge their lots, as the issue
17 has been moving forward for a number of years. He commented that he does not agree with the
18 argument that it is unfair to now suddenly restrict mergers. He said that his impression in talking
19 with people who have owned unmerged multiple lots for 30 or 40 years is that they never
20 intended for them to be merged because the separate properties are worth more than a single
21 property.

22
23 Commissioner Powell said that the City's General Plan and Local Coastal Program state that the
24 small town atmosphere and unique neighborhoods must be maintained; that no structure should
25 be bulky, dense or overbearing; and structures should fit in with the surrounding neighborhoods.
26 He indicated that old massive homes and apartment complexes that are out of scale with the
27 existing pattern of development should be brought up to the new development standards when
28 they are rebuilt. He commented that he feels the property at 3604 and 3608 The Strand should
29 be separated and redeveloped as two lots when it is reconstructed. He said that he would support
30 a maximum of two lots being allowed to merge. He indicated that he also would support no
31 grandfathering of existing developments built over multiple lots and that any new development
32 should be required to meet current Code standards including lot mergers.

33
34 Commissioner Lesser indicated that currently there are no limits on the number of lots that can
35 be merged in the City. He said that he felt an obligation to be proactive and plan for the future.
36 He said that there was a debate at many meetings whether the concern was hypothetical or
37 whether people would actually purchase multiple lots in the City in order to construct extremely
38 large developments. He said that he feels there should be limits on the number of lots that may
39 be merged. He said that the City Council indicated due to the overwhelming majority of opinion
40 in the community that the limit for mergers should be two lots. He said that the directive is now
41 for a limit of two lots to be permitted to be merged. He said that he shares the concerns of

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1 Commissioner Powell regarding the equity of having an existing development which exceeds
2 two lots be allowed to rebuild beyond the current standard. He commented that the General Plan
3 states that the low profile development and small town atmosphere must be maintained, which he
4 takes as his charge as a Commissioner.

5
6 In response to a question from Commissioner Lesser, Director Thompson said that a property
7 owner has the option of applying for a variance for any zoning standard.

8
9 Chairman Bohner said it is clear that the community does not want to permit mergers of more
10 than two lots, which he also supports. He commented that the structure at 3604 and 3608 The
11 Strand would not be impacted provided that it remains as it currently exists but rather only if it is
12 redeveloped. He commented that the structure which was built 50 years ago is not in keeping
13 with the pattern of the neighborhood, and it is appropriate to restrict the ability of the property to
14 be redeveloped under the current standards. He stated that he would support a limit of two lots
15 being permitted to be merged and to not permit the grandfathering of development on existing
16 multiple unmerged lots. He commented that he would want to be sure that if a religious
17 institution were sold that the property not be permitted to be built as a single family home. He
18 said that he also would suggest placing a limit of merging no more than two lots for the
19 properties on Manhattan Beach Boulevard east of Ardmore.

20
21 Commissioner Schlager said that he agrees with the comments of the other Commissioners and
22 feels that the item needs to move forward in order to address the current moratorium on lot
23 mergers. He said that he also supports limiting mergers to two lots and is not in favor of
24 allowing grandfathering for developments on existing unmerged multiple lots.

25
26 Commissioner Seville-Jones said that she feels the issue should be discussed further regarding
27 the appropriate size of typical lots that would be permitted to be doubled. She commented that
28 the current moratorium is impacting property owners, and action must be taken quickly to allow
29 people who want to develop in conformity with the new standards can move forward with their
30 projects. She commented that community development standards change, and no one can have
31 an expectation that the Code requirements will always remain the same to allow them to build as
32 they wish. She said, however, that she is sympathetic to the effect on a property owner if they
33 own a property with certain expectations and the regulations then change. She said that there is
34 no distinction as to why the development standards other than the regulation for lot mergers
35 should be applied to certain properties. She said that development standards should be applied
36 across the community as a whole in a consistent and principled manner, and there is a process to
37 apply for a Variance in order to request an exception. She suggested that the City Council
38 consider additional restrictions for properties that are currently developed over more than two
39 lots if they disagree with the Commission regarding prohibiting grandfathering.

40
41 A motion was MADE and SECONDED (Lesser/Powell) to **REOPEN** and **CONTINUE** the

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1 hearing to the meeting of October 10, 2007.

2

3 **DIRECTOR’S ITEMS**

4

5 Director Thompson suggested that the Commissioners take a tour of properties in the City on
6 September 12 at 5:00 before the regular Planning Commission meeting.

7

8 **PLANNING COMMISSION ITEMS**

9

10 Commissioner Powell commented that the 12th Annual Manhattan Beach Arts Festival will be on
11 September 9 from 11:00 a.m. to 4:00 p.m. between Highland Avenue and Valley Drive.

12

13 Commissioner Powell commented that the dedication of the 9/11 memorial will take place on
14 Tuesday, September 11 at 10:00 a.m. at the Police and Fire Facility.

15

16 **TENTATIVE AGENDA: September 12, 2007**

17

- 18 A. Consideration of Proposed Construction of Larger Concrete Pads on the Beach/Bike Path
19 Between 27th Street and 28th Street (Los Angeles County Dept. of Public Works)
- 20
- 21 B. Consideration of City Council 2005-2007 Work Plan Item to Address Mansionization in
22 Residential Zones-1) encourage the retention of existing smaller homes, and 2) allow for
23 the accessory use of adjacent common ownership parcels.

24

25 **ADJOURNMENT**

26

27 The meeting of the Planning Commission was **ADJOURNED** at 11:20 p.m. in the City Council
28 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, September 12, 2007, at 6:30 p.m.
29 in the same chambers.

30

31

32 _____
33 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
EXCERPTS
SEPTEMBER 12, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, September 12, 2007, at 6:30 p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Eric Haaland, Associate Planner
13 Laurie Jester, Senior Planner
14 Sarah Boeschen, Recording Secretary
15

16 Prior to the meeting this evening, the Planning Commission met at City Hall at 5:00 p.m. for a
17 guided bus tour of various examples of residential buildings throughout the city. All
18 Commissioners were present as well as staff members Richard Thompson, Laurie Jester, and
19 Dan Moreno. The bus then returned to City Hall for the regularly scheduled Planning
20 Commission meeting at 6:30 p.m.

21
22 **AUDIENCE PARTICIPATION**

23
24 **PUBLIC HEARINGS CONTINUED**

25
26 **07/0725.2-1 Consideration of City Council 2005-2007 Work Plan Item to Address**
27 **Mansionization in Residential Zones 1) encourage the retention of existing**
28 **smaller homes, and 2) allow for accessory use of adjacent common ownership**
29 **parcels**
30

31 Senior Planner Jester summarized the staff report. She stated that the proposals are to encourage
32 the retention of existing smaller homes and allow accessory use of adjacent separate lots with the
33 same ownership. She stated that any new construction for remodels would be required to meet
34 current Code requirements but any existing nonconformities would be allowed to remain. She
35 indicated that the concept is to encourage remodeling by allowing 100 percent of the home to be
36 remodeled, plus allow additions. She said that staff is proposing to allow a maximum percentage
37 of allowable buildable floor area (BFA) for a remodel and addition of 75 percent of BFA in Area
38 Districts I and II and 66 percent of BFA in Area Districts III and IV. She stated that the
39 Mansionization Committee felt having a lower maximum would be appropriate which reflects
40 the current pattern of development. She indicated that the Code currently allows a maximum of
41 2,000 square feet with the remodeling Ordinance with neighborhood notification. She indicated

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1 that staff is recommending to allow 3,000 square feet without neighbor notification. She stated
2 that staff is recommending not having a cap for a remodel over 3,000 square feet with
3 neighborhood notification but with a cap on BFA.

4
5 Senior Planner Jester stated that currently the requirement is for an additional front setback (bulk
6 volume- 2nd story) of 8 percent of the lot area, and the recommendation of the Mansionization
7 Committee is that the requirement be reduced to 6 percent. She indicated that it is difficult on
8 some remodels to provide the percentage in the front. She stated that staff is suggesting that on
9 remodels that at least 3 percent be provided in front and that the percentage that is not placed in
10 the front be provided on the sides and that percentage be doubled. She said that staff is
11 suggesting that the 8 percent requirement be retained on corner lots. She commented that the
12 street side of the lot is typically two to three times the distance of the front, which provides
13 opportunity to break up bulk and mass. She commented that a suggestion was made at the
14 previous hearing that a split be provided of 60 percent of the setback in the front and 40 percent
15 on the side. She indicated that staff would suggest providing flexibility of allowing 35 or 45
16 percent or more on the street side and 55 to 65 percent in the front. She stated that staff would
17 recommend leaving the requirement for corner lots at 8 percent.

18
19 Senior Planner Jester stated that staff is recommending that 10 percent of the Building Code
20 valuation of the existing home be retained for a remodel rather than 25 percent as required
21 currently. She indicated that staff feels it is not always feasible with a remodel to provide the
22 Code requirement of a two car enclosed garage for any size home. She said that staff is
23 recommending that with remodels a one car garage be provided for homes up to 2,000 square
24 feet; one enclosed parking space and one open space be provided for homes between 2,000 and
25 2,800 square feet; two enclosed spaces be provided for homes between 2,800 and 3,600; and
26 three enclosed spaces be provided for homes over 3,600 square feet. She commented that
27 currently a commonly owned adjacent lot without a primary home is only permitted to have
28 gardens and patios. She stated that the proposal is to allow the adjacent lot to have accessory
29 structures such as a pool house, guest house, an extra garage, workshop, pool, or sports court in
30 order to use the open space more effectively. She said that staff feels the proposal would
31 encourage the owners to use the adjacent parcel for open space rather than sell it off for
32 development.

33
34 Commissioner Schlager commented that there is not a formula for distributing the setback
35 between the front and side of properties, and it is difficult to determine the appropriate
36 percentage to be distributed between the front and the side.

37
38 Commissioner Seville-Jones commented that she has a concern with the application of allowing
39 up to 66 of maximum permitted BFA on small lots in Area Districts III and IV for remodels. She
40 indicated that as proposed a half lot could only be remodeled to 1,400 square feet, which would
41 result in owners of half lots being very limited in any remodeling.

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1
2 Senior Planner Jester pointed out that the maximum allowable BFA of 2,160 square feet would
3 most likely not fit on a half lot.

4
5 Commissioner Seville-Jones said that she has a concern that property owners who want a very
6 small expansion of 200 or 300 square feet may be required to provide an additional parking
7 space because they have gone over the threshold, which may be cost prohibitive and would
8 possibly discourage small remodels. She said that any amount of BFA for a remodel over the
9 threshold would require an extra garage space even though the expansion may not result in any
10 additional use that requires the extra parking. She suggested that possibly an extra parking
11 requirement should be based on the amount of square footage that is being added with a remodel
12 rather than on the overall square footage of the home.

13
14 In response to a question from Commissioner Schlager, Senior Planner Jester indicated that there
15 are about six remodel requests for homes under 2,000 square feet per year.

16
17 Commissioner Lesser commented that the Mansionization Committee felt that homes beyond a
18 certain size should provide additional on-site parking spaces regardless of the size of the
19 remodel. He commented that there traditionally has been a problem in the City with parking.

20
21 Director Thompson said that there are always thresholds for parking requirements. He stated
22 that it is important to encourage remodeling but that the importance of parking requirements also
23 needs to be considered.

24
25 Commissioner Seville-Jones said that she supports the parking space requirements for new
26 construction, and her concern is whether it achieves the intent of encouraging remodeling. She
27 commented that the intent is to retain as many existing smaller homes as possible. She suggested
28 that small remodels of 400 or 500 square feet possibly be exempt from the threshold for
29 requiring an additional parking space. She commented that garages are important; however, they
30 are used for storage and not for parking in many cases.

31
32 Chairman Bohner opened the public hearing.

33
34 **Jan Reese** indicated that they are considering remodeling their home on the corner of 18th Street
35 and Poinsettia Avenue. She indicated that the owners of the property on the southwest corner of
36 Poinsettia Avenue and 18th Street have eight cars, and the balance of them are parked on the
37 street. She said that a new home across the street is also being built to 5,000 square feet on 18th
38 Street which will include a four car garage. She commented that 18th Street is basically going to
39 appear as a parking lot, and there is no guarantee that the residents of the new home will park
40 their vehicles in the garage. She also commented that there is no stop sign on Poinsettia Avenue,
41 and the traffic often is backed up. She said that although there is a need to put cars in garages,

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1 encouraging more cars results in greater traffic in neighborhoods.

2

3 **Martha Andreani** said that it is important to consider adding garages rather than allowing
4 exceptions even for remodels. She commented that she lived in the Tree Section and saw trees
5 removed to make room for garages that were not used for the parking of cars. She suggested that
6 there be an inspection six months after construction is completed to determine whether garages
7 are actually being used for parking. She commented that she hopes that the changes that are
8 made to the Code can be bold enough so that there is not regret in the future that more steps were
9 not taken. She commented that when Dana Point was incorporated as a City, they began to limit
10 construction from three to two stories, which is a possible step that could be taken in Manhattan
11 Beach. She indicated that three story homes result in the appearance of bulk.

12

13 **Bob Bickel**, a resident of the 300 block of North Rowell, indicated that the intent of the
14 amendments is to address the look and feel of homes as viewed from the street. He commented
15 that the Zoning Code Amendments in 2004 required that the floor area of any basement be
16 counted toward the need for an additional garage space regardless of the use of the basement.
17 He said that a traditional use of a basement for storage does not create an additional need for
18 parking, and parking needs are a function of a family's makeup rather than the size of a
19 basement. He indicated that since parking congestion is not universal to all neighborhood
20 streets, the amendment is inappropriately indiscriminant. He commented that in 24 years of
21 living in their home, they have never had to park more than 75 feet from their driveway. He
22 stated that the qualify of life in his neighborhood would not improve by narrowing his home a
23 few feet. He said that a homeowner's decision of what benefits his family should supersede
24 additional restrictions imposed for the benefits of others. He said that due to the added
25 constraints of a house's existing footprint and layout, imposing the same restriction on remodels
26 as on new construction would further encourage teardowns.

27

28 **Mr. Bickel** stated that they have planned to modernize and upgrade their home to existing
29 neighborhood standards with improvements to the master bedroom, bathroom and kitchen. He
30 indicated that they are seeking to add a modest basement under their garage and entry to be used
31 for storage and a workshop. He said that it seemed reasonable that the additional basement area
32 would not dictate the necessity for a three-car garage, as the square footage was under 3,600
33 square feet. He said, however, that the added basement would bring the home to under 3,600
34 square feet of BFA but over the 3,600 square foot threshold to provide a three-car garage. He
35 indicated that the addition of the basement would have no impact to the look of the home or to
36 the amount of living space. He also indicated that no gas, water, or sewer lines proposed for the
37 basement. He commented that with the current layout of the home, removal of the cap on side
38 yard setbacks would make it impossible to remodel without demolishing the entire home. He
39 said that without their proposal, they are forced to use their garage for storage and park their cars
40 on the street. He pointed out that he could currently add a large building in the back yard for
41 storage and a workshop, but attaching the same space to the house or as a basement requires an

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1 added garage space. He stated that tearing down and rebuilding his home to include a three car
2 garage would result in the appearance of much more bulk from the street and would be much
3 more financially difficult for them. He said that if they chose to sell their property, a new owner
4 would probably also build a much larger structure on the lot. He indicated that he believes that
5 there are other homeowners with similar situations that would not become aware of these issues
6 until they attempt to remodel.

7
8 In response to a question from Commissioner Lesser, Director Thompson commented that **Mr.**
9 **Bickel** does have the option of applying for a Variance request.

10
11 **Mr. Bickel** said that he has heard that it is very difficult to be granted a Variance.

12
13 Commissioner Schlager pointed out that there are older children who have cars in many families,
14 which creates issues with parking.

15
16 **Mr. Bickel** commented that he understands the concerns regarding providing parking. He
17 pointed out that he will continue to have to park his cars on the street rather than in the garage if
18 he is not permitted to build a basement.

19
20 **Gerry O'Connor** said that the technical problems with access to the staff reports and public
21 information on the City's new website have not yet been corrected. He commented that he has
22 not seen any improvement in the website in the two months that it has been changed. He
23 suggested that the site be fixed to allow a full size view of the staff report to be available from
24 the Commission's agenda link. He also indicated that the archives only are available for
25 meetings dating back to 2005. He said that the archives were available for meetings prior to
26 2005 on the old website. He indicated that he is pleased that the Commissioners were able to
27 take a tour and would like to hear the impressions that they have after visiting several properties.
28 He commented that he would have liked to have seen a similar video tour being made available
29 for viewing by the public. He commented that many of the homes being constructed currently
30 are striving to reach the maximum allowable BFA. He said that the reason many are not built to
31 the maximum is because they are unable to reach the limit with setback and open space
32 requirements. He said that he certainly would hope that consideration is not given to lowering
33 the percentages permitted for remodels, and he would support allowing higher percentages than
34 66 percent in Area Districts III and IV and 75 percent in Area Districts I and II. He commented
35 that he feels the 8 percent open space requirement for the front setback is a separate issue from
36 the desire to provide articulation on the street side of corner lots for new construction as well as
37 remodels.

38
39 In response to a question from Commissioner Lesser, **Mr. O'Connor** said that he is suggesting
40 that the 8 percent front yard open space requirement remain for both interior and corner lots and
41 that additional articulation be required for the side yard of corner lots. He said that an additional

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1 requirement is needed for articulation and open space on the side of corner lots.

2

3 Chairman Bohner closed the public hearing.

4

5 Commissioner Seville-Jones said that she has a concern with the proposal to allow remodels to a
6 maximum of 66 percent on smaller lots because she does not feel it allows the owner of a half lot
7 enough flexibility to remodel. She said that she would prefer for a maximum of 75 percent or 80
8 percent.

9

10 Commissioner Lesser commented that the far extreme of encouraging people to remodel homes
11 rather than to demolish and rebuild is allowing remodels that are just as large as a home that
12 would be rebuilt. He said that an important consideration of the Mansionization Committee was
13 arriving at smaller homes by limiting the amount that can be added with a remodel while still
14 making it easier than tearing down and rebuilding.

15

16 Director Thompson said that any development on a half lot would be smaller than is built on a
17 full lot whether it is new construction or a remodel. He indicated that if there is consensus from
18 the Commission, staff can consider other alternative requirements for half lots.

19

20 Commissioner Schlager commented that he would tend to support a percentage of 66 for
21 remodels.

22

23 Commissioner Seville-Jones said that given the current trends, she is not certain that a remodel
24 of up to only approximately 1,400 square feet would allow a property owner of a half lot to have
25 what is considered a functional home. She said that she feels owners of half lots should possibly
26 be allowed more flexibility.

27

28 Senior Planner Jester pointed out that half lots are very small lots, and the owners should not
29 have an expectation of building a very large structure.

30

31 Chairman Bohner commented that he would not be opposed to staff giving additional
32 consideration for smaller lots. He said that it does appear that a remodel that would be permitted
33 for a small lot would be trivial. He said that there may be a good reason why it would not be
34 appropriate to increase the percentage, and additional information from staff might help to
35 persuade the Commissioners that it is not feasible.

36

37 Commissioner Powell said that the Mansionization Committee felt that allowing a remodel to a
38 maximum of 66 percent balances the fact that there is less space separating the homes on smaller
39 lots than on larger lots. He pointed out that the owners of half lots have an expectation that less
40 can be built than on a larger lot. He indicated, however, that he would not be opposed to staff
41 reviewing the percentage for smaller lots.

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1
2 Commissioner Seville-Jones asked whether the 66 and 75 percent maximum would apply to
3 homes which are built over two lots.

4
5 Senior Planner Jester said that the Code currently requires that adjoining properties that have a
6 single home built across the lot line be merged with any new construction or remodel because
7 construction is not permitted over a property line.

8
9 Commissioner Powell stated that he has a concern with no cap being placed on the maximum
10 allowable square footage of BFA for a remodel with neighborhood notification, and he feels
11 there needs to be a reasonable cutoff. He said that his concern is that not providing a cap for
12 remodels would result in a large house with nonconformities for setback or height that should
13 not be considered as a minor exception. He commented that he realizes that remodels for homes
14 over 3,000 square feet would require neighbor notification, but there needs to be a reasonable
15 threshold.

16
17 In response to a question from Commissioner Lesser, Senior Planner Jester said that she does
18 feel it would be appropriate to consider placing a cap for remodels over 3,000 square feet.

19
20 Director Thompson commented that staff's experience is that any home over a certain size is
21 most likely going to be new construction rather than a remodel. He stated, however, that there
22 is no problem with establishing a cap if it is supported by the Commissioners.

23
24 Chairman Bohner said that he does not feel there would be any harm in establishing a cap for
25 remodels.

26
27 Director Thompson said that a cap of 4,000 square feet could be placed on remodels, which
28 would still allow for a large home.

29
30 Commissioner Lesser said that establishing a 4,000 square foot cap would be in keeping with the
31 intent of encouraging remodeling of smaller homes.

32
33 Commissioner Seville-Jones said that establishing a cap of 4,000 square feet may discourage
34 people with homes that are near the limit from building a small remodel. She commented that if
35 a cap is established, she would like to provide flexibility without requiring a Variance process
36 for people who wish to have small remodels that are slightly over the maximum.

37
38 In response to a question from Commissioner Seville-Jones, Director Thompson said that **Mr.**
39 **Bickle's** concern is that the basement area he is proposing should not be included toward the
40 parking requirement, as it would have no impact on the parking demand for his property. He
41 said that while there may not be a concern with the use of the basement area by **Mr. Bickle**

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1 regarding providing additional parking, a future owner of the property may use the basement in a
2 manner that would necessitate an additional parking requirement. He said that the Code
3 requirements must apply equally to every property owner.

4
5 Commissioner Schlager commented that his opinion after taking the tour of several properties
6 throughout the City is that it is very difficult to determine the difference between homes with a 6
7 percent and an 8 percent front setback. He said that he did feel the requirement should remain at
8 8 percent for corner lots as it wraps around because of the length of the building along the street.

9
10 Chairman Bohner said that he would agree that the 8 percent requirement should remain for
11 corner lots.

12
13 Chairman Bohner commented that he was not able to see a distinguishable difference on the tour
14 between homes with a 6 percent and an 8 percent front yard setback. He said that requiring 8
15 percent would be helpful to allow articulation along the side.

16
17 Commissioner Powell requested that the packet of pictures that was given to the Commission be
18 placed on the City's website. He commented that his impression is that the appearance of bulk is
19 a result of the design by the architect rather than the front setback being provided at 8 rather than
20 6 percent. He indicated that he would be comfortable with lowering the requirement to 6 percent
21 for the front. He indicated that there is a difference in the homes built before the front setback
22 requirement was imposed, and he does feel there needs to be some threshold.

23
24 Commissioner Seville-Jones said that she agrees that the architecture of homes is very important
25 in reducing the appearance of bulk. She commented that it is difficult to compare designs with 6
26 percent and 8 percent because they are so different. She said that lowering the requirement to 6
27 percent for the front setback seems like moving backwards in terms of reducing the size of
28 homes.

29
30 Commissioner Lesser commented that there is a perception that reducing the front setback
31 requirement from 8 percent to 6 percent is a concession to property owners in order to allow
32 them to build larger homes. He indicated that he was persuaded by the comments of residents
33 who described their specific situation and how it was very difficult for them to remodel because
34 they could not reach the 8 percent for their design.

35
36 Commissioner Schlager said that it would seem appropriate to have the majority of articulation
37 on the street side of corner lots, as the majority of the home is visible from the street side.

38
39 Director Thompson said that there needs to be sufficient articulation along the street side to
40 make a difference in the appearance of bulk; however, too much setback being required on the
41 side of a home on a narrow lot may hurt the ability to provide sufficient living area on the second

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1 story. He indicated that staff could establish a percentage to be provided in the side ranging
2 from 35 to 45 percent with a minimum percentage also required in the front. He said that if the
3 Commission agrees with staff's concept, staff can return at the next meeting with a
4 recommendation on appropriate percentages.

5
6 Commissioner Seville-Jones said that she is inclined to support a lower percentage being
7 wrapped around the side. She said that she respects that architects should be able to have
8 flexibility, although it is important not to allow too much.

9
10 Commissioner Seville-Jones said that she is not necessarily concerned with homes of 3,600
11 square feet but rather smaller homes where it would be difficult for someone to add on a small
12 addition that brings a home over the threshold for an additional parking space.

13
14 Director Thompson commented that staff will further consider possibly addressing half lots
15 separately to allow them more flexibility to build a larger remodel. He said, however, that the
16 parking requirement is a different issue than addressing the percentage permitted for a remodel.

17
18 Commissioner Lesser pointed out that there were directives from the City Council regarding the
19 parking requirements.

20
21 Chairman Bohner said that requirements need to be placed regarding providing parking at some
22 level, and a standard cannot be provided to address every unique circumstance.

23
24 Director Thompson pointed out that the current requirement is for a two-car enclosed garage to
25 be provided for any remodel or new development up to 3,600 square feet, and the new standards
26 being proposed for remodels are more relaxed to allow for a single-car garage in certain cases.

27
28 Commissioner Schlager commented that a single-car garage would be permitted with a remodel
29 for homes up to 2,000 square feet, which would apply to many properties in the City. He stated
30 that parking is such an issue in certain areas of the City, and he does not feel the threshold for
31 requiring a two car garage should be made any higher.

32
33 Director Thompson pointed out that most homes that are remodeled already have a two car
34 garage, and providing the extra parking space would not be an issue. He indicated that there are
35 instances of homes with single car garages where it is difficult to provide an additional parking
36 space with a remodel, and staff wanted the ability with the new regulations to not require an
37 additional space in such cases.

38
39 Commissioner Seville-Jones said that she is not certain that providing a basement or providing a
40 very small addition to a home creates an impact and change of use which should be included
41 toward the parking requirement.

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1
2 Commissioner Powell commented that possibly the reason that homeowners would be seeking to
3 remodel their home is to provide more space for a teenager who has a car. He commented that
4 the directive from the City Council was to consider the overall parking situation. He indicated
5 that he recognizes that parking in certain areas is a large concern.

6
7 Chairman Bohner commented that his understanding is that any accessory structure that would
8 be placed on an adjacent lot to a primary structure would need to be approved by staff, which
9 would help to mitigate any concerns regarding the structures being compatible with the
10 neighborhood.

11
12 Commissioner Lesser said that he would agree with staff's position that allowing accessory
13 structures would encourage property owners not to sell adjacent lots for development.

14
15 A motion was MADE and SECONDED (Lesser/Powell) to **CONTINUE** the public hearing to
16 October 10, 2007.

17
18 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
19 NOES: None
20 ABSENT: None
21 ABSTAIN: None

22
23 **DIRECTOR'S ITEMS** None

24
25 **PLANNING COMMISSION ITEMS**

26
27 Commissioner Lesser thanked staff for conducting the tour with the Commissioners, and he felt
28 it was very helpful.

29
30 Commissioner Lesser wished Chairman Bohner well as he is away for the next month.

31
32 Commissioner Seville-Jones congratulated Commissioner Powell on his appointment to the Los
33 Angeles American Planning Association Division as a Planning Commission member.

34
35 **DIRECTOR'S ITEMS**

36
37 Director Thompson commented that he would welcome any e-mails with additional concerns
38 with the City's website that are able to articulate the problems that are occurring.

39
40 Commissioner Seville-Jones indicated that she has the same concern as raised by **Mr. O'Connor**
41 regarding the difficulty in reading the staff report in the small format on the website and

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1 regarding allowing access to information from meetings that occurred before 2005.

2

3 **TENTATIVE AGENDA: September 26, 2007**

4

5 **ADJOURNMENT**

6

7 The meeting of the Planning Commission was **ADJOURNED** at 10:00 p.m. in the City Council
8 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, September 26, 2007, at 6:30 p.m.
9 in the same chambers.

10

11

12 _____
13 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
EXCERPTS**

OCTOBER 10, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, October 10, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Vice-Chairman Lesser called the meeting to order.

8 Members Present: Powell, Schlager, Seville-Jones, Vice-Chairman Lesser

9 Members Absent: Chairman Bohner

10 Staff: Richard Thompson, Director of Community Development

11 Laurie Jester, Senior Planner

12 Sarah Boesch, Recording Secretary

13
14 **AUDIENCE PARTICIPATION** None

15
16 **PUBLIC HEARINGS**

17
18 **06/0726.1 Consideration of City Council 2005-2007 Work Plan Item to address**
19 **Mansionization in Residential Zones: (1) Increase Open Space and Setbacks;**
20 **(2) Limit Lot Mergers; (3) Encourage the Retention of Existing Smaller**
21 **Homes; (4) Allow Accessory Use of Adjacent Common Ownership Lots**

22
23 The Commissioners agreed to have staff present the four items in sections, ask any questions of
24 staff after each section, and open the item up for public comment on all of the items after
25 completion of the presentation.

26
27 Senior Planner Jester summarized the staff report related to open space and setback revisions.
28 She stated that the proposal includes that the front setback requirement be reduced from 8
29 percent to 6 percent in Area Districts I and II for interior lots and remain at 8 percent for corner
30 lots. She indicated that currently there is a cap for open space of 350 square feet, and the
31 proposal is to eliminate the cap. She said that the proposal is also to include basement area as
32 BFA for the open space requirement, just as it is counted towards parking requirements. She
33 indicated that currently open space on the third level of homes can only be provided in
34 proportion to the amount of living area on the level, and the proposal is to allow half of the open
35 space to be provided on the third level. She stated that the proposal would allow decks above the
36 second or third level, subject to increased setbacks and provided they are located adjacent to a
37 living area.

38
39 Senior Planner Jester commented that currently 10 percent of the lot width is required for a side
40 yard setback with a 3 foot minimum and 5 foot maximum, and the proposal is to eliminate the 5
41 foot cap for side yard setbacks. She stated that the proposal is to increase the requirement for the
42 rear yard setback from 10 to 12 feet and to eliminate the existing 25 foot cap. She indicated that

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1 the proposal is to increase the setbacks from 5 to 10 feet for the larger lots in a small single
2 family home section of the beach area where there are no alleys with rear lots abutting each
3 other. She said that the proposal is to require any building wall facing a side yard or rear yard
4 over 24 feet to be set back an additional 3 feet which would also apply to the corner side;
5 currently the requirement is applies to walls over 25 feet in height. She commented that the
6 proposal is to allow a minor exception for reducing the 6 percent or 8 percent bulk/volume
7 requirement for small, wide, or shallow lots and for lots with multiple front yards. She indicated
8 that the proposal is also to allow a minor exception for 15 percent open space for single story
9 construction in two story zones or a two story home in areas with three story homes.

10
11 Commissioner Seville-Jones commented that she is concerned about the effect of the proposals
12 on smaller lots where they would have the greatest impact. She asked regarding the range of
13 square footage that could be built on a smaller lot if the proposals are adopted.

14
15 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that she
16 does not believe the provisions would have much impact on smaller 30' wide by 45' deep lots.

17
18 Commissioner Seville-Jones said that she has a concern with smaller lots that are also wide, and
19 the side yard setback requirement could impact their BFA (buildable floor area).

20
21 Senior Planner Jester pointed out that the minor exception process would address the smaller
22 shallow and wide lots.

23
24 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that the
25 number of such smaller lots that possibly would be affected would be in the low hundreds.

26
27 Director Thompson commented that staff would expect possibly two or three applications a year
28 for such a minor exception.

29
30 In response to a comment from Commissioner Seville-Jones, Senior Planner Jester commented
31 that the chart provided to the Commissioners was based on the assessor's information which
32 does not include the total number of small lots. She stated that staff does not believe the square
33 footage of development on smaller lots would change or be impacted as a result of the proposed
34 regulations, except for the wide, shallow small lots.

35
36 Commissioner Seville-Jones said that she is not certain that smaller irregular lots would not be
37 impacted. She indicated that she has heard justifications for the reduction of the front setback
38 requirement from 8 to 6 percent in order to encourage the use of back yards and to add flexibility
39 for building on the second level. She said, however, that she is still having difficulty in
40 understanding the reasoning why 8 percent would not be better than 6 percent.

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1 Senior Planner Jester indicated that the Mansionization Committee included a number of
2 architects who addressed the difficulty in applying the 8 percent front setback requirement. She
3 said that staffs' understanding from input by the Council and Commissioners after they toured
4 many properties is that it is difficult to determine the difference between homes with a 6 and 8
5 percent front yard setback and that the 6 percent front setback meets the goal of reducing the
6 appearance of bulk. She commented that a requirement of 8 percent results in the home being
7 pushed back toward the rear of the lot, and it was felt open space was important in the side and
8 rear as well as the front.

9
10 Director Thompson indicated that it is important to listen to the input of the architects when they
11 state that it is difficult to design a home with the 8 percent front setback requirement. He
12 commented that the good architects within the community design beautiful homes which are not
13 creating an issue or concern. He stated that the complaints that have been received are regarding
14 the homes which are mass produced by developers who do not focus on the design. He said that
15 the architects have indicated that the City is achieving its goal of providing articulation in the
16 front with the 6 percent requirement, and it has not been demonstrated that the 8 percent would
17 be preferable.

18
19 Commissioner Schlager commented that in taking the tour, he could not determine the visual
20 difference in homes built with 6 or 8 percent front setback. He said that the issue is not with the
21 architects who typically do not build homes to the maximum allowable but rather to prevent
22 situations of homes that are built to the maximum which do not provide the articulation that the
23 community would prefer.

24
25 In response to a question from Commissioner Powell, Senior Planner Jester said that the City
26 Attorney will review the document for legal accuracy prior to it being submitted to the City
27 Council.

28
29 Commissioner Powell suggested that the word "Maxi-mum" be corrected to "Maximum" in the
30 third sentence of the first section under "Increase Open Space and Setbacks."

31
32 Commissioner Powell suggested that the first column with the entries "Front," "Side," Corner
33 Side" and "Rear" in the tables labeled "Property Development Standards for Area Districts I and
34 II" and "Property Development Standards for Area Districts III and IV" be changed to
35 (percentage/ft.) rather than (ft.) to clarify that it is not an absolute footage maximum but a
36 percentage.

37
38 Vice-Chairman Lesser commented that many people have made the case that changing the open
39 space percentage from 8 percent to 6 percent is giving back to the developers and would actually
40 contribute toward mansionization. He said that he personally supports the proposal to reduce the
41 percentage from 8 percent to 6 percent. He asked regarding the number of plans that have been

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1 impacted by the 8 percent requirement and regarding the justification for reducing the
2 percentage.

3
4 Director Thompson said that the architects are providing the 8 percent currently, but it does
5 impact their flexibility in designing the front of homes. He pointed out that the design is not
6 improved simply because the percentage of the front setback is increased. He said that the
7 architects have expressed their opinion that it is not necessary to have the front setback
8 requirement at 8 percent, and the goals are achieved at 6 percent.

9
10 Commissioner Powell requested that an inventory be prepared with the addresses of homes
11 which have an 8 percent front setback and which have 6 percent front setback.

12
13 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that
14 landscaping was not an issue that the Mansionization Committee was tasked with reviewing, and
15 it was not specifically addressed since it was not listed as one of the particular goals.

16
17 Director Thompson commented that a separate presentation will be made to the City Council in
18 November which will address landscaping. He said that staff's feeling was that the focus
19 regarding the subject recommendations be on construction and development.

20
21 Vice-Chairman Lesser stated that he would support building standards that could be imposed for
22 quality open space that includes landscaping being required.

23
24 Senior Planner Jester then presented proposed Lot Merger revisions. She stated that the first
25 provision relating to lot mergers allows for mergers up to a maximum lot size of two typical
26 residential standard size lots for the particular Area District. She pointed out that there are a
27 number of exceptions to accommodate existing situations and to encourage multi-family
28 development in certain areas and allow religious institutions and schools to continue without
29 merging the lots. She said that the second provision is that existing lots that are not merged with
30 development over the lot lines would be allowed to continue to be used as one lot, but anything
31 new would need to comply with the new lot size standards and other development standards if
32 the property is redeveloped over 50 percent of the valuation of the buildings on the site.

33
34 In response to a comment from Commissioner Schlager, Senior Planner Jester commented that
35 staff received an e-mail with a concern that the Minor Exception language could be interpreted
36 to allow an exception for lot size; however, it actually relates to a structure on a lot. She
37 indicated that staff could include some clarifying language.

38
39 In response to a comment from Vice-Chairman Lesser, Senior Planner Jester stated that the
40 current Code requires that lots be merged for reconstruction and remodeling of buildings that
41 extend over lot lines. She indicated that the proposal would not allow the parcels to be merged

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1 unless they were under the new maximum lot size standards.

2

3 In response to a question from Commissioner Powell, Senior Planner Jester stated that there are a
4 number of lots on The Strand which are 33 1/3' by 105', and the direction of the Mansionization
5 Committee and Commission was that those lots should be permitted to be merged.

6

7 In response to a question from Vice-Chairman Lesser, Senior Planner Jester said that language
8 could be added to Exhibit "A" of the staff report on page 11 under the second item of 10.12.030
9 to read: "Site enlargements (e.g. mergers, lot line adjustments), not exceeding the maximum lot
10 area, which result in existing structures becoming nonconforming to residential development
11 regulations."

12

13 Senior Planner Jester summarized the amendments to encourage the retention of existing smaller
14 homes. The proposal would revise the Minor Exception provisions to allow nonconforming
15 homes to be able to remodel and build an addition with specific limitations. She indicated that
16 currently a 2,000 square foot cap applies for additions and remodels. She said that the proposal
17 is to allow 100 percent remodel and to retain existing nonconformities with a limit of 66 percent
18 of buildable floor area in the Beach Area and 75 percent in the other area districts or 3,000
19 square feet without neighborhood notification, whichever is less. She commented that the
20 proposal would allow homes on smaller lots to expand up to 1,400 square feet, and there
21 currently are new homes being built at 1,600 square feet. She pointed out that the parking
22 requirement for remodels would be reduced from the requirements for new construction. She
23 indicated that the proposal would allow existing homes to be expanded to a maximum of 4,000
24 square feet with neighborhood notification. She said that a requirement for a three-car garage is
25 proposed for expansions over 3,600 square feet. She indicated that the proposal is also to allow
26 remodels of existing homes on interior lots to place a portion of the required 6 percent front open
27 space to the side and rear provided the percentage in the other areas is doubled. She stated that
28 the proposal is for expansions of existing homes on corner lots to be permitted to provide 3
29 percent open space in the front, 3 percent on the street side, and 3 percent in the rear or interior
30 side yard.

31

32 In response to a question from Vice-Chairman Lesser, Senior Planner Jester stated that the most
33 common comment staff receives from neighbors regarding noticing of remodels is that they do
34 not feel the noticing is necessary and that the expansion should be supported. She said that the
35 notification advises of the proposal and explains the procedure for response and comments to the
36 proposal. She indicated that the neighbors also have the opportunity to appeal the decision of the
37 Director to the Planning Commission.

38

39 Commissioner Schlager indicated that his impression from taking the tour is that much of the
40 issue regarding the appearance of bulk is on corner lots.

41

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1 In response to a question from Commissioner Schlager, Senior Planner Jester stated that the
2 intent is to provide a setback on the street side where it is currently not required. She
3 commented that the amount of setback would depend on the manner in which it is distributed
4 between the front and the side. She indicated that staff felt establishing a percentage for the
5 street side was important.

6
7 Commissioner Seville-Jones commented that there are a number of existing small homes with a
8 very small garage either connected or behind the home which are very narrow. She asked if the
9 garage would be required to be brought up to current standards if the owners wanted to expand
10 by only 200 or 300 square feet.

11
12 Senior Planner Jester pointed out that the existing garage would be allowed to remain if the
13 addition and remodel is under 50 percent of the value of the existing home. She said that there
14 are provisions that the garage could remain for an expansion over 50 percent of the value of the
15 existing home if the garage nonconformity is less than 1 foot in both directions of width and
16 depth.

17
18 In response to a comment from Commissioner Seville-Jones, Director Thompson pointed out
19 that homes are permitted to expand up to 50 percent of the value of the existing structure and
20 keep all of their non-conforming parking. He stated that at some point of expanding a home,
21 however, it is important that an additional parking space be provided.

22
23 Commissioner Seville-Jones commented that her concern is that someone would be discouraged
24 from remodeling if they would exceed the threshold for an additional parking space even though
25 their expansion would not have any impact to the parking demand.

26
27 Director Thompson commented that it is important to have such thresholds in zoning for certain
28 Code requirements.

29
30 In response to a question from Vice-Chairman Lesser, Senior Planner Jester indicated that staff
31 felt it was appropriate to place a limit on the size of remodeled homes with neighborhood
32 notification at 4,000 square feet because they felt it is very unlikely that someone would expand
33 a very small existing home to that size rather than tear down the existing home and build a new
34 structure.

35
36 Director Thompson commented that 4,000 square feet is quite large for a home, and the
37 argument can be made that allowing an expansion to over 4,000 square feet should require a
38 more comprehensive approval process than a minor exception.

39
40 In response to a question from Commissioner Seville-Jones, Senior Planner Jester commented
41 that a three-car garage is required for homes that expand over 3,600 square feet because

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1 otherwise it would be creating or expanding a nonconformity.

2
3 Senior Planner Jester then described the proposal for accessory uses on adjacent commonly
4 owned lots would allow accessory structures to be built on a commonly owned adjacent lot in
5 order to encourage owners to retain the property rather than sell it for new development. She
6 commented that currently the use of an adjacent lot is very limited and cannot include such items
7 as a pool or guest house. She stated that a covenant would be required to ensure that the adjacent
8 parcel is not sold without a primary residence.

9
10 The last item includes a number of miscellaneous clean-up items. Senior Planner Jester said that
11 the proposal includes that any required garage area not be included toward buildable floor area
12 (BFA). She stated that language is also proposed to allow the required front yard setback to be
13 reduced from 5 to 2 feet on the second and third levels for half lots located adjacent to alleys
14 which is currently permitted for full lots in the same situation adjacent to an alley where it is
15 considered the rear yard. She stated that the proposal would also add more cross references
16 within the residential property development standards chart. She indicated that the proposals
17 would also provide a clarification that hedges are treated the same as fences and walls.

18
19 Vice-Chairman Lesser opened the public hearing.

20
21 **Joseph DiMonda**, said that he participated in the Mansionization Committee. He said that he
22 has a concern that the language of item 1(ii) as written that the percentage of open space that is
23 wrapped around the corner on corner lots would be in a single area rather than extended down
24 the block. He pointed out that the building side on corner lots of 50' by 150' is 90 feet long, and
25 he feels the supplemental open space should be included in the middle rather than all being
26 located on one end.

27
28 Director Thompson commented that the language allows flexibility to wrap the open space
29 around the corner on corner lots and to apply to break up the mass along the street side.

30
31 **Mr. DiMonda** indicated that many people do not see a difference in the appearance of bulk from
32 homes that provide a 6 percent rather than 8 percent front setback. He indicated that the
33 architects feel that the extra 2 percent results in homes being pushed back into the rear yard and
34 the design options becoming limited. He said that the architects feel that the volume of homes
35 with 8 percent and 6 percent front setbacks are essentially the same. He indicated that they felt
36 the percentage should be reduced to 6 percent with the additional open space being provided
37 elsewhere on the property. He stated that he is concerned that increasing the side setback to
38 more than 10 percent of the lot width would potentially have a tremendous impact on 50 foot lots
39 and would not be beneficial. He indicated that he is not certain the reasoning behind requiring
40 an additional 3 foot setback for the side and rear yards for walls taller than 24 feet rather than 25
41 feet as previously required. He commented that constant incremental changes to the Code

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1 requirements make it very difficult for applicants, architects, and the staff to understand and
2 follow. He indicated that changes should not be made unless a problem is identified that needs
3 to be addressed and there is a clear public benefit that is achieved. He commented that if the
4 community truly believes that the homes are too large, then the issue should be addressed fully
5 rather than with insignificant changes to the Code.

6
7 **Mr. DiMonda** stated that projects reach the threshold of 50 percent valuation very quickly,
8 particularly when cosmetic changes are included such as repairing roofs, windows and siding.
9 He said that eliminating construction that does not have any impact to the size of the home from
10 the 50 percent valuation would encourage more remodeling. He commented that there would be
11 a very large number of properties that would be nonconforming if hedges are included within the
12 standards for fences and walls. He said that he is not certain if there would be enforcement of
13 the standards regarding hedges, particularly in instances where there is a safety concern. He said
14 that it would be difficult to comply with and enforce the requirements for hedges of 6 feet in side
15 and rear yards and 42 inches in front yards. He commented that there is also a question as to
16 whether a solitary hedge in a front yard is any different than a tree.

17
18 **Bob Bickel** said that the proposed amendments provide limited relief for homeowners wishing to
19 remodel. He commented that modest basement additions used for storage would impose added
20 parking requirements if they result in the calculation of BFA reaching over the threshold. He
21 indicated that second story additions over existing walls at a current 5 foot side yard setback
22 would be prohibited on lots that are slightly wider than the standard 50' by 150' lots. He
23 indicated that it has been suggested that a Variance could be applied to remedy such situations;
24 however, it has been stated that a Variance request for relief from the parking requirements
25 would not be granted. He said that the time, expense, and uncertainty of the Variance process
26 should only be necessary for issues unforeseen by the Commission and later encountered during
27 the plan check process. He requested that the Commissioners not penalize residents who are not
28 contributing toward the problem of bulk.

29
30 In response to a question from Vice-Chairman Lesser, **Mr. Bickel** commented that he has sent an
31 e-mail to the Commissioners and staff. He stated that his understanding is that the intent of the
32 parking requirement is to remove cars from the street. He indicated that the current Code allows
33 three-car garages to include tandem parking; however, in many cases the third space is used for
34 storage rather than for parking. He said that including the square footage of basements toward
35 the parking requirement is appropriate in instances where it results in an increase to the parking
36 demand. He indicated, however, that the basement area should not be included toward the
37 parking requirement in instances where it is not used for living space. He commented that he
38 wants to add a basement area to provide an additional storage area in order to allow room in the
39 garage for parking. He has suggested that an exception to including basement area toward the
40 parking requirements be permitted in instances where the basement is under 1,000 square feet
41 and is used for storage rather than living area. He commented that he would also like to add a

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1 500 square foot addition on the second story of his home to renovate the master bathroom. He
2 indicated that his lot is 65' by 117', which requires an additional side yard setback of 1 ½ feet.
3 He said that the extra requirement makes it almost impossible to build the addition that they
4 would like, and he is requesting some relief for building out to the existing 5 foot setback for lots
5 such as his that are slightly larger than the standard size of 50' by 150'.

6
7 **Martha Andreani** said that she agrees with the statements of **Mr. DiMonda** that making
8 constant changes to the Code can make it very difficult to follow. She indicated that the intent is
9 to achieve a reduction of the visual bulk in the City. She suggested possibly restricting new
10 homes from being built to three stories, although she is not certain that the City would take such
11 a drastic measure. She commented that three level homes are big and create bulk. She suggested
12 adding a requirement that the front and side of homes provide articulation rather than be flat.
13 She also suggested that roofs also not be permitted to be flat. She stated that she believes
14 requirements for landscaping needs to be addressed with the subject proposals rather than
15 separately. She commented that she feels hedges are a method of providing landscaping rather
16 than fences. She suggested that landscaping be required in a minimum of 50 percent of the front
17 setback. She commented that lot mergers can create additional open space if the development
18 across the merged lots is limited. She pointed out, however, that merging lots changes the
19 characteristics of the neighborhoods. She commented that her understanding is that the issue of
20 lot mergers is under review, and she is not certain how the determination was made to allow the
21 merger of two lots. She suggested possibly basing the parking requirement on the number of
22 bedrooms of a home rather than square footage. She commented that more detail is needed
23 regarding the accessory structures that would be permitted on commonly owned adjacent lots
24 and whether features such as lighting would be regulated. She stated that it is important that the
25 neighborhood be provided with notice regarding applications for accessory structures. She
26 commented that noticing within only 300 feet of a project does not reach enough of the
27 neighbors who may wish to comment on a proposal. She also suggested that the possibility of a
28 design review board be considered further.

29
30 **Jim Fasola**, stated that he agrees with the comment of **Mr. DiMonda** that the proposal is only
31 making small incremental changes to the Code which will not eliminate the concerns regarding
32 bulk. He commented that his suggestion would be to simply increase the setbacks and decrease
33 the height limit. He said that he approves of the work that staff has done, and he feels the
34 proposals should be approved. He suggested limiting the size of combined lots to 5,000 square
35 feet in Area Districts III and IV because he does not feel the 33 1/3' by 105' lots should be
36 combined. He said that he would also suggest increasing the rear setback requirement to at least
37 15 feet in Area Districts I and II.

38
39 **Paul Gross** commended staff on all of their work and stated that he feels the proposals should be
40 approved. He pointed out that the issue that is attempting to be addressed is the 70 percent of
41 new homes that are built by developers to the maximum lot size which results in unattractive and

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1 bulky homes. He said that they have attempted to address the issue while not placing too much
2 restriction on architects. He commented that there was much discussion regarding the balance
3 between the good of the property owner and the good of the entire City. He indicated that
4 requiring open space is a method of providing articulation, and there is flexibility for architects
5 on where the open space is provided. He commented that the only measures that would go
6 further in providing articulation than has been done with the proposals would be to further
7 restrict BFA or to establish an architectural committee. He said that further restricting BFA was
8 discussed at great length, and it was decided that it was not the approach that the majority of the
9 community wanted. He stated that establishing a design review committee did not get much
10 discussion, but it would not be in the character of the City. He indicated that the City is beautiful
11 because there are so many different styles of homes. He stated that he supports the proposal for
12 a limit of 4,000 square feet for remodels, and he believes it would have been supported by the
13 Mansionization Committee. He indicated that providing an additional 3 foot setback in the rear
14 and side yards with walls over 24 feet rather than 25 feet as currently required would be another
15 method of forcing articulation for buildings. He commented that he feels basement square
16 footage should be counted toward the parking requirement because such areas could be used as
17 living space in the future even if it is originally intended to be used as storage.

18
19 **David Hennessy**, a resident of 36th Place, commented that he has a concern that existing
20 properties that are over the size of two lots and currently developed as one property could be
21 redeveloped as one property. He pointed out that no properties on The Strand currently extend
22 over the size of two lots.

23
24 Senior Planner Jester commented that the proposal has limitations on the size of lots that would
25 be permitted according to the different area districts. She said that the maximum size in the
26 beach area is based on combining two 33 1/3' by 105' lots, which would result in a lot size of
27 7,000 square feet.

28
29 Director Thompson indicated that the proposal would limit any future lot merger to two lots, and
30 the maximum lot size that would be permitted is 7,000 square feet.

31
32 **Kathy Clark**, a resident of the 400 block of 7th Street, said that she considers the subject
33 proposals an opportunity to address landscaping, particularly on walk-streets. She commented
34 that she would have attended the Mansionization Committee meetings if she had known they
35 were open to the public, and her understanding is that people had to be appointed to the
36 Committee. She commented that she feels the process needs to move forward, as new
37 construction occurs every day in the City. She pointed out that enforcement of the regulations is
38 very important, and the residents would not have the City they deserve without it.

39
40 **Robert Schumann**, said that the majority of the public is not going to be able to determine the
41 difference between a front setback of 6 and 8 percent; however, it does make a large difference

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1 to the owner of the home. He indicated that he believes basements should be encouraged and
2 that people who build them should not be penalized. He said that without basements, people will
3 not be able to have the storage they need. He commented that he supports the new regulations to
4 encourage the retention of existing smaller homes; however, it is too late for many properties.
5 He indicated that the previous limit of 2,000 square feet for remodels has resulted in many
6 homeowners tearing down the existing structures and rebuilding large homes. He indicated that
7 he hopes the new regulations will result in many of the remaining existing older smaller homes
8 being saved. He stated that redevelopment of the properties currently developed over more than
9 two lots would result in a large reduction in the number of units, increased light, decks open
10 space, and parking. He stated that the message being sent to the owners of contiguous multiple
11 lots if their ability to redevelop the properties is taken away is to retain their existing structures
12 rather than upgrade the properties. He suggested allowing an exception for owners of multiple
13 properties to redevelop their property as currently exists within a certain number of years
14 provided that it results in a decrease in the number of units along with other requirements. He
15 commented that neighbors of his property have indicated that they want his building to be
16 replaced; however, they also want the design options to become more limited.

17
18 **Gerry O'Connor** indicated that he is not satisfied that the proposals go far enough toward
19 reducing bulk. He commended the staff on the clarity and detail provided in the staff report for
20 this hearing. He pointed out that although the title of the first item is "amendments for new
21 residential development to increase open space and setbacks," the first proposal to reduce the
22 front open space requirement from 8 percent to 6 percent is a decrease rather than an increase in
23 the required amount of open space. He commented that although it is difficult to tell the
24 difference between 8 percent and 6 percent open space for different homes with different styles
25 on different lots, it would most likely be noticeable on a home with the same design on the same
26 lot. He stated that the only challenge to achieving the requirement of an 8 percent front setback
27 is when it conflicts with attempts to reach the maximum buildable floor area. He said that the
28 issue is not with the developments of architects but rather homes built by developers who largely
29 do not take bulk into consideration. He pointed out that the 8 percent requirement has been met
30 for the last two years.

31
32 **Mr. O'Connor** commented that he shares the concern of **Mr. DiMonda** that the wrapping
33 around of open space on corner properties should not only occur at one side. He indicated that
34 he feels the issues of increasing articulation on street side walls and protecting open space on
35 front street sides are mutually exclusive and should not be linked. He commented that more
36 needs to be done to increase the articulation on the street side of corner lots. He said that he does
37 not feel that allowing open space to be shifted to a roof would help to eliminate the appearance
38 of bulk and density. He stated that he would agree with the suggestion of **Mr. Fasola** that the
39 requirement for the rear setback should be increased to 15 feet, and he feels it is an opportunity
40 to address the issue of providing larger rear yards. He indicated that he is not certain of the
41 reasoning for only slightly changing the requirement that walls taller than 24 feet rather than 25

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1 feet have an additional 3 foot setback in rear and side yards. He said that he does not feel
2 enough is being done to increase the requirement for articulation on building walls for corner
3 lots. He stated that he is not certain how the numbers for the typical lot size in the different area
4 districts was determined regarding lot mergers. He commented that the only people before the
5 Commission who have expressed support for lot mergers are those who own multiple contiguous
6 lots to his knowledge, and he would find the argument in favor of lot mergers much more
7 convincing if people other than those who owned multiple contiguous lots expressed support.
8 He indicated that he would support the clarifying language to the second item under 10.12.030
9 on page 11 of Exhibit "A" as has been proposed by staff. He pointed out that the important
10 aspect regarding providing notice of remodeling projects is to allow anyone the opportunity to
11 express any concerns or issues regarding a proposal. He indicated that it is very small expense to
12 increase noticing.

13
14 **Kathy Clark** stated that she supports the comments of **Mr. Fasola** and **Mr. O'Connor** that the
15 rear yard setback requirement should be increased to 15 feet which would provide for more
16 usable back yards.

17
18 Vice-Chairman closed the public hearing.

19
20 At 9:30 a 10 minute recess was taken.

21
22 Director Thompson said that there has always been a Code section regarding hedges, and the
23 proposal is to clarify the language. He indicated that the Code enforcement regarding hedges
24 would not change with the proposal, and it is done on a complaint basis.

25
26 Director Thompson indicated that **Mr. Bickel** would be eligible to apply for a Variance in order
27 to allow him to build a basement and addition without having to provide a three-car garage. He
28 said that the Variance request would be evaluated by the Planning Commission, and staff does
29 not believe that adjustments should be made to the Code based on the situation of one property
30 owner.

31
32 Vice-Chairman Lesser asked whether any Code language would discourage the side setback on
33 corner lots from being located only along the corner.

34
35 Senior Planner Jester indicated that staff wanted to allow flexibility and not provide specific
36 requirements for the setback. She commented that language could be provided that the setback
37 be distributed in order to provide articulation.

38
39 Director Thompson indicated that the proposed change to the requirement that an additional
40 setback be provided in the rear and side yards for building walls over 24 rather than 25 feet may
41 appear insignificant but would actually result in a large impact to the design of structures.

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1
2 Director Thompson indicated that staff is confident that landscaping will be addressed with the
3 upcoming discussions with the City Council. He commented that there are a number of issues
4 that need to be addressed with landscaping including storm water retention on properties. He
5 indicated that it is likely that any requirements for landscaping included with the subject
6 proposals would be re-evaluated, and it is suggested to wait until the issue is considered
7 separately by the Council.

8
9 Vice-Chairman Lesser commented that he shares the concerns expressed by **Ms. Andreani** and
10 **Ms. Clark** regarding landscaping and is eager for the City to establish further requirements for
11 landscaping.

12
13 Commissioner Seville-Jones requested that staff include in the report to the City Council that the
14 Commissioners expressed a concern regarding landscaping being included with the regulations
15 but did not consider it in their recommendations because the issue will be coming separately
16 before the Council.

17
18 Director Thompson pointed out that if a development built over multiple lots is removed, any
19 future development must be built to the current lot pattern and current standards.

20
21 Director Thompson indicated that the types of accessory structures that would be permitted on
22 adjacent commonly owned lots is specified in the language on page 20 and 21 of the attachment
23 to the staff report. He commented that staff would caution against imposing additional
24 requirements for accessory lots that are not imposed on single family lots.

25
26 Director Thompson commented that the issues raised by **Ms. Andreani** regarding articulation
27 and preventing the front and roofs of buildings from being flat are addressed in the Bulk Volume
28 Ordinances. He stated that there is not a provision which specifically prohibits flat roofs, and
29 such a provision would not be recommended by staff.

30
31 Senior Planner Jester commented that staff has a concern that exempting basements from being
32 counted toward the parking requirement could result in basements built for storage later being
33 used as livable area without the necessary safety requirements being provided. Regarding a
34 comment by **Mr. Fasola**, she indicated that 33 1/3' by 105' is a standard lot size on The Strand,
35 and staff does not feel it was the intent that such lots should be prohibited from being merged.

36
37 Commissioner Powell asked regarding the possibility of using the number of bedrooms to
38 determine the parking requirement for an additional garage space rather than square footage.

39
40 Director Thompson said that it is a standard condition in cities to use square footage for such
41 thresholds, and it is difficult to regulate how bedrooms are used over a period of time.

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1
2 Commissioner Seville-Jones indicated that she would support the front yard required setback
3 remaining at 8 percent because it is the current Code requirement, and she has not heard
4 convincing evidence that changing the requirement to 6 percent would fulfill the desired
5 objectives. She indicated that she does see a difference in homes with a 10 percent front setback.
6 She commented that she agrees it is difficult to compare front setbacks of 8 percent and 6 percent
7 for different homes with different designs. She stated that there are many examples of homes
8 with good designs that provide an 8 percent front setback.

9
10 Commissioner Powell said that he agrees with the comments of Commissioner Seville-Jones. He
11 commented that he has noticed a difference in the homes built by developers and those designed
12 by architects for the homeowner. He suggested the possibility that new development have a
13 front setback requirement of 8 percent and remodels under the Minor Exception have a
14 requirement of 6 percent. He said that with the Minor Exception, the goal is to provide an
15 incentive for people to remodel and retain the older smaller homes rather than tearing down the
16 existing structure and building to the maximum permitted. He said that he has heard the
17 argument that architects are challenged to design structures with the 8 percent front requirement,
18 and he is certain that it is more of a challenge when attempting to remodel an existing structure
19 rather than beginning with a new design.

20
21 Commissioner Schlager commented that the same discussion could occur for each regulation as
22 to whether they should be higher or lower. He indicated that his determination after viewing
23 various homes and listening to architects is that there is more of a case to change the front yard
24 setback requirement from 8 percent to 6 percent than for it to remain at 8 percent in terms of
25 providing flexibility.

26
27 Vice-Chairman Lesser said that he originally supported keeping the front open space
28 requirement at 8 percent. He pointed out that many people do not believe that there is a problem
29 with bulk in the City and allowing the development that is currently occurring is exercising
30 individual property rights. He indicated that he originally felt that leaving the front setback at 8
31 percent was appropriate to address what he felt was a problem with the current pattern of
32 development. He commented that he has been convinced to support a reduction to 6 percent by
33 the architects who have described their limitations with the 8 percent and by homeowners who
34 brought their plans to the Mansionization Committee in order to demonstrate their difficulty in
35 designing the home that they wanted under the 8 percent requirement. He said that he is
36 sympathetic to the comments of **Mr. O'Connor**; however, that he feels it is important to allow
37 flexibility to architects and homeowners to provide a variety of different designs for homes. He
38 stated that he would support reducing the front setback requirement to 6 percent as
39 recommended by the Mansionization Committee.

40
41 Commissioner Seville-Jones commented that she is not clear regarding the amount of flexibility

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1 that is lost for architects in changing the front setback percentage from 8 percent to 6 percent.

2
3 Director Thompson commented that the question can also be asked as to the amount of
4 improvement in design and articulation that has resulted from changing the percentage from 6 to
5 8 percent. He said that staff has heard from the architects that the 6 percent requirement is
6 effective and is a good tool for providing articulation and they have never heard from architects
7 that 8 percent is preferable.

8
9 Vice-Chairman Lesser commented that he was convinced that 6 percent is appropriate because
10 architects have expressed that 8 percent is a problem.

11
12 Commissioner Seville-Jones said that she would support language that the open space be
13 distributed proportionately in the side yard on corner lots so that it is not provided only in the
14 front portion.

15
16 Senior Planner Jester said that staff can provide further language regarding the distribution of
17 open space on the side yard of corner lots.

18
19 Commissioner Seville-Jones commented that she has a concern that half lots would not be able
20 to develop up to 1,800 square feet with the 15 percent open space requirement in the beach area
21 on RS lots. She requested that the number of such lots be determined and that some examples be
22 provided.

23
24 Director Thompson stated that staff can use the formula to demonstrate the impact of the 15
25 percent requirement.

26
27 Commissioner Seville-Jones commented that if the amount that can be built on a smaller lot with
28 the 15 percent requirement is under the range of 1,500 to 1,800 square feet, she would want
29 some relief from the requirement to be provided for such properties. She suggested possibly a
30 minimum lot size for the side yard setback requirement on wider lots and possibly some relief on
31 the open space requirement.

32
33 Senior Planner Jester pointed out that the 15 percent open space requirement currently applies in
34 the medium density and high density zones where the majority of half lots are located.

35
36 Commissioner Seville-Jones commented that she agrees with the comments of **Mr. O'Connor**
37 that open space provided on the upper levels is not as community oriented as open space
38 provided on the lower levels.

39
40 Director Thompson stated that the Mansionization Committee determined that public open space
41 and private open space are both important. He stated that the intent with providing for additional

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1 open space on the upper level was that it be distributed and not only provided in one area.

2

3 Commissioner Seville-Jones commented that it appears drastic to increase the rear yard setback
4 requirement to 15 feet rather than 12 feet as proposed, and she would support the
5 recommendation of the Mansionization Committee of 12 feet.

6

7 Senior Planner Jester stated that the recommendation to change the rear setback requirement
8 from 10 feet to 12 feet was somewhat arbitrary. She indicated that a higher percentage was not
9 discussed specifically by the Committee, but her impression is that it was felt that 15 feet would
10 be a substantial increase from the existing requirement of 10 feet. She commented that there
11 would be an issue in providing a 15 foot rear yard with the home being pushed toward the front
12 of the lot.

13

14 Vice-Chairman Lesser said that he would encourage staff to consider the impact to the design
15 and BFA of homes of requiring a 15 percent rear setback.

16

17 Commissioner Seville-Jones indicated that she has a concern with the determination of typical
18 lot size regarding lot mergers. She stated that she understands that staff is suggesting that the 36
19 lots on The Strand which are 33 1/3' by 105' should be eligible for lot mergers; however, she
20 would like to see the size of the majority of lots be used in the determination of typical lot size.

21

22 Senior Planner Jester indicated that there are a number of lots on The Strand and other areas that
23 are 33 1/3' by 105', not just 36 lots, and staff felt it was important that they not be precluded
24 from being merged. She pointed out that such lots are typical of the neighborhood and are not
25 much larger than 30' by 90' lots.

26

27 Commissioner Schlager commented that he supports the proposed language regarding lot
28 mergers and the determination of minimum and maximum lot sizes.

29

30 Commissioner Powell pointed out that the 30' by 90' lot is the typical lot size in Area Districts
31 III and IV. He stated that there is a significant difference in the size of 30' by 90' lots and 33 1/3
32 by 105' lots when they are doubled.

33

34 Director Thompson pointed out that the issue is regarding lot pattern rather than lot size, and
35 there has never been a concern in the community expressed with two lots being merged along
36 The Strand.

37

38 Commissioner Seville-Jones indicated that she could support those lots on The Strand being
39 permitted to be merged because of the existing lot pattern. She commented that her concern is
40 that the lot pattern within each district of the City differs, and the regulation to allow lots up to
41 7,000 square feet applies to the entire district.

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1
2 Director Thompson pointed out that the calculation for the lot size was done for each area to
3 determine the typical lot size.

4
5 Commissioner Seville-Jones said that her question is whether a more specific definition of lot
6 pattern can be established that does not apply district wide or whether it would be too difficult to
7 regulate.

8
9 Commissioner Powell commented that he shares the concerns of Commissioner Seville-Jones
10 regarding consistent lot patterns. He commented that without standards being established for
11 entire districts, however, standards would apply to pockets within area districts rather than to the
12 overall predominant lot pattern of the district.

13
14 Director Thompson pointed out that minimum and maximum standards are established because
15 zoning can never be precise enough to address every particular situation.

16
17 Commissioner Seville-Jones said that she feels the clarification is important on page 11 of
18 Exhibit "A" under the second item under 10.12.030 as proposed by staff.

19
20 Commissioner Powell requested that wording be added to item 2 on page 7 of Exhibit "A" to the
21 staff report to read: "Exiting Legally Created Merged Lots."

22
23 Commissioner Seville-Jones said that she has a concern that the parking requirement would
24 discourage owners from building small remodels which slightly exceed the limit for requiring an
25 additional garage space. She commented that one possibility to address the issue would be to
26 exempt certain types of interior remodeling from the calculation of the 50 percent valuation
27 which have no impact on the square footage of the home as suggested by **Mr. DiMonda**. She
28 suggested another possibility for addressing the concern would be to specify an amount of
29 remodel that is considered de minimis that would be permitted without being counted toward the
30 valuation.

31
32 Director Thompson commented that staff would not support any exceptions as suggested by **Mr.**
33 **DiMonda**. He pointed out that there needs to be a threshold where the parking requirement for
34 an additional parking space needs to apply. He said that specifying a small addition that would
35 not apply toward the parking requirement would encourage people to build subsequent small
36 additions in order to avoid the requirement.

37
38 Commissioner Seville-Jones suggested that the exception for a small amount of remodeling be
39 permitted only for homes that were built before a certain date in order to prevent new homes
40 from purposefully avoiding the requirement.

41

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1 Director Thompson indicated that staff has not encountered an issue with small remodels being
2 discouraged because it results in the threshold being reached for an additional parking space. He
3 suggested that the ordinance be reviewed in a year, and that the issue be addressed at that time if
4 it is identified as a problem.

5
6 Commissioner Seville-Jones suggested that direction possibly be given to the Council that the
7 Commissioners were directed not to consider changes to the 50 percent valuation rule but that a
8 concern was raised by the Commission that it is unduly limiting for remodels.

9
10 Director Thompson pointed out that a concern has not been raised regarding the 50 percent rule
11 during the hearings or as part of building applications. He indicated that he would not suggest
12 making such a recommendation to the Council because it is not particularly difficult to work
13 within the 50 percent rule.

14
15 Commissioner Schlager said that he feels the flexibility that is provided by the proposals as
16 written is conducive for allowing remodels. He stated that he also would support the new
17 requirements being revisited after it has been enacted for a year when there has been an
18 opportunity to determine their impact on development patterns.

19
20 Commissioner Seville-Jones commented that she agrees the requirements should be reviewed,
21 but she feels the Commission is going to be hesitant at making changes after they are enacted
22 unless there is a large problem.

23
24 Commissioner Lesser commented that he would be interested in reviewing the criteria for the 50
25 percent rule to the extent there are criticisms if it is the direction of the Council. He indicated
26 that he respects the concerns of Commissioner Seville-Jones regarding the parking requirement.
27 He said, however, that he has not seen evidence that it is a practical problem for those
28 contemplating making use of the new requirements for remodeling. He indicated that he would
29 defer to the proposed language as written.

30
31 Commissioner Powell said that he agrees with the comments of Commissioners Schlager and
32 Lesser.

33
34 Commissioner Seville-Jones stated that although she recognizes the problem raised by **Mr.**
35 **Bickel**, she is not supportive of changing the requirements for basement square footage being
36 counted toward parking. She indicated that she recognizes that attempting to identify the use of
37 basement area for different uses is very difficult to enforce. She suggested the possibility of
38 allowing some relief from the setback requirements for homes built with a certain setback on
39 wider lots which may very limit their ability to build a small remodel.

40
41 Vice-Chairman Lesser said that the Variance process would be available for such situations,

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1 although it is not preferable.

2
3 Commissioner Seville-Jones indicated that she would like to change the wording of item 2 under
4 Sections 10.52.050F. and A.52.050F. on page 21 of Exhibit “A” to read: “The development has
5 no significant detrimental impact to surrounding neighbors (privacy, pedestrian, and vehicular
6 accessibility, light, air, noise.)”

7
8 A motion was MADE and SECONDED (Lesser/Schlager) to **REOPEN** the public hearing and
9 **CONTINUE** the item to November 14, 2007.

10
11 AYES: Powell, Schlager, Seville-Jones, Vice-Chairman Lesser
12 NOES: None
13 ABSENT: Chairman Bohner
14 ABSTAIN: None

15
16 **DIRECTOR’S ITEMS** None

17
18 **PLANNING COMMISSION ITEMS**

19
20 Commissioner Powell indicated that he attended the American Planning Association State
21 Conference, and he learned a great deal. He stated that the conference next year will be hosted
22 by the Los Angeles Chapter and held in Hollywood.

23
24 Commissioner Powell stated that the American Planning Association and several other agencies
25 have designated October as National Community Planning Month, and the City Council will be
26 issuing a proclamation at their October 16 meeting.

27
28 **TENTATIVE AGENDA: October 24, 2007**

- 29
30 A. Proposed Construction of Larger Concrete Pads on the Beach/Bike Path Between 27th
31 Street and 28th Street (Continued from September 12, 2007)
32
33 B. Proposed Construction of a New Mixed-Use Building to Include Three Residential
34 Apartment Units and One Professional Office Suite at 229 12th Street (Continued from
35 September 26, 2007)
36
37 C. Appeal of an Administrative Decision Denying a Driveway Vehicular Turntable at 729
38 Manhattan Beach Boulevard (Business Item Continued from August 22, 2007)

39
40 **ADJOURNMENT**

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1 The meeting of the Planning Commission was **ADJOURNED** at 11:30 p.m. in the City Council
2 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, October 24, 2007, at 6:30 p.m. in
3 the same chambers.

4

5

6 _____
7 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
EXCERPTS**

NOVEMBER 14, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, November 14, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Eric Haaland, Associate Planner
14 Sarah Boeschen, Recording Secretary
15

16
17 **PUBLIC HEARINGS**

18
19 **07/0725.4-3-2-1 Consideration of City Council 2005-2007 Work Plan Item to Address**
20 **Mansionization in Residential Zones: 1) Increase Open Space and**
21 **Setbacks; 2) Limit Lot Mergers; 3) Encourage the Retention of**
22 **Existing Smaller Homes; 4) Allow Accessory Use of Adjacent**
23 **Common Ownership Lots**
24

25 Senior Planner Jester summarized the staff report. She said that staff is recommending that the
26 front open space setback requirement be reduced from 8 percent to 6 percent for interior lots and
27 remain at 8 percent for corner lots. She said that many architects and designers gave compelling
28 testimony that the 8 percent requirement impacts the design and layout of homes and has an
29 effect on the quality of the design. She indicated that the 8 percent also pushes homes further
30 back on lots which results in a loss of open space in the rear yard. She commented that it was
31 felt that there was not a significant visual difference between 6 and 8 percent front setback, but
32 the Commissioners felt that the 8 percent requirement for corner lots provided the opportunity to
33 wrap the open space around to break up the mass on the street side. She stated that there was a
34 concern raised in an e-mail by Gary Osterhout that the open space requirements on “through”
35 corner lots, those lots with two front yards on two corners, would be too restrictive. She said that
36 the new revisions would apply to both front yards and the street side yard, so 16% open space
37 total would be required, and a Minor Exception could be applied for if BFA (buildable floor
38 area) is impacted.
39

40 Senior Planner Jester indicated that there was concern about the impact of the 15 percent open
41 space requirements on the RS (single family residential) zoned half lots in Area District III. She

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1 pointed out that the requirement is already in place in the RM (medium density residential) and
2 RH (high density residential) zones where the majority of half lots are located, and it has not
3 been an issue. She indicated that because the permitted BFA is higher on the RH than the RS
4 lots, staff does not feel there will be an issue with providing the open space on the RS lots. She
5 commented that the rear yard is permitted to be included as open space on half lots, and it is not
6 counted on full size lots. She indicated that unusual, small, or shallow lots that are unable to
7 meet the maximum allowable BFA due to the open space requirement would be permitted to
8 apply for a Minor Exception. She stated that currently there is a requirement for a 10 foot rear
9 yard setback in Area Districts I and II with a 25 foot cap, and there was consideration of
10 increasing the requirement to 15 feet. She indicated that staff's recommendation is to increase
11 the rear yard setback requirement to 12 feet with no cap. She said that 12 feet is the
12 recommendation of the Mansionization Committee. She also indicated that staff feels it is a
13 balanced approach, and 15 feet may be overly restrictive. She commented that staff is proposing
14 to eliminate the existing 5 foot cap on side yards setbacks and add a requirement that it be 10
15 percent of the lot width. She commented that a letter was received from Ted Davis with a
16 concern that RH lots in Area Districts I and II would be exempted from the regulations for lot
17 mergers in order to encourage the development of multifamily units on such lots but at the same
18 time would be required to have increased setbacks which he feels limits development. She said
19 that staff feels the goals of the Committee was that the space between buildings is important and
20 increasing the setbacks should apply to all zones and Area Districts.

21
22 Senior Planner Jester stated that the language in the staff report regarding the regulation of lot
23 mergers uses the term "typical" lot size; however, the language of the Code only includes
24 numbers with the minimum and maximum lot sizes. She indicated that staff wanted to
25 accommodate lot mergers for the original subdivided lots. She said that the concern expressed
26 regarding lot mergers was with four half lots in the Beach Area being merged and developed
27 with a single large structure that would be out of character with the area. She pointed out that
28 there are only a handful of proposals in the past 20 years for merging even two half lots, and
29 typically people want to develop half lots individually because of the greater market value. She
30 commented that the Commission received an e-mail suggesting that the percentage of allowable
31 buildable floor area be reduced in relation to the size of the resulting merged lot; however, the
32 City Council previously determined that they did not feel that it was an appropriate approach.

33
34 Another e-mail was received from the Cohens' regarding their proposed 2nd story addition to
35 their home that would match the existing setback that will become non-conforming with the new
36 regulations, and exceed 50% valuation. She stated that staff is recommending no revision to the
37 existing Code language that states that a remodel and addition needs to remain under 50 percent
38 with a second or third story addition matching a nonconforming setback. She indicated that any
39 construction over 50 percent is a substantial addition and throughout the Minor Exception
40 provisions any new construction must conform to the current development standards.

41

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1 In response to a question from Commissioner Lesser, Senior Planner Jester indicated that the 50
2 percent valuation rule is a key provision of the Code regarding nonconformities. She indicated
3 that the concept is that any construction under 50 percent of the value of the existing structure is
4 considered more of a minor remodel or addition, and any construction over 50 percent is closer
5 to construction of a new home. When construction is over 50% many new standards are required
6 throughout the Municipal Code. She commented that the Minor Exception process does have
7 many provisions to allow for a remodel of over 50 percent of the value of the existing structure,
8 but staff felt it was very important for a remodel and addition to remain under 50 percent with a
9 second or third story addition which matches a nonconforming setback. She pointed out that the
10 City Council did not ask staff to consider changing the 50 percent rule.

11
12 Director Thompson said that 50 percent of the value of the existing home is quite a large amount
13 of remodeling for a home. He stated that removing a roof is reaching over the limit of 50
14 percent, and any such project should comply with the new standards.

15
16 In response to a comment from Commissioner Lesser, Director Thompson said that the main
17 direction of the City Council for the Commission to consider regarding mansionization was the
18 issue of lot mergers, and there was concern regarding the ability to allow three lots to merge.

19
20 Commissioner Lesser pointed out that a letter was received from **Susan Klevens** requesting that
21 Section 3 of the proposed amendments regarding encouraging the retention of existing smaller
22 homes be considered separately from the rest of the proposals.

23
24 In response to a comment from Commissioner Lesser, Senior Planner Jester indicated that the
25 City Council requested that all of the proposals be considered together rather than individually.

26
27 Director Thompson stated that an e-mail was also received from **Martha Andreani** which
28 requested that the item be continued since the Downtown open house is occurring on the same
29 night as the hearing and possibly some of the members of the public would not be able to attend.

30
31 Chairman Bohner opened the public hearing.

32
33 **Ted Davis** indicated that he previously wrote a letter to the Commission for the September 11
34 meeting, but staff did not forward it to the Commissioners at that time. He indicated that he
35 purchased a property on 12th Street five years ago as a seven unit town home style apartment
36 house in order to help provide income for retirement. He stated that the proposed lot merger
37 regulation exempts RH properties in Area Districts I and II and does not discourage multi-unit
38 development in those areas. He said, however, that the new regulations regarding development
39 standards do not exempt RH properties in Area Districts I and II which is not consistent with the
40 lot merger regulation. He said that the proposed setback regulations for rear and side yards
41 eliminates the ability to provide a central corridor configuration with a driveway along the center

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1 of the property with units built on top of garages on both sides. He commented that such a
2 design would be the most aesthetic and conforming for his lot. He stated that the new setback
3 standards would limit the number of units he could develop from eight to six, which would
4 greatly impact the economic value of the property. He commented that applying the setback
5 regulation across the board for all residential properties is not fair and equitable. He said that
6 both regulations should be exempt for RH zoned properties outside of the beach areas in Area
7 Districts I and II where density is not as dramatic of an issue as in the other areas of the City.

8
9 In response to a question from Commissioner Lesser, **Mr. Davis** said that he would be willing to
10 spend the cost and time in applying for a Variance if it were certain to be approved; however, his
11 understanding is that there is no guarantee that it be granted for his circumstance on the basis
12 that it would not meet the required criteria. He indicated that the regulations are appropriate for
13 high density areas; however, he does not consider the area where his property is located as high
14 density.

15
16 Director Thompson commented that he would not suggest proposing a Variance for **Mr. Davis'**
17 proposal. He said that the concern of **Mr. Davis** is that the proposed standards would reduce his
18 ability to have the same number of units as he has currently, and a Variance would not be
19 appropriate to allow a larger number of units.

20
21 **Neil Howard**, a resident of the 3400 block of Manhattan Avenue, asked that consideration be
22 given to properties built on a hill that do not include full stories. He commented that there are
23 many hills within the City, and not all homes have one, two, or three full stories. He said that the
24 first story of his home consists of 40 percent of the property. He said that he does not believe the
25 proposed regulations take into account properties without a full story.

26
27 **Laura Cohen**, a resident of the 3000 block of Ardmore Avenue, indicated that she and her
28 husband want to do a modest remodel of their existing home. She stated that they have a 75 foot
29 wide ranch style home, and their goal is to maintain the same style. She pointed out that they
30 would be permitted to tear down their existing home and rebuild a 5,000 square foot structure on
31 the lot. She said that they are proposing a modest second story that would include only a master
32 suite and to also renovate the first level. She commented that the rules relating to the setbacks
33 would only affect lots that are wider than 50 feet, as all of the properties under 50 feet are
34 already conforming at 10 percent under the existing rule. She indicated that properties under 50
35 feet would be permitted to build a second story straight up to the full permitted BFA, which does
36 not address the concern of mansionization. She commented that they would still remain at 58
37 percent of the permitted BFA with their proposed addition. She indicated that they feel the
38 proposed setback regulations discourage people with larger lots from constructing a small
39 remodel rather than tearing down and building a new even larger structure, which is contrary to
40 the goals of reducing mansionization. She commented that their project would be over 50
41 percent of the value of the existing home, and therefore they would not be eligible for a Minor

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1 Exception. She stated that much of their remodeling would be upgrading of the existing
2 structure rather than adding square footage. She indicated that her understanding is that they
3 likely would not be granted approval for a Variance for their addition because their property
4 would not fall under any of the unique qualities that allow for approval. She indicated that in
5 order to set the second story back an additional 2½ feet to meet the new requirement, they would
6 need to reengineer the entire roof of their existing home in order to carry the load of the second
7 story rather than placing the second story on an existing load bearing wall.

8
9 Director Thompson commented that Commissioner Seville-Jones had previously suggested
10 possibly allowing for a small addition on a nonconforming home under a Minor Exception rather
11 than a Variance. He said that staff can address the issue if the Commission feels it should be
12 given further consideration.

13
14 Commissioner Schlager commented that the point was raised that the majority of lots in the area
15 of **Ms. Cohen's** property are 40 feet wide and would not be subject to the new setback standards.

16
17 In response to a comment from Commissioner Schlager, Senior Planner Jester said that the new
18 setback requirements would only affect lots over 50 feet wide.

19
20 **Larry Peha**, the architect for **Ms. Cohen**, pointed out that smaller homes are penalized with the
21 50 percent rule because the maximum is reached with a much smaller remodel. He also
22 requested that a grace period be allowed for projects after the new amendments are adopted. He
23 commented that it is difficult for architects to know the standards that they should use in
24 designing homes when it is not certain when the new regulations will take effect.

25
26 **George Shane**, a resident of the 400 block of 34th Street, said that he is in the process of a
27 project that will not be compliant with the new regulations, and he also requested a grace period
28 for projects that have already underway that do not meet the new rules.

29
30 Director Thompson pointed out that the reason for changing the Code is because it is wanted by
31 the community, and it has not been simply an arbitrary decision to change the Code
32 requirements. He indicated that after the Commission makes a recommendation to the City
33 Council, it will take about an additional two months for the new regulations to take effect
34 assuming they are approved. He said that any architect who wishes to submit a design under the
35 current rather than new standards would need to have the plans in for plan check before the new
36 regulations go into effect possibly in March.

37
38 Chairman Bohner commented that the request of **Mr. Peha** and **Mr. Shane** for a grace period
39 relates to the action that is taken by the City Council rather than to the recommendations made
40 by the Planning Commission.

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1 **Susan Klevens**, a resident of the 800 block of Highview Avenue, asked for clarification
2 regarding the intent of preserving existing homes if any new construction on an existing home is
3 considered under the same guidelines as a new structure. She indicated that her understanding is
4 that any remodeling would have less strict standards in order to encourage retaining smaller
5 existing homes.

6
7 Director Thompson said that he believes the issue of **Ms. Klevens** is regarding the front setback
8 requirement, which will be addressed by the new regulations. He said that a second story built
9 over the existing structure with a nonconforming setback could be addressed under the Minor
10 Exception process provided that it is under 50 percent of the value of the existing structure. He
11 commented that his understanding is that the remodel proposed by **Ms. Klevens** would not be
12 over 50 percent of the value of their existing home. He said that his understanding in evaluating
13 her project is that their issue was with the front yard setback requirement, which would be
14 addressed by reducing the requirement from 8 to 6 percent. He said that a new addition built
15 without previously established setbacks would need to conform to the new setback standards.

16
17 **Jim Fasola** indicated that a requirement is being proposed to require 15 percent of open space in
18 the Beach Area on RS lots, with a Minor Exception being permitted for small, wide, shallow and
19 multiple front yard lots where the home is not able to obtain its permitted BFA. He said,
20 however, that none of the homes on RS half lots would be able to reach their permitted BFA, and
21 projects on any of those lots would meet the exception criteria which would defeat the purpose
22 of the rule. He commented that he feels the limit on lot mergers in Area Districts III and IV
23 should be two standard sized lots which are 2,700 square feet but that the larger 33' by 105' foot
24 lots should not be permitted to merge. He commented that he feels 3,500 square feet is plenty of
25 space for a lot within the City, which is the size of a single 33' by 105' lot. He indicated that he
26 feels allowing two 30' by 90' to a size of 5,400 square feet would be acceptable.

27
28 In response to a question from Commissioner Lesser, Director Thompson said that **Mr. Fasola's**
29 concern that anyone proposing a project on an RS zoned half lot would request a Minor
30 Exception assumes that they all would be attempting to reach the maximum allowable BFA of
31 2,200 square feet, which is not necessarily the case. He pointed out any request to reach 2,200
32 square feet under the Minor Exception would have to demonstrate certain methods of
33 articulation is included in the design.

34
35 **Paul Gross**, said that the issue has been under consideration for a long time and needs to move
36 forward. He stated that the Mansionization Committee strived to reach a balance between
37 private property rights and the good of the community as well as development by architects as
38 opposed to spec builders. He commented that he feels as good of a balance as possible has been
39 reached with the proposed recommendations. He said that the Committee chose not to
40 recommend changing the existing BFA standards, although it was considered. He said that it
41 was felt that changing the standards would not be fair to property owners. He commented that it

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1 was also felt that it would require a very large change in the BFA standards in order to make a
2 difference for the 70 percent of homes that are built by developers with a poor design. He
3 pointed out that homes can still look unattractive and bulky even if the amount of BFA is
4 reduced. He indicated that the appearance of bulk is greatly dependent on the design; however,
5 the Committee felt that establishing a design review committee was not in the character of the
6 City. He commented that the approach that was taken in addressing mansionization was with the
7 tools of articulation, open space, and proportional space between buildings. He commented that
8 the proposals are not perfect, but it has reached a good balance. He indicated that at some point
9 there needs to be trust that the people who have worked on the proposals have reached an
10 appropriate balance. He said that they have used articulation, open space, and proportional space
11 in order to result in the design of homes that would appear less like a box and with a reduced
12 BFA in areas where it will be noticed. He indicated that a tremendous balance was reached in
13 the recommendation regarding lot mergers considering the large number of varying opinions.
14 He said that the Committee felt that any smaller homes that are preserved as a result of the new
15 regulations rather than torn down would be beneficial.

16
17 **Martha Andreani**, indicated that the Manhattan Beach Residents Association board members
18 feel that the two important considerations regarding mansionization include reducing visual bulk
19 and density and increasing open space, and the best method of achieving the goals are with
20 setbacks and height restrictions. She said that they felt the front yard setback requirement should
21 not be reduced from 8 to 6 percent. She pointed out that the reason it is difficult to distinguish
22 between a 6 and 8 percent front setback is because many of the yards are concrete which makes
23 it difficult to notice any difference. She said that they feel the required rear setback should be
24 increased if the front yard setback requirement is decreased. She commented that there is no
25 mention of the percentage of front or rear yard setbacks that would be required to be landscaped,
26 and she would like for landscaping to be required within at least 50 percent of the setbacks. She
27 indicated that the board supports the 10 percent side yard setbacks, although they felt that a
28 minimum side yard setback of 5 feet should be required for larger lots. She indicated that there
29 was a concern raised regarding safety and the aesthetics with the side yards of smaller lots being
30 enclosed, and there is no regulation included regarding side yards remaining open. She
31 commented that enclosing side yards limits open space and creates a safety concern.

32
33 **Ms. Andreani** said that she believes lot mergers change the character of neighborhoods, which
34 is contrary to the goal of the Mansionization Committee. She indicated, however, that she
35 appreciates that allowing only two lots to be merged is a compromise. She said that they feel
36 that open space and setback requirements need to be increased in proportion to the size of the
37 resulting lot when two lots are merged. She indicated that she wants it to be clear that any half
38 lots in Area District IV that have been merged may not be subdivided. She stated that she would
39 agree with the comment of **Mr. Fasola** that lots on The Strand which are 33' by 105' should not
40 be permitted to merge. She commented that mention should be made in the regulations if the
41 grandfathering of contiguous lots is going to be restricted. She commented that no mention is

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1 made in the language regarding limiting basements to one level. She indicated that the issue of
2 shoring needs to be addressed, which may impact neighboring properties to a project site. She
3 commented that she does not oppose rooftop decks. She indicated, however, that flat roofs make
4 a structure appear more bulky than a design which provides some articulation for the roof. She
5 said that she has seen Jacuzzis in front yards on walkstreets which does not seem appropriate for
6 safety.

7
8 **Gerry O'Connor** indicated that he feels the front setback requirement and the need to address
9 additional articulation on street side corners should be considered individually rather than with
10 one regulation. He said that local architects have expressed that their design freedom is limited
11 if the front setback requirement remains at 8 percent, and it is natural that they would want as
12 much design freedom as possible. He said, however, that the issue which needs to be addressed
13 are the homes which are built without good design. He indicated that although it may be
14 difficult to distinguish between a front setback of 6 and 8 percent for homes on different lots
15 with different designs, the difference would most likely be noticeable on a home with the same
16 design on the same lot. He pointed out that the intent of the revisions is for it to become more
17 difficult for homes to reach their maximum allowable BFA, and the reason that limiting BFA
18 further was not directly addressed was that it would be impacted by other regulations. He
19 indicated that reducing the setback from 8 percent to 6 percent increases BFA. He pointed out
20 that some of the same architects who have expressed their concern that it is difficult to reach a
21 front setback of 8 percent made the same argument when the requirement was made for 6
22 percent; however, they have been able to achieve 8 percent with their designs.

23
24 **Mr. O'Connor** said that the proposal regarding lot mergers is a large improvement over having
25 no limitations on maximum lot size. He stated, however, that there is no basis included in the
26 Code language regarding the determination for the size of lots that may be merged. He indicated
27 that the minimum lot size is currently codified, and it would be simpler for the maximum lot size
28 to be based on a multiple of the minimum lot size. He said that introducing a new arbitrary
29 number creates confusion. He commented that allowing a 15,000 square foot lot in Area District
30 I as would be permitted with the proposed regulations is a concern. He commented that he
31 would agree with **Mr. Fasola's** comments that the maximum lot size that would be permitted
32 should be reduced for Area Districts III and IV. He indicated that there was discussion of
33 reducing BFA for structures built across the resulting property when merging three lots was
34 being considered; however, there has been no such discussion for structures being built across
35 two merged lots. He stated that the goal regarding limiting lot mergers is not to limit the size of
36 the property but rather the size of the structure that is permitted to be built on the property. He
37 said that the limits being placed on structures built on merged lots are the same that are included
38 in the current BFA limitations, and he would suggest that additional restrictions for such
39 properties. He suggested that the amount of BFA be limited for lots larger than the minimum lot
40 size in each Area District to some multiple of the BFA allowed for that minimum lot size. He
41 stated that the current BFA formula applied to a lot that is 15,000 square feet would result in an

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1 extremely massive structure which would significantly impact any neighborhood in the City.

2
3 **Robert Schumann**, commented that arbitrarily determining that all of the people in Area
4 District I who own lots that are 50' by 150' are not able to merge a neighboring property is
5 fundamentally inequitable and unfair. He pointed out that there are properties which are 33' by
6 105' in other areas of the City in addition to The Strand, and arbitrarily denying those property
7 owners the opportunity to purchase and merge neighboring lots is also unfair. He indicated that
8 he would like for the Commissioners to consider allowing an exception from the proposed lot
9 merger restrictions for the eight lots in Area District III that are more than two contiguous lots
10 and primarily improved with older apartment buildings. He stated that currently there is an
11 exception included in the language for existing legally created merged lots. He pointed out that
12 at the time the eight properties were created they were legally merged by structures being built
13 across property lines. He said that the City changed the standard after the buildings were
14 constructed requiring that the properties be formally and legally merged in the future; however,
15 they did not inform the property owners that they had the ability to go to the City and merge
16 their lots by a simple process. He indicated that the City then decided to hold lots that were not
17 legally merged to a different standard and deprive them of the same rights given to those who
18 had legally merged lots. He indicated that the property owners were again not notified by the
19 City of the new regulations at that time. He indicated that currently there are differing standards
20 for properties which are and which are not legally merged, and the only difference is the
21 technicality of the process of formally merging them with the City. He said that he would
22 request that the Commission allow the properties that were merged through the process of
23 development to have the same exemption from the new standards regarding limits for lot
24 mergers as the properties that were formally merged.

25
26 **Bob Blanchard** indicated that there was a great deal of consideration given to the maximum lot
27 sizes, and there was not an attempt to penalize any property owners. He said that the lot sizes in
28 the different areas were considered in reaching the determination for the maximum lot size.

29
30 Chairman Bohner closed the public hearing.

31
32 Commissioner Powell indicated that he feels the development standards for remodels is different
33 than the standards for new construction. He stated that he would support reducing the
34 requirement for the front yard setback to 6 percent in order to provide an incentive for
35 remodeling of smaller homes. He indicated that he would agree that the appearance of bulk is
36 largely a function of the architecture, and he agrees that homeowners take more care in designing
37 a home. He said that the concern is with the homes that are built by developers that do not have
38 an interest in the community and are basically only interested in profit. He commented that he
39 does not want to limit the freedom of architects and he does not want to prohibit a property
40 owner from having the design that they wish or have a smaller rear yard because the front
41 setback requirement has been changed from 8 percent to 6 percent. He indicated that he would

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1 like for a review period of one or two years to reevaluate the impact of the requirement on
2 designs. He said that he shares the concern of **Mr. Fasola** that development on the RS zoned
3 half lots would not be able to reach the maximum buildable floor area without a Minor
4 Exception being granted. He commented that a Minor Exception is generally granted for
5 properties that present an exception to the rule rather than being considered the rule. He said
6 that homes on the half lots are smaller homes and not mansions. He said that he feels the issue
7 needs to be specifically addressed in the wording of the Code rather than with a Minor
8 Exception.

9
10 In response to a question from Commissioner Schlager, Commissioner Powell commented that
11 he is not convinced that there is a problem with the 8 percent front setback requirement that
12 necessitates changing it to 6 percent. He indicated that changing the percentage to 6 percent
13 seems to be contrary to the intent of increasing open space. He said that he would prefer
14 remaining at 8 percent, although he would support the decision of the rest of the Commissioners
15 if they decided that it was appropriate to change the requirement to 6 percent. He said that he
16 feels it is important to have a review period to determine the impact.

17
18 Director Thompson pointed out that the last two years have essentially been a review period after
19 the 6 percent requirement was changed to the 8 percent requirement.

20
21 In response to a question from Chairman Bohner, Commissioner Powell said that he would
22 support exempting RS zoned half lots from the 15 percent open space requirement.

23
24 Commissioner Lesser said that reaching this point has been a long but worthwhile process. He
25 commented that he understands the concern raised by **Mr. O'Connor** that lowering the
26 percentage for the open space requirement from 8 to 6 percent is contrary to the intent of
27 reducing bulk. He said that he was initially skeptical regarding reducing the percentage but has
28 been convinced to support the reduction by the input of architects and homeowners who are
29 attempting to arrive at good designs. He indicated that he is willing to accept staff's
30 recommendations to require a 6 percent front setback for interior lots and an 8 percent front
31 setback for corner lots, and require the 8% to wrap around the side. He commented that he is
32 respectful of **Mr. Fasola's** comments regarding the RS zoned half lots not being able to reach
33 the maximum allowable BFA; however, he has to listen to the opinion of staff that the subject
34 proposal would work. He said that he would defer to the opinion of staff, although he has
35 concerns with the implications of the issues raised by **Mr. Fasola**.

36
37 Commissioner Schlager indicated that he would agree with the objective of providing a balance
38 and would support the recommendation of staff for reducing the front yard setback requirement
39 to 6 percent for interior lots. He said that he also would defer to staff's experience regarding the
40 setbacks for half lots.

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1 Commissioner Seville-Jones commented that she does not feel they have had sufficient
2 comparisons to determine the true difference between a 6 percent and an 8 percent front yard
3 setback, as the properties they observed all had very different designs. She said, however, that
4 the tour they took was helpful and did demonstrate that a 6 percent front setback does achieve
5 articulation. She indicated that she feels additional input from architects would be helpful for the
6 City Council. She said that she would support the 6 percent front setback requirement after
7 considering the input of the Mansionization Committee. She said, however, that she would hope
8 that the Council would be able to compare examples and consider the question further. She said
9 that the BFA of the shallow lots and smaller lots would be impacted by the new regulations, and
10 the BFA of larger lots would not be impacted. She indicated that she shares the concern of **Mr.**
11 **Fasola** that the owners of half lots would need to receive a Minor Exception from the 15 percent
12 open space requirement in order to reach the maximum allowable BFA with a remodel, and a
13 solution could be achieved by exempting the half lots. She commented that she is pleased that
14 staff has included a process by which half lots can be exempt from the open space requirement;
15 however, she would be in favor of exempting the half lots if there was a consensus by the
16 Commissioners.

17
18 Chairman Bohner said that he understands that it is very difficult to compare a front setback
19 requirement of 6 percent and 8 percent with different designs. He said that the Mansionization
20 Committee did consider the issue and felt that it was necessary to reduce the requirement to 6
21 percent for interior lots to provide articulation. He said that he would respect the opinion of the
22 Committee. He indicated that he would agree with the opinion of Commissioners Seville-Jones
23 and Powell that half lots should possibly be exempt from the 15 percent open space requirement.

24
25 In response to a question from Commissioner Lesser, Senior Planner Jester commented that the
26 majority of half lots in the RH and RM zones currently have a 15 percent open space
27 requirement, and it has not been an issue. She stated that the proposal is to apply the exact same
28 standard to half lots in the RS zone which is already provided in the other zones. She stated that
29 staff heard the objective of providing more open space in all areas, and Area District III, RS zone
30 is the only portion of the City where there are minimal setback restrictions, a 30 foot height
31 limit, 3-stories allowed, no open space requirements and no bulk volume regulations.

32
33 Commissioner Powell commented that half lots in the RS zone have much less density than those
34 in the RM and RH zones, which is the difference in considering the open space requirement.

35
36 In response to a comment from Director Thompson, Commissioner Seville-Jones indicated that
37 she is only suggesting that the half-lots be exempt from the open space requirement and not full
38 lots.

39
40 In response to a question from Commissioner Seville-Jones, Senior Planner Jester pointed out
41 that the same Minor Exception would be available to owners of half lots in the RM and RH

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1 zones as would be available to owners of RS zoned lots if they are unable to reach the maximum
2 BFA. She suggested that maybe the solution is to eliminate the Minor Exception for the 15
3 percent open space requirement.

4
5 Chairman Bohner said that if the open space requirement is not an issue for the owners of the
6 RM and RH half lots, he is not sure that it needs to be legislated for the RS lots.

7
8 Commissioner Seville-Jones said that she has a concern with the number of situations in which
9 property owners are required to go to the City for requests such as a Minor Exception or a
10 Variance, which burdens their ability to construct projects. She said that Commissioner Powell
11 has suggested eliminating half lots from the requirement which would prevent those property
12 owners from needing to go through the process of applying for a Minor Exception.

13
14 Commissioner Schlager said that he would support the recommendations as written by staff and
15 there is a purpose in having a review before allowing the exceptions.

16
17 Chairman Bohner said that he agrees with the comments of Commissioner Schlager.

18
19 The Commissioners indicated that they agreed with staff's recommendations regarding
20 increasing the rear setback requirement from 10 feet to 12 feet minimum and eliminating the 25
21 foot cap.

22
23 Commissioner Powell said that he would agree with staff's recommendations regarding
24 eliminating the 5 foot cap on side yard setbacks and requiring 10 percent of the lot width with no
25 cap. He indicated, however, that he shares the concerns expressed by **Mr. Davis**.

26
27 In response to a question from Commissioner Powell, Director Thompson said that approval of a
28 Variance would not be likely for the project proposed by **Mr. Davis**.

29
30 In response to a question from Commissioner Lesser, Director Thompson said that a central
31 configuration as suggested by **Mr. Davis** is not compatible with the proposal for creating larger
32 side yard setbacks. He said that the design proposed by **Mr. Davis** is in conflict with the
33 discussion that larger properties should have greater side yard setbacks. He commented that **Mr.**
34 **Davis** has described the central configuration as the most desirable; however, there are other
35 designs for the property that would still be able to accommodate eight units.

36
37 In response to a comment from Chairman Bohner, Director Thompson said that he would not
38 suggest directing **Mr. Davis** to request a Variance for his proposal.

39
40 Senior Planner Jester commented that the goal staff heard from the Mansionization Committee
41 was that side yard setbacks and space between buildings is important, which is achieved by the

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1 proposed requirements.

2

3 Chairman Bohner said that with the direction that has been given to the Commission, he supports
4 staff's recommendations. He stated that he feels it would be appropriate for **Mr. Davis** to take
5 his concerns to the City Council who set the overall policy issues.

6

7 Commissioner Schlager said that he would agree with the comments of Chairman Bohner.

8

9 In response to a question from Commissioner Lesser, Director Thompson said that it is difficult
10 to determine the actual the number of property owners that may request similar proposals as **Mr.**
11 **Davis**. He commented that staff can report back to the Commission after the one year review if
12 it is determined to be an issue.

13

14 Commissioner Lesser commented that he has a concern because a Variance is not a viable option
15 for **Mr. Davis**.

16

17 Commissioner Seville-Jones indicated that the intent with RH zoned properties is to allow for
18 higher density and have a larger number of units. She said that there are two competing goals
19 with **Mr. Davis'** property of providing for greater setbacks while still allowing for a higher
20 number of units and a good design for the property. She said that she is not convinced that a
21 design with six units is necessarily preferable to a design with eight units. She said that she
22 would consider an exception to requiring increased side yard setbacks for RH lots that are
23 abutting other RH zoned lots.

24

25 Commissioner Schlager commented that he does not think that the objective of the
26 mansionization regulations was to allow for higher density. He said that there does need to be a
27 standard established.

28

29 Chairman Bohner indicated that staff's recommendation is in keeping with the intent of the
30 proposals, and any additional consideration for exceptions in higher density areas is more
31 appropriate for consideration by the City Council. He said that the Commission is charged with
32 considering methods of decreasing density and providing more open space and he does not feel
33 comfortable making an exception for **Mr. Davis**.

34

35 Director Thompson commented that if the Commission supports the proposal as written, staff
36 can also forward the additional concerns expressed by the Commission to the Council that the
37 proposal achieves greater open space but also has an impact on the design of higher density lots.

38

39 Commissioner Seville-Jones stated that she feels the requirements of the Housing Element are
40 important to consider as part of the regulations.

41

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1 Commissioner Powell pointed out that the 30' by 90' lot is the predominant lot size in Area
2 District III. He stated that staff was convincing, however, on why they feel 33 1/3 by 105' lots
3 should be permitted to be merged. He said that the wording of the lot merger regulation should
4 include the reasoning for arriving at the numbers used in the calculation for maximum lot size in
5 the different area districts. He said that he would like input from staff as to why greater
6 restrictions were not included as were previously considered for lot mergers, including having
7 greater side setbacks for single structures built across merged lots to compensate for the loss of
8 space that existed between the previous individual structures.

9
10 Director Thompson said that placing greater restrictions for structures with the additional side
11 setback to compensate for the lost setback between buildings was only discussed when merging
12 three lots was being considered. He said that the discussion with merging two lots was that the
13 increased setbacks on wider lots would allow for additional open space.

14
15 Commissioner Powell pointed out merging three lots was previously considered based on the
16 minimum lot size, whereas merging two lots is now being based on the typical lot size. He said
17 that he concurs with the recommendation of staff regarding lot mergers; however, he feels the
18 legislative intent should be included in the language to clarify the method at arriving at the
19 numbers used in the Code for calculating the maximum lot size.

20
21 Director Thompson said that there was a great deal of discussion regarding the lot sizes for the
22 different areas, and it was not arbitrary. He indicated that the goal was to allow two of the lots to
23 merge provided that they were standard for the area within the original subdivision of the area.

24
25 In response to a question from Chairman Bohner, Director Thompson said that allowing mergers
26 of only two lots that are the minimum lot size would exclude a very large number of lots from
27 being able to merge.

28
29 Commissioner Schlager pointed out that consideration needs to be given to excluding property
30 rights if only the minimum lot sizes are permitted to merge. He indicated that the proposal is a
31 balance of allowing at least two lots that are the average size for different areas to be merged.

32
33 Director Thompson pointed out that the concern that was expressed was not regarding two
34 standard size lots within an area being merged but rather three or four lots being merged and
35 developed with a single structure. He said that allowing only the minimum lot size to merge
36 would preclude the ability of a large number of lots to be merged. He said that staff will include
37 a finding in the Ordinance to articulate the method for arriving at the numbers for the maximum
38 lot sizes.

39
40 Commissioner Powell suggested including language that the maximum lot sizes were determined
41 based on the original lot configurations and lot patterns.

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1
2 Commissioner Lesser said that he agrees with all of the comments of the other Commissioners.
3 He said that there were many discussions by the Mansionization Committee that the problem of
4 using the minimum lot size is that it would preclude many property owners from being able to
5 merge lots. He said that he feels it is appropriate to include a description of the method for
6 arriving at the numbers that were reached.

7
8 Commissioner Seville-Jones said that she also agrees with the comments of the other
9 Commissioners. She indicated that she feels the decision of not allowing an exception for the
10 lot merger requirements for properties previously built over lot lines but not legally merged is
11 sound; however, she does have concerns with the equities to those property owners who may be
12 impacted. She said that she would still support the decision that has been expressed by the
13 Commission. She indicated, however, that she would want to provide direction to the City
14 Council that if they were to make a different determination from the Commission and allow an
15 exception for such properties that additional restrictions be considered with the merger of a third
16 lot.

17
18 Chairman Bohner commented that he does not feel merging three lots in such situations would
19 be an issue because there would not be support by the Council, but he would agree that
20 additional restrictions would need to be considered if three lots were to be merged.

21
22 Commissioner Powell commented that the input has been very clear at the April 3, 2007, City
23 Council meeting that the community does not want to permit any more than two lots to be
24 merged with no exceptions. He said that allowing properties such as **Mr. Schumann's** to be
25 merged would raise a question as to the number of exceptions that would be allowed. He
26 pointed out that the people with such lots had several years to merge their lots legally and most
27 likely did not because the lots are more valuable individually than they would be if they were
28 merged.

29
30 Commissioner Schlager said that he would look to staff to address **Ms. Cohen's** concern
31 regarding application of the 50 percent valuation rule for a second story addition to match a non-
32 conforming setback above an existing first story. He stated that it appears the result from the
33 application of the regulation is contrary to the original intent in her case.

34
35 Director Thompson suggested allowing smaller additions as proposed by **Ms. Cohen** through a
36 Minor Exception and placing a cap on the overall size of the home.

37
38 The Commissioners indicated that they agreed with the suggestion of staff.

39
40 Commissioner Lesser commented that **Ms. Cohen's** case does seem appropriate for a Minor
41 Exception.

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1
2 Commissioner Seville-Jones said that there was also discussion regarding application of the 50
3 percent valuation rule and whether a recommendation be made to the City Council that it be
4 studied further in the future.

5
6 Commissioner Schlager said that he would support further review of the 50 percent valuation
7 rule.

8
9 Commissioner Lesser asked whether it would be appropriate without a Work Plan item for staff
10 to provide additional information regarding the 50 percent rule.

11
12 Director Thompson pointed out that the proposed regulations address the concerns and issues
13 that have been raised regarding the 50 percent rule because it allows for consideration for
14 projects where there is an issue of not reaching maximum allowed BFA. He said that it will be
15 studied further if it is determined to create an issue.

16
17 Commissioner Lesser indicated that there is a great deal of confusion in the community
18 regarding the 50 percent rule in terms of what it includes and its impact to the development of
19 properties. He suggested that staff address the rule more thoroughly in its report to the City
20 Council.

21
22 In response to a question from Commissioner Seville-Jones, Director Thompson stated that half
23 lots in Area District IV that have been merged may not be subdivided. He commented that the
24 half lots are substandard size, and such lots are currently required to be merged by State law
25 unless it is determined that the lot split was created legally.

26
27 Commissioner Seville-Jones suggested possibly including requirements regarding front and rear
28 landscaping.

29
30 Senior Planner Jester indicated that the City Council did not direct staff to address landscaping;
31 however, staff has heard that the Commission has an interest in landscaping requirements being
32 considered.

33
34 Director Thompson pointed out that the City currently has landscaping percentage requirements.
35 He stated that there are also a number of Work Plan items that will come before the City Council
36 regarding storm drains and water collection that will also address landscaping.

37
38 In response to a question from Commissioner Seville-Jones, Director Thompson commented that
39 side yards are generally enclosed with fences because people want to protect their property and
40 privacy. He said that staff feels the issue of providing additional space between properties is
41 addressed through greater side yard setbacks.

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1
2 Commissioner Seville-Jones commented that the other issues raised by **Ms. Andreani** regarding
3 shoring, Jacuzzis on walk-streets, the depth permitted for basements are valid concerns but are
4 not appropriately addressed by the subject regulations.

5
6 In response to a question from Commissioner Seville-Jones, Commissioner Schlager commented
7 that there are a large number of flat roofs because pitched roofs limit the ceiling height in the
8 interior of the structure.

9
10 Commissioner Powell requested on page 30 of the draft Resolution under item F(2)(e) to read:
11 That the proposed project is consistent with the City's General Plan and the City's certified
12 Local Coastal Program where applicable, the purposes of this title and the zoning district where
13 the project is located, and with any other current applicable policy guidelines

14
15 A motion was MADE and SECONDED (Schlager/Lesser) to **APPROVE** the draft Resolution
16 for proposed Amendments to Address Mansionization in Residential Zones: 1) Increase Open
17 Space and Setbacks; 2) Limit Lot Mergers; 3) Encourage the Retention of Existing Smaller
18 Homes; 4) Allow Accessory Use of Adjacent Common Ownership Lots with the language added
19 to item F(2)(e) on page 30 as suggested by Commissioner Powell and consistent with the
20 direction provided by the Commission

21
22 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
23 NOES: None
24 ABSENT: None
25 ABSTAIN: None

26
27 **DIRECTOR'S ITEMS** None

28
29 **PLANNING COMMISSION ITEMS**

30
31 **TENTATIVE AGENDA: November 28, 2007**

32
33 A. Use Permit and Variance for Proposed 13,400 Square Foot Retail Pharmacy at 1100
34 Manhattan Beach Boulevard (Rite-Aid)

35
36 **ADJOURNMENT**

37
38 The meeting of the Planning Commission was **ADJOURNED** at 10:10 p.m. in the City Council
39 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, November 28, 2007, at 6:30 p.m.
40 in the same chambers.

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1 _____
2 RICHARD THOMPSON
3 Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

**EXHIBIT D
ITEM SS1
CITY COUNCIL 12-4-07**

**MANSIONIZATION
COMMITTEE AGENDA AND
REPORTS**

**FEBRUARY 9, MARCH 6, APRIL
6, MAY 3, JUNE 8, JULY 13,
SEPTEMBER 12, OCTOBER 19,
NOVEMBER 19, DECEMBER 7,
2006,**

AND

**JANUARY 25, FEBRUARY 22
AND MARCH 15, 2007.**

**EXHIBIT E
ITEM SS1
CITY COUNCIL 12-4-07**

**PLANNING COMMISSION
STAFF REPORTS AND
ATTACHMENTS**

**OCTOBER 25 AND NOVEMBER
15, 2006**

AND

**JULY 25, AUGUST 8
(EXCLUDING ATTACHMENT B-
JULY 25, 2007 DUPLICATE
REPORT), SEPTEMBER 5 AND
12, OCTOBER 10 AND
NOVEMBER 14, 2007**

ITEM NO. SS1
EXHIBITS D AND E

**DUE TO THE VOLUME
OF THESE DOCUMENTS**

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