



Agenda Item #: 08/0115.22

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: January 15, 2008

SUBJECT: Consideration of a City Council 2005-2007 Work Plan Item on Mansionization in Residential Areas as Recommended by the Planning Commission: Zoning Code Amendments and Local Coastal Program Amendments to Various Sections of the Zoning Code (Title 10) and the Local Coastal Program Including but not Limited 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 **CONDUCT THE PUBLIC HEARING, WAIVE FURTHER READING, INTRODUCE ORDINANCE NO. 2111 (ZONING CODE AMENDMENTS), INTRODUCE ORDINANCE NO. 2112 (LOCAL COASTAL PROGRAM AMENDMENTS), AND CONTINUE TO FEBRUARY 5, 2008 FOR ADOPTION.**

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 eight meetings, not including tonight's meeting. A Study Session was held with the Council on December 4, 2007. That report provided all of the background information and attachments.

All together thirty-four well attended public meetings, workshops and public hearings have been held to discuss residential Mansionization issues with this 2005-2007 Work Plan item.

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. The minutes of that meeting are attached as Exhibit K. At that meeting the City Council discussed the Mansionization Committees recommendations and directed staff and the Planning Commission to conduct public hearings and evaluate proposed Code Amendments related to Mansionization as recommended by the Committee.

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 (Exhibit D) recommending to the City Council revisions to address residential Mansionization.

DISCUSSION:

The attached draft Code language (Exhibit A) 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~~. Also attached are the draft Ordinances, Ordinance No. 2111 (Zoning Code Amendments) and Ordinance No. 2112 (Local Coastal Program Amendments). (Exhibits H and I)

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) There are also maps that were requested by the City Council on December 4th that are included as additional attachments and a chart that compares the existing and proposed development

standards organized by Area District and Zone and a related Zoning Map. (Exhibits B and C) 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. (See Zoning Map for location- Exhibit C and e-mails- Exhibit L) 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. See Exhibit C Zoning Map for location of these lots

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. Lots less than 35' in width are exempt from this requirement.

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. At the December 4th City Council study session the Council asked for clarification on the benefit of this proposal. Staff has reviewed the proposal with a number of architects and designers and their feeling is that at the present time that it is often challenging to design homes with the current limitation and the new proposal will often "force" more design creativity, building wall articulation, and increased setbacks on upper levels.

- 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. See Exhibit G for an illustration of this proposal.

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 (Area District III) on RS lots, the same as RM and RH lots; currently no open space is required on RS lots. See Exhibit C Zoning Map for these two locations.

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. See Exhibit D map for the location of the multi-family and commercial zone exemptions.

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. (Exhibit D) When discussing the proposed standards the Committee also looked at the historical merger of parcels, the lot sizes and BFA. The City typically approved one or two lot merger applications per year and the BFA is less than the maximum allowed (Exhibit E)

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. (Exhibit D)
- 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. The attached map indicates the lots that staff believes will be affected by the proposed change. (Exhibit F) Due to staffs computerized data base limitations this map also includes information that was compiled manually by a local real estate agent.

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. Per the Zoning Code requirements, the valuation criteria is based on the construction costs as determined by the building permit fees. These fees include all construction costs. This criteria was established in the Zoning Code with the adoption of ZORP in 1990 when homes were undergoing extensive remodels and

additions and maintaining non-conformities which was a concern of the community at that time. This new Minor Exception addresses that criteria by providing flexibility to allow non-conformities to remain. 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 size 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 conduct the public hearing, waive further reading, introduce Ordinance No. 2111 (Zoning Code Amendments), introduce Ordinance No. 2112 (Local Coastal Program Amendments), and continue the discussion to February 5, 2008 for final adoption of the Ordinances.

EXHIBITS

- A. Code Amendments- Redline-strikeout recommended by Planning Commission on November 14, 2007
- B. Chart- Planning Commission Recommendation Residential Development Standards 11-14-07- Comparison of existing and proposed development standards by Area District and Zone
- C. Zoning Map- RS Area District III identified (new 15% open space throughout and new 10' rear setback on non-alley lots rear abutting residential 2,700 SF minimum lot size.)
- D. Map- Lot Merger Exemptions- Multi-family and Local Commercial Zones shown, with Area Districts I and II exemptions
- E. Chart- Lot Mergers- 1999-2007
- F. Map- Lot Mergers- Developed multiple lots larger than the maximum lot size (Excluding Exemptions)
- G. Illustration- 6% and 8% Bulk Volume Additional Front Yard Setback- Area Districts I and II.
- H. Ordinance No. 2111 (Zoning Code Amendments)
- I. Ordinance No. 2112 (Local Coastal Program Amendments)
- J. Adopted PC Resolution 07-17- November 14, 2007
- K. Minutes City Council June 26, 2007
- L. E-mails from Ted Davis- January 8, 2008 and September 10, 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.~~

City Council 1-15-08- Exhibit A

Mansionization Code Amendments Recommended by Planning Commission 11-14-07

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.

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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')~~ twelve feet (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

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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.

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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

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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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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-~~

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~~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.

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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>

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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

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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;

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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

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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.

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- 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.

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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;

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- 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.

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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).

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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>

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(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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~~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.~~

PLANNING COMMISSION RECOMMENDATIONS RESIDENTIAL DEVELOPMENT STANDARDS

11-14-07

		EXISTING	PROPOSAL
AD I AND II	RS	<ul style="list-style-type: none"> • 8% BV-ALL LOTS • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 10'-25' • DECKS ABOVE 2ND STORY NOT PERMITTED 	<ul style="list-style-type: none"> • 6% BV – INTERIOR LOTS • 8%- CORNER LOTS • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK-RANGE 12'-WITH NO 25'CAP DECKS ABOVE 2 ND STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS
	RM RH	<ul style="list-style-type: none"> • OPEN SPACE -15% OF BFA -RANGE 220 SF- 350 SF • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 10'-25' • DECKS ABOVE 2ND/3RD STORY NOT PERMITTED 	<ul style="list-style-type: none"> • OPEN SPACE 15% OF BFA-RANGE 220 SF WITH NO 350 SF CAP • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 12'-WITH NO 25' CAP • DECKS ABOVE 2ND/3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS
AD III	RS	<ul style="list-style-type: none"> • NO 8% BV • NO 15% OPEN SPACE OF BFA-RANGE 220 SF- 350 SF • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- 5' • DECKS ABOVE 3RD STORY NOT PERMITTED 	<ul style="list-style-type: none"> • NO 6% OR 8% BV • OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- 10' ON NON-ALLEY LOTS, REAR ABUTTING RESIDENTIAL, 2700 SF MIN • DECKS ABOVE 3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS

**PLANNING COMMISSION RECOMMENDATIONS
RESIDENTIAL DEVELOPMENT STANDARDS
11-14-07**

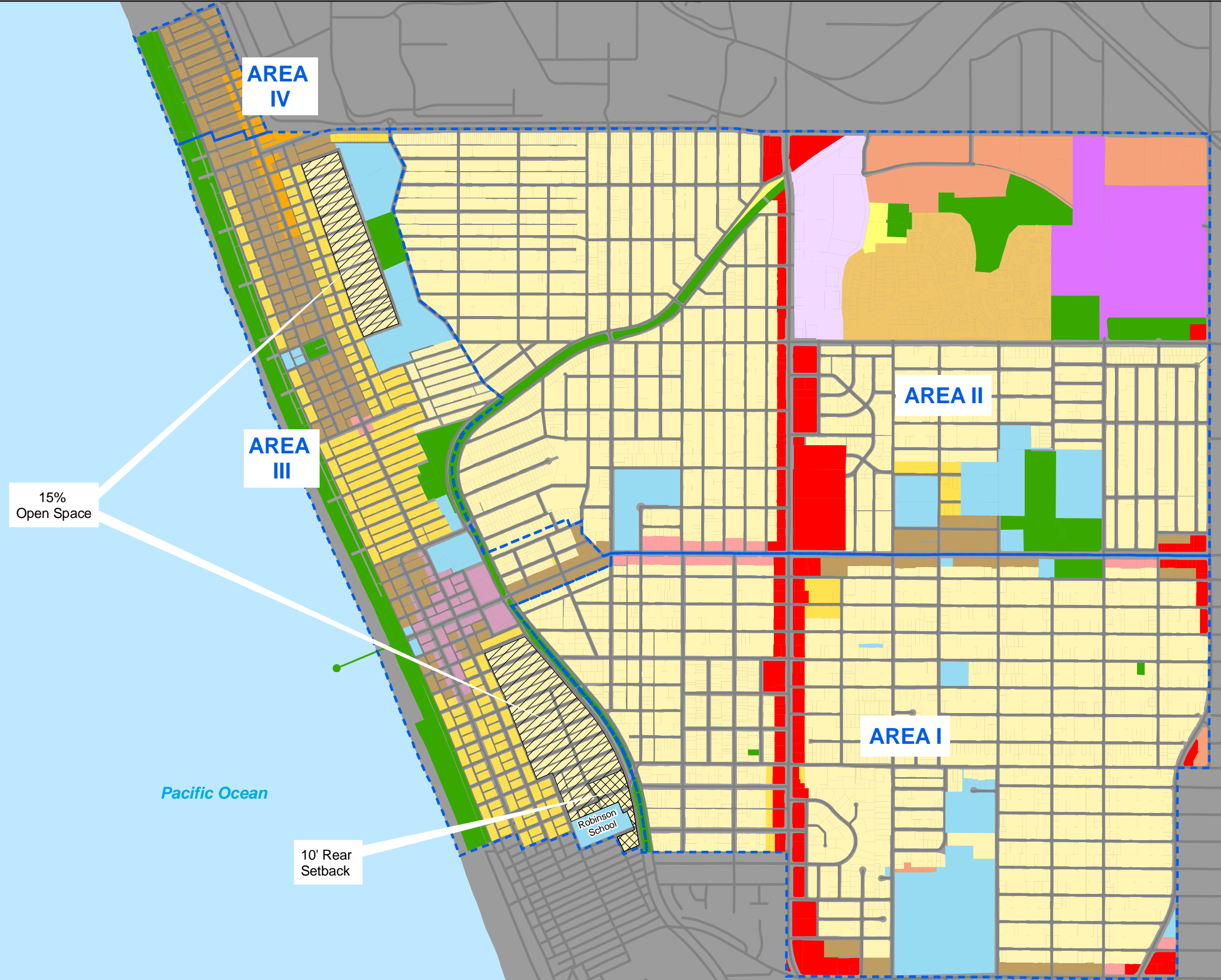
		EXISTING	PROPOSAL
AD III (RM-RH) AND IV (RH)	RM RH	<ul style="list-style-type: none"> • OPEN SPACE 15% OF BFA-RANGE 220 SF- 350 SF • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • DECKS ABOVE 3RD STORY NOT PERMITTED 	<ul style="list-style-type: none"> • OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • DECKS ABOVE 3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS

NOTES:

1. PROVIDE A REVIEW PROCESS TO ALLOW CONSIDERATION FOR A REDUCTION TO THE SIDE OR REAR SETBACK, THE 6% OR 8% BV REQUIREMENT, OR THE 15% OPEN SPACE FOR SMALL, WIDE, SHALLOW, AND/OR MULTIPLE FRONT YARD LOTS THAT CAN NOT MEET THEIR BFA DUE TO THE PROPOSED REQUIREMENTS.
2. 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.

Zoning Map

Area District III RS Identified



Legend
New Requirements
 15% O.S. (AD III RS)
 10' Rear Setback Non-Alley (AD III RS)
 Area Districts

Zoning

CC	PD
CD	PS
CG	RH
CL	RM
CNE	RPD
IP	RS
OS	RSC

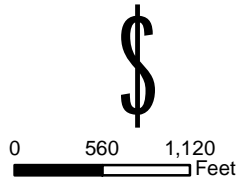
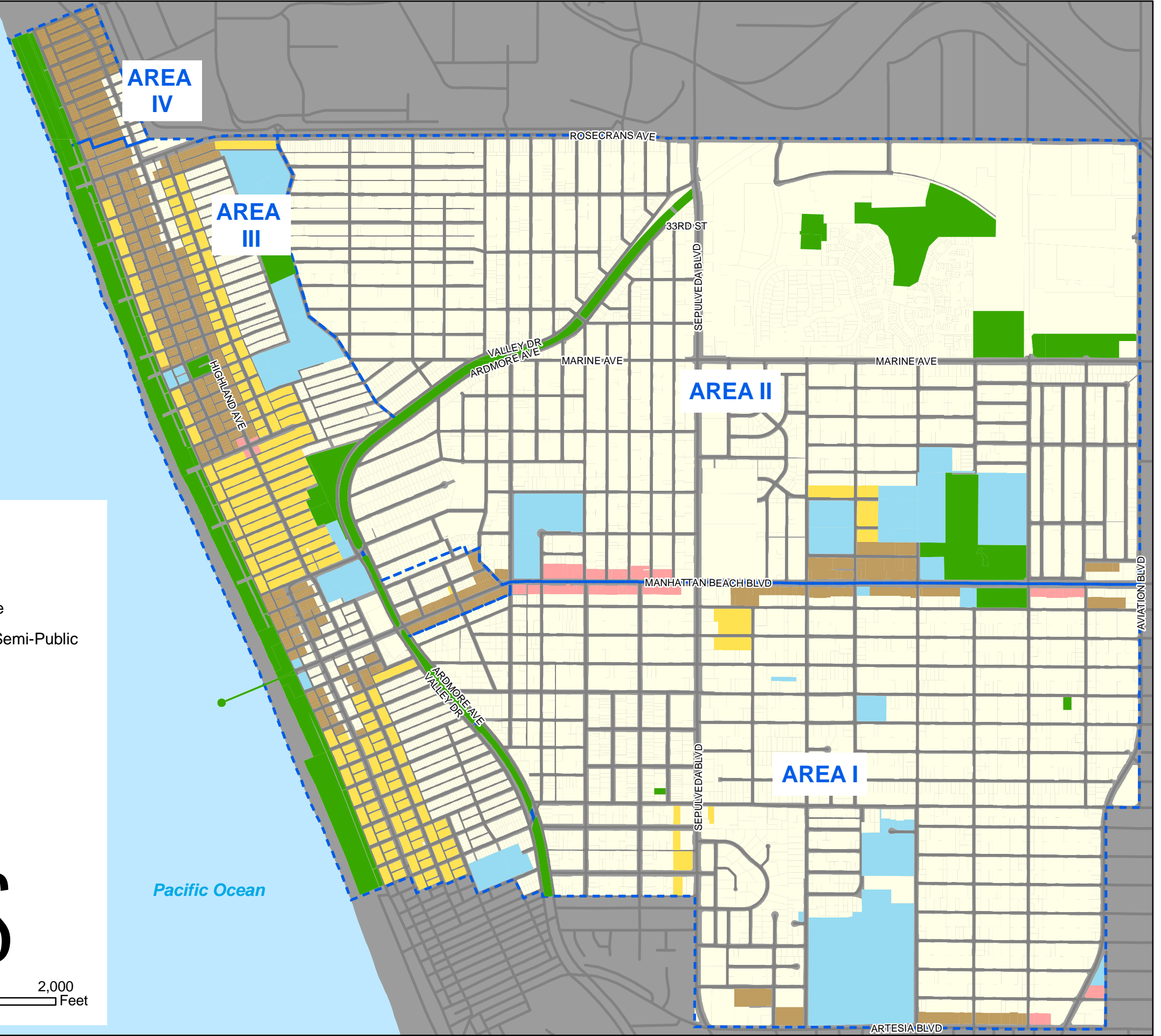


Exhibit C

LOT MERGER EXEMPTIONS (MULTI-FAMILY AND LOCAL COMMERCIAL ZONES)



Legend

Area Districts

Zoning

- RH - Residential High Density
- RM - Residential Medium Density
- CL - Local Commercial
- OS - Open Space
- PS - Public and Semi-Public

Proposed Lot Merger Regulations

RM/RH/CL Zones in Area Districts I and II with three or more dwelling units are exempt from the maximum lot sizes.

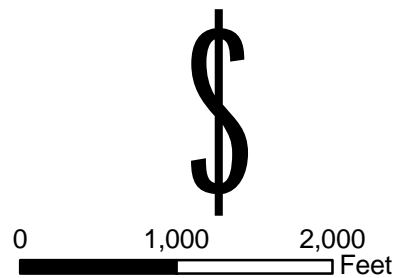
Maximum Lot Sizes

Area District	Size in s.f.
I	15,000
II	10,800
III	7,000
IV	7,000

Exhibit D

Total Lots per Zone and Area District

AD	CL	RM	RH
I		47	42
II		25	45
III	6	1458	1002
IV	0	0	416



LOT MERGERS- 1999-2007

ADDRESS	ZONE/AD/ MINIMUM LOT SIZE	ACTUAL LOT SIZE	EXISTING REGULATIONS	
			MAXIMUM ALLOWED BFA	ACTUAL BFA AND % OF MAXIMUM ALLOWED BFA
250 S. Dianthus	RS/ AD I / 7,500	14,375	9,584	7,353 77%
212 Anderson	RS/AD I 7,500	13,000	8,690	7,485 86%
113& 119 S. Poinsettia	RS/AD I 7,500	12,500	8,365	7,960 95%
1015 1 st St.	RS/AD I 7,500	13,200	8,820	6,992 79%
525 15 th St.	RS/AD II 4,600	10,545	7,094	4,862 69%
533 15 th St.	RS/AD II 4,600	7,700	5,630	4,859 86%
720 & 724 33 rd St.	RS/AD II 4,600	10,981	7,378	3,504 47%
621 13 th St.	RS/AD III 2,700	4,215	6,745	5,816 86%
1616 Strand	RM/ AD III 2,700	6,327	10,123	6,195 61%
212-220 Strand	RM/ AD III 2,700	9,996	15,993	13,825 86%
1216/1220 Strand	RH/AD III 2,700	6,666	11,332	10,233 90%

Lot Mergers

Developed Multiple Lots
Greater Than Maximum Lot
Size (Excluding Exemptions)

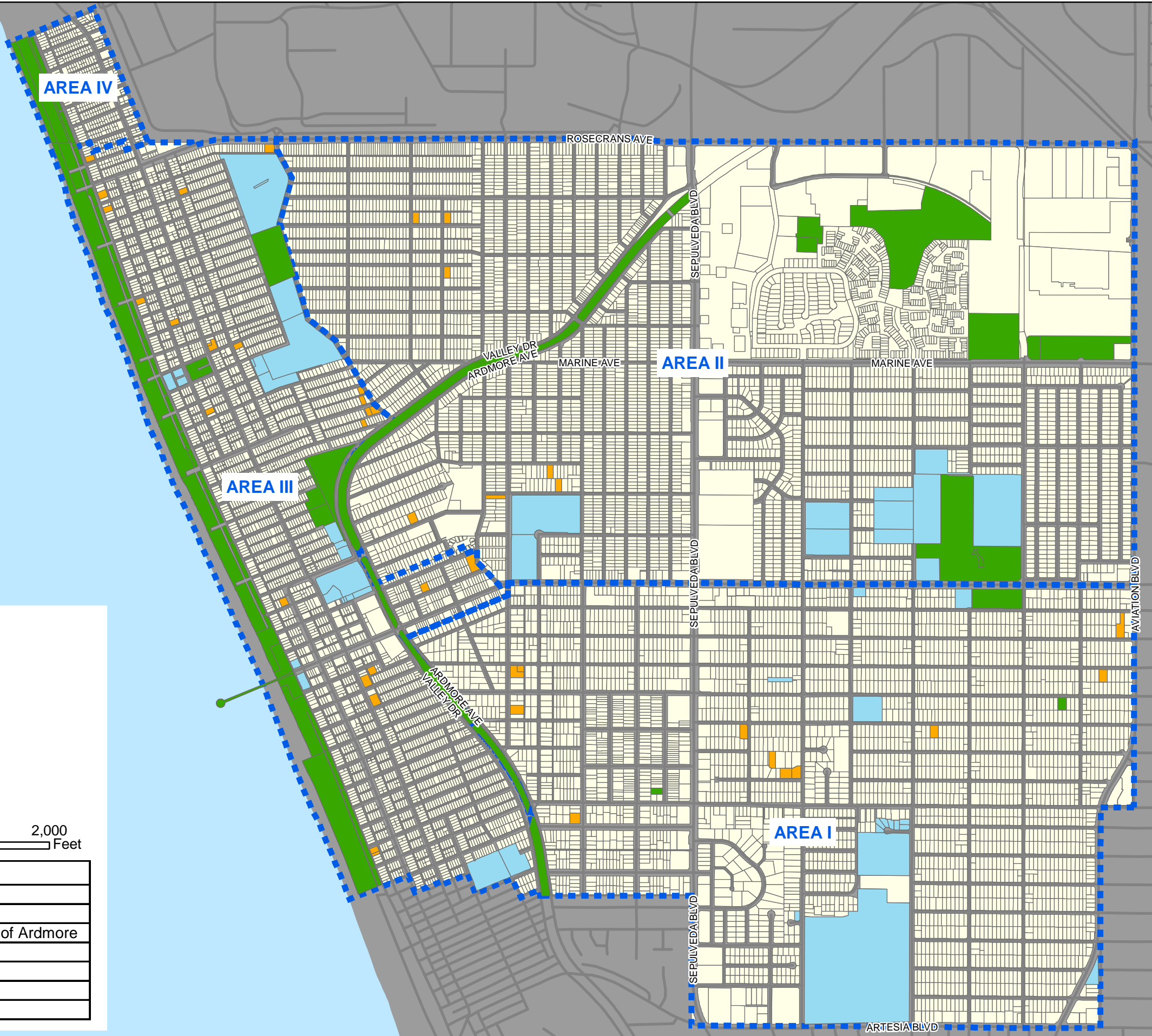
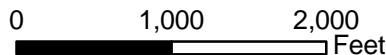
Legend

- Area Districts
- Large Lots
- OS - Open Space
- Parcels
- PS - Public and Semi-Public

Residential Lots	Large Lots
Area District I	10
Area District II	7
Area District III	22
Area District IV	0

Exemptions	
1	AD I and II- RH, RM and CL – 3+ units
2	Existing Legally Merged Lots
3	AD III- RH non-alley- Manhattan Beach Boulevard east of Ardmore
4	Religious and schools sites
5	RS-D7 Overlay-Longfellow Drive Area
6	RSC- Residential Senior Citizen Zone
7	RPD- Residential Planned Development Zone

Exhibit F



**Bulk Volume- 6% and 8% Additional Front Setback Area
Districts I and II — 50' x 150' Lot**

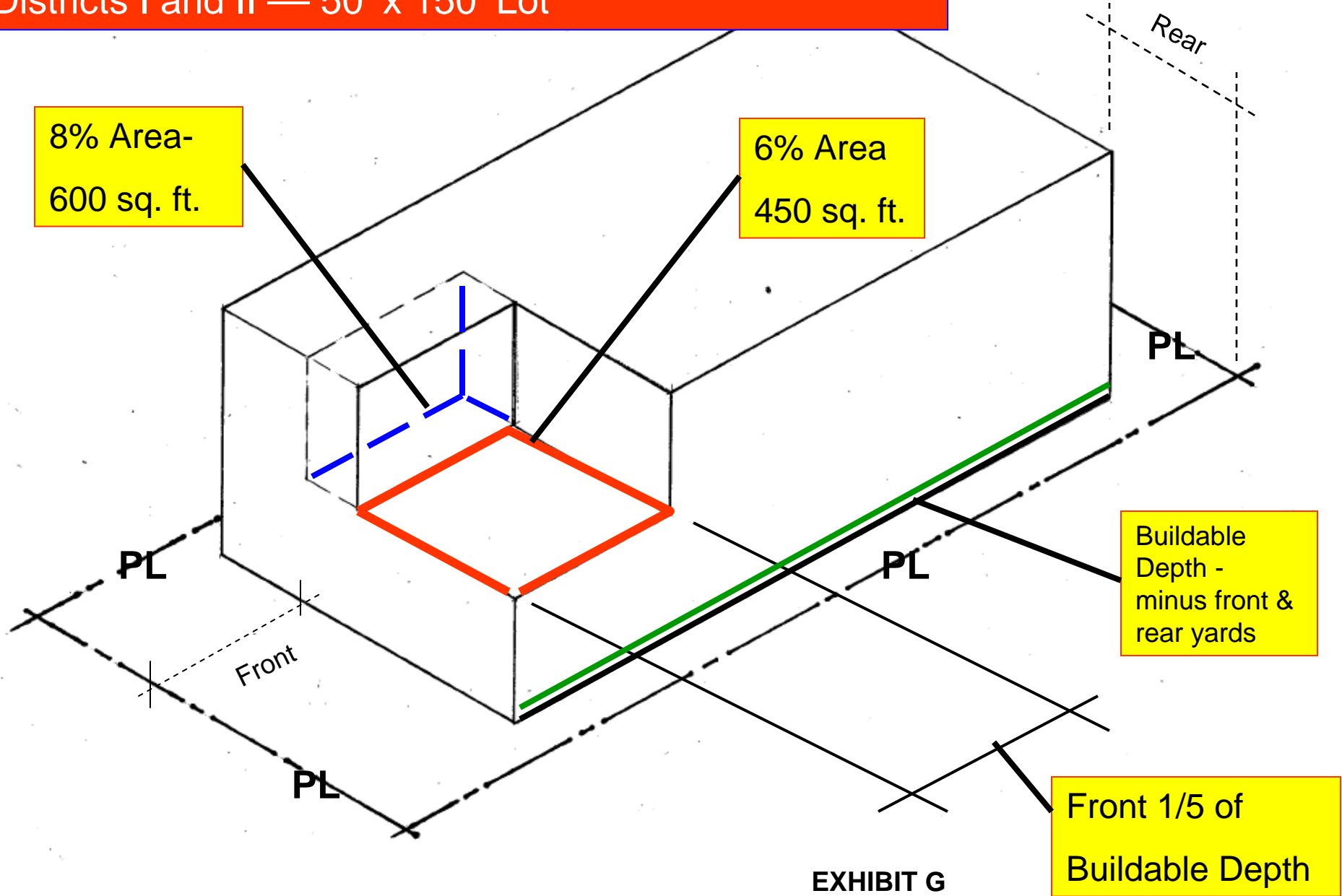


EXHIBIT G
CC1-15-08

ORDINANCE NO. 2111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING AND SUBDIVISIONS ORDINANCE- TITLES 10 AND 11) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

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

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

WHEREAS, in 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, and;

WHEREAS, on April 16, 2002, new Bulk Volume standards (BV I) were adopted with Ordinance No. 2032 which required an 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, and;

WHEREAS, on December 2, 2003, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted with Ordinance No. 2050 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, and;

WHEREAS, on September 7, 2004, the Bulk Volume Standards were further revised (BV III) with the adoption of Ordinance No 2061 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, and;

WHEREAS, 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 Plan items, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, the Mansionization Issues Committee met thirteen times, from February 2006 through March 2007, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, on May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations, and;

WHEREAS, 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, and;

WHEREAS, 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, and on November 14 adopted Resolution No. PC 07-17 recommending to the City Council approval of the Code Amendments, and;

WHEREAS, 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, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a Study Session on December 4, 2007, on the proposed Code Amendments related to Mansionization, and scheduled a public hearing for January 15, 2008, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on January 15, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after accepting public input and discussing the item, introduced Ordinance No. XXXX, and;

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

WHEREAS, the public hearing held by the City Council was advertised by a 1/4 page ad published on January 3, 2008 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

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

WHEREAS, 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, and;

WHEREAS, 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 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', and;

WHEREAS, 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,

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

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code, and;

WHEREAS, the proposed amendment to the 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.

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.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapters 10.04 (Definitions) of the Manhattan Beach Municipal Code 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.

Floor Area, Buildable-
Single Family Residential Districts:

Area Districts I and II: 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: 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 City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled "Development Standards For Merged Lots" and modifies 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:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I RS	Area District I RM	Area District I RH	Area District II RS	Area District II RM	Area District II RH	Additional Regulations

Lot Dimensions							
Area (sq. ft)							(A) (B) (C) (K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft)							
Minimum	50	50	50	40	40	40	

(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 4. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks of the Manhattan Beach Municipal Code by amending Section 10. 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.

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.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (percentage- ft.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E) (T)
Rear (percentage- ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)

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

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

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

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100

Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

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

(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 twelve feet (12').

(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 6. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (F) Building Height and Required Yards of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code by amending Section 10. 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-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 7. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RS, RM, and

RH districts of the Manhattan Beach Municipal Code and as follows:

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.)	10%-3 min.	10%-3 min.	10%-3 min.	10%-3 min.	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F) (G)

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

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

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code 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 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 9. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code 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, 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) The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

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

SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

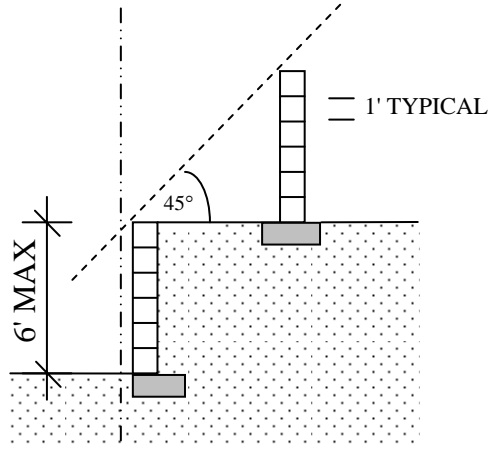
(P) Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic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

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

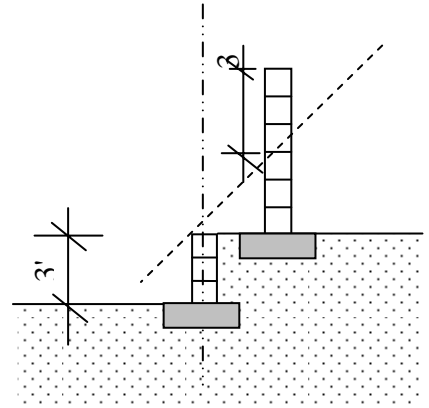
Exceptions:

1. A fence, 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.

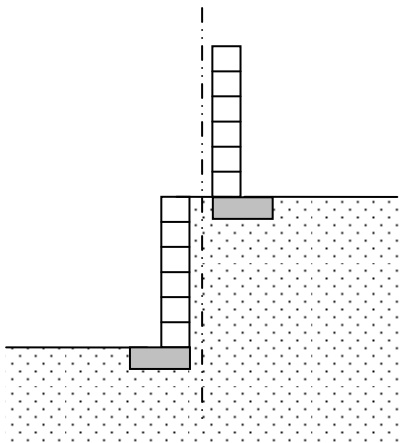
SIDE OR REAR YARD P/L



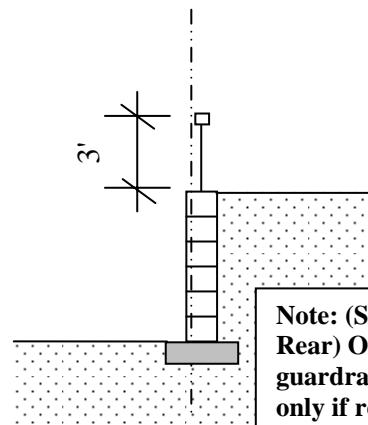
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SIDE OR REAR YARD P/L

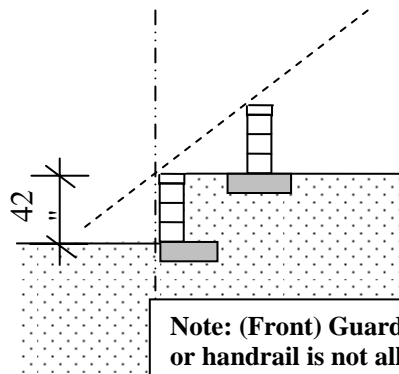


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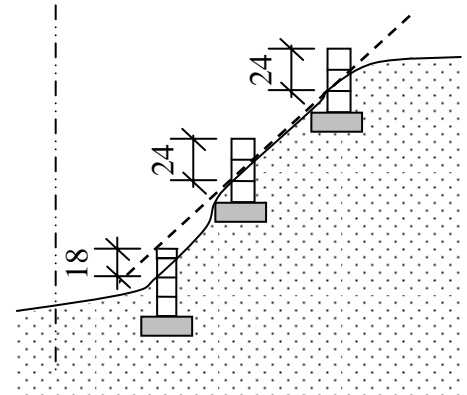
Note: (Side and Rear) Open guardrail permitted only if required for safety purposes.

FRONT YARD P/L



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

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

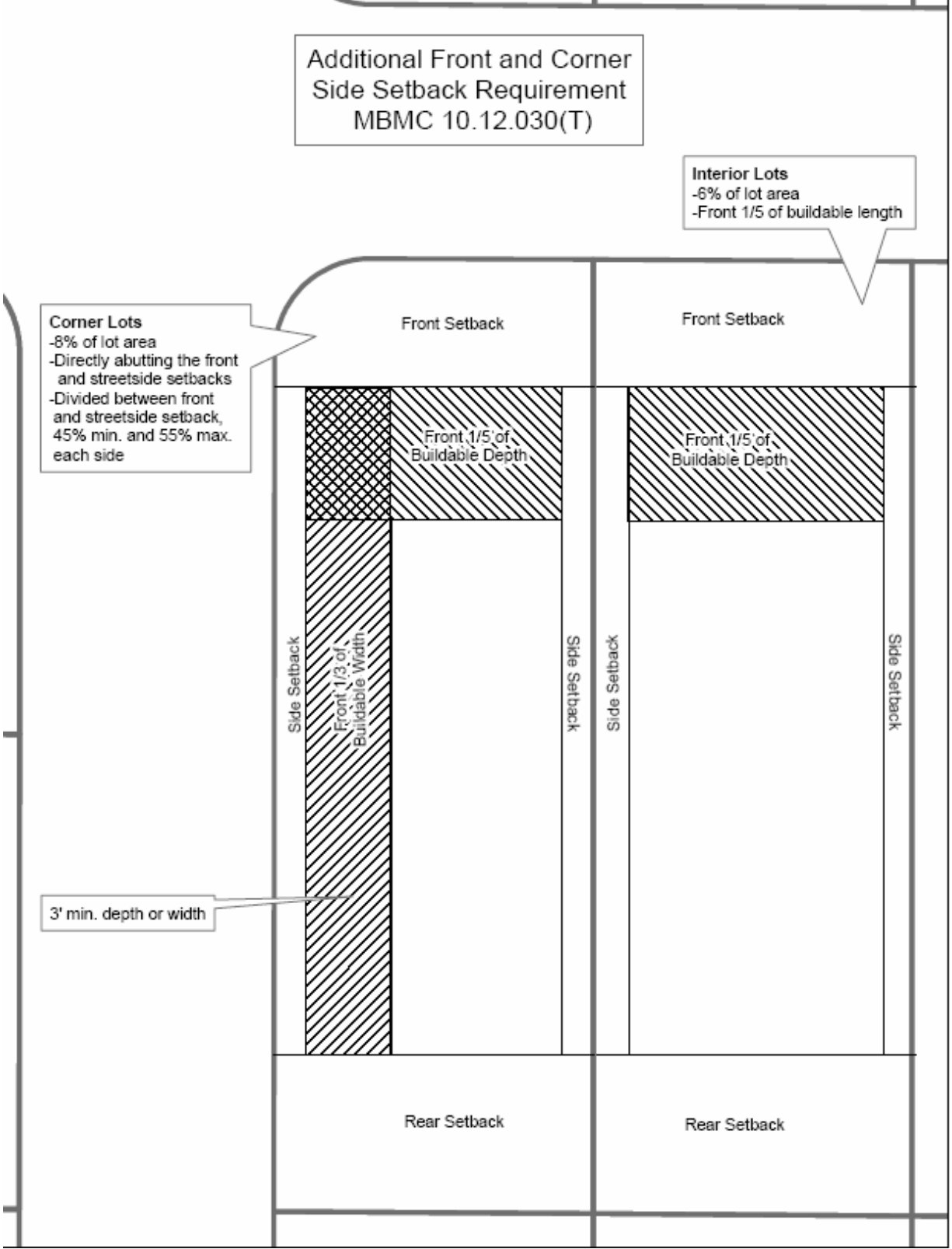
SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Section 10.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code as follows:

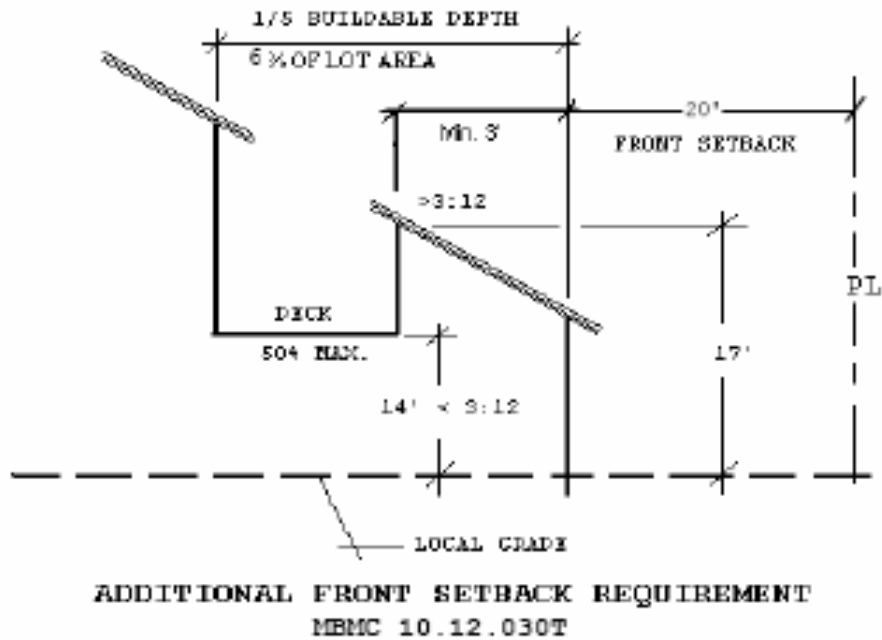
(T) Additional Front and Corner Side Setback Requirement--RS Properties, Area Districts I and II. In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) 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.





SECTION 12. The City Council of the City of Manhattan Beach hereby modifies Sections 10.52.050 Accessory Structures of the Manhattan Beach Municipal Code 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.

SECTION 13. The City Council of the City of Manhattan Beach hereby modifies Sections 10.52.050 Accessory Structures of the Manhattan Beach Municipal Code by adding Section 10.52.050 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 14. The City Council of the City of Manhattan Beach hereby modifies Sections 10.60.040 H. Minor Exceptions of Title 10, of the Manhattan Beach Municipal Code entitled Site Regulations-All Districts- Building projections into required 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. (Reserved)

SECTION 15. The City Council of the City of Manhattan Beach hereby modifies Sections 10.64.030 of Title 10, of the Manhattan Beach Municipal Code 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 Minor Exception-Chapter 10.84 for existing structure provisions)	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. (See Minor Exception-Chapter 10.84 for existing structure provisions)	

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 16. The City Council of the City of Manhattan Beach hereby modifies Sections 10.64.090 of Title 10, of the Manhattan Beach Municipal Code entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:

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 fewer cars, or with door at of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more 6 cars with access via aisle	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area ict 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 17. The City Council of the City of Manhattan Beach hereby modifies Sections 10.68.010 of Title 10, of the Manhattan Beach Municipal Code 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 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 18. The City Council of the City of Manhattan Beach hereby modifies Sections 10.68.030 of Title 10, of the Manhattan Beach Municipal Code entitled Alterations and enlargements of nonconforming uses and structures, as follows:

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.
6. Where a minor exception has been approved in accordance with Chapter 10.84 of this Code.

SECTION 19. The City Council of the City of Manhattan Beach hereby modifies Sections 10.84.010 of Title 10, of the Manhattan Beach Municipal Code 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 encourage home remodeling and 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.

SECTION 20. The City Council of the City of Manhattan Beach hereby modifies Sections 10.84.120 of Title 10, of the Manhattan Beach Municipal Code 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 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
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.

10.12.030 (M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10.12.030 (T)	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.
10.12.030 (T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12.030(T)	Reduction in percentage of additional 8% front/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 10.12.030 (R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.68.030 D. and E.	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
10.68.030 E.	Alterations and remodeling to existing legal non-conforming structures.

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, 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. 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 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.

2. Findings. In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.
- G. Additional Criteria- Sections 10.68.030 D and E. When making a determination to approve an exception to Section 10.68.030 D. and E, the Director shall also require the following criteria to be met, in addition to the findings in Section 10.84.120 (F) 2., as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter 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.
 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.

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.

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 18. The City Council of the City of Manhattan Beach hereby adding Section 11.32.090 of Title 11, Chapter 11.32 of the Manhattan Beach Municipal Code 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 19. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 20. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 21. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 22. A staff review of the proposed amendments per Sections 2-18 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 23. Ordinance No.'s 2102 and 2103, Urgency Ordinances Imposing a Moratorium on Lot Mergers, are rescinded on the effective date of this Ordinance.

SECTION 24. The effective date of the proposed amendments adopted by reference in Sections 2-18 of this Ordinance shall be subject to the following applications:

A. All discretionary projects within the City of Manhattan Beach shall be considered pursuant to the MBMC Title 10 in effect on the date that the application for a discretionary project is deemed complete.

Subsequent permits regarding such a discretionary project shall be granted pursuant to the approved plans and the MBMC in effect on the day that the application was deemed complete.

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

C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-18 of this Ordinance.

SECTION 25. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 26. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 15th day of January 2008.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

ORDINANCE NO. 2112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH LOCAL COASTAL PROGRAM (COASTAL ZONE ZONING ORDINANCE) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

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

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

WHEREAS, in 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, and;

WHEREAS, on April 16, 2002, new Bulk Volume standards (BV I) were adopted with Ordinance No. 2032 which required an 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, and;

WHEREAS, on December 2, 2003, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted with Ordinance No. 2050 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, and;

WHEREAS, on September 7, 2004, the Bulk Volume Standards were further revised (BV III) with the adoption of Ordinance No 2061 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, and;

WHEREAS, 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 Plan items, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, the Mansionization Issues Committee met thirteen times, from February 2006 through March 2007, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, 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, and;

WHEREAS, on May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations, and;

WHEREAS, 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, and;

WHEREAS, 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, and on November 14 adopted Resolution No. PC 07-17 recommending to the City Council approval of the Code Amendments, and;

WHEREAS, 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, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a Study Session on December 4, 2007, on the proposed Code Amendments related to Mansionization, and scheduled a public hearing for January 15, 2008, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on January 15, 2008, on the proposed Code Amendments related to revisions to Mansionization, and after accepting public input and discussing the item, introduced Ordinance No. XXXX, and;

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

WHEREAS, the public hearing held by the City Council was advertised by a 1/4 page ad published on January 3, 2008 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

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

WHEREAS, 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, and;

WHEREAS, 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 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', and;

WHEREAS, 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,

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

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code, and;

WHEREAS, the proposed amendment to the Local Coastal Program (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.

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.

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

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

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

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapter A.04 (Definitions) of the Coastal Zone Zoning Ordinance by amending Section 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 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.

Floor Area, Buildable-
Single Family Residential Districts:

Area Districts III and IV: 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 City Council of the City of Manhattan Beach hereby modifies 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

	Area District III RM	Area District III RH	Area District IV RH	Additional Regulations
Lot Dimensions				

Area (sq. ft) Minimum Maximum	2,700 7,000	2,700 7,000	2,700 7,000	(A) (B) (C) (J) (K)
Width (ft) Minimum	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 A.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 4. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 Property Development Regulations: RM, and RH districts related to minimum setbacks of the Coastal Zone Zoning Ordinance by amending Section A.12.030 as follows:

A.12.030 Property development regulations: RM, and RH districts.
 The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section A.01.060 (A) (2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

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

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and A.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter A.64 (Q)
House Moving	(S)
Underground Utilities	See Section A.60.110
Refuse Storage Area	See Section A.60.100
Outdoor Facilities	See Section A.60.080
Screening of Mechanical Equipment	See Section A.60.090
Solar-assisted Water Heating	See Section A.60.140
Performance Standards	See Section A.60.120
Nonconforming Structures and Uses	See Chapter A.68
Signs	See Chapter A.72
Condominium Standards	See Section A.52.110
Minor Exceptions	See Section A.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section A.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section A.60.040
Landscaping	See Section A.60.070
Accessory Structures	See Section A.52.050
Exterior Materials	See Section A.52.020
Home Occupation	See Section A.52.070
Tree Preservation	See Section A.52.120

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (E) as follows:

- E).Setbacks.
 - (1) Side. Ten percent (10%) of lot width but not less than three feet (3').

SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (F) Building Height and Required Yards of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section 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-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 7. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (G) as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

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

SECTION 8. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (H) as follows:

(H) Maximum Height of Structures. See Section A.60.050, Measurement of height, and Section A.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story. (See Graphic Illustration under "Basement" definition--Section A.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria 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 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 A.80.010). The Director shall require that survey markers be set.

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

SECTION 9. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (M) Open Space Requirement of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (M) as follows:

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

(1) For single family dwellings in Area District III and IV and multifamily dwelling units in both districts, 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) The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

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

SECTION 10. The City Council of the City of Manhattan Beach hereby modifies Section A.12.030 (P) Fences and Walls of the Property Development Regulations: RM, and RH districts of the Coastal Zone Zoning Ordinance by amending Section A.12.030 (P) as follows:

(P) Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be 6 feet in required side or rear yards, and 42 inches in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section A0.64.150, and the traffic vision clearance on corner lots of Section A.60.150 (Chapter 3.40).

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

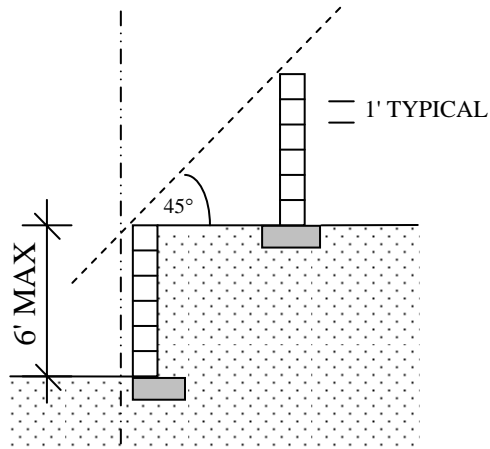
a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven (11) feet.

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.

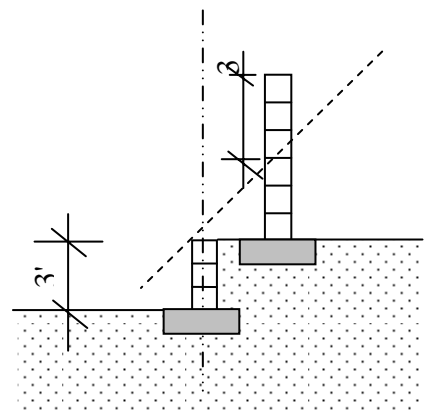
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, 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 A.96.040 and A.96.050 of this title, the additional height of the fence may be approved only if the additional height does 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.

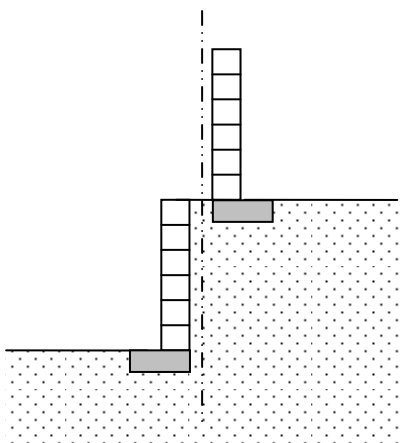
SIDE OR REAR YARD P/L



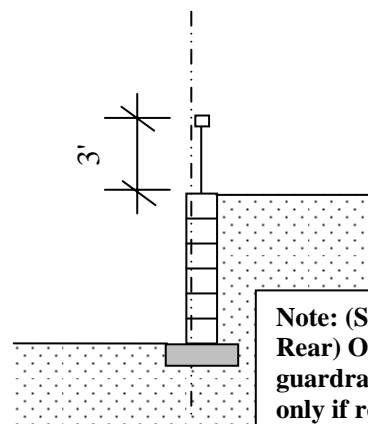
SIDE OR REAR YARD P/L



SIDE OR REAR YARD P/L

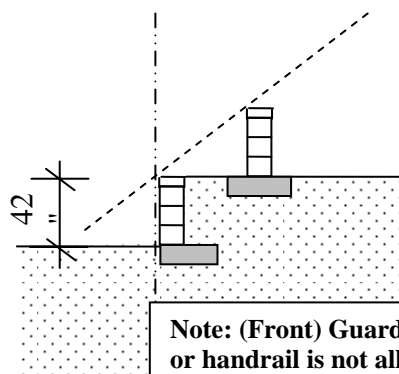


SIDE OR REAR YARD P/L



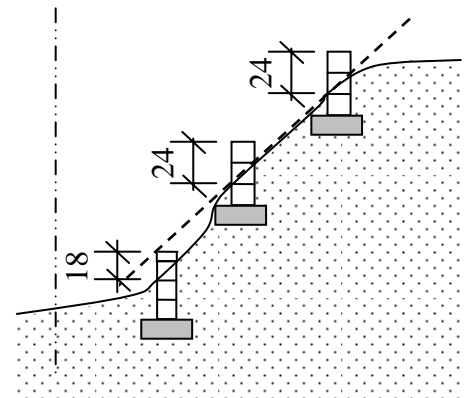
Note: (Side and Rear) Open guardrail permitted only if required for safety purposes.

FRONT YARD P/L



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

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

SECTION 11. The City Council of the City of Manhattan Beach hereby modifies Sections A.52.050 Accessory Structures of the Coastal Zone Zoning Ordinance by amending Section 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 A.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.

SECTION 12. The City Council of the City of Manhattan Beach hereby modifies Section A.52.050 Accessory Structures of the Coastal Zone Zoning Ordinance by adding Section 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 A.04.030.
 - b. Other accessory structures in compliance with Section 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 13. The City Council of the City of Manhattan Beach hereby modifies Section A.60.040 H. Minor Exceptions of the Coastal Zone Zoning Ordinance entitled Site Regulations- All Districts- Building projections into required yards or required open space, as follows:

A.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. (Reserved)

SECTION 14. The City Council of the City of Manhattan Beach hereby modifies Section A.64.030 of Title 10, of the Coastal Zone Zoning Ordinance entitled Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required, as follows:

A.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 Minor Exception- Chapter 10.84 for existing structure provisions)	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit.(See Minor Exception- Chapter 10.84 for existing structure provisions)	
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 15. The City Council of the City of Manhattan Beach hereby modifies Section A.64.090 of Title 10, of the Coastal Zone Zoning Ordinance entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:

A.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 fewer cars, or with door at of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more 6 cars with access via aisle	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area tict 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 A.84 for additional provisions for existing parking spaces and existing structures.

SECTION 16. The City Council of the City of Manhattan Beach hereby modifies Section A.68.010 of Title 10, of the Coastal Zone Zoning Ordinance entitled Nonconforming Uses and Structures- Specific Purposes, as follows:

A.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 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 17. The City Council of the City of Manhattan Beach hereby modifies Section A.68.030 of Title 10, of the Coastal Zone Zoning Ordinance entitled Alterations and enlargements of nonconforming uses and structures, as follows:

A.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 A.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 A.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 A.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 A.60.040 (G), Building projections into required yards or required open space—Chimneys, for standards.

6. Where a minor exception has been approved in accordance with Chapter A.84 of this Code.

SECTION 18. The City Council of the City of Manhattan Beach hereby modifies Section A.84.010 of Title 10, of the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Section A.84.010 Purposes.

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

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

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

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

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one or more of the use classifications listed in Chapter A.08. Further, Chapter A.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of 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 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.

SECTION 19. The City Council of the City of Manhattan Beach hereby modifies Section A.84.120 of the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

Section A.84.120 Minor exceptions.

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

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section A.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections A.68.030 D and E., and A.12.030 and A.12.030 (R), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
A.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
A.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
A.12.030 (M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
A.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
A.12.030 (T)	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.
A.12.030 (T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
A.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.

- A.12 – A.68 Non-compliant construction due to Community Development staff review or inspection errors.
- A.68.030 D, A.12.030 and setbacks or required building setback(s). Construction of a first, second or third story A.12.030 (R) residential addition that would project into required separation yard, matching the existing legal non-conforming
- A.68.030 D. and E. Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures
- A.68.030 E. Alterations and remodeling to existing legal non-conforming structures.

A. Minor Exception Application without Notice. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section A.68.030 D and E. must meet the following criteria:

1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed 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 A.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section A.68.030 D and E. which do not meet the criteria in Section A 1. above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section A.68.030 D and E. must meet the following criteria, and notice as 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 A.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 A.68.030 D, A.12.030, and A.12.030 (R). may be approved administratively by the Director of Community Development, with notice. A minor exception from Sections A.68.030 D, A.12.030, and A.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 A.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, 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. 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 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.
 2. Findings. In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

- G. Additional Criteria- Sections A.68.030 D and E. When making a determination to approve an exception to Section A.68.030 D. and E, the Director shall also require the following criteria to be met, in addition to the findings in Section A.84.120 (F) 2., as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (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.
 3. A minimum of 10% of the existing structure, based on project valuation as defined in Section A.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section A.64.090 Exceptions, which allows a 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 A.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 A.12.030 (T). Interior Lots. When making a determination to approve an exception to Section A.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 A.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 A.12.030(T).
 2. The percentage of area that is provided outside of the additional front setback area, as established in Section A.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 A.12.030 (T) 2.-4.
 5. The proposed project is consistent with the Purpose stated in Section A.12.010 H.
- I. Additional Criteria Section A.12.030 (T) – Corner Lots. When making a determination to approve an exception to Section A.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 A.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 A.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 A.12.030 (T) 2.-4.
 4. The proposed project is consistent with the Purpose stated in Section A.12.010 H.
- J. Conditions of Approval. In approving a minor exception permit, the Director may impose reasonable conditions necessary to:
1. Achieve the general purposes of this 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.
- K. Effective Date: Appeals. Unless appealed in accordance with Chapter A.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 A.100.030 Manhattan Beach Municipal Code.

SECTION 20. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 21. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 22. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 23. A staff review of the proposed amendments per Sections 2-18 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 24. Ordinance No.'s 2102 and 2103, Urgency Ordinances Imposing a Moratorium on Lot Mergers, are rescinded on the effective date of this Ordinance.

SECTION 25. The effective date of the proposed amendments adopted by reference in Sections 2-18 of this Ordinance shall be subject to the following applications:

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

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

C. Each ministerial or non-discretionary residential permit shall be effective for a period of one (1) year from the issuance of such permit where the permit is acquired pursuant to the MBMC in effect prior to the effective date of this ordinance. At the end of such one (1) year term, the holder must have acquired a vested right to proceed, or the project shall be completed pursuant to the MBMC Title 10 adopted by Sections 2-18 of this Ordinance.

SECTION 26. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 27. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2008.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

RESOLUTION NO. PC 07-17

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.

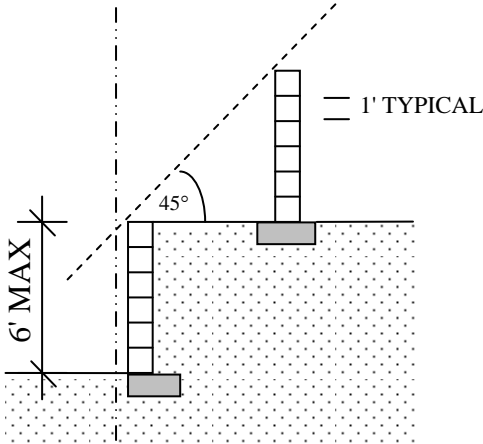
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, 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.

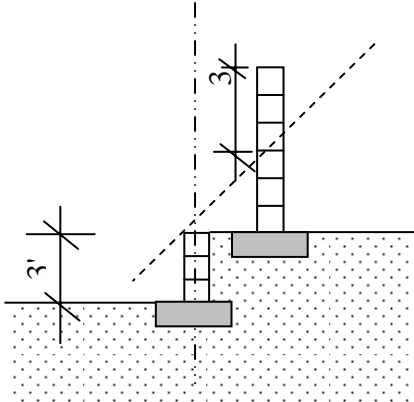
~~For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to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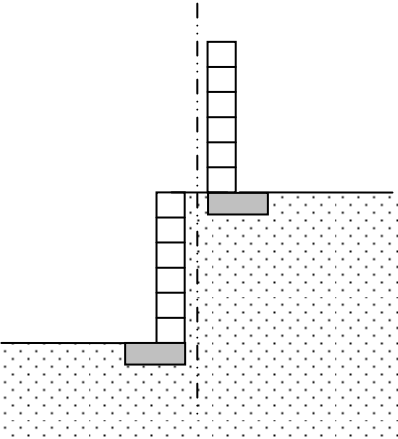
SIDE OR REAR YARD P/L



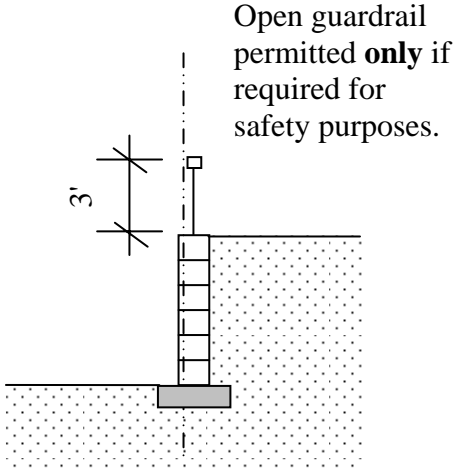
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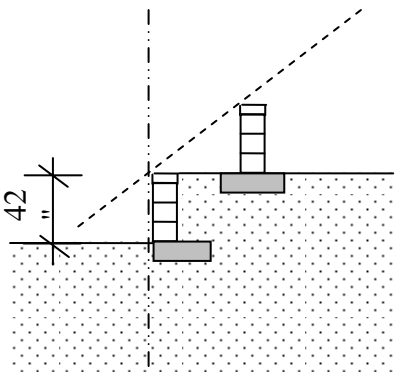
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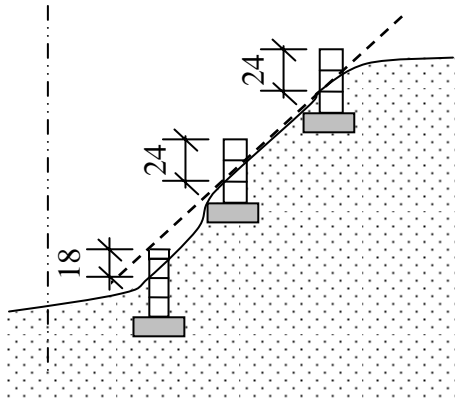
SIDE OR REAR YARD P/L



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:

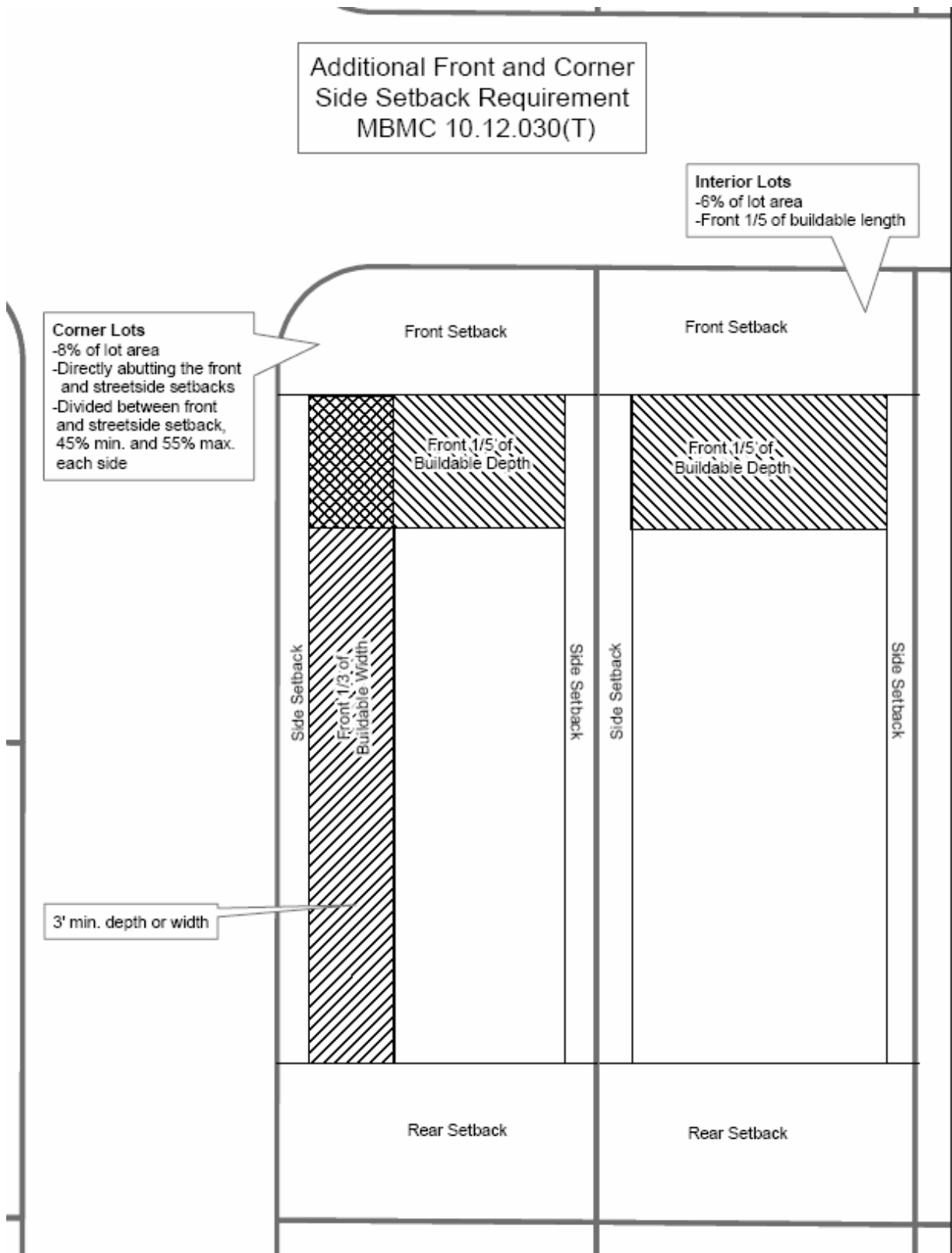
1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.

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.

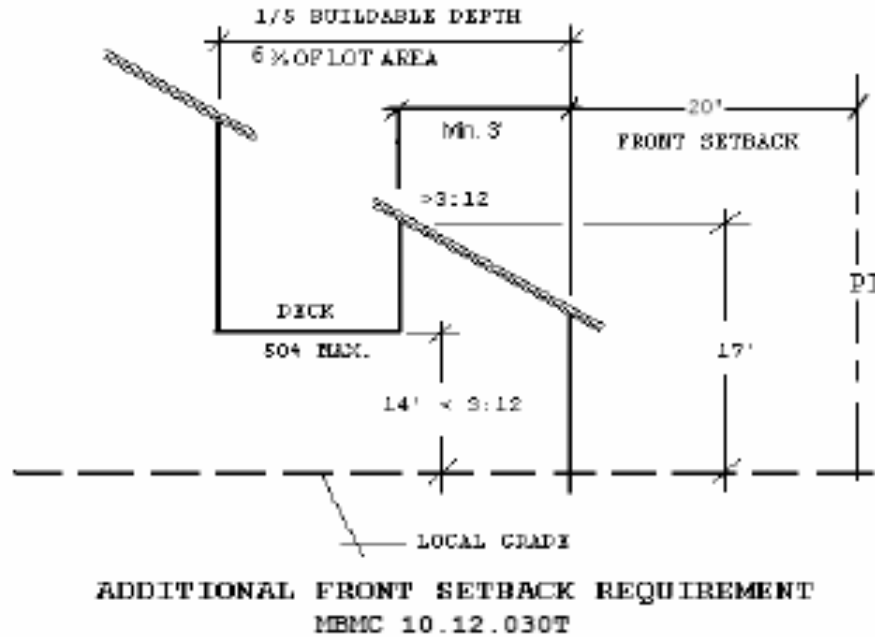
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.

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. <u>(See 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

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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 CITY COUNCIL
ADJOURNED REGULAR MEETING
JUNE 26, 2007**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 26th day of June, 2007, at the hour of 5:30 p.m., for the bus tour of residential developments and at 7:10 p.m. discussion began in the Police/Fire Conference Room at 400/420 15th Street, in said City.

ROLL CALL

Present: City Council: Montgomery, Cohen, Ward and Mayor Tell.
(Aldinger arrived at 5:40 p.m.).
Staff: City Manager Dolan, Assistant to the City Manager Coe-Juell, Community Development Director Thompson, Senior Planner Jester and Associate Planner Moreno.

Absent: None.

Clerk: Dolan (Acting).

SCHEDULED

07/0626.1 Tour of Residential Developments.

City Staff provided a “windshield” bus tour of the City showing examples of residential development during different time frames and under different development regulations.

AUDIENCE PARTICIPATION

The public was invited to speak throughout the meeting.

SCHEDULED

07/0626.2 Review and Discussion of the Recommendations Made by the Mansionization Committee

City Manager Geoff Dolan provided an overview of the bus tour and an overview of the three categories of Amendments as recommended by the Mansionization Committee, as detailed in the staff report.

Community Development Director Thompson provided a more detailed description and discussion of each of the proposed Code Amendments as recommended by the Mansionization Committee. After the public provided input on the proposals and the City Council discussed the amendments, the Council directed staff to forward the proposed conceptual changes to the Planning Commission for review, consideration and recommendation as outlined below:

- 1. Amendments to encourage the retention of existing smaller homes:**
Present as proposed with the following additional information to be evaluated:
 - a. Study allowing 100% remodel, also providing for an increase in BFA for existing non-conforming homes, up to a maximum of 75% of maximum BFA or 3,000 square feet. The Commission should evaluate the percentage and square footage, the impacts, and provide recommendations.
 - b. Corner lots-Bulk Volume setback- Remodel of existing homes -Require an appropriate percentage to wrap around the corner side, to provide building wall articulation.

2. **Amendments to allow accessory structures on adjacent lots under the same ownership:** Present as proposed.
3. **Amendments for new residential development to increase open space and setbacks:**
Present as proposed with the following additional information to be evaluated:
 - a. *Open space revisions:*
 - i. Corner lots-Bulk Volume setback- Require a percentage to wrap around the corner side, to provide building wall articulation.
 - ii. Consider the impact of counting basement square footage when calculating open space requirements, in order to increase open space.
 - b. *Setback revisions:*
 - i. Provide information on number of lots that are impacted by side and rear setback increases.
 - ii. Consider increasing side setbacks to more than 10% of the lot width, in order to increase open space on standard size lots; review impacts to BFA.
 - iii. Require more articulation on streetside corner building walls.
 - iv. Consider how new residential development standards will impact BFA.
4. **Amendments to limit Lot Mergers:**
Present as proposed with the following additional information to be evaluated:
 - a. Larger unmerged parcels currently developed as one lot may continue. When the lots are then merged and are developed with new structures, they will be subject to the new development standards in #3 above. These sites should not be used for one large single family home. Identify the number of these lots.
 - b. For new mergers of separate lots, a maximum of two standard lots may be merged.
 - c. Consider how new residential development standards will impact the BFA on merged lots.

ADJOURNMENT

At 10:50 p.m. the meeting was duly adjourned with the City Council adjourning to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, July 3, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Richard Thompson
Acting Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk

Laurie B. Jester

From: Richard Thompson
Sent: Tuesday, January 08, 2008 5:54 PM
To: Laurie B. Jester
Cc: 'CRTCHEL2@aol.com'
Subject: RE: (no subject)

Laurie-
 Please include this in the Council packet.

Richard Thompson
 Director of Community Development

From: CRTCHEL2@aol.com [mailto:CRTCHEL2@aol.com]
Sent: Tuesday, January 08, 2008 5:33 PM
To: Richard Thompson
Cc: Richard Montgomery; Jim Aldinger; Nick Tell; Mitch Ward; Portia P. Cohen; Sandra Seville-Jones; Wayne Powell; Jim Schlager; Bob Bohner; David Lesser; Laurie B. Jester
Subject: (no subject)

1/8/08

To: Director of Community Development
 Subject: Mansionization as it relates to RH zoned properties
 Copy: File

Dear Richard,

I apologize for not writing this letter earlier, but with the Holidays, things just got out of hand. With that being said, I'm requesting that this letter and my letter dated 9/10/07 be utilized in your preparation for the upcoming Council meeting on the 1/18/08.

As you may recall, I appeared in front of the Planning Commission at their 11/14/07 session and voiced my objections to approving the setbacks called for in the proposed Mansionization ordinance as they relate to RH zoned properties. I expressed the fact that the new setbacks would prevent me from developing any more than 5 townhomes on my property located at 1436 12 th st., even though there are currently 7 apartments on this property. I further explained that almost all of the properties on this street are multi-family residences, and several of them are already developed with condominiums using the central driveway configuration, which, as you know, can't be achieved with these proposed setbacks. As a result, I suggested that these new setbacks not be applied to RH zoned properties because they will severely restrict the development of the already minimal number of RH zoned properties remaining in our fair city. Finally, I stated that we were all agreed that the intent for RH zoned properties is for high density, as evidenced by the exemption for RH zoned properties in the proposed Lot Merger Ordinance. The Planning Commissioners verbally expressed their reservations with approving the ordinance relative to this issue, but after some deliberation amongst themselves, Chairman Bohner convinced the Commission that not applying these proposed setbacks to RH zoned properties was a matter of policy that could only be decided by Council. However, the Commissioners did request that the Council be thoroughly informed of this issue in staff's report.

After my attendance at the meeting it came to my attention that the new setbacks would only affect RH zoned properties that had frontage of more than 50'. Hearing this, I obtained a zoning map, over the counter, and did a little due diligence. It seems that the RH zoned properties exceeding this 50' frontage specification, number less than 20; and that the majority of those are located on either Artesia Blvd. or Manhattan Beach Blvd., both central corridors with commercial development.

Richard, it's my understanding that the purpose and definition of RH zoned properties is for high density multi-family developments, and these proposed setbacks, if applied to these type RH zoned properties exceeding 50' of frontage, will definitely affect the City's multi-family housing availability from both an aesthetic

Exhibit L
 CC 1/15/08

01/09/2008

and economic viewpoint. Ultimately, we are talking about very few properties (zoned RH with 50' frontage) being exempted from these proposed new setback requirements and would point out that this exemption would have very little impact on the objectives of the subject ordinance. I urge you and staff to present this proposed exemption to Council with an objective, supportive position.

As always, I encourage you or any of the recipients of this letter to please feel free to contact me concerning it's content.

Very truly yours,

Ted Davis
(310) 748-0627 (cell)

Start the year off right. Easy ways to stay in shape in the new year.

-----Original Message-----

From: CRTCHEL2@aol.com [mailto:CRTCHEL2@aol.com]

Sent: Sunday, September 09, 2007 6:43 PM

To: Laurie B. Jester

Subject: Mansionization

9/10/07

Dear Laurie,

The following encapsulates the two previous documents sent you concerning the subject material, and adds a couple of additional thoughts.

I purchased a 7-unit apt. building at 1436 12th st. on a 10,500 sq. ft. lot over 5 years ago. The primary reason for my purchase was future development of this oversized lot. Having been a builder for over 30 years, and having developed numerous condominiums and SFR's, I was very aware of the fact that I could ultimately build 8 very tasteful units on this oversized lot (1 1/2 lots), using an aesthetic central corridor architectural approach. The proposed regulation, as it relates to setbacks, could, very possibly limit the number of units to 6. This obviously would create a significant financial shortfall relative to this property's completed appraised value. This in turn, would significantly affect the amount of construction financing made available, as the financing is predicated on completed value.

To this end, I offer the following criteria for exempting all **RH properties in the non-beach areas**, from the revised setbacks being proposed in the **mansionization regulation**.

(1) A central corridor configuration with units and garages on each side and a driveway and entry down the middle, is the **most aesthetic, compliant architecture** for this neighborhood on 12th st. just North of Polliwog Park; and

(2) Increased setbacks make this preferred configuration impossible as the central turn-around can not be achieved; and

(3) The central corridor configuration **maximizes lot potential, but minimizes bulk**. Without the highest lot potential, which should be **synonymous with RH properties, profitability is reduced** below an acceptable margin and developers are subsequently **discouraged from development**; and

(4) Most importantly, application of this regulation, relative to setbacks, is **inappropriate for RH properties in non-beach areas**, as it would be in direct conflict with the accompanying **lot merger regulation**. The **lot merger regulation provides exemptions for RH zoned properties**, thereby **encouraging multi-unit development**. However, **this mansionization regulation**, with its revised setbacks, **discourages multi-unit development**, as lot coverage is significantly impacted relative to the central corridor architectural approach, unquestionably the most aesthetic, compliant design for this type of oversized lot.

I offer this letter to Staff, the Planning Commission and the City Council to assist in the development of language for a very logical, appropriate exemption **for RH zoned properties in the non-beach areas**.

In closing, I would be happy to provide this testimony in person were I able, However current physical disabilities prevent me from attending the lengthy Commission and/or Council meetings.

Thank you so much for your assistance in this very personally troubling matter. Please feel free to contact me for any further information you might need.

Very truly yours,

Ted Davis
(310) 748-0627